

HOUSE OF ASSEMBLY

Tuesday, 27 September 2022

The **SPEAKER (Hon. D.R. Cregan)** took the chair at 11:00.

The SPEAKER: Honourable members, we acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia and their connection to land and community. We pay our respects to them and their cultures and to elders both past and present.

The SPEAKER read prayers.

Bills

CRIMINAL LAW CONSOLIDATION (HUMAN REMAINS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 September 2022.)

Mr ODENWALDER (Elizabeth) (11:01): I rise to speak on the Criminal Law Consolidation (Human Remains) Amendment Bill 2022 and, of course, indicate my support for the bill. I look forward to its passage through the house as soon as possible because it is an important bill and it does continue what I believe is the legacy of the Labor Party, certainly over the last 20 years, of being the natural party in this state of law and order.

We have seen time and time again that it is the Labor Party, the party currently in government, who has pursued strong law and order policies, not only for their own sake, not only in terms of punishment, but in terms of looking after the victims of crime. The current Attorney-General and the current Premier are certainly very strong on putting victims of crime firmly at the centre of our criminal justice system and pursuing policies to that end.

The previous Labor government, under Premier Rann and then under Premier Weatherill, pursued many reforms in this area under their respective attorneys-general. Initially, the establishment of the Commissioner for Victims' Rights enhanced the existing role of the coordinator of victims' rights and gave them more power, and certainly a stronger voice to government, and enhanced victims' propensity to have their needs met by the criminal justice system.

We also introduced mandatory minimum sentences for murder. Mandatory minimums are brought up from time to time for other offences. It is a very vexed area of law and it is very complex. Mandatory minimums for any offences are very complex and throw up all sorts of legal problems. We thought and we still believe, and we were supported by the opposition at the time, that murder itself is a serious enough offence that it does qualify for mandatory minimums.

On top of that, we substantially increased the penalties for many offences, and all the time the impetus for this was the protection of victims and the potential protection of victims along the way. On top of that, we also dramatically increased the number of active sworn police officers in this state, so by the end of the term of the Weatherill government we had the highest number of police officers per capita of any state in Australia—a number we are very proud of and I know we are very protective of and, to their credit, one the previous government pursued as well.

The end result of all this was that there was a 40 per cent reduction in the volume of crime certainly over the last 10 years of the Rann-Weatherill government. On most measures, it has continued to decline since then. Of course, COVID was the big interrupter, as it was for many things, but the 40 per cent reduction in volume of crime over that 10-year period is something we are still very proud of.

In opposition, we continued our approach to law and order in a similar vein. We often ignored the naysayers in terms of pursuing policies that we thought were correct and that we thought were

victim centred, and it does not matter whether that victim is an ordinary member of the public or indeed an emergency worker or a police officer.

From opposition, and against the wishes of the government at the time, and against the votes of the government, we pursued a policy that ended up giving us the strongest assault police laws in the country—the highest penalties for assaulting police officers—and then we expanded it out to other workers: emergency workers, transport workers and so on. That is a legacy we are very proud of and it is a legacy that both the Premier and the Attorney-General wish to continue in government. We have already started to do this, and there is a big agenda coming in terms of all these measures. We have already started to legislate in this area, and a primary example is the Statutes Amendment (Child Sex Offences) Bill, which passed this parliament a month or two ago.

In summary, this bill progresses two important election commitments made by the government: to increase penalties for a range of child sex offences in the CLCA and also amend section 139A of the CLCA—commonly known as Carly's Law—to help police hunt online predators by strengthening existing laws and clamping down on offenders who see the internet as an avenue for their offending. It also updated the list of registrable offences under the Child Sex Offenders Registration Act.

By way of illustration, in terms of increasing offences, I will list some of them. Unlaw sexual intercourse with a child aged 14 to 16 went from 10 years to 15 years. Indecent assault went from eight and 10 years to 10 and 15 years. Sorry, sir, I should have been aware of the gallery. Acts of gross indecency with or in the presence of a person under 16 went from three years for a first offence to 15 years for any offence, regardless of a first or subsequent offence.

Child exploitation material, which for a long time I believe was not addressed properly by parliaments, went from 10 years to 15 years. That is the production and dissemination of child exploitation material. Possessing and accessing child exploitation material went from a first offence of five years and then graded up to 12 years, regardless of the age of the child. Possessing or producing or disseminating child sex dolls went from 10 years to 15 years.

Procuring sexual activity by a child or grooming a child went from 10 years and 12 years for a child over 14 to 12 years and 16 years for a child under 14. The use of children 14 years and over in commercial sexual services went from nine years to 15 years. Asking a child to provide commercial sexual services went from three and nine years to 12 and 15 years. When I am talking about the age gaps, there is an arbitrary age cut-off of 14 years in these figures. Financially benefiting from commercial sexual services went from two and five to four and 10 years.

The government is also currently investigating ways to ensure that victims' views on the impacts of crime are presented to the court unedited and unfiltered. At present, when a victim impact statement includes material that could be deemed inadmissible, that content may be edited out of the statement. Clearly, this is not good enough. The government has begun consultation with the legal sector and with victim advocates on changes to the Sentencing Act to remove any ability to edit a victim's statement, regardless of its content. We believe, and the Attorney-General—

Mr TEAGUE: Point of order.

The SPEAKER: The member for Heysen is seeking the call.

Mr TEAGUE: I am interested in the course of the debate more broadly in relation to criminal justice measures to hear about the government's program. It is a point of order pursuant to standing order 127(1), however. In the course of this debate, which has been confined to—

The SPEAKER: Member for Heysen, I think you have already spoken on this debate, but you are raising a point of order?

Mr TEAGUE: It is a point of order.

The SPEAKER: Very well.

Mr TEAGUE: I have indeed already spoken on the second reading, as have others who have confined themselves to the subject matter of the bill, so we are nearly there. I just ask that you direct the member to the subject matter of the bill.

An honourable member: What number is that?

Mr TEAGUE: 127(1).

The SPEAKER: Order! I will listen carefully. Some context, of course, is permissible.

Mr ODENWALDER: My interest is to contextualise the bill in terms of a broader suite of measures that really began 20-odd years ago, when the then Rann government decided that the criminal justice system should be more focused on victims. This is simply an extension of all those things I have mentioned, so I am hoping to contextualise, and I will get to the substance of the bill before us shortly.

Just briefly on victim impact statements, they are a victim's opportunity to present the impact of a crime on them, and there is no particular reason why that should be edited or filtered through other processes before it reaches the court. The court can, of course, decide what is admissible and what is inadmissible, but we certainly believe that the presentation of the initial victim impact statement should be a statement of that victim.

Reforming the current practice around the editing of statements will go a long way to supporting victims during their engagement with justice proceedings and, as I said, judges and magistrates are well placed to decide the admissibility or not of evidence. The bill before us today builds on this legacy of putting victims at the centre of our criminal justice system. It also builds on Labor's legacy, as I said in my initial remarks, as the natural party of law and order in this state.

It is remarkable to me that until now there have been no specific offences in South Australia that prohibit a person from concealing or interfering with human remains. It is remarkable. In opposition, we did listen to the families of victims. They are already dealing with untold grief, and their passage through the criminal justice system should, under the circumstances, be made as easy as possible. Under the current legislation, if someone does conceal or hide the body of a loved one, it extends the horrific aspects of the criminal justice system potentially eternally. In opposition, we pledged to help them and to address this failing.

The changes in this bill will ensure that offenders no longer benefit from hiding a body and thereby impede the criminal investigation process by destroying valuable evidence. Hiding or concealing a body can have a significant impact on the ability of police to prepare a full case for prosecution.

The Criminal Law Consolidation (Human Remains) Amendment Bill introduces four new offences into the CLCA. It should be noted—and others may have noted this—that this is almost a duplicate of what was introduced in the last session of government by the then opposition and, I believe, was supported and indeed amended by the then government.

The first offence is probably the most serious, that is, of concealing, mutilating or otherwise interfering with human remains when the intended or actual outcome is that remains are more difficult to find or to conceal the commission of an offence. This clearly has an impact on the ability of police to gather evidence and it can, in some cases, mean the difference between a successful prosecution and a potential miscarriage of justice. Appropriately then, the maximum penalty for this offence is severe, with 15 years' imprisonment.

Another important aspect of this legislation is that, when the offence is committed by the person who caused the death of the victim, the penalty for the offence will be served cumulatively, that is, on top of any other sentence the offender has received for causing the death of the victim. Of course, when the penalty is life that provision is largely redundant.

In the case of life sentences, the appropriate non-parole period that must be served by the offender would be informed by any additional suffering. Again, in some cases that gets back to the victim impact statements and also any suffering that may have been caused by the act of concealing, mutilating or otherwise interfering with human remains, where the intended or actual outcome is that the remains are more difficult to find.

The bill also contemplates a more general offence of concealing, mutilating or otherwise interfering with human remains for any other reason than that described above, and it also carries a maximum penalty of 15 years' imprisonment. The bill further creates a new general offence that, if a

person finds a human body or human remains, or what they suspect to be human remains, and fails to report this to police, they are committing an offence.

Clearly, there must be an expectation that a member of the public, whether they are an actual offender or not, has a duty to report the finding of a body to allow police to properly investigate and ascertain whether an offence has indeed been committed. Should this bill pass, this deliberate omission will be punishable by a maximum of five years' imprisonment.

Finally, and related to the previous offence, this bill creates an offence of finding human remains and then acting to conceal those remains. That also carries a maximum penalty of five years' imprisonment. So the measures in this bill, which of course I support and I hope the opposition supports, serve two purposes: they substantially assist police and prosecutors in identifying and investigating murders of similar offences, and they are also unapologetically aimed at limiting the unimaginable suffering of the families of murder victims. These measures are aimed at both murderers and those who, for whatever reason, conceal or do not report the actions of murderers because an offender need not have been the killer of the deceased for them to be prosecuted for one or more of these offences.

I am advised that the bill has the support of the Homicide Victims Support Group. I have had the opportunity to meet with the Homicide Victims Support Group on several occasions, along with the member for Florey. It has the support of the Commissioner for Victims' Rights, a person for whom I have a great deal of respect, and of course it is supported by SAPOL. Additionally, the families of Daniel Hind and Allison Nitschke have been advocates for reform in this area for quite some time.

As I said from the outset, this bill not only continues Labor's legacy as the natural party of law and order in this state but also consolidates our position on this side of the parliament as the party of victims' rights and of putting victims squarely at the centre of the criminal justice process. I commend the bill.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the member for Florey, I acknowledge the presence in the Speaker's Gallery of members of the Homicide Victims Support Group.

Bills

CRIMINAL LAW CONSOLIDATION (HUMAN REMAINS) AMENDMENT BILL

Second Reading

Debate resumed.

Mr BROWN (Florey) (11:18): I rise to support the Criminal Law Consolidation (Human Remains) Amendment Bill. It is sometimes said that murder is one of the few serious crimes where the victim is voiceless. The dead cannot speak to us and demand justice. However, there is little doubt that murder is a crime that creates a number of victims. The ripples of pain and anguish caused by the early extinction of life are often felt deeply across a wide circle of people, even beyond family groups and across whole communities.

One of the experiences I count myself fortunate to have had since becoming a member of this house is to spend time talking with members of the Homicide Victims Support Group, some of whom are here today. They have shared with me their experiences and their unique perspectives on our criminal law, and I wish to thank them for helping me to better understand what they feel. On this particular bill, they have asked me to inform the house of their views, which I will now share:

Reasons we believe that an offender deserves to have a separate sentence imposed on them if they have moved/damaged or tried to prevent the victim being found after a murder is committed. There should also be a sentence for anyone who assists someone to do these things after the murder.

- [Firstly] Murder is the WORST crime someone can commit and leaves the most devastating consequences on a victim's family. But if the victim's body is moved, destroyed or hidden, this crime is magnified and causes HUGE long term effects to the Loved ones for many reasons and impedes their grieving and recovery by years.

- [Secondly] Offenders have a CHOICE about moving/destroying/damaging or hiding a victim's body—even if they plead that they didn't mean to kill the victim, they still knew what they were doing if they intentionally tried to divert the course of Justice by choosing to hide their crime and should be held accountable for the choices, when victims' loved ones have no choice about being caught up in such a devastating crime.
- Trying to hide their crimes by choosing to move/destroy/damage/hide a victims' body means they have no remorse and are being selfish in trying to save themselves with NO CONSIDERATION to the victim or their loved ones as to the extra Trauma this causes.
- Families are often unable to say 'goodbye' or see the victim because of the damage done or the length of time it takes to find the victim and this impacts on their grieving and Trauma, as coming to terms with someone murdered is hard enough but if your loved one is burned, dismembered, exposed to elements, buried or many of the other things that are done, then we have to live with this knowledge that their bodies were disrespected even further for selfish reasons and this can have devastating and long lasting effects on the Loved ones.
- Many of the Victims that are moved/buried/drowned are not found for months or years or never and this leaves the loved ones wondering and hoping they will come back but unable to grieve, and their lives are 'on hold' and unable to live their lives properly because there is no answer to the many questions of their disappearance.
- The other HUGE reason for a extra penalty separate to the Murder charge for this crime is the impact on the POLICE who have to try to solve these cases and live with the TRAUMA it causes them to have to find a body that has been destroyed/ damaged/buried/dismembered etc, as part of their job and then tell the loved ones of these horrendous outcomes to the victim. It also makes identification difficult and more tedious and takes longer, is often difficult to retrieve the bodies and costs more to the State to solve the crime.
- It can also make a difference to an offender not being able to be charged with murder because the evidence is destroyed and it impedes the investigation, changes the outcomes and causes some crimes to remain unsolved as well as causing some frustration to the loved ones and the Police personnel who work very hard to bring the offenders to Justice and some peace to the families.

Please remember—justice will only be achieved when those not affected by crime feel as indignant as those who are and change what needs to be changed.

It is not often we can call a piece of legislation truly good, but this is a good bill. It is true that it will not bring anyone back, but if it helps to bring closure to just one family in the future then I believe it has delivered. I urge members to support the bill.

Ms CLANCY (Elder) (11:22): I rise today in support of this bill to introduce four new offences relating to concealing, mutilating or interfering with human remains and, in doing so, wish to thank the Minister for Police, Emergency Services and Correctional Services for his efforts to bring this bill to this place. I also wish to acknowledge the opposition, who have signalled their support for the successful passage of this important legislation, and I acknowledge members of the Homicide Victims Support Group here today.

Until the successful passage of this bill, there have been no specific offences in South Australia that prohibit a person from concealing or interfering with human remains. The Malinauskas Labor government is committed to changing this and delivering on another election promise in doing so. As representatives, putting those directly impacted by legislation, or the current lack of legislation, at the centre is paramount to our success as legislators.

We must put those with the expertise and those with the lived experience at the centre of every single decision we make. This bill does just that: it listens to the families who, already dealing with excruciating grief, are unable to properly say goodbye. It is an unimaginable pain. This bill ensures that offenders no longer benefit from hiding a body, which can significantly impact the criminal investigation process by destroying valuable forensic evidence.

One of the most important roles of government is the safety of the people we represent. That is why the Malinauskas Labor government is putting victims and justice at the heart of our response to crime. Treating victims of crime as simply just a witness is not good enough. Strong governments should be working to repair some of the damage that has been done. That is why we will be investing an additional \$2 million to help victims as they go through court processes, provide better education about their rights and support their recovery from trauma.

Labor has a proven track record of improving community safety, providing support for victims and reforming our justice system. It was a Labor government that removed the statute of limitations on child sex offences, established our first child sex offender register and appointed the state's first Commissioner for Victims' Rights, and it will be a Labor government that criminalises the act of interfering with or concealing human remains.

The Criminal Law Consolidation (Human Remains) Amendment Bill 2022 introduces four new offences into the Criminal Law Consolidation Act 1935. The offences introduced by the bill are as follows:

- an offence of concealing, mutilating or otherwise interfering with human remains, where the intended or actual outcome is that the remains are more difficult to find, or to conceal the commission of an offence, with a maximum penalty of 15 years' imprisonment;
- a more general offence of concealing, mutilating or otherwise interfering with human remains, with a maximum penalty of 15 years' imprisonment;
- an offence if a person finds human remains, or what they suspect to be human remains, and fails to report this to the police, with a maximum penalty of five years' imprisonment; and
- an offence of finding human remains and then acting to conceal those remains, again with a maximum penalty of five years' imprisonment.

These new offences will ensure that offenders who deliberately add to the pain and suffering of families by taking steps to conceal the body of their victim will be able to be charged with a specific offence, which will go some way to acknowledging the additional suffering of victims' families. Furthermore, an offender need not have been charged with murder to be prosecuted for these offences.

I would like to take this opportunity to thank the incredible efforts of advocacy and justice that have seen this bill come to this place. We thank the Homicide Victims Support Group, the Commissioner for Victims' Rights and SA Police for their support of this bill. We thank the families of Daniel Hind and Allison Nitschke, who have been unwavering in their advocacy for reform in this area.

Concealing or mutilating human remains makes criminal prosecutions more difficult and can lead to charges being downgraded, in addition to the grief, suffering and uncertainty for the loved ones of victims. In 1973, Geoffrey Adams killed his wife, Colleen, at their home in Maitland on Yorke Peninsula. Colleen's remains were not discovered until 2018. With the significant passage of time, Geoffrey Adams managed to secure a manslaughter verdict rather than the possibility of murder.

I share the member for Gibson's reflection on this debate and just how distressing it is that legislation such as this needs to be introduced. Since the year 2000, there have been at least 28 cases where a body has been disposed. We have heard the stories both here and in the other place of the unfathomable pain and suffering felt by too many families.

This bill, to introduce new offences relating to concealing, mutilating or interfering with human remains, forms just part of the Malinauskas Labor government's steadfast commitment to supporting the victims of justice and placing their experiences at the heart of every decision we make. I commend the bill to the house.

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (11:28): I rise today to speak on the Criminal Law Consolidation (Human Remains) Amendment Bill. I will be supporting this bill. Others here have touched on many important reasons for the passage of this bill. There are significant impacts endured by all victims, families and friends in the event that the body of their loved one is not returned to them, often exasperating an already traumatic experience.

I acknowledge that the overwhelming pain of losing a loved one to an act as despicable as those described today is hard to comprehend. Through my role as Minister for Multicultural Affairs I am often connected to our diverse and multicultural society. I would like to touch upon the impact on our cultural and religious groups for whom death rights carry particular significance. Birth, marriage

and death are recognised in many cultures as significant events not only for the immediate families but also for the broader community as a whole.

Death as a celebration of life and a passage to a higher state is a cornerstone of faiths all over the world. All communities and faith respect certain rituals and funeral practices and, as a multicultural society, South Australia is at the forefront of work to ensure that culturally sensitive arrangements in death are acknowledged and supported.

Funeral practices are as diverse as the cultures they derive from. Some Islamic practice teaches that in the final moments before death Qur'anic verse should be read and the body should be faced towards Mecca. Following death, the eyes should be closed, the jaw bandaged closed and the body should be buried within a day of death.

For Hindus, the importance of cremation rather than burial is the Vedic ritual whereby the spirit can be passed from the realm of mortals to the realm of gods. Judaism teaches that the body of the deceased should not be left alone between the time of death and the time of burial. For Sikhs, it is imperative that, following death, the deceased is washed, dressed in traditional Sikh dress and cremated within a day.

The loss of a family or friend is painful and distressing for anyone. The additional burden of that person being lost to violence or murder cannot be underestimated. All of us will experience the death of someone we care about. The gathering of friends and family in remembrance of that person at that funeral can provide a sense of closure or relief to those left behind. For many in our community of different faith and cultural backgrounds, death rites and funeral rites are fundamentally about the passage of the soul to heaven or the afterlife.

Taking away the ability for a family or community to mourn, to practise religious or cultural rituals that provide a sense of peace and spirituality is cruel and selfish of those who have committed the worst possible crimes. If this law returns just one person to their family to be laid to rest respectfully, properly and in accordance with their faith it will be a good and noble thing.

Until now, there have been no specific offences in South Australia that prohibit a person from concealing or interfering with human remains. Labor is committed to changing this by listening to the families and victims who, already dealing with untold grief, are unable to properly say goodbye.

Several offences are introduced by the bill, including the offence of concealing, mutilating or otherwise interfering with human remains where the intended or actual outcome is that the remains are more difficult to find, or to conceal the commission of an offence, with a maximum penalty of 15 years in prison.

Where the offence under this section is committed by the person who caused the death of the victim, the penalty for this offence will be served cumulatively on top of any other sentence the offender has received for causing the death of the victim aside from where they have already received a sentence of life imprisonment. It should be noted that, in accordance with the Sentencing Act 2017, a cumulative sentence cannot be imposed on a person who received a sentence of life imprisonment. Instead, the additional offending will be taken into account by the court in setting an appropriate non-parole period that must be served by the offender.

A more general offence of concealing, mutilating or otherwise interfering with human remains has a maximum penalty of 15 years of imprisonment. It is now an offence if a person finds human remains, or what they suspect to be human remains, and fails to report this to police and incurs a maximum penalty of five years imprisonment. Lastly, an offence of finding human remains and then acting to conceal those remains has been introduced, with a maximum penalty of five years.

As we know, it is the people who are left behind, the victims of crimes, who suffer the most. This legislation is just part of Labor's response to supporting those victims and to encouraging people to come forward so they can continue their grief. It must be the not knowing, the wondering where that person is, thinking about them and not being able to say goodbye appropriately. I note the bill has the support of the Homicide Victims Support Group, and I would like to recognise members who are in the gallery today as visitors.

This is incredibly important legislation. It is quite profound and gives urgency, when this terrible situation occurs, to encourage that person to help, to assist and to provide closure. I support the bill.

Ms WORTLEY (Torrens) (11:35): I rise to support the Criminal Law Consolidation (Human Remains) Amendment Bill 2022. It is likely that many South Australians are not aware that in our state there is currently no law that specifically prohibits a person from concealing or interfering with human remains or, in fact, ignoring the finding of human remains. However, I say this: the families who have lost loved ones through the brutal taking of the life of their son, daughter, mother, father, wife, husband or other loved one know that this is the cold, hard truth—and they are suffering because of it.

I raise the tragic circumstances that Daniel Hind's family had to deal with, where his body was hidden for eight weeks. Despite being charged with murder, the person who inflicted this horrific crime and who took away a life was convicted of manslaughter and sentenced to seven years and three months, with a non-parole period of five years and 10 months. Highlighted in this case was the loss of valuable forensic evidence. The prosecution had nowhere to go.

Prior to the March election, Labor committed to listening to the families of victims, families living with the lifelong heartache of losing a loved one and being unable to properly say goodbye, to lay them to rest, while dealing with grief that goes beyond words. We have heard that the Criminal Law Consolidation (Human Remains) Amendment Bill 2022 introduces four new offences to the current act. Those four offences are:

1. An offence of concealing, mutilating or otherwise interfering with human remains where the intended or actual outcome is that the remains are more difficult to find. The maximum penalty is 15 years' imprisonment. Where the offence under this section is committed by the person who caused the death of the victim, the prison time would be served cumulatively on top of any other sentence the offender receives, aside from a life sentence, as per the Sentencing Act 2017, although considered for parole purposes.

2. A more general offence of concealing, mutilating or otherwise interfering with human remains, with a maximum penalty 15 years.

3. If passed in this bill, it will also be an offence if a person finds human remains or suspected human remains and fails to report this to the police. This in itself will attract a five-year maximum penalty.

4. Finally, where human remains have been found, the act of concealing them will attract a maximum term of five years' imprisonment.

These new offences will ensure that offenders, through their actions or lack thereof, will no longer obtain any advantage by virtue of disposing or tampering with the body.

Labor's changes mean offenders face significant terms of imprisonment for concealing a body, in addition to any other charges. For too long and in too many instances in South Australia killers have benefited from a lesser charge and lesser penalty after concealing their victim's remains. This should not be the case. This is not justice.

As I pointed out earlier, the way in which the deliberate concealment of a body adds to the pain and suffering of families needs to be addressed and acknowledged. It is worth knowing that an offender need not have been the killer of the deceased for them to be prosecuted under these offences.

Importantly, this bill has the support of the Homicide Victims Support Group, the Commissioner for Victims' Rights and SA Police. It is on the public record that the grieving families of Daniel Hind and university student Allison Nitschke have been significant voices for the introduction of such legislation. Today I would like to acknowledge Lynette Nitschke, mother of Allison, and Phil Hind, father of Daniel, in their tireless work to reform this area of the criminal law in order to help others.

It is our hope that these laws will be seen by those who have lost loved ones under such dire circumstances through a vile act of murder as a way to transform the legal system to better reflect community expectations in this area. I commend the bill to the house.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (11:40): I thank members for their contribution to this debate, particularly their heartfelt support for these proposed changes, a truly nonpartisan support by all members of this place, as in the other place as well. I commend this to the committee, if the house is so inclined, for the third reading.

Bill read a second time.

Third Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (11:41): I move:

That this bill be now read a third time.

In very brief remarks before this bill concludes I particularly thank the members in the public gallery today, in the Speaker's gallery—family advocates, three people who have significant lived experience. I wish to thank you on behalf of not only the government but the entire house for your courage in using your voice for this change, for your bravery in continuing to speak of your experience, and I hope that you will know that whilst this legislation will not return your loved ones, it is done in their memory. We do so knowing the pain that you have lived and we seek for no-one else to live that pain. I commend this bill to the house.

Bill read a third time and passed.

PRIVATE PARKING AREAS (SHOPPING CENTRE PARKING AREAS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2022.)

Ms SAVVAS (Newland) (11:43): I rise today to support the Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill and I thank my friend the Minister for Planning for introducing it, not just for me but for the many residents in the north-eastern suburbs and surrounds who will benefit from its passage.

In September 1970, *The Advertiser* promoted Tea Tree Plaza, 'heralded as the great new Myer shopping centre'. It was described as Australia's most modern shopping centre, set in green rolling countryside against a backdrop of mountains. Today, there are a few more residents surrounding the plaza but the view is much the same.

The tagline at the bottom of the ad, though quite outdated in its content, read, 'It takes a lot to make a lady change her shopping habits, and Tea Tree Plaza is a lot of shopping centre.' Although I probably would not be using that language today, the sentiment is much the same: it does take a lot to make anyone change their shopping habits—and the introduction of paid parking at our plaza will do just that.

Mr Acting Speaker, if you will bear with me for a moment or two, I would like to tell you about my childhood in the north-eastern suburbs. Like many others in the north-east, I grew up at TTP. I remember going there on important days. I went there the day that my grandma died when I was six. My mum took me for chicken nuggets in the food court and then to Myer, where I purchased a green dress with white roses. I remember the first time I was allowed to go there on the bus. My best friend, Ashleigh, and I took the 506 bus from outside Kildare College to partake in a north-eastern right of passage: meeting St Paul's boys in the food court for a \$1 frozen Coke.

I remember getting upset when I was 12 because my mum would not let me buy a denim dress at Urban Angel and I remember my first pair of high heels from the shoe shop across from Big W. I remember when the new entertainment precinct opened—I was there. I was there as a

17 year old looking for a job. I walked into 42nd Street Cafe next to the post office with my résumé and was interviewed on the spot.

I spent the next 3½ years or so making coffees, serving customers and building relationships with people in my community, many of whom I still know today. I met Darryl and Lyn from Hope Valley, retired musicians who would come into the plaza on a regular basis and plan their next gigs. I met George, who came alone on the bus. He was in a wheelchair and had no friends or family of his own; he made his family at our cafe.

I met Bernie from Modbury, who would walk up every day for an extra-hot flat white in a mug and who is now in care, being looked after by Allan from Ingle Farm, whom he met at the cafe. I met Carol, who came in with the mall walkers on a Tuesday morning. I met Owen and the ex-men, a group of ex-veterans who would meet at the cafe each week after going to the gym. The plaza was for them and for me our home.

I was there as a 19 year old taking the bus to uni and talking to *The Advertiser* at age 22 fighting for a new park-and-ride. I was there the night I became a local councillor, having dinner at The Bavarian, and I was there day in, day out as the candidate for Newland, fighting for residents like me who grew up at TTP.

That is the thing about our community: we all grew up there. Everyone has the equivalent story of buying a dress for their grandma's funeral, a story about a local connection to our centre. We grew up a little bit differently in the north-eastern suburbs. Most of us do not have beach houses or get to go on summer trips to Europe. We grow up learning things like how not to drive your car on the O-Bahn and how to get away with loitering in the TTP food court with your schoolbag on your back.

We all know someone who works there. We have all taken the bus from the interchange. We all remember when Hoyts was getting redone and we had to use the weird emergency exit door near Myer. We all used to play with the puppies at the pet shop downstairs and we were all sad when the Coffee Club outside Kmart closed down. We all remember being greeted by Peter and Mary Rogers at my old workplace, 42nd Street, and most of all none of us wants to pay for paid parking at Tea Tree Plaza.

I accept that I am new to state government and that there is much to learn. I accept that I do not know everything, but what I do know is my community and the place I grew up in. I have heard from the owners of the centre that there is a supposed appetite for managed parking in my community. I am here to tell you that I know my community—I live and breathe it—and that appetite does not exist.

As the candidate for Newland, I doorknocked thousands of doors. I hand-delivered a petition against paid parking at TTP to thousands of homes in Modbury, St Agnes, Hope Valley, Ridgehaven and Modbury North; some days, I even took it as far as Tea Tree Gully. Whether you live on Gorman Street in Modbury, right behind the plaza, or on Perseverance Road in the gully, the response is exactly the same.

In fact, of the thousands of doors I knocked on, only one person ever told me they supported the proposal—one! I remember the conversation very clearly. It was an anomaly, of course, so how could I not? I knocked on the door and introduced myself and the purpose of the petition. She responded by saying, 'I'm actually a member of the Liberal Party, so I support paid parking at TTP.'

At that point, the Liberals were saying they opposed paid parking at TTP, but their messaging must have been such that even their own did not understand it. She was, in fact, the only person who identified to me as a Liberal who told me that. Lots of others told me they probably would not vote for me, and I will never know if they did, but they all signed my petition anyway because they know firsthand the toll that paid parking will have on people like us—people who grew up there.

It is equally important to reflect on the words of the Liberal Party at the time. They were still in government and still supposedly fighting to represent the people of the north-eastern suburbs. On 5 February, five weeks out from the state election, the former member for Newland made a video outside the plaza. He said, 'I don't support paid parking at TTP. These charges are an unfair impost

on customers and workers.' He then sent a text to as many numbers as he could, mine included, telling them exactly that and providing a link to the video.

The former member for Newland and I have always got along and we agree on most things. We agreed on that particular topic then and we do still: paid parking at TTP is an unfair impost on customers and workers. Of course, the Liberal Party no longer represent the electorate of Newland, or the TTP electorate as I affectionately call it, so I guess they felt that they could change their tune on things that matter to us in the north-eastern suburbs.

Not too many weeks later on 5 July, the Liberal Party announced that they would not support the potential legislative changes and in their press release, unsurprisingly, did not make a single mention of the residents of the north-eastern suburbs or the employees or small businesses at TTP. I do see that somewhat from the Liberals' perspective: they do not actually know what matters to people in our community and they do not even know who to ask. They do not as much as represent anyone in this place who may even shop at TTP.

There are some members opposite, perhaps the member for Morialta or perhaps the member for Hartley, who may argue against that. They may argue that they do provide statutory declarations for those who shop at TTP, but do they represent them? I am not sure. I do know what representation means to people in the north-eastern suburbs. It means not just showing up and asking, it means listening to the community and doing as you said you would do. It is knocking on thousands of doors, as we did, asking residents what they wanted and following through. It is standing at a cold interchange talking to commuters for hours on end about the impost of having yet another charge.

It is not being afraid to stand up against big business in support of the little guy, in support of the men and women who have worked at Myer for over 20 years, in support of the owners of the two little family-owned cafes that have closed in as many months and in support of the hundreds of residents who told me they would just shop somewhere else. Just like in September 1970, it does take a lot to change shopping habits, the shopping habits of those who have shopped and lived and brought their children up at our local centre, but I know for a fact that this will do it.

It is an unfair impost on staff at the centre, who are already often low-paid workers. These staff are predominantly women—primary caregivers working in retail and fast food to support their families. At a time when cost-of-living pressures are increasingly high, regular people cannot afford to do their shopping.

I worked at TTP, like so many others in my electorate, and as a teenager and young adult was on a relatively low wage. I know straight out that, earning only a few hundred dollars a week, I could not afford to be paying to park to go to work. It is an unfair impost on small business owners, who will feel the impact of people deciding to shop elsewhere, staff not wanting to pay to go to work and residents who will go elsewhere to places like the Village at Golden Grove, where they can park for free, or the St Agnes shops, which are already full to the brim with cars seven days a week.

We know that because we have asked them. Small businesses at TTP have told us that they do not support the supposed concept of managed parking at our centre. It is unfair on shoppers, those thousands of people in the north-eastern suburbs and surrounds who have grown up at TTP and, like me, know every inch of the centre. I know the appetite in my community; the Labor Party know the appetite. We are delivering on our commitment to the people of the north-eastern suburbs.

I commend the bill on behalf of the residents of the north-east because I have already consulted my community and I know the appetite in that community like the back of my hand.

Mr TELFER (Flinders) (11:54): I rise to indicate I am the lead speaker on the Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill. The Liberal Party have carefully considered this piece of legislation, including the needs of all stakeholders, and we have reached the conclusion that it is a sloppy piece of legislation. The government says that it wants to stop paid parking at Tea Tree Plaza shopping centre. However, the inconsistencies and hypocrisy of Labor's position are extraordinary.

Firstly, there is the issue of Labor charging for removing free parking for hospital workers. The pandemic has not ceased with the election of a Labor government. For 2½ years, our hospital

workers have been in the frontline of a battle against a constantly mutating virus that has caused a one-in-100-year global pandemic.

The rest of us have battled staying home, with or without being infected, and a variety of other restrictions. Hospital workers have endured long hours during these 2½ years, often working in stifling full PPE with hugely increasing workloads and an increased risk of infection to themselves. They are understandably exhausted. The least we can do is to continue to support them with free parking while this insidious virus is still active in our community.

The Liberal Party has an amendment on file to the Health Care Act 2008 that will continue to provide hospital workers with ongoing access to the free parking and free public transport provisions that were made available to them during the previous Liberal government term. The previous Liberal government also provided staff reimbursement for non-site-related parking of up to \$101 per month. The United Workers Union has stated that the free parking and transport provisions could mean savings of up to \$1,300 per month, which is significant for some of our lowest paid workers who, like all of us, are experiencing increasing cost-of-living pressures.

Labor has its own managed parking at the nearby Modbury Hospital, where the first two hours are free. When those fees increased in January 2020, then shadow minister Chris Picton complained about it on a Facebook post. He now has a chance to revert to the former fee regime. At other hospital sites, the government does not even use a managed parking system—it charges per hour. Anyone who visits the Flinders Medical Centre, the Royal Adelaide Hospital or the Women's and Children's Hospital will start paying for the first hour. The government also charges for the nearby park-and-ride at Tea Tree Plaza. It will have the same cost structure for the new deck currently under construction to expand the number of parking spaces at Tea Tree Plaza.

Let's also look at some of Labor's claims and what stakeholders have said. The Scentre Group, which owns and operates Westfield, say that the Labor Party and Peter Malinauskas's union mates at the SDA have been making false and misleading claims about the proposal. That is a pretty serious accusation; it is certainly one that demands that, when trying to introduce a piece of law into this parliament, the government needs to justify it. Scentre Group have put the following concerns in writing:

1. Claims by the Government that all customers will pay for parking at Tea Tree Plaza are false—the vast majority who visit the shopping centre will not pay for parking. A free period is provided comparable to Westfield West Lakes which has a managed car park system and 98% of customers do not pay when they visit.

As Minister Champion, who is a resident of North Adelaide, would well know from his own shopping experience, the North Adelaide Village has had a managed parking arrangement, complete with boom gates, in place for many years. I am sure he does not refuse to shop there because of that. Scentre Group continues:

2. Claims that retail staff will incur a fee of \$35 per day (\$9,000 per annum) are false. We have previously confirmed that the staff parking rate will be comparable to Westfield West Lakes where the current staff parking rate is \$3 per day.

We call on the government and the SDA to provide evidence of these false and misleading claims.

Anyone who is familiar with trying to find a park at Tea Tree Plaza will know that it can be hard to find one close to the shops you wish to visit, especially on weekends. A survey of Tea Tree Plaza customers found that 57 per cent of customers find it hard to find a park when visiting the centre. The Scentre Group have again levelled a claim at the government for falsely misrepresenting this survey, that 57 per cent of customers opposed paid parking. Furthermore, data from Tea Tree Plaza show that of the 4,000 parks over one-third is taken up by people who are not customers. This can be a disincentive to potential shoppers, who will go to other sites to get what they need.

The National Retail Association, which represents more than 10,000 shopfronts in South Australia alone, has also written to express grave concerns about this piece of legislation before us. Their members are predominantly independent family businesses or franchises. These are the small businesses that populate shopping centres where people buy meals, clothing, homewares, gifts and get their nails done. The association had this to say about the small businesses it represents:

Their livelihoods very much depend on availability of nearby car parking spaces, and turnover of vehicular traffic in these car parks.

Dominique Lamb, who is the CEO of the National Retail Association, further said in her letter to the Leader of the Opposition, the Hon. David Speirs:

On behalf of these members, I can confidently say that removing paid parking is not the positive outcome that the Government may believe it to be. The regulation and payment of parking ensures spaces are not taken up by commuters and workers from nearby areas. Without it, we know that shopping centre car parks face significant demand from non-users of the centre. If this occurs, it makes it more difficult for customers to shop with our members, and results in a proportion of those potential customers choosing to shop elsewhere—either at a different location or online.

The conditions that owners of private parking areas can impose include time limits, and the penalties for breaching these conditions are contained in part 3, sections 7 and 8, of the Private Parking Areas Act 1986.

Managed parking is common in South Australian shopping centres. Many centres or individual parking spaces have signage warning people not to park for certain periods or they may face a fine. In some instances, they use numberplate recognition technology and private firms to monitor excess time in parks. Part 4, section 9, of the act, explicitly provides for agreements to be made between the 'council for the area' to enforce the time limits. Of note is section 9(2)(c), which provides:

- (c) any fine, penalty or expiation fee recovered in respect of offences relating to the private parking area shall be paid to the council.

This brings me to the concerns expressed by the Local Government Association of South Australia and their councils.

The LGA Board of Directors met on 22 July to endorse a formal position. In the first instance, they are

...of the opinion that should the State Government seek to dissuade paid parking in large shopping centres, it should not involve decision-making on the part of local government. For consistency of approach, a State Government Department such as Consumer and Business Services should be responsible for making the decision—

in other words, the government is trying to pass the buck on this sloppy proposal to local government and they do not want a bar of it. The mere existence of section 9 of the act, which enables local government to be the collection agency for fines, fees and penalties set by the owners of private parking areas, sets up councils to have a conflict of interest.

The LGA SA has a range of concerns about the way Labor's bill has been drafted. No reason has been given for why the CEO of a council is the decision-maker. There is potential under Labor's bill for the CEO to make a decision without reference to the elected council members. The Liberal Party supports the LGA SA's position and we have therefore filed a set of amendments to this effect. These amendments shift the decision-making authority from Labor's position, which is that it should be the chief executive officer of the local council, to the Commissioner for Consumer Affairs. If the chamber does not support this amendment, the Liberal Party has also filed a number of amendments as a fallback to provide some comfort to local government on the many other concerns:

1. Labor's bill provides no detail about how the CEO should reach a decision about whether or not to allow managed parking. There is merely a reference to 'consult with the community'. In the absence of a framework or guidelines, the LGA is concerned about how this exposes councils to challenges from private parking area owners.

2. In relation to consultation, the bill does not currently provide for clear understanding of what is meant by 'community of the council', noting that the retail catchment area of a large regional shopping centre sometimes can extend well beyond the local government area it is located within.

3. The bill should require the approving authority to undertake due diligence to support an assessment of the proposal, such as examine the impacts on local roads, amenity and economic impacts.

4. The bill should provide for conditions of approving, such as periods for free parking, provision for disabled car park spaces and fees.

5 The bill does not provide clarity as to whether a council could charge a fee for undertaking a process that clearly involves some costs to do.

The Premier has claimed that he wants to be seen as pro business. However, this bill is another example of Peter Malinauskas's knee jerk reactions kicking investors in the teeth. While it is beyond the scope of this debate to talk about the Bowden debacle, we know investors are looking closely at whether they will be investing in South Australia.

CIP Asset Management, who are the owners of the The Grove Shopping Centre at Golden Grove, which is just under Labor's threshold definition of 34,000 square metres for a 'major retail shopping centre', have articulated their fear that if:

The bill, if passed, would create an immediate substantial risk on any future investment and expansion of The Grove.

We can see why the Premier has done this. He is looking after his mates in the shoppies union, but other unions have been hung out to dry. They can use the enterprise bargaining process to work through their parking and other issues, but Premier Malinauskas is looking after his own.

Mrs PEARCE (King) (12:06): For over 50 years, TTP has been the go-to shopping precinct in the north-east and over that time it has had a few facelifts: we have lost the witches hat but gained some amazing local grown businesses. What has remained constant is that it has always been accessible for the community. Even as a country girl growing up, trips to Adelaide for me meant a day shopping at TTP, and I must say I was quite fond of sussing out the merch at JJ's as a teenager. The plaza is iconic and it has something for everyone, including necessities, such as the post office, pharmacies, the optometrist and grocers.

Just over 18 months ago, we learnt about a change to the plaza that shocked our community. We learnt that steps were being taken to introduce paid parking—and what poor timing. Our community and our state were already going through an incredibly tough time. Cost-of-living pressures were rising and businesses were getting knocked about by the pandemic, which of course has a detrimental impact on those who work there. As adequately put by Daniel:

As a retailer at Tea Tree Plaza, it's been hard enough, during this pandemic to pay rent and wages, let alone bringing in another obstacle to stop people coming to the shopping centre. It's a ridiculous proposal for this demographic in these troubling times. Ultimately, it will cost jobs.

Daniel is not alone in his thinking. The reaction from the north-east upon hearing this news has been fast and furious. I have heard countless times that residents simply will not shop at TTP if paid parking is introduced—people like Julie, who believes people will just go online to shop, and Carmela, who acknowledged that 'stores pay rent prices through the roof' and that this will kill off their entire clientele.

It has been a massive blow, one that the north-east has not taken without a fight, a fight that my colleagues and I have stood with the community on for more than 18 months, right back to when Westfield first announced their intentions in February 2021. I have taken this matter very seriously and I have made myself available to discuss it with the community in any way possible so that I have a clear and concise understanding of why this matters so much to them so that we can work together towards a solution.

I have heard feedback at local community catch-ups, whilst on the doors, on the phones, at the interchange and everything in between. People from the north-east and surrounds have taken the time to share their thoughts on this matter, the same thoughts we are reflecting on this side of the chamber here today, because they know how much of an impact this decision will have on the community.

I can tell you, Mr Acting Deputy Speaker, they are frustrated that some in this place have failed to listen and understand their needs. You may recall that customers, business owners and their staff stood together and called on the previous Marshall Liberal government to do something to address this matter, but they failed to take meaningful direction. We recognise that was not good enough and that action had to be taken, and we did.

In opposition, those now on this side of the chamber introduced a bill to help stop the introduction of paid parking and called on the Marshall Liberal government to aid its passing. They

did not. In fact, when the now Premier moved a motion to suspend standing orders to enable debate of a bill last August to help address the issue, the then government of the time, including many of those sitting across from me today, voted against the motion, denying a chance to debate this important matter, which also means this matter could have been resolved over 12 months ago.

Unfortunately, the previous government chose to ignore the concerns of constituents of the north-east, viewing them as not important enough to dedicate time to passing a bill that would protect them from paying Westfield's toll. Despite that, we have continued to fight, standing alongside over 10,000 South Australians who want to see this matter resolved. I am so proud that we stand in this place today to get it done.

We are doing this for the shoppers, who are already stressed over what can go in a trolley because of skyrocketing cost of living; for the business owners in Tea Tree Plaza, who are worried that this move by Westfield would lead to shoppers avoiding Tea Tree Plaza, hurting them when they are still struggling to recover from the pandemic; and, importantly, we are doing this for the workers at Tea Tree Plaza, who are worried about what this will mean for them, their employment and whether this will be just another bill that they have to pay.

They include workers like Will, who has joined the fight simply because he works there and believes it will take a lot out of his pay. He has even gone further to share with me that he believes the Scentre management should focus on more important things, such as lighting, which he reports is bad in some areas. We know that other Westfield shopping centres charge up to \$35 a day to park, meaning workers at Tea Tree Plaza could be required to fork out over \$175 extra a week just to pay to park safely at work.

We know from other experiences of workers of other Westfield shopping centres, such as West Lakes, that paid parking simply is not working for them. They include staff like Sara, who does not feel safe walking to work in the early hours of the morning, as she has to park on side streets and walk to work in the dark.

They also include people like Kimberly, a mother who faces time constraints to get to work after taking her children to school and simply does not have the time to walk across four busy lanes of traffic and an expansive car park to get to work on time. They include people like Caitlyn, who, when finishing later at night, sometimes has to pay up to \$35 a day to park in the shopping centre car park because she does not have the time to move her car during her shift and does not feel safe walking back to her car in the dark.

The introduction of paid parking at TTP potentially means that staff would have similar experiences, having to walk further before and after work to get to their car or face fees to park at a safer distance to work. For those in this chamber who do not know the north-east well, parking further away is not a feasible option. Parking around the centre in this incredibly precinct is congested as it is.

We have a decision to make here in this place: whether to side with a multinational corporate that has its sights on taking money out of our community, completely overlooking the concerns being raised by workers, businesses and community members, or listening to and standing alongside the members of my community who wish to stop paid parking at TTP, to keep businesses open to keep people in jobs, to make sure they are safe when going to and from work and to protect local shoppers from another bill they will have to factor into their cash-strapped budgets.

Reaching this point today is a direct testament to the hard work and determination of the community and those who have stood with them, such as members on this side of the chamber and the SDA, all of whom I thank for their ongoing efforts and hard work. I would also like to thank the member for Taylor, the Minister for Planning, for his hard work on this matter. Thank you very much for taking the time to meet with the member for Newland and me shortly after forming government to better understand how strongly our communities feel about this matter and for taking that feedback on board and working towards finding a way to resolve the matter.

I hope that everybody in this place, as well as those in the other place, give serious consideration to the needs of the north-east that have been reflected over the past 18 months. We

have a real opportunity to stand up to a big multinational in the interests of local community. If we do not, the only people we hurt is the community itself. With that, I commend this bill to the house.

Ms WORTLEY (Torrens) (12:14): I rise to support the Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill. It is this government's intention to make paid parking not an option for shopping centres with certain square metreage, like Tea Tree Plaza.

As the planning minister, the member for Taylor has stated shopping centre operators have an obligation to provide free parking to customers and workers, and it is an expected service. It is just not feasible—as the opposition would have you believe—that the majority of people who use these car parks do not visit the centre to buy anything. This is simply not the case.

What we do know is that car parking fees are factored into every individual shopping lease, so the vendor is already getting paid for parking. Asking customers, workers, pensioners, visitors or anyone to pay again is really just double-dipping. One would think that, in times when staff turnover is so high, keeping trained personnel would be the highest priority rather than seeking to double dip income from your employee. Wouldn't the attitude rather be to keep your worker happy, not slug them for paid parking?

The planning minister listened to thousands of people in the north-eastern suburbs—and many from my electorate of Torrens—about introducing this legislation for fee car parking at TeaTree Plaza by way of a petition to the parliament. The minister, the member for Taylor, has listened to the community more broadly and is calling for a sensible solution. We believe that we have it in this legislation before us today.

In August, the Premier called for us to immediately come to a conclusion on this legislation, as time was against the people of the north-eastern suburbs in seeking to stop the introduction of paid parking at Tea Tree Plaza. The then Liberal government voted against it, and so here we are today still fighting against the introduction of paid parking.

Some months ago, Westfield—or the Scentre Group, the owners of the Tea Tree Plaza Shopping Centre—announced its intention to install boom gates and paid parking. It is imperative today that this parliament stop that, and it is this legislation that will do it.

We are a government committed to reducing the cost of living, so let us not underestimate the impost of paid parking to the customer base of the north-eastern suburbs who not only use the centre for shopping purposes but also use it as a place to access critical health services and government agencies. Hundreds of my residents signed the petition against paid parking at Tea Tree Plaza. Many came in and told me that they would no longer shop there if paid parking was introduced.

We know that COVID has greatly affected our sense of community, and now that restrictions have eased somewhat shopping centres have become a haven for people to engage with one another again in a way that provides them with social contact in a healthy way. They buy a coffee, they meet friends, they visit their favourite restaurants and cafes and they go to see a movie or stroll about the shops. This is a basic human need to congregate, and now more than ever this is an essential part of life that needs to be upheld.

As the Premier stated in August when introducing this bill, when a large company of the nature of the owners of the Tea Tree Plaza Shopping Centre decide to take advantage of their social licence, to unfairly introduce a cost on people who are only accessing the services that they seek to provide, that is wrong; and we have just heard from the member for King about the impact of paid parking on workers she has spoken to.

It is for them that we say no to paid parking and for all the residents in the north-eastern suburbs who go to Tea Tree Plaza, whether it is for shopping, socialising or accessing health services or all of the above. We have heard you; we have listened.

On behalf of Torrens residents and residents of our north-eastern suburbs, who have been shopping there for generations without having to fork out money for the opportunity to do so, including those businesses who have shared their concerns about the impact it may have on their businesses during a time when customers have been hesitant to frequent our large shopping centres, I commend the bill to the house.

Mrs HURN (Schubert) (12:19): I rise to speak on the Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill. The opposition's lead speaker, the member for Flinders, has done a remarkable job in outlining the opposition's position on this bill, and I would like to add to it.

The inconsistencies and hypocrisies associated with the Labor Party's approach are quite simply breathtaking. Peter Malinauskas has his priorities all wrong—and we have seen it from day one since this government was thrown into power—by focusing on free car parking for shoppers whilst hanging the health workers out to dry.

The amendments this opposition has put forward ensure that our hospital workers can continue to get the free hospital car parking that they had, that they deserved, throughout the duration of the pandemic. For 2½ years, this was provided by the former Liberal government, not to mention the free public transport they got as well.

The pandemic, believe it or not, has not ended with the election of a Labor government, although those opposite seem to believe it has. For 2½ years, our hospital workers worked around the clock to keep us safe in the battle against a virus that resulted in a pandemic we have not seen for generations. Our workers endured long hours, long shifts, working day in and day out in hot and heavy PPE, with the most extraordinary workloads we have ever seen, throughout this pandemic—not just here in South Australia but right across the nation.

That is not to mention, of course, the increased risk they exposed themselves to by simply rocking up to work. They are exhausted, and we believe it is cruel to pull the rug out from these frontline workers at a time when they need support the most. Those opposite cannot even look at this side of the chamber while we are putting this motion forward; they cannot even look at us because they know they are hanging the health workers out to dry and benefiting their union mates. That is shameful; it is nothing short of shameful.

The government says, 'It doesn't matter because all the money goes back into the health system. It doesn't matter,' but it does matter. It matters not because of where the money goes but because of who pays it. While New South Wales is handing out \$3,000 thank-you payments to their frontline workers, while the Victorian Labor government is handing out HECS payments for its frontline workers, what are we doing here in South Australia? Those opposite make our frontline health workers pay.

Those opposite talk about the workers, and they talk about the shoppers and everyone who is going to all these big, fancy shopping centres, but they have failed to talk about one cohort of workers that actually supported them, who trusted them to go in to bat for them. They have let them all down, and that is shameful. The member for Newland sits there smiling; you know you have hung these workers out to dry, and that will come home to roost.

With cost-of-living pressures hitting hard, it is incredibly important to care for those who have done such a remarkable job in caring for us. Surely this is a simple measure that eases hip-pocket pain for our hardworking hospital staff. It is a very simple measure and removing it is nothing short of a kick in the guts, and they are doing so in such a sneaky way, thinking no-one would even notice: 'No-one will notice. When we get rid of the emergency declaration, no-one will notice that we have done that.' Well, we noticed and the workers who went on strike noticed, and everyone who votes against this amendment will notice. So I do urge those opposite to take a stand on this, to do the right thing and back this amendment because it is the right thing to do.

The ACTING SPEAKER (Mr Odenwalder): Before I call the member for Florey, I remind members that other members should be referred to by either their title or their electorate and not by their name.

Mr BROWN (Florey) (12:25): I probably cannot muster quite the passion in favour of corporate Australia as the previous speaker, but I will do my best to represent the people of Florey—after all, they are the ones I am elected here to represent.

I rise to support the Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill 2022. While this may be a short bill, it is a most important and impactful one, amending as it does the Private Parking Areas Act 1986 to prevent paid parking at shopping centres with a gross lettable area of 34,000 square metres or more.

The introduction of this bill fulfills an election commitment made by the then opposition to introduce a bill into parliament to prevent paid parking at Tea Tree Plaza shopping centre, but it also assists consumers, shopping centre workers and retail workers across all of South Australia. It has been a pleasure to be part of a government that has been diligently implementing the commitments I made to my local community during the election and this legislation is just another part of that. I urge members of this house to acknowledge the commitment made and duly supported by the local communities of King, Newland, Wright, Torrens and, most importantly, Florey, and support this bill.

As we restore parts of our economy in post-COVID restriction conditions, facilitating more people to both work in our retail sector and resume physical bricks-and-mortar shopping will be a key driver for our economy. Currently, the Private Parking Areas Act 1986 provides for the regulation of parking areas—for example, time limits or restricted car parking spaces—as well as a mechanism by which alleged breaches of controls may be prosecuted. Given this system of regulation already exists, the government considers that amending this act is therefore likely to be the most effective mechanism for the prohibition of paid parking in major shopping centres.

As introduced, this bill provides that the owner of a regulated shopping centre parking area must not, without the approval of the chief executive officer of the council for the area in which the regulated shopping centre park area is situated, charge a person a fee for the parking of a vehicle in the regulated shopping centre parking area. Before the chief executive of the council grants such an approval, the council must consult with the local community and subsequently pass a resolution recommending that the approval be granted. A 'regulated shopping centre parking area' is defined as:

...an area provided on land by the owner for the parking of vehicles used by persons frequenting a major retail shopping centre;

The definition of a 'major retail shopping centre' is:

...a retail shopping centre where the total lettable areas of all the retail shops (whether leased or available for lease) in the retail shopping area is 34 000 m² or more, but does not include a retail shopping centre within the Adelaide CBD;

The government has decided that the most appropriate benchmark for the minimum size of a major retail shopping centre from which the prohibition of paid parking will apply is 34,000 square metres. This benchmark will capture the majority of major shopping centres that are zoned in the urban activity centre.

It is important to note that this bill does not apply to major retail shopping centres located within the Adelaide CBD. This decision has been made to prevent businesses that provide car parking as their core business from being impacted by the new regulatory scheme. Paid parking in the CBD is deemed necessary to support the variety of functions and services that our city needs, including entertainment, recreational businesses and shopping.

This bill gives life to a commitment made at the election and duly endorsed by the people of South Australia. I urge all members to support the bill and I thank the Minister for Planning for listening to my community and bringing it forward to this house.

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (12:28): I rise to support this bill and to make a few observations as the member for Wright and to endorse the comments made already by my colleagues on this side of the chamber and my neighbours in the north-east—the members for Newland, King, Torrens and Florey. They have made some very pertinent comments indeed.

I would start by referring to some of the comments made by the member for Newland in particular, who, having grown up in the area, has obviously had a very long association with the plaza in a number of different capacities: as a local resident, as someone who has worked there, as a candidate and now as a local member of parliament. I am always loath to use what is a fairly clichéd line, that 'you really need to be a local person to understand what is happening here', because that is not always right. It is a bit of an easy line to use and not always correct, but in this case I think there is actually genuine merit to the argument as evidenced by the comments of the member for Newland.

If you are to have a proper kind of working understanding of the importance of a large retail shopping centre like Tea Tree Plaza to the greater north-east area, you probably do need to spend a bit of time in the area and at the shops. I have certainly done that in a private capacity, shopping or dining or seeing a movie or being with the kids and trying to keep them out of Timezone or whatever it is called now—which is where I spend a lot of my time.

I was talking with one of the staff from my electorate office about this bill, and she observed that we make calls to primarily elderly residents during heatwaves, which I know that many members of this place would do, and it is a very important service that we offer as members of parliament, because we know how vulnerable those people are. On a number of occasions, when speaking to those elderly residents and asking after their welfare, it always struck me that they would comment that they were planning on spending that particular hot day either at the Golden Grove village or in many cases Tea Tree Plaza because it was cool, they could socialise with other people, there was access to shops and all those kinds of things and, of course, parking was free, so they could do it cheaply.

I would not go so far as to suggest that a company like Westfield in some way has some kind of social responsibility. It would be nice to think that is the case and that our big businesses and corporations are good corporate citizens who take these things into account—and I think in lots of cases they probably do—but I am not making an argument that that is something we should generally expect from companies like Westfield. But I will make the point that they do financially benefit from having residents who might spend a lot of their day at the shopping centre.

Members who are familiar with the plaza and Golden Grove village, now known as The Grove, would probably be able to name quite a number of local residents who spend pretty much all day, every day at the shopping centre. It is their way of being able to socialise and connect with other people in the area when they have no other way of doing it. Of course, they do spend their money there as well. They may not be spending thousands of dollars at high-end shops, but they are there buying breakfast, lunch, coffees and things like that.

There is a benefit to centres like Tea Tree Plaza being low-cost destinations and not charging people for car parking, which then disproportionately affects low income earners. The speakers before me have touched very eloquently upon the effect that paid parking at Tea Tree Plaza would have on the workforce at Westfield, keeping in mind that we are talking about hospitality workers, retail workers, security staff, and cleaning staff, who clean at shopping centres like Tea Tree Plaza and who are some of the lowest paid workers in our society. They do a very hard and often unpleasant job.

I know there has been an argument from those opposite, and one that has been put forward by Westfield itself, that there will be a period of free parking provided and that that might enable some customers to have a few hours for free. They have also spoken about there potentially being a reserved spot for staff as well to park at either low cost or no cost.

If we are to talk about how this has actually played out at other sites, including Westfield sites, where paid parking has been introduced, I know the work that the SDA did and that local members of parliament did in getting close to 15,000 signatures on a petition against this—which I have to say is an incredible number of signatures in a very localised area. All the feedback from those who had been through a similar change at other Westfield sites was that, yes, there was a space set aside for staff to park. That space filled up very early and very quickly; once it was full, staff were paying full tote odds for the rest of the day.

That is hard enough at any business or place of work that has more regular and consistent hours of work that might be nine to five where you can time these things, but of course that is not the case for somewhere like Westfield TTP, where you have a lot of shiftworkers. It is no good if you have the car parking space set aside for workers filling up by, let's say, eight or 8.30 in the morning, which is, incidentally, usually the time, at least pre COVID, that the O-Bahn high-rise car park would be full, if you are starting your shift in the afternoon or later at night.

The staff we are talking about here are, as I said before, low paid, whereas for people like us, who are paid so incredibly well to do these jobs, a few extra dollars here and there, in terms of having a free park or a low-cost park compared with paying the full rate, does not affect us. But I can

tell you that if you are on the kind of income that a young retail worker or hospitality worker or cleaner or security guard is on, those few dollars every day, which is the difference between getting your cheap spot or your free spot or paying full tote odds, is the difference between being able to put food on your family's table or being able to afford a few of those extra things that you might like.

I accept it is difficult for us in these roles to try to put ourselves into the shoes of people like that and truly understand the effect of far-ranging decisions like this, but that is what has been done by the people on this side of the house and by the SDA and other unions, who have got out there during the peak of summer, over 18 months trodden the footpaths, walked through the shopping centre itself and taken the time to speak to staff and customers and properly understand what effect the introduction of paid parking at Westfield Tea Tree Plaza will actually have on them, and that is very much the angle from which I approach this.

I do not want this to be all negative in terms of Westfield because my own personal observation of the redevelopment that has taken place there in the last few years is that it is an excellent redevelopment. The new boulevard of restaurants and the new upgraded cinema have been welcomed by the local community, but of course they were put where car parks used to be, and it is not the first time that that has happened. The member for Newland will correct me if I am wrong, but I believe that Aldi was built on a site that was car parking space before that. It has happened on a number of occasions now.

Of course we like to see important local destinations such as hospitality, dining and retail, upgraded in our area, but I do not think it is right that Westfield has chosen to take away those car parks to build the new development and is then essentially going to use its customers of that shopping centre as a method of cost recovery to pay to try to replace those car parks elsewhere—because that is what is actually happening here. That is the actual truth of what is happening.

If anyone in this chamber is in doubt about why this issue blew up like it did, about why as many as 15,000 people signed that petition, it might be because, when Westfield were first approached about the suggestion that they might be adding paid parking at the location and were asked for comment, this is what was said: 'Westfield is looking forward to improving the car parking experience at Tea Tree Plaza.' To the best of my knowledge, we are yet to get any more information out of Westfield about why this is needed and what is going to happen.

So, on one hand, they are expecting local residents and customers to gratefully welcome the news that paid parking and boom gates might be introduced at Tea Tree Plaza and then, when they might ask the obvious question about why they are needed, they are expected to swallow this line that there is going to be an improved car parking experience at the shopping centre—a shopping centre, I might say, that for many years has had somewhat of a reputation for being a place that is difficult to get a park.

I wholeheartedly support this motion. I think it would perhaps be welcomed if some people who actually represent residents who use the plaza from the other side of the chamber were to make some contributions today. That would be excellent—apart from the excellent contribution by the member for Flinders, of course. The member for Newland was right: her predecessor in the role did do a video not long before the state election in which he commented quite frankly and plainly that he did not support it and that he thought it was wrong. That, I think, was an example of someone who, despite the fact that he is no longer here, did live in his community. He understood in no small part the needs of his community and used the centre himself as a local resident as well, as does his successor in the role.

I think we should very much take the arguments from the other side of the chamber with a grain of salt, given that they are not espoused or made by people who have gone to the same efforts that people on this side of the chamber have to actually understand the needs of the local community, to talk to people who work in the shopping centre to understand their own financial and social circumstances, and then make a position around what kind of action we should be taking based on that local knowledge.

I commend the work of all those here who have taken the time to get out and speak with residents and to consult. I commend the work of both the SDA and other unions who have been involved in getting those 15,000 residents to sign a petition, which is no mean feat in what is a pretty

localised part of metropolitan Adelaide. I look forward to hearing some other contributions and I hope this will get the support of this chamber.

Mr TEAGUE (Heysen) (12:41): Thank you, Mr Acting Deputy Speaker. I rise having first taken the opportunity to listen carefully to those contributions that have preceded mine, particularly from the member for Newland, the member for King and the member for Wright, and I would include in that group, relevantly, the member for Florey as well—yourself, sir.

In making my contribution, I certainly wish to take into account the local knowledge that is acquired by those in the particular circumstances that they engage with their community. I do take exception, however, to the member for Wright's observation just now, to the extent that he means to convey that those members are somehow more entitled to express a view in this debate or to engage on the merits. What I would say to the member for Wright, and to any who hold that view, is that here we are in the state's parliament legislating, and we ought to do so in accord with principle that can be applied throughout the state.

While we appreciate that there appears to have been a particular focus on Tea Tree Plaza for the purposes of this debate, what we are doing—and, as the member for Flinders quite rightly characterised, in a sloppy way, in an inconsistent way and, I will come to it in a moment, in a particularly hypocritical way—is that we are seeking to overlay onto a piece of legislation a measure that is then said to have some effect to assist in a particular local area.

I will just say as a matter of principle that it is the worst way to legislate, to go about a process where there is a particular local concern that is raised—whether or not based on good information, whether or not based on a thoroughgoing debate—and there is then the imposition of amending legislation that really, with a particularly inapposite sledgehammer in this case, cracks what might be perceived to be the relevant nut. But it goes further, because it goes very much to the merits of what we are talking about.

The member for Newland talked about the interests of workers and included among them low-paid workers who work in tenanted retail shops and in other ways at Tea Tree Plaza. He also talked about the imposition of these measures as being somehow in their interests. I just say in the strongest possible terms that, where these measures are applied, there cannot be any degree to which they are applied with a view to defeating the purposes of either the owner to whom this legislation is directed, the tenants of the owner—the small businesses that occupy individual tenancies that the member for Newland, the member for King and others have talked about their pleasant memories of—and their workers, and those who make the place such a pleasant place to spend time.

Measures that might be applied to regulate the private parking space such as it is, that may be conceived of and put in train by the owner of that place, are not going to be done with a view to punishing themselves, their tenants, the workers who are there or their customers—they just self-evidently are not. If they were to be so directed, then it would be akin to making an argument that all these people were out to defeat their own business interests. There can be no sense in which measures of this kind, applied as they are proposed to be applied by an owner of property, could be otherwise than in the interests of all the relevant stakeholders of the relevant area.

It is the height of hypocrisy to come along with those arguments—those that are promoted most expressly by the member for Newland—in circumstances where, to use the member for Wright's analogy, you have the member for Wright's elderly folks who are perhaps taking refuge at TTP and enjoying the amenity of Tea Tree Plaza for social, health and other purposes, perhaps on a day when the weather is trying.

God help those elderly folks if they happen to need to find their way to one of the government's hospitals because they are unwell, having spent those hours at TTP. Woe betide them, because there they will find that all of a sudden they are having to pay to park in the government's car park at the hospital. So I hope that they are okay, such that they are not finding themselves in need of the hospital because there they will experience firsthand, and possibly on the same day, the hypocrisy of what we have had put before us.

Having framed the circumstances in which the owner of a property may or may not elect to apply parking fees to their premises, we have here imposed upon the 1986 act, which actually provided for the regulated access to private parking spaces by owners, and permitted them to charge fees to those who would use them and provided for council to regulate that and to take the fees if such an agreement were in place pursuant to that legislation.

They impose upon these owners all of a sudden in an arbitrary way—let's pick a number of 34,000 square metres, create a definition of a regulated parking area all of a sudden—and say, 'Well, now in the most egregious retroactive and retrospective ways, notwithstanding the tens of millions of dollars that you might have invested over decades, we are all of a sudden going to come along and tell you what you can do after the event.'

At the same time and as it happens—it is coincidental that some of these things arise at the same time; I do not accuse the government of preordaining it this way, but it highlights the hypocrisy—you have the government coming along and saying, 'Right, time's up, workers. Time's up, frontline health workers. Your time is up and you now will be paying the government for the privilege of coming and using our car parks, whether you are working, visiting loved ones or, indeed, in need of health care yourself. If you're in that category, time is up for you. If you need to go to one of our hospital car parks, we're going to retain the right to charge you for the privilege of using those but, as it happens, we are coming into this state parliament with a sledgehammer to crack a nut in a particular local area that happens to be owned by a private sector entity, which wants to just get on with their business, as they have been doing for decades.'

As the member for Newland and the member for King pointed out in terms of their happy memories of growing up and experiencing some of those last 50 years or so in the history of Tea Tree Plaza, those are investments that are made for the many decades ahead. For those who would invest those very significant amounts with a view to providing an attractive, welcoming, workable and accessible place within which the local community can meet, do their shopping, enjoy the space and in turn provide for a diverse experience, they will now be punished.

They are now going to be told, 'Watch out, because years or decades down the track, when a state Labor government comes along you are at risk of having an impost applied to you retrospectively just as we feel may be appropriate and timely and, if necessary, we will shoehorn it into the very act that provides for the regulation of these private parking places.'

It will not be lost on the people of South Australia, it will not be lost on those who would invest in this state and it will not be lost on the users of shopping centre car parks and other areas that are caught by this ham-fisted new definition. What this does is tell an owner of private land, after the event, that all of a sudden you are to be treated as a scapegoat for the purposes of what has been the subject of a local campaign.

It is wrong in principle, and it is highlighted by the extraordinary hypocrisy of the particular context in which it occurs as it affects, on the other side of the line, hospital workers and others who use government-owned car parking spaces and the Premier ought to think carefully on this. It very much goes to the heart of any case that this Labor government may yet seek to maintain that it is somehow pro business, pro investment, pro a rational approach to such things in this state. It strikes very much at the heart of those on the other side who would seek to adopt such rhetoric because the record, if it did not already speak loudly for itself, through this piece of legislation would speak very loudly to end once and for all any such notion.

I know that there will be those on the other side of the house for whom I speak in making this contribution. As I said at the outset, I listened carefully to those who spoke with a local perspective in relation to this bill, as I ought to. I know that I will speak on behalf of not only those on this side of the chamber but also those on the other side of the chamber who know that this is wrong in principle, who know that this is a ham-fisted—

Members interjecting:

The ACTING SPEAKER (Mr Brown): Order!

Mr TEAGUE: What is clear is that in the course of inspiring—I would not categorise it as a cacophony—one can see the sensitivity in this regard. The new government, led by the Premier, that

has come to power this year, has gone out of its way to provide what it would like to see as credible reassurances to those who might otherwise be concerned about clichés about what Labor governments are all about and has said, 'Don't worry. We are pro business, we are pro investment, we are pro rational behaviour and we are committed to growing the state just as much and just as successfully as the former Marshall Liberal government did in this area.'

What this proves is that it is just not true. What this proves is that this Labor government, when in power, will come along—and even to this place—with a legislative sledgehammer and say, 'If that's what it takes to appease those more equal than others among the unions who pay our way, and if that's what it takes to promote a populist view in a local area, then to hell with principle, and we will put aside in a moment any notions that we are somehow for the businesses and investors of the state.'

When put to the proof, what will win out under this government is clearly demonstrated to be the interests of those unions, who are more equal than others, and those aspects of populist campaigning contrary to principle that may be sustained. It does not bear principled consideration. This kind of legislating will not serve the long-term interests of the state. I go another step further and say that it will not serve the long-term interests of the good folk of Newland, King, Florey, Torrens and Wright—and I omitted the member for Torrens in my remarks earlier, and I listened very carefully also to the member for Torrens—because it is wrong in principle and it should be rejected out of hand.

Debate adjourned on motion of Hon. A. Piccolo.

Sitting suspended from 13:00 to 13:59.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Report 7 of 2022—Review of system authentication [Ordered to be published]

House of Assembly—

Register of Members' Interests—Ordinary Returns—Registrar's Statement—June 2022 [Ordered to be published]

Register of Members' Interests—Primary Returns—Registrar's Statement—September 2022 [Ordered to be published]

Ombudsman SA—Annual Report 2021-22 [Ordered to be published]

By the Premier (Hon. P.B. Malinauskas)—

Regulation made under the following Act—

South Australian Motor Sport—Board Names

By the Deputy Premier (Hon. S.E. Close)—

Attorney-General's Department—Review of Part 8A of the Evidence Act 1929

Criminal Investigation (Covert Operations) Act 2009—Assumed Identities and Witness Identity Protection—Annual Reports 2021-22—

Australian Criminal Intelligence Commission

Independent Commission Against Corruption

SA Police

Annual Reports 2021-22—

Equal Opportunity, Office of the Commissioner for

Legal Practitioners Education and Admission Council

Summary Offences Act 1953—Part 16A—Access to data held electronically—

SA Police

Surveillance Devices Act 2016

Terrorism (Preventative Detention) Act 2005

By the Treasurer (Hon. S.C. Mullighan)—

Industry Board of South Australia—Phylloxera and Grape (trading as Vinehealth Australia)—Annual Report 2021-22
 Regulations made under the following Acts—
 Fisheries Management—
 Demerit Points – Restrictions on Fishing in Germein Bay
 General—Restrictions on Fishing in Germein Bay

By the Minister for Health and Wellbeing (Hon. C.J. Picton)—

South Australian Public Health Act 2011—Notice

By the Minister Infrastructure and Transport, Minister for Mining and Energy (Hon. A. Koutsantonis) on behalf of the Minister for Local Government (Hon. G.G. Brock)—

Local Council By-Laws—
 Alexandrina Council—No. 8—Cats
 Light Regional Council—
 No. 1—Permits and Penalties
 No. 2—Moveable Signs
 No. 3—Roads
 No. 4—Local Government Land
 No. 5—Dogs
 No. 6—Cats

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Mr BROWN (Florey) (14:04): I bring up the sixth report of the committee on the RSPCA Animal Care Centre submission for a new facility at Glenthorne National Park.

Report received and ordered to be published.

Parliamentary Procedure

VISITORS

The SPEAKER: I acknowledge the presence in the chamber of the year 12 politics class from Nazareth Catholic Community. Of course, they are guests today of the member for Cheltenham. Welcome.

Question Time

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:06): My question is to the Premier. Premier, why is it that the new Women's and Children's Hospital will not be delivered this decade?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:06): Because no-one has had the courage before us to make the decision that we have made.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. P.B. MALINAUSKAS: We went to the election in March this year making a suite of solemn commitments. Chief amongst them was that we would be a government with a keen focus on making sure the right decisions will be made in respect of our health system. But more than that, we also committed to the people of South Australia that we were going to take a long-term view.

Members interjecting:

The SPEAKER: Member for Hartley!

The Hon. P.B. MALINAUSKAS: We weren't going to be focused—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. P.B. MALINAUSKAS: We weren't going to be focused on making short-term decisions that had a firm eye on political expediency at the expense of making decisions that were going to actually set the health system up for the long-term future of the state. We know that there is a real case here of compare and contrast—

Members interjecting:

The SPEAKER: Member for Hartley! The Premier has the call.

The Hon. P.B. MALINAUSKAS: We know—

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is warned for a second time and very soon on a third warning.

The Hon. P.B. MALINAUSKAS: We know there is a clear case of compare and contrast here. On one hand, there was a proposition for a new Women's and Children's Hospital which was going to be jammed in on a very small site immediately adjacent to the RAH, which was going to be a \$2.8 billion build which would deliver one extra overnight bed.

Members interjecting:

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

Members interjecting:

The SPEAKER: Order! The member for Morphett is warned. Member for Wright!

The Hon. P.B. MALINAUSKAS: One extra overnight paediatric bed. Now, on the other side of the equation, we now have a proposition before us that will see a bigger hospital that will actually set us up for decades to come.

Members interjecting:

The SPEAKER: Member for Ramsay! Member for Schubert!

The Hon. P.B. MALINAUSKAS: I think South Australians want—

Members interjecting:

The SPEAKER: The member for Schubert is warned.

The Hon. P.B. MALINAUSKAS: —to see a government make a decision that is consistent with building a hospital that might last longer than the opening day, that might actually set us up for a capacity to expand in the future, and we had to make some tough decisions.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: We had to make some tough decisions here. Are we going to continue to make decisions that suit—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —political expediency, or are we actually going to start building hospital infrastructure that will last for the future generation of our state? I know—

Members interjecting:

The SPEAKER: Member for Morialta!

The Hon. P.B. MALINAUSKAS: —that the young people who are here in the room today, that young children who exist within our community want to see—

Members interjecting:

The SPEAKER: Member for Morialta!

The Hon. P.B. MALINAUSKAS: —a hospital that might last the long term. Our plan for the new hospital will see a substantial increase in capacity, an increase in capacity that it will survive for the distant future.

If we had built a hospital on the immediately adjacent site next to the women's and kids—

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is on three warnings.

The Hon. P.B. MALINAUSKAS: —not only would we preclude the government from the ability to build a bigger hospital but we would also preclude the ability for a future government to expand the existing RAH site. At some point in the future, the RAH will need to expand. It might not be for another 10 years, it might not be for another 20 years, but it will happen—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The Treasurer!

The Hon. P.B. MALINAUSKAS: —and I am not—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: The member for Morialta!

The Hon. P.B. MALINAUSKAS: —going to lead a government that has on its conscience—

The Hon. J.A.W. Gardner interjecting:

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

The Hon. P.B. MALINAUSKAS: —building a new facility that will deny future expansion options.

The Hon. J.A.W. Gardner: Who was the health minister who built the new RAH?

The SPEAKER: The member for Morialta is warned.

The Hon. P.B. MALINAUSKAS: The new RAH has next to it the ability to expand, but if we build a Women's and Children's Hospital next to it we deny the ability to expand in the future. There are some in this parliament—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: The member for Morialta is warned for a second time.

The Hon. P.B. MALINAUSKAS: —that would weigh heavily on their conscience. Not us, Mr Speaker. We are delivering on our commitment for a bigger hospital with more capacity, not just now but into the long term.

Mrs Hurn interjecting:

The SPEAKER: The member for Schubert!

Members interjecting:

The SPEAKER: Order!

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:10): My question is, again, to the Premier. Can the Premier explain the cost blowout of more than \$1 billion for the new Women's and Children's Hospital? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: The former government fully costed the Women's and Children's Hospital at \$1.9 billion—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —which is more than \$1 billion less—

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: —than the cost of the hospital announced today by the government.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:11): I do love it when we have these introduced facts—

Members interjecting:

The SPEAKER: Order!

The Hon. C.J. PICTON: —that are not facts whatsoever. The idea that the Leader of the Opposition—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: The member for Morialta!

The Hon. C.J. PICTON: —is putting forward that everything was fully costed, everything was fine, is shovel ready—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: The member for Badcoe, the member for West Torrens and the member for Florey are called to order. The minister has the call.

The Hon. C.J. PICTON: As we know, \$53 million has already been spent on this project and there is not a shovel in sight on this project—\$53 million! Immediately after we formed government we immediately got briefings from the project team, and what were we told?

Members interjecting:

The SPEAKER: Order!

The Hon. C.J. PICTON: We were told that there had already been—

Mr Cowdrey interjecting:

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

The Hon. C.J. PICTON: —a blowout in the cost—

Members interjecting:

The SPEAKER: The member for Chaffey and the member for Schubert!

The Hon. C.J. PICTON: —that there wasn't enough capacity, that there were serious clinical concerns about the size of the hospital, and particularly the critical care units—the ICUs and the operating theatres.

Mr Brown interjecting:

The SPEAKER: Member for Florey!

The Hon. C.J. PICTON: So we did the responsible thing—

Mrs Hurn interjecting:

The SPEAKER: Member for Schubert!

The Hon. C.J. PICTON: —and we got a review done of this site, and one of the things we have done as part of that work—

Mr Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. C.J. PICTON: —is we got a proper review of the cost estimates that were put in place. So three different—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: The member for Morialta is warned for a second time.

The Hon. C.J. PICTON: —sources, an independent cost consultant, Lendlease, the managing contractor and the—

Mr Tarzia interjecting:

The SPEAKER: The member for Hartley is on three warnings.

The Hon. C.J. PICTON: —former CEO of New South Wales Health Infrastructure have all reviewed the costings and the basis of those costings, and we have now a determined figure of \$2.8 billion for the cost of delivering that hospital, \$150 million of which was our commitment in terms of delivering an additional 50 beds.

As the Premier said, the previous plan for this hospital was one extra paediatric overnight bed. So you are spending all this money and it would be at capacity by the time it opened. It is \$700 million worth of additional costs is down to the following: increase in construction costs, estimated to be \$1,425 per square metre; construction intensity; and additional cost of the requirements that were put in place largely before the election in terms of trying to address some of the hot floor concerns in terms of those critical services. All of those costs add up.

It is increasingly getting closer to the Royal Adelaide Hospital—which was the plan that was in place before we got into government—and by doing that the complexity of the construction increases, and that meant that the cost of it was going up as well. All of those factors, as well as clearly an increasing cost internationally of construction projects at the moment has led to that cost estimate of \$2.8 billion.

What we have done is the work in comparing all the options that are all available to see. We have fully briefed the media today in terms of all those options that you can see, and what came very clearly out of the assessment was that the new site that we have selected got the best score from the clinical group of all the options. The best possible clinical outcomes, not only for now—

Mrs Hurn interjecting:

The SPEAKER: The member for Schubert is warned.

The Hon. C.J. PICTON: —but into the long term.

Members interjecting:

The SPEAKER: Order! Minister, please be seated. Member for Schubert, you are on three warnings. Of course, I remind the house of standing order 141, which indicates that the house is not to permit quarrels. Minister, I am going to grant you an additional 15 seconds for your answer.

The Hon. C.J. PICTON: Thank you for your generosity, sir. We've got a reference group that has given the advice that this is the best clinical outcome. That was even before we added the addition of the four women's ICU beds, which have even increased the clinical excellence of this hospital. We are delivering a hospital that's not just going to be there for the short-term, that isn't going to be full on day one, but that is going to set us up for the long term and importantly provide the capacity to expand the women's and kids' and the Royal Adelaide Hospital long into the future.

AMBULANCE RAMPING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:15): My question is to the Premier. Does the Premier acknowledge that ramping has increased to record levels on his watch and will he take responsibility for this?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:15): Of course, we absolutely acknowledge that the chronic underinvestment in health that we saw over the course of the previous government absolutely—

Members interjecting:

The SPEAKER: Order! Member for Morphett! The Premier has the call.

The Hon. P.B. MALINAUSKAS: We know that the chronic underinvestment in health did not set the state up very well at all—

Mr Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. P.B. MALINAUSKAS: —for a situation where we saw this winter—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. P.B. MALINAUSKAS: —of course, the state being confronted with the coalescence of not just COVID cases in winter for the first time but also COVID and flu. For the better part of two years, between 2020 and 2022, we saw ramping escalate to unprecedented levels, over 400 per cent—

Members interjecting:

The SPEAKER: Order! The member for Morphett is warned.

The Hon. P.B. MALINAUSKAS: —higher than was the case back in 2018. Of course, that would have been the time to start really ramping up investment in additional staff both within the Ambulance Service and within the hospital system more broadly. That opportunity was missed and of course then we saw COVID and flu come into the state for the first time ever. That has had an impact on ramping; that is publicly acknowledged.

I guess there is another example here of compare and contrast in that we are releasing ramping figures on a monthly basis transparently to the people of South Australia and indeed to the members of the opposition—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —a practice that this opposition is becoming increasingly familiar with; they weren't familiar with it in the four years prior. We are putting the figures out there on the public record because we think South Australians deserve to know the facts.

Another fact that they deserve to know is that what we are now seeing is gradually, as every month passes by, more and more resources being made available to the health system: more nurses,

more ambulances, more doctors, and longer term decision-making in regard to capital infrastructure in the health system, including today's announcement around the Women's and Children's Hospital.

I think that every reasonable South Australian well understands that to turn around this ship is like turning around an aircraft carrier: it will take time. But by making the right long-term decisions, by making active investment decisions around additional resources, people and capital, we will start to right the ship.

There are other challenges that must be confronted in addressing the issues associated with ramping that are beyond the state government's control, and we are taking up that challenge as well. We are advocating to the commonwealth government that we start to see a turnaround in behaviour in respect of the primary healthcare system. We know the primary healthcare system, with respect to GPs and also in terms of disability services, the intersection with the NDIS and aged care, matters too. We are not squibbing any of the challenges. We are taking these up to the commonwealth—

Mr Cowdrey interjecting:

The SPEAKER: Member for Colton!

The Hon. P.B. MALINAUSKAS: —including up to a federal Labor government. We will have no equivocation in taking it up to our federal Labor government. We are more than willing to call that out if we see the necessity for it. We are taking up the challenge in areas that are beyond our control. In respect of areas that are within our control, we are absolutely meeting the challenge as we committed to do to the people of South Australia at the March election.

AMBULANCE RAMPING

Mrs HURN (Schubert) (14:19): My question is to the Minister for Health and Wellbeing. Is the minister still committed to delivering the government's promise to fix ramping in South Australia? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mrs HURN: *The Advertiser* on Monday 26 September stated that the minister 'repeatedly declined to say if ramping would be fixed by the next 2026 state election'.

The Hon. C.J. PICTON (Kaurua—Minister for Health and Wellbeing) (14:20): I am very happy to reiterate exactly what I said at that press conference, which is exactly what we said before the election, which was that our commitment was to fix the ramping crisis and what we defined by that was the fact that ramping has got to the point—

Mrs Hurn interjecting:

The SPEAKER: The member for Schubert is on three warnings.

The Hon. C.J. PICTON: —where ambulances are not turning up on time to people who need them. We were in a position four years ago where ambulance response times—

Mrs Hurn interjecting:

The SPEAKER: The member for Schubert is on three warnings.

Mr Telfer interjecting:

The SPEAKER: Order! Member for Flinders, order!

Mr Brown interjecting:

The SPEAKER: Member for Florey, order! Member for Schubert, you are on three warnings.

The Hon. C.J. PICTON: Four years ago, priority 2 ambulance response times, needing a response within 16 minutes, were at 85 per cent that those ambulances got a response on time. Over the course of four years, that reduced down and down to record low levels, to the point that earlier this year it was between 30 and 40 per cent of those cases receiving ambulances to respond on time. That is not acceptable. That clearly puts people's lives at risk. That is why we are unleashing record investment into our health system.

At every point, this government is making the choice to invest into our health system: more doctors, more nurses, more paramedics and hospital upgrades for the capacity that we need to make sure that we can get those ambulances to people on time.

It is not just an ambulance issue, although we clearly have very significant additional resources going into the ambulance system. It is a whole of health system issue—the flow right through the hospital system. People are getting stuck in the emergency department. A large reason why people are getting stuck in the emergency department—

Mr Whetstone interjecting:

The SPEAKER: Member for Chaffey!

The Hon. C.J. PICTON: —is because they can't get inpatient beds in the hospital because we don't have enough beds in the hospital. There are also other issues where we need to improve the flow within our hospitals. One of those elements we only announced a few days ago, which is that we are going to put a new CT, a new MRI machine, into Flinders Medical Centre because that is a significant blockage for patients who are being stuck in hospital longer because they can't get those scans early enough because we don't have enough capacity inside the hospital. Of course, that is one part of a massive upgrade of Flinders Medical Centre to come that this government has announced on top of our election commitments there.

The other element, of course, is making sure that we get discharges happening appropriately. Clearly, we are working with the federal government in relation to NDIS and aged care. We are also setting up additional pathways through what we have been doing with Regency Green to help some of our NDIS clients to get out of hospital and into those beds. As well, we are setting up additional housing, which is another barrier that people have to get out of hospital as well. All of these elements need to be addressed to fix the problem.

Members interjecting:

The SPEAKER: Order!

The Hon. C.J. PICTON: We were very clear because we understood the magnitude of the challenge, that this was going to take time and as soon as we came into office the Premier and I sat down with SA Health—

Mr Cowdrey interjecting:

The SPEAKER: Member for Colton!

The Hon. C.J. PICTON: —and we asked SA Health to open up all their beds, open up all capacity across the system, which has been done. Everything that is in place is operational, is running and is being used to look after patients. The issue is that we need more. We need additional capacity and that's exactly what this government—

Members interjecting:

The SPEAKER: Member for Chaffey! Member for Flinders!

The Hon. C.J. PICTON: —is setting about doing.

SWITCH FOR SOLAR

The Hon. A. PICCOLO (Light) (14:23): My question is to the Minister for Energy and Mining. Can the minister inform the house of the consequences of the Switch for Solar scheme on participants?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:23): The Switch for Solar program was touted by the previous Marshall government as helping low income home owners with the cost of living. Actually, as it turns out, that program had costs to the home owner that were not apparently in the announcements made by that previous government, nor did the then government reach its targets—no shock to anyone on this side of the parliament.

The Switch for Solar program was announced in February of 2020 with bold predictions of thousands of home owners who would receive what was labelled as a 'free' solar system in exchange for losing their entitlements to cost-of-living and energy concessions for 10 years—10 years. Depriving low income households of their concessions was an immoral action, and it hurt the most vulnerable. In contrast, our government, the Malinauskas government, has helped low income households by increasing the Cost of Living Concession to more than double for eligible recipients. That decision has benefited some 185,000 South Australians.

In that 2020 announcement, there was no mention that in addition to losing their concessions home owners would face significant up-front costs for their 'free' solar panels. There was some fine print that the scheme was only available in some very limited areas and that concession cardholders would have to own their home and not have a solar system. There was no mention of up-front costs in that first announcement. In fact, the assessment of the program has found that households paid up to \$1,406.85 up-front to get these free solar panels, on top of losing their concessions. Talk about helping out the vulnerable! It sounded good, but on average most South Australians who were offered this did not take it up. In fact, little more than just over one in 10 accepted the offer.

I received a letter from a pensioner on the vulnerability of what pensioners are going through, and I would like to read that letter to the parliament now. Valerie is a pensioner and she went through the entire process of getting a quote for her 'free' solar panels. This is what she said to me:

Earlier this week, I got the quote and after doing the arithmetic realised that I could end up in serious debt and have to be supported by charities which I don't want to have to do...I have decided not to go ahead with it although it makes me sad as I really want to have solar panels as it is better for the environment and has to be economically viable.

From the quote I received, I found that the Liberal government had planned to take... approximately twice the cost of the original price of the panels and installation. There would also be the cost of changing the meter and switching the power off and on which I would need to be able to pay for myself, up front...there is also the question of quality of life because my reduced income would mean that I would be unable to go out and buy coffee or do anything that is fun.

So there it is: there is revealed the facade of the program designed by the Liberal Party to try to rip the most vulnerable in South Australia from their concessions. It was immoral. It was immoral and it was wrong and I'm glad we killed it.

PRIVATE EMAIL ACCOUNTS

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:27): My question is to the Minister for Human Services. Has the minister had the opportunity to review the Premier's comments in *Hansard* of 8 September, and can she now advise the house whether she and her office have met all of their obligations under both cybersecurity rules and the State Records Act?

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:27): Yes, I am confident that my staff adhere to all of the State Records Act obligations.

PRIVATE EMAIL ACCOUNTS

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:28): My question is to the Minister for Human Services. Have all the emails sent by either the minister or her ministerial staff from private email accounts been made available to the minister's authorised FOI officer for discovery in relation to any FOI requests?

The Hon. A. KOUTSANTONIS: Point of order, sir.

The SPEAKER: There is a point of order, member for Morialta. I will hear the point of order from the Leader of Government Business.

The Hon. A. KOUTSANTONIS: Standing order 97: the shadow minister is assuming a certain course of action has occurred and has inserted facts without leave of the house.

The SPEAKER: I am going to take the course of allowing the member for Morialta to rephrase the question.

The Hon. J.A.W. GARDNER: My question is to the Minister for Human Services. Have the minister and her office at all times complied with all obligations under freedom of information laws? With your leave, and that of the house, I will explain.

Leave granted.

The Hon. J.A.W. GARDNER: On 7 September, the Minister for Human Services outlined a series of circumstances in which private email addresses were used by herself, and indeed members of her staff. The minister's office is subject to FOI laws. The minister has in her office an authorised FOI officer and, when FOI requests are made, that officer is entitled to seek in discovery any emails under private email addresses.

The question seeks to establish whether the minister and her office have at all times complied and made available such emails under discovery.

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:29): It's a very long question but, from what I'm listening to, I can confirm that our obligation is to store all records pertaining to ministerial work and release them according to the FOI Act, and that is what we have done.

The SPEAKER: Member for Mawson.

The Hon. J.A.W. Gardner: Supplementary, sir.

The SPEAKER: Member for Mawson, I hear the member for Morialta calling for a supplementary. I am going to recognise the supplementary question, and then I will return to the member for Mawson.

Members interjecting:

The SPEAKER: Order!

PRIVATE EMAIL ACCOUNTS

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:30): Thank you, sir. I refer to the minister's answer in which she described occasions on which her office has complied with the FOI Act. My supplementary question is whether any of those occasions have included the use of personal emails being provided to the FOI officer in that circumstance, and have any emails been withheld from the FOI officer in the course of those discoveries?

The SPEAKER: Before I call the minister, I remind members that a supplementary question may refer only to the answer out of which it immediately arises, must relate to government responsibility and must not be read or be too long. On this occasion, the supplementary falls within the standing orders.

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:30): I confirm that we have complied with the act and we have released, according to the FOI, the information that has been requested.

The SPEAKER: Member for Mawson.

WORLD TOURISM DAY

The Hon. L.W.K. BIGNELL (Mawson) (14:31): Thank you, Mr Speaker, we will have another crack. My question is to the Minister for Tourism. Noting that today is World Tourism Day, can the minister update the house on the most recent visitor economy statistics for South Australia?

Members interjecting:

The SPEAKER: Order! The member for Hartley well knows the standing orders.

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (14:31): World Tourism Day is a fantastic day for us to celebrate our tourism industry but, more importantly, the people of our state who dedicate themselves with their own blood, sweat and tears and invest and work within tourism.

Mr Tarzia: Biggles took his time to go to Doha and everywhere else.

The SPEAKER: Minister, please be seated. Member for Hartley, please depart the chamber under 137A for the remainder of question time.

The honourable member for Hartley having withdrawn from the chamber:

The Hon. Z.L. BETTISON: Tourism in South Australia represents about 8 per cent of our economy, so it's an incredibly important part. Nationally, it's our fourth largest export. When we have World Tourism Day, it also gives us a moment of reflection because we know it has been incredibly difficult for those in tourism and hospitality during COVID.

Let us recall that we had a low of \$4.4 billion and a high, before COVID, of \$8.1 billion—such a significant cut to what people were experiencing for the visitor economy here in South Australia—so I am very pleased to say that our year-end figures of June 2022 were at \$6.2 billion. This is cause for celebration as we have it return to normality, and this is only representing one-quarter of the year where we had some increase in international tourists coming here.

I am pleased to say that South Australia is above the national average of recovery. We are at less than 23 per cent prior to COVID; nationally, we are down 30 per cent. So we can see that we have recovered quite well. In particular, I have seen that our regions—which South Australians have been discovering in their droves, and of course our interstate market has increased dramatically—have benefited during this time.

Today, we recognise the people who are involved. I would like to recognise the Minister for Small and Family Business. We just held a round table yesterday that included tourism, and we were reminded that for such a long period of time people were in survival mode. This return to normality will take time. Making decisions around rostering, getting those skilled people back into the industry, are all challenges that people face on a day-to-day basis. While it's good news still, we must be focusing on the needs of the industry.

Our events are a real catalyst for people to visit, and we know that Illuminate was an incredible success this year, building on the initial 2021 new event that we have. Of course, the double-header of rugby was one of those excellent events when we had about 8,000 people from interstate coming to stay here.

We know we have our traditional events like the Fringe and the Festival that draw people here, and I am pleased to say that the Tour Down Under will be back in its traditional format early in January. We know that it's a huge drawcard for interstate and international, but it's really exciting to see so much interest. I am particularly thrilled about the elite women who will be here on equal pairing with the men for the very first time. We are really excited about that.

It's important as we build the tourism economy because it leads to investment in our state, and we have seen some recent new hotels—whether it be the Sofitel, the Indigo and of course now the rebuilding of the Southern Ocean Lodge. On a recent visit to Kangaroo Island I had a chance to see the building firsthand and, I have to say, an absolutely stunning view. They are increasing to 54, the number of people they can have every night and it's going to be a great international drawcard.

Late last week, I talked about Virgin Australia starting up an international flight from here to Denpasar in Bali. What that will mean by the end of this year is that we have seven companies flying international coming back to Adelaide. We were about 50 per cent of flights internationally prior to COVID.

WORKING WITH CHILDREN CHECKS

Mr TEAGUE (Heysen) (14:36): My question is to the Minister for Human Services. Will the minister outline whether her recent explanation about who requires a working with children check appears to be different from the explanation she provided in 2019 and, if so, why? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: On 7 September, the minister said, and I quote:

In terms of working with children clearances, these are really necessary when people are being left alone with children in an isolated capacity. They're actually not essential for all workers who do all jobs just in the presence of children.

On 2 May 2019, the then shadow minister said, and I quote:

The bill will also ensure that South Australians working with children, supervising people working with children or with access to data relating to children, including those volunteering, will be required to undertake a new DHS working with children check.

Her recent position appears to be very much watered down from her previous position.

The SPEAKER: The last part of introducing facts was in fact commentary, 'appears to be X, Y and Z'. However, I am going to allow the question and the purported facts.

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:37): I am advised that people who are left alone with children in the course of work or volunteering must have a working with children check. I stand by that explanation of what the requirements are under the act. I believe you are referring to part of a speech made in the course of debate as a shadow minister.

I am now a minister and I am subject to the advice of the department in full, and I am confident that where we are now is that all people left alone in the course of work or volunteering should secure a working with children check, but that doesn't discount that there are some places who offer alternate advice. In fact, some schools might insist to attend a school that they want you to have a working with children check, and people should take the advice. My response is accurate, and that is what I operate under.

FUEL PRICING

Ms SAVVAS (Newland) (14:38): My question is to the Minister for Consumer and Business Affairs. How is the state government protecting consumers with the federal government's temporary fuel excise reductions concluding this Thursday?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:38): I want to thank the member for Newland for her question and for taking an interest in how the Malinauskas government is protecting South Australian consumers and putting as much downward pressure on the cost of living as we possibly can right now.

As members are aware, the federal government's temporary cut to the fuel excise will end this Thursday and, as the federal Treasurer advised, the end of the 22¢ per litre cut to the fuel excise should not trigger an immediate spike in petrol prices. That's also been reiterated by the ACCC, who stated recently that they expect there to be no uncharacteristic or abnormal retail pricing increases in the days leading up to, on the day of or after the full rate of fuel excise.

Petrol prices at the pump are influenced by a range of factors, predominantly the international oil price and the Australian exchange rate. To help protect consumers, the Malinauskas government announced in the state budget the Fuel Pricing Information Scheme would be made permanent. The Fuel Pricing Information Scheme aims to improve the scope and integrity of available fuel price information and empower motorists to make informed decisions about their fuel purchases.

The scheme requires all fuel retailers to report their price changes to a central database within 30 minutes of any change in their fuel price. Fuel prices are then published to six registered mobile apps and websites, which constituents can access free of charge, including, amongst those, the RAA, FuelPrice Australia, MotorMouth, Pumped, Petrol Spy and Should I Fuel?

The scheme has proved very popular and is already showing promising signs of relieving cost-of-living pressures for South Australians by informing people's choices of when and where to fill up their cars with petrol. An RAA survey nine months after the introduction of the scheme of 600 RAA app users found there had been over two million fuel price searches at that time. They found 84 per cent of RAA app users had reported saving money, with average savings of about \$340 per year.

Since coming into office, compliance and enforcement of the scheme has been a priority for CBS. CBS has conducted more than 1,000 inspections. It has resulted in 230 warnings to operators,

and nine expiation notices have been issued. The Malinauskas government recognises the importance of this scheme and how valuable fuel price information is to motorists, particularly in light of recent increases to fuel prices around the world.

With the reintroduction of the fuel excise on Thursday, CBS will be out in force this week to ensure petrol stations are complying with South Australia's real-time petrol pricing scheme. It is a matter of priority, and CBS officers will be ensuring motorists have access to accurate, up-to-date information about petrol prices near them. Over the coming days, staff from CBS are expected to conduct dozens of checks at service stations across metropolitan and regional South Australia to ensure that petrol stations are meeting their obligations.

It's no coincidence that this latest blitz coincides with the end of the 22¢ petrol excise cut on Thursday. We want to make sure the South Australians are not going to be taken advantage of by fuel retailers who may wish to take advantage of the end of the cut to the fuel excise. I strongly recommend that every South Australian downloads one of these apps and ensures that they are able to find the cheapest fuel options available to them. Importantly, I encourage motorists to report any potential breaches to CBS for any noncompliance with retail fuel pricing requirements.

WORKING WITH CHILDREN CHECKS

Mr TEAGUE (Heysen) (14:42): My question is to the Minister for Human Services. Is the minister aware that advice she provided to the house on 7 September may be inconsistent with the National Standards for Working with Children Checks? With your leave, sir, that of the house, I will explain.

Leave granted.

Mr TEAGUE: As I have just indicated—and I will repeat it for the purposes of completeness—on 7 September, the minister said, and I quote:

In terms of working with children clearances, these are really necessary when people are being left alone with children in an isolated capacity. They're actually not essential for all workers who do all jobs just in the presence of children.

The National Standards for Working with Children Checks stipulate that, and I quote:

The supervised or unsupervised nature of the contact with children is irrelevant to determining whether a person is required to apply for a working with children check.

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:43): I go by the advice from the department. I am advised that not all people who are doing work or volunteering with children are required to get a working with children check.

HOMELESSNESS

Mr WHETSTONE (Chaffey) (14:43): My question is to the Minister for Human Services. Is the advice provided to the minister to this house on 7 September in relation to homelessness figures accurate? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr WHETSTONE: On 7 September, the minister said, and I quote:

...nationally the homelessness numbers have not come out since 2016, so unless she has some sort of jingly belt...crystal ball I have no idea how she knows that the homelessness figures have not gone up...

The truth is that figures are released on a monthly basis by the Australian Institute of Health and Welfare, including national data and a breakdown by each state and territory.

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:44): At the time, I was assuming she was talking about the RoGS, which are coming out in January. That was the comparative I was using.

HUMAN SERVICES DEPARTMENT

Mr TEAGUE (Heysen) (14:44): My question is to the Minister for Human Services. When was the minister first briefed on critical client incidents, and how many of these briefings has she had since?

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:45): I would have to get an accurate answer for the member and come back to the house, but I'm notified in accordance with the policies and procedures which, depending on the incident and its severity, is often within the first 24 hours.

REGIONAL CAPABILITY COMMUNITY FUND

Mr HUGHES (Giles) (14:45): My question is to the Minister for Emergency Services. Can the minister inform the house about the reinstatement of the Regional Capability Community Fund grant program and any alternative approaches to farm firefighting units?

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (14:45): I thank the member for Giles for his question; I know he is a firm advocate for his local community.

It is sad that the member for Hammond is not here today, because he is also a very firm and very strong advocate for farm firefighting units. We did not hear much from him when the former Liberal government cancelled these grants, but I can say that since then he has been a firm advocate for this government's reinstatement of the regional capability community grant.

Mr Speaker, as someone impacted by fires throughout your community, particularly through Cudlee Creek, you would know very well—as would the member for Mawson with the devastating fires that took place on Kangaroo Island, as would many other members in this place with their own communities—the critical frontline role that farm firefighting units play in supporting the Country Fire Service both in responding to fires and, very importantly, as frontline protection to risk mitigate against small farm-based fires spreading or escalating into major fire emergencies.

The major fires I refer to burnt some 279,000 hectares of property, with 202 homes lost and 66,000 head of livestock dead. That is why, as the emergency services minister, and with the support of the Treasurer, I am so proud to reinstate this regional capability grant funding in our first budget: \$2 million over four years of money that we want to inject straight into our regional communities—because whilst it is fair to say that regions matter, so too do actions.

That is why the former government's approach on this matter, as inquired about by the member for Giles, was so perplexing—cancelling these grant funds at a time of most need. That said, having these cuts, we were absolutely floored and overwhelmed by the encouraging signs we have seen, since taking government, from our regional communities and also through the communications I have had with primary producers, with grain producers and many other peak associations about just how much they wanted to see these grants reinstated.

The applications received in the first round of this grant funding numbered 1,200, and I am very pleased to report to the house that we are now getting that money out the door, with many hundreds of successful applicants already notified, so that not only will they have an increased capability ahead of the fire season but also that we are injecting local money into local jobs and local services where they are most needed.

One thing that is of particular note about the way we have designed this funding is that it is not just to increase the capability of farm firefighting units but to ensure that people, farmers, get access to personal protective equipment, UHF radios and first-aid equipment. As I said, it is not just about having capability but it is also to ensure that our farmers who are fighting these fires are as safe as they can possibly be, because actions matter when it comes to our regional communities. That is why we are delivering on this election commitment.

HUMAN SERVICES DEPARTMENT

Mr TEAGUE (Heysen) (14:49): My question is to the Minister for Human Services. Does the minister directly receive updates from the Department of Human Services' notification system for critical client incidents? If so, when did she last receive a notification?

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:49): I get an email summary from the person investigating a particular incident and I would have received one in the last few weeks.

CHILD PROTECTION

Mr TEAGUE (Heysen) (14:50): My question is to the Minister for Child Protection. When was the minister advised of a police investigation in respect of Charlie's death?

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence, Minister for Recreation, Sport and Racing) (14:50): Thank you to the member for this question, which I think I have answered twice already. As previously advised to the shadow minister, on coming to government on having the honour of becoming the minister, I went expeditiously about a process to improve the notification procedures in relation to incidents relating to children and young people, incidents of concern.

I went around making sure that the notification procedure was significantly improved because, as I think everybody in this house at the time was, we were alarmed by the previous regime in relation to notification procedures, so I did go about improving it, and it has been improved. Now, as well as being notified within particular time frames about incidents, I am also notified in great detail about the supports that are being provided—

Mr TEAGUE: Point of order.

The SPEAKER: Minister, I will hear the point of order from the member for Heysen.

Mr TEAGUE: Standing order 98(a) and in the context of the beginning of the minister's answer just now, this is the reason why the question has been asked on multiple occasions and not answered, including now, and I would ask you to—

The SPEAKER: Member for Heysen, I am listening carefully, but raising a point of order is not an opportunity for impromptu remarks on the merits of an answer to the house.

The Hon. K.A. HILDYARD: Thank you very much, Mr Speaker. As I was saying, one of the many things that I have improved about the notification procedure is that, as well as understanding when particular incidents of concern happen, I am also advised about a range of other factors relating to that particular incident.

I am advised first and foremost about whether the particular child or young person is safe, how they are being supported, what particular agencies are involved including both government departments and community agencies, and I am also now advised of that detail in relation to a range of incidents.

But the other thing that I have requested that is really important is a level of thematic reporting. Where, for instance, particular trends are emerging about incidents, I am notified of those. I am also notified perhaps when particular incidents may not meet that threshold. I will have thematic data about when and how those are occurring so that we can understand those patterns and adjust particular responses.

In relation to when I was advised about that particular matter, as I advised, I was advised on that Friday about the details of that matter, and I have answered this question several times in this house before. Also, I have spoken directly with you, when I invited you to a face-to-face briefing. I also spoke about these matters with the shadow minister and, as I have spoken about in this place before, I am committed to being very open, as far as I can be, about particular incidents.

But, of course, these matters are always very complex, they are multifaceted, and we must always be very cautious, particularly when police investigations are underway. We must always be very cautious—as the police commissioner also advised us to be—about what particular information

is shared in relation to particular matters where police are involved in relation to incidents involving children and young people.

I will certainly continue to take that advice, and I will ensure, as I always do, that the safety and wellbeing of children and young people at the centre of any incidents are, of course, the primary consideration. One of the things I wanted to add to that is that—

The SPEAKER: Minister, your time has expired. I am going to turn to the member for Davenport. The member for Davenport has the call.

CHILD PROTECTION

Ms THOMPSON (Davenport) (14:55): My question is to the Minister for Child Protection. How is the government acknowledging and celebrating the contributions of children and young people, carers and volunteers, staff and organisations from across the child protection sector?

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence, Minister for Recreation, Sport and Racing) (14:55): Thank you very much to the member for both this question and her commitment to the wellbeing of children and young people, including young children and young people with a care experience or those children and young people who are at risk.

September marks both Child Protection Week and Foster and Kinship Care Week, occasions that give our whole community a really important opportunity to recognise and to celebrate the extraordinary contributions of people and organisations across the sector and in our community who work and volunteer tirelessly and with such passion each and every day to support children and young people, and to enable them to physically, mentally and emotionally thrive.

I was honoured to be part of the celebrations at the recent SA Child Protection Awards, and I was very pleased to extend a personal invitation to the shadow minister to also attend those awards. I am sure that he would agree that the people who were celebrated there were utterly inspiring and their dedication was just extraordinary.

Almost 300 nominations for these awards were received from individuals and communities throughout South Australia. This represented a 60 per cent increase on last year's awards, with 36 individual or group finalists across the 11 award categories. All award nominees and recipients demonstrated their outstanding commitment and were exemplars of the things that people do to care for, to love and to support children and young people and to enable them to thrive.

It was lovely to see recognised some of these outstanding people, like young kinship carers Corey and Robert, who care for a number of their siblings, and 30-year volunteering veteran, Lyn, who was profiled in a recent article in *The Advertiser* by Jess Adamson. They represent so many others like them who share a common purpose and passion for doing what they can to ensure that children are safe and supported.

As I entered the awards, I was just overjoyed to hear the Strong in Culture, Strong in Voice choir of children and young people singing. Their voices were extraordinary, but their courage in getting up and singing at these awards was just absolutely beautiful. The theme of this year's Child Protection Week was 'Every child, in every community, needs a fair go'. It reminds us of the importance of working together to achieve better outcomes for children and young people.

We have also recently marked Foster and Kinship Carer Week. Along with partner agencies, a range of thank-you events were held to recognise and celebrate carers for their important work. I was absolutely delighted to attend several of these events, including in southern and western Adelaide and in Port Pirie and Port Augusta.

I want to mention a couple I met at the Port Augusta recognition ceremony, Tony and Wendy, who have been fostering for 36 years. They have opened their hearts, their homes and their lives to an extraordinary number of young people. One of the things that was lovely was that I also met their daughter that day, and she said to me that she had been so inspired by what her parents had done and her experiences with those children they fostered that she and her husband are now also foster carers. I say thank you to them and all the extraordinary carers in our community.

MEMBER FOR MAWSON

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:59): My question is to the Minister for Tourism. Has the Minister for Tourism met with the member for Mawson to be briefed on his recent mission to Doha, Switzerland, Sweden, the French Alps and London to increase tourism in South Australia and, if so, what did she learn in this briefing?

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:59): The Major Events Fund policy that we took to the election and was funded in the budget handed down in June sits with myself as the Premier of South Australia. It sits within DPC, as do the administrative arrangements that underpin the Major Events Attraction Committee that is being chaired by the member for Mawson.

I was very glad, not just upon the return of the member for Mawson from his overseas visit, not just then but also throughout the entirety of the visit, to be in regular contact with the member for Mawson, who is using his wealth of experience and, dare I say, extensive suite of contacts to advocate the state's interests when it comes to the attraction of events to our state.

That allocation of \$40 million within the state budget we see as being a very powerful economic lever to provide not just more events for South Australians to enjoy but, far more important than that, as a powerful economic lever to showcase everything the state has to offer to broader audiences who may not have otherwise had access to or visibility over everything that South Australia has to offer.

The member for Mawson's trip overseas has been incredibly useful already. There are a number of efforts that are currently in train both by the Major Events Attraction Committee and Events SA and the Department of the Premier and Cabinet to now pursue those opportunities so that they materialise the great chance that they present to showcase everything our state has to offer.

Be under no illusions, this government is extremely committed to expanding the calendar of events that we have here in South Australia. We are obviously re-establishing the Adelaide 500. I might take the opportunity to mention that if any South Australians are listening and keen on getting to the Adelaide 500 they might want to purchase their tickets very quickly. This is a demonstration. I welcome the opposition's interest in the Adelaide 500. That's healthy and we hope it continues.

We know, of course, that this government is committed to major events, not just the ones that we are bringing back, and also expanding the scope of them into the future. That's why the Major Events Attraction Committee and the member for Mawson are so important.

MEMBER FOR MAWSON

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:02): Supplementary: given my understanding from the Premier's answer that he received a briefing from the member for Mawson, can the Premier advise whether the member for Mawson claimed expenses, as I believe was given to be understood was possible, as a result of this trip and the cost to the taxpayer of the member for Mawson's trip to Doha, Sweden, the French Alps and other places?

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (15:02): Absolutely there is the ability for expenses to be claimed, but the advice I have received is that at this point no expenses claim has been made.

Mr Whetstone interjecting:

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

WINE EXPORTS

Mrs PEARCE (King) (15:03): My question is to the Minister for Trade and Investment. How is the Department for Trade and Investment working with organisations such as Australian Grape

and Wine to ensure global recognition of South Australia's wine regions while recognising the contribution of our premium wine growers?

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning) (15:03): I thank the member for King for her question and for her support—

Members interjecting:

The SPEAKER: Order!

The Hon. N.D. CHAMPION: —for all those winemakers up in One Tree Hill and across the state. South Australia has some 18 wine regions, over 700 wineries, and 50 per cent of Australia's bottled wine is produced in South Australia from some of the world's oldest vines. There is no doubt that global events over the last few years have really affected the wine industry, but we know that organisations such as Australian Grape and Wine, in concert with the Department for Trade and Investment, have been pivotal in hunting out new markets and diversifying our customer base to ensure that our wines feature prominently on the global stage.

One such program has been the Australian Grape and Wine's establishment of Australian Wine Regional Managers in two of what the state government believes to be our most important emerging wine markets: Japan and South Korea. Australian Grape and Wine commissioned a consumer research project designed to assist the Australian wine sector to grow demand in the diversified international markets.

The report, which is titled 'Uncorking new opportunities for Australian wine in Japan and South Korea', highlights key consumer understandings of the wine beverage category and the perception of Australian wine within these two markets. The insights provide a foundation for Australian wine businesses to better understand the consumer, placing them in a position to reap the benefits of these valuable markets.

I would also like to take this opportunity to briefly recognise the outgoing chief executive, Tony Battaglene, for his contribution and service to the Australian grape and wine industry throughout his tenure.

Mr Whetstone: You don't even know his name.

The Hon. N.D. CHAMPION: I sat next to him at dinner the other night.

Members interjecting:

The SPEAKER: Order!

The Hon. N.D. CHAMPION: Earlier this year, I launched the South Australian Wine Ambassadors Club, a fantastic new initiative of the Department for Trade and Investment. We hope that the ambassadors' endorsement will contribute to raising the profile, reputation and awareness of South Australian wine internationally, as well as influencing their communities to drive sales throughout the targeted trade and educational initiatives. With the Premier and the Hon. Don Farrell, senator and the federal Minister for Trade, we look forward to showcasing some of the best South Australian wines at the South Australian Wine Ambassadors Club events in both Japan and South Korea in coming weeks.

For every bottle, there is a story of toil, blood, sweat and tears that we are obviously lucky to capture in the bottles, and this is a story of the vintage and the quality of our industry that we need to sell to the world. Earlier this month, I had the great honour to attend the Australian Grape and Wine's life membership dinner at which the 2022 life member was bestowed their historic membership. It gives me great pleasure to advise the house that the 2022 Australian Grape and Wine life membership was an historic moment for the industry as they awarded life membership upon their first female life member, Jane Mitchell.

Jane Mitchell is truly synonymous with the Clare Valley, having lived and breathed 43 vintages. She has been a constant supporter of the region and a supporter of the virtues of that region, in particular. She was instrumental in initiating the Clare Gourmet Weekend in 1985. She has worked in the Clare Valley that entire time. She was one of the first appointees to the South Australian

Tourism Commission. For 12 years, she was on the Australian Regional Winemakers Forum Council, the Winemakers' Federation of Australia executive council, the Australian Wine Export Council and the Australian Wine and Brandy Corporation Board. Clearly, her infectious enthusiasm not just for Clare but for Australian winemaking generally has been a real asset to the state.

Parliamentary Procedure

VISITORS

The SPEAKER: Before we turn to grievances, I thank again the Nazareth community for visiting us today, guests of the member for Cheltenham, and particularly acknowledge Ms Grace Rillo, a very passionate politics teacher.

Grievance Debate

AMBULANCE RAMPING

Mrs HURN (Schubert) (15:07): Remember when those opposite shamelessly and deliberately claimed that South Australians should vote for them like their life depended on it? What do they have to say now to those families of those loved ones who have been left in the cold and tragically let down? What do they have to say to the voters in South Australia who supported them solely on their promise that they would fix ramping? It is clear that, based on the figures released this week, nothing has been fixed and that South Australians are actually at much greater risk under those opposite.

We now know the true extent of the Labor government's failure—17,292. That is how many hours our South Australian patients and paramedics have spent on the ramp in Labor's first six months, and that is the equivalent of two entire years. Has there ever been a much more profound example of overpromising and underdelivering? Under this government and under the leadership of the member for Croydon, ramping is the worst that it has ever been—the worst that it has ever been—and it is showing no signs of slowing down. It is not worse by just a little bit, but by 150 per cent. What a shameful record for a government that was elected on its promise to fix health.

Labor promised the people of South Australia they would fix ramping. 'Your life depends on it,' they said, 'and when your loved one needs an ambulance it might not get there. So vote for us like your life depends on it'. But their six-month report card is in, and it falls drastically short of the mark. I would say that this represents the most significant breach of trust with the voters of South Australia that this state has ever seen.

There was no doubt about it, no fine print that those opposite are trying to reinvent, no time frame, no ifs or buts about it. You could not drive up any main road in the city or the country without seeing this commitment. It was up in spotlights. It was particularly unpleasant, and it was a scare campaign designed to terrify people. Day after day after day we had ramping stats and case studies that were handed to the media. The leader of the Labor Party, the member for Croydon, and his team exploited them at every opportunity.

But now that the election is over, it is radio silence. Poof, poof, poof—it has all gone! News of ramping has seemingly been turned off like a tap. But South Australians who voted for the Labor Party on the basis of their claims about ramping still want to know what is happening in their hospitals. What does the minister say when we dare question the progress that they have made on their central and only promise in health? Criticism from the cheap seats; it is criticism from the cheap seats. Having presided over the worst ramping stats in South Australia's history, that is what the minister thinks of his critics. What arrogance. That is the hallmark of this government.

The truth is that this government cannot stand scrutiny and it never has been able to. It cannot stand being up-front and honest with the people of South Australia. There is simply no denying that when we left government there was so much more to do in health, so much more to do, but we were always up-front and honest with the people of South Australia about the challenges that we faced as that COVID tsunami washed over South Australia.

It has been reported this week, and we have touched on it already in question time, that the Minister for Health has repeatedly declined to say if ramping would be fixed by the next election in

2026. First they said they would fix it, then after the election they claimed that they would fix it in four years, and now the minister cannot even commit to this commitment. This is six months in.

South Australians voted for a government on the basis that they promised to fix ramping, but guess what they got? They got a government full of mealy-mouthed excuses and they are failing the people of South Australia. They know very well how to run a scare campaign, but they seem incapable of delivering for the people of South Australia and we will keep holding them to account.

MOUNT GAMBIER ELECTORATE

Mr BELL (Mount Gambier) (15:13): Watching the AFL grand final on the weekend, it was great to see 100,000 people together at the MCG. After two hard years of COVID and cancellations, what a pleasure it is to see sellout crowds at major events. In our regional communities, events frequently rely on a dedicated group of volunteers who work unpaid and year round to bring these events and festivals to fruition. Once the gates have closed, work on next year's event begins.

In my electorate of Mount Gambier, we have some amazing events that have been running for years: Generations in Jazz, Fringe Mount Gambier, the Pines Enduro and also some newer events such as the medieval fair. Today on World Tourism Day, which acknowledges the importance of tourism worldwide, I would like to acknowledge the valuable contribution of event tourism and give thanks to all of those people who work behind the scenes and in this space in my electorate.

One of our longest running events is Generations in Jazz, which is a music event that brings thousands of schoolchildren to Mount Gambier and packs out every single accommodation venue in town. Karen Roberts has just stepped down as the committee chair after many years of hard work on this event, and hundreds of local people have volunteered their time over the years to help make this event a success.

Former chair of Mount Gambier community events management, Steve Toope, has been instrumental in leading community events such as the New Year's Eve Festival and Relay for Life. It was great to be able to ring Steve a few weeks ago to tell him that this state government would be helping to sponsor this year's New Year's Eve Festival. Steve, I am still keen to see your idea of the Blue Lake festival come to life, an event designed to celebrate the colour transformation of our Blue Lake each year with food and festivals. That would be an amazing celebration of one of our major tourism icons.

Also of note are the Limestone Coast festivals and events team of Talie Teakle and Tammy Flier, who have been behind Fringe Mount Gambier and the new medieval fair, which was unbelievably successful in its first year, seeing hundreds of people travel from around Australia into Mount Gambier. I had the pleasure of meeting with Tammy and Talie in recent weeks about the potential for a winter festival for our city, and I think these two people are capable of big things.

We have some very unique events, including the Legend of the Lake, the Pines Enduro, the tower run and the 100 Mile Classic, which attracts niche sporting visitors. In 2019, we hosted events for the Red Bull pump track world qualifier and the Australian Disc Golf championships. It is unbelievable to see how many people travel thousands of kilometres to come to Mount Gambier for these championships. Each time an event like this is run, we bring new people and a new audience to our great city.

I firmly believe tourism is one of the most underrated industries in the seat of Mount Gambier. A lot of our tourism attractions are free, whether that is walking around the Blue Lake or going to the Valley Lake. However, we really need to step up as a community and put the commercial part of tourism to the fore where paid employment is a result of tourist attractions.

The types of things we need to see going forward are coffee and food outlets down in our Valley Lakes area, a zip-line from Centenary Tower right the way across the Valley Lake (which is currently being planned), coffee shops, viewing platforms, attractions including opening the pump station grounds for weddings and catering events, and four-wheel drive tours. These are things that people want to come to our region to experience and pay money for, which creates employment particularly for young people.

Just yesterday I was at Kilsby Sinkhole watching a group of 14 people who had travelled from Melbourne to dive there. What I love about it is that young people are employed to take these tours, and the smile on people's faces when they experience it is something to behold. In closing, I want to thank each and every person who has worked to make our community better through tourism.

DEMENTIA AWARENESS

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:18): Dementia is a condition that affects an estimated 487,500 Australians. Indeed, it is anticipated that in the decades to come it will not be long that, without a medical breakthrough, it will impact more than one million Australians. Across South Australia, and in all our communities, I am sure that every member of the house will be familiar both with people in their own lives who have dementia or are caring for those with dementia and, indeed, with many people in the community for whom this is a very real concern.

I think every Australian and every South Australian would also have in their mind the possibility of one day getting dementia and what that would mean for them and for their family members, their loved ones—those who may be caring for them in the years ahead. It is an issue that I have had in my life—fortunately, not in recent times—and it is something that is troubling as an existential factor for all humans.

Dementia Australia are an outstanding organisation that provides advice and services. I was really pleased that in recent weeks they were pleased to engage with my office, just ahead of Dementia Action Week, to offer a dementia-friendly community forum for people living in Morialta, which we advertised in my newsletter and through emails to constituents and the like.

There was a very significant response from members of my community, both those who came along to the forum and also those who were eager to get the information packs that we put together if they were not able to attend the forum itself. I would like to thank Lynn Field from Dementia Australia for presenting at that forum. She did an excellent job and I commend to all members the opportunity to engage with Dementia Australia to put on such forums in their own community. We will certainly be doing another one in Morialta, probably in a couple of years, as we did I think about four or five years ago, because that interest is still there.

We need to ensure that people have an understanding of the diversity of Australians who are impacted by dementia. We have many misconceptions, and there are reasons for them. We understand it as an older person's disease, and certainly the risk of contracting one of the many forms of dementia—in particular, Alzheimer's, the most common form of dementia—increases when we get older. However, younger onset dementia impacts an estimated 28,000 people in Australia; indeed, there are people in their 30s, 40s and 50s who are all impacted by it.

Sixty-five per cent of people with dementia live in the community. There are many people we would interact with from time to time who have dementia. I know that many people in our community wonder about how to successfully interact in a way that will add to that person's day and not just leave uncertainty of how to act during such an encounter. I encourage people to go to the Dementia Australia website, which is very easy to find, and seek further information themselves.

The presentation that was provided by Dementia Australia was excellent. Without going through all the matters, Lynn, who was formerly a dietitian, did provide a very helpful summary about the things that all of us should bear in mind, and I have been telling everybody I know for the last three weeks the very simple summary. She said, 'If you take nothing else from the presentation, remember this: smoking less is good. Don't smoke.' Not many people smoke anymore, so that is good news. 'Reduce your intake of alcohol as much as is possible,' and I am sure that everybody does that on a daily basis, and 'Physical exercise is good.'

She said the number one thing to take away was actually in relation to diet and that just five serves of vegetables a day dramatically reduces the potential of contracting dementia or any range of the number of dementia conditions. Irrespective of whether or not you have a genetic predisposition towards getting dementia, if you have a high likelihood because you have all the risk factors present but you are eating a lot of vegetables, apparently that still dramatically reduces your chance of getting dementia.

I would encourage the parliamentary caterers, and indeed all of us, to take note and be mindful of that. I would also like to acknowledge Campbelltown council for their support in putting on these forums. Campbelltown council is one of four councils in the Morialta district, but it is the one that has about two-thirds of my residents and it is also central for the others. I thank them particularly, because it is much easier to get to Campbelltown from Tea Tree Gully, Adelaide Hills and Burnside than any of the others are from each other.

I thank Jill Whittaker, the mayor, for hosting us and it was great to be able to congratulate her, despite the caretaker mode, given that she had been re-elected unopposed. So I also take this opportunity to congratulate Jill on her re-election.

BASKETBALL

S.E. ANDREWS (Gibson) (15:23): Today I rise to bring to the attention of the house the South Australian Basketball Club's achievements at the Kumon National Junior Classic. On Friday 10 June 2022, some of the best teams from across Australia travelled to Victoria to compete in the National Junior Classic. The classic is widely considered to be the most prestigious invite-only junior basketball tournament in the country.

Indeed, to qualify for the classic, all South Australian division 1 teams for all age groups must compete in the state basketball championships held on 12 May. South Adelaide Panthers division 1 under 12 boys and under-12 girls teams both attended the competition this year. The under 12 girls had a fantastic weekend, winning all their games by an average of 39 points before the grand final.

On grand final day, the girls beat the Bearcats by three points to claim the SA Junior Championships. This is a remarkable achievement for the team and the club. This was the club's first state championship win in all age groups since 2002. In doing so, the girls secured their invitation to the National Junior Classic.

The under 12 boys managed to win all their games by an average of 19 points in the lead-up to the grand final. On grand final day, the boys were neck and neck with their opponents, the Rockets, all game, and lost by only seven points. The boys were not down on spirit, however, as finishing second in the state guaranteed their invitation also to the National Junior Classic. Both teams had fantastic success in the SA Junior Championships and, now, an even bigger challenge awaited them to test themselves against some of the best basketball teams in the country at the National Junior Classic.

The South Adelaide Panthers division 1 under 12 boys coach, Josh Kelly, and under-12 girls coach, Jarrod Clarke, knew they would have to prepare for the different playing styles of the interstate teams. Victorian teams are known for their aggressive and physical basketball. Before travelling, the coaches did a phenomenal job ensuring the teams were ready and playing their best basketball. In the gold medal match to compete for the top spot in the country, the boys were with the Casey Cavaliers all game, but unfortunately lost by 20 points. The Panther boys should hold their heads high, making history for the South Adelaide Basketball Club by winning its first ever medal at the national tournament.

The girls' grand final was tight for the entire game, another nailbiter, with the girls losing by only two points, placing second overall. These are the Panthers' first medals at classics and a phenomenal achievement for the teams and the club. Making a division 1 team at a district basketball club is not an easy thing to do. Many basketball players never represent their club at a division level. For a division 1 team to classify for classics and to finish in the top two in the country is a truly remarkable achievement. For both teams from the South Adelaide Basketball Club to do this makes it all the more special.

I would like to congratulate the following people on their efforts and success at the state SA Junior Championships and the Kumon National Junior Classic. South Adelaide Panthers, division 1, under 12 boys players: Leo Clarke; Edward Whitehouse; Bowen Hibberd; Jarvis Knights; Colby Stewart; Baxter McDonald; Darcy Fishpool; Lucas Wakelin; Axl Britton; and head coach, Josh Kelly; assistant coach, Will Evans; and team manager, Mike Whitehouse. South Adelaide Panthers, division 1, under-12 girls players: Elle Weatherald; Brooke Weatherald; Summer

Robinson; Rosie Munn; Tamia Merrill; Emily Martin; Georgia Davison; Elise Chua; Georgie Thur; and head coach, Jarrod Clarke; and assistant coach, Richard Dickel.

No South Adelaide Basketball Club team has ever made it into the grand final for the classic, let alone have two teams win a silver medal in one year. It is a reflection of the hard work of the team, togetherness and determination by all. I am sure that these are the first of many medals that the Panthers will claim in coming years.

I cannot finish without giving a special mention to the under 14 boys who finished eighth in the classic tournament. I will also be thinking of you in the lead-up to the under 14 national club championships held at the end of term 3 school holidays in Victoria.

The South Adelaide Panthers have come in leaps and bounds as a club in the last decade. They have emerged as one of the powerhouse junior clubs in South Australia, and even Australia. This is a testament to the large group of volunteers who work hard behind the scenes to make the South Adelaide Panthers the best basketball club it can be. Thank you to all coaches, volunteers, players and parents. You are representing the mid-southern area with great pride and excellence.

SEACLIFF SURF LIFE SAVING CLUB

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (15:28): It gives me great pleasure to be able to make a contribution today in my capacity as a local member of parliament in this place. Those who know me know that representing my local community is the greatest privilege of my life and I greatly love talking about good things happening in the area.

I want to talk about surf lifesaving today and that iconic Australian institution, in particular the success of a local club recently, that is the Seacliff Surf Life Saving Club. It is a great club, it is a growing club, it is a vibrant club, and it is the 2022 Club of the Year, as awarded in the recent surf lifesaving awards. It is a club that welcomes anyone in the community through its doors and onto the beach, and we know that when those red and yellow flags fly on the beach that is the safest place to swim and that is the safest place to play in the water.

At Seacliff, it is all about inclusivity. In 2016, it was such a pleasure to work with Seacliff on the Beach Access for All project, to welcome people who have mobility challenges, who are often in wheelchairs, to the beach and do so in a safe way with that accessible mat that we rolled out there in 2016. Earlier this year, we upgraded and renewed Beach Access for All, and it was so good to see the club embrace this program and celebrate being a truly accessible beach.

The club is under the leadership of Jacinta Day, the president, and Dr Glen Patten, the vice-president. I can run through other names: Andrew Chandler, Kristie Meier, Gareth Gray, Tanya Evans, Bly Bayliss, Vickie Gregory, Matt Salier, Derek Bowden, Suzette Gloster, Paul Bastiaans and Sarah Warriner—great people on the committee who are making this club what it is because people are what secure organisations and institutions like Surf Life Saving. They provide a great service to our community, but it is all about people.

Seacliff is punching above its weight. Not only is it 2022 Club of the Year but it also has other award winners: Hayley Hosking, the vice-captain of the club, who won Youth Life Saver of the Year; Tom May, who won Athlete of the Year; and Darryl Pope, who was inducted into the Surf Life Saving Hall of Fame under the administration category. This is an organisation, an institution, that I want to celebrate as the local member and thank them for what they do to keep Seacliff beach and our wider community safe, while also welcoming people with disabilities safely onto the beach.

I also want to take the opportunity today to celebrate another club. This is not a club in my electorate; in fact, it is a club in your electorate, Mr Speaker—and excuse me for one moment while I become possibly the first person ever to wear a Lobethal Tigers scarf in the chamber. I know that both you and the member for Morialta proudly celebrate that community.

Of course, the Lobethal Tigers—and thank you, Kathy Huxter, for this scarf, which I may keep—won the Hills footy league premiership a couple of weeks ago. I am a big fan of this club, and I have lots of friends in this club, under the leadership of President Travis Blundell. They managed to secure the premiership, defeating Hahndorf by three points in a goal that occurred in the last minute. It has been a 20-year hiatus since their last premiership, and what a win it was.

I want to give a big shout-out to all the players in this premiership team under captain, Alex Georgiou, and vice-captain, Mitch Jenkin. There were also James Elliott, Jake Auricht, Jack Bampton, Riley Skinner, Joshua Sewer, Mitch Grigg, Mitchell Carter, Jacob Collins, Cooper Luke, Tim Jenkin, Cooper Skinner, Sean McWaters, Matthew Scroby, Peter Bampton, Matt Fuller, Ben 'Pringy' Pring, Aidan Riley, James Braidwood, Jack Stafford, Jack Maxwell and, of course, the famous Steve Huxter.

It is an incredible win for this club after a 20-year drought. I want to congratulate them all and say loudly and proudly, 'Go the Tigers'.

The SPEAKER: It would be remiss of me not to observe that I, too, saw the grand final—an amazing win in extra time. It was good to spend time, as well, with the players and other members of the club at the clubhouse afterwards. The celebrations were long and hard; I did not, perhaps, involve myself quite so much as the players did, but they had well-deserved celebrations.

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: Yes.

DEMENTIA AWARENESS

Ms THOMPSON (Davenport) (15:33): I rise to speak about one of the largest health and social challenges facing Australia and the world. I was alarmed to learn recently that dementia is the second leading cause of death for Australians and the leading cause of death for women. Dementia is still poorly understood in Australia, and people living with dementia continue to experience stigma and discrimination.

I was particularly proud to have been asked by the Minister for Health and Wellbeing, Chris Picton, to take on the role of government's parliamentary co-convenor for Dementia Australia. I thank the minister for this opportunity and look forward to advocating for those living with dementia over the coming years.

Dementia Australia is the national peak body for all people living with dementia along with their carers and their families. I recently caught up with National General Manager Christine Bolt to discuss what they do and how I can best support their efforts. They support and empower the estimated half a million Australians living with dementia and almost 1.6 million people involved in their care. They are a source of trusted information, education and support, and they support vital research.

Dementia is the term we use to describe the symptoms of a large group of neurocognitive disorders which cause a progressive decline in a person's cognitive functioning—thinking, remembering and reasoning—to such an extent that it interferes with a person's daily life and activities. For anyone who has had a family member experience these symptoms, which is most of us, it is heartbreaking and extremely difficult.

I remember when my grandmother, Mama, had progressed to the point that she did not recognise any of us, including my grandfather, Papa. I went to the nursing home with Papa to visit her and he explained to me that he felt like he had lost her years ago but had not been allowed to grieve. It was upsetting for him to visit her, knowing that she had no idea that he was there. My grandmother on my father's side, my grandmère, also suffered with dementia symptoms, and I watched my father's frustration and absolute heartbreak as he watched his mother's spark slowly slip away.

It is hard on families and hard on carers, and it is important to point out that dementia does not discriminate by age. While the risks of dementia increase with age, younger onset dementia is still a reality to many South Australians, including children and children in my own electorate of Davenport.

Whilst there is no cure for dementia yet, it is why it is so important that we commit to developing dementia-friendly communities. This is a community where people with dementia are understood, respected and supported. These communities recognise the rights and capabilities of people with dementia and empower them to make decisions about their lives according to their

individual capabilities. A community that is dementia-friendly is simply a community that is good for everyone.

It is worth highlighting our government's commitment to continuing to provide specialised dementia services at the Repat which continues to provide care to patients with complex dementia. As part of our government's \$400 million investment into Flinders, we have been able to allocate 26 beds at the Repat to expand the geriatric evaluation and management beds across the South Australian local health network.

I would like to recognise the ongoing care and contribution of families, carers and support networks who are continuing to care for South Australians living with dementia of varying degrees. We know that the ongoing support of these support networks is essential in caring and assisting South Australians living with dementia. Our research community also deserves recognition for its ongoing work to better understand, prevent and treat dementia. Health and medical research into neurodegenerative diseases will go a long way towards finding a long-term treatment.

We all know someone who has been impacted by dementia. I am calling on all members of parliament to agree to becoming Dementia Friends and championing dementia-friendly communities in their electorates and throughout parliament. I am looking forward to working with other members of parliament and community leaders to identify what we can all do to inspire and support the creation of dementia-friendly communities.

Condolence

HER MAJESTY QUEEN ELIZABETH II

The Hon. S.S. MARSHALL (Dunstan) (15:38): I rise to speak to the motion moved by the Premier and seconded by the Leader of His Majesty's Loyal Opposition on the sad passing of Her late Majesty Queen Elizabeth II, expressing our condolences as a house to His Majesty the King and the royal family at this very historic and, of course, sad time. I share the sense of grief and loss that is being experienced right around the world at this time.

In my lifetime, certainly until the last couple of weeks, I have only known one sovereign—Her late Majesty Queen Elizabeth II. There has been much commentary about her extraordinary life over the past few weeks, being referred to as the glorious reign of the second Elizabethan era by some. I tend to reflect on it as the most extraordinary service of a dedicated and selfless and dignified individual. Since her very first days on the throne, she has exemplified what leadership and what service are all about, and so I share that great sense of loss and grief at this time.

I had the great honour to meet with Her Majesty at Buckingham Palace in October 2018. This was a meeting that was arranged by our Agent General at the time, Bill Muirhead. It was a great honour to meet with Her Majesty. I had seen commentary on meeting with Her Majesty before that she always put people at ease and that she had a great sense of humour and a great sense of interest in all that was being said, and certainly that was my great experience.

We talked at length on various wideranging topics, including her visits to South Australia and her parents' visit to South Australia, when they went into the now electorate of Finnis, I would think it would be, and stayed at Wellington Lodge. She also spoke about topics like rail gauges in Australia, the difference between the Senate and the House of Lords, PTS, defence, space and a huge number of topics. I was particularly interested in her knowledge and appreciation of the growing crowds that were attending ANZAC Day services. It was an extraordinary moment for me to have that opportunity during my time as the Premier of South Australia.

I wrote to Her Majesty on a regular basis keeping her updated about what was happening here in South Australia, and I always received correspondence back. I updated her on the terrible bushfires that occurred and the way that we were dealing with the coronavirus, and I was always impressed at the speed with which we received correspondence back. That demonstrated to me the great love she had for this state, and that was, of course, what she conveyed in that audience that was held at Buckingham Palace.

In fact, her final lines to me at that audience in October 2018 were that she had always enjoyed her visits to South Australia, but unfortunately she would not be making a further visit, and

that prophesy proved to be correct, unfortunately for us in this state. However, she did make numerous visits here. The first, of course, was in 1954, when she came to this parliament, and it has been wonderful to see some of those historic images of that visit and many others being shown in the media in recent times.

I had the good fortune to speak with Her Majesty on a second occasion, which was a fairly novel experience. In fact, I think it was one of the very first times she had spoken on a Zoom meeting, and it was the occasion at which we were presenting, virtually, a maquette of the wonderful sculpture that graces the grounds of Government House.

I must say that, when I became the Premier of South Australia, I was astounded at the very few representations of Her Majesty here in our state, so I very quickly was able to get in touch with the Art Gallery of South Australia to see whether they had any portraits. I was very pleased to work with the President in the other place to make sure that that portrait of Her Majesty hung adjacent to the Legislative Council chamber.

I also had the opportunity to speak with the Hon. Hieu Van Le, who was the Governor of South Australia at the time, and I was very pleased that he took on the project of commissioning a sculpture of Her Majesty for the grounds of Government House. For that, we are again grateful to our Agent General at the time, Bill Muirhead, who effected an audience between Her Majesty and the great South Australian artist Robert Hannaford, and some of his paintings hang in this building. He was able to have that audience, meet with Her Majesty and create that extraordinary sculpture.

There are only three sculptures of Her Majesty in Australia—in fact, the second one goes right back to 1988—so I think that we have contributed in South Australia to those statues that exist. The thing that I really love about this sculpture by Robert Hannaford is that it depicts Her Majesty not set on a plinth or a pedestal above everybody but walking around the grounds of Government House, handbag on her arm, hat on her head just like many people will remember her.

I must say that I think it has been a central figure in the mourning that has taken place in South Australia. I am very grateful for that opportunity to be part of the establishment of that statue. I would like to thank not only thank the Hon. Hu Van Le for his work in bringing that project to fruition but the generous donors who all contributed very significantly. That sculpture did not cost the taxpayers of South Australia any money.

I also would like to put on the record my grateful thanks to Her Excellency the Hon. Frances Adamson AC, the Governor of South Australia, and the government for the outstanding way that we have responded with state mourning at this time. I was fortunate enough to work alongside some very professional people within Protocol in my time in office, and in particular I would like to acknowledge the work of Carolyn Sladden, the head of Protocol. She and I had many meetings prior to March this year, planning what we would do as a state.

I must say that early planning and the work of the current government delivered, I think, a very dignified response to this very sad occasion. I would like to put on the record my grateful thanks to Carolyn Sladden and the team at Protocol, Her Excellency the Hon. Frances Adamson AC and, of course, the government for their responses.

There has been an outpouring of emotion and sentiment at the passing of Her late Majesty. I have spent quite a bit of time speaking to people in my electorate, visiting some of the nursing homes and retirement villages where people maybe could not come in to sign the condolence books either at my office or in Government House. Nearly everybody has a personal reflection, a personal story, on a life well lived. Her late Majesty was held in such high regard by so many, and it was all a reflection of her extraordinary service.

I do not think there has ever been a monarch in the past who has served with such dedication. Because of her length of time, I think it is very unlikely that we will see similar service into the future. Having said that, I would like to conclude my remarks by offering again my sincere condolences and also my best wishes to His Majesty King Charles III. I wish him all the very best. It is an honour to serve in this parliament during his reign. I hope it is a long and happy service to his people throughout the world. God save the King.

*Bills***STATUTES AMENDMENT (USE OF DEVICES IN VEHICLES) BILL***Introduction and First Reading*

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (15:48): Obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959 and the Road Traffic Act 1961.

Second Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (15:48): I move:

That this bill be now read a second time.

The Malinauskas government is committed to reducing dangerous and high-risk behaviours when it comes to driving, such as distraction on South Australian roads. Driver distraction is nationally recognised as a significant road safety risk. It is one of the leading causes of fatalities and serious injuries and crashes on South Australian roads.

This bill amends the Road Traffic Act 1961 to include an enabling provision that will allow for the use of mobile phone detection cameras. The bill also contains consequential amendments to the Motor Vehicles Act 1959 as required to ensure consistency of definitions across both acts.

Mobile phone detection will be able to occur through purpose-built high-definition safety cameras at high-risk metropolitan sites. The cameras will target drivers illegally using a mobile phone whilst driving. Between 2017 and 2021 inclusive, 51 per cent of lives lost and 34 per cent of serious injury crashes listed inattention as a contributing factor. That equates to 247 lives cut tragically short and 1,330 people living with the lifelong effects of serious road trauma.

Thousands of tragedies are occurring to our families, to our friends and to our colleagues every year and this bill is just one measure in what will take a concerted ongoing effort to make our roads safer. I am committed to the task. I know the Premier is committed to the task and I welcome the support of all members of this chamber and the other place in this important work.

Over the past four years, well over 30,000 expiation notices were issued to drivers in South Australia for mobile phone offences. That is an incredibly disappointing number. It is a high number, and it represents only those motorists who were caught. This bill will ensure greater deterrence is achieved through increased detection capability.

Funds collected by this initiative will be directed to the Community Road Safety Fund for reinvestment in projects that will continue to make our streets safer and further reduce the risk for people who are doing the right thing on our roads. Some of the projects recently supported by the Community Road Safety Fund include flexible curtain and semi-flexible steel barriers to improve safety for motorbike riders, roundabouts and additional turning lanes on our major roads.

This government is moving swiftly to bring about this important detection and deterrent capability. The introduction of mobile phone detection camera capability in South Australia is a tangible action to support South Australia's Road Safety Strategy and our target of reducing serious casualties on South Australia's roads to fewer than 43 lives lost and fewer than 474 serious injuries by 2031.

Mobile phone detection cameras have been implemented for enforcement purposes in other jurisdictions, including New South Wales and Queensland, and are currently being trialled for use in Victoria and the Australian Capital Territory. These cameras will complement existing on-road enforcement and road safety campaigns to reduce distraction by deterring drivers from illegally using their phones. The cameras in operation interstate have proven effective and an extremely good deterring factor in identifying drivers illegally using a mobile phone while driving.

Most of us know a family member or someone in our friendship group who has been forever scarred by road trauma. It is absolutely within our collective capacity to take the sometimes difficult but necessary steps that will save lives on our roads because distracted drivers die, and this bill will go some way to reduce the instances of drivers using mobile phones while driving.

I encourage all members in this place to think about the serious impact that road trauma has in our communities when considering their support for this bill. I urge everyone in our community to remain vigilant to the fatal five causes of road trauma when they get behind the wheel: drink and drug driving, speeding, driving while distracted, not wearing a seatbelt and dangerous road behaviour.

Do not think that it cannot happen to you. Do not think that it cannot happen to someone you love. We hear tragic stories all too commonly of those loved ones lost and their lives cut tragically short. Even one life saved on our roads is a job well done because one life lost on our roads is one life too many. We must do everything we reasonably can to ensure that everyone comes home safe and that is why introducing mobile phone detection cameras in South Australia is a positive road safety initiative aimed at reducing serious injuries and lives lost on our South Australian roads. I commend the bill to the house and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

3—Amendment of section 5—Interpretation

This clause amends section 5 of the principal Act by inserting a definition of *series of photographs* to clarify the meaning of that term for the purposes of the Act. A *series of photographs* includes a film, video or other continuous visual recording.

4—Amendment of Schedule 1—Evidence obtained by photographic detection device

This clause amends clause 4(a) of Schedule 1 of the principal Act to more clearly reflect the existing reference to a *series of photographs* in that clause.

Part 3—Amendment of *Road Traffic Act 1961*

5—Amendment of section 5—Interpretation

This clause amends section 5 of the principal Act by inserting a definition of *series of photographs* to clarify the meaning of that term for the purposes of the Act. A *series of photographs* includes a film, video or other continuous visual recording.

6—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause amends section 79B(10) of the principal Act to more clearly reflect the existing reference to a *series of photographs* in that subsection.

7—Insertion of section 175B

This clause inserts new section 175B into the principal Act.

175B—Evidence relating to use of devices in or on vehicles

This section empowers the making of regulations or rules to prescribe certain evidentiary provisions. The evidentiary provisions must relate to evidence obtained through the operation of certain photographic detection devices and must only facilitate proof of certain offences relating to the use of a device in or on a vehicle.

Both the photographic detection devices and the offences relating to the use of devices in or on a vehicle must be prescribed by regulation. The evidentiary provisions can include presumptions that have to be rebutted by the defendant. The power to make evidentiary provisions under this section does not derogate from any other power under the Act to prescribe evidentiary provisions.

Debate adjourned on motion of Mr Teague.

PLEBISCITE (SOUTH EAST COUNCIL AMALGAMATION) BILL*Final Stages*

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 2, page 2, after line 23—Insert:

- (4) Without limiting section 54 of the Local Government (Elections) Act 1999, the Electoral Commissioner must, as soon as is reasonably practicable after certifying in accordance with that section the result of a plebiscite held under this section, publish notice of the result of the plebiscite on a website maintained by the Electoral Commissioner.

Note—

This requires the publication of the result of the plebiscite in the District Council of Grant and the result of the plebiscite in the City of Mount Gambier.

No. 2. Schedule 1, page 3, table—After row relating to section 38 of Local Government (Elections) Act 1999 insert:

Section 47	After subsection (2) insert: (3) Despite subsection (2), in relation to a relevant poll, the returning officer must ensure that the arrangement of postal voting papers returned for the relevant poll is such that ballot papers are arranged into separate parcels for each ward of the council to which the relevant poll relates.
Section 52	After its present contents insert: (2) In counting votes cast in a relevant poll to determine the result, the returning officer must ensure that, in relation to each ward of a council to which the relevant poll relates, the number of electors for the ward who voted in support of, and the number of electors for the ward who voted against, the proposition submitted in the poll is determined (in addition to determining the result of the relevant poll for the council as a whole). (3) A provisional declaration of the result of a relevant poll must include details of the determination under subsection (2) for each ward of a council to which the relevant poll relates (being details of the number of electors for the ward who voted in support of, and the number of electors for the ward who voted against, the proposition).
Section 54	After 'result of the poll' insert: , which must, in relation to a relevant poll, include the details required to be included in the provisional declaration of the relevant poll under section 52(3)

Consideration in committee.

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

That the Legislative Council's amendments be agreed to.

Motion carried.

CONTROLLED SUBSTANCES (PURE AMOUNTS) AMENDMENT BILL*Introduction and First Reading*

Received from the Legislative Council and read a first time.

Standing Orders Suspension

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (15:58): I move, without notice:

That standing orders be so far suspended as to enable the bill to pass through all stages without delay.

The DEPUTY SPEAKER: An absolute majority is required. As there is not one, please ring the bells.

A quorum having been formed:

The DEPUTY SPEAKER: An absolute majority being present, I accept the motion.

Motion carried.

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (16:00): I move:

That this bill be now read a second time.

The bill I introduce today is the Controlled Substances (Pure Amounts) Amendment Bill 2022. The bill makes urgent amendments to the Controlled Substances Act 1984 that have become necessary following the decision of the Court of Appeal in the matter of Kingston v The Queen, and Maxwell v The Queen (2022) SASCA 90 (referred to hereafter as the Kingston decision).

The applicant in Kingston made a successful application for a retrial on charges of trafficking a large commercial quantity (200 kilograms in this case) of the controlled drug butanediol, commonly known as fantasy. The ground of appeal that is relevant for the purposes of this bill related to the lack of a pure weight being prescribed for butanediol in the Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014.

Schedule 1 in the regulations contains a table of controlled drugs for the purposes of the Controlled Substances Act, and schedule 2 has a similar table for controlled precursors. The table sets out the chemical name of the controlled drug and lists the relevant weights for a commercial quantity, a large commercial quantity and a trafficable quantity for the drug. The categories are in some instances further divided between a pure weight and a mixed weight.

The pure weights are generally less than the mixed weights, effectively meaning that a smaller amount of a pure substance than a mixed substance is required to put an offender in a higher category of offence. For example, for methamphetamine, a large commercial quantity offence requires half a kilogram of the drug contained in a mixture but only 0.1 kilogram of a pure methamphetamine is needed to fall into the same offence category.

Overall, about 5 per cent of the controlled drugs listed in the regulations have a pure weight listed. The vast majority have only a mixed weight. This is partially because it is difficult to determine what an appropriate pure weight is for many substances and also because, in many cases, purity testing for the substances is not routinely available.

Prior to the decision in Kingston, matters were generally prosecuted on the basis of the relevant controlled drug or precursor being contained in a mixture, and therefore the mixed weights listed in the regulations were used to determine the appropriate offence category.

In the past, the view was taken that a substance that was anything less than 100 per cent pure was contained in a mixture, even if the substance had not been deliberately mixed or cut with another substance. The presence of manufacturing impurities or other results of natural chemical degradation meant that the substance could not be considered truly pure, scientifically speaking. Charges for drug offences were most often laid and prosecuted on the basis that the substance was contained in a mixture, and therefore the mixed weights prescribed in the regulations were used.

However, in the Kingston decision the butanediol in question was shown to be 98 to 99 per cent pure, with the 2 per cent made up of impurities or chemical degradation, and the court found that, because the substance had not been mixed or cut with another substance, it should have been considered a pure substance. It followed that, because there is no pure weight listed for butanediol in the regulations, there is no relevant offence of trafficking a large commercial (or commercial) quantity of pure butanediol, and only the basic trafficking offence was available.

To put that into perspective, the maximum penalty for trafficking a large commercial quantity of a controlled drug is life imprisonment. The maximum penalty for a basic trafficking offence is 15 years' imprisonment for a serious drug offender or an aggravated offence, and 10 years' imprisonment in other cases.

The decision in Kingston quite clearly has very significant implications for the prosecution of some of the most serious offences in the Controlled Substances Act. Criminals who traffic in huge quantities of controlled drugs and precursors are some of the most serious offenders who are often involved in organised crime groups who make substantial amounts of money off the back of preying on the community by trafficking and dealing in these substances.

It is clear to me that it was never intended that the lack of a prescribed pure weight for a given substance should be taken as an intention to not criminalise trafficking or manufacturing large quantities of pure controlled drugs or controlled precursors. Rather, this is an instance of an unintended consequence of not prescribing a pure weight in the regulations, along with the Controlled Substances Act not containing a definition of what is meant by pure or mixture.

The older type of controlled drugs, such as heroin, cocaine and methamphetamine, can more easily be tested for purity and have both pure and mixed weights prescribed in regulations and therefore are not an issue. However, the new synthetic types of controlled drugs, such as butanediol, are becoming more common and are much more often manufactured in overseas labs and imported into Australia without being cut or diluted.

Controlled precursors are much the same, in that they are purchased in their pure form, not mixed with other substances, but in each of these cases it is common the pure substance may still contain a very small percentage of impurities as a result of the manufacturing process or other chemical contamination or degradation.

Dealing with the issue created by the Kingston decision is not, unfortunately, a question of simply prescribing pure weights for every substance listed in the regulations. Aside from it being a huge task to sit and determine an appropriate weight for all substances listed, it leaves the issue of needing to be able to determine whether or not the substance you are dealing with in a particular case is pure.

As I mentioned earlier, for many of these new synthetic drugs, which are becoming more and more common, Forensic Science SA does not have the testing abilities to conduct purity testing to the level that would be required to prove a sufficient standard whether or not the substance is pure. Because of this, even if pure weights were prescribed for each substance in the regulations, it would not be possible to conduct the required testing on each substance.

Therefore, an alternative approach has been taken to address the issue in the form of this bill. The bill has four clauses and a schedule containing a transitional provision, and the substantive clauses of the bill are clauses 2 to 4. I will also note that there is no commencement clause and that therefore the bill will commence upon receiving assent in order to allow it to take effect as soon as possible.

Clause 2 amends the definition of 'commercial quantity', 'large commercial quantity' and 'trafficable quantity' in section 4 of the Controlled Substances Act. It inserts a new subparagraph (ii) into the definitions which provides that for a drug or precursor not contained in the mixture where there is no pure weight prescribed in the regulations, the mixed weight is to be used.

Clause 3 makes an amendment in the same terms to section 33LB of the Controlled Substances Act to the definition of a 'prescribed quantity' of a controlled precursor. Clause 4 of the bill amends section 33OA of the Controlled Substances Act to insert a clause setting out how it is to be determined if a controlled drug or precursor is contained in a mixture or not. The new section 33OA(3) provides that a controlled drug or precursor is taken to be contained in a mixture unless it is proved beyond a reasonable doubt that the drug or precursor was not contained in the mixture or was in its pure form.

This means that for those substances where it is likely to be pure, such as directly imported butanediol, but there is not sufficient purity testing available, the substance will be taken to be contained in the mixture and so the relevant mixed weights are used. In the rare case, such as

Kingston, where for some reason specialist testing has been conducted and it has been found that the substance is pure, the new limb of the definitions in clause 4 is enlivened and allows the mixed weight to be used for that substance when no pure weight is prescribed.

The transitional provision in schedule 1 of the bill provides that the amendments to the principal act contained in the bill are to apply retrospectively. The amendments are taken to apply and to have applied as if they formed part of the principal act from 10 September 2009. This date was chosen as the earliest available date where the definitions of 'commercial quantity', 'large commercial quantity' and 'trafficable quantity' were presented in the principal act in their current form such that the new part of the definition inserted by the bill can be read as forming a part of those definitions. The retrospective application of the amendments is essential to preserve previous convictions that may have been vulnerable to challenge following the decision of the Court of Appeal.

It is the intention of the bill that the amendments made to the principal act will be taken to have always formed part of the Controlled Substances Act since the relevant date and, as a result, it is the clear intention of the bill that the amendments will therefore apply to, first, any proceedings for a relevant offence finalised before the day on which this act is assented to, including, without limitation, proceedings where a conviction or finding of guilt was recorded before that day; second, any proceedings for a relevant offence commenced but not finalised before the day on which this act is assented to; and, third, any proceedings for a relevant offence commenced on or after the day on which this act is assented to.

The transitional provision is vital to the operation of the bill, as it applies to past proceedings and convictions, present proceedings yet to be finalised and, of course, future proceedings covering all possible situations, and ensuring that these unscrupulous drug traffickers and manufacturers do not slip through the net. Applying legislation to operate retrospectively is not a common decision to take. However, the situation that has arisen here presents exceptional circumstances which make it necessary for the protection of the safety of the community.

The retrospective application for the provisions in the bill do not create new criminal liabilities which would catch persons unaware. Rather, the provisions restore the previous understanding that law enforcement prosecution and also defendants had been operating under, which is where there was not pure rate prescribed for a substance, and the substance could not be shown to be pure to a satisfactory standard, the mixed weight was used.

Everyone in the community is aware that trafficking or manufacturing controlled substances is illegal. The individuals and organisations involved in trafficking or manufacturing commercial or large commercial quantities of these substances are sophisticated players and know that their conduct is illegal. The retrospective application of the provisions prevents those persons from taking advantage of an unintended loophole created by the Kingston decision. It is strongly against the public interest for convicted drug traffickers and manufacturers to be able to go back and challenge a previous conviction on such a technical point when the facts of the trafficking and manufacture are not in question.

This bill will ensure that offenders cannot get away with only basic trafficking or manufacturing offences or, indeed, escape conviction altogether when they are in fact dealing with huge quantities of controlled substances and precursors and that they will instead face the appropriate penalties. I commend the bill to the chamber, and I seek leave to insert the explanation of clauses into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

The short title is the *Controlled Substances (Pure Amounts) Amendment Act 2022*.

Part 2—Amendment of *Controlled Substances Act 1984*

2—Amendment of section 4—Interpretation

The definitions of *commercial quantity*, *large commercial quantity* and *trafficable quantity* are amended so that, in relation to a controlled drug or controlled precursor that is not contained in a mixture (that is, a drug or precursor in its pure form), a *commercial quantity*, *large commercial quantity* or *trafficable quantity* (as the case requires) is—

- if an amount is prescribed for the purposes of the relevant definition by the regulations—a quantity of the drug or precursor that equals or exceeds the amount so prescribed; or
- if an amount is not prescribed—a quantity of the drug or precursor that equals or exceeds the amount prescribed (for the purposes of the relevant definition) as the quantity for any mixture containing the drug or precursor.

A definition of *mixture* is also inserted.

3—Amendment of section 33LB—Possession or supply of prescribed quantity of controlled precursor

The definition of *prescribed quantity* (relating to a controlled precursor) in

section 33LB(5) is amended consistently with the amendments to the definitions in section 4.

4—Amendment of section 33OA—Basis for determining quantity of controlled substance

A new subsection is inserted into section 33OA to provide that, for the purposes of the definition of *trafficable quantity*, *commercial quantity* or *large commercial quantity* in section 4(1) or the definition of *prescribed quantity* in section 33LB, a controlled drug or controlled precursor will be taken to be contained in a mixture unless it is proved, beyond a reasonable doubt, that the drug or precursor was not contained in a mixture or was in its pure form.

Schedule 1—Transitional provision

1—Amendments apply retrospectively

The transitional provisions provide that the amendments to the *Controlled Substances Act 1984* effected by the measure will be taken to apply, and to have applied, as if they formed part of the *Controlled Substances Act 1984* from 10 September 2009 (immediately after the commencement of the *Controlled Substances (Controlled Drugs, Precursors and Cannabis) Amendment Act 2008*).

Mr TEAGUE (Heysen) (16:12): I will be brief and endorse all the words of the Deputy Premier just now, perhaps with the exception that I do not understand the appellants to have sought a retrial. Certainly, the first issue raised on the appeal was the question as to whether or not the trial judge had erred in not leaving to the jury the question of whether the drug was mixed or pure, the consequences of which were that a finding of attempted trafficking, subject to subsection (3) of the relevant section of the act, section 32, would be substituted.

I will read into the record the key observation of the trial judge, which is paragraph 90 of the Chief Justice's reasons. The Chief Justice was the only member of the court to have addressed this matter. At paragraph 90, the Chief Justice referred to the judge's direction as follows:

The Judge's direction that 'the substance contained in the eight drums weighed 200 kg' and that 'as a matter of law...a large commercial quantity...is 2 kg or more' wrongly removed the question of fact, whether the butanediol seized by police was in a mixture or in its pure form, from the jury.

That is the relevant finding by the Chief Justice, and the consequence of that is that the Chief Justice would have allowed the appeal on that ground, having found that the liquid in the containers in this case was not a mixture containing butanediol but, rather, was butanediol in its pure form.

As the Deputy Premier has just explained, the way the table is set out relevantly includes threshold amounts for substances in a pure form on the one hand and for those substances in a mixed form on the other. The table does not, however, include a specified amount of all substances in their pure form, and this is one such substance. So the threshold amount for butanediol in its mixed form to attract the consequences of the quantity-based offences is two kilograms, but there is no amount specified for the pure form.

The judge's direction, as summarised by the Chief Justice at paragraph 90, is, as I understand it, the approach that trial courts have taken for some time: that is, to substitute the mixed threshold where no pure threshold has been specified in the table. The Chief Justice, after setting out the context in the preceding paragraphs of the judgement—from 82 to 90 more particularly—has set out the matter of statutory construction that has created the problem.

As the Deputy Premier has identified, a mixed amount threshold will generally exceed the equivalent pure amount, for obvious reasons, so the court supplying the mixed amount as an amount

in default might perhaps be seen to be a practical means of applying a quantity measure that is giving the accused the benefit of the doubt in relation to quantity.

The courts found that as a matter of statutory construction as it presently stands, where there happens to be a pure amount in question and there is no pure amount specified in the table, that rules out the possibility, in this case, of applying either of the two quantity-based offences that are subject to section 32(1) and section 32(2) respectively.

I think the problem is well identified. I think it is also perhaps relevant to note, in the context of this particular substance, that there is no importation offence. It is not a matter that is regulated by the commonwealth in terms of the importation of a chemical, but it is a controlled substance in South Australia and so attracts the consideration of the act, section 32 in particular. What we are dealing with is really the consequences of specified quantities and, in the absence of being able to identify threshold quantities, then penalty provisions are the lesser.

The bill indeed comes along to solve that technical matter of statutory construction. As the Deputy Premier observes, it also unusually would apply retrospectively and retrospectively to that relevant earlier state at which such distinctions have been regulated so as to solve both matters that have been determined and that are in process as well as addressing the future.

I would just further note that this has come on at short notice. It is both unusual that the matter be dealt with in this time frame and unusual that it operate retrospectively in these ways. In those circumstances, I wish to put on the record my appreciation for the Attorney-General's staff and resources, providing as they did an opportunity for briefing at an early stage. They have stayed in contact with me, including through the course of today, in relation to the necessary practicalities of addressing this bill in the house in the way that we are. So I appreciate that opportunity and it certainly assists in terms of being able to proceed in an orderly way in the circumstances that we find ourselves in.

If there is just one further observation that might arise from that opportunity, it is that it is of course possible for the Crown to have appealed the decision of the Court of Appeal, sought leave to take the matter to the High Court and, in turn, to test the decision of the Court of Appeal. While I would ordinarily be attracted to that orderly course, the fact that the government is presenting this bill with a view to addressing those circumstances perhaps highlights the practical urgency of the consequences of the Court of Appeal decision.

So, for those who might otherwise be interested in any appeal process and consideration of a higher court, that will be addressed by this bill and therefore render any consideration of appeal unnecessary. It is in all of those circumstances that the opposition supports both the substance of the bill and its hasty passage through the house.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (16:22): I thank the honourable member for his contribution to the discussion today and I look forward to the swift passage of this bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

Mr TEAGUE: My question relates to substituted subsection (b)(ii), or perhaps (b)(i) as well, and the subsequent definition, so both of those substituted definitions—commercial quantity and large commercial quantity. This is perhaps for the record more broadly, but is there any explanation as to why both drugs and precursors are not comprehensively categorised in their pure form as well as their mixed form?

The Hon. S.E. CLOSE: I think the answer was largely canvassed in the second reading speech, but just to be more explicit, the testing capability for purity in South Australia is not sufficient to be able to test some of the newer drugs. There is a logistical challenge involved.

Secondly, and importantly, it is difficult for Forensic Science to be able to determine exactly what an appropriate amount is for purity, particularly for these newer drugs. We do not see many of them, and so it would be a difficult and somewhat arbitrary decision to be making.

Clause passed.

Clauses 3 and 4 passed.

Schedule 1.

Mr TEAGUE: The question is in the context of these amendments applying retrospectively. Is there an indication the government can give as to the number of cases that this will now affect in terms of perhaps three categories—in the works currently before the courts and, thirdly, determined cases? The third one might be hard one.

The Hon. S.E. CLOSE: We will do our best to answer, but we do not have a definitive answer on that. One of the challenges is that the DPP system does not record the substance, only that there has been drug trafficking. So it would involve having to go manually through all of the matters to determine—particularly looking for butanediol as being the most obvious one. However, the forensic sciences have been contacted on the matter of about 13 cases. So, while by no means pretending that that would be definitive, it does at least give an indication that there are certainly matters on foot that would be affected.

Mr TEAGUE: Perhaps arising from that—I had not thought of it in those terms, but arising from the answer—despite the fact that there are a number of substances that do not have a pure form prescribed, how much is this problem really confined to one or two substances or perhaps just this one in a practical sense—butanediol in this case? Are they all butanediol related, or is it a range of substances? Does this one really dominate the field?

The Hon. S.E. CLOSE: It does appear that butanediol is the dominant substance in the inquiries that are being made, but some have been GHB. I presume more generally there are new drugs coming out and therefore there will be substances that will be affected by this that we do not yet have examples of.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (16:31): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PRIVATE PARKING AREAS (SHOPPING CENTRE PARKING AREAS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

S.E. ANDREWS (Gibson) (16:32): I rise in support of the Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill 2022. This bill seeks to deliver on our election commitment to prevent paid parking at Tea Tree Plaza shopping centre and also seeks to assist both consumers and shopping centre workers more broadly across South Australia.

In my electorate of Gibson, this would also prevent the installation of paid parking at Marion shopping centre. In fact, paid parking was once considered in Marion by the Development Assessment Commission back in 2012, but thankfully, to the relief of so many workers, customers and small business owners, this change did not eventuate. Ten years have passed since this was

raised in my electorate, and this bill will help to ensure that any change to free parking arrangements in Marion are in line with the local community's best interests.

Doorknocking in my electorate of Gibson, I often hear stories of people going to Marion not just for their shopping but as a social connection with their community, just a regular catch-up with friends for coffee. Yet, due to COVID-19 and the rising cost of living, families, workers and small businesses are already struggling. As a government, it is our duty to pull the legislative levers available to us to assist our community.

The addition of paid parking to people's local shopping areas is an expense that we, as a government, are able to mitigate. Those who work at these centres and the small business owners who pay rent should not be penalised for going to work and running their business.

There are examples from the SDA's recent case study at West Lakes where workers have cited paying \$35 a day to park to go to work. As of 1 July 2022, the national minimum wage is only \$21.38 an hour, and in fact under many awards juniors are only paid a proportion of this full adult rate for their work. Based on this rate, more than 1½ hours' pay can go to paying for your car park while you attend work. This is particularly challenging for those who are doing minimum hours of three hours every shift. This means that hard-earned money is being chewed up simply paying for parking.

At a time when there is a shortage of workers, it is important that we do not discourage our youth or our unskilled workers from seeking to enter the workforce. It is important that the barriers to meaningful work are justifiable; paying for parking is not. As Peter Malinauskas, our Premier, once said, 'I believe in the dignity of work.' It is important to me and my government colleagues that this dignity is afforded to every South Australian, should they choose.

Not only will the inclusion of paid parking impact those who work in these shopping centres but it would also have an impact upon those who rely on these centres for their weekly shop. For customers to have to include the cost of their parking into their weekly shop or afternoon out is another way to discourage them from using these shopping centres. After the impacts of COVID-19 on these centres, it seems counterintuitive to discourage customers from accessing their shopping centres.

We have heard of retailers, supermarkets, financial institutions, travel agencies and cafes closing their shopfronts in the name of cost cutting. In order to ensure that businesses have a central place in our community, we should not deter customers from shopping centres by asking them to pay for parking.

Combined with other commitments this government has already delivered on, this bill will help people out in our community—workers and shoppers alike—and reduce the burden on South Australians' budgets. This government has already delivered on its commitment to make public transport free for our senior citizens. This measure has aided in reducing pressures on our older South Australians and encouraged them to be more mobile. It has also doubled the Cost of Living Concession, further assisting those on fixed and low incomes with the cost of living. I look forward to continuing to be part of a government that assists South Australians. I commend the bill to the house.

Mr BELL (Mount Gambier) (16:36): I rise to make a brief contribution to the Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill and indicate that I will be opposing the bill. In this place, there are always difficult decisions to be made, and I have found that having a set of principles to guide you when it comes to these difficult decisions certainly comes in handy. A couple of principles that I have on my wall (and I transferred them onto a canvas) indicate small government, light regulation and freedom of enterprise. There are obviously plenty of others, but they are the ones that I will be drawing on here.

I am always mindful also of governments and their ability to overreach, and I despise retrospective laws where people have invested time and money only to find that the playing field changes later due to government intervention.

Having looked at the issue, I can understand why the government, and more particularly local members, believe this legislation will address an issue at Tea Tree Plaza, but it also appears to me Scentre management will create a declining business model if they impose car parking fees

that drive people to other outlets. What they are really trying to achieve is a better experience and more availability of parking for those who support the franchises and the centres in question.

The National Retail Association, which represents more than 10,000 shopfronts in South Australia, has written to express grave concerns about this piece of legislation before us. The association said:

The franchisees' livelihoods very much depend on availability of nearby car parking spaces and turnover of vehicular traffic in these car parks.

Dominique Lamb, who is the CEO of the National Retail Association, said:

On behalf of these members, I can confidently say that removing paid parking is not the positive outcome that the Government may believe it to be. The regulation and payment of parking ensures spaces are not taken up by commuters and workers from nearby areas. Without it, we know that shopping centre car parks face significant demand from non-users of the centre. If this occurs, it makes it more difficult for customers to shop with our members and results in a proportion of those potential customers choosing to shop elsewhere—either at a different location or online.

The Scentre Group have put the following concerns in writing:

1. Claims by the Government that all customers will pay for parking at Tea Tree Plaza are false—the vast majority of people who visit the shopping centre will not pay for parking. A free period is provided comparable to Westfield West Lakes which has a managed car park system and 98% of customers do not pay when they visit.

Claims that retail staff will incur a fee of \$35—which absolutely concerns me and something I would be aggressively against—are false, according to their written statement, and car parking for staff will be \$3 per day. Of course, this is where I would weigh in because I do not think you should have to pay to park to attend work.

The LGA Board of Directors met on 22 July to endorse a formal position. In the first instance, they are of the opinion that the state government should seek to dissuade paid parking in large shopping centres, but they also went on to say that it should not involve decision-making on the part of local government. For consistency of approach, a state government department, such as Consumer and Business Services, should be responsible for making the decision.

The LGA has a range of concerns about the way this bill has been drafted. No reason has been given for why the CEO of a council is a decision-maker. There is potential under this bill for the CEO to make a decision without reference to elected council members. This bill provides no detail on how the CEO should reach a decision about whether or not to allow managed parking; there is merely a reference to 'consult with community'. In the absence of a framework or guidelines, the LGA is concerned about how this exposes councils to challenges from private parking area owners.

In relation to consultation, the bill does not currently provide the clear understanding as to what is meant by the term 'community of the council', noting that the retail catchment area of a large regional shopping centre can sometimes extend well beyond the local government area it is located within.

The bill should require the approving authority to undertake due diligence to support an assessment of the proposal, such as examine the impact on local roads, amenity and economic impact. The bill should provide for conditions of approving, such as periods for free parking, provision for disabled car park spaces, and fees. The bill does not provide clarity as to whether a council could charge a fee for undertaking this process, which will obviously involve costs.

I believe that the Liberal Party also has amendments on file to the Health Care Act 2008 that will continue to provide hospital workers with ongoing access to free parking and free public transport provisions that were made available to them during the previous government's term. The previous Liberal government also provided staff reimbursement for non-site-related parking of up to \$101 per month. My point is that if we are going to do it for one, we certainly need to do it for all.

To highlight the impact of hospital parking, and certainly declare a conflict of interest—in fact, there has been plenty of conflict with my daughter Jordana, who is doing a gap year before going to university. She works at the Memorial Hospital in a clerical role just over the road here in Adelaide. She earns \$20 an hour. She has to also pay \$18 a day to park at the Memorial Hospital—in essence, working one hour per day just to park at the site of her work.

What is also interesting to me is that doctors, specialists and senior technicians park for free. So here you have the lowest paid, on \$36,000 a year, paying \$4,320 per year for parking, yet if you are on a salary of over \$200,000—and some of those doctors are on way more than \$200,000 a year—you pay nothing for your parking. So, if we are going to pass legislation, I think it definitely needs to be extended to our health workers. With those comments, I conclude my contribution.

The Hon. A. PICCOLO (Light) (16:44): I rise to speak in support of this bill. I will not repeat the excellent arguments for the bill which have been put by not only the minister in his opening speech but also the members for Newland, Wright, Playford, King and other speakers who have spoken to this bill already.

Very importantly, this is an election commitment, and I think it is important that if you go to an election and you get elected to government then you actually undertake your commitments. It is quite simple. It is a commitment we have made and we are honouring that commitment, like a whole range of other commitments that we are honouring. The announcement of the Women's and Children's today is a commitment we made, and it is a commitment to the community that we are honouring.

I was interested in hearing some of the speeches on this side of the house, particularly by the member for Heysen. He spent about 12 minutes or thereabouts basically saying that this bill was not required because, essentially, we should let free enterprise determine its own needs and it will not charge for parking because that is what free enterprise does. What he could have said in 30 seconds took him 12 minutes, like a good lawyer. Essentially, we do require this legislation because shopping centres have indicated they do want to charge it. So it is—

Mr Teague: I think you misunderstood my contribution.

The Hon. A. PICCOLO: Perhaps I did misunderstand your contribution.

Mr Teague: Look at the *Hansard*.

The ACTING SPEAKER (Mr Brown): Order! The member will be heard in silence.

The Hon. A. PICCOLO: There are a couple of points I would like to make. The importance of shopping centres is beyond getting your goods and services, etc., which people get from various shopping centres; obviously, they provide employment for people who work there and they also, as mentioned by some speakers, provide a very important social role.

Often, people who use shopping centres for a social role are people who, generally speaking, are isolated in our community, marginalised in our community, and the shopping centre is a place where they meet and do things. It actually plays a very important social role. Some of those people may or may not have a vehicle. For those people who do need to get to the shopping centre with a vehicle, this sort of imposition would be a disproportionate burden on those people in our community who can afford it the least.

In some of the shopping centres in my own town, I have seen a number of people who go there to buy a cup of coffee and socialise. Sometimes I think to myself that they should be paying rent for the amount of time they spend there, but it is an important social function and I think that this would disadvantage those people.

It is important in suburban centres more so than in the city because people generally congregate at their local community level. They will not come to the city for that same social interaction. They will meet their friends in the local shopping centres, whether that be in Gawler or at Tea Tree Plaza, etc. That is what people do. It is unusual for people to go, for example, from Gawler to the city to meet with some friends on a daily basis. They might on an occasional basis but not on a daily basis, so these suburban shopping centres play an important role and that is why they are different from the city.

It was interesting to note the comments made by the member for Schubert, that her born-again interest is in looking after workers' interests. It was interesting that, when the previous Marshall Liberal government increased charges/fees at our hospital car parks, she was actually working for the government at the time. I do not recall her standing up at any time, saying that was a bad idea. She was the principal media adviser, so she would have been the one helping to

communicate why it was a good idea to increase charges for our frontline workers in the hospitals, etc., and why they should be paying more.

If it were not for COVID, they probably would still be paying more. That is the reality. They were forced into reducing those fees to zero because of the COVID implications. So, if the member for Schubert is going to talk about workers' rights, she should be more consistent in what she does as well as what her party does.

Issues that address people's rights and obligations in their working environment should be addressed by enterprise agreements. That is the best place to detail and deal with issues regarding conditions of employment, etc. They should be, quite rightly, dealt with in the enterprise agreement, and this government has given a commitment that those matters will be discussed and dealt with under those enterprise agreements. What does this bill do? Quite simply, as it is currently drafted, the bill provides:

(1) The owner of a regulated shopping centre parking area must not, without the approval of the chief executive officer of the council for the area in which the regulated shopping centre parking area is situated, charge a person a fee for the parking of a vehicle in the regulated shopping centre parking area.

Before granting any approval, the chief executive officer of the relevant council must consult with the community in the manner in which they see fit. That is not an unusual thing to ask a council to do. I think the councils are closer to the communities and I think they have a better idea of what the implications are for that community, so I have no problem with asking councils to make that decision.

The fact that it is delegated to the CEO is not unusual either. If you actually stipulated each step the CEO had to go through in every situation in the Local Government Act, as it is suggested in this bill, you would increase that already quite lengthy act about four or five times. To suggest that the CEO would not consult their council, that would be a decision for the council to make and the relationship that the council has with the CEO.

A good CEO on an issue like this, I would have thought, would consult their council in addition to consulting the community. The fact that they have to consult with the community is very important because the community can then bring the information they need to take into account before the council and the CEO. I do not think the additional amendments are worthy of support. The other place may have a different view about that matter, but I certainly do not think we should be supporting that in this chamber.

I would just like to raise one issue regarding private parking areas. It gives me a chance to raise an issue with what I believe are some of the matters that need to be addressed in this act. I think the act is a good idea. In one of the provisions, provision no. 4, it gives private parking area people the ability to have agreements with councils which they have policed. I think that is a sensible, practical thing to do. In other words, you have council employees to ensure that those parking areas are used consistent with the laws, to ensure compliance and to ensure they are used consistent with parking on public roads, etc. In other words, they would make sure that, if there is a disabled park in a private parking area, that is who uses it and nobody else. That is a good idea.

However, some councils are sometimes a little too diligent in the way they apply their compliance work. I will give you an example of my own council, which was quite diligent in its duties, beyond the law in fact. The council had an agreement with a particular shopping centre in Gawler. For whatever reason, the council was unaware that the agreement actually expired two years prior to them issuing a whole range of fines to people who actually used the car park.

If that is not bad enough—issuing fines when they actually had no authority to issue the fines—they were quite diligent, for example, in issuing fines for reserved car parking in this car park. The reserved car parking was when there was a particular retailer there and they needed to reserve car parking for that retailer. That retailer had come and gone. The council was still issuing fines for people who had parked in the reserved car parking, even though the retailer was no longer there.

Secondly, the council was issuing fines for people staying in the car park for more than three hours when, on any day, that car park was used to the maximum of 10 per cent. That is when I think compliance is taken to its extreme and one has to question the objective of that compliance work:

whether it is to raise money for the council or to actually use in compliance, given that nobody was disadvantaged.

When it was drawn to the council's attention that the agreement had expired and that perhaps issuing these fines was not legal, the council dutifully refunded some expiation notices. They refunded them. The interesting bit is that the agreement had not been in place for some two years and they had issued the fines for the whole period, and the council then refused to let previous people, who paid, notify them of that.

They said that if they came forward they would get a refund; if they did not come forward, they would not get a refund. The point the council made is, 'We don't know who they are,' yet they issued an expiation notice. The expiation notice went to that person, and there would have been recovery action, but they did not know who they were.

Putting that aside, they then got legal advice to say that once the person paid the fine it is expiated and therefore they have no legal right to a refund, even though the fine was illegally imposed up-front. I am hoping that some time in the future the appropriate minister will take action to clarify the regulations to make sure that councils that issue fines are doing so lawfully and have the legal authority to do so. There are probably a number of councils in this state where these agreements have expired and they issue these notices without proper authority, and the law seems to say that once a person pays a fine, the council does not have to refund it.

Most people would not ask to see the agreement in place because not many people would know about part 4 of the Private Parking Areas Act, and therefore people are disadvantaged. Private parking areas are important. It is important that they are complied with in terms of the law, and private parking areas are important to make sure they are free to users. For those reasons, I support the bill.

Mr ODENWALDER (Elizabeth) (16:56): I rise to make a very brief contribution to this bill. The first thing I would say is that this bill honours an election commitment. It was clear going into the campaign, particularly doorknocking with people like the member for Newland and the member for King—you have to draw the line somewhere; I did not doorknock with the member for Wright—that it was a very big issue in the north-east. My understanding is that the petitions and feedback generated by those particular members in the north-east were overwhelming. If this bill is opposed by the opposition today, I look forward to campaigning again in those seats and gauging community reaction to how the opposition has responded to this very sensible measure.

This bill seeks to prevent owners of regulated shopping centre parking areas from charging people for visiting a shopping centre with a gross lettable area of 34,000 square metres or more, importantly without the approval of the chief executive officer of the local council who has, by resolution of the council, agreed to approve charging people for parking in that particular shopping centre, as the member for Light has traversed quite well.

Of the two shopping centres this applies to, one is directly in my electorate, the Elizabeth City Centre, and the other one is Munno Para Shopping City, I believe it is called. Both fit the criteria; they both have a gross lettable area of more than 34,000 square metres. Elizabeth City Centre, certainly the larger of the two, receives 6.9 million visits a year, which equates to 19,000 people a day. Interestingly, it also boasts Australia's largest retail centre solar installation, which doubles as the car parking centre, which is quite an achievement, if you have seen it.

Not only is the Elizabeth City Centre home to supermarkets, restaurants, specialty stores and entertainment spaces but it also hosts essential government services. It hosts Service SA and Housing SA. Service SA and Housing SA are frequented by many people in my electorate and surrounding electorates. They spend a large amount of time working on very complex cases.

Anyone who has been to Service SA at the Elizabeth City Centre knows that sometimes the wait times, through no fault of their own, are very long, and sometimes the cases they have to deal with are very complex. Some of the customers may also be vulnerable people. They are accessing Housing SA, they are accessing some of the services of Service SA, and some may need more time than others to go through some of the paperwork and bureaucracy involved in those agencies.

To add the burden of paid parking on to those who are accessing those government services is, in my view, unconscionable. That is not to mention the burden that will be placed on those who

keep shopping centres open, such as retail workers and cleaners. People have spoken about those at great length already. In other areas of the state, retail workers, such as Caitlin from Coles at West Lakes, remarked:

I often need to park in the Westfield parking, sometimes having to pay up to \$35 because I'm unable to move my car on my breaks. I don't feel safe walking from the staff car park to the back entrance of Coles when I finish at 10pm at night either.

So there is a safety issue to this too. It is a huge price to pay for someone to get to and from work safely, especially when they are working irregular hours of the night and day as retail workers do.

The bill we are contemplating here, and the bill we will be debating in the committee stage shortly, I believe is a sensible solution to that problem. It prohibits paid parking in regulated shopping centres of a certain size unless, as the member for Light has traversed, the local council resolves otherwise. Local councils do have a close relationship with their residents and the local businesses they serve, and if a local council were to consider paid parking there would be extensive community consultation and debate. I am confident, particularly in my council area, that a sensible solution would be reached.

While it is wrong for essential workers such as retail workers and cleaners to be used as a means to boost shopping centre profits, it would be absolutely immoral for this burden to also be placed on those who must access essential government services. If for no other reason than that, I urge members to support this bill.

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning) (17:00): Let me thank members for their contributions to this very important bill: the members for Newland, King, Wright, Florey, Torrens, Gibson, Elizabeth and Light before that. I got some good homework from the member for Light about other matters related to the paid parking act as well. Let me also thank the opposition—the members for Flinders, Heysen, Schubert and Mount Gambier—for their contributions.

It was an interesting debate that went to the various parties' philosophy of government, and that is an important debate for this parliament to have. This debate is really about the march of the boom gates in our shopping centres. As other members did, the member for Heysen pointed out that this act was put in place in 1986, and from 1986 right through to the first of the boom gates there were never any issues. It is the introduction of boom gates, it is the introduction of paid parking by shopping centre owners, it is their actions—utilising this act for a purpose it was not meant to be utilised for—that have triggered this debate.

In opposition, Labor was committed to stopping boom gates in shopping centres—in Tea Tree Plaza most particularly, but across the state—because we know that, bit by bit, the introduction of paid parking arrangements with boom gates, with no community debate, has been what has triggered this bill, what has triggered the election commitment. We are fulfilling our commitment, our electoral mandate.

It was debated up and down the suburbs around Tea Tree Plaza—Modbury, Tea Tree Gully and the like—and well ventilated in the community. The centre owners themselves had plenty of public debate out there in the community to know that this was not a popular proposition with their customers and not a popular proposition with the workers who work there.

That is the proposition: it has been the march of these boom gates. Quite simply, Labor is opposed to the boom gates and the Liberal Party, the opposition, is in favour of boom gates at shopping centres in this state. It is a simple bill, a simple choice.

The opposition roamed around a whole range of other things. They did not talk about retail workers very much, they did not talk about consumers very much, they did not talk about the contents of this bill very much. They talked about a whole lot of other things, but not about this very simple proposition. It is a very simple bill because it stops boom gates and the introduction of paid parking in our suburban shopping centres.

Let's not forget, as the member for Elizabeth pointed out, that these shopping centres are large shopping centres, they are the hubs of the community and they have made themselves the predominant marketplace at the expense of many high streets around our community. They have

changed the nature of shopping, and that is just part of the process since they have opened. Since Arndale and Marion first opened, they have changed the nature of retail in our state. But paid parking was never part of that proposition; it was never part of that proposition.

Now we have the situation where young workers, young female workers, and shoppers will all be shoved around by these artificial arrangements imposed upon the community by the shopping centre owners without public consent. That is the proposition of the opposition. The government: we have an electoral mandate and we intend to fulfil it. I think that is a pretty clear proposition. We have heard a lot about it.

Of course we are concerned about the safety of workers and we are concerned about the charges that will be imposed upon workers. We know that where parking for workers is available or proposed, it is limited—it tends to go very quickly—and then workers are pushed into side streets or pushed into arrangements where they might get a fine or they are pushed into arrangements where they might pay a fair amount of their take-home pay.

There has been no indication from the centre owners, no going out there to workers or the community and saying, 'We have heard what you have had to say. We will soften our prospect.' They have marched on with the advance of boom gates and a paid parking regime. So we think that needs to be dealt with.

This bill is a simple bill; it is a clear bill. It empowers local government and empowers local communities, and what could be more fair than that? What could be more democratic than that? The community in which paid parking is proposed should be debated by the local council which looks on all the other parking arrangements in those councils. It is not any other level of government but by resolution of the council—which the member for Flinders conveniently ignores, democratic resolution of the council—instructing the CE to vote up or down a paid parking regime. So it is a pretty simple proposition where the power is given to local government to do that.

We heard a lot from the opposition about various things. They talked a lot about hospitals but they neglected to accurately portray the situation. They put up the parking fees in hospitals. They put them up just before the pandemic; that was the action of the government. Then, when they made it free, they tied it to the emergency declaration. Those arrangements are just facts and they should be debated elsewhere, not as part of this bill. It does not belong as part of this bill.

I think the opposition is philosophically opposed to this bill and moving amendments not to improve the bill or to improve public debate or anything like that but simply to frustrate the bill's passage. So it is quite clear: Labor is against boom gates at your shopping centre, in Tea Tree Plaza, in Marion, in places like that. We want to empower local government, and the local community most importantly, to be able to say that they do not want it. We think that is a fair and reasonable thing to do. The opposition wants to impose those boom gates, those paid parking arrangements. The choice is clear, and I commend the bill to the house.

Bill read a second time.

Mr TELFER (Flinders) (17:08): I have a contingent notice of motion on the Private Parking Areas (Shopping Centre Parking Areas) Amendment Bill on its being read a second time. I move:

That it be an instruction to the Committee of the Whole House on the bill that it have power to consider amendments relating to the Health Care Act 2008.

This instruction to the house, that it have power to consider the amendments to the Health Care Act 2008, is a very important one. Despite the protestations of the government that this has nothing to do with paid parking, it has a very clear relationship between arrangements with Tea Tree Plaza, for instance, and arrangements just down the road at Modbury Hospital, where the government is now charging people for parking.

This motion before the house is to consider an amendment that deals with extending free parking to hospital workers. This amendment would enable a new clause 90A to be inserted into the schedule of the Health Care Act 2008 to ensure that hospital workers can continue to park for free at our state's hospitals—as it was provided to them under the previous Liberal government during the first two years of the COVID-19 global pandemic—and for the continuation of free public transport for hospital workers; the second part relates to subsection (2) providing for that continuation.

One of the challenges that we have at the moment is that we have a health situation which continues on. Life certainly has not got easier for hospital workers since the election. Ramping, as we have heard already in this place, started well before 2018, and now that Labor is back in office it has only got worse. We know this pressure has a direct impact on the wellbeing of our hospital workers.

The United Workers Union (UWU) has stated that free parking and transport provisions could mean savings of up \$1,300 per month, which is significant for some of our lower paid workers who, like all of us, are experiencing increasing cost-of-living pressures. Everyone acknowledges that these workers have been our frontline heroes, working long hours, enduring the challenges and uncertainty of being in the eye of the storm of the virus and putting the needs of patients ahead of our own.

We in the Liberal Party acknowledge that our hospital workers deserve to be supported, and that is why we are trying to amend this bill so that hospital workers are included in the proposal to provide free parking—any other position is hypocritical. We hear the government calling for free parking within Tea Tree Plaza, yet down the road they are going to be charging hardworking, frontline workers for parking at Modbury Hospital.

There is a clear correlation between these two areas, and I hope that the government will vote in favour of this process for us to make legislative change to support our hospital workers—looking after those who are looking after us.

The house divided on the motion:

Ayes14
Noes.....24
Majority10

AYES

Basham, D.K.B. (teller)
Ellis, F.J.
McBride, P.N.
Speirs, D.J.
Telfer, S.J.

Batty, J.A.
Gardner, J.A.W.
Patterson, S.J.R.
Tarzia, V.A.
Whetstone, T.J.

Bell, T.S.
Marshall, S.S.
Pederick, A.S.
Teague, J.B.

NOES

Andrews, S.E.
Brock, G.G.
Clancy, N.P.
Fulbrook, J.P.
Koutsantonis, A.
Odenwalder, L.K. (teller)
Picton, C.J.
Szakacs, J.K.

Bignell, L.W.K.
Brown, M.E.
Close, S.E.
Hood, L.P.
Malinauskas, P.B.
Pearce, R.K.
Savvas, O.M.
Thompson, E.L.

Boyer, B.I.
Champion, N.D.
Cook, N.F.
Hutchesson, C.L.
Mullighan, S.C.
Piccolo, A.
Stinson, J.M.
Wortley, D.J.

PAIRS

Pisoni, D.G.
Hildyard, K.A.
Cowdrey, M.J.

Michaels, A.
Hurn, A.M.
Hughes, E.J.

Pratt, P.K.
Bettison, Z.L.

Motion thus negatived.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr TELFER: I move:

Amendment No 1 [Telfer-1]—

Page 2, lines 18 to 20 [clause 3(2)]—Delete subclause (2)

The Hon. N.D. CHAMPION: We will be opposing the honourable member's amendments for the reason that they just serve to complicate the bill. The opposition has explained a number of times their philosophical objection to the bill, and we know that these are just simply designed to complicate the arrangements, in particular, that are being made with the council. We think that the bill is elegantly designed because it is simple. As the Chair said before, the more complexity in these arrangements—the more legal challenge and the more prescription in them—the more you tie the hands of the council. We think it is elegant to have a simple resolution, as the bill is currently consistent, and we will be opposing the amendment.

Amendment negated.

Mr TEAGUE: In relation to new subsection (4), the inserted definition of a major retail shopping centre, can the minister shed any light on how the government zeroed in on 34,000 square metres?

The Hon. N.D. CHAMPION: I certainly can, for the honourable member's benefit. We thought it was wise to look at the size of the two major shopping centres that really kicked off these large shopping centre complexes, which were Arndale and Marion, and that is how we arrived at that figure. I think Arndale was before Marion, but I am happy to be corrected about that. That was the basis on which we arrived at the 34,000 square metres figure because they were the first of what is now an established pattern of major shopping centres with major facilities in them with large car parking areas that have traditionally been free.

Mr TEAGUE: Perhaps this is the opportunity to have the record in a conveniently located place: how many of them are there and if the minister might care to identify them by name, if that is practicable?

The Hon. N.D. CHAMPION: I am happy to. I will give him the centre name, the location and the total centre square metre figure: Arndale Central, which is in Kilkenny, is 34,386; Munno Para Shopping City at Smithfield is 41,551 square metres; Westfield West Lakes is 61,011 square metres; Gepps Cross Home HQ in Gepps Cross is 62,006 square metres; Elizabeth City Centre is 68,571 square metres; Colonnades Noarlunga Centre is 77,443 square metres; Westfield Tea Tree Plaza in Modbury is 90,620 square metres; and Westfield Marion at Oaklands Park is 114,522 square metres, as I am advised.

Mr TEAGUE: Perhaps, to bookend that group of questions, if Arndale Kilkenny is at or about that threshold of 34,000, is there a number and, if so, how many of those that fall under that threshold have been the subject of any consideration?

The Hon. N.D. CHAMPION: There are some that are just underneath it. The Mile End Homemaker Centre in Mile End is 33,441 and then Golden Grove village centre at Golden Grove is 30,594, and on you go. Clearly, you have to draw the line somewhere. The decision made was to draw it at the first of what was, if you like, a modern shopping centre. You have to understand that those shopping centres set the model and the pathway for these suburban shopping centres, and I think that was the best place to draw a line, and you have to draw somewhere.

Clause passed.

Clause 4.

Mr TELFER: I move:

Amendment No 2 [Telfer-2]—

Page 3, line 23 [clause 4, inserted section 13(1)]—Delete 'the chief executive officer of

There has been a lot of commentary, especially from the minister, around the suitability or otherwise of local government to be the one that is at the pointy end of this process when it comes to the

management of private parking areas. All the consultation we have had with the LGA, and the vast majority of its member councils, is that they do not believe that having state government direction having to be enforced by local government is a good process to be going through. In fact, there have been communications to us in the opposition that there are concerns around a potential conflict of interest with the different options for the management of this.

The opposition in response to that, and in consultation with local government, has undertaken to try to make the responsibility for this process and the policing of it well and truly within the realm of the state government. This is the first of a number of amendments, which is really aimed at putting the responsibility for this legislation into the hands of the state government and in particular, if we are able to get the amendment forward, to get it potentially for the Commissioner for Consumer Affairs, a process which we believe creates enough independence from decision-makers in state government, but also takes away that risk of a conflict of interest for local government.

The Hon. N.D. CHAMPION: We oppose this amendment, but of all the opposition's amendments perhaps this is the one that is done for genuine reasons rather than philosophical objection to the bill, if I might be so—

Mr Brown: High praise.

The Hon. N.D. CHAMPION: Yes, I like to praise those opposite every now and again. I, too, have talked to local government. I understand chief executives who are well remunerated by their councils might wish to avoid any additional responsibility. They do difficult jobs in our community and they do have a lot of responsibility already, but that said, we think as a philosophical proposition that this is essentially a local issue and it should be dealt with by the level of government that is closest to the people, which is most likely to be able to take into account the local community's support of or opposition to paid parking propositions.

If the centre owners are so fair and reasonable, and such good corporate citizens, they should be able to convince local communities that their paid parking arrangements are fair and reasonable, and the council's decision would then accordingly be one way. We suspect, though, that community opposition will be very forthright, that the councils will consult with the community, will have a resolution of the council, and that the councils' chief executive officers' jobs will be relatively easy because they will have the local community behind them, and that the centre owners being such responsible citizens would be mindful of that reasonably sensible arrangement, a clear arrangement, which incorporates local communities.

This proposition says, 'No, we should take it out of local communities' hands and put it in the hands of the Commissioner for Consumer and Business Services,' which does no other area of parking in this state. They regulate many other things, as they should, but we think that this proposition—taking it out of local government and giving it to the Commissioner for Consumer and Business Services—is not the right amendment, even if you were to be listening to local government and attempting to assuage their opposition on this particular part of the bill. That said, we will be opposing it, and we think the original bill does the job properly.

Amendment negated.

Mr TELFER: Mr Chair—

The CHAIR: Hold on a second. We need to work out whether there were any consequential amendments as a result. You can talk to the clause generally now, if you wish.

Mr TELFER: I am putting another amendment.

The Hon. A. Koutsantonis: No, you lost the first one so they're all done.

Mr TELFER: No, this is a subsequent one that is not contingent.

The CHAIR: I am advised that that was contingent on the other bit passing. I am just telling you what I am being advised, but just give me a second and we will clarify that. I am being told by parliamentary counsel that what I said was correct, and I think he has a few more stripes than you.

Mr TELFER: Definitely. I always lean on his advice.

The CHAIR: There are no other amendments you can move. You can speak to the clause generally if you wish, or not.

Mr TELFER: Thank you very much. In reality what I wanted to do was tidy this bill up a little bit, because I do have concerns with the process which local government is obligated to be managing. In direct consultation with the Local Government Association, they have been very proactive in putting forward constructive amendments, amendments that would be, I hope, considered in the Legislative Council, potentially, because they are ones which actually add to the quality and the depth of the private parking areas amendment bill. There is just not enough certainty for local government through this process.

The amendments have been there for consideration, and I do moot that they hopefully will be considered in the Legislative Council. As I have said, there has only been one council I have had communications with that are supportive of this bill in its current form. There are plenty that have concerns around it.

Clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning) (17:34): I move:

That this bill be now read a third time.

Mr BELL (Mount Gambier) (17:34): I just rise to indicate, as I indicated in my second reading speech, that I will not be supporting this bill. I think it is a bit of hypocrisy and a bit patchworky that one group perhaps is the focus of this bill, yet health workers and those in hospitals are not, despite their paid parking arrangements being different under a previous government. To me, it just seems unfair. Certainly, in terms of legislation I think we should be legislating for all, not specific groups. I just indicate that I will not be supporting the bill.

The house divided on the third reading:

Ayes22
 Noes.....13
 Majority9

AYES

Andrews, S.E.	Bignell, L.W.K.	Boyer, B.I.
Brock, G.G.	Brown, M.E.	Champion, N.D.
Clancy, N.P.	Cook, N.F.	Fulbrook, J.P.
Hood, L.P.	Hutchesson, C.L.	Koutsantonis, A.
Mullighan, S.C.	Odenwalder, L.K. (teller)	Pearce, R.K.
Piccolo, A.	Picton, C.J.	Savvas, O.M.
Stinson, J.M.	Szakacs, J.K.	Thompson, E.L.
Wortley, D.J.		

NOES

Basham, D.K.B.	Batty, J.A.	Bell, T.S. (teller)
Ellis, F.J.	Gardner, J.A.W.	McBride, P.N.
Patterson, S.J.R.	Pederick, A.S.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Malinauskas, P.B.
Pisoni, D.G.
Michaels, A.
Marshall, S.S.

Hurn, A.M.
Bettison, Z.L.
Cowdrey, M.J.

Close, S.E.
Pratt, P.K.
Hughes, E.J.

Third reading thus carried; bill passed.

LOCAL GOVERNMENT (DEFAULTING COUNCIL) AMENDMENT BILL*Final Stages*

The Legislative Council agreed to the bill without any amendment.

SHOP TRADING HOURS (EXTENSION OF HOURS) AMENDMENT BILL*Introduction and First Reading*

Received from the Legislative Council and read a first time.

At 17:41 the house adjourned until Wednesday 28 September 2022 at 10:30.