HOUSE OF ASSEMBLY

Wednesday, 15 November 2023

The SPEAKER (Hon. D.R. Cregan) took the chair at 10:31.

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.

Parliament House Matters

CAR PARK SECURITY INCIDENT

The SPEAKER (10:32): Before I call the Clerk, I wish to update members on a security incident. I am advised that at about 4.45pm yesterday, a black Audi sedan forced entry to the Parliament House car park. Protective services officers immediately responded. South Australia Police inspected the vehicle and deemed that it posed no risk to the parliament. I am advised that later in the evening a man was observed returning to the car park and was arrested by South Australia Police. Protective services officers also responded. I am informed by South Australia Police that the incident is not regarded as an attack on Parliament House.

Bills

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION (TARGETS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 November 2022.)

Mr ODENWALDER (Elizabeth) (10:32): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 21
Noes.....16
Majority 5

AYES

Andrews, S.E.	Brown, M.E.	Champion, N.D.
Clancy, N.P.	Close, S.E.	Fulbrook, J.P.
Hildyard, K.A.	Hood, L.P.	Hughes, E.J.
Hutchesson, C.L.	Michaels, 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.	Brock, G.G.
Cowdrey, M.J.	Ellis, F.J.	Hurn, A.M.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G. (teller)	Pratt, P.K.	Speirs, D.J.

Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Bignell, L.W.K.	Marshall, S.S.	Cook, N.F.
Gardner, J.A.W.		

Motion thus carried; order of the day postponed.

HERITAGE PLACES (ADELAIDE PARK LANDS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 May 2023.)

Mr ODENWALDER (Elizabeth) (10:38): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 24
Noes.....16
Majority 8

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, 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.	Brock, G.G.
Cowdrey, M.J.	Ellis, F.J.	Hurn, A.M.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G. (teller)	Pratt, P.K.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Bignell, L.W.K.	Gardner, J.A.W.	Cook, N.F.
Marshall, S.S.		

Motion thus carried; order of the day postponed.

PUBLIC FINANCE AND AUDIT (AUDITOR-GENERAL ACCESS TO CABINET SUBMISSIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 September 2023.)

Mr ODENWALDER (Elizabeth) (10:43): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 23
Noes.....16
Majority 7

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	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.	Brock, G.G.
Cowdrey, M.J.	Ellis, F.J.	Hurn, A.M.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G. (teller)	Pratt, P.K.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Bignell, L.W.K.	Gardner, J.A.W.	Cook, N.F.
Marshall, S.S.		

Motion thus carried; order of the day postponed.

ELECTORAL (CONTROL OF CORFLUTES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 May 2023.)

Mr ODENWALDER (Elizabeth) (10:47): I move:

That this order of the day be postponed:

The house divided on the motion:

Ayes 23
Noes.....16
Majority 7

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	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.	Brock, G.G.
Cowdrey, M.J.	Ellis, F.J.	Hurn, A.M.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Pratt, P.K.	Speirs, D.J. (teller)
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Bignell, L.W.K.	Gardner, J.A.W.	Cook, N.F.
Marshall, S.S.		

Motion thus carried; order of the day postponed.

CONSTRUCTION INDUSTRY COMMISSIONER BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 March 2023.)

Mr ODENWALDER (Elizabeth) (10:51): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 24
Noes.....16
Majority 8

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, 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.	Brock, G.G.
Cowdrey, M.J.	Ellis, F.J.	Hurn, A.M.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G. (teller)	Pratt, P.K.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Cook, N.F.	Marshall, S.S.	Bignell, L.W.K.
Gardner, J.A.W.		

Motion thus carried; order of the day postponed.

ELECTORAL (TELEPHONE VOTING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 November 2022.)

Mr ODENWALDER (Elizabeth) (10:55): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 24
Noes.....16
Majority 8

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, 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.	Brock, G.G.
Cowdrey, M.J.	Ellis, F.J.	Hurn, A.M.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G. (teller)	Pratt, P.K.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Bignell, L.W.K.	Gardner, J.A.W.	Cook, N.F.
Marshall, S.S.		

Motion thus carried; order of the day postponed.

FREEDOM OF INFORMATION (MINISTERIAL DIARIES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 November 2022.)

Mr ODENWALDER (Elizabeth) (10:59): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 24
Noes.....16
Majority 8

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, 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.	Brock, G.G.
Cowdrey, M.J.	Ellis, F.J.	Hurn, A.M.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G. (teller)	Pratt, P.K.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Bignell, L.W.K.	Gardner, J.A.W.	Cook, N.F.
Marshall, S.S.		

Motion thus carried; order of the day postponed.

PUBLIC SECTOR (MINISTERIAL TRAVEL REPORTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 September 2023.)

Mr ODENWALDER (Elizabeth) (11:04): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 24
Noes.....16
Majority 8

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, 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.	Brock, G.G.
Cowdrey, M.J.	Ellis, F.J.	Hurn, A.M.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G. (teller)	Pratt, P.K.	Speirs, D.J.
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Bignell, L.W.K.	Gardner, J.A.W.	Cook, N.F.
Marshall, S.S.		

Motion thus carried; order of the day postponed.

Motions

CLELAND NATIONAL PARK

Mr BATTY (Bragg) (11:08): I move:

That this house—

(a) acknowledges that 25 November 2023 is the two-year anniversary of Cleland National Park becoming a national park;

(b) recognises the environmental, cultural and social value of South Australia's national parks; and

(c) commends the Marshall Liberal government for its record expansion of national parks in South Australia underpinned by record investment.

South Australia's natural landscapes are one of our greatest assets, and to protect these landscapes we have national parks that can be found right across the state. If you are an avid walker and hiker, like me, you will know that the benefits of these national parks go beyond just an environmental benefit; indeed, they contribute to a uniquely Australian way of life. We are truly fortunate to be able to enjoy this way of life here in Australia, and we are truly fortunate that the previous Liberal government did so much to protect South Australia's natural landscape and environment and to promote everyday public engagement with these open spaces.

I am very lucky to have one of these national parks in my own electorate—indeed, it probably makes up about one-third of my electorate—and that is the globally renowned Cleland National Park. Proclaimed two years ago as part of the previous Liberal government's sweeping record expansion of national parks, Cleland truly is a national treasure that brings great benefits to our local community.

There are many environmental benefits to Cleland National Park. It preserves a very important area of bushland situated in the Adelaide Hills Face Zone and is home to a lot of diverse natural wildlife. Indeed, despite being only about a thousand hectares in size, Cleland is home to over 800 different species of flora and fauna. The fauna in the park ranges from a variety of birdlife, such as the superb blue wrens, to foraging mammals such as the echidna and the endangered southern brown bandicoot. You might be lucky enough to see kangaroos bounding along or koalas high up in the trees.

I want to acknowledge the role of the volunteer groups such as Friends of Cleland National Park, who help to protect that environment and who have done much important work. Over the past 25 years the Friends of Cleland National Park group has done everything from restorative work to the natural landscape to monitoring the endangered southern brown bandicoot with infrared cameras to learn more about these native creatures. It was a pleasure to join the Friends of Cleland group earlier in the year, on a very wet and windy day, for one of their tree plantings, and I thank them for all the work they have done for a few decades now.

It is worth noting that it is passionate groups like this that the former Liberal government saw fit to assist with an increase in the availability of the funding pool for grants to Friends of National Parks groups. It is us, on this side of the house, who will always favour practical environmental outcomes that achieve real green outcomes in our communities.

As I mentioned, it is not just environmental value that we derive from Cleland National Park. There is important social value being delivered there as well, with the park drawing hundreds of thousands of visitors every year from around the world, visitors who come not only to enjoy this rich biodiversity but also the fantastic network of walking and cycling trails and world-class attractions like Waterfall Gully, Mount Lofty Summit and Cleland Wildlife Park.

Mount Lofty is one of Adelaide's most popular walking trails. Indeed, the Waterfall Gully to Mount Lofty trail is the most popular walking trail in the city, with some 600,000 people enjoying it every year—and one of those people is me. Like so many in our local community, I enjoy a weekly climb up the mountain. My best time is approaching 45 minutes now—

The Hon. V.A. Tarzia interjecting:

Mr BATTY: —which I understand is considerably faster than the member for Hartley, who tends to lumber up there a little bit slower in the mornings. That is okay. It is not a race, of course, but an opportunity to enjoy scenic waterfalls, abundant wildlife, sweeping views of Adelaide from the summit as the sun rises and, best of all, coffee from Boris at Base Camp when it is done and dusted. The member for Hartley spends more time having breakfast afterwards than actually exercising up the mountain, I am told.

Another major attraction with the national park is Cleland Wildlife Park. This is a major tourist attraction in my local electorate, just 20 minutes from the city. It allows its 140,000 annual visitors the opportunity to feed kangaroos as they laze, wander the wetlands and surround themselves with 130 species of Australian wildlife. Again, we saw the former Liberal government commence a once-in-a-generational upgrade of Cleland Wildlife Park—the most significant investment in that popular tourism destination for more than two decades—including, importantly, a purpose-built koala holding facility, which is the park's most sought after activity. In fact, I am told that there is a certain koala in residence that resides at Cleland Wildlife Park that is named Vickie after the former member for Bragg. I am sure it is a feisty creature indeed.

Nature-based tourism, which is exemplified in Cleland and perhaps no better than at Cleland, is hugely important. We should always be looking for ways we can improve the visitor experience at our parks and promote these sorts of nature-based tourism experiences. I know that is a focus of the new general manager at Cleland Wildlife Park, Michelle Hocking, who I met with earlier this year. The passion she has for growing the wildlife park into a world-class destination is palpable.

For all those reasons, I commend the former Liberal government for proclaiming Cleland National Park about two years ago to the day. This proclamation as a national park I think better reflects the area's nationally significant environmental and cultural values. Along with the subsequent investments that we saw from the former Liberal government, it provides greater opportunities for visitors, whether they be locals or tourists, to enjoy that national park.

Cleland National Park was just one part of a much wider policy initiative from the former Liberal government, which undertook a very deliberate and record expansion of national parks right across South Australia. This of course was spearheaded by the now Leader of the Opposition during his time as the Minister for Environment. On coming into government in 2018, South Australia had approximately 3.9 million hectares of land in national parks.

Over the following four years, the Liberal Party undertook a record expansion of South Australia's national parks, adding approximately four million hectares, so nearly doubling the size of our national parks right across our state and bringing the total land area under national park categorisation to just over 7.9 million hectares. This meant on leaving government approximately 21 per cent of South Australia's land area was covered by national parks and by other conservation arrangements, which is a historic achievement that we celebrate through this motion today.

These parks are found right across the state, whether it be Glenthorne National Park, which was proclaimed in May 2020 as Adelaide's second metropolitan national park at 545 hectares in size,

home to a number of native species and heritage-listed properties, or whether it be the Munga-Thirri—Simpson Desert National Park, proclaimed in November 2021, which is South Australia's and indeed Australia's largest national park at 3.6 million hectares in size, home to a vast desert landscape and the world's largest system of parallel dunes.

Proclaimed at the same time was Lake Frome National Park in November 2021, covering more than 258,000 hectares, covering a salt lake that stretches 100 kilometres long and is 40 kilometres wide. Also proclaimed in November 2021 was the Deep Creek National Park, home to the largest remaining portion of remnant natural vegetation on the south end of the Mount Lofty Ranges and the largest intact area of open forest, woodland and shrubland on Fleurieu Peninsula.

Also in November 2021, we saw the proclamation of the Southern Flinders Ranges National Park. At 8,600 hectares in size, that national park brings together a range of existing conservation parks and is home to over 750 native species of flora and fauna. So we see nearly a doubling of the size of South Australia's national parks over the time of the former Liberal government. We see examples of them right around the state, providing the sort of environmental but also social and cultural benefits that I am trying to recognise in this motion today.

Very importantly, the record expansion of our national park was also underpinned by a record investment in our national parks. The former Liberal government invested the highest amount in history in South Australia's parks. We revitalised parks right across the state, from the Flinders Ranges to Kangaroo Island, protecting our environment while also driving ecotourism and creating local jobs. We have built and funded infrastructure and amenities, just like the infrastructure I spoke of at Mount Lofty and at Cleland National Park, and we boosted grants to Friends of Parks groups, from $60,000 per annum to $750,000 per annum.

What all this means is that South Australians now have access to beautiful open spaces that were once locked away. We have our environment being preserved and protected for us now and for future generations, and we can have more jobs being created with increased nature-based tourism. I celebrate all of our precious national parks. I commend the work of the former Liberal government in this area, and I commend this motion to the house.

Ms HUTCHESSON (Waite) (11:21): I move to amend the motion as follows:

Remove paragraph (c) so that it reads as follows:

That this house—

(a) acknowledges that 25 November 2023 is the two-year anniversary of Cleland National Park becoming a national park; and

(b) recognises the environmental, cultural and social value of South Australia's national parks.

Cleland National Park is not quite in my community but almost, just up the hill. I remember going there quite a while ago, about the start of last year, when someone suggested I might take on the parkrun in Cleland National Park. I had been to a parkrun before. It was pretty easy. I went down there, and let me tell you I have never been back. The hill was the worst thing that I have ever experienced. I encourage you to go and try it, but maybe you might want to come along to our soon-to-be-launched Belair National Park parkrun.

In 1891, something absolutely significant happened, something that has allowed us to continue our work with environmental protection, and it occurred right in my electorate. That was the proclamation of the Belair Recreation Park, which was the state's first national park. It also became the country's second national park and the 10th in the world, right there in my front yard.

The national park is surrounded by multiple suburbs, such is the size of the asset, and that includes Upper Sturt, Glenalta and Belair. But we fast-forward through the years and the establishment of over 350 parks and reserves covering more than 20 per cent of our state to 2021 and the proclamation of Cleland as a national park. As I mentioned, the parkrun was not exactly wonderful, but the park itself is incredible. The beautiful and valuable protected areas conserve the important ecosystems, habitats, flora and fauna, unique land formations and culturally significant places.

Our parks across the state help ensure we continue to have clean air, soil and water and contribute to the global efforts to conserve biodiversity against the impacts of climate change. For Aboriginal people, protected areas are invaluable in maintaining connections to their country. Some parks are co-managed by Aboriginal groups, and the state government's co-management of national parks combines Aboriginal knowledge with Western park management.

Cleland National Park conserves an important area of bushland. Situated in the Adelaide Hills Face Zone, one of South Australia's most popular walking trails traverses this unique area from Waterfall Gully to Mount Lofty Summit. Every weekend, as mentioned, hundreds and hundreds of keen and fit people take to Waterfall Gully, take to the mount and walk up to the summit. As I understand, those opposite have a bit of a competition as to how fast, but our own member for Gibson can do it in 42 minutes—so, pretty impressive.

I remember going to Cleland a lot as a child as well and cuddling koalas, feeding kangaroos and, of course, being chased by emus, and maybe that is why I am slightly scared of them these days. But the wildlife that is available there—for anyone to go to see from all over the country or when they come to visit from all over the world—is just incredible.

Now, you know I love a bit of history, so here are my findings. In 1945, the government purchased at auction the Obelisk Estate that now comprises the bulk of Cleland National Park. In 1965, the development of the native fauna zone got underway and was officially opened to the public in April 1967. The conservation park was named for Sir John Burton Cleland (1878 to 1971), a renowned naturalist, microbiologist, mycologist, ornithologist and a member of the Royal Society of South Australia. After a career in medicine and pathology, Cleland became keenly interested in wildlife conservation.

I also remember the fateful day that Ash Wednesday all but destroyed the lookout, and the toll it took on the park and its vegetation was extreme. On reading the March to June 1983 edition of *The Volunteer*, which I have here—it is very exciting—it reported on the impact of these fires at Cleland and at Mount Lofty. It said:

> Strong winds drove the fire across Waterfall Gully into Cleland Conservation Park. The fire also spotted over the golf course and sped up both sides of the South-Eastern Freeway to Crafers and Waverley Ridge Road, burnt out the famous Eagle-on-the-Hill Hotel and B.P. petrol station opposite, and met motorists arriving at Crafers via The Upper Sturt Road—it was everywhere…
>
> Fire leapt the road ahead of C.F.S. volunteers and as they were about to make a stand at the Crafers Primary School the arrival of the south-west wind change steered the fires back towards Piccadilly and Mount Lofty, burning paddocks and trees.

It also said:

> At the Mount Lofty Kiosk only the cement obelisk built in 1902 to mark Matthew Flinders visit to the S.A. coast remained.
>
> The 98 year old Flinders Column, built in 1885 as a trigonometric survey station was established to calculate local latitude and longitude of places near Adelaide and as a landmark to aid navigation. A plate commemorating Matthew Flinders was attached to the tower in 1902 by poet Lord Alfred Tennyson, in honour of the discovery and naming of Mt. Lofty Ranges in 1802. Flinders Column used as a fire spotting tower until a few months, was soon to be converted to a museum.

The history is there, the beauty is there and, in addition to projects that we understand the opposition undertook, we know that our parks are worth protecting. As the motion suggests, we need to not only recognise but protect the environmental, cultural and social value of all our national parks and it is because of that that we must continue to invest in them.

In addition to projects that improve and upgrade trails and infrastructure in parks, our government has also undertaken the following initiatives. As part of its election commitments, we committed $3 million in funding over four years to support Friends of Parks groups, to work in national parks and across the broader landscape on activities including weeding, planting, seed collecting and other nature restoration actions.

This funding also supports the building of Friends of Parks volunteer skills and capacity, including four wheel drive handling, first aid and cultural awareness training. I am fortunate to have quite a number of Friends of Parks groups who are lovingly supported by our rangers: Friends of

Belair, Friends of Sturt Gorge, Friends of Brownhill Creek, Waite Conservation Reserve, Shepherds Hill Reserve—they are full of volunteers who do an incredible job.

Our government also committed to increasing the number of co-managed parks in partnership with traditional owners to support First Nations people to take the lead in caring for their country. We entered into co-management with the Kaurna people in 2022 over Aldinga Conservation Park, Adelaide International Bird Sanctuary National Park and Torrens Island Conservation Park.

We have also committed to entering into co-management with the Nukunu people, and we are currently finalising the co-management agreement for Wapma Thura—Southern Flinders Ranges National Park. There are now 13 co-management agreements covering 37 parks. This equates to 65 per cent of the area of the state's parks and reserve system, or 13 per cent of the total land area in the state.

We acknowledge that the traditional owners of this land managed it and its native vegetation for 65,000 years and as such we need this collaboration. We need to listen and act, and we need to support emerging Aboriginal rangers who have a connection to country we can only begin to hope to understand.

Because of this, a further important election commitment was the employment of an additional 15 Aboriginal rangers over four years with funding of $5 million. Increasing the representation of these rangers will lead to greater involvement of Aboriginal people in the management of protected areas and greater opportunities to care for country and establish career pathways. This will, in turn, enhance the capability of the National Parks and Wildlife Service to manage our national parks. These rangers are working across the regions of South Australia and are performing the full range of duties associated with the National Parks and Wildlife Service ranger roles.

Our parks are so incredibly important, especially to my community. They are an asset that needs protecting, celebrating and enjoying. I move this amendment so we can all celebrate Cleland and all our national parks.

Mr McBRIDE (MacKillop) (11:30): I rise today to speak to the motion moved by the member for Bragg in support of the importance of recognising the environmental, cultural and social value of South Australia's national parks. I commend the previous government for initiating a study that provided insight into the enormous contribution national parks provide our state. The study highlighted the more than $374 million that our national parks and reserves contribute to the state economy every year. In addition, it highlighted the wide range of indirect benefits to the local economy. This includes revenue raised by visitor spending on items such as accommodation, food and fuel at nearby businesses.

Within the MacKillop electorate, we are fortunate to have some 68 parks and conservation reserves that stretch over more than 117,000 hectares. These parks generate $35 million to regional economies and support over 100 jobs in the private sector. They contain features and landscapes containing vegetation, flora and fauna unique to the area. They allow for a multitude of activities to occur, such as fishing, boating, hunting, camping, walking, birdwatching and windsurfing.

Highest visitation occurs at the World Heritage-listed Naracoorte Caves and at the sandy coasts and lagoons of the Coorong National Park. More than 90,000 people visited the World Heritage-listed Naracoorte Caves from 1 January to 31 December 2022.

The coastal parks of Little Dip, Beachport and Canunda continue to grow in visitor numbers each year, particularly from four-wheel drive enthusiasts and campers from Victoria. We have a beautiful balance that exists in the region, where the portion of parks that are set aside to conserve our vegetation provide refuge for our birds and fauna species. They also allow recreation use for tourists, complementing the developed world they sit amongst.

Whilst areas have been drained over the years to enhance agricultural productivity, we still manage to have some of the largest areas of natural wetlands in South Australia, like Bool Lagoon, which provides a refuge and breeding environment for hundreds of bird species. This balance is further supported by recent discoveries of fauna, including the spotted-tail quoll near Beachport. This endangered marsupial has not been seen in the region for 130 years, raising hope that a local

population may exist. Populations of the southern bent-wing bat continue to be discovered. They have the amazing ability to consume three-quarters of their body weight in insects each day, an example of a natural predator coexisting with surrounding primary production.

Our parks also provide a refuge for these animals during some of Australia's regular droughts. To date, we have struck a balance that has meant a low footprint on the natural environment within the region. We have managed to provide four-wheel drive tracks that are remote and challenging enough for visitors so the need to stray from these tracks is minimised. This ensures that the vast majority of vegetation that exists in the region remains untouched. In some cases, it is as it was 100 years ago.

The cultural value of our parks can also not be understated. I welcome initiatives like the South Australian Tourism Commission's Aboriginal Tourism Action Plan. This provides a framework to encourage investment in new and existing Aboriginal tourism products and experiences. The plan encourages the fostering of strong partnerships between community groups, private investors and local, state and federal governments.

Coorong National Park is of great cultural significance to the Ngarrindjeri people. Environmental programs like Healthy Coorong, Healthy Basin further support the need for knowledge-sharing of landscape practices. Our parks and wildlife, Landscape board employees, research partners, community groups and volunteers do an amazing job managing our parks for the benefit of many.

They conduct bird monitoring surveys, undertake pest, plant and animal control, carry out revegetation issues and are involved in community engagement and land management. It is important that, with increases in visitor numbers to our parks, adequate funding and resources are allocated to provide the necessary infrastructure and additional education and marketing information that is required.

There is an opportunity for partnerships with Victoria to capitalise on tours and activities within the MacKillop region. We should build on the interest from Victorian visitors and link tourism routes from Melbourne to Adelaide to capitalise on some of the $440 million that is generated from the Great Ocean Road tourists.

Further opportunity exists to bring education and research facilities into our parks, allowing students to learn about the natural environment. We are very fortunate for the foresight of many before us that has allowed for the protection and preservation of our parks while at the same time complementing our primary production.

Our parks provide tremendous opportunities for economic, cultural and educational initiatives well into the future. I commend the motion to the house and thank the member for Bragg for highlighting the importance of our national parks.

Mr TEAGUE (Heysen) (11:35): I am very pleased to rise in support of the motion in the form moved by the member for Bragg, of course. It is really passing curious that the government would see fit to move an amendment to the motion that would remove a recognition of what is uncontroversially a record expansion of national parks that has occurred in South Australia and underpinned by record investment.

I think it is uncontroversially a good thing that we have seen this record expansion of national parks. We know that the State of South Australia has a uniquely precious and, if I might say, delicate natural environment, particularly in the arid parts of the state to the north.

We do well to learn more about being a good custodian of the natural areas of the state, and we are also in a uniquely capable position in terms of being able to dedicate these spaces so that we can improve the natural environment and make a real difference to our appreciation both as South Australians and for the benefit of visitors who come to our state and appreciate all that we have to offer in the natural environment.

We are indeed fortunate to live in this most spectacular part of the world, and it is well to recognise and commend the Marshall Liberal government for that record expansion of national parks

in South Australia underpinned by record investments. So I really would emphasise the importance of paragraph (c) in the motion as it has been moved by the member for Bragg.

The motion focuses on Cleland National Park becoming a national park. Many people would say, 'Well, that's high time'. They would have thought, 'Well, Cleland is known as part of the scenery for really all South Australians.' Most of us really do not have too much of a clear memory of South Australia without Cleland Wildlife Park, opening as it did back in 1967, and right from the beginning playing a very central role in terms of being a public interface for encounters with wildlife and in turn the development of a better appreciation and knowledge of wildlife, both wildlife that is present in the local area in the Adelaide Hills and also examples of wildlife that are found throughout the state.

So it is a real place at which someone can come as a visitor and have an immersive experience and really see the benefits of seeing animals behaving in their natural environment, together with the opportunities to learn from experts who are there at Cleland. I want to say a few particular words of appreciation to Chris Daniels in a moment.

I often reflect on the comparison to wildlife parks in other parts of the country, and I keep in mind Lone Pine Koala Sanctuary in Brisbane, for example, as a comparator. As the name implies, it has been perhaps most well known for its opportunity to interact with koalas and, particularly for overseas visitors coming to Australia, it is a place where people go in large numbers to see koalas. There is a sort of production line of foliage that is brought in to feed the large number of koalas that are there and ready for interaction with the visitors.

I often reflect on the relative modesty of the experience at Cleland, at the relatively more intimate and, if I might say, natural setting in which one has the opportunity to interact, particularly with koalas but also with other animals, and really say we have something very special and uniquely South Australian in Cleland and we are well to appreciate that. It has often been observed that Cleland is one of those first places that South Australians will take their visitors when they are coming for the first time to our state. I know that is particularly true for those visitors of my constituents who are coming for the first time to the Adelaide Hills. They have Cleland right on their doorstep and they can go an have this wonderful experience there right away.

Of course, the current general manager is Michelle Hocking and she has been in the role for a little more than a year. We recognise and wish Michelle Hocking well in the work she is doing. One of Michelle's recent predecessors Chris Daniels was in the role of director for a period of not quite two years, from the middle of 2018 until the middle of 2020.

Apart from wanting to highlight his well-known credentials as not only an expert but a leading communicator in terms of wildlife and the natural environment, I want to recognise that the time that Chris Daniels was director of Cleland coincided in particular with those devastating fires that destroyed much of Kangaroo Island. His response in terms of finding opportunities for Cleland to play a role in terms of a public face for both learning and rescue, particularly in relation to koalas, was something that Chris Daniels took full advantage of.

I first knew Chris Daniels in the context of his work with the Nature Foundation of South Australia and he has been involved in so many ways, including now pressing on with advocacy for greening urban areas. He has of course worked with the Leader of the Opposition during his time as Minister for Environment in that very important work, and I wish Chris Daniels well as he continues in that regard.

To highlight where Cleland sits, in the broader picture, as has been observed in the course of the debate, it sits in the Adelaide Hills and really is surrounded by all kinds of efforts to work effectively for the improvement of the natural environment by local friends groups and those who are focused on particular small parks in the surrounding area. Just one example, but a very good one, is the Sturt Upper Reaches Landcare Group. They gathered for their AGM just last evening. Unfortunately, those of us engaged in the parliament late last night, including me, were not able to therefore join with the group.

They are working tremendously well to advance the Bandicoot Superhighway, as it is known in our local area, by improving bandicoot habitat, management and guidelines. As I do regularly—I hope enough—I just want to single out for particular recognition in that regard my friend Danny

Rohrlach, who is the President of the Sturt Upper Reaches Landcare Group. He was in fine form and leading the way last night. I am sure that Cleland will continue to play a central role, as will these very important groups, as we work towards improving the natural environment going forward into the future.

Mr PEDERICK (Hammond) (11:46): I rise to support the original motion by the member for Bragg in support of Cleland National Park, and national parks in general in South Australia, by noting:

That this house—

(a) acknowledges that 25 November 2023 is the two-year anniversary of Cleland National Park becoming a national park;

(b) recognises the environmental, cultural and social value of South Australia's national parks; and

(c) commends the Marshall Liberal government for its record expansion of national parks in South Australia underpinned by record investment.

When we came to government in 2018 there were approximately 3.9 million hectares under control in national parks. Over the following four years there was a record expansion, and this added approximately 4 million hectares, which essentially doubled the national parks in this state, so it was around 7.9 million hectares. This meant that when we left government approximately 21 per cent of South Australia's land area was covered by national parks and other conservation arrangements.

Cleland National Park, being located just on the edge of Adelaide, is an ideal place to take visitors or to go as a local to visit. I have been privileged to go there several times with guests, and they have a great time checking out the wildlife, the flora, and the fauna of Cleland. The beauty of it is that because it is so close to a major population base, being Adelaide, it is so accessible.

I do not get too excited about climbing Mount Lofty—I will leave that up to others—but I am sure it is exciting. It is good that this is so close to those in the city who might not have the opportunities that those of us who live further out have, in getting a bit more fresh air, especially when we do not have to be here. It is great for people from all walks of life as it is quite accessible. You can get up there—you do not have to climb Mount Lofty—to enjoy it. That is the total beauty of it: getting up close to kangaroos in a park setting. We see plenty of them in nature out on our farms, but it is a real privilege to take people there to enjoy the facilities of the park.

Some of the parks that were created as part of the expansion, apart from Cleland, were Glenthorne National Park and Munga-Thirri—Simpson Desert National Park, which is Australia's largest national park at 3.6 million hectares, and there are obviously others alongside of that. As part of this investment, there have been new trails put in, new car parks and new visitor facilities, which has demonstrated our commitment to preserving these areas.

Cleland was proclaimed in 2021 and comprises over 1,000 hectares. As I said, it is a fantastic national park. Glenthorne is 545 hectares and then we have Munga-Thirri—Simpson Desert National Park, which was proclaimed in November 2021. It has the world's largest system of parallel dunes and has extensive spinifex grasslands and acacia woodlands.

Something I want to do one day is cross the Simpson and have a look at some of those parallel dunes. I have had the opportunity to be up at Birdsville and out at Big Red on that end of that park. It certainly tests the abilities of the Toyota Prado, but it can get up on Big Red from either side—I have proved that—and without letting the tyres down.

Most people travel towards Birdsville from the north northwest, which is the way to come, and I am really looking forward to doing that trip one day. It is not recommended to do it with a camper trailer, but people do it and I have seen some different combinations go through the couple of times I have been up there. You see cars come in with their windscreens missing and they have had a bit of fun. It will be a great drive to do one day and come across those dunes.

Ngarkat national park, which is right near where I am at Coomandook, is 271,000 hectares and was first proclaimed in 1979. I farmed next to Ngarkat down at Tintinara for five years. It is always interesting when you are farming next to a national park the amount of wildlife, kangaroos and emus that come in and test your cropping ability.

I have mentioned in this place before the frustration that farmers have farming next to national parks. It does not seem to matter which colour of government it is, the legislation says the government may assist with the cost of fencing. Well, every neighbour I have worked with, you go halves in one way, shape or form on fencing. I think that is something that needs to be addressed, because the only way to fence successfully against a park like that is to have two-metre high fencing to keep the native animals on the right side and keep your animals on the good side.

Ngarkat as a mallee park, preserving that biodiversity, has been a great place that we have enjoyed for decades, getting out there with friends and camping on long weekends. It runs from up near Lameroo down towards Keith. I have had quite a few trips in there to Baan Hill and other places such as Box Flat. Box Flat has some great memories of how much fun you can have there.

When I was leasing a property called Emu Springs at Tintinara I did what you should not normally do in a park. You are supposed to go the way the wind blows with the sand dunes. I had this old three-speed Toyota and I went the other way to get to Box Flat. I went north instead of south. We got there alright but we must have been within probably less than a kilometre or two and the front axle let go. That was not very helpful because I had a heavily pregnant wife at the time who was with me, but I had plenty of supplies, if we got caught. I told my friends, 'Look, we are running a bit late. Come and get us.' That did not happen, but I had suddenly realised we were not far from where we needed to be. But we have had some great fun.

They are great places to enjoy and to enjoy the solitude of those parks that are further out. They are great for groups, great if you are on your own, and great for the family to get out and get away from it all and do a bit of camping. Certainly, in light of the closer parks, they are very close for people to visit.

Just on Ngarkat, as we come into the fire season, it can be a bit of a magnet for lightning strikes—it seems that way—and at times there have been fires of about 80,000 hectares. You see great burn scars on some of the old mapping and how much land has burnt at times, so it is something to be aware of with these parks. They are having a goat cull there, I think, from tomorrow for a few days. But it is a magnificent spot. As a firefighter, the best way to fight a park fire like that is to sit on the edge and wait for it to come to you.

I commend the motion and I commend the way we have assisted the preservation of flora and fauna in this state.

Mr TELFER (Flinders) (11:56): I rise to speak in favour of this motion in its original form. In doing so, I want to especially recognise the environmental, cultural and social value of South Australia's national parks and recognise that, in my electorate, there are three in particular: the Lincoln National Park, the Coffin Bay National Park and the Gawler Ranges National Park. There are many other national parks and conservation parks and heritage areas within my electorate.

If you have been to Eyre Peninsula, well, you are very blessed. I am blessed to live there. If you have visited, you are a bit blessed. We have a unique environment, breathtaking, and highlighted especially by these national parks. For this motion to recognise the environmental, cultural and social value of those parks is really important. The Port Lincoln and Coffin Bay national parks have rolling sandhills, majestic cliffs, beautiful beaches and bays, and they are certainly very much appreciated by my community and the community of people who visit those natural wonders of our environment.

The Gawler Ranges National Park is probably one that even fewer people have experienced. Its unique inland beauty is accentuated by granite rocks that are outcrops towering over the landscape. It is a unique experience that I certainly commend to anyone in this house to experience camping in that Gawler Ranges National Park, experiencing that unique environment.

I think as decision-makers it is incumbent upon us to make sure that when we are making decisions around national parks we get the balance right, making sure that we are aware of the environmental, cultural and social value of these parks. We need to make sure they are able to be utilised and appreciated by our population.

I recognise that these environments obviously need to be protected. They need to be looked after but we should not be placing hurdles in front of people to visit our parks. We should make sure that these parks and environments are accessible and not cost prohibitive. Many in my community

cannot afford expensive holidays away, gallivanting around the country, but we always appreciate the opportunity to go camping in our national parks over a weekend or a few days. It has been and should continue to be an affordable option for people to get away with their family to experience our unique environment and to do so in a way that is able to be accessed by so many.

Let's make sure when we are making decisions in this place that we do not make this experience unaffordable by getting the balance wrong. We need to make sure that we are looking after the environment in these parks, absolutely, but we should be doing so in a way that allows that natural environment to be accessed by our local people now and into the future. It is that balance I talk about between environmental, social and cultural values.

As has already been mentioned in this place, the social structure of regional communities is built around our environment, whether that is in national parks or in the rest of our beautiful regional South Australia. These national parks give an insight into the natural environment that should be able to be accessed by all, and I hope decision-makers continue to make sure they can be accessed by all.

The previous Marshall Liberal government did invest a significant amount of money into national parks right across South Australia, and I would like to especially note the work done by the previous environment minister investing in national parks, and not just the ones close by. I know paragraph (a) of this motion refers to Cleland National Park, but investment into national parks all around our state was a hallmark of the previous Liberal government. The vision with which that government approached national parks was well appreciated by the community; to invest in them, to give a variety of experiences, to make available a high level of experience for those who may not have been to our national parks, to still keep the option open for people to be able to camp, to pitch a tent or take a campervan or a swag to those national parks, that sort of variety of experience.

As I said, it is an amazing environment that is able to be experienced, especially within the national parks in my electorate, and that should continue to be allowed. We should not fall into the trap of trying to close off aspects of our national parks, to lean too heavily into the protection of the environmental value. We all recognise that the unique flora and fauna within our national parks needs to be protected, but let us not forget about the cultural and social value national parks give us as well.

May the investment into our national parks continue to expand, and I hope that the current minister, the current government, does have an eye on regional South Australia and the national parks within the regions, because the amount of money generated for our economy that is driven by regional tourism is incredible. I have often spoken in this place about the amount spent within the Eyre Peninsula and tourism goals that are already being exceeded—the 2025 tourism goal has already been exceeded—and the way we can continue to attract people to visit South Australia, both from within the state and from interstate and overseas, hinges around our unique environment—none more so than within our national parks.

Once again, I would like to commend and congratulate the previous government for the vision for our national parks. I hope some of that enthusiasm and vision has rubbed off on the department and that the work can continue under this government. This is what sets us in South Australia, especially in regional South Australia, apart—our beautiful untouched wildlife, environment and nature, especially on the wild west coast of South Australia.

The Hon. D.G. PISONI (Unley) (12:03): I rise to speak on the motion in its sensible and commendable original form. It is disappointing that the government has chosen to ignore facts in its amendment, but they have the numbers and this will become the motion. However, it is important that we do recognise when governments do the right thing.

To this day I thank Paul Keating for the compulsory superannuation program, and acknowledge that it was a Labor government, under Paul Keating as the then Treasurer, that brought that in to Australia. It means we are the only OECD country in the world that is actually seeing a smaller financial burden for retirees in 10 years' time than every other country, which is seeing a much larger financial burden for working taxpayers in supporting its retired citizens, just like the initiatives, the commitment, of the former Marshall government in national parks was a continuation of some very early work that started here in South Australia.

In 1872, Yellowstone National Park in the United States was the first national park in the world. Then in South Australia, just 19 years later, Belair National Park was proclaimed, only the second in Australia. We were still a colony at that time. Federation was not formed. We were a colony after Tasmania, after Victoria and after New South Wales, yet we were the second colony to embrace the concept that was started in the United States just 19 years earlier with Belair National Park.

We should be celebrating those governments for doing that. They took those risks. At times, they are risks, because you do not always have social licence when you are doing something that has not been done before, but what a difference it has made to the lifestyle that we enjoy in South Australia having parks like Belair, the second in the country, to Cleland, which was proclaimed by the now opposition leader as environment minister as part of his role being responsible for national parks in South Australia.

Living in Unley, we often have the national parks coming to us. When my kids were very young, they were very excited one day when, just a couple of trees down the road, there was a koala in our street. There are no gum trees in our street—it is a street of jacarandas—but there was the koala. On two occasions in recent months, we have had kangaroos hopping down Unley Road. Of course, we are between the Parklands and the national parks to our immediate south in the Mitcham foothills. It is a very shady pathway.

I remember it was not that long ago when our American friends used to think it was every day you would see kangaroos in the suburban streets in Adelaide. We used to laugh at them and say, 'You are watching too many cartoons,' or, 'You believe the stereotypes about living in Australia,' but we are seeing that happen. It is important that the parks are there for public use. They are there to be enjoyed. They are linked, particularly for biodiversity and particularly for the fauna that frequents our green space so fauna can move through the suburbs.

I would like to see a bigger emphasis on the southern Parklands in particular, beyond the halfway point between South Terrace and Greenhill Road. There is a stark contrast between the density of trees and how green the Parklands are for about 200 metres south of South Terrace compared to about 200 metres or so north of Greenhill Road. It is almost like someone has drawn a line, saying, 'This is the area we are interested in, Parklands adjacent to South Terrace. Parklands south of that, adjacent to Greenhill Road, can be left to their own devices.'

In summertime in particular it means, unless it is a sporting field, it is not a terribly attractive place to visit, and so people tend to get ideas about using that space for something else other than parkland. I am a strong advocate that, if we invested more in our parklands, our parklands would be destinations for people from all over Adelaide to come to enjoy, not just for playing sport but coming to spend the day with their children. We are fortunate we do have in the South Parklands BMX tracks and the TreeClimb. We have things that make the South Parklands a destination.

We are seeing more use of land that was otherwise used for commercial purposes on Greenhill Road within the City of Unley. That is now being used for residential accommodation. I know that there was a late change for, I think, 56 Greenhill Road, Wayville. There was going to be an office complex, and then of course we saw a big increase in office vacancy rates. Very astutely, that developer decided then to develop an apartment complex, which has been extremely successful. The timing has been very good because we are seeing more and more people wanting to downsize.

When they do downsize, they do not want to move very far from where they brought up their families, and so being able to buy quality apartments within five kilometres of where they have spent the last 30-odd years raising their families in their own communities has been a success. Of course, because they have moved from homes with gardens to apartments, any access to public open space is important. Consequently, that is why I would like to see more of the public open space that we have access to.

It has really been ignored by those councils where those suburbs sit, directly adjacent from the Parklands. Technically, they are the responsibility of the City of Adelaide. The City of Adelaide does not have ratepayers on the extremity of those roads, whether it be Fullarton Road, Dequetteville Terrace or Greenhill Road, and so very little money is spent on beautifying and maintaining those spaces compared with other parts of Parklands, compared with North Adelaide, for example, where it is surrounded by City of Adelaide ratepayers.

I would like to see collaboration between those councils that abut the City of Adelaide to invest in the Parklands that are of interest to the residents who live just outside the Parklands ring in those inner suburban suburbs. Thank goodness for the investment of the Marshall government in our national parks and in particular Cleland National Park, two years ago next week.

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (12:13): The motion from the member for Bragg is an excellent one, highlighting the critical importance, the environmental, cultural and social value of Cleland National Park and indeed South Australia's national parks more broadly. The motion recognises the record investment and expansion in national parks by the Marshall government.

I will reflect briefly first on Cleland National Park and then more broadly on our national parks and the Marshall government's expansion of them. Cleland National Park is an amazing place. Many South Australians have had the opportunity to experience it. Its environmental value is significant. Certainly, its protection of koalas and other native species, including endangered species, over many years has been a conservation effort of significant value. It is an important part of our Adelaide Hills, and its pest management/bushfire control responsibilities are not insignificant to its neighbouring properties, but I want to reflect on its social value to South Australians.

Cleland National Park was probably one of my very favourite places in the world when I was a small child. Indeed, many of my earliest memories of being with my family, and in particular my mother, were of her taking me to Cleland National Park—an opportunity on the weekend or during the week before I was in school. I have very vivid and strong memories of being able to engage with nature, being able to engage with animals, and indeed my mum, while visiting Cleland National Park.

I have almost no memories of my paternal grandmother, Eve Gardner. The only memory that I really can recall, apart from her funeral, was again of being at Cleland National Park. She was an animal rights activist and well known in Greens circles in South Australia. Her passion for animals and the protection of cats and dogs and native species was well regarded and reported by many, but she did not play a significant role in my childhood.

However, I do have vivid memories of being at Cleland with mum, and helping to push grandma around in a wheelchair. I have a memory of her refusing to even swat a fly that was sitting on her face because she was so concerned about the welfare of the fly. You can imagine how much she appreciated seeing me as her grandson being so keen to engage with the animals that were so well treated at Cleland and given wide open spaces to roam in an appropriate natural environment.

That is the sort of memory—not that specific one, obviously—of the engagement with nature that I am sure is shared by thousands to tens of thousands of South Australians. So I place on the record—to everybody who has worked or engaged or supported Cleland National Park—the importance of that endeavour. The work done by the former Marshall Liberal government two years ago in having it declared as a national park I think provides those extra protections and recognition of the significant environmental, cultural and social value of it and our other national parks.

The motion as currently framed, which 'commends the Marshall Liberal government for its record expansion of national parks in South Australia underpinned by record investment' is an important part of the motion because, of course, there has been an election and there is a new government, and the significant endeavours of the Marshall Liberal government, led by its environment minister, the now Leader of the Opposition—not just at Cleland but also in the establishment of Glenthorne National Park and in the expansion and establishment of parks elsewhere around South Australia and the investment in them, the significant multimillion dollar investments in our national parks infrastructure and environmental infrastructure—really should be a clarion call to the new government of the expectations the South Australian people will have of them to deliver for our parks in South Australia in the years ahead.

If the Labor Party, through the amendment that has been tabled in the house to delete this historical recognition of the investment in national parks, carries through and votes against paragraph (c) of the motion, then it will just tell me and all South Australians that they are ashamed that they have not met the standards set by the former government, by the member for Dunstan as Premier and the Leader of the Opposition as environment minister. The only reason I think that they

would be ashamed of having paragraph (c) in this motion is if they have no intention of meeting the standard that was set by the former government.

I hope that my children and tens of thousands of other South Australian children will have extraordinary personal moments at Cleland and other national parks with their families that they will be able to cherish in the years ahead, just as I cherish my memories, particularly with my mum but also with my grandma and, frankly, any other range of people who would come to South Australia. It was always a great opportunity and an excuse to visit Cleland again. As a child, I was never wanting of that excuse; I was always keen to take it. As a parent, I now take the opportunity wherever I can to say yes to my kids if they ask for that, and I just hope that they will continue to do so.

Mr BATTY (Bragg) (12:19): In closing the debate, I want to thank the member for Waite, the member for MacKillop, the member for Heysen, the member for Hammond, the member for Flinders, the member for Unley and the member for Morialta for their contributions to this debate. That is seven members of this house representing very different parts of South Australia but all with a reasonably united view that we should be celebrating our national parks and the benefits they bring.

I think it has been worthwhile to acknowledge some of those various benefits right across the state and get some insights into national parks and open spaces in various local communities right across South Australia. This is important not just here in Adelaide, not just in my own electorate in Bragg where we have Cleland National Park, but right across the breadth of South Australia.

We do have an amendment that has been moved by the member for Waite to remove paragraph (c) of my motion. I must say that this is an unusually modest amendment. I half expected to walk in today and see an amendment seeking to congratulate the Malinauskas Labor government on the trees having grown faster under their term, or something of the kind, in their usual self-congratulatory tone. But while modest—

Ms Hutchesson interjecting:

Mr BATTY: We deal with facts, though. While modest, this amendment is still curious because all it seeks to do is remove two fairly, I would have thought, uncontroversial facts. The first of those facts is that the former Liberal government undertook a record expansion of our national parks. We can see that simply in the numbers. We went from 3.9 million hectares of national park to 7.9 million hectares of national park—a record expansion, and uncontroversial fact, undertaken by the former Liberal government.

This was also undertaken with a record investment in our national parks. In fact, it was the highest amount in South Australian history being spent on our parks during the former Liberal government. We invested in infrastructure and amenities in parks right across the state. We increased park rangers and we boosted funding to Friends of Parks groups.

Perhaps, we can see the benefits of this investment no better than in Cleland National Park, which this motion is celebrating today, where the previous government invested particularly around Mount Lofty and Waterfall Gully to make Adelaide's most popular walking trail even better with a $5 million project that has seen significantly upgraded trails, amenities and signage in that area.

Importantly, the former Liberal government also invested in additional car parking around Chambers Gully. The climb up the mountain in the morning is supposed to be difficult. What is not supposed to be so difficult is finding a car park down the bottom and for many in my community that is often half the battle. This additional investment from the former government has gone some way in alleviating that problem, but it is still a problem particularly on weekends.

I want to continue to fight for any measures in this place that might make the Waterfall Gully/Mount Lofty Trail more accessible and easier to access, whether that is shuttle buses perhaps on weekends, whether it is additional infrastructure that is required or whether it is as simple as trying to encourage people to park at the top and walk down and do it back-to-front. Anything we can do to make it easier for locals to enjoy this great asset should be considered.

I commend the motion in its original form to the house celebrating the two-year anniversary of Cleland National Park, recognising the environmental, cultural and social value of all our parks right across the state and also noting two uncontroversial facts: that there was a record expansion

of national parks under the former Liberal government and that it was underpinned by a record investment in our national parks by the former Liberal government.

Amendment carried; motion as amended carried.

WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS

Ms HUTCHESSON (Waite) (12:24): I move:

That this house—

(a) notes that World Day of Remembrance for Road Traffic Victims is 19 November 2023;

(b) expresses its deepest condolences to the families, friends and loved ones of the people who have lost their lives and suffered serious injuries on South Australian roads;

(c) recognises that the emotional trauma experienced by family and friends of road traffic victims is often devastating and ongoing; and

(d) acknowledges the ongoing efforts made by South Australia Police, communities and all other relevant organisations committed to reducing road deaths.

Imagine for a second that you are at home on the couch watching your favourite Netflix drama and the doorbell rings. Now, who could it be at this late hour? You open the door and there are two police officers standing there. You instantly feel sick because there are only a very few reasons that officers knock on your door late at night.

You realise that your loved one is not at home yet and your heart sinks as the officers come in to tell you that your loved one has been involved in a serious car accident. The best outcome is that they are in the hospital, but then it is unlikely that police would be there to tell you that. No, they are there to tell you something much worse: they are there to tell you that your loved one will not be coming home, that when they left that morning it was the last time you would see them, that they did not survive the impact of the crash, that they have gone.

You can never really recover from something like that. The next time you might see officers come to your house might be to ask you whether you have seen anything suspicious or if they are searching for a missing person. Your heart immediately jumps into your mouth and the feeling of absolute shock instantly returns.

That feeling will never go away: the loss of a loved one so suddenly with no warning—there in the morning and gone at the end of the day. Families who are left behind to pick up the pieces, trying to keep going, is an everyday battle and they all have my heart.

This motion recognises this loss in a whole-of-world context. It recognises the World Day of Remembrance for Road Traffic Victims, which is commemorated on the third Sunday of November each year—this Sunday.

It is a high-profile global event to remember the many millions who have been killed and seriously injured on the world's roads, and to acknowledge the suffering of all affected victims, families and communities, with millions added each year to countless millions already suffering—a truly tremendous cumulative toll, and a lot of fateful doors to knock on for our police officers. As such, this day also pays tribute to the dedicated emergency crews, police and medical professionals who deal daily with the traumatic aftermath of road crashes.

As a first responder, I have been to quite a number of road crashes but thankfully none that have resulted in a fatality. The wreckage is something else. Cars crumple so easily and human bodies are so vulnerable to impact even if it does not appear that there has been any damage.

Earlier this year I led my crew to a head-on car accident on Upper Sturt Road. It was probably the most serious accident that I had attended. It was a wet day and the cars slid and collided. I approached the vehicle to check on the driver. You know, kids grow up pretty quickly, and it took me a while to recognise that I knew him.

It was somebody I had known for a long time, someone I had known since he was a little boy in fact, someone who was good friends with my son. They went to school together and his mum and

dad and I are also close. The shock for me was instant, and I relinquished my OIC role immediately to ensure that I could focus on this young man and on contacting his parents.

He seemed mostly unharmed. As is the case with many road crashes—at least the ones I have been to—there is magically always a nurse, a paramedic or a doctor who happens to be driving on the road at the same time. They pull up like a guardian angel and their instinct to help kicks in instantly. They are calm and so incredibly welcomed by emergency services whilst we wait for the ambulance and paramedics to arrive. This was the case for young Liam. In fact, there were two nurses. One was even an intensive care nurse on her way home from her shift.

As I said, he seemed okay, but we kept him in his seat until the ambos were able to assist. The Blackwood CFS road crash brigade arrived and began the work to get him out of the car, all while I was keeping his parents updated. Liam went off to hospital and it was not until he got there and the doctors could look at him that they realised his injuries were actually a lot more serious. His rib had sliced his bowel and he was in a lot of trouble. I will not go into any further gory detail, but thankfully he is okay, albeit after quite an extensive recovery, and we are all very glad about that.

Liam was lucky; many others are not. In fact, this year alone, as of 12 November, 97 people have lost their lives on roads in South Australia. That is 97 doors that have been knocked on by SAPOL officers. That number is up from 61 this time last year and a five-year average of 76 lives lost. The number of lives lost on South Australia's roads so far in 2023 is around 28 per cent higher than the long-term average.

The number of serious injuries is also around 18 per cent higher. Some other Australian jurisdictions are also experiencing a similar trend or did so last year. This follows the state last year recording its lowest ever number of lives lost, at 71. Tragically, road-user behaviour has been identified as a factor by SAPOL in many of these crashes in 2023, including 11 lives lost where the person was not even wearing a seatbelt, and 10 where the person was unlicensed.

While safety barriers and other road safety treatments can help reduce the severity of a crash, when people engage in dangerous road behaviour, they put themselves and others at risk. There have been 728 serious injuries as at 12 November 2023, compared with 599 by the same date last year. There are a lot of crash statistics that we could trawl through, but the overwhelming and alarmingly tragic statistic is that they all point to a big increase in deaths and serious injury.

As I said previously, driver fatalities are showing the largest increase from the five-year average. Forty-eight drivers have died, 14 pedestrians have lost their lives, 20 motorcyclists have lost their lives, seven cyclists have lost their lives and eight passengers have lost their lives. Drivers and riders need to slow down, drive to conditions, not be distracted by mobile phones, and take rest stops. We have heard these messages forever, so why are they not getting through?

Our government is committed to seeing these numbers decrease. We are committed to doing what we can to educate, make roads safer and commit to strategies. This year, we launched South Australia's Road Safety Action Plan 2023-25. The action plan was informed by consultation and feedback received during the development of South Australia's Road Safety Strategy to 2031 and implements state actions under the National Road Safety Action Plan 2023-25.

This Road Safety Strategy has a target to reduce serious casualties on South Australian roads to fewer than 43 lives lost and fewer than 474 serious injuries by 2031. Of course, we would like to see that figure be zero, but some accidents are at no fault of drivers or pedestrians and some can just be an accident.

The action plan sets out actions across ten focus areas: schools and local places; public transport, cycling and walking; motorcyclists; Aboriginal road users; road user behaviour; road safety in the workplace; regional and remote areas; heavy vehicles; vehicles and technology; and research and data. Our government is investing $98 million on a new road safety package to tackle South Australia's high road toll. More than half of the funding is dedicated to new road safety infrastructure, with a further $10 million to be spent over four years on targeted road safety initiatives on rural roads, including audio tactile line marking, safety barriers, and rural junction warning system signage.

As part of this, an additional $13.4 million was allocated for an estimated 10 additional mobile phone detection cameras to deter dangerous behaviour, bringing the total funding to $15.9 million

for 17 cameras in total. The Department for Infrastructure and Transport is working closely with SAPOL to determine the location of these cameras.

This government is committed to addressing the scourge of fatalities and series injuries on our roads. A key part of that response is achieving behavioural change through targeted initiatives that resonate with cohorts of drivers that are over-represented in road accidents. The THINK! Road Safety Partnerships Program, managed by the Department for Infrastructure and Transport, supports road safety initiatives at a grassroots level.

The aim of the program is for road safety to be at the core of every club, business and organisation and to influence individuals and achieve cultural change. They do this through supporting community road safety initiatives, helping local organisations address road safety at a grassroots level, increasing the range of organisations and sectors where road safety becomes a key part of the way they operate, leveraging partner organisations' influence and reach into their communities, and to engage or address emerging and recurring road safety issues. They also promote road safety priorities, understanding and support. The program is aligned to the national and state road safety strategies, and the following target audiences have been identified to help deliver initiatives for road safety strategic priorities:

- Young road users, 16 to 24, with a focus on those living in regional and remote areas;
- Road users living in regional and remote areas;
- Older road users aged 70 plus; and
- Aboriginal road users.

The program aligns with the THINK! Road Safety initiative and has recently introduced consistent partnership evaluation approach and assessment criteria for existing and new partners. The following current partnerships in the 2023-24 financial year fall under three partnership categories. The first is Community Road, and includes:

- the Alcohol and Drug Foundation;
- Motorcycle Riders Association;
- Encounter Youth Schoolies Festival;
- Power Community;
- the South Australian Tourism Commission's Tour Down Under 2024 Event; and
- the SANFL community football leagues.

Secondly, road safety education:

- Kidsafe SA;
- the RAA's Steet Smart High;
- the RAA's Street Smart Primary;
- the SA Metropolitan Fire Service;
- Prevent Alcohol and Risk-Related Trauma in Youth (P.A.R.T.Y.); and
- the Caravan and Camping Industries Association of South Australia.

Thirdly, the Road Safety Ambassadors where we are fortunate to have so many influential people come on board:

- the Adelaide 36ers;
- the Adelaide Football Club;
- Adelaide Lightning;
- the Adelaide Oval Stadium Management Authority;

- the Adelaide United Football Club;
- the Port Adelaide Football Club; and
- the Get Home Safe Foundation.

We have also introduced, and since passed, three pieces of road safety legislation in 2021. The first was the Statutes Amendment (Transport Portfolio) Bill 2021; secondly, the Criminal Law Consolidation (Driving at Extreme Speed) Amendment Bill; and the Road Traffic (Drug Driving and Careless or Dangerous Driving) Amendment Bill.

The Statutes Amendment Bill (Serious Vehicle and Vessel Offences) Bill was also introduced in the Legislative Council on 30 November 2022, three months after the District Court decision in the case against Alexander Campbell regarding the death of Sophia Naismith in June 2019. The bill was passed by the Legislative Council on 16 May and by the House of Assembly, without amendment, on 6 July 2023. It was assented to on 13 July 2023, and is yet to commence.

The amendment act provides for a new offence in the Criminal Law Consolidation Act of careless driving or operating a vessel which causes death or serious harm, and a new offence in the Road Traffic Act of disabling a vehicle's automated intervention systems, including features such as electronic stability control and traction control. It will not bring Sophia back, but it is hopeful that it will act as a deterrent and save countless lives in the future. We thank the Naismith family for their advocacy on this, and express our deepest condolences to them and all of Sophia's family and friends.

Also in response to this horrific accident, our government introduced regulations that will require drivers of ultra high-powered vehicles to hold a licence demonstrating that they have undergone specific training. SAPOL and the department are working closely to implement the offences and the required training for the new licence class.

On 26 May 2023, the Governor in Executive Council made the Road Traffic (Miscellaneous) (Photographic Detection Devices) Amendment Regulations 2023, which amend the legislative requirements for the testing of all speed and red-light cameras on South Australian roads. This law gives SAPOL the ability to successfully prosecute camera-detected offences in contributing to improved road safety by ensuring the state's camera-detection regime is operational and at an optimal level. The road traffic amendment regulations 2023 bill came into operation on 1 July 2023.

Let's face it: we can have hundreds of pieces of legislation but, in the end, it comes down to the driver: the choices they make to be safe, to consider how their behaviour can affect others, not only if they meet with grief, but their passengers, other drivers and their passengers, pedestrians, and the impact the accident has on our emergency services, our police and our medical professionals, and on the family and friends they leave behind. Everyone is impacted by a bad decision—everyone.

I will take this opportunity to thank our first responders. What they witness can sometimes be life changing. Many cope, some do not, and we need to ensure that everyone recovers from an accident. It was the key driver in our election commitment of $1.9 million over four years to increase mental health and wellbeing support to our more than 15,000 volunteer emergency service first responders, staff and families in the emergency services sector.

The budget measure increases the vital resources to the SPAM area of SAFECOM. It will facilitate the continuation of current programs and the provision of a substantial strategic approach to respond to the growing number of potentially traumatic and stressful incidents that our volunteer workforce attends.

Stress Prevention and Management (SPAM) is a 24/7 rostered helpline for emergency services volunteers and staff, including SAFECOM, CFS and SES. SPAM services include support after incidents, acting as a conduit between EAP providers and the agencies and proactive preventative measures.

Volunteer emergency services workforce members can face a complex range of mental health risk factors due to the nature of these emergency service provisions, which can include but is

not limited to anxiety, depression and PTSD. Mental health issues in the emergency services can also—

The ACTING SPEAKER (Ms Clancy): Member for Waite, your time has expired.

Ms HUTCHESSON: I move that this motion be supported by all here today as we remember those who have not made it home.

The Hon. V.A. TARZIA (Hartley) (12:40): I rise to support the motion that has been moved by the member for Waite. I, too, support:

That this house—

(a) notes that World Day of Remembrance for Road Traffic Victims is 19 November 2023;

(b) expresses its deepest condolences to the families, friends and loved ones of the people who have lost their lives and suffered serious injuries on South Australian roads;

(c) recognises that the emotional trauma experienced by family and friends of road traffic victims is often devastating and ongoing; and

(d) acknowledges the ongoing efforts made by South Australia Police, communities and all other relevant organisations committed to reducing road deaths.

I absolutely support this motion. We know that too many lives are being lost on our roads. We know that we have had one of the worst years when it comes to lives lost on our roads for nearly 20 years. Unfortunately, we are only a matter of days, maybe weeks, away from seeing 100 lives lost on our roads. We know that that number is absolutely off the charts and whilst there is a very strong coordinated effort from a whole range of areas aiming to tackle this problem, we know that it is just not doing the job at the moment.

When I was looking at this motion, we had 97 road deaths to date. I believe we are now at 98 road deaths to date and it may have actually increased, but it may have been brought back due to police conducting their work and perhaps the criteria not resulting in that number going up. If it is 98 at the moment, as at this point in time, it is compared with 61 which was quoted by the member at the same time in 2022. In the last 20 years on South Australian roads we have seen a total of 11 years of over 100 fatalities. In 2023, as I mentioned, we are on track to unfortunately be another year of over 100 deaths on our roads.

It is just not acceptable that there seems to be this level of complacency by some, by a small portion in the community, that that number is acceptable. It is not acceptable. It is far too many lives lost on our roads. Every one of these lives lost on our roads is a tragedy and we all need to be doing more to tackle the issue.

In saying that, the work that South Australia Police and relevant organisations and communities do on a daily basis is exceptional. It does not go unnoticed. I know that the member is part of her local CFS brigade, but they say that every time there is one of these incidents, especially a fatality, it actually affects hundreds of people when you look at the first responders. I want to take this opportunity to thank bodies such as SAPOL, the CFS, the MFS, and the SES for what they do in going out to these very often traumatic sites and being the first responders at these scenes. I want to thank bodies such as the RAA and the Motorcycle Riders Association, Ebi and Cathy and their team, for the work they do in being positive role models and ambassadors for road safety.

I recall a press conference I conducted a couple of years ago where we did partner—and the member for Waite mentioned some of these partnerships. It was the week of the Showdown. I think the Crows won that week, but I might be mistaken.

Mr Pederick interjecting:

The Hon. V.A. TARZIA: Yes. They certainly won the last couple anyway, I reckon. That is what counts. I digress. I will come back to the point. We partnered up with these key stakeholder groups and organisations, the Adelaide Crows and Port Power. We had Darcy Byrne-Jones and Jake Kelly, who unfortunately went back to Melbourne. It was a good example of these organisations that have a lot of members in the state coming together for a good cause, and that is to serve as positive

role models and ambassadors for good road safety. So it is the first responders and also these bodies who serve as positive road safety ambassadors.

In our time of government, we laid the groundwork for things like the mobile phone detection cameras, which are starting to be rolled out now, and new offences for extreme speed, excessive speed, immediate loss of licence for drug driving. So a number of these penalties and tougher measures were brought in, but unfortunately for some people the message is still not getting through and for some reason the deterrent effect is just not there at the moment. That is disappointing; that is something that we as a society have to tackle.

On this World Day of Remembrance for Road Traffic Victims, on 19 November, it is important to highlight the heartfelt loss and trauma experienced by those impacted and also to remember the loved ones who have been lost due to road death. Far too many lives are being lost, especially young people's at the moment. Also on that day we highlight the importance of survivors of road traffic incidents and the trauma they experience on a daily basis following the accident.

I, too, want to thank those organisations that do wonderful work in this regard. I also want to thank the family and friends of those who have been affected by road trauma for having the courage to come forward to tell their story and serve as positive role models, hoping to change bad driver behaviour. I have seen some exceptional incidences where families come forward to tell their story, and that is captivating stuff. I know that that also reaches people in a different way. I have seen it happen with some of the SAPOL ads. I have seen it where some of the families of these victims of road fatalities are able to go out to schools and connect with young people. Some of the most positive changes I have seen in young driver behaviour are when the families and friends of those who have been killed on our roads come forward to tell their story, and it really connects with young people.

So I want to thank those organisations that make a difference. I want to thank the communities that make a difference. I want to thank the family and friends who care for those victims and those victims' families as well. As an opposition and as the shadow minister for road safety, we will continue to work with government on making our roads safer. Nobody should be on the road and have the possibility of not returning home to their loved ones at any time.

We know that this is a particularly challenging time on our roads. We know as the festive season is upon us, people spend more time on the roads. It is just a reminder to everybody about the perils of poor driver behaviour. I ask everybody out there to please do the right thing on our roads. We know the road toll this year is off the charts. It is not good enough. We are coming into the festive season. We all need to take our time, slow down and do the right thing on our roads.

We need to work on other things as well. We have seen some comments overnight from the Auditor-General in regard to road projects. We all have to do better when it comes to road maintenance. We have to do a better job when it comes to road safety and technical requirements around vehicles. There is so much we need to be doing on a policy front. But if the government comes forward with a sensible policy idea that effects positive change in this area, then as an opposition we will be constructive and we will support it.

Once more, I want to take this opportunity to thank the member for Waite for bringing this motion. We certainly will support it and let's remember road traffic victims on this day. Let's remember their friends, their families. We thank the first responders for all they do and, collectively, I think we all need to be doing better in this regard. I commend the motion to the house.

Mrs HURN (Schubert) (12:49): I, too, rise to support the motion put forward by the honourable member. In doing so, I would like to put on the record some of the concerns that my local community have raised, particularly around road safety in the northern Adelaide Hills. It is safe to say that the lives we have seen lost on our regional roads, indeed the fatalities we have seen in South Australia, have been absolutely heartbreaking. The fact that 97 lives have been lost in arguably avoidable incidents is something we all need to reflect on, and I have been delighted to hear just some of the contributions made today in addressing this. It is very much a bipartisan issue that we need to work across the house to see addressed. One life lost on our roads is one too many.

I have certainly seen many in the northern Adelaide Hills, and just the other week I held a road safety forum in Cudlee Creek because it is around the northern Adelaide Hills where we have

seen, frankly, quite a lot of reckless behaviour, whether it is motorists or those on motorcycles. The impact that has, not just on the families who lose a loved one and on the community in which the accident happens but also on our first responders, cannot be underestimated.

When I held my local community forum, I was fortunate enough to have a member of the Minister for Police's team in attendance and also a number of local CFS officers there. They spoke about the sheer heartache they have of being the first people on the scene; the impact that has on them, as has been reflected by the member, is in many ways lifelong. It stays with people when you are first on a scene.

In many ways they do not think a second about it, of course you would go to a road incident in your local community, but there are some dreadful circumstances where, as a first responder, you do not know the circumstances you are about to attend. Seeing someone who is a part of your community either lose their life or be seriously injured is something worth reflecting on. We are trying to prevent those circumstances from happening.

Following on from the road safety forum I held, I made a number of requests to the minister, and again I thank him and his team for facilitating the forum and having two local police officers there. It was really important that it was a two-way conversation with many of the locals so that they could put on the record some of their concerns. When you live in a regional community and there are only a couple of ways to get from A to B, you do tend to note a distinct change in driver behaviour, and we are seeing that in the northern Adelaide Hills—and people are sick of it.

We are seeing hoon drivers, we are seeing tailgating all the time, we are seeing motorcyclists crossing over double white lines. Obviously on Gorge Road, Lower North East Road, North East Road, Tippett Road in my electorate, the width of the road is something that in many cases cannot be changed, but what can be changed is driver attitude. We have to do better as a parliament and as a community, in innovative ways, so that the message can get through, because when we look at the number of fatalities on our roads it is clear that the message is not getting through.

We are seeing burnouts that are done at some of the big intersections, the dangerous intersections in my electorate. We are hearing reports of a time trial club that is going up and down Gorge Road to see how quickly they can get up and down there. We heard Nikolai on ABC radio just the other week talk about the dreadful experience he had taking his family up to the Adelaide Hills to experience what a wonderful region it is when he had a motorcycle right up his clacker looking to overtake in a place where you absolutely cannot overtake.

Everyone has somewhere to be, but part of making sure we can all keep safe is everyone actually taking some responsibility on our roads. I know our shadow minister has reflected on a number of the initiatives that have been implemented over the course of many years, and I think we need to do more.

Some of the other issues raised with me included the condition of the roads, which is something that in regional communities in particular we need to see addressed. There was also a lot of concern about speed in my local area, as I have mentioned, but even basic things like additional signage reminding people how dangerous tailgating is, reminding people to drive to the conditions. There is even what we all would have thought would be basic common courtesy, and in fact it is law on our roads: not crossing a double white line. That is just a cardinal sin that you cannot do. These are indications that have been given by experts, and we just need to follow them.

In reflecting on the member's motion, this is obviously about acknowledging World Day of Remembrance for Road Traffic Victims that is coming up on the weekend, and we do express our deepest condolences to the families of victims and to our first responders. We sincerely thank them for all the work they do. It is gut-wrenching stuff, and they do it in a volunteer capacity in many ways.

I think that all South Australians need to reflect on the massive impact that losing a life can have. It is easy to look at it in abstract but, when you actually look back and step away from it, you can consider that this could be you or your loved one. I know that there are many members who would like to make a short contribution to this important motion, so I would like to thank the member for bringing this to the house's attention.

Ms PRATT (Frome) (12:55): I rise to speak to this motion brought to the house by the member for Waite, and I thank her for bringing attention to World Day of Remembrance for Road Traffic Victims, noting that will fall on 19 November and recognising the number of members who have sought to make a contribution on this sombre topic. I know that we share collectively an agreement that the house would wish to express deep condolences to those family members who are affected by fatalities and injuries as a result of road traffic incidents.

With the time allowed, I pay my own personal respects to a local family in the electorate of Frome. Sadly, a mother, father and daughter were all lost in the same incident. I name John, Cynthia and Jacqueline Clark, who have connections, not just Cynthia Nottle to the family farm that my mum comes from in the Snowtown region but to Snowtown, connecting to the crash site near Lochiel and Templeton, the Blyth communities and the Clare and Jamestown communities. The point that we will be making today in this chamber, I am sure, is the impact and the trauma that is felt when a fatality occurs and those who are left to live on are impacted by not just the tragic loss of life but the trauma that extends to those first responders.

The ambulance officers in the country are volunteers and unpaid. Where MedSTAR medevac retrievals are required, SES and now CFS volunteers all feel the impact, as well as SAPOL when they come on the scene. In the Mid North region, sadly each town has too many reflections on lives lost on our roads. This motion does give us an opportunity to speak to the challenges and the conditions of the roads that can sometimes contribute to those accidents.

The front page of the *Plains Producer* today is another example of conditions of roads, repairs and maintenance required and the ongoing challenges that we face, particularly as harvest comes upon us. It is an example that I know the Minister for Infrastructure and Transport has in front of him now, because while the department invested in maintenance and ongoing roadworks repairs that were completed in March, we see the deterioration months on. We are not talking about potholes: we are talking about craters.

For those drivers, whether they are driving trucks for harvest or are locals getting to work, visitors to our region or, even worse, night-time travellers, there are hazards left, right and centre. I certainly would call on the government, as it reflects on this motion, to do everything it can to address the backlog of maintenance so that we see our country roads maintained in the same way that city users would expect. I certainly want to thank the member for Waite for bringing this motion. If there is an opportunity for anyone else to speak to it, I will conclude my remarks.

Ms HUTCHESSON (Waite) (12:59): I want to thank all of those who have made a contribution today. It is such an important day to really recognise the impact that just that wrong decision can make not only on the person who either passes away or is severely injured but their family, their friends, the community that wraps around them, those emergency services volunteers, the police and medical professionals. That one decision impacts so many people, not just on that day but every day. I would like to thank everybody for their contribution and commit the motion to the house.

Motion carried.

Sitting suspended from 13:00 to 14:00.

Petitions

HEALTH CARE FOR REGIONAL AND RURAL SOUTH AUSTRALIA

Mr ELLIS (Narungga): Presented a petition signed by 10,688 residents of Narungga and greater South Australia, requesting the house to urge the government to take steps to ensure the equitable distribution of health expenditure, material and staffing resources to ensure appropriate access to quality health care for regional and rural South Australians; and, to reclassify Port Pirie and Wallaroo hospitals to improve resource allocations within the electorate of Narungga.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Climate, Environment and Water (Hon. S.E. Close)—

Annual Reports 2022-23—
Heritage Council, South Australian
Koala Life—International Koala Centre of Excellence
Parks and Wilderness Council
Pastoral Board
South Eastern Water Conservation and Drainage Board—
Stormwater Management Authority

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

Annual Reports 2022-23—
Australian Health Practitioner Regulation Agency and National Boards—
National Health Practitioner Ombudsman and National Health Practitioner Privacy Commissioner
Suicide Prevention Council

By the Minister for Child Protection (Hon. K.A. Hildyard)—

Death of Zhane Andrew Keith Chilcott—State Government Response to Coronial Inquest Recommendations relating to the—Government Response October 2023

Ministerial Statement

ENFORCEMENT AND PROSECUTION, REAL-TIME DATA

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: The mineral resources industry is a substantial contributor to the success of our economy. Operators in this sector range in size from multinational companies to small private companies, working within the extractives or quarrying industries. No matter the size of the operation, the Department for Energy and Mining as the lead regulator is tasked with enforcing compliance with the legislation and regulations, as enacted by this parliament.

The Department for Energy and Mining is filled with diligent, hardworking and skilled regulators who operationalise the legislative framework we enliven in this place. During my interactions with mining companies and community stakeholders, South Australia and the Department for Energy and Mining is continually lauded and held in high esteem as trusted regulators who seek to protect our state's interests and the environment we rely upon.

Not content with current practices following amendments to the Mining Act and Mining Regulations 2020, the department developed new policies and procedures to support the aims of that legislative framework. This led the department's mining regulators to adopt a formal transparency policy to ensure greater industry accountability, and to enhance public trust in its activities. The result of this work is additional tools now available to regulators, and timely access to the outcomes of the department's compliance work through real-time updates.

While much of this information had previously been made accessible through the mineral resources annual regulation reports, there was a lag between outcomes and providing information to the public. Not anymore. Today, the Department for Energy and Mining has launched a dedicated webpage hosted on the energymining.sa.gov.au website to publish enforcement outcomes as they are delivered. The webpage will list enforcement and prosecutions under the Mining Act as well as listing the use of two new compliance tools created by reforms to the act, namely enforceable voluntary undertakings and civil penalties. The webpage also discloses penalty payments into the Mining Rehabilitation Fund, a sanction also created by the recent Mining Act reforms. This is only the first stage of this project. The department plans to expand the webpage to include real-time publication of environmental or compliance directions, suspensions and prohibition orders.

Mr Speaker, you may recall the Select Committee on Land Access established by this place and chaired by my honourable colleague, the now member for Stuart, and it made several findings. Two areas of broad concern identified by that committee were that the department needed to be seen as a strong regulator of the mining industry and that some operators in the resource industry had exhibited poor conduct and were not being held to account.

The new transparency policy and this webpage ensure South Australians now have a real-time record of compliance and enforcement. In that way, the people of South Australia can be assured the department continues to be a fair and strong regulator, and the few operators in the industry conducting themselves poorly are held, and are seen to be held, to account.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr FULBROOK (Playford) (14:06): I bring up the 35th report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

INFRASTRUCTURE PROJECTS

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:07): My question is to the Premier. Has the Premier received a briefing from the commonwealth about the South Australian infrastructure projects that may be impacted by the 90-day review? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: The *Australian Financial Review* reported on 14 November 2023 that the review split existing projects into four categories: those to be cut, those to be delayed or consolidated and those that should not proceed.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:08): Yes, I am the infrastructure minister, you may have noticed. I think it's fair to say that the commonwealth have not yet finalised what they are planning as part of this 90-day review. The advice that we have has been—

Members interjecting:

The SPEAKER: Order! The minister has the call.

Members interjecting:

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

Members interjecting:

The SPEAKER: Member for Morialta, member for Elizabeth, member—

Members interjecting:

The SPEAKER: Order! Minister.

The Hon. A. KOUTSANTONIS: The impatience of youth, sir. I am looking forward to seeing the final outcome of the commonwealth government's review. The government will make a statement when it's made public. We won't be responding to rumour. We won't be responding to media reports. We will consider it like the mature government we are. We will consider its impacts. We will consider what it is that is best for the people of South Australia and we will respond. What we won't do is engage in the petty politics being displayed opposite, and I think—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Like on cue. Like it's on cue. What the commonwealth government is attempting to do is to try to balance up the complete politicisation of infrastructure spending, like, for example, sir, you might see with the north-south corridor. Members opposite were trying to tell us—

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. A. KOUTSANTONIS: —they could complete the north-south corridor for $9.9 billion, and obviously they knew that that wasn't right but they took that to the election pretending it was. So you can—

Members interjecting:

The SPEAKER: Member for Chaffey!

The Hon. A. KOUTSANTONIS: —imagine, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —what the commonwealth government is dealing with around the country with the Liberal commonwealth government—

Members interjecting:

The SPEAKER: The member for Colton is warned.

The Hon. A. KOUTSANTONIS: —attempting to pretend that these infrastructure programs were costed and available.

Members interjecting:

The SPEAKER: Member for Colton!

The Hon. A. KOUTSANTONIS: When we came into office and we looked at the actual costs of rolling out this infrastructure, it is considerably more. Another example is the so-called Hahndorf bypass where members opposite were offered a solution by the then department and chose none of them, wanting to push it beyond the election—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —because they were fearful of what the retribution might have been by their local community.

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

The SPEAKER: The member for Morialta is warned.

The Hon. A. KOUTSANTONIS: While the deputy leader interjects, this is not the South Australian government's review. It is not our review.

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

The Hon. A. KOUTSANTONIS: He says, 'Sure'—

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —while he accuses us of cancelling projects.

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

The SPEAKER: Member for Morialta!

The Hon. A. KOUTSANTONIS: And if the member for Morialta wants to hear my response, perhaps he should sit quietly and listen to it, instead of—

Members interjecting:

The SPEAKER: The member for Morialta! The member for Chaffey!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I am giving an answer.

Members interjecting:

The SPEAKER: The member for Chaffey is warned.

The Hon. A. KOUTSANTONIS: So I await to see the final outcome of this review. We will respond to it appropriately, maturely, and we will consider it and then we will come back with our views, but it is fair to say that the South Australian government wants to build infrastructure for the people of South Australia.

South Australia does punch above its weight when it comes to infrastructure, and a lot of that infrastructure spending in our state has brought a national benefit, so the South Australian taxpayer is actually helping the entire country improve its freight productivity and we want to see that continue.

INFRASTRUCTURE FUNDING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:12): My question is, again, to the Premier. Does the Premier agree with the federal government's proposed approach to funding infrastructure projects? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: The federal infrastructure minister announced yesterday that the federal government would move to a preference of 50-50 funding of major projects with the states rather than the current 80-20 model.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:12): I thank the Leader of the Opposition for his question. I would answer it in two parts. The first question is about the generality in general terms around: do we support the federal government's approach to infrastructure expenditure? To the extent that that approach extends to not making decisions about the expenditure of taxpayer funds in such a way that are genuinely contrary to the interests of the nation then, yes, I support it.

What I think we saw from the dying days of the Morrison government was some of the most hyper-politicisation of—

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

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

The Hon. P.B. MALINAUSKAS: —this country's infrastructure that our country has ever seen.

Members interjecting:

The SPEAKER: Member for Hartley!

The Hon. P.B. MALINAUSKAS: Some of the boondoggle projects that we saw in many parts of the Eastern States were, in many respects, unjustifiable, and I think that has now—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Member for Adelaide, member for Florey, member for Morialta, the Premier has the call.

The Hon. P.B. MALINAUSKAS: With respect to the 50-50 arrangement, we have seen a number of different iterations of funding arrangements from the commonwealth with respect to infrastructure, some 80-20—

Members interjecting:

The SPEAKER: The member for Morialta is on a final warning.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

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

The SPEAKER: Member for Morialta!

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The Treasurer is called to order.

Members interjecting:

The SPEAKER: The exchange between the member for Morialta and the Treasurer will cease.

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

The SPEAKER: Member for Morialta, you are on a final warning if you continue to interject.

Members interjecting:

The SPEAKER: Order! Member for Davenport, order! The Premier has the call. The member for Morialta is on a final warning.

The Hon. P.B. MALINAUSKAS: In respect of the 80-20/50-50 question, we have seen the commonwealth apply different formulas over the years across governments, depending on the project. Naturally, the state government, as I imagine would be the case for every state government around the country, would be far more inclined to do arrangements with the commonwealth on an 80-20 basis than a 50-50 basis, notwithstanding the fact that in many projects in the past, again, across different iterations of governments of both political persuasions, 50-50 arrangements have been in place. But, clearly, our preference would be for the commonwealth to maintain a policy of keeping 80-20 available to them as a funding option with states.

MINISTER FOR INFRASTRUCTURE AND TRANSPORT

The Hon. V.A. TARZIA (Hartley) (14:15): My question is to the Minister for Infrastructure and Transport. What was the last correspondence between the federal infrastructure minister and this minister? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: Information received by the opposition under freedom of information indicates that there has been no correspondence between the minister and the federal infrastructure minister from 1 July to 10 October this year.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:15): I will check but I speak to Catherine King regularly. I spoke to her on Monday—

The Hon. J.A.W. Gardner: Where is the official correspondence?

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —that was the last time I spoke to her.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The thing about—

Members interjecting:

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

The Hon. A. KOUTSANTONIS: —Labor governments is—

Members interjecting:

The SPEAKER: Member for Chaffey! Order!

The Hon. A. KOUTSANTONIS: The thing about Labor governments is we actually like each other.

Members interjecting:

The SPEAKER: Order! Member for Newland! Member for Badcoe! Member for Morialta! Order!

Members interjecting:

The SPEAKER: The member for Hartley is warned!

Members interjecting:

The SPEAKER: Order! The Premier is called to order!

Members interjecting:

The SPEAKER: Order! There are substantial interjections—

Members interjecting:

The SPEAKER: Order! Member for Hartley, you are on a final warning.

The Hon. A. KOUTSANTONIS: It seems my young friend did not heed the warnings of the health minister yesterday and has been drinking energy drinks again.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. A. KOUTSANTONIS: Zinger! Yes, the standard response.

Members interjecting:

The SPEAKER: Member for Hartley!

The Hon. A. KOUTSANTONIS: I talk—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I talk with the commonwealth government regularly. I talk to Chris Bowen regularly. I talk to Catherine King regularly. I have heard my young friend interject on

many occasions, 'Just pick up the phone.' When I pick up the phone, he says, 'Why didn't you write? Why didn't you write it down?'

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Member for Hartley!

The Hon. A. KOUTSANTONIS: It is getting a little bit immature. It is getting a little bit desperate. I have to say, the previous government I see now from the opposition that they are committed to this 80-20 funding as the Premier has just announced. The question I have to ask is: why wasn't the Main South Road Victor Harbor project 80-20?

The Hon. V.A. Tarzia: We ask the questions!

The Hon. A. KOUTSANTONIS: 'We ask the questions!'

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: They were so committed to 80-20, they accepted a lower offer—

Members interjecting:

The SPEAKER: Member for Chaffey is warned!

The Hon. A. KOUTSANTONIS: —but now we are in office, that's different. It's a little bit different. Victor Harbor is not in the regions—is that what it is?

Members interjecting:

The Hon. A. KOUTSANTONIS: It's a little bit different, yes.

Members interjecting:

The SPEAKER: Member for Newland!

The Hon. A. KOUTSANTONIS: I speak to Catherine King regularly. We have an excellent relationship. The state government and commonwealth government—when we need to disagree, we will. When we agree, we will agree. We have a competent and mature relationship, and when we were last in office under the Weatherill government we had a mature relationship with the then Liberal government as well. I have to say, I don't think—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: —a childish FOI check and a question says—

Members interjecting:

The SPEAKER: Member for Hartley! Member for Florey! Order!

The Hon. A. KOUTSANTONIS: —therefore, I haven't spoken to the commonwealth government.

Members interjecting:

The SPEAKER: Member for Morialta!

The Hon. A. KOUTSANTONIS: It's extraordinary, it's naive and it's silly.

Members interjecting:

The SPEAKER: Order! The member for Morialta and the member for Hartley are on final warnings. I am reluctant to use 137 so early in question time as well they may have questions that they wish to ask.

TRURO BYPASS

Mrs HURN (Schubert) (14:19): My question is to the Minister for Infrastructure and Transport. Can the minister provide a project status update on the Truro freight route and confirm it will proceed?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:19): That project is funded 80-20 by the commonwealth government. The commonwealth government knows that that project has not yet commenced, although it is in the detailed planning stage. The commonwealth government, at the beginning of its 90-day review, said that any project not yet commenced and if commenced by the state government and then subsequently cut by the commonwealth government, or not proceeded with or pushed out later, those states would bear the risks. So all those projects that are under contemplation by the commonwealth government have not proceeded if they have not started.

We are not going to proceed with work on the basis of having a funding split of 80-20, where we would begin some work and then if the commonwealth government decided not to proceed we would be responsible for the entire cost of that. We know that Truro has important benefits for South Australia, but so does the north-south corridor. We love all our children equally; we love all our infrastructure projects. Again, I keep on going back to this point: the previous government went out and talked about Truro a lot without doing very much.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: They went out and promised the Hahndorf money to every community group they spoke to, without doing anything—

The SPEAKER: Minister, there is a point of order.

Members interjecting:

The SPEAKER: Order, member for Hartley!

Mr Teague interjecting:

The SPEAKER: Order, member for Heysen!

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Order, member for West Torrens! Member for Morialta.

The Hon. J.A.W. GARDNER: Thank you, sir. Standing order 98: the minister is now well off the substance of the question and is debating.

The SPEAKER: I will listen carefully. There is some merit in the matter that has been raised. The minister will come to the question.

The Hon. A. KOUTSANTONIS: As I said, that project is on hold, pending the outcome of the 90-day review. I look forward to what the commonwealth government have to say about this project. I do point out to the house again that this is not our review. We are ready to go on all these projects. We are ready—

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. A. KOUTSANTONIS: —to do our bit.

The Hon. V.A. Tarzia interjecting:

The SPEAKER: The member for Hartley is on a final warning.

The Hon. A. KOUTSANTONIS: I tell you what won't work: yelling and shouting in the parliament won't give you an outcome. It won't give you an outcome. We are ready to go, but I do say also: if these projects were so important to the previous government, why weren't they started?

Members interjecting:

The SPEAKER: Order! The member for Chaffey is on a final warning, as are the member for Hartley and the member for Morialta—tempting the noose man.

INFRASTRUCTURE PROJECTS

Mr COWDREY (Colton) (14:22): My question is to the Premier. Have the hydrogen power plant, the north-south corridor project changes and the new Women's and Children's Hospital changes been considered and monitored by Infrastructure SA?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:22): Infrastructure SA has a range of responsibilities, including providing assurance reports, and is monitoring each of those projects, to the best of my advice.

COVID-19 RESTRICTIONS, AGED-CARE FACILITIES

Ms PRATT (Frome) (14:22): My question is to Minister for Health and Wellbeing. Are there COVID restrictions in place for any aged-care facilities in South Australia? If so, which nursing homes are affected?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:22): Thank you very much to the member for Frome for this important question. We are facing another wave of COVID cases in the community at the moment, and I have seen some media reports that it's maybe the eighth wave Australia has faced.

The advice that we have is that, essentially, every three to six months we are likely to see another wave of COVID happening in the community as we see waning immunity and we see mutations in the virus that mean that it can affect more people. So it is a time when it's particularly important for vulnerable people to be aware of a risk in relation to COVID at the moment, and none so more than in relation to residential aged-care facilities. So I thank the member for her question.

As the member would know, we ended the emergency powers that were in place previously, so there are not currently orders across the board from the state government in relation to aged-care facilities in South Australia. There are a number of recommendations from SA Health, as well as a number of recommendations from the federal government, that are in place for how to manage COVID in residential aged-care facilities. There is quite regular contact between aged care and the state health department as well as the federal health department in terms of how to manage the COVID risk.

Of course, we are now three and a half or almost four years into this, and so aged-care facilities are certainly very well-attuned in terms of their management plans and the strategies that they have in place in terms of managing the risk. That can obviously involve stepping up their response based on the number of cases that they might see in a particular facility at a particular time.

We would encourage anybody who is visiting an aged-care facility, in particular, to follow the local advice from the aged-care facility in terms of managing that risk. Most importantly as well, whatever aged-care facility you are visiting, or even if you are visiting somebody who is vulnerable who is not in aged care, please be mindful of the risk of COVID. If you are feeling sick, then please stay home and don't visit that person who might be vulnerable, particularly in aged care. There are still provisions of rapid antigen tests and masks available across aged-care facilities as well. It is important to help manage the risk, particularly for those older people.

The other key piece of advice for those people as well, as we have been saying for the past 18 months since the availability of antivirals has become more and more, particularly for people in older cohorts, is to have a plan in relation to getting early access to antivirals if people do contract COVID, whether you are in a residential aged-care facility or not. We know early access to antivirals can help to significantly reduce people's chances of ending up in hospital or people's chances of, sadly, passing away if they contract COVID.

Last but not least, we are again issuing a reminder, and Professor Spurrier issued this when we held a press conference just on Monday, to people in aged care and to family members to please make sure that they are up to date in relation to their COVID-19 vaccinations. The advice from ATAGI, the federal experts, is very clear in terms of recommending a booster dose for people over the age of 75, and for people over the age of 65 or with other comorbidities to consider another booster dose as well. This is a very timely opportunity to do so.

I think Professor Spurrier outlined that she is concerned that a number of the aged-care facilities don't have very high rates of those booster doses at the moment, and she is proactively reaching out to communicate with those aged-care facilities to make sure they increase their vaccination rates, particularly as we face this wave.

COVID-19 RESTRICTIONS, AGED-CARE FACILITIES

Ms PRATT (Frome) (14:26): Supplementary: is the minister aware of any private providers of residential aged-care facilities who have implemented COVID restrictions and, if so, do they report to the minister?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:26): Not specifically to me but, as I said, there is a range of private aged-care facilities that have their own management plans in place. They may well communicate with the public health staff in SA Health about what those arrangements are, as well as with the federal Department of Health and Aged Care which, obviously, is the predominant regulator in this country of aged care, rather than the state government.

Based on what they are seeing in those particular settings, aged-care providers have the ability to introduce a greater range of those internal mechanisms to make sure that people are protected. This is similar to what aged-care facilities have been doing for many years in relation to managing influenza outbreaks as well, because we are obviously dealing with a vulnerable cohort of people, and those facilities need to take every step available to make sure that people are safe.

We don't have restrictions in place from a legislative point of view from the state government. We work with aged care. We provide them with advice and support, as do the federal government, and this is something which is ultimately regulated by the federal government because they regulate aged care, but we stand ready and willing to assist aged care where they need assistance in terms of managing the risks to their residents.

COVID-19 RESTRICTIONS, AGED-CARE FACILITIES

Ms PRATT (Frome) (14:28): Supplementary: minister, you made the comment that those private providers may report to SA Health if they do put restrictions in place. Is SA Health therefore likely to communicate that more broadly as a public health message?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:28): I will certainly check with Professor Spurrier if that's her advice, and we would listen to the advice of Professor Spurrier in that regard, but my understanding is that the key thing would be the communication between the aged-care facility and their residents and their families in relation to that, to make sure that they're aware of the situation and to make sure that they're aware of the precautions that may be in place.

The key public health message—as I outlined for everybody in the community, in terms of their interaction with aged care—is to make sure that they are taking steps to make sure that they protect vulnerable people, and that obviously includes: if you are sick, please don't go to a residential aged-care facility and please don't interact with vulnerable people, particularly at this time, who may be more susceptible than you to getting sick from COVID or other viruses as well, obviously. It is also to encourage people who live in residential aged care or who are otherwise over 75, in particular, but even more broadly over 65 or with other comorbidities, to make sure that they are up to date with vaccinations at this time. These are the key public health messages that Professor Spurrier has made very clear that we need to outline. That is why we held a press conference earlier this week, to do so, and we will continue to repeat those messages to make sure they are widely available for the community.

WOMEN'S AND CHILDREN'S HOSPITAL

Ms HOOD (Adelaide) (14:30): My question is to the Premier. Is the Premier aware of any updates regarding the new Women's and Children's Hospital?

Mr Teague interjecting:

The SPEAKER: The member for Heysen!

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:30): I want to thank the member for Adelaide for her important question. The member for Adelaide, I think, was as horrified as I was when we learnt, after forming government, that the former government had a plan to build a women's and children's hospital that was going to be too small the day that it opened—too small the day that it opened. They had a plan to build a hospital—

Members interjecting:

The SPEAKER: Member for Schubert, member for Florey, member for Adelaide!

The Hon. P.B. MALINAUSKAS: —that was going to be too small, that was going to lock in the Royal Adelaide—

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

The SPEAKER: The member for Morialta!

The Hon. P.B. MALINAUSKAS: —from ever being expanded into the future. It wasn't supported by virtually any clinicians at all. As a government, we decided—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —not surprisingly, on the advice of almost every expert that we could find, to revisit that plan.

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. P.B. MALINAUSKAS: We made a decision to build a brand-new women's and children's hospital, not on a site that was going to be constrained to be too small—

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. P.B. MALINAUSKAS: —but on one that would set us up for the future; to set us up for the long-term. There is no doubt—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —that by choosing to build the hospital on the women's and children's site, that we were opening ourselves up—

Members interjecting:

The SPEAKER: The member for Schubert is warned.

The Hon. P.B. MALINAUSKAS: —to political criticism. We were going to give our political opponents a few things to play with to complain about—

Mr Whetstone interjecting:

The SPEAKER: Member for Chaffey!

The Hon. P.B. MALINAUSKAS: —and they have walked straight into that trap. They are out there every day trying to find failings in building a bigger, newer hospital, but I am very pleased to report that, as part of the government's commitment to making sure that we preserve Parklands—

Members interjecting:

The SPEAKER: Member for Chaffey! Member for Hartley!

The Hon. P.B. MALINAUSKAS: —we decided to do a proactive referral to the—

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. P.B. MALINAUSKAS: —Environment Protection and Biodiversity Conservation Act, to the commonwealth, an EPBC referral. There are three types of responses when you do a self-referral for the commonwealth regulator to come back with. They can come back and say it is a 'controlled action,' a 'not controlled action with conditions', or a 'not controlled action without any conditions'. That latter category is hard to get. You have to be able to demonstrate to the regulator that this is a project that is actually going to have no impact on any of the conditions that exist in the act, that you are going to preserve heritage, and that you are going to get a right outcome in terms of green space and Parklands.

I am very pleased to report, in answer to the member for Adelaide's question, that under that EPBC referral, they have come back and said that it is a 'not controlled action' without any conditions whatsoever. So the commonwealth regulator has given the new Women's and Children's Hospital a tick for heritage and a tick for Parklands, because this project is going to see more Parklands returned—

Mr Pederick interjecting:

The SPEAKER: Member for Hammond!

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —and this site invested in and improved. So when we get to the beginning—

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

The SPEAKER: Member for Morialta!

The Hon. P.B. MALINAUSKAS: —of the 2030s, and the new Women's and Children's Hospital is opening, every South Australian—

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. P.B. MALINAUSKAS: —will know that it was this Labor government that gave a better outcome for the Parklands, a better outcome—

Mr Brown interjecting:

The SPEAKER: Order, the member for Florey!

The Hon. P.B. MALINAUSKAS: —for this heritage site but, most critically, a better outcome for women and children in this state with a hospital that will last. They will know that is what we stand for, and they will know—

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

The SPEAKER: Member for Morialta!

The Hon. P.B. MALINAUSKAS: —that that is everything that the Liberal Party stands against.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: Better outcomes for women and children, better outcomes for Parklands.

Members interjecting:

The SPEAKER: Order, member for Adelaide! The member for Elizabeth!

The Hon. J.A.W. GARDNER: Point of order, sir.

Members interjecting:

The SPEAKER: Order! The member for Morialta has switched between interjecting and seeking to enforce the standing orders; nevertheless, I have to turn to him under 134, which I will do immediately.

Members interjecting:

The SPEAKER: Order! The member for Morialta.

The Hon. J.A.W. GARDNER: Sir, it is standing order 98.

The SPEAKER: I will in the 10 seconds remaining listen carefully. The Premier.

The Hon. P.B. MALINAUSKAS: We stand for progress. They oppose it every step of the way.

SA HOUSING

Mr PATTERSON (Morphett) (14:34): My question is to the Minister for Human Services. What action has the minister taken to respond to the complaints of antisocial behaviour by tenants at the SA Housing complex at Novar Gardens, which have been brought to the minister's attention by Mr and Mrs Thackrah?

The Hon. A. KOUTSANTONIS: Point of order.

The SPEAKER: There is a point of order from the member for West Torrens, which I will hear under 134.

The Hon. A. KOUTSANTONIS: Standing order 97. That presumes a series of facts.

The SPEAKER: Very well. In an effort to assist the member for Morphett he may wish to recast the question.

Mr PATTERSON: Certainly. What action has the minister taken to respond to the complaints of antisocial behaviour by tenants at the SA Housing complex?

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Standing order 97, sir. Again, the shadow minister is assuming complaints have been made in trying to insert facts into the story.

The SPEAKER: Yes. It may be, member for Morphett, that you could express or refer to certain inquiries that may have been made and then you could describe them as complaints, if they are in fact complaints, by seeking leave. There are different methods—

Mr PATTERSON: Thank you. I shall do that then.

Members interjecting:

The SPEAKER: Order! In an effort to reduce the number of objections on standing order 97, a list of possible preamble introductions has been distributed to the whips. Of course, they are not the only list of possible preamble introductions, but nevertheless they might assist. Member for Morphett.

Mr PATTERSON: My question is to the Minister for Human Services. What has the minister done to respond to inquiries from residents of Novar Gardens? With your leave, sir, and that of the house, I will explain.

Members interjecting:

The SPEAKER: Order!

Mr PATTERSON: That is a perfectly good question. I would answer that one.

Members interjecting:

The SPEAKER: Order! Members to my left and right, there is a certain frisson, energy, in the room. It was obviously a late sitting—

Members interjecting:

The SPEAKER: Order! Notwithstanding the self-assessment from the member for Morphett, leave has been sought. Is leave granted?

Leave granted.

Mr PATTERSON: Thank you. Mr and Mrs Thackrah are registered tenants of a unit within a SA Housing complex in Novar Gardens. On 25 October 2023, Mrs Thackrah was the victim of a dog attack and required extensive surgery to her foot. The dog belonged to an unregistered boarder who had been staying within that SA Housing complex. On 26 October, Mr Thackrah wrote to SA Housing to raise concerns about the dog attack and other antisocial behaviour within the complex, and I raised these concerns with the minister separately on 30 October.

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:37): Thanks for the question. I am not sure if you remember my phone call with you yesterday and also the other phone call last week and the five text messages—

Members interjecting:

The SPEAKER: Order!

The Hon. N.F. COOK: But honestly, I'm happy—

Members interjecting:

The SPEAKER: Order!

The Hon. N.F. COOK: I think that provides just a deal of context as to how seriously I take this particular incident and the care that I take in regard to that particular tenant and the incident. While I am very happy to respond to the question—

Members interjecting:

The Hon. N.F. COOK: I beg your pardon?

The SPEAKER: Order!

The Hon. N.F. COOK: What's off the record?

The SPEAKER: Order! The minister will not respond to interjections.

The Hon. N.F. COOK: What's off the record?

The SPEAKER: Order!

Members interjecting:

The Hon. N.F. COOK: Wow! I tell you, you will be no good in an Oscar.

Members interjecting:

The SPEAKER: Member for Elizabeth!

The Hon. N.F. COOK: Follow up has been done in detail regarding this particular event. It has been very distressing for the tenant. I have had several conversations with my staff and conversations with housing in regard to the incident that led to this happening. There are obviously circumstances around the tenancy, not necessarily the victim's tenancy but another tenancy within that particular complex. There is an ongoing investigation into that. We have ensured that the person who owned that dog is no longer at that tenancy. There is an ongoing investigation into it.

We have reached out multiple times to the victim's household and have offered over and above the support that is required of a landlord to provide because we care about what has happened. This particular woman has had a significant injury as a consequence of awful behaviour from a person who has had a dog in that complex, which also is no longer there. We followed it up a number of times. I have texted the member five times, spoken with the member twice. The latest was yesterday.

Members interjecting:

The SPEAKER: Order!

The Hon. N.F. COOK: The latest conversation I had with the member was yesterday at approximately 12 o'clock.

An honourable member: Was that on the record?

The Hon. N.F. COOK: Well, it's definitely on the record now. One time we actually had difficulty reaching the family, so I rang the member to ask whether he had an alternate phone number and he provided that to me, so I really appreciate that.

Mr Whetstone: Off the record?

The Hon. N.F. COOK: No, that was on the record to me. I have got a record of it.

Members interjecting:

The SPEAKER: Order, member for Chaffey!

The Hon. N.F. COOK: This is a really serious incident which I have followed up in person, personally.

Members interjecting:

The SPEAKER: The member for Chaffey is on a final warning.

The Hon. N.F. COOK: The department is going above what is actually required but is very happy to work with that family to ensure that they can get as much comfort and support as we can provide.

FISHING INDUSTRY

Mr McBRIDE (MacKillop) (14:41): My question is to the Minister for Infrastructure and Transport. Can the minister provide an update on the lifting gantries at Beachport and Robe? With your leave, Mr Speaker, and the leave of the house, I will explain.

Leave granted.

Mr McBRIDE: The lifting gantries at Beachport and Robe are important infrastructure for professional and commercial fishermen in the region. Professional and commercial fishermen suggest the lifting gantries have required replacement over many years due to the condition of these facilities.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:42): I am very concerned about the lifting gantries and the member's concerns. I am advised as part of an asset inspection program, work was done to see what machine faults were in place, and that work is being done to try and make sure that we can get that work done as quickly as possible. I understand that the department is working to make sure that the specifications are right and that they are compatible for current and future upgrades to be done to the site.

We will keep the member informed. He is right to raise it in this parliament, and he is right to raise it in question time because it is urgent and important, and it's important for the people of his community that we get this right. Thank you very much for raising it with us. I want to make sure that we can get a response to you as quickly as possible. Once I have all the technical assessments done and given back to me, the department will act on that swiftly to make sure that we can do everything we can to keep those boats on the water and keep those businesses working because it's an important, productive part of our state.

The Premier has put a focus on the South-East of South Australia for the economic activity that it provides our state. He has said to the cabinet on numerous occasions, it is not Adelaide that needs the South-East—

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: You're right, it's the opposite.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. A. KOUTSANTONIS: Thank you very much. It's an important part of our community and we want to make sure that we can look after it. But, most importantly, what the people of the South-East now have, and what they didn't have previously, are two Independent voices. Those Independent voices carry great weight that reverberate within the halls of power.

When the member for Mount Gambier and the member for MacKillop speak, people in the government listen because they are serious political players who are looking to get good outcomes for their communities and are not interested in anyone else's benefit other than the people of their local community. So when they come to us with a problem, we know that it's not tied with self-interest, we know it's not tied with some political agenda; it's just about getting a good outcome for the people of the South-East, as have the people of Yorke Peninsula with an exceptional representative there as well. So we will be acting and acting swiftly.

Members interjecting:

The SPEAKER: Order! The Premier is called to order.

NARUNGGA ELECTORATE BUSINESSES

Mr ELLIS (Narungga) (14:44): My question is to the Minister for Education. Will the government compensate business that has lost income due to the ban on school aquatic camps? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr ELLIS: Mark and Sharon Haydon of Port Vincent Caravan Park lost $30,000 worth of bookings yesterday alone. Mark Short from the Port Vincent Aquatic Centre has 20 casual staff who will not be paid after next week thanks to cancellations.

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (14:45): I thank the member for the question. As I said yesterday, the decision had been made on Friday afternoon of last week under what I must say were difficult circumstances given the attack that occurred at Port Noarlunga. On that day, the public education system had three schools that were in the water at Port Noarlunga. They were Forbes, Seacliff and Reynella East, I believe.

Some of those students witnessed the rescue of the shark attack victim, and I am told that some of our staff were involved in the rescue as well. So there were obviously some concerns from schools and parents whose children and students were booked in Monday morning to go back to the beach and continue or start their lessons, and the department fielded calls from the schools asking for advice around what they should do. It was in that context the decision was made.

I think I have made my position clear, and the chief executive and the Premier have made our positions pretty clear, there should have been a lot more consideration around how that decision was made. We have responded pretty quickly, including an excellent announcement I think from the Minister for Emergency Services around bringing shark patrols forward on a daily basis, starting this Saturday. We convened a group that involves a number of—

Members interjecting:

The SPEAKER: Order! The member for Hurtle Vale is warned, and the member for Hartley must be on a 10th warning. In any case, the minister.

The Hon. B.I. BOYER: Thank you, Speaker. So we have very quickly, in addition to the announcement by the minister of shark patrols being brought forward, convened a panel that has members including the emergency services shark patrol unit, Surf Life Saving SA and PIRSA. They met for the first time yesterday. We have asked for a decision or a review of that announcement made on Friday as quickly as possible. I am confident that we will have that in the next 24 hours, and as soon as I have it, we will communicate that as broadly as we can to schools. I am hopeful, if not confident, that that decision will be that we can get students back in the water hopefully as early as next week, as soon as possible.

In relation to the member's specific question around the impact that this might have had on caravan parks or tourism providers in some areas, I am happy to learn some more details. I have spoken to the department around reaching out to some of the excursion and camp providers, who have been quite vocal in their position regarding the decision that was made, to learn what the impacts might be on them, and we can take it from there.

So I am very happy to have some further conversations with you, but my focus has been in the last 48 hours on doing everything that we can to make sure we can look at those parents in the eye, who did have a bit of concern given the attack on Friday, and say, 'It's safe. Things are fine.' There might be a few other risk mitigation things that the department decides to put in place, which might be in some areas some more staff just to make sure that we can observe our students and other staff appropriately. But we will hopefully be able to communicate a decision on that very quickly. I am very happy to meet with you and talk a bit more to understand any impacts there might have been on any businesses in your local area.

NARUNGGA ELECTORATE BUSINESSES

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:48): Supplementary: who is the decision-maker in relation to the announcement of the review that the minister said would be likely in the next 24 hours, and who is the decision-maker in relation to the member for Narungga's question about compensation for businesses?

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (14:49): I didn't say there would be compensation. I said I would be happy to sit down with the member and learn a bit more about what impact there might have been. I just said that. I'm not sure—

The Hon. J.A.W. Gardner: So who is the decision-maker in relation to this?

The SPEAKER: Well, I think the minister—

The Hon. B.I. BOYER: The question literally makes no sense.

The SPEAKER: —may have concluded his answer.

The Hon. B.I. BOYER: It makes no sense, I'm sorry.

Members interjecting:

The SPEAKER: Order!

The Hon. J.A.W. Gardner: Are you deciding or are you waiting on a review?

The SPEAKER: Order! Minister, you do not need to respond to interjections. You may continue your answer.

Members interjecting:

The SPEAKER: Order!

The Hon. B.I. BOYER: Thank you, Speaker. In relation to the first part of the member for Morialta's question, I understand when the decision had been made in the department around a pause on those aquatic activities it was also communicated at the time that there would be a review. Post that decision, the chief executive and I together decided that that review should obviously be brought forward as soon as possible and to make sure that it had some of those key stakeholders that I referred to before—the emergency services Shark Patrol unit, Surf Life Saving SA and PIRSA—on it, and asked that they give advice to the chief executive and to me as soon as possible so that we can communicate what I am hoping will be and am confident will be a decision that we can get our students back into the water as soon as possible, to make sure that they do learn those really important skills about being safe in the ocean.

SOUTH-EAST LINKS ROAD DUPLICATION PROJECT

Mr PEDERICK (Hammond) (14:50): My question is to the Minister for Regional Roads. Is the government investigating the South-East links road duplication project and, if so, what is the status of that investigation?

Mr Whetstone: Toss a coin.

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:51): Yes, we work collaboratively in this government.

Members interjecting:

The SPEAKER: Order! The member for Florey, the member for Cheltenham, the member for Elder—order!

Members interjecting:

The SPEAKER: Member for Unley, order! Member for Elder! The minister has the call.

The Hon. A. KOUTSANTONIS: The Department for Infrastructure and Transport regularly investigates road upgrades, duplications, regularly looks at planning, regularly looks at what it is we need to do to improve the road network. The road mentioned by the member and a number of roads all across South Australia are under the care and control of not only the South Australian government but also some local councils. We work in a collaborative way to look at planning to see what we can achieve. Obviously, there are limited funds across all jurisdictions for important road maintenance and new roadworks.

The planning unit within the Department for Infrastructure and Transport does this from time to time on a planned basis, and even on an unscheduled basis, at the request of members of parliament. For example, sir, I know that you have asked us to look at a number of pieces of infrastructure within the Adelaide Hills, in the Mount Barker council area, and we are doing so. I know that members in Narungga, MacKillop and Mount Gambier have also asked us to have a look at infrastructure, as have members on this side of the parliament. I get regular letters from members opposite asking us to do planning works and look at, in particular, pieces of infrastructure in their electorates. We do what we can with limited resources.

We make our announcements after considerable consideration, we do it in a budget process and then the Treasurer stands up once a year on the budget and announces the government's forward spending on infrastructure. We have priorities that are in place, there for people to see. We do all of our planning work in anticipation of funds becoming available. We prioritise and triage those on the basis of best value for money, and we do so in the public interest.

ILLUMINATE ADELAIDE

Ms STINSON (Badcoe) (14:53): My question is to the Minister for Tourism. Can the minister provide an update about Illuminate?

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (14:54): I thank the member for Badcoe for her question. We have another successful winter under our belts with data showing that Adelaide is the place to be in winter. We know that Illuminate has made South Australians think differently about winter, and I am pleased to inform the house that Illuminate Adelaide is also turning heads nationally and internationally.

Results shared with me this week show an incredible $54.3 million in economic activity generated by this event, filling our city's restaurants, bars and hotels in what is traditionally our quieter winter month. Illuminate Adelaide welcomed 1.3 million attendances across their program of free and ticketed events, with nearly 66,000 of those from interstate and overseas. We know that it is wonderful for drawing people into the city at night-time, but particularly because it encourages more people to come into the city and to stay. This year's event generated 34,000 visitor nights, contributing to the 14 straight months of record-breaking hotel occupancy.

Around the world people are talking about Illuminate Adelaide, with Creative Director Rachael Azzopardi being invited to Fete des Lumieres in Lyon, the Festival of Lights, in France to speak about South Australia as an internationally recognised festival capital. Only recently, she was invited to speak at the International Garden Tourism Conference, with festival partners Moment Factory, at a session called 'The Pleasure Garden: the garden as a stage for cultural, art and social activities, exhibitions and events'. Closer to home, national reviews of Illuminate have also been glowing, with the *Australian Financial Review* writing:

> South Australia's capital is no longer just a 'city of churches'. Illuminate Adelaide reflects its transformation into a modern groundbreaking destination.

Surveys of visitors taken throughout the event found that 93 per cent would recommend Illuminate Adelaide and 83 per cent of visitors would visit South Australia again because of their great experience at that event. We know that the value of major events can be seen through the whole community, and as a government we certainly know the value of events and festivals. We understand not just the economic impact of events like this but also the value of events to our state of mind, to our wellbeing and our connection to each other.

South Australia has always been known as the Festival State, but at no time in history has this been more true than now. It is no longer just Mad March. This government has invested in growing our economy, supporting small business and reminding South Australians and the world why we are a destination like no other, a great place to visit and an even greater place to love.

In the near future, I will be making an announcement about our ongoing relationship with Illuminate, which has become a real fixture of our winter months. People are prepared to put on a coat and a beanie, they are prepared to come into the city at night to witness this wonderful connection of light, art, music and technology. I look forward to it coming more and more in the years to come.

REGIONAL ROADS

Mr PEDERICK (Hammond) (14:57): My question is to the Minister for Regional Roads. Has the minister travelled to the South-East to inspect the condition of local roads? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PEDERICK: On 19 June, the District Council of Grant carried the following motion, and I quote:

> That Council write to the Minister for Regional Roads, the Hon. Geoff Brock MP, to advise of the poor state of Kangaroo Flat Road and ask for an urgent inspection and maintenance to be undertaken on the road in the interest of public safety.

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (14:58): I thank the member for his question. When country cabinet was down in the South-East and Mount Gambier way, including Grant, unfortunately I wasn't able to get there because of my issue. However, I will check on that letter and make certain it has gone through. One of the things I want is to be able to reinforce what the Minister for Infrastructure has indicated. We have to do a priority of roads across all of regional South Australia and correct

planning. In regard to that, just recently, last week, I had the opportunity—and I made this comment to the member for Hammond. Back on 3 May, I took two questions—

Members interjecting:

The SPEAKER: Order, member for Reynell!

Members interjecting:

The SPEAKER: Order, member for Chaffey! The minister has the call.

The Hon. G.G. BROCK: On 3 May I took two questions on notice from the member about an audit on regional roads, and one of the things I have done is that last week—and I put out a press release, I think, yesterday or the day before—through the department I had the opportunity to look at what is called iPAVe3. It is a vehicle that is used in other states to be able to get a true indication of the condition of all the roads. I am pleased to advise the house that last week I enjoyed a demonstration of the world-first technology that is being used to assess the condition of South Australia's roads.

Members interjecting:

The SPEAKER: Order!

The Hon. G.G. BROCK: The latest and greatest Intelligent Pavement Assessment Vehicle, iPAVe3, has started collecting vital road data across all state-maintained roads and highways with the information to be used to help determine future road maintenance and prioritise repairs and upgrades. Reinforcing the Minister for Infrastructure's comments, we have to do that on a facts basis.

The collected data will be used to assess bearing capacity of the pavement. The iPAVe truck deployed in South Australia for the first time will cover nearly 400 roads across South Australia providing rapid data collection without the need for traffic control.

The iPAVe3 is the only comprehensive pavement measurement vehicle that can provide structural and surface condition data at highway speeds of up to 80 km/h. This cutting-edge system will provide a clear insight into what is happening on the road surfaces, such as cracking, along with ground-penetrating radar to assess structural conditions underneath, allowing maintenance crews to make faster informed decisions on where works need to be carried out.

This vehicle can measure roughness, texture, rutting, as well as collecting digital imagery for visual rating and cracking. Data obtained will be used to assess the bearing capacity of the pavement, including the impact of flooding and water ponding, pinpointing areas where the pavement may be subject to failure. These findings will contribute to the analysis of all state-maintained regional roads, which I announced will take place in May, and will go a long way to ensuring that local communities' transport needs are met.

Since its launch last month, the iPAVe3 has completed 2,500 kilometres out of 18,000 kilometres as part of a joint survey between the National Transport Research Organisation and the Department for Transport and Infrastructure. Regional areas covered so far include the South Eastern Freeway and parts of the Stott Highway and Karoonda Highway. Further surveying will take place in the Murray and the Mallee, Fleurieu and North Adelaide regions. The iPAVe analysis of South Australian roads is due to be completed by the end of this financial year.

Members interjecting:

The SPEAKER: Order! There are interjections to the left and right. The member for Davenport.

WEEKEND HOSPITAL DISCHARGES

Ms THOMPSON (Davenport) (15:02): My question is to the Minister for Health and Wellbeing. What action is the government taking to address weekend hospital discharge rates?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:02): Thank you very much to the member for Davenport, and I thank her for her very strong interest in relation to the healthcare system. As we have made very clear a number of times, to address the issues in the

healthcare system we need to address every element of a patient's journey. One of the key ones is in terms of making sure that the patients can get access to timely discharge from the hospital system when they need it.

But, of course, we know that there are many patients who do not get a timely discharge from the hospital system when they need it, and that is often because the staffing that is there Monday to Friday is not always there over the weekends, and that is an historical thing that has been in place here, interstate, and around the world in fact, in many hospital systems.

That leads to a situation where we see a significant decline in the number of discharges that happen over the weekend. It means that a number of patients end up waiting longer than they need to in order to get back home or to other care and, of course, being in hospital longer than you need to is not a great outcome for the patient and it is also not a great outcome for the health system when other people need those beds and that care.

That is why the government, the Premier and the Treasurer announced in the state budget this year $27 million over four years for additional initiatives, for extra staff, to help address that weekend discharge and make sure that we can address the flow through the system, to make sure that we can improve the rate of discharges over the weekend and make sure that, particularly at the start of the week, we are starting in a better situation than we often are.

I am glad that we now have a situation where that money has been distributed across particularly the three metropolitan local health networks that have developed up their local plans for how to spend that money, how to hire additional staff and how to put additional staff on to make sure that that weekend discharge can happen.

There are different approaches that have been taken throughout the three metropolitan local health networks. In the northern suburbs, the Lyell McEwin Hospital, their main element of what they are spending the money on is establishing what they are calling a flying squad. It will be a multidisciplinary team, including medical—so doctors, nurses, pharmacists, physios and social workers—and that team will be able to work across the hospital at the Lyell McEwin Hospital to identify patients who need that discharge and make sure that that can happen.

In addition, they will have a dedicated social work weekend position within the short stay mental health unit to facilitate discharges, and additional weekend resources in aged care, rehabilitation, palliative care, which will also lead to more weekend discharges.

At Flinders Medical Centre in the Southern Adelaide Local Health Network, their focus is on additional allied health professionals, predominantly pharmacists and other allied health, to be working across the weekend. Often, what we have heard from our clinical staff is it is waiting for pharmacy scripts, waiting for other allied health assessments that's the barrier to discharge occurring. They will have additional pharmacists operating over extended hours and seven days to support complex discharges and earlier medication history to support patient flow. At the same time, physios, social workers and occupational therapists reduce unnecessary length of stays in hospital and reduce preventable readmissions.

At the Central Adelaide Local Health Network, at the RAH and the QEH, they are in consultation with their staff about setting up a weekend multidisciplinary discharge team in general medicine. That will help identify potential weekend discharges on Thursday and Friday to support criteria-led discharges over the weekend and will include nurse navigators, pharmacists, physios, occupational therapists, social workers and dietitians. In addition, there will be an additional mental health consultant at The QEH to support overnight mental health. All of these measures go to supporting patient flow, helping to make sure that patients can get the care they need.

COUNCIL CHIEF EXECUTIVE OFFICER SALARIES

Mr TELFER (Flinders) (15:06): My question is to the Minister for Local Government. Was the local government minister, his staff or department involved in developing the statutory criteria or scope with the remuneration tribunal in their work of the banding of council CEO salaries?

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:06): Thank you to the member for his question. This

remuneration investigation about the CEOs' salaries was instigated by the previous government. That took around about 18 months, or nearly two years, to get the full information. There was a little bit of resistance from councils to give all the full information. The member was the past president of the Local Government Association at that particular point. It was made quite clear that the remuneration investigation into the CEOs' salaries was instigated through the LGA and the councils supported that through the LGA.

As we all know, that investigation was independent of the minister—it was done independently. The review of that will be undertaken by the particular organisation that did the review after 12 months. The answer is: no, my staff were not involved directly, and, as the past president of the Local Government Association, the member for Flinders knows that it would not have been done by any minister—not this minister or the previous minister.

Grievance Debate

MORIALTA COMMUNITY AWARDS

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:08): I am very pleased to recognise the significant contribution to the community in South Australia and in my electorate of Morialta of a series of amazing local legends who have been awarded this year with the inaugural Morialta Community Awards. Last night, we were able to celebrate their achievements with all but one of them attending in the parliament for a beautiful dinner and indeed sharing and reflecting on the great community that we have in our area.

There is no better place in the world to live than South Australia, no better place to live in South Australia than Morialta, and it is the contributions of so many amazing people who make it so. Every month this year, I have been acknowledging the particular contribution of some very special people and I would like to place on the record my appreciation for those people and everything they have done for our community on this occasion. The winners this year were: John Schubert, Bruce Ind, Wayne Atkins, Stella Waugh, Virginia Cordera, Ivanka Jovanovich, Thea Matto, Mario Minuzzo, Phung Van Nguyen, Domenica Zollo and Jeff Neale.

Reflecting on them each briefly, John Schubert has given 46 years of service to the community through the Rotary Club of Morialta and continues to volunteer regularly. If anyone wants to see John hard at work, he is there every month on the shed sale and contributes in all manner of ways to our local community through his service with Morialta Rotary.

Bruce Ind of Woodforde is a really significant contributor to so many aspects of South Australian life and in our local community. He has given 20 years' volunteer service to Guide Dogs SA/NT, including 16 years as a board member, providing his service through lived experience and professional counsel to that outstanding organisation. He is an extremely active member of the Kiwanis Club of Rostrevor Campbelltown, having been president twice, and secretary, and involved in every significant endeavour that Kiwanis does to support our local community. Also, as chair of the Morialta Uniting Church for most of the last 25 years, Bruce's work has been outstanding.

Wayne Atkins has been a legend of the Athelstone CFS for more than three decades and has provided more than 50 years of voluntary service to our community, keeping our properties and our lives safe through his service to the CFS over 50 years. Cherryville, Cudlee Creek, Sampson Flat—you name it, Wayne has been there, fighting our fires and also supporting younger members and newer members of the brigade.

Stella Waugh of Athelstone has been a significant contributor to the Saint Ignatius school community. She was nominated by the school for her volunteer work there, supporting every principal's tour and coordinating volunteers and parents in morning teas welcoming new families to the school. Stella's contribution to that school and to our community has been fantastic.

Virginia Cordera has given 50 years' service to the Campbelltown City Soccer Club, a club that has hundreds of local members, particularly children and young people. Virginia has been there for generations of them: supporting them in the kitchen multiple times a week, serving the players, serving the visitors and serving the community. Virginia's service to that club has been amazing, and we are grateful.

Ivanka Jovanovich was a successful businesswoman for many years who got busier in retirement. Amongst her many community gifts the most significant is the coordination she does through Zonta to support the St Andrews Hospital and women who are at a vulnerable time in their lives, recovering from breast cancer surgery. She does this through the creation, every month, of hundreds and hundreds of comfort pillows—a coordination effort over decades from Ivanka Jovanovich.

Thea Matto of Newton has served the community for five years now through the creation of the Moving to Music dance class for elderly residents in the area. Indeed, a petition of dozens of them supported her nomination for the Morialta Community Award, and we are grateful.

Mario Minuzzo is the founder, the driving force and, for more than a decade, the significant inspiration for the growth of the Pioneer Court Community Garden in Highbury. He has made an amazing contribution to that community, and the work that garden does in supporting the broader community is immense.

Phung Van Nguyen is a leader in the Vietnamese community across our state and a contributor to Vietnamese community language schools. He has made a significant contribution to multicultural South Australia. He is an outstanding Rostrevor resident of whom we are proud.

Domenico Zollo has been the President of the Montevergine Festa Associazione for more than 68 years, serving the community—first his father and then him as the president. It is an amazing contribution to our state and our community.

Finally, Jeff Neale, the dealership principal of Paradise Mazda, an outstanding local business, is a philanthropist, sponsor, donor and significant contributor to Rotary and is a Paul Harris Fellow Sapphire Pin and a former district governor of Rotary. He lives in Highbury and serves the Tea Tree Gully and Campbelltown communities well. We say thank you to all of the Morialta Community Award winners for 2023.

ROTARY CLUBS

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (15:13): On 24 August 1923, the first Rotary meeting in Adelaide was held, with this year marking 100 years of service to the South Australian community. Rotary clubs across South Australia have a proud history of doing good work in communities locally and internationally. The centenary is a unique opportunity for South Australians to acknowledge the fantastic work that members of Rotary clubs do every day, working together to create a better place for our community and the world through purpose, fellowship and fun.

A special lunch will celebrate the people of the Rotary, Rotaract and Interact clubs who have made up the rich and diverse tapestry of Rotary in South Australia and the current District 9510. Guests will include district governors and Rotary members past and present from around Australia and the world. The luncheon will be held a hundred years to the day from when the first Rotary Club in South Australia was officially chartered by Rotary International on 4 February 1924 in the William Magarey Room at Adelaide Oval.

On a more local level, my own Rotary Club of Salisbury celebrated their 60th anniversary at the Salisbury Community Hub on 5 November. August saw the 10th anniversary of the Salisbury City Rotaract Club, with 40 people attending and celebrating at the Salisbury Hotel. The combined projects of these two outstanding local service organisations are incredibly extensive. Their projects include but are not limited to:

- the Goodall Youth Scholarship Fund, which provides financial support to families to assist with the transition from primary to secondary school, for items like uniforms, laptops and school excursions;
- the Rotary Cobbler Creek reserve project in collaboration with the Friends of Cobbler Creek, which has seen thousands of trees and shrubs planted, as well as the building of a shelter with tables and seating for walkers to take a break with a view;
- holding the largest business networking breakfast in the Adelaide metropolitan area each month, with powerful guest speakers and fantastic networking opportunities—I have

attended many of these events, and business owners from all over South Australia come and attend; and

- a sewing circle and Backpacks 4 SA Kids, with a total donation of 7,191 toiletry bags, pencil cases, small toy bags and Christmas bags.

The Salisbury City Rotaract Club also works with the Parafield Gardens Community Club to host a Christmas Day lunch for those who may not have one to go to on that special day. Not only is the lunch fully catered, but every child attending receives a present. Rotaract also participate in STEPtember, donate first-aid supplies and backpacks to those experiencing homelessness, support the Northern Domestic Violence Service, and collaborate, fundraise, capacity-build and network to improve the skills and experiences of their members.

Salisbury Rotaract pride themselves on inclusivity and diversity. Their motto is 'Come As You Are & Give What You Can!' They raise funds through traditional service models like the classic sausage sizzles and also via the op shop located in Anderson Drive at Parafield Airport, the AllSorts Shop. The AllSorts Shop, in particular, is a wonder due to the incredible community connections and a volunteer team who frequently collect estate furniture and other donations. The shop provides an extraordinary range of quality furniture, whitegoods and homewares at an affordable price. Every cent raised by Rotary for charity goes back into charitable projects locally, nationally and overseas.

I am incredibly proud to be an honorary member of the Rotary Club of Salisbury. As many in this place will understand, I have a long history of Rotary involvement, including being an international exchange student in 1991. My father was also a past president of the Kapunda club and is currently involved in the Probus Club of Salisbury, being a former president of the Probus Club, and is now in charge of outings which keeps him very busy. My experience being an international student was life changing. I do not think that I would have left my country town after going overseas to go to university, and I certainly would not be a politician, let alone a minister, had I not had that experience of seeing the world at such a young age.

ROLLOND, DR A.K.

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (15:18): I rise today to make a contribution on the life and times of Andrew Kenneth Rollond, better known as Ken Rollond OAM, former Mayor of the City of Holdfast Bay, a significant doctor in the Holdfast Bay region and beyond, and a friend to many in that community.

Ken Rollond—or Andrew Kenneth Rollond, as was the name he was given when he was born, but he became better known during his childhood as Ken—was born on 28 June 1940. He grew up on a farming property around Tungkillo in the Adelaide Hills. He went to Birdwood High School until he completed year 10 and then he went to Prince Alfred College down in Adelaide. He then studied medicine at the University of Adelaide, and had a distinguished medical career as a gynaecologist and obstetrician, delivering over 10,000 babies via his Glenelg-based practice.

Ken was much loved, and there would be very few people in the Holdfast Bay community who have made such a lasting contribution, both in the field of medicine and also in the field of public service through elected representation on the City of Holdfast Bay council. Ken entered Holdfast Bay council as a local councillor representing the Glenelg community in the late nineties, and then he was elected to the role of mayor in 2003. Ken was mayor for three terms, leaving office as Mayor of Holdfast Bay in late 2014.

Ken's contribution to the council, I think would be fair to be described as one of a maverick. He would always stick up for the little guy and try to add a voice to the voiceless and fight for causes that maybe did not make him popular amongst other elected members. In fact, there were times when Ken was not actually allowed to be the official spokesperson of the council, but that did not hold him back. He stuck in there and sought to get alongside people who were doing it tough and provide them a voice, whether it was a voice through the council chamber—which was sometimes denied Ken—or at other times, and regularly, through the media. He really became known as a significant identity from that part of Adelaide for an extended period of time.

I first met Ken on Australia Day 2008. I remember the day very well because Dr Ken Rollond made me an Australian citizen at a ceremony at the Glenelg foreshore on Australia Day 2008. That

was obviously a very significant personal day for me, and to have Ken making a contribution to it was a special thing. I got to know Ken better when I subsequently entered the neighbouring Marion council and served as deputy mayor, and then put up my hand to represent the seat of Bright at the time, much of which was in the City of Holdfast Bay.

In fact, I was the MP who covered the majority of Holdfast Bay from 2014 to 2018. Ken supported me very significantly during my run for parliament. He got alongside me and introduced me to people. I remember working with him to support residents at the Kingston Park Caravan Park who were enduring the need to leave that long-term accommodation that they had there. Again, Ken was representing the little guy, getting alongside them and providing them with support. They had to leave, but Ken wanted to give them the support so that it was made as easy as possible.

Alongside Ken at every single function was his wife, the Lady Mayoress, Anne. Anne was with him in his practice at Glenelg. She worked there and was alongside him in Holdfast Bay at every community event. She was really as much mayor as Ken was himself. Ken passed away on 24 October this year after a long illness. He had struggled in recent times, but his passion for his family and community remained strong.

I want to use this opportunity to thank Dr Ken Rollond OAM for his service, and pass on my sympathies to his children, Fiona and Bill, and of course his wife, Anne, his son-in-law Andrew, and his beautiful grandchildren Amelia and Madeleine. Vale Dr Ken Rollond OAM.

HEALTH CARE FOR REGIONAL AND RURAL SOUTH AUSTRALIA

Mr ELLIS (Narungga) (15:23): I rise today, having tabled a significant petition in this place, a petition of almost 10,700 signatures which has thereby triggered an inquiry into regional health care and, specifically and excitingly, health care in Narungga. It is not an understatement that this is a momentous development. Petitions of this magnitude are rarely presented to parliament and to have one come from predominantly one electorate is a demonstration of the sheer magnitude of concern felt by my constituents when it comes to health care. It is, without a shadow of a doubt, the biggest issue in the minds of regional voters.

Regional health care and the need for improvements is the issue I get approached about most in the street, it is the subject of the majority of meetings I have in my office and, personally, the primary reason I was inspired to run for parliament in the first place.

It is something that I have brought to this chamber's attention many times: when I launched this petition and explained the clauses in October last year, when I successfully carried a motion in June 2022 demanding we address the critical shortage of doctors in regional SA and at various times during question time. Despite that, it seems nothing is changing on the ground.

As such, this latest action will trigger an inquiry in parliament that will be recorded on *Hansard*, and those people who visit my office, who bail me up in the street and who call me about the topic will be able to ask those with the capacity to make the decisions why nothing seems to be changing.

It is sincerely hoped that the lodging of this community petition today—which carries the highest number of signatures ever collected in the history of my electorate on any topic, even surpassing the public outcry back in 2008 when Yorketown Hospital was going to be closed under the rural health plan, and again in 2016-17 under Transforming Health—will serve as the catalyst for this vital change.

Petitioning the parliament is a long-established fundamental right of all citizens. It is one of the few direct means of communication between the people and the parliament and, as such, is deserving of the full respect of all in this place. It is clear that more must be urgently done to recruit and retain GPs and properly staff and resource our country hospitals, but all we seem to hear about are metropolitan issues.

Ambulance ramping at city hospitals is crucially alarming, but the rural health system is also in crisis and we in the country are tired of being treated as second-tier citizens. Our local GPs, nurses and visiting specialists deserve more support from the government, as do all of us who live in Narungga and across regional South Australia. The continuing existence of townships and population

sustainment within our rural district relies on the continuing availability of quality, sustainable and locally available health services.

I would like to take this opportunity to urge those on the Legislative Review Committee—and I will be writing to them to reinforce this point—those who will be conducting this inquiry, to do a thorough and meaningful job of it. As previously articulated, there is no more important issue in regional South Australia than this one, and my constituents expect a considered, forensic, and thorough examination of regional health care with actionable recommendations about how to fix it.

I also want to take this opportunity to thank all the businesses, community groups, councils and individuals who did so much of the legwork to collect these signatures. While it is a dangerous thing to single out the people who did so much of that legwork, there are a few who deserve a special mention. The crew at Moonta Medical Centre, led by Dr Ashraf, and Medical HQ at Maitland, with Dr Rod Pearce, did an outstanding job of collecting signatures. Megan and Rod Penna at Goyder Street Cafe did a wonderful job and sold a few burgers whilst doing it.

The Maitland CHATT centre, various caravan parks during busy times, and both the Copper Coast and YP councils did an outstanding job. Individuals such as Carolyn Neumann, Peter Egel, Pam Kerr and many others deserve a special thanks. But the 'specialest' of special thanks, if there is such a word, needs to go to Ashlynne Pointon, who is in the gallery today, who did a truly astronomical job in collecting signatures. Thank you very much for all the work that you have done, each and every one of you.

One final plea to the constituents of Narungga: please contribute to this inquiry. We have made our voice heard with this petition and the benefit will truly be in making submissions highlighting our concerns. Now is our opportunity and I would urge each and every one of you to seize it with both hands and make our voice heard with specific examples of experiences people have had with the hospitals and with our healthcare system, good, bad or otherwise.

PREMIER'S FOOD AND BEVERAGE INDUSTRY AWARDS

Mr WHETSTONE (Chaffey) (15:28): I rise to talk about some activity happening in the Riverland in recent times. Yes, the trophy cabinet continues to fill in the Riverland. The Premier's Food and Beverage Industry Awards saw some great South Australian businesses, individuals and exporters recognised for their dedication to our premium food and beverage industry—none more so than Almondco, the winner of the Export Award for businesses with more than 15 FTEs.

Brenton Woolston, the managing director, was a finalist in the Leaders Award. Last month they were the winner of the Agribusiness, Food and Beverages Exporter Award at the Premier's Business and Export Awards. It is an incredible achievement for a Riverland business to be recognised as a leading exporter not only amongst South Australian businesses but nationally—and they have done it twice, a testament to Chaffey's contribution to the export industry. Also, a big shout-out to Sue Heward and Singing Magpie Produce. They were finalists in the business excellence award category for businesses up to 15 FTEs and demonstrated business excellence and set benchmarks for industry. Congratulations to all 24 winners and all the finalists.

The South Australian Tourism Awards earlier in the month saw Chaffey businesses recognised for their excellence and outstanding achievements in the tourism industry. We saw the 23rd Street Distillery winning gold in the tourism distilleries and breweries category. I want to thank the Bickford's Group, particularly Angelo and George Kotses, for the great work that they do, not only in beverage and distillery but also in the tourism sector.

The BIG4 Renmark Riverfront Holiday Park again has taken out the Voters' Choice Award for Accommodation, and a bronze in the excellence in accessible tourism category. I want to thank the Watts family for their great dedication to tourism, particularly in the Riverland. Karoonda Tourist Park took out bronze and the Berri Riverside Holiday Park was a finalist in the caravan and holiday parks category, and all credit goes to the Karoonda East Murray Council and the war memorial community board. I want to congratulate all 31 winners and the four hall of fame entrants, as well as the silver and bronze medallists. I also want to commend all of the tourism operators in the Riverland who continually remain positive considering the floods in the most recent peak season.

In late October, we also saw the Riverland Rose and Garden Festival in absolute blossom. Over the 10 days of the festival, thousands of visitors flocked to the region for fairs, open gardens, floral showcases and events right across the Riverland. I attended the opening event at Calperum Station for the fundraising bush ball, and it was great to have John Schumann and the Swingin' Willies there. They are quite an entertaining band, I must say, and 150 people enjoyed the evening with all proceeds going to Calperum Station. I want to congratulate the committee: the chair, Michelle Dominic, the secretary, Rebecca Kennedy, the treasurer, Frankie Dunhill, and members, Richard Fewster, John Chappel, Murray Harvey, Graham and Glenys Matthews, Nola Schultz and Glenda Cass.

The Regional Showcase Awards at the beginning of November saw Riverland Wine take out a resilience award, along with commissioned photographer Matt Wilson. Through his lens, we saw photography of the wine industry's resilience, the challenges that have been, the China tariffs, transport and logistics costs, and lower tourism numbers due to the floods. There were six award winners and 20 finalists right across South Australia. It was a great month for the Riverland.

I also want to throw out a thank you to Rustons Distillery for The Rustons Fest, a music festival. Sheree and James Chappel are the owners of Rustons Distillery, and the festival saw quite a young crowd come to the distillery and really let their hair down and have a great time. Also to Brad and Nicole Flowers, the proprietors of the Overland Corner Hotel and the Sounds in the Quarry. We saw 20 local artists up in the quarry behind the historic Overland Corner Hotel. It is an absolute destination, and for anyone who is travelling to the Riverland, make sure you get to the Overland Corner Hotel and experience great hospitality.

We continue to see great hospitality up at the Woolshed Brewery and those events continue to be such a drawcard not only to the tourism sector, but bringing people into the region, boosting the economy and making sure that we have such a diverse array of attractions for people to come and visit and view what a great region the Riverland is. It is great news for Chaffey, and it is great news for all of the businesses up there as we come into peak tourism season after such a trying season last year.

KING ELECTORATE

Mrs PEARCE (King) (15:33): I would like to take this opportunity to talk about the amazing effort undertaken by a local sporting club in my community, which has raised some absolutely incredible funds for an amazing cause. I promise I am not being biased when I say that my community is home to one of, if not the best tennis club in Adelaide, the Golden Grove Tennis Club.

They do have the awards to back that claim, as they won Tennis SA's most outstanding club earlier this year, making it a back-to-back achievement. What makes this club so outstanding is not solely their incredible sporting achievements but their welcoming environment and family-friendly nature, in addition to their commitment to giving back to the local community that I believe takes them that extra mile.

The Golden Grove Tennis Club are deeply committed to giving back to the local community. Every year they get together to provide food hampers to families in need. They host free come-and-try days to help make the sport as accessible as possible, and they go around to the community to showcase how rewarding and enjoyable taking up tennis can be.

But the spirit of the club really shone through recently when they all came together on 7 October to host a 24-hour charity tennis marathon in support of funding breast cancer research. When I was asked if I would like to come out and have a hit of tennis with the member for Wright, I could not turn down the opportunity. Given that it was in support of such an amazing cause, I could not resist getting behind this amazing effort, even if I do say I was a little bit rusty. Just as the club does whatever it can when there is an opportunity to help, everybody came out to help back this amazing initiative.

From the committee members who were instrumental to helping get the day up and running to members of the club and community who helped where they could, volunteering on the day, donating beautiful baked goods for the cake sale, to local businesses who donated items for the silent auction and raffle, thank you very much. A very special shout-out goes to the member for

Newland who came out and lent a hand with the barbecue. It was phenomenal to see so many keen to make sure that this 24-hour tennis marathon would be a hit. It was amazing to see the effort put in by all members of the club who came out throughout the night and into the very early morning to play tennis for a great cause.

Activities during the marathon included a raffle, a silent auction, a bake sale with some delicious goods, face painting for the kids, with play continuing on the courts throughout the early, early hours of the morning. Even when the winds picked up throughout the night, the dedicated members continued to play. All throughout this, a group of volunteers remained from start to finish, some inside and slightly warmer, with drinks ready and available, but others were outside courtside to help those playing tennis to continue to push through the conditions of the night.

I am extremely pleased to share that together the Golden Grove Tennis Club, through the efforts of every one of their members and supporters who came out to make sure the event was a success, were actually able to raise over $22,000 for Australian Breast Cancer Research. I want to extend my congratulations to the Golden Grove Tennis Club on what was an incredibly amazing effort, one which encapsulates the spirit of our community so well, coming out in support of a good cause, setting aside their own time to ensure that it was a success and getting around the club which has often been there to support so many people who have become a part of its family.

I would also like to extend my thanks to the president, Craig Mousley, and the entire committee who helped bring the day together and for inviting me to take part in the day. You did an absolutely amazing job, and I was honoured to play a part helping make it a success. It speaks volumes to the power of the community with clubs like the Golden Grove Tennis Club, of which my electorate of King is home to so many, that are all very much committed to giving back. We are made stronger through clubs such as theirs bringing everybody together, and I cannot wait to see what they achieve next.

I would also like to give a shout-out to a young sports star from our local community, Emily Hart, who recently represented our community overseas in Bangkok for tenpin bowling. It was her first time overseas without parents. She represented on the youth team, and she took out a silver in the singles. Since coming back, she has competed also in Queensland, taking out second place again. It is no surprise that she is a finalist for the Rebel South Australian Sport Awards as Emerging Athlete of the Year, and I wish her congratulations and every success.

Bills

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (WHOLESALE MARKET MONITORING) BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:39): Obtained leave and introduced a bill for an act to amend the National Electricity (South Australia) Act 1996 and the National Gas (South Australia) Act 2008. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:40): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and the explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Under the current National Electricity Law (NEL) the AER has responsibility for monitoring and reporting on the wholesale electricity market. The AER has powers to gather information about wholesale electricity trade to monitor and report on the competitive functioning of the market.

Events during winter 2022 in Australia demonstrated the risks that energy consumers are exposed to when there is a lack of effective competition in, and visibility of wholesale electricity and electricity contract markets. During this time the Australian energy system came under extreme pressure. This was due to unprecedented high prices and

price volatility in the wholesale electricity market. The war in Ukraine, high international fuel prices, fuel supply shortages, and generator outage contributed to these issues.

Multiple electricity retailers struggled to hedge their retail load in contract markets against these high wholesale electricity market prices. Without an ability to gain information about trading and levels of liquidity in electricity contract markets, the AER and Australian governments had incomplete information throughout this crisis.

The winter of 2022 in Australia also saw unprecedented high prices in the Australia gas market. This was due to global increases in gas prices following the war in Ukraine. It was also due to higher than anticipated demand by LNG exporters and gas-powered generators, and lower than expected supply. Given the AER's lack of wholesale market monitoring and reporting (WMMR) functions and powers for gas markets, it had limited ability to assess competition or whether participants were exercising market power.

Additionally, several recent reports, including the Australian Competition and Consumer Commission's Inquiry into the NEM Report, have recommended expanding the AER's WMMR functions and powers to gas wholesale markets or electricity and gas contract markets.

Noting the significance of these events and reports, on 19 October 2023 Energy Ministers agreed to a WMMR legislative package and progressing it to the South Australian Parliament.

The *Statutes Amendment (National Energy Laws) (Wholesale Market Monitoring) Bill 2023* proposes to extend the AER's WMMR function to include the electricity contract market and wholesale gas market. It will also ensure the AER has the information it needs to perform this expanded function. The Bill will require the AER to monitor these markets and produce reports on this function at least every two years.

Electricity generators and retailers use the electricity contract market to manage their exposure to financial risks resulting from the volatility of wholesale electricity prices. The electricity contract market contributes to the functioning of the wholesale electricity market. It is a crucial link between electricity generators and retailers. By extending the AER's WMMR function to include the electricity contract market, this will enable the AER to gain insight into whether there is effective competition within this market. It will also give the AER insight on whether market power exists, and whether there are factors that are detrimental to effective competition. Additionally, this expanded market monitoring function will enable the AER to better understand the resilience of generators and retailers.

The Bill will mirror the AER's WMMR function for the electricity markets, in the National Gas Law. It will task the AER with monitoring and reporting on the competitive functioning of the wholesale gas market. The AER will determine whether parties are exercising market power. It will also identify factors that are detrimental to effective competition in gas markets. Bringing the wholesale gas market into the remit of the AER's WMMR function will contribute to improving competition and efficiency in the gas market. It also has impacts for the wholesale electricity market. Gas powered generators use gas purchased from the wholesale gas market for the generation of electricity to be sold into the wholesale electricity market. This link was demonstrated when high wholesale gas prices contributed to increased electricity prices surrounding the suspension of the market in June 2022.

The Bill will also remove existing limitations on the way the AER undertakes its existing WMMR function. The current legislation requires the AER to first identify a relevant matter using publicly available information. It is only following this, that it can seek to get confidential information from market participants through its compulsory information gathering powers. These constraints were created to ensure the costs of the WMMR function were minimised. They were also designed to protect confidential information provided by a market participant. In practice these constraints have hampered the AER's ability to gain enough visibility of the market. This visibility is important for understanding market participant behaviour as market conditions evolve alongside the energy transition.

The Bill will provide the AER with new information gathering powers. The AER will use Market Monitoring Information Orders (MMIO) to gather information from a class of persons. It will also use Market Monitoring Information Notices (MMIN) to gather information from individual businesses. The MMIO and MMIN will set out the information that will have to be prepared, maintained, kept, and provided to the AER. They will also set out the reasons the AER needs this information, the form the information must be provided in and the way it's to be provided.

The Bill will also require the AER to prepare and consult on guidelines setting out how it will undertake its WMMR functions. Additionally, the AER will need to publish the final guidelines within six months of the reforms taking effect.

Alongside removing constraints imposed on the AERs performance of WMMR functions, the Bill will introduce new transparency and accountability measures. These measures will ensure the AER undertakes WMMR functions appropriately and transparently, reduces the impost on businesses and protects commercially sensitive information.

The Bill will require that a review of the reforms starts as soon as possible after four years and six months after commencement of the Bill. By that point, the AER will have completed two reporting cycles under its new WMMR function.

Finally, the Bill will also create a power for the South Australian Minister to make rules setting out consultation requirements for the AER in developing the guidelines and MMIOs. The South Australian Minister will have the power to make those rules once only. The Australian Energy Market Commission may make later amendments.

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Electricity (South Australia) Act 1996*

4—Amendment of section 2—Definitions

Definitions are inserted for the purposes of the measure.

5—Insertion of Subdivision heading

A Subdivision heading is inserted.

6—Amendment of section 18A—Definitions

New section 18A is inserted to provide for definitions for the Division.

7—Amendment of section 18B—Meaning of effective competition

This amendment is consequential.

8—Amendment of section 18C—AER wholesale market monitoring and reporting functions

The AER is given a function of regularly and systematically monitoring and reviewing the performance of monitored markets in accordance with the Law and the Rules. Other amendments are related or consequential.

9—Substitution of sections 18D and 18E

New sections 18D and 18E are inserted:

18D—Information to be treated as confidential

Provision is made in relation to the confidentiality of information obtained by the AER under the Division.

18E—Redaction of information

The AER must consider a request to omit certain information when obtaining a relevant agreement or information about a relevant agreement for the purposes of a function under the Division.

10—Insertion of Part 3 Division 1A Subdivisions 2 to 4

New Subdivisions 2 to 4 are inserted into Part 3 Division 1A:

Subdivision 2—Use of general information gathering powers

18EA—Limits on use of section 28 information gathering powers

Certain limits are imposed on the use by the AER of its section 28 information gathering powers.

18EB—Matters to be considered before using section 28 information gathering powers

Certain matters must be considered by the AER before using its section 28 information gathering powers.

Subdivision 3—Market monitoring information notices and market monitoring information orders

18EC—Definitions

Section 18EC provides for definitions for the Subdivision.

18ED—Urgent notices and urgent orders

The circumstances in which the AER may specify a market monitoring information notice or a market monitoring information order as urgent are provided for.

18EE—Content of notices and orders

Provision is made in relation to the content of notices and orders.

18EF—Notices and orders may be made for both past and future information

It is provided that notices and orders may be made for both past and future information.

18EG—Making and serving notices and orders

The procedure for making and serving notices and orders is set out.

18EH—AER must consult before making order

The AER is required to consult before making an order.

18EI—Publication of orders

The AER is required to publish an order.

18EJ—Opportunity to be heard before notice served

Certain procedural fairness requirements must be observed by the AER before serving a market monitoring information notice.

18EK—Compliance with notice

Provision is made to ensure compliance with notices.

18EL—Compliance with order

Provision is made to ensure compliance with orders.

18EM—Certification of compliance by statutory declaration

The AER may direct the recipient of a market monitoring information notice or market monitoring information order to verify that the recipient's response to the notice or order is accurate and comprehensive by way of a statutory declaration.

18EN—Subdivision does not limit powers under Division 3

An interpretative provision is set out.

Subdivision 4—Miscellaneous

18EO—Wholesale market monitoring guidelines

Provision is made requiring the AER to prepare wholesale market monitoring guidelines.

18EP—Review of wholesale market monitoring powers

The MCE must review the operation of Part 3 Division 1A as soon as possible after the period of 4 years and 6 months after the commencement of section 18EP.

11—Amendment of section 28—Power to obtain information and documents in relation to performance and exercise of functions and powers

This amendment is related to the amendments to Part 3 Division 1A.

12—Insertion of section 90EF

New section 90EF is inserted:

90EF—South Australian Minister to make initial Rules relating to wholesale market monitoring matters

The South Australian Minister is authorised to make initial Rules relating to wholesale market monitoring matters.

Part 3—Amendment of *National Gas (South Australia) Act 2008*

13—Amendment of section 2—Definitions

Amendments that are substantially similar to the amendments to the *National Electricity Law* in Part 2 are made to the *National Gas Law*.

14—Amendment of section 27—Functions and powers of the AER

15—Insertion of Chapter 2 Part 1 Division 1AA

Division 1AA—Wholesale gas markets—AER monitoring and reporting functions

Subdivision 1—Preliminary

30AA—Definitions

30AB—Meaning of effective competition

30AC—AER wholesale market monitoring and reporting functions

30AD—Information to be treated as confidential

30AE—Redaction of information

Subdivision 2—Use of general information gathering powers

30AF—Limits on use of section 42 information gathering powers

30AG—Matters to be considered before using section 42 information gathering powers

Subdivision 3—Market monitoring information notices and market monitoring information orders

30AH—Definitions

30AI—Urgent notices and urgent orders

30AJ—Content of notices and orders

30AK—Notices and orders may be made for both past and future information

30AL—Making and serving notices and orders

30AM—AER must consult before making order

30AN—Publication of orders

30AO—Opportunity to be heard before notice served

30AP—Compliance with notice

30AQ—Compliance with order

30AR—Certification of compliance by statutory declaration

30AS—Subdivision does not limit powers under Division 3

Subdivision 4—Miscellaneous

30AT—Wholesale market monitoring guidelines

30AU—Review of wholesale market monitoring powers

16—Amendment of section 42—Power to obtain information and documents in relation to performance and exercise of functions and powers

17—Insertion of section 294FE

294FE—South Australian Minister to make initial Rules relating to wholesale market monitoring matters

Debate adjourned on motion of Hon. D.J. Speirs.

SECOND-HAND VEHICLE DEALERS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (15:40): Obtained leave and introduced a bill for an act to amend the Second-Hand Vehicle Dealers Act 1995. Read a first time.

Second Reading

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (15:41): I move:

That this bill be now read a second time.

I am pleased to introduce the Second-Hand Vehicle Dealers (Miscellaneous) Amendment Bill 2023. This bill proposes to amend the Second-Hand Vehicle Dealers Act 1995, to streamline purchases, reduce red tape for second-hand vehicle dealers and strengthen protection for consumers.

For many, the purchase of a motor vehicle can be one of the most expensive undertakings in a lifetime. There are more than one million licensed drivers in South Australia who may purchase multiple vehicles to suit different stages in life, from their first car to retirement. Many of these consumers prefer to purchase a second-hand vehicle from a licensed dealer rather than through a private sale, knowing that there are greater consumer protections in place and they are covered by applicable warranties.

The Second-Hand Dealers Act 1995 oversees the licensing of motor vehicle dealers to ensure an informed and reputable industry, and strong consumer protections. Despite minor amendments over the years, the act and the Second-Hand Vehicle Dealers Regulations have not been comprehensively reviewed since 2009. Since this time, the Australian Consumer Law has been introduced, and there have been changes to technology that have impacted vehicle standards, the way that dealers operate their businesses and the expectations of consumers.

This bill will modernise and improve parts of the act relating to the duty to repair vehicles, cooling-off periods, disclosure of information about previous vehicle owners, electric and hybrid vehicles, contracts of sale and penalties for non-compliance by dealers. These changes have been subject to consultation with key industry groups, including the Motor Trades Association and the Royal Automobile Association of South Australia, and have strong support.

A key reform in the bill will allow second-hand vehicle dealers to disclose defects which will not be subject to the duty of repair, provided that the vehicle remains roadworthy. Under current provisions in the act, dealers have a duty to repair a defect that arises during or after the sale of a vehicle. There are a number of exemptions to this requirement, including vehicles that are over 15 years old or have been driven more than 200,000 kilometres before the sale.

It is proposed that this duty will not apply where a dealer provides clear written notice to the consumer identifying a defect, and the consumer acknowledges receipt of the information. This reflects arrangements in the majority of jurisdictions and is consistent with the duty to repair under the Australian Consumer Law. The Second-Hand Vehicle Dealers Regulations will also be amended to include a prescribed form that must be used when providing notice about a defect.

As an added protection for consumers, the bill will also remove current provisions that allow a purchaser to waive their general right to have a vehicle repaired by the dealer under duty to repair obligations. This approach is consistent with Australian Consumer Law requirements that purchased goods must be of acceptable quality and fit for purpose.

To accommodate new vehicle technologies, the bill will expand the duty to repair to cover the main propulsion battery for hybrid and electric vehicles within the statutory warranty period specified in the act. This change will support continued interest in electric and hybrid vehicles by South Australians and ensure that access to repair rights is consistent for owners of second-hand vehicles.

A transitional provision has also been included in the amendment bill to cover hybrid and electric vehicle batteries in vehicles purchased either prior to or following commencement. This provision will begin when clause 9 of the amendment bill comes into operation and will allow electric and hybrid vehicles that are still under the statutory warranty period to receive the new protections.

The bill also makes changes to reduce red tape for consumers and dealers where a consumer exercises their right to waive the cooling-off period after buying a vehicle. Currently, consumers have two clear business days to consider the purchase of a second-hand vehicle from a dealer. A consumer may cancel the sales contract by written notification before the end of the cooling-off period unless they have chosen to waive this right. To waive the right to a two-day cooling-off period, a separate form must be signed by the purchaser and a person independent of the sale. This requirement imposes an extra burden on consumers to obtain a witness who will sign the form.

Amendments to the act will now specify that a consumer does not require an independent witness to sign the form waiving the cooling-off period. In these circumstances, the cooling-off period will expire when the form is signed by the consumer. Consumers and dealers will also benefit from changes to disclosure requirements about previous owners of a vehicle. Currently, when a vehicle is being offered for sale it must include a public notice with the name and address of the last owner. While this requirement provides some transparency for purchasers, it raises privacy and safety concerns for previous owners and imposes an administrative burden on dealers.

The bill removes the requirement to display the name and address of the previous owner on a notice and replaces it with a statement that the details of the last owner of the vehicle are available from the dealer on request. This bill makes similar amendments to disclosure requirements where a vehicle has previously been used as a taxi or a hire car. Notices must currently display the name and

address of the person to whom the vehicle was previously leased. However, this information can be misleading for consumers, as dealers may not receive accurate information from previous owners about the history of a vehicle. Accordingly, the bill removes this requirement to disclose personal details and replaces it with a statement that these details are available on request.

Both of these changes to disclosure requirements will also apply where vehicles are sold at auction. The bill also seeks to increase maximum penalties for unlicensed dealing and tampering with vehicle odometers. Recent prosecutions for odometer tampering have resulted in fines far less than the maximum amount, and existing fines are often a small portion of the profit made from tampering with an odometer. Penalties for odometer tampering will increase from $10,000 to $150,000 or imprisonment for two years, making South Australia the jurisdiction with the toughest penalties in Australia for this harmful activity.

Changes to the act will also allow purchasers to apply to the court for compensation from a private seller where the private seller has been convicted of odometer tampering. Previously, purchasers could only seek compensation from dealers for any disadvantage they suffered after buying a vehicle with a tampered odometer. For unlicensed dealing offences, the penalty for a first or second offence will increase from $100,000 to $150,000. The penalty for third and subsequent offences will increase from $100,000, or 12 months' imprisonment, to $250,000, or two years' imprisonment. The maximum penalty for body corporates that engage in unlicensed dealing will also increase from $250,000 to $500,000.

Increasing these penalties will act as a deterrent for those who seek to profit from unsuspecting purchasers and better protect the community and licensed dealers from the adverse impact of these activities. Additionally, a new offence will be created for false and misleading statements in relation to odometers. Further to this, the Commissioner for Consumer Affairs will be able to direct a person to rectify an odometer that has been altered and stop a person from selling or disposing of a vehicle with a tampered odometer.

These decisions will be reviewable with the South Australian Civil and Administrative Tribunal, and failure to comply with a direction will attract a maximum fine of $20,000. The commissioner will also have the option of paying to rectify an odometer where these costs are not recoverable by other means, such as compensation following a prosecution. It is expected that these new enforcement powers will reduce the risk of unsafe vehicles being driven on South Australian roads.

To accommodate changes in the industry, the bill will also allow dealers to add additional information to a contract of sale. The act currently sets out specific information that must be included in a contract, such as details of the contract parties, the vehicle and agreed purchase price and cooling-off period provisions. Dealers are required to use specific forms prescribed by the Second-Hand Vehicle Dealers Regulations to meet these requirements.

Dealers will now be able to include new information in the contract of sale form, provided that information in the prescribed form is retained. This change will provide greater flexibility for dealers to include details such as the names of salespersons, vehicle stock numbers and other identifiers that are used in sales management systems. These changes are expected to streamline vehicle sales whilst retaining important information for consumers about their rights and obligations under contracts of sale.

This bill also makes minor changes to the Second-hand Vehicle Dealers Compensation Fund. Currently, dealers provide financial contributions to this fund and it is primarily used to compensate consumers where there is no reasonable way of recovering the money they are owed by a dealer. This bill broadens the use of the fund to include programs relating to education, research or reforms that benefit dealers, salespersons or members of the public.

Finally, subject to the passage of this bill through the parliament, there will be further amendments to the regulations to support the changes in the proposed bill. This will include minor stylistic and formatting changes to forms relating to the sale of vehicles and motorcycles as requested by the industry. There will also be a reasonable transition period to ensure that existing printed forms can be phased out and new forms introduced with minimal cost or financial loss to dealers.

I commend this 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 *Second-hand Vehicle Dealers Act 1995*

3—Amendment of section 3—Interpretation

This clause amends section 3 of the principal Act to set out what a reference to repairing a defect is taken to mean in relation to a defect in the battery of a prescribed electric vehicle or prescribed hybrid vehicle.

4—Amendment of section 7—Dealers to be licensed

This clause amends section 7 to increase the maximum penalty for the offence of carrying on a business, or holding out, as a dealer without a licence. The maximum penalty for an offence committed by an individual is $150,000 for a first or second offence and $250,000 or 2 years imprisonment or both for a third or subsequent offence. The maximum penalty for an offence committed by a body corporate is $500,000.

5—Amendment of section 16—Notices to be displayed

This clause amends section 16 to require a notice attached to a vehicle for sale to include a statement that the name and address of the last owner of the vehicle or last person who hired the vehicle under a leasing agreement is available on request from the dealer rather than requiring that information to be in the notice. It also makes it an offence for the dealer to fail to disclose, before a purchase contract is made, the name and address of the last owner or lessee of the vehicle to a potential purchaser who requests that information.

6—Amendment of section 17—Form of contract

This clause amends section 17 to clarify that a dealer may include such other information as the dealer thinks fit in a contract for the sale of a second-hand vehicle by the dealer.

7—Amendment of section 18B—Cooling-off

This clause amends section 18B to delete references to faxes.

8—Amendment of section 20—Notices to be displayed in case of auction

This clause requires a notice attached to a vehicle for sale by auction to include a statement that the name and address of the last owner of the vehicle or last person who hired the vehicle under a leasing agreement is available on request from the auctioneer rather than requiring that information to be in the notice. It also makes it an offence for the auctioneer to fail to disclose, before a purchase contract is made, the name and address of the last owner or lessee of the vehicle to a potential purchaser who requests that information.

9—Amendment of section 23—Duty to repair

This clause amends section 23 to provide that the duty of the dealer to repair a defect that is present in the vehicle at the time of sale or that appears in the vehicle after the sale applies to a defect in the battery of a prescribed electric vehicle or prescribed hybrid vehicle (except in certain circumstances already provided for in that section).

10—Insertion of section 23A

This clause inserts a new section 23A:

23A—No duty to repair where defect disclosed prior to sale

This section sets out that there is no duty on a dealer or auctioneer to repair a defect that is present in a vehicle prior to the sale of the vehicle if that defect does not, or could not reasonably be expected to, affect the ability of the vehicle to be driven safely on a road and if the dealer or auctioneer discloses the defect to the purchaser and the purchaser acknowledges receipt of that information.

11—Amendment of section 33—No waiver of rights

This clause amends section 33 to disallow a person proposing to purchase a second-hand vehicle from being able to waive, in accordance with the regulations, a right to have a defect repaired that is present in the vehicle at the time of sale. It also removes the requirement for a waiver of cooling-off rights to be witnessed by a third party.

12—Amendment of section 34—Interference with odometers prohibited

This clause amends section 34 to increase the maximum penalty for the offence of interfering with the odometer on a second-hand vehicle to $150,000 for a first or second offence and $150,000 or 2 years imprisonment or both for a third or subsequent offence. It also allows the court to order that a person (rather than just a dealer) compensate a purchaser for any disadvantage suffered as a result of the purchase of a vehicle in which an odometer has been interfered with, deletes the requirement for the purchaser to apply for such an order and clarifies that disadvantage suffered by the purchaser includes any costs reasonably incurred, or likely to be incurred, in rectifying the odometer.

13—Insertion of sections 34A and 34B

This clause inserts new sections 34A and 34B:

34A—False or misleading statements in relation to odometers

This section makes it an offence to knowingly make a statement that is false or misleading in a material particular in information provided to a purchaser or prospective purchaser of a second-hand vehicle, or to a dealer to whom a second-hand vehicle has been or is to be sold, relating to the accuracy of the odometer reading of the second-hand vehicle.

34B—Commissioner may direct owner of second-hand vehicle to correct odometer and refrain from selling vehicle etc

This section allows the Commissioner for Consumer Affairs to give directions to the owner of a second-hand vehicle of which the Commissioner believes on reasonable grounds the odometer has been interfered with or is otherwise substantially inaccurate. It also allows the person to whom such a direction is given to seek a review by SACAT of the decision to give the direction.

14—Amendment of section 51—Service of documents

This clause amends section 51 to delete references to facsimiles.

15—Amendment of Schedule 3—Second-hand Vehicles Compensation Fund

This clause amends Schedule 3 to allow the Minister to approve amounts to be paid out of the Second-hand Vehicles Compensation Fund to fund programs relating to education, research or reform for the benefit of dealers, salespersons or members of the public.

Schedule 1—Transitional provision

1—Duty to repair

This clause provides that the duty to repair the battery of a prescribed electric vehicle or prescribed hybrid vehicle applies regardless of whether the sale of the vehicle occurred before or after the commencement of the clause of this measure that amends section 23 of the principal Act.

Debate adjourned on motion of Hon. D.J. Speirs.

ADELAIDE UNIVERSITY BILL

Committee Stage

In committee.

(Continued from 14 November 2023.)

Clause 1.

The Hon. D.J. SPEIRS: I would like to make a contribution on clause 1 and seek a little bit of indulgence from the chamber given that I have not yet had an opportunity to make a contribution on the bill more broadly. So I will make a reasonably detailed contribution on clause 1 given its opening nature of this legislation.

South Australia's university sector is critical for the economic, social and cultural fabric of our state. Adelaide and the state more broadly is seen as a jurisdiction which exhibits excellence in its academic institutions, and for many decades our universities have been well regarded not just in the nation but right across the world, and we saw in relatively recent times the University of Adelaide get rated within the top 100 universities in the world.

We are a state, we are a city in terms of our capital city, that is well known for our academic institutions, for our research credibility, for people of great stature in terms of the contribution that they have made to research across the sciences, across literature and across a range of fields, some

which were known more than others, such as agricultural science and research that has taken place in our institutions around that field of expertise.

People like Basil Hetzel spring to mind, and the significant scientific research that was undertaken by that great researcher and academic, but there are many others who could be added to that list. We should be proud of our academic institutions. We should be willing to invest in them and we should be willing to fight for them when they need it along the way as well. We should also be willing to see them evolve, to become new entities to take them to new places, to new heights.

The opposition has decided to support the legislation that is before the house today. We made that decision after very detailed analysis of the pros and cons. There was the parliamentary committee process, which enabled us to dig into this proposition in a very significant way, perhaps a more detailed way than many other pieces of legislation have been exposed to in recent times. I think it was an example of the parliamentary process at its best in that we were able to take a piece of legislation, work through it via the committee process and come up with a range of recommendations that I think probably have led to the improvement of the overall legislation.

At the end of that process, the opposition decided on balance—and perhaps that was just on balance—to support this initiative, which involves two of our state's largest organisations, two of our state's largest businesses, because universities are businesses. They may spend their profits in a way that is different from other businesses and they may plough them into the sustainability and expansion of their institutions, but they are still businesses.

Universities employ thousands of people. They have a significant impact on the educational outcomes across our state, largely the educational outcomes of young people but of course those using our academic institutions and experiencing them are not just isolated to young South Australians. There are many people who benefit from the existence of our universities. There are many people who have the opportunity to improve their lives as a consequence of our universities.

We cannot have our universities fail. We cannot be in a situation where this proposition gets to a point where it is too difficult to unscramble. We can not get to a situation where the ambition that the government has for our universities leads to the collapse of our universities. It was on balance that the opposition made the decision to support this legislation and to also take part in the very detailed scrutiny of it through the committee process.

As I just mentioned, I want to particularly thank shadow education minister, the Hon. John Gardner, for his contribution to that process and also the Hon. Jing Lee, the deputy leader of the Liberal Party in the other place. They had a tireless role working through this legislation and the committee process has allowed us to undertake that analysis.

Also, now the parliamentary process gives us the opportunity to further scrutinise, to seek to tease out the government's intent and to gain a greater understanding and make sure it is on the public record what is proposed and what the expected outcomes are, and to ensure that South Australians have the opportunity, through their elected representatives, to get on the public record the direction that this is heading and to challenge the government in an appropriate way to provide the resources and the support to make sure that this amalgamation works.

There are several elements of the proposal which the opposition does believe could be improved, and I do want to make sure that those go onto the public record today. That includes, most specifically, the role of Flinders University. Flinders University serves the whole state in many ways, but it particularly has a focus on Adelaide's southern suburbs. It is a university that plays a significant role in supporting students who come from lower socio-economic backgrounds—again, particularly those living in the southern suburbs, many of whom live in the electorate that I represent.

I have extremely significant concerns that Flinders University has been dudded in this process. I feel that it has been left behind. It has not been appropriately accounted for in terms of the funding that has been provided to the new institution through the merger agreement. We have before us the risk that Flinders University could lose out in a very significant way as a consequence of this. I think the deal that was struck by the Hon. Sarah Game in the other place particularly duds Flinders University also duds regional South Australia. Ms Game should reflect on that. It is a sign of great

weakness how her poor negotiating skills have left one institution as a potential laggard to the other, and regional-based students will also suffer.

It is greatly disappointing how quick Ms Game was to do this deal. I think that many of those who voted for her, and many of those who see One Nation as a supportive party for their cause, will be disappointed by her approach and her failure to gain from the government the full benefit that Flinders University and regional students could have seen from this proposal.

If the benefits of the proposal are to be fully realised, and to ensure that South Australia's international competitiveness is maximised, the broader higher education sector across the state needs to be considered—it cannot just be the new entity, the new Adelaide University. I do worry that the issue of an uneven playing field, created by the perpetual funds available to only one institution, is an area of significant concern that ought to be addressed. Perpetual research and equity funds being provided for only one university—that is, the new Adelaide University—but not the other main institution in this state, Flinders University, may have a destabilising impact on this sector in South Australia and might prevent the state from garnering all the potential net benefits of such an investment.

The equity fund, for example, will give scholarships to students studying courses at Adelaide University. Not all courses are offered by every institution. So, over time, this would incentivise cohorts of students to choose Adelaide over Flinders, despite the fact that our state needs students to undertake a range of courses that are only available at Flinders. There are many that fall into that category, but one that I have a particular concern about is around paramedics. While we are pleased to see some access in terms of scholarships, that will not necessarily benefit the university because those students would have been studying in some form already.

The greater inequity appears when we talk about the research fund. The research fund is not just a matter of perceived unfairness that you could ascribe to scholarships but is a situation where one institution clearly benefits from a new level of state intervention while the other does not. I do not believe we can or should constrain either institution in whom they employ or how they employ them, but by having a particularly generous research funding framework or system sitting in one university and not in the other we do risk seeing some academics and some university professionals drawn from Flinders to the new university. While those people would stay within the state, that would certainly be a situation of robbing Peter to pay Paul, without the overall uplift that you might expect from this proposal.

The inequity around the research fund greatly concerns the opposition, and I do hope there will still be opportunity to support Flinders University, not just with scholarships but also with access to critical research funding. We know that research funding can really change the way our state is perceived. We can do some great things here. We have lots of examples of that across multiple different fields. It is saddening to see that Flinders University would be excluded from the bucket of funding that is available for research for the new institution. Every single cent invested in this merger should be to the net benefit of the state.

We consider that for South Australia to fully realise the opportunities that might be enabled by a new level of engagement with the tertiary sector, investment in research at Flinders University, that is at least proportionate with that of the new institution, is essential. This is something that I confidently say and that myself and the shadow minister and everyone on this side of the house will continue to fight for. I believe that Flinders University has been dudded in this, but I take it to a more personal geographical level: I believe that the southern suburbs have been dudded by this deal.

Another area which I believe needs more attention is, as I said earlier, support for regional South Australia. The deal done by the Hon. Sarah Game and the government increases the $100 million equity fund to $120 million, with the extra $20 million focused on supporting regional students. This may provide some extra scholarships, and you can never turn up your nose at that, but we do not believe it addresses the broader issue of providing opportunities for more students to study in the regions without having to relocate to Adelaide.

These scholarships will not cover all the associated costs. Those costs are beyond financial costs: they are social costs and they are dislocation from families, communities and areas of familiarity. Those are the extra burdens that come with moving from regional South Australia to

metropolitan Adelaide. We do hope that there will be further emphasis on this area, but unfortunately to date, the government has not been willing to come to the party.

There is no doubt that one area that could be focused on here is the extension of the existing uni hubs model, which we know has been very successful in regional communities in South Australia. This is something the opposition would be committed to exploring, if we are fortunate enough to form government in the future.

The opposition is also concerned about the future of the Magill campus, what the merger means for this site and the communities that surround that site. The opposition urges the government to prioritise community considerations. Open space, urban parks and community facilities should be a critical part of this. I would hate to see the loss of open space. There are many mature trees in that area and it contributes significantly to the canopy cover in the suburbs around it. We really do hope that the government comes up with a creative and innovative plan for that site that is supported and welcomed by the residents who live in and around that area.

I close by reiterating that the size and nature of this project is too big, and too important for our state, to see it fail. We value our institutions, and I am sure that every member of this chamber, no matter their politics, wants to see our university sector survive and thrive in our state. This is why we do support the bill, but we are not afraid to put our concerns on the public record. We are not afraid to highlight some of our scepticism around the way that this policy has been advanced and developed by the government.

It has, in my view, been rushed. It has lacked the appropriate levels of consultation. Even the parliamentary process, while we welcomed the committee process, which the Hon. Mr Gardner and the Hon. Ms Lee were able to contribute to, we still felt that that process, in itself, was not what it could have been.

I hope that this new university thrives because we need it to thrive for South Australia. We will champion it into the future because South Australia's academic institutions and those who work in them and those who study in them need this to be a huge success.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. J.A.W. GARDNER: In relation to clause 7(1)(d)(ii)—and I will ask a question about regions here, it could be at any other number of places throughout the bill but we might be able to just address it here most simply. The clause provides for the new university to provide such programs as the university thinks appropriate to meet the needs of people within the community who are under-represented in education. I think we can fairly agree that that would include people from regional South Australia.

I understand that in the last two or four weeks perhaps, there would have been discussions between the government and the universities in response to the deal or the agreement with the Hon. Sarah Game and the Hon. Connie Bonaros on the $20 million extra. Is the minister able to advise, since the announcement of that $20 million extra, has she engaged with the universities to determine how that extra $20 million or the proceeds of that extra $20 million will be spent to realise this ambition?

The Hon. S.E. CLOSE: I have not had a meeting specifically on the $20 million. The way that the legislation is constructed—in due course we will just recall which clause it is where the funds are addressed—creates a committee that establishes guidelines on how the funds will be expended. It is our expectation that it will be in that process that these kinds of details will be determined.

The Hon. J.A.W. GARDNER: Can I just perhaps ask for the record then: has the minister or the government received any advice from the universities in response to the $20 million announcement as to how they would propose the proceeds from the $20 million fund be spent to address regional disadvantage?

The Hon. S.E. CLOSE: If the deputy leader looks at clause 42(5)(c), that clause was added to specifically talk about the way in which the funding would be expended; that then captures the intent legislatively. The universities have welcomed the extra $20 million, and I have had a brief conversation informally about making sure that they had a number of ideas about the way in which they might spend it. But, as I say, there is a formal process that is established by this legislation that will enable them to frame up those guidelines alongside the government.

Clause passed.

Clause 8.

The Hon. J.A.W. GARDNER: I will read clause 8(3) for the benefit of those listening:

The University must not alienate (except by way of lease for a term not exceeding 21 years), mortgage or charge land vested in or conveyed to the University on trust except with, and in accordance with any terms or conditions of, an approval given by the Governor.

For the record, can the minister explain that?

The Hon. S.E. CLOSE: This is a replication of section 6(3) in the University of South Australia Act 1990 and is similar to section 4(5) in the University of Adelaide Act 1971. The Waite Trust is an example of land conveyed to the university on trust and it simply means that the university cannot dispose of that land.

The Hon. J.A.W. GARDNER: I appreciate that explanation. Is the minister in a position to either now or on notice identify any other items of land that are captured by this clause other than the Waite Trust, which the minister just referred to?

The Hon. S.E. CLOSE: That was the one example that the universities have furnished us with. I can take on notice and only come back should there be additional pieces of land in that same category.

Clause passed.

Clause 9.

The Hon. J.A.W. GARDNER: Minister, this will not be the most significant question that I ask during the course of the next hour or so, but nevertheless you may be able to provide us with an answer that I am sure will be of interest to one or two people out there. Clause 9(1)(c)(ii) provides:

(1) The University—

(c) may, for any reason the University thinks fit—

(ii) rescind an award previously conferred by the University.

Does the extension of the definition of the university apply to the predecessor institutions or is this entirely a prospective clause?

The Hon. S.E. CLOSE: We would expect that to be able to apply retrospectively to antecedent institutions and it is, of course, in place for cases of academic integrity.

Clause passed.

Clauses 10 to 15 passed.

Clause 16.

The Hon. J.A.W. GARDNER: I should express for the benefit of the house and again for our massive audience viewing the electronic *Hansard* that a lot of the detail in this was pursued in great depth in the Legislative Council. I would hate for anyone to think that the fact we are actually going through this at some pace betrays any lack of interest or many hours of work in preparing. It is just because, somewhat unusually, this bill originated in the Legislative Council and a day and a half of Legislative Council debate has actually answered an enormous number of questions already.

For the researchers undertaking deep postgraduate study on the formation of their university in the future, in addition to the minority report from the joint committee, in addition to the discussion

and the noting last sitting week and in addition to the second reading speech, I also direct them to the Legislative Council *Hansard* from the last sitting week for this bill.

Clause 16(3)(b)(ii) relates to the nature of people who are able to be appointed to the university council. The clause requires that the selection committee, which is a subset of the council, must recognise that the council should, as far as practicable, be constituted by people who amongst other things:

> …have an understanding of, and commitment to, the principles of equal opportunity and social justice and, in particular, access and equity in education.

Is the minister able to identify whether these are seen as general traits that a lay understanding would clarify that if somebody identifies themselves as being supportive of the principles of equal opportunity and understanding of access and equity in education, then that fulfils that criteria? Or does the minister or the government have in mind that there is some further prescribed litmus test, some political belief system defined by these terms that someone must ascribe to before they are eligible to be on the council? Can the minister give us some reassurance?

The Hon. S.E. CLOSE: I acknowledge also what you said at the beginning of your question that it is important for people to know that as fast as this may appear, there has been a huge amount of work in the council, and I pay tribute to all of them there, particularly the Hon. Kyam Maher, who fulfilled my role in that place. This is not about a particular set of principles that would need to be demonstrated to have been signed up to. I can reassure the member on that front. This is a matter of judgment for the selection committee.

Clause passed.

Clauses 17 to 24 passed.

Clause 25.

The Hon. J.A.W. GARDNER: During the last answer, I feel the minister did herself a real disservice by singling out the Hon. Kyam Maher and ignoring the outstanding work of the Hon. Jing Lee in particular, who did so much heavy lifting in the Legislative Council debate. I therefore help the minister by offering the Hon. Jing Lee my thanks as well.

I am also going to unusually take the step of acknowledging the Hon. Rob Simms, who worked very hard on this bill. I did not agree with him on many aspects of the Greens' approach to this bill, but I would say that his commitment to higher education and outcomes for higher education were on full display throughout the process, as were Tammy Franks's, in fairness, prior to him replacing her on the committee.

I acknowledge that they asked a lot of important questions, and he and I were both asking a lot of questions of the government along the way in terms of process. I agreed with him strongly on some things and disagreed on others. In relation to the code of conduct, this is a provision that the Hon. Robert Simms moved, and it was supported, as I understand it, by pretty much everyone in the Legislative Council. Given that not all of the things he put forward were supported, I particularly congratulate him on this effort.

This clause in relation to the code of conduct is new. It arrived two weeks ago in the bill as a result of the amendment from the Legislative Council. I ask the minister: has the government determined or does the government have any information about how this clause will be practically implemented now that it is in the legislation?

The Hon. S.E. CLOSE: The code of conduct—and I echo your endorsement of everyone who did such a magnificent job in the other chamber, and I do not mean to say that in a way that makes light of that effort—

The Hon. J.A.W. Gardner: I didn't say everyone.

The Hon. S.E. CLOSE: I will say that everyone was very engaged in this bill, and I think that is a mark of respect for how important our universities are from the Legislative Council's perspective.

The code of conduct, as the deputy leader says, was proposed by the Greens via the Hon. Rob Simms. It is intended that the council will determine what that code of conduct is, so it would not be appropriate for me to start laying out what I think a code of conduct ought to be. The fact is that there needs to be one and the council will be so constituted by sensible and wise people that they will determine the appropriate kind of code of conduct fit for purpose for their council.

Clause passed.

Clauses 26 to 35 passed.

Clause 36.

The Hon. J.A.W. GARDNER: Again, this is one of those slighter questions. Clause 36 talks about expiations, by-laws and also parking. For the clarity of the house, can the minister advise how this parking issue is managed at the university? Who is able to enforce these orders, these fines and so forth?

The Hon. S.E. CLOSE: The authorisation really flows from the council. If you look at almost the end of clause 36, down to subclause (4), the council gives authorisation for the by-law to be given to 'a class of persons' to enforce. They may well choose that to be their security, but they may have other arrangements. It is within the power of the council.

Clause passed.

Clauses 37 and 38 passed.

Clause 39.

The Hon. J.A.W. GARDNER: The prescribed amount interpreted here specifically refers to research and student support funds for Adelaide University. It does not mention Flinders University. We discussed at great length what I consider to be the government's error in not including a research fund for Flinders University, but it has been publicly announced that the government is now supporting some sort of student support fund for Flinders University in the order of $40 million. It does not appear in this legislation. Is the minister able to identify the mechanism through which the government proposes to provide that $40 million fund for Flinders University?

The Hon. S.E. CLOSE: That is right. The agreement was reached, really largely as a result of the very powerful evidence given by Professor Colin Stirling, the Vice-Chancellor of Flinders University. He also presented directly to myself and the Premier earlier.

Exactly as you and the leader articulated in your contributions, it is really not about Flinders the institution but the students who might choose to attend Flinders, who, in choosing either the institution of Flinders altogether or specifically courses that are not available at Adelaide University, would be disadvantaged. This is not about a Flinders support package so much as making sure that disadvantaged students are not further disadvantaged by choosing to go to one university rather than the other.

I think the research question sits in another category and was something that whoever is in government in the future will no doubt come to grips with once there are two stable institutions operating long term. Therefore, it does not belong in obviously the act that is establishing Adelaide University. There is an agreement with Flinders that there will be a fund of $40 million to support disadvantaged students, and those discussions will start between the university and Treasury or the Treasurer, or both, very shortly, I imagine. Getting through this is the first order of business, and that will be followed very shortly, I have no doubt.

The Hon. J.A.W. GARDNER: Is the minister able to provide any more detail on what 'very shortly' means? If we pass this today, are we talking that that would be planned or announced even by the end of the year, what is happening with Flinders?

The Hon. S.E. CLOSE: No, I am not in a position to do that, as it is being led out of another portfolio.

The Hon. J.A.W. GARDNER: Can the minister reflect, for the benefit of the house, on the nature of the prescribed period? The prescribed period is interpreted here. Subsequent clauses make

it clear that his eight-year period from 1 January 2026 to 31 December 2034 is an eight-year period during which the university gets a guaranteed return from these funds. Why do we have this prescribed period as identified here?

The Hon. S.E. CLOSE: The prescribed period relates to the best understanding under the business case for the new university to become fully established and at full capacity. This is why it is a bit of a furphy to immediately jump to try to compare Flinders and Adelaide University, because one is a well-established university that is growing fast—and, as they said to me at an event I attended recently, shortly to become the oldest university in South Australia to which I did say, 'You're welcome to,' but I am not sure they meant it that way—so there is an expectation that it will take a period of time. The way that that has been captured in the legislation is eight years for the new university to go through the expense, the adjustment and the challenge of perhaps seeing a diminution in international students in the first instance, for example—although I very much hope that will not be the case—to fully establish itself.

Therefore, there needed to be a sense of surety about what income would be coming in to support both research and students, but that after that the university was prepared to be prey to the fortunes of the funds.

Clause passed.

Clause 40.

The Hon. J.A.W. GARDNER: Clause 40 relates to the funds guidelines, obviously, and in particular the arrangements relating to the advisory committee and how they will work with the council and government to apply those guidelines. Is the minister able to provide a bit more detail about how this is intended to work in practice? It seems to be there is a relative level of balance between government and council in determining what the guidelines are. Both must agree. Obviously, council needs to agree in order to access the money, but presumably government wants to spend it as well.

How hands-on is the funds advisory committee intended to be? Is it a set and forget: 'Here are the guidelines for the next year or multiple years, and we don't need to meet again,' or are they responsible for approving specific grants, every application of every dollar, or somewhere in between?

The Hon. S.E. CLOSE: In answering this question, it has made me realise that I misspoke earlier when talking about the way in which the funds guidelines are established because the guidelines are actually established between the Treasurer and the council rather than the funds advisory committee. The guidelines themselves then establish the functions of the funds advisory committee. So the legislation requires that there is an advisory committee, but it is the guidelines that the council and Treasurer agree that then establish the role that will be played in an ongoing sense for the funds advisory committee. It was very useful you asked that question because it has given me an opportunity to sharpen up where I spoke a little loosely earlier.

The Hon. J.A.W. GARDNER: I am at risk of ending this process with, potentially, four or five questions on this clause, but it might save time later, if it helps the Chair; we will see how we go. Based on what the minister has just clarified, then, do we have any anticipation of how the advisory committee will conduct its business, or is that entirely hypothetical, dependent on the whims of future council and Treasurer, or is there an understanding from the government as to how that advisory committee is to go about its business, or expected to?

The Hon. S.E. CLOSE: The brief answer is that all we have is what is sitting in the legislation. There has not been the next level of detail about the way in which that will operate. So, what you have is that there will be guidelines that will be approved by the Treasurer in consultation with the councils and that those guidelines will relate to both the research and student objectives and priorities and strategic plans. They will also establish the funds advisory committee but cannot in themselves alter the composition of the funds advisory committee because that is established by law.

We know that there will be up to three members appointed by the Treasurer and up to two members appointed by the council, but those five will then operate in a way which is determined by approval from the Treasurer in consultation with the council. I think it would be unhelpful for me to

say that I might like to deal with that because I am not a party—the Treasurer and the council are—and it is right and proper that that is the way in which the funds advisory committee has been established.

The Hon. J.A.W. GARDNER: I guess the reason I am dwelling on this is because it is a fairly substantial investment in terms of not just that enabling the thing to happen but, then, on how the things are to be applied, and it is in the hands of the Treasurer and not the Minister for Higher Education. I wonder if the minister can advise what the status of these guidelines are, presumably to be approved by the Treasurer and the council. Can they be cancelled by the Treasurer, cabinet or the parliament? If the Treasurer or the government of the day wishes to change them, are they able to do so? I presume, if it needs the approval of the council, is the government of the day able to cancel the assisting guidelines, thus enabling the requirement of new guidelines to be created?

The Hon. S.E. CLOSE: I think there is a large degree of protection sitting within 40. Although the Treasurer approves the funding guidelines, he in this case being a he, must obtain the agreement of the council that the fund guidelines relating to the payments of the funds reflect the following matters, which is about the way in which the research fund and student support fund reflect the objectives of the institution. Although the Treasurer is the approver, the Treasurer must have the agreement from the council that those matters are being fulfilled in those guidelines. I am not sure if that gives sufficient reassurance.

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

The Hon. S.E. CLOSE: The Treasurer must approve guidelines, so the Treasurer cannot not approve guidelines, and the Treasurer, in approving those guidelines, must have the council say that they are consistent with university's research objectives or the objectives of the university in facilitating access. I cannot see, short of parliamentary counsel having different advice, that there could not be guidelines.

The Hon. J.A.W. GARDNER: I promise I am not trying to be difficult. I think that there is a question that may arise at some point in the future that I would not mind just having one more go at.

As I understand it, the minister has described a circumstance where the bill passes, there is a responsibility on the Treasurer and the university council to agree on guidelines, which will form the basis of the committee which will then determine how the money is spent.

Those guidelines having been set in place, are the guidelines pretty much in place forever, or if a new government were to come in at some point, for example, and identify what they considered to be a deficiency in the way that this had been operating and wished to change the structure of how the advisory committee works within the legislation but different to the guidelines, would they require the consent of the council in order to make any change, or would they be able to provide incentive for the council to agree a change?

The Hon. S.E. CLOSE: The Treasurer could indeed update the guidelines but could only, again, do that by having the consent of the council that they reflect those matters that are captured within clause 40(2)(b). So it would be essentially, I assume, a resetting of the process, but the process still requires that the councils agree that those guidelines reflect those outcomes.

The Hon. J.A.W. GARDNER: I have one more question on this clause, if I may. The state priorities, which are reflected in clause 40(2)(b)(i), refers to the state's research and economic development priorities. Can I ask: how are they defined? How are those priorities defined and if they reflect an existing set of priorities that exists within government? Is the minister able to say what are the state's research and economic development priorities in specific?

The Hon. S.E. CLOSE: We are, of course, treading into—and this has been deliberately carefully worded—the territory of not wanting to have the ideological whims of the day forcing research directions but genuinely what represents the state's interests in research and interests in economic development. Governments from time to time capture that in various documents. State Growth? There was one under—

The Hon. J.A.W. GARDNER: Growth State.

The Hon. S.E. CLOSE: Growth State, there you go; I got close.

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

The Hon. S.E. CLOSE: Exactly, I am sure. Growth State was under the Marshall government, and we have an economic agenda that has been articulated by our leader. They would be documents that are available to guide a sense of what is regarded as currently 'strategic objective'.

It is interesting when you look across under the Weatherill government, the Marshall government and now the Malinauskas government that the sectors do not tend to vary very much. We might articulate things differently, but South Australia is on the trajectory it is on and we can all get around things like defence industry, for example, or renewable energy.

But what is important in the way that this has been structured is that it is the university council that is saying that they agree that this is consistent rather than the government imposing that. So the wording of subclause (2)(b) is important that it obtains the agreement of the council that the funds reflect the following matters, including that issue of what is the strategic objective of the state.

That then gives the council the power to have a determination about what they regard as being those priorities rather than, as I say, risking an ideological whim being expressed and that the funds are diverted in that sense. It requires a degree of faith and confidence in the maturity and the intellectual integrity of the council of the university. That must be the case in order to have a fully functioning university doing what we all expect it to do.

The Hon. J.A.W. GARDNER: Sorry, can I beg your indulgence once more on this clause, and then I am done. These fund guidelines, are they going to be a public document?

The Hon. S.E. CLOSE: The legislation is silent on that and therefore that would be determined in the process of developing the guidelines.

Clause passed.

Clause 41.

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

That clause 41, which is printed in erased type, be inserted in the bill.

The Hon. J.A.W. GARDNER: Clause 41, which we are considering inserting, relates to the Adelaide University Research Fund. It requires insertion because apparently money bills cannot originate in the Legislative Council, which I think is an excellent provision. The $200 million research fund is the one in question. This clause talks about the prescribed period guaranteeing $8 million to be applied at a minimum, I think. It talks about the market value of the fund needing to be maintained at $200 million.

Can the minister clarify whether that $200 million is going to be the dollar figure for the fund in perpetuity, and therefore diminishing in real value over time presumably, or is it required that the fund will increase and that the value of the fund be maintained in real terms?

The Hon. S.E. CLOSE: My reading of this is that the prescribed amount refers to the initial fund amount. If you look at subclause (3), the fund will consist of the prescribed amount—$200 million in this case—and money paid into the fund, and income and accretions from investment, and any other money. So that enables it to grow. The prescribed amount refers to the first of those subclauses.

The Hon. J.A.W. GARDNER: Are there any provisions, therefore, in the bill that would require the disbursement of funds to the university to be all of the available funds over the amount that is the prescribed amount to start with—the capital, effectively, in the fund—or is there flexibility for the funds advisory committee to recommend a different amount being retained in the fund in addition to a certain amount being distributed to the university?

The Hon. S.E. CLOSE: The guidelines will essentially be dictating, apart from in the first eight years, how much is expended. If there is more coming into the fund than the original amount—if there is less than $200 million, because that is the prescribed amount, then that will trigger a certain response from the Treasurer, but if there is more it will be determined by the guidelines. The

expectation is that the earnings of the fund will be spent each year, but that is an informal expectation, not one that is captured by the legislation.

The Hon. J.A.W. GARDNER: In relation to the establishment of the fund, I note that the disbursement of moneys is required from 2026, in accordance with the prescribed period. I assume that means that there are no funds required to be disbursed at all prior to that, so the funds would be established in time to create funds available for that. Is the minister able to advise what assumptions the government is working from in relation to the return on the investment in the fund—how much Treasury is anticipating drawing in each year before this $8 million, or potentially more, is disbursed?

The Hon. S.E. CLOSE: I am not privy to the Treasury calculations on that and, because it is a couple of years hence, it might be a bit bold to determine what is likely to be coming in. Regarding the first thing you said, I was going to tell you that you were correct.

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

The Hon. S.E. CLOSE: Yes, the timing of 2026 is correct.

The Hon. J.A.W. GARDNER: In terms of the timing being 2026, it talks in calendar years—this is from 1 January 2026 to 31 December 2034. When are these funds supposed to be paid out, or is that subject to the advisory committee and negotiation with the Treasurer?

The Hon. S.E. CLOSE: Yes, that will be subject to the guidelines. I do want to clarify and say that there is an informal expectation of the uplift in the fund being paid out: of course, that is within the context of an expectation in the legislation that the funds will grow over time, but that will be determined by the guidelines.

The Hon. J.A.W. GARDNER: Supplementary: as the minister has described that the funds are required to grow over time, which is identified in clause 40(3), is the intent of that that the real value of the fund be maintained, or that it may grow above real value?

The Hon. S.E. CLOSE: It is just an intention in any case, but it is not clear whether that means either in nominal terms or taking account of inflation, so that would be a matter of legal judgement if that were ever to come to a question. It is the way in which it is expressed in the guidelines that will become important.

Clause inserted.

Clause 42.

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

That clause 42, which is printed in erased type, be inserted in the bill.

The Hon. J.A.W. GARDNER: I have a general question first. I presume that for all of the in-principle questions in relation to the operation of the funds under clause 41, the same questions would elicit the same answers in relation to this clause?

The Hon. S.E. CLOSE: Yes.

The Hon. J.A.W. GARDNER: Specifically, in relation to the insertion of subclause (5), paragraph (c), which is to do with the regional fund of $20 million, is the treatment of this $20 million intended to be separate to the treatment of the proceeds of the other $100 million in the fund, or is it just required that whatever process the funds guidelines and advisory committee come up with takes into account that sufficient proceeds of the $20 million go to regional communities as part of the broader total?

The Hon. S.E. CLOSE: It is the same principle, but this clause is there to be clear that whatever returns there are from the $20 million—presuming that there are returns and that we continue to have economic prosperity—will be quarantined for those particular purposes.

Clause inserted.

Clause 43 passed.

Clause 44.

The Hon. J.A.W. GARDNER: Clause 44 requires that the Treasurer:

…prepare a report on the performance of the Funds…during the preceding financial year, including information about the income, expenditure and use of the Funds.

I am literally reading from the document, for the benefit of the half a dozen people looking at the *Hansard*. Can the minister advise what level of detail is expected in those reports?

The Hon. S.E. CLOSE: We are in the hands of the legislation before us, so the detail is explicitly that it must include 'information about the income, expenditure and use of the Funds'.

The Hon. J.A.W. GARDNER: So that could be a 10-line document providing information about them: how much is in it, how much has been spent and that it has been spent in accordance with the guidelines? I imagine that could fulfil the legislation; this legislation does not seem to require much. I know that when the treasurers of the future will be preparing such documents they will look at this *Hansard* to help give them guidance as to how they should best produce these documents.

Can the minister provide such guidance on what she thinks would be the minimum expectations from these documents—as an MP she may be, in the future, looking at them—and in particular in relation to the way the funds are used? How much detail would the minister expect should reasonably be provided by the Treasurer to the parliament on how these funds are used?

The Hon. S.E. CLOSE: While anything I say does not alter the legal requirement that sits in the legislation, I would expect that a useful starting point would be the report of the parliamentary committee that recommended that this be inserted into the legislation, and that the considerations in that parliamentary committee would give guidance on the kinds of detail that would be expected.

There is also a nice discipline that happens when you present something to parliament, which is that the opposition sees it and makes comment. I think that is probably the most reassuring element of it, that should it be found wanting or insufficient, that that would be raised. I have never come across a treasurer that would not discharge this in a pretty comprehensive and reasonable way, but should that ever occur I think that that would soon be named by an opposition, presumably the fourth estate, the media, would take an interest in that should it appear that this was an insufficient summary. But I do think that the report of the parliamentary committee is a useful starting point for the first treasurer to consider what would be identified in that report.

The Hon. J.A.W. GARDNER: I look forward to the member for Port Adelaide's questions in September 2026.

Clause passed.

Clauses 45 to 51 passed.

Clause 52.

The CHAIR: The question before the chair is that the minister now wants to move that clause 52 be inserted.

The Hon. S.E. CLOSE: I seek the insertion of clause 52.

Clause inserted.

Clauses 53 and 54 passed.

Clause 55.

The Hon. J.A.W. GARDNER: I have a few questions on this clause and then I think we might be done. If I need more than my three questions they can helpfully follow on to the schedule.

The CHAIR: I might be able to help you with supplementaries.

The Hon. J.A.W. GARDNER: Thank you, sir. This is in relation to the review of the act, which I think is a fairly important component here. I take this opportunity to thank the minister and in particular the public servants who provided a briefing to me a little while ago in preparation for this debate. Any mistake in what I am about to say is mine, not theirs.

My recollection is that this review is intended to effectively be triggered by the finalisation of the federal government's process, the Universities Accord. The legal requirement is that the minister must, within 12 months after the commencement of this section, cause a review of the operation of this act to be conducted and a report of the review to be prepared and submitted to the minister. Then the minister has six sitting days to table that report to the parliament.

It is my understanding that the commencement of this section will be triggered by the federal government's response to their accord process. Can you confirm if my understanding there is accurate and perhaps maybe I should have just asked: when will this take place?

The Hon. S.E. CLOSE: The member is fully correct but in part. Yes, this is very important for the response to the accord. I noted some of the comments made in the second reading contribution by the deputy leader perhaps suggesting that one ought to wait for the accord. That is not a view that the government shares, nor I believe the universities. The universities received a letter from Jason Clare saying that there was nothing that was being considered in the accord that would make him change his view about having signed the Memorandum of Understanding, the agreement, and nor that there would be any reason for the two universities not to proceed with their merger or creation of a new university considerations.

That said, when there is such a big opportunity to have a bit of a reset of higher education, which is sorely needed at the federal level, it would be wise to consider whether there are any implications for the legislation, and I particularly note that in the context of the interim report that starts to talk about governance. At a ministerial council meeting I raised the question of what is intended there. They are first of all most interested in the kind of governance that leads to staff and student safety. I respect that.

I pointed out we are in the middle of constructing a new council composition and should there be reflections on governance in that context it would be useful to know. So it may be that there is a view formed about some different ways in which staff and students might be heard through governing councils or other levels of committees within the new university. So having this review period gives us the opportunity to reassure people—because you can change the law at any time as long as the parliament agrees—who are concerned about that that there will be an opportunity for a conscious review of information that has come to light subsequently and how the operation of the act is going.

That is important. In my view, it honours the concerns raised particularly by the NTU about whether the accord process might have a view about the councils. I say that, though, with some hesitation about how far the accord review will go on that simply because I note the wide variety of different ways in which councils are constructed presently across the universities. There is some consistency, but the fact that quite a few still have some or all their members appointed by the minister or by the governor—and we have none in that context—suggests that there is enough disparity now that it would be unlikely that an accord would come out and say, 'All university councils must look like this.' It might give some encouragement for one emphasis over another and that would be welcome and interesting.

In that sense you are wholly correct, deputy leader, in saying that the timing needs to be aligned with when we know what that accord is. The reason I say that you are partly correct in making that emphasis is that this is a good thing to do anyway. It is important in legislation that you have a review clause, in my view, when you are doing something that is quite different and you might want to focus the mind of parliament and the minister, that you want to test how it is working and whether it requires any adjustments.

I believe we would probably have wanted to have this anyway, but having the accord (a) focuses the mind on some benefits that might come from a review and (b) it also does guide the timing of that review. It is, of course, attached to the commencement and within 12 months of the commencement. We do not know for certain when the federal government will receive the review. We certainly do not know when it will respond to the review. We will keep up to date with that in determining the commencement so that within 12 months we are able to give a response that is guided at least by additional information as a result of the accord review.

The Hon. J.A.W. GARDNER: Supplementary: can the minister provide an estimate—which she is not going to be held dramatically to, but an estimate of the six-month or three-month window

when she thinks that this review might likely be? The second half of next year, the first half of 2025, is there able to be a little more than 'within 12 months of the commencement of this section' which to the lay reader does not provide as much guidance as I would like?

The Hon. S.E. CLOSE: My expectation is that it would certainly occur before the university is fully functioning in 2026. I would like it to be in the second half of next year but that is dependent on factors beyond my control.

The Hon. J.A.W. GARDNER: My next question is in relation to the nature of the review. Will it be interrogating the transition process from a position of independence, I guess from either government or from the university council itself? I guess my question is partly going to be answered by: who does the minister envisage conducting the review, someone external from government or someone from within government or from within the university? That would be helpful to know, and any other comments the minister might care to make about the nature of how the review will be conducted.

The Hon. S.E. CLOSE: I have not given enough thought to the way in which it would be conducted to want to be definitively on the record in *Hansard*. I am attracted to the idea of some degree of independence and also the expertise that can come from someone of standing in the higher education sector. I would not wish to say that definitively that is the way in which we would do it, but that is my sense at the moment about what I would do should I continue to be the minister when this review occurs.

The Hon. J.A.W. GARDNER: A supplementary to that: does the minister anticipate the government or the university paying for the review?

The Hon. S.E. CLOSE: I certainly have not even contemplated that question. It is a review that the minister undertakes so the normal expectation would be that the government would pay for that.

The Hon. J.A.W. GARDNER: Understanding that the minister has put some caveats on how much intentionality she has already put into the review other than that there be one, is the minister able to advise the house whether she has an expectation that she would have terms of reference for the reviewer, or would the reviewer have free rein as the clause suggests to consider all aspects of the act and the operation of the transition process?

The Hon. S.E. CLOSE: So, both. I would have terms of reference in order to make sure that relevant groups were definitely going to be invited to contribute to the review, so the government would want to establish those requirements. At the same time, good terms of reference enable a review to stray as far as is necessary to do a decent job of the review.

The Hon. J.A.W. GARDNER: I wonder specifically then to the clauses, is the minister able to advise the house: irrespective of whether the terms of reference are good, does this clause empower the reviewer to investigate any aspect of the transition process and the operation of the act that the reviewer considers appropriate and make whatever recommendations they consider appropriate, including could the reviewer recommend revocation of aspects or repeal of aspects of the act? Would that potentially be capable as a result of this clause?

The Hon. S.E. CLOSE: The clause certainly does not exclude the reviewer from doing that. It is, of course, in the power of both government and parliament to choose how they respond to the review.

Clause passed.

Schedule and title passed.

Bill reported with 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) (17:14): I move:

That this bill be now read a third time.

In so moving, I wish to thank everybody who has participated in this debate, particularly of course the deputy leader and shadow minister for education, who has shown very great interest in the content rather than the politics of this from the start. That has been appreciated not only by me but also I believe, without wishing to speak on their behalf, by the two universities. This is a long-term, lasting reform, and it is best that it be widely supported within our parliament, and I thank the deputy leader for that.

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (17:15): In supporting the third reading of this bill, on behalf of the Liberal Party, I indicate my thanks to all of the various officers including from the university, all the various stakeholders including many lecturers and interested parties from around the state, whether in favour of, sceptical of or outright opposed to the proposition.

While I have disagreed with aspects of how the government has put forward the proposition and certainly put great detail in the process leading up to the recent weeks, I thank the Deputy Premier for her conduct and certainly the way in which we have managed the bill in the house. I want to particularly place on the record that, while the Liberal Party has had significant scepticism towards aspects of this and we have concerns that have not been fully met, we have to make a judgement call on balance as to how to proceed on a piece of legislation. In this case, we believe that the opportunities offered by this proposal are significant.

We believe that the risks are there as well, but certainly, given that the bill was to proceed, the conduct of the Liberal Party we felt was important in maximising the opportunities for this state. It would have been very easy to attempt to be political wreckers for political purposes. I think there are examples of political parties that do that, but ultimately we are here for a simple purpose: to serve the people of our state and to create opportunities for our children going forward. We as a party want to contribute to the success of this project. This project is happening. We will work hard to hold the government and the process to account but do everything we can to see it succeed. It is very important for our state. As the Leader of the Opposition said earlier, it is too big to be allowed to fail, so we will support every opportunity for us to maximise the potential this will create for South Australia.

Bill read a third time and passed.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 14 November 2023.)

Clause 26.

The ACTING CHAIR (Mr Odenwalder): There is still some time left for the member for Heysen, if he has any more questions on clause 26.

Mr TEAGUE: I think I was presented with the immutable laws of the universe at about three minutes to midnight last night. There we were, and I think I might have had a question on clause 26. I think the minister began to just indicate an example of an exempt animal. I just wonder if there is a comprehensive reference to that or even by class. Is it well established or is it open? But we understand the nature of an exempt animal.

The Hon. A. MICHAELS: It is defined in section 3 of the act. There is a definition included in that now, which will provide for 'an assistance animal within the meaning of the Equal Opportunity Act' and 'a therapeutic animal within the meaning of section 88A of the Equal Opportunity Act'.

Mr TEAGUE: So it is. That is a good answer. For those following at home, that is a reference to clause 3 of the bill, so I am grateful for the direction. Perhaps to round it out, and because there has been some reference to pets or animals of different kinds, including in the course of the briefing, and what might be customary to bring into the house and what sorts of animals are not ordinarily kept inside, I note that in subclause (9), page 17, at about point 2 on the page of what is new section 66C(9), paragraph (b) refers to the pet not being a type of pet ordinarily kept inside, 'a

condition requiring the pet to be kept outside'. Is that directed to the kind of animal or is it directed to the particular circumstances? Are we applying an objective test? I do not see any reference to regulations, so is it a matter of really just assessing case by case and animal by animal?

The Hon. A. MICHAELS: It is a case of looking at it case by case, animal by animal if there is application to consider those conditions. Off the top of my head, many people keep chickens as pets. They would probably not ordinarily be considered to be kept inside is my guess. That is one example that jumps to mind.

Mr TEAGUE: I think for the benefit of the committee that reference was made to, of course, the briefing to practices in time gone by of having animals in the house for warming and, otherwise, protection. If it is to be understood as being determined on a case-by-case basis without categorisation, then that is of assistance.

Mr PATTERSON: We are up to clause 26, just to make sure I have been following. Forgive me if you may have been asked these questions before, but with regard to the grounds for refusing pets being kept on premises, it states that keeping a pet will contravene a by-law or rule applying to the premises under this act. In the case of strata groups, where maybe a strata group has outlawed having pets—and strata is a mix of owner occupiers and tenants—and they have said that no pets are able to be in this group of strata units, how would this clause apply in such a case? My interpretation is that it is because there is a by-law in that strata group that prohibits pets being there, so even though this amendment would allow pets, that by-law would override this amendment.

The Hon. A. MICHAELS: It is a decision of the strata corporation. All the owners get together and they have a strata corporation and make their by-laws. If it is a decision of that group to not allow pets, it would be reasonable for that landlord not to contravene those by-laws and therefore refuse that pet.

Mr PATTERSON: In terms of subclause (10), where it talks about conditions for a landlord's approval for a tenant to keep a pet on the premises, it prohibits having an increase in rent or bond payable for having a pet. You could not have it two-tiered, I take it, that is trying to prohibit the case where a landlord might say, 'Well, okay, we will charge X amount of rent for people without pets but, then, if you want to bring a pet that's fine, but we will charge you a bit extra.' This is basically saying that there is to be no change in rent. That being the case, the only recourse would be if there is damage to the premises.

In the previous bill that you brought, there was discussion around the occurrences of damage by virtue of having pets that is way in excess of anything that the bond would cover, and also, added to that, the bond has now been reduced from six weeks to four weeks. What feedback have you had from stakeholders around the possibility of damage to premises?

Sometimes, it is originally their house. They might be going overseas for a time, for a year or two, but they are intending to move back and they want to rent the house out. This is their home, and ultimately they want it to be their home again, so they might be a bit cautious about damage and the like. What feedback have you received around the potential for damage, what landlords could do to mitigate this and, potentially, what the tenants could do to alleviate the landlord's concerns around this?

The Hon. A. MICHAELS: In terms of that, we have had very strong advocacy on the proposal of allowing pets in rental properties—very strong advocacy. In terms of damage, groups like RESA and others representing landlords are comfortable that the position is that the bond would cover it or there would likely be insurance available, landlord insurance, that might cover pet damage. One thing that has been told to me over and over again is that often children cause more damage than pets. So there is always that risk of property damage, and that is why a cautious landlord would no doubt take out landlord insurance.

Mr PATTERSON: Just further to that, did you receive any feedback from the insurance agency? Yes, it is the case that landlords could insure for risk of damage. Previously, landlord insurance would cover this damage. Did they have any concerns? This does move the ability. It makes it more likely for pets to be in tenanted properties, ergo the risk of claims to them potentially

increases. Have you received any feedback from the insurance industry around this and if in fact it may increase premiums?

The Hon. A. MICHAELS: In fact, most other states already allow pets in this sort of format. Some go further in terms of the model that is being used in terms of presumptions of tenants being allowed pets. I have not seen any feedback of any increases in the Eastern States in insurance premiums. I am not aware of any issues being raised by insurance companies.

Clause passed.

Clause 27.

Mr TEAGUE: As I addressed in the course of my remarks on the second reading, and I had referenced a number of aspects of the bill to the Real Estate Institute of South Australia's observations, or submission as it then was, on a consultation paper, and I highlight that because the proposed section 67A is the subject of REISA's very strong opposition. That is that top category of opposition. I just perhaps give the minister the opportunity to give an explanation to the committee as to why notwithstanding that very strong opposition to proposed section 67A in particular that the government is pressing on with proposed section 67A.

I draw particular attention to the existing section 68(1)(b), which is the existing obligation of the landlord to comply with statutory requirements affecting the premises and therefore REISA's submission that the landlord is already bound by relevant statute. What purpose is proposed section 67A serving and particularly in the face of that strong opposition from the institute?

The Hon. A. MICHAELS: Following that submission, we obviously consulted with REISA. I think that it could fairly be said that that opposition is tempered. Really, this is not doing substantially more than what is already required of all properties in terms of housing improvement, and we are talking about some quite basic things. So from the housing improvement regulations, we are talking about properties having a toilet, bath or shower, a hand basin, a kitchen sink and a laundry trough or basin. We are talking about some basic things, like an oven and a cooktop. We are talking about a food storage cupboard or a pantry.

So the requirements in the housing improvement regulations we are talking about in here are fairly basic. I understand that most stakeholders are quite comfortable that the property either does comply or ought to comply with those standards because they are fairly basic standards, and really what we are looking at is making sure that rental properties are meeting those standards. We are just adding in that that the tenant can request urgent repairs if they do not meet those standards as well.

Mr TEAGUE: I appreciate the answer. I listened to the answer in the context of the existing section 68. It may be that there is not much that is asked of the landlord in order to comply with what will be the new section 67A but the same proposition might apply to the existing section 68(1) both (a) and (b)—the same measure. To say, 'Well, it's not imposing very much,' it may impose a lot or not much, and that is not really the point that I am endeavouring to make or indeed as I appreciate REISA is endeavouring to make.

Is it somehow imposing some greater level of active intervention by a landlord in a way as to time or as to the triggering of some actual conduct that takes it further than, for example, 68(1)? I say that in the context of what is a very significant maximum penalty that is associated with 67A(1), so I am not really arguing the question of, as it were, the standard or the level or whatever change might result from the application of 67A, I am really drawing an equivalency to the existing section 68 and saying, 'Doesn't clause 68 do it?', in which case how come these provisions and how come the very substantial new maximum penalty associated with them?

The Hon. A. MICHAELS: Clause 68 includes it as a term of the agreement; it does not create the offence, so that is the addition. What we have clearly said is that this is not requiring any more on the landlords in terms of an inspection either before the commencement of a lease or an annual inspection or anything like that. It needs to comply, as it ought to comply, with the current legislation, so it does create that offence and it goes further in specifically allowing tenants to request those urgent repairs if something, during the term of the tenancy, goes awry and requires that.

Mr TEAGUE: I am at risk of testing the limits, I suppose, of what further might usefully be commented upon. In terms of section 68, I will accept that section 68 is a regime that, yes, applies these obligations as a term of the agreement and ultimately leaves it to the tribunal at subclause (5), and here there would be an offence created with a penalty. So, okay, there is that difference. Not to perhaps suggest alternative drafting mechanisms, but, if it is the desire only to create the imperative to take action, then would not a neat alternative have been to say that a breach of that term is an offence and it is punishable by this new maximum penalty, do away with the existing regime—indeed, simply create the offence associated with failure to comply with 68(1)?

The Hon. A. MICHAELS: You might be right, but your suggestion effectively does the same thing with different drafting. I do not see any particular issue with this that you are raising but they would do the same thing. Either you include it in 68 or you have the separate 67 and 67A. It then goes through, later on in the bill, to create an ability for the tenant to terminate if those repairs are not done as well, so it feeds through the rest in certain aspects.

Mr PATTERSON: Talking about the testing and remediation in relation to drug contaminations, on reading that, is that trying to take into account finding out maybe if there was drug-related conduct and that perpetrator has since moved, or does it take into account the fact that you are a landlord and you find out there is drug-related activity happening in the premises at the time and it is the landlord's responsibility to then inform the tenant who is actually conducting the drug-related activities that you are going to do a contamination test?

The Hon. A. MICHAELS: It is both. It applies to premises that are occupied and premises that are proposed to be occupied. If a previous tenant has undertaken that illegal drug conduct on the property—a drug lab—that would, by all the science, indicate there might be health issues for a new tenant moving in. That is the aim of that: to make sure we are not causing any health issues for new tenants but also with existing properties, if the landlord becomes aware there is that illegal activity on the property, there is a certain process in terms of giving the tenant notice to then go on to be able to remediate that property.

Mr PATTERSON: In the case of there being any issues, I would imagine that would also have obligations around informing SAPOL and the like. How would you see this interacting with police operations, and also the fact that, as a landlord, this is actually finding out about drug-related activity on site? For landlords, that is grounds for termination, as is laid out in terms of the reasons for termination—that is, in the consultation process if a landlord finds out that drug-related activities are occurring on site. I can certainly understand finding out previously and that tenant has since left, but I suppose the complication is if it is ongoing activity. I would have thought that there would be higher-order issues for a landlord to worry about, as opposed to issuing a notice that you are going to do a contamination test.

The Hon. A. MICHAELS: I imagine landlords may choose to report to the police. That is outside of the Residential Tenancies Act. I do not believe there is any other legislation that requires mandatory reporting in terms of someone who might observe illegal conduct, but that is outside of the Residential Tenancies Act. This is about remediating the property and making it safe for tenants going forward.

Clause passed.

Clause 28.

Mr PATTERSON: Clause 28 talks about minimum efficiency standards. These efficiency standards will be prescribed by regulations in relation to water and energy efficiency. In terms of the energy efficiency aspect of that, maybe you could give some examples of what fixtures and fittings this would apply to within a property that a landlord will be leasing out?

The Hon. A. MICHAELS: For example, if a property has an existing dishwasher in it and that dishwasher breaks, it would be specified in regulations as to what energy standard or water rating the replacement would need to be. We have not gone so far as some people are advocating—which is essentially to replace all sorts of things, such as insulation—to make rentals meet a certain minimum standard. We are hoping this gives landlords some relief to be able to do it over time; that

is, when they replace something in a property, they must make sure that it meets certain standards that would be specified by regulations in terms of water ratings and star ratings for energy, etc.

Mr PATTERSON: From that response, I take it that it is more to do with electrical appliances in terms of their energy efficiency, as opposed to insulation in the roof or double-glazing of windows for the ability for homes to have an energy rating.

The Hon. A. MICHAELS: We will limit it to appliances, fittings and fixtures, so it is unlikely to require insulation.

Clause passed.

Clauses 29 to 34 passed.

Clause 35.

Mr TEAGUE: Clause 35 would substitute part 4, division 12. I note at the outset that, for the substituted heading for part 4, division 12, as it presently stands, division 12 provides for assignment and section 74 provides for assignment of a tenant's rights under a residential tenancy agreement. The question of the circumstances in which a tenant's obligations remain to the landlord is provided for. As I read the substituted criteria, there is a relatively analogous series of steps to be taken but, at the outset, the heading is altered to 'Assignment and sub-letting'.

Is there any magic in the change of the heading, other than to say, 'This is now rather more fulsomely contemplating tenants assigning both their rights and their obligations under a tenancy agreement?' There is obviously some thought that has been put into the changing of the heading.

The Hon. A. MICHAELS: We have added 'sub-letting', and that is for the purpose of not assigning your entire rights and obligations under a lease but where you might have someone subletting a particular room or space. That was always a little bit of a confusion as to whether or not you actually needed landlord approval for that, so we have clarified that that does need to have landlord approval and we have clarified that the landlord cannot unreasonably refuse that. So it is subletting rather than assigning all the rights and obligations over a particular area.

Mr TEAGUE: So as to accommodate subletting, there is a contemplation there that the tenant's right to sublet is now contemplated by the division. To take then a rather more existential question in light of this new regime—and it is a matter of interest in terms of where things might go structurally, given that we now have a situation in which a tenant in a fixed-term residential tenancy agreement is, on one view, a tenant for life or for an indeterminate period of time, unless and until one of those disruptive factors occurs on the landlord's side like retaking possession or undertaking substantial renovations, the tenant is in a relatively more permanent set of circumstances while they are willing and compliant.

In terms of then the tenant's rights to sublet and assign, are we not in a situation where one might structurally contemplate a new form of sublandlord in which a tenant might be perfectly content to remain a tenant but to enter into subletting and other derivative arrangements—again, over a medium term—and that the poor old landlord is actually two steps removed?

I know that there is a desire to augur towards longer-term tenancies. I think the member for Morphett gave an example of a landlord that might be a family that might be going away for a couple of years and they want to rent their house out and they want to come back into that residence. The same might apply in relation to a tenant looking to maintain the tenancy over the long term but having a set of circumstances that are affecting them; they might be wanting to retain the tenancy but to exercise rights of subletting and then to come back and continue indefinitely.

Are those sorts of circumstances contemplated? Are they regarded as saying, 'Yes, that goes with the territory now'? The nature of a tenant in a residential tenancy is such that all of those possibilities might ensue. I can give another example: the idea that a tenant might be a tenant of multiple premises but taking an approach that subletting those premises and even profiting from doing so, might be something that evolves. But I will concentrate on the first part, on the sort of relative permanency of that primary tenant and what might then be a more lengthy or thoroughgoing normal arrangement that we would see between tenants and subtenants on properties where the

landlord was last heard of some time ago, and what is going on is then between tenant and subtenant.

If I just draw an analogy again to my short observation in my second reading contribution about analogies to Europe and long-term renting over there, where it might be completely ordinary to have a tenancy—often known as a firsthand tenancy—from a civil authority, from a local council or from the state that might have a housing estate, rental apartments in the housing estate, and the rights of subletting to those primary tenants, but in all circumstances the headline tenancy is really running for years if not decades.

The Hon. A. MICHAELS: I think essentially what you are putting is right. I think what you are saying is right. The difference that we are clarifying in here is that you would need the approval of the landlord for those subtenants. You would need to get that approval. In the previous version, we had that absent of consent does not invalidate the assignment or sublease unless the landlord is a registered community housing provider.

In this, we are saying that an assignment or subletting of the whole or any part of the premises without the landlord's consent is invalid unless the tribunal determines that consent is not required. It is giving the landlord more of a say about people coming in to their property, but it might have the result that there are longer-term subtenants, as you described.

Mr PATTERSON: Maybe we can talk about the assignment of leases as well. I think some of the submissions to the consultation around this is because further on the clauses around termination of fixed-term leases means that landlords cannot unreasonably terminate leases. At the front end of the process it is beholden, from a risk management point of view, to put more effort into assessing the tenant you are putting in, because it seems that the intent of this legislation is to allow tenants to not be unreasonably terminated.

Therefore you want to make sure, as a landlord or the land agent, that the tenant that is being put in is going to be of good standing, having a good relationship and making sure that they are paying rent on time, etc. There would be a lot of effort put into that assessment process.

Then, as a land agent, you may well select a tenant based on certain risk mitigation parameters and then down the track that tenant, for good reasons, may want to move on and do the right thing. Rather than just leave the lease and have the landlord re-tenant it, they say, 'I know an associate who is also of good standing. I am going to assign the lease to them.' There could be a side effect where ordinarily the landlord would not have selected that tenant, whereas here it is saying that the landlord has to give approval but the landlord must not unreasonably withhold consent. I would be interested to understand, in terms of assigning leases, what would be reasonable grounds for a land agent or a landlord to withhold consent?

The Hon. A. MICHAELS: I am actually not sure that the premise of your question is correct. To start with, I think most agents will lease out to the best tenant who has applied for the property. We still come down to the situation, about which I think you are expressing concern, where there are breaches of agreements either by the tenant or it might be breaches or damages caused by a subtenant. That would still be provided for in the prescribed reasons. If there is something going wrong in terms of the tenancy with breaches by anyone occupying the property in terms of damage or if the tenant is not paying the rent, they are prescribed reasons that would enable to landlord to end the tenancy. I am not sure there is that much additional concern by these changes.

Mr PATTERSON: I suppose my question was not so much about the subletting, it was more about the assigning. It might well be there are valid reasons for the tenant to assign the lease. They are leaving and they are leaving on good terms. They have not damaged the property, they have paid their rent, and they are wanting to assign it over to someone else. I suppose the question is: that marks a transition from one tenant to the other and so the landlord might say, 'I was quite happy to choose the best tenant up-front. I am not so certain about the tenant who has been introduced to me.' In that case, the landlord might have reasons to withhold consent. To get to the bottom of that, from an assignment point of view, what would constitute reasonable grounds for a landlord to withhold consent for a tenancy to be assigned?

The Hon. A. MICHAELS: It would be for similar reasons why you would not take on a tenant: if there is poor payment history or if their income does not necessarily establish that they are able to pay that rent. They are reasons you would, as a landlord, be able to say, 'This is not the subtenant or the assignee that I would like for my property.'

The ACTING CHAIR (Mr Odenwalder): Are there any more questions on clause 35?

Mr TEAGUE: I am conscious of the time. Let's draw a line under it. I guess the observation that might be made in the broad about assignment and subletting in the new environment is that the stakes are really rather higher for the landlord on the receiving end of the assignment.

Under the existing regime, there are rules around not unreasonably withholding consent for assignment, but those are in circumstances where a fixed term is a fixed term at least. They can say, 'I have had this new tenant come along and be introduced by the current one.' As the member for Morphett has indicated, that might all be against the background of a clean bill of health, but it is kind of like a nepotism of some sort that here comes an assignee introduced by the tenant. They get the walk-up start, they are not one of the throng that would be seeking the premises, and this assignee is now the tenant for life.

To use my term again—and I am being broad about that—they then are in receipt of all those rights and yes, they may prove to be whatever ensues. They may breach, they may do whatever it is, they might be perfect, but they have had that higher stakes intro as an assignee under this new arrangement, if I could put it that way.

The Hon. A. MICHAELS: Again, not necessarily so in that if there is something going wrong, if there are breaches, the landlord has the ability to terminate. So I am not actually convinced there is any higher level because there is a mechanism for landlords to deal with tenants who are breaching their agreements—either way, the original tenant or an assigned tenant.

Sitting suspended from 17:59 to 19:30.

The ACTING CHAIR (Mr Odenwalder): Are there any more contributions on clause 35? No.

Clause passed.

Clause 36.

Mr TEAGUE: This is a matter of construction again. I am curious here that there is the insertion of a new division 13A for the purposes of introducing the new section 75A. Just as a matter of determining, so this will sit as a standalone division after tenant's vicarious liability and before division 14 harsh and unconscionable terms.

I just wonder, given that it is dealing with the maximum liability for rent that is payable following a tenant's termination, and given that part 5 is concerned with termination by landlord, termination by tenant, termination by tribunal, why is it not more conveniently included, say, as an 86C or something of that nature within part 5, division 3, for example?

The Hon. A. MICHAELS: I do not have a specific answer to that other than that was the advice from parliamentary counsel to draft it in that way. The actual section itself is the result of a national cabinet decision for that policy position, but I do not have any advice on why that was carved out.

Mr TEAGUE: There is no particular magic. It is just a curiosity that it is very much concerned with the consequences of a tenant's termination, the balance of those provisions being in part 5, division 3. In terms of the substance of what will be the new section 75A, this is one of those very substantive changes in terms of setting out the maximum exposure of tenants in circumstances of termination, and it again comes in circumstances where the intent is to augur towards longer tenancies.

I note—and I might not have perhaps emphasised this enough—I do not hold REISA to every last comment in its response to the consultation paper. I acknowledge that that has led to some change and it has led to some amendment of view. That said, a lot of what is in the response is with respect to provisions that have not changed. One observation that the institute makes is the concern

about not having any tenant exposure where there is a termination occurring in less than 12 months, or part thereof of a 12-month period, and that does not seem to have been addressed in response to the submission.

I suppose the question that I would ask is: in circumstances where the intent is to have longer tenancy agreements, how is it that imposing a cap which at the maximum would represent only a relatively small proportion of the term outstanding as a maximum exposure to liability from a tenant in any circumstance of termination?

The Hon. A. MICHAELS: The end result of that is to give the tenant some ability to exit a fixed-term lease where it is more than 12 months. In the end, a landlord would get their four weeks' rent plus any compensation in terms of advertising or re-letting fees or anything like that. That would be, in the national cabinet's view, sufficient for a property to be re-let.

That was the policy position taken at national cabinet that we signed up and agreed to, but in reality I would think most landlords would be able to re-lease their properties certainly within that four-week period as it currently stands and going forward. It may be, if we do get to the point of longer fixed-term tenancies—and that is a question of whether that happens or not in the market—if it is a five-year lease and someone leaves after two years, there is a substantial period of rent that would be owing under that clause.

Mr TEAGUE: In that sense, it might be regarded as an attempt to codify a period of reasonable mitigation of loss, I suppose.

An honourable member interjecting:

Mr TEAGUE: That was a preamble.

The ACTING CHAIR (Mr Odenwalder): That was a preamble, was it?

Mr TEAGUE: I was still on my feet. I appreciate the minister's response. There is a question I think I raised in the course of my second reading speech in relation to section 4 and the short-term fixed tenancies, the 90-day. I would raise it more particularly when we get to section 83A, but it might be an opportunity to address that concern, or part thereof, by the institute about a period clearly less than 12 months, where the short fixed-term residential tenancy pursuant to section 4 is an example of a very short tenancy.

It would be an unusual set of circumstances where you would have termination coinciding with something short of the month and so on. There is no specific carve-out in the legislation, as far as I can tell—maybe that is deemed unnecessary—but has the connection to short fixed-term tenancy subject to section 4 been contemplated for the purposes of section 75A and, in turn, any period short of 12 months?

The Hon. A. MICHAELS: The intent of the national cabinet agreement was to have a minimum of one month even if it is less than a 12-month lease. Like the member said, that is not likely to happen, but we might just take that, or part thereof, on notice and between the houses answer that question with parliamentary counsel.

The ACTING CHAIR (Mr Odenwalder): On a generous interpretation, I have given you more than three questions, and we are not going to go down the rabbit hole of supplementaries and clarifications. Are there any other members who have questions on clause 36?

Mr TEAGUE: Do I get this final opportunity on 75A? It is a matter already on notice. I just might put it on the record.

The ACTING CHAIR (Mr Odenwalder): On clause 36?

Mr TEAGUE: It is clause 36, which creates section 75A.

The ACTING CHAIR (Mr Odenwalder): No, because you have had three questions. These are the standing orders. Do any other members have any questions on clause 36?

Mr TEAGUE: I will come back to it.

The ACTING CHAIR (Mr Odenwalder): Yes, there must be another way you can slot it in.

Mr PATTERSON: I would just be interested to flesh out what was raised in national cabinet, and the point made that it was felt at national cabinet that four weeks is a reasonable time frame, and there are different markets. Of course, our market is different to Melbourne, which is different to Hobart, which is different to Brisbane, which is different from regional Queensland, etc.

Certainly, at the moment I think there would be no contention that just about most properties that are in a fit state would be able to be relet within a four-week period because supply and demand is such that the demand for rental properties is so great at the moment, with vacancy rates at less than 1 per cent. But at some stage the market does turn, and supply outstrips demand to the state where you do have properties sitting on the market for four weeks through no fault of the landlord. I note in terms of later on, when we look at clauses, there needs to be reasonable grounds for a landlord to terminate an agreement.

I would be interested to hear whether there was any consideration given to putting in place reasonable grounds for a tenant to terminate before the fixed agreement. As the member for Heysen said in his second reading speech, the idea of these contracts is that it is trying to bring two willing parties together, not forcing them or not trying to skew the balances so that one is at a higher priority than the other. They come in, they are not forced to sign a 12-month agreement, they willingly as a tenant do that.

Who is to say that there might be tenants' remorse where they get into the property, they have been there for only a month, and then they see a better place come up that they would much rather live in and they say, 'Okay, we will move on.' Getting back to the question, was there any consideration of putting in, on reasonable grounds, that tenants can do this knowing that, because there is a maximum liability, they know, 'Well, the most I am exposed to is four weeks.'?

The Hon. A. MICHAELS: No, there were no submissions to us to put in prescribed reasons for tenants. There are certain reasons within the bill and within the current act for tenants being able to terminate. For example, we just went through the minimum housing standards, but there was no consideration of that and I do not propose that there is. That four-week period of per 12 months is what is deemed to be at the moment appropriate and, if that needs to change, that can be considered later in further policy development.

Mr BASHAM: My question is in relation to my understanding at the briefing of the opposition in this space. There was a commitment by the minister's office to have a look at whether early terminations of a fixed tenancy term was an insurable risk?

The Hon. A. MICHAELS: Yes. On that insurance issue, if it is a term of the agreement that the tenant can provide whatever period of notice to exit, and there is not a breach of the agreement, that is not covered by insurance is our advice.

The ACTING CHAIR (Mr Odenwalder): Anything else on clause 36? Member for Morphett.

Mr PATTERSON: Can I just confirm, getting back to this, if there were no reasonable grounds is it the case that, as I laid out, a tenant may take up a fixed-term lease of 12 months, and they are only shortly into the lease, and then they see another property that is a lot cheaper and they say, 'Well, I'm going to get out of this lease even though I signed up for a 12-month period because I'm going to save money by going to a cheaper premises and I know my maximum exposure is four weeks of rent maximum, and hoping that the property gets tenanted out even quicker so then my exposure is less.' Does this allow that possibility to occur, and how does it compare to the existing legislation if a tenant were to terminate a lease after, say, only one month of a 12-month lease?

The Hon. A. MICHAELS: If it is a 12-month lease, there would be the four weeks plus expenses. I would dare say most landlords do not want a tenant in their property that does not want to be in that property, as a practical matter. So I dare say that is probably not going to be a significant practical issue because I would think that, once you know your tenant wants to go, you are probably better off finding a new tenant.

Clause passed.

Clauses 37 to 40 passed.

Clause 41.

Mr TEAGUE: I have one question in this regard while we are still on termination of the residential tenancy, and it might be a catch-all question of principle. We have addressed the point that a fixed term tenancy is not necessarily going to end at the end of the fixed term and it might continue for a long period of time. I am just trying to get my head around what the new world of fixed tenancy looks like in the context of clause 41 perhaps.

A tenant might not be readily wanting to sign up to this perhaps, but would it not be in the interests of a landlord to proactively look for signing up for a longer-term fixed term—five, six years—say six years is maximum pursuant to 75A in terms of liability for rent in the event of early termination for no reason by the tenant.

There has been reference to the national cabinet. Is there some more specific contemplation that six years, for example, might be the new standard fixed term and that therefore a tenant terminating very early would be exposed to that relatively substantial exposure for unpaid rent and that that might be one of the new parameters of the rental environment, which would be a significant departure, of course, from the sort of protection that a fixed term of short duration might be perceived to have played in the present circumstances.

The Hon. A. MICHAELS: I guess it is a little bit hypothetical. It might be that it goes to six years, it might be that people, as you have mentioned, decide that you might as well do a periodic tenancy in any event, so I cannot really answer that because I think it is a bit hypothetical at this stage to see what the market does.

Mr TEAGUE: I guess it stands to reason in circumstances where there is excess demand for rental properties where tenants are competing, if the tenancy was offered on a fixed term for that maximum liability period then, yes, the stakes are raised from the beginning, but on the other hand there is a maximum liability involved for rent for early termination. That might just be a passing comment at the beginning of what might be a new environment. I just wonder if any of that has entered into the consideration around the national cabinet process, issues like maximum liability for rent.

The Hon. A. MICHAELS: It has not been raised with me. I was not at national cabinet but it has not been raised with me.

Clause passed.

Clauses 42 to 45 passed.

Clause 46.

Mr TEAGUE: Clause 46—and it will follow on to clause 47—is really where a peak of controversial difference of view has been expressed. With respect to what will be the new section 83, the effect of the change, which is done by way of an amendment to what has been a right of termination by the landlord without specifying a ground of termination, is to really flip that and now amend the whole section to provide for termination by a landlord only on grounds that might be prescribed by regulations. This is where the first part of the key changes to landlords' rights really kicks in.

I had some reference to the Real Estate Institute's observations about that in the course of the second reading. The way that that is described in the commentary—I am just looking to bring up the way that is dealt with in the overview document. It must be useful to reference it. I think it is really dealt with by reference to the treatment on ending tenancies that is subject to the paper, although it is just not described in that section. So I will just go to the institute's observations.

The description, or the argument, about the reform has been put in terms that it would provide greater certainty for tenants and landlords. The observation is made that in fact it puts full control of the tenancy duration within the control of tenants and eliminates certainly for landlords and really requires that there be one of those prescribed grounds in the regulations cited in the event of a proposed termination.

I suppose the first question might go to what might be expected in the regulations. I think we had an indication of that list from the explanatory paper and I think the minister indicated yesterday

the nature of that list, but are we to take it that it will be the same list in regulations for the purposes of this section as for those others that have been addressed earlier in the course of the debate?

The Hon. A. MICHAELS: I expect it to be so. We will consult on the regulations, but I do not expect there to be any significant difference between them.

Mr TEAGUE: I think we have addressed this in the context of clause 3 as it happened because that was the first point at which it came up, in the context of granny flats and so on being more explicitly included in those categories of residential tenancies. The real purpose then of providing for termination only on those specific grounds in this section—it might mislead the reader in a way, because the existing section 83 carves out and says, 'Well, you can't terminate for no reason if there is a tenancy for a fixed term' and for a whole variety of other reasons. Is it a convenient means of introducing termination by prescribed grounds? It has been shoehorned here into 83 and replaces 83, but it is really doing something quite different; it is now introducing termination by prescribed reasons that we are going to see expressed in regulation.

The Hon. A. MICHAELS: I might ask for clarification on the question. I want to answer the specific question you might have.

Mr TEAGUE: I guess on the one hand, perhaps, it might be put that the amendment to section 83 could have sat alongside the existing 83, in that they are doing quite different things. The new section 83 is going to do away with no specified ground of termination altogether, as I read it, and replace it with termination only on a ground prescribed by the regulations. So I suppose the question is: what is so terribly wrong with the existing section 83 and why could this provision not, at the very least, sit alongside what is currently there in section 83?

The Hon. A. MICHAELS: The distinction between 83 and what we will get to in 83A is that 83 is applying to periodic, hence you see at (2)(a)(i) it does not apply for a fixed term. So if it is a periodic tenancy it is to be terminated on prescribed reasons. We then flip into the next clause which deals with fixed-term tenancies. So, in terms of that section 83, it is for periodic tenancies and is introducing a prescribed reason for termination, rather than being able to terminate without any cause whatsoever for a periodic tenancy.

Mr TEAGUE: I appreciate the distinction between the work that 83 is doing and that 83A is doing. I guess to be clear, this is really providing that under no circumstances is there to be a termination by the landlord without a prescribed reason, the subject of regulations—and we will get to 83A in a minute—but we are limiting that right both with respect to fixed terms and periodic tenancies.

The Hon. A. MICHAELS: Yes, absolutely that is the intent.

Clause passed.

Clause 47.

Mr TEAGUE: We are now dealing with notice of termination at the end of a fixed-term tenancy, and it is here yet again that we encounter the highest level of opposition from the institute on freedom-of-contract grounds. To be clear about what is going on here, we are moving away from circumstances of long standing where, as we approach the end of the fixed term, the tenant has an obligation to provide 28 days' notice of an intent not to continue after the end of the fixed term. The landlord has the same obligation of 28 days' notice of intention not to extend at the end of the fixed term.

What might be at a lower level of controversy is the extension of that 28-day period to a longer period. I think I referred in the course of my second reading remarks to some voluntary longer periods that have been trialled by property managers. The example I cited was a 42-day period. This is now going to introduce a 60-day period for a landlord in terms of the necessary giving of notice. But that is then not of any real comparable character to the current 28 days on each side because not only is it an extended period of notice, but it has also got to be, in the landlord's case, armed with one of those prescribed grounds for termination even at the end of the fixed term.

As we have covered, that is triggering then a right of the tenant to give seven days' notice in response. We have departed from reciprocity, we have departed really from the notion of a fixed-term

tenancy at all, and we are still left scratching around to figure out what real purpose the fixed term is serving.

I think one of them might be that, if it is a fixed term over a period of years, it provides for a sort of liability for rental in the early part, maybe, but we are very much re-characterising what is occurring in the final two months of any fixed-term agreement, from the landlord's point of view, and the tenant is now going to be in a position where notwithstanding the concession that one of those prescribed grounds might be valid, the tenant has their 60 days and they have the notice of a period of seven days up their sleeve as well. So let's say the prescribed ground relied upon is the failure to pay rent. They can continue the argy-bargy about that and we have heard the anecdotal evidence about what the consequences are for payment of rent following the notice of termination, so it is a sort of encapsulation of the nature of what is going on at that point.

Perhaps one specific question that arises is: what if the prescribed reason arises only within the final 60 days of the tenancy? In one of those ones that was cited as a potential example, it is the third breach in relation to rent. There might be those that build up over time and the third one occurs but not until within the final 60 days of the tenancy, but in any event, if whatever it is that is the prescribed ground occurs short of 60 days, what happens then to the notice period in particular in terms of compliance with the 60 days?

The Hon. A. MICHAELS: Are you asking the question that at the end of the fixed term the landlord does give that 60-day notice to end the tenancy, so the tenant is on notice that they are going?

Mr TEAGUE: No. There is no notice of termination. We get to 60 days. There is no ground upon which to give notice. Let's say it is in the cascading or the build-up version where there is a third breach required. The landlord might be on the lookout for the fulfilling of one of those prescribed grounds, but they might think, 'I haven't got one yet.' So we get within 60 days of the end of the fixed term and the ground is fulfilled. We are 50 days out, say. Where is the landlord at in those circumstances? Is the landlord basically lost as far as the capacity to give notice because it is now within the final 60 days?

Just to keep that flowing while we are looking at it, if I refer back to section 83, the way I interpret that, we bear in mind that section 83 is being amended by the clause 46 changes, as opposed to a fresh clause being inserted, and so, just for completeness, termination by a landlord generally would rely on the same list of prescribed grounds that is in a 90-day notice framework, as I read it, given the amendment, so that would not avail the landlord of any better opportunity to rely on a prescribed ground.

The Hon. A. MICHAELS: The answer is it depends, and it depends what the reason is. I think the answer is if you are heading up towards the end of the 12 months and you do not tell them that you are exiting them for a prescribed reason, it is assumed that tenancy will continue for another 12 months. If in that period of time there is a breach of the agreement, I think that would give the landlord the right to terminate as a breach of the agreement rather than certain other of the prescribed reasons that are not a breach. If it is a reason that is not a breach of the agreement, I will clarify but I think 83A means that you have an ability to terminate at the end of that next rolling 12 months. It depends on the reason, if you have given them that 12 months. So I think it depends on the reason, if that makes sense.

Mr TEAGUE: That might, and that is pretty instructive if they are the sorts of circumstances that are being dealt with in that it would create a situation where once you are in the final 60 days of a fixed-term tenancy, if something offensive were to occur—bear in mind the landlord is very much on the rails—then that opportunity is effectively denied the landlord because it occurred within the last 60 days. I would tend to agree with that interpretation. On the face of it, it looks as though you are somehow going to trip into the reliance on the 90-day regime or be somehow into the next term and, if it is a tenancy of longer duration, there might be other complications.

I have the list that I have scribbled down following the overview last night and I also have the list that is in the explanation. Some of those prescribed grounds that one might anticipate be regulated are really precipitous events. Some of them might have a warm-up, some of them might be in the nature of a deteriorating situation with the reliability of the tenant or other things that are

related to the ordinary course of dealings between landlord and tenant. Others might be quite precipitous like the criminal conduct—the premises being used for illegal purposes.

If I was to use that as an example, the premises being used by the tenant for illegal purposes, that is something you discover right then and there, and that might be discovered at day 45. Similarly, to use another one, if the tenants failed to comply with a SACAT compliance order, that is going to happen as of a particular moment. I might be repeating the question, but in each of those rather precipitous circumstances where it happens where it was not there and then it is there and it is a serious reason—no-one is disagreeing—why would the landlord not in those circumstances reasonably have an expectation of being able to benefit from a curtailed notice period at the end of a fixed-term tenancy?

The Hon. A. MICHAELS: I might take that on notice, in terms of the notice period where there is a breach, and whether we have to clarify that in the regulations with some of those prescribed reasons. We might just take that on notice, in terms of the notice period.

Mr TEAGUE: I perhaps draw attention to the balance of section 80 that continues to be there. It might be that there is somehow a sweet spot that remains relying on the provisions of section 80. Perhaps if I can just address some remarks about what is going on and maybe why these sorts of questions, these concerns arise. We are sort of using what, under the current arrangements, is an entirely mutual set of provisions in the context of what has been understood to be a contract which has a fixed term, and really the mutuality of the notice obligations is one that is just in the interests of the orderly bringing to an end of a fixed term, not taking anyone by surprise but not, as it were, needing to rely on any particular rights.

By introducing the additional notice period required by the landlord, that just contributes because it makes the period of exposure greater, by introducing a grounds-based notice at the end of a fixed term, it changes the nature of the arrangement and puts the emphasis very much on the establishment of that ground which does not arise within the landlord's control. So you have a fixed time for notice but you are depending on a ground that might arise any time and yet it is being presented as a replacement for a mutual courtesy, if you like, or a mutual obligation not to take each other by surprise at the end of a fixed-term contract.

Might a better characterisation of what is going on really be about a kind of stage in the ongoing bargain? The fixed-term contract is really not doing much work as a concept anymore. You are rather approaching a juncture in the negotiation and you need to know, therefore, what to do about the precipitous breach that occurs, and what you might need to do about it might vary depending on when in the process that occurs.

I am still struggling to figure out what purpose the fixed term is serving in that context. But really is there not the potential for problems to arise because we are still trying to deal with things in terms of what is being described as notice prior to the end of a fixed term, as opposed to a need to give an indication on grounds, really, as a point of negotiation for what might be the continuing tenancy. It is just a punctuation point now.

The Hon. A. MICHAELS: In terms of that relationship, we are at the end of the fixed-term lease and a tenant wants to exit, the tenant will give their 28 days' notice. I think that is fairly clear. If there is a breach that would qualify for a section 80 breach during that last 60 days, for example, we have a seven-day notice period essentially under section 80 if it cannot be remedied. That would get the tenant out.

Without that section 80 breach, we need a prescribed reason. That is in fact the intention of the policy. It is to make sure that tenants have the sense of security that at the end of their rolling 12-month leases, if that is what the market will continue to do, which is really what the market does now, they have a sense of security that that will continue to be their home until they have done something wrong. So it is the intention of the policy to react in that way.

Mr PATTERSON: In terms of subsection (1), having the prescribed regulations, I think part of the consultation, as pointed out by the member for Heysen, is what you have just said there, that the intention is that it is just a rolling 12 months. By that, I interpret it to mean that, at the end of a fixed term, it just does not roll over to a periodic lease: it then goes to another fixed term of the

equivalent length of the existing lease. I will operate under that premise. I will ask that as a question, I suppose. So at the end of the fixed term, if the landlord does not give the 60-days' notice that they want to terminate—they leave it be—is it a fact that a new fixed-term lease of equal length is entered into, or does it go to a periodic lease?

The Hon. A. MICHAELS: At the end of that, to have another fixed-term agreement you need another agreement entered into. So the landlord and tenant will be signing a new agreement for a term that is specified in that agreement. If not, we are having a periodic tenancy.

Mr PATTERSON: That then goes to the question at the outset. One point made as part of the consultation was that by having the ability for this to occur more readily because of subsection (1), where there are grounds prescribed by regulations, an unintended consequence may well be that when a tenant is first selected by the real estate agent or the landlord, that selection will become more exhaustive now because there is this implied compact that the tenant knows that, once they are in, they can stay on an ongoing basis.

Could this potentially have the adverse reaction that tenant selection is skewed against newcomers to the market? If you have come from overseas and have no history, or you are young and it is your first time trying to get a lease, because the rental agent may be trying to mitigate risks, they might make it harder for new tenants, people who are new to tenancy with no history, to get access to the market. Whereas, at present, because we know that the lease is fixed for 12 months, it could be the case that they do not have to have as exhaustive a tenant selection process, and therefore it may make it harder for new entries to the market to actually get a lease.

The Hon. A. MICHAELS: Not necessarily because I think in any situation, even under the current residential tenancies agreement, landlords and agents are cautious about who they are letting into their properties. For example, for some of those younger tenants it might be a question of looking at their income and making that a priority. If they can afford the rent, a landlord might quite willingly let it to a younger couple, for example. I am not sure that it is a fait accompli that that is what will happen.

I also want to correct something for the member for Heysen where we talked about the seven days. If it is a breach, that needs to go to SACAT for an immediate eviction. That will happen if it is a breach that is capable of remedy within the seven days, otherwise you are going to SACAT.

Mr Teague: You are in a narrow window there.

The Hon. A. MICHAELS: Yes.

Mr PATTERSON: Could you explain the balance that you arrived at? With the present situation, at the end of a fixed-term lease, both the tenant and the landlord have to give 28 days' notice if they wish to terminate, and now for reasons you have explained the landlord has to give 60 days, because then that gives the tenant more time to go off and find alternative premises and makes it easier for them. However, it seems that the obligation for the tenant to give the 28 days' notice has now been reduced down to seven.

Could you explain why the amount of notice the tenant has to give has been reduced substantially from 28 days to seven days? If you feel that that skews the balance between landlord and tenant so it gives, in a way, a fair bit of power to a tenant because they do not have to give much notice—whereas the landlord does have to give substantial notice—do you think that could skew the relationship between the two parties?

The Hon. A. MICHAELS: Assuming there is no prescribed ground, assuming the landlord has no reason to end that tenancy, the tenant still has to give 28 days' notice at the end of that fixed. It is still a substantial period of time and notice for the landlord who, obviously, will want to relet their property.

The seven days only kicks in if the landlord has told you that you need to be out by a certain date: 60 days. If you go looking for a property, and it happens on weekend one that you happen to find one, knowing you have to leave because the landlord has told you—they have given you their 60 days' notice—we have made that policy decision that if you have told your tenant to go, and your

tenant happens to be in the very fortunate position to be able to find something quickly, the best policy decision is to let that tenant go and have your property relet.

The CHAIR: Are we finished with clause 47?

Mr TEAGUE: Just one more, if I may.

The CHAIR: You have already had one more. I was lenient.

Mr TEAGUE: I am sorry. May I just very briefly—

The CHAIR: Briefly? Is that the normal definition of briefly or your definition of briefly?

Mr TEAGUE: And in the interests of brevity, generally.

The CHAIR: And in the interests of brevity—okay.

Mr TEAGUE: This goes to the amendment to section 83A(4). That is a proviso to the tenant upon whom notice of termination is given and may give up possession on seven days' notice. However, subsection (3) is said not to apply 'if the notice of termination is on a ground prescribed by the regulations for the purposes of this subsection.'

They seem to be regulations that are very specific. The question might be: are they specific to the subsection and are there therefore contemplated circumstances under which a tenant may not be able to avail themselves of that capacity to give up possession and rely on seven days' notice? Is that how one should read that, and, if so, what are the regulations going to provide for? This might be a cure for what we have been talking about in that if it is found that they are dealing drugs at the premises, it might be that these are specific regulations that can provide that, actually, no, they do not have that capacity to rely on the seven days' notice.

The Hon. A. MICHAELS: The advice is that that subsection (4) might be used in circumstances where there is a deliberate breach by the tenant in that circumstance to cause the eviction and then be able to get out with only seven days. That is the nature of what we might use those regulations for: to carve that out and not give the tenant the benefit when they are doing something intentional to be able to exit.

Mr TEAGUE: So they are catered very specifically for the purposes of that subsection?

The Hon. A. MICHAELS: Yes.

Clause passed.

Clauses 48 and 49 passed.

Clause 50.

Mr TEAGUE: At 50, and here I just refer, and I do so again at 51 for the purposes of 85B, to the really more strident observations of the Real Estate Institute of South Australia, in this respect indicating that their perceived lack of reciprocity, at least at the time of first consideration, in allowing tenants to 'terminate for successive breaches but not extending the same rights for landlords is absurd and once again reflects the completely tenant-biased rationale of the amendments'.

I am not wanting to put the institute on the mat in that sense but I think that might have been—I do not know, I have asked the question whether or not that view has been moderated by the expectation of those categories of regulation, including two breaches, plus a third being likely to be included among those prescribed grounds in the regulations. Is that, therefore, an example of a position that has been moderated by a sharing of what regulations are to be anticipated?

The Hon. A. MICHAELS: That is right, and the expansion of the prescribed reasons after consultation with REISA for the landlord has got them to accept that that is the balanced approach in terms of that our tenants will be able to exit if the landlord breaches. It is less likely landlords are exposed to an ability to breach but it would be not rectifying something. I guess, if coming onto the property without giving proper notice constantly keeps happening, then that particular section gives tenants the ability to terminate and exit.

Mr TEAGUE: To come back to a theme that I have been endeavouring to articulate from the beginning, mutuality or reciprocity is an important principle in terms of the relationship between tenant and landlord. So I suppose we are in circumstances here where the provision in respect of the right of termination by the tenant for successive breaches of the agreement will be set out in the principal act and will be looking to the regulations for the reciprocity. A question might be: what virtue was there in referring to regulation those prescribed grounds? Given that we have now seen them fairly thoroughly articulated, what is the benefit to leaving them to regulation, as opposed to putting them in the act, including for these purposes?

The Hon. A. MICHAELS: In the context of having a broad set of prescribed reasons, having them in regulations makes it easier. In reality, there is more a tenant can do to breach an agreement than a landlord can do, so we intend to put that in the regulations with all those prescribed reasons, and consult on them. It is obviously easier to change if circumstances change and people start identifying other things that need to go in the regulations. For landlords, their opportunities to breach are more limited, so we have put it into the legislation. We have those two third-time breaches as an ability for a tenant to exit.

Mr TEAGUE: Just to underscore this theme then, that augurs to the importance of maintaining a fluent line of communication and cooperation with stakeholders, such as the institute and other informed participants, so that where circumstances are changing the regulations might easily reflect that over time.

The Hon. A. MICHAELS: Yes, absolutely.

Clause passed.

Clause 51.

Mr TEAGUE: I would address the insertion of new section 85B. Again, I am just seeking some indication of whether or not the Real Estate Institute has found some comfort, following its expression of strong opposition to this provision. Section 85B would provide for termination by the tenant due to the condition of the premises. The terms of subsection (1) are such that there is notice to be given to terminate where the premises do not presently comply with minimum housing standards—and we now see again a reference to the Housing Improvement Act 2016, which is also found elsewhere. A perhaps more straightforward example is if the premises are destroyed totally or rendered unsafe—that might be less controversial—or termination in prescribed circumstances, which are presumably prescribed by regulation.

I do not see, therefore, anywhere in subsection (1) there remedied the concern that the institute expressed at the consultation stage. I will quote that small part of its observations where the institute says:

> The fact that the proposed amendments do not incorporate provisions for the landlord to remedy the breach is breathtaking and is directly in contrast to proposed section 67A…

That is the subject of clause 27 which does provide—and I think it was in 67A(2)—for the tenant to request the landlord to carry out repairs and for there to be an opportunity to be given, and so on. So the chief concern in section 85B remains that the landlord is not, in those circumstances, given any opportunity to repair the premises in whatever of those three circumstances the premises is found to be in.

The Hon. A. MICHAELS: The tenant will effectively have a choice: they can ask the landlord to repair, or they can exit and they can provide a notice under section 85B. That is a choice for the tenant, bearing in mind the fairly basic standards we are talking about that I took the member through last night—a toilet, a kitchen. We are talking about fairly basic requirements, so this is giving the tenant the option to terminate. Some of these things might not be easily rectifiable, so it is open to the tenant to exit giving that notice of termination under 85B.

Mr TEAGUE: I take it then that that might be one of those circumstances where the view of the institute might not have altered too much, or comfort found, but I think that is there on the record. In terms of 85C and the prescribed circumstances, is there an indication, presumably by regulation, of what those prescribed circumstances might be?

I stress again in this regard, I take on board that they might be very basic standards. I do not read the institute to be having any difficulty with that level of standards; it is the precipitous nature of the termination right that applies. I even understand if premises are presented without one of those basics and it is readily apparent that they are not going to be able to be remediable—alright, that might be one in which you would say, 'Well, offering the landlord an opportunity to remedy is a moot point because it's not practical to do that, so off you go and terminate,' but that could be captured in 67A. In terms of those prescribed circumstances, are there any, and are there any among them, that really would be amenable to a ready remedy?

The Hon. A. MICHAELS: At this stage, we do not have any intention of those prescribed circumstances. We do not have anything to give you. Having discussed the basic nature of the Housing Improvement Act standards, the Real Estate Institute—as I understand it—is comfortable with both 85B and the earlier section which gives a tenant the option to ask for things to be rectified. They are there in case we need them, but I cannot give you any indication of what they might be.

Clause passed.

Clause 52.

Mr TEAGUE: I might just briefly address clause 52 and, in so doing, clause 53 as well. I thank the minister for the opportunity for the briefing in relation to the operation of those measures and I guess to recognise that those, together with the other measures in the bill to provide for the capacity to terminate in relation to this clause and to take other steps that are found elsewhere in the bill, including with respect to changing locks and so forth, they are welcome measures. I recognise that to some extent they are going to chart unknown territory in terms of the circumstances in which that might occur. It might just be a hope that it will have the desired effect of improving the circumstances that might be faced by a person in those circumstances.

Again, as I addressed briefly in my second reading contribution, I indicate that those are welcome changes and, to the extent that the circumstances continue to evolve, we will monitor closely how those provisions are relied upon over the time ahead.

The CHAIR: Is that just a comment and there is no answer required?

Mr TEAGUE: No. The minister might like to reply, but there is no need.

The CHAIR: So that is clauses 52 and 53. Are you happy to progress with those two? You indicated earlier that you were going to talk to clauses 52 and 53.

Mr TEAGUE: Yes, I did; I know.

The CHAIR: I was just taking you at your word.

Mr TEAGUE: I appreciate that—clause 52 at least. I might just have one further word in relation to clause 53. I am done with clause 52.

The CHAIR: I was hoping you were going to say you were done with clause 53 as well, but I was being hopeful.

Mr TEAGUE: It will not be long.

Clause passed.

Clause 53.

Mr TEAGUE: I think more particularly I was referring there to new sections 66A and 66B in terms of rights to change locks and security devices. In relation to the combination of provisions in sections 85D, 89A and 90B, I raise the question as to whether or not a fund in the nature of the Retail Tenancies Fund might be a means by which to provide a form of recourse in circumstances, for example, where a perpetrator is not on the lease or is not otherwise able to be identified and brought to attention for compliance purposes.

I would be interested, just for the record, to test the question about the possibility of establishing a fund and, again, as has been previously referred, the question of whether or not losses

that are incurred in those circumstances are relevantly insurable losses. That is the question, even if it might be on notice.

The Hon. A. MICHAELS: The advice that I have is that we are not looking to use the Residential Tenancies Fund to pay out that compensation, but my advice is that where a perpetrator who has the consent of the tenant to be living on that property causes damage, that would generally be covered under the landlord's insurance.

Clause passed.

Clause 54 passed.

Clause 55.

Mr TEAGUE: Clause 55 inserts a new section 91A. This is really a question going to the proper interpretation of section 91A. Section 91A establishes the prohibition, and that is prohibiting the landlord from letting the premises to a person in residential circumstances before the end of six months after the date on which notice was given, and there is a big penalty that applies in circumstances of a breach. Then it goes on to say that the tribunal can foreshorten that period.

Again, we are relying on grounds that are prescribed by regulation as they are set out in the words of section 91A(1), so I would be interested in whether or not there is a description of what those grounds are going to be. We have seen an indication that that includes the landlord's intent to live in the premises, for example. Renovation is another one that has been cited. They look like they are the two keys ones, but if there is anything more specific that you might be able to identify.

The relevant period of six months then contemplates that that is a period that is going to allow for relatively substantial renovation, for example, and will ensure that there is not a coming back into residency of the landlord for a week or two and then using it as a slip mechanism to reset the circumstances. So you understand where that is coming from.

The recourse to SACAT to foreshorten the period is, on the face of it, a question for the tribunal to determine, but one is left to perhaps presume that that is a bona fide assessment so that if, for example, the reason is renovation and the renovation might be anticipated to take some substantial portion of the six months and is done much more quickly, then SACAT might regard that as grounds for shortening the period. That is the landscape as I understand it.

The prescriptive regulations are perhaps the core of the question. In circumstances where works, for example, are required and there is no question of the bona fides of those works, but they will actually be done or it can be anticipated they will be done in a much shorter period than six months, it might be conceded that the works are inconsistent with occupation—let's say it is the renovation of the one and only bathroom or the replacement of the kitchen—to what extent on the one hand might that actually be the shortest form of reset of a tenancy? Secondly, as a practical matter, how readily is it anticipated that a landlord would have access to SACAT in order to bring forward that period of six months?

The Hon. A. MICHAELS: Essentially 91A is a deterrent; I think you understand the purpose of that. We are really making sure that a landlord gives a prescribed reason, like they want to move into the property or they want a child to move into the property or there is a renovation, in order to have some level of deterrent for using that reason for illegitimate purposes. Whether that might not actually be the case, that is really the effect of that clause. If it is in the nature of a renovation that might be relatively quick, there is always the prospect of negotiating with the tenant for having the property.

I know many people probably have their kitchens renovated while they are still tenants, and that can happen. But if it is the intention to terminate and do that work and it is a short period of time, it would be for the landlord to go to SACAT for those hearings, I understand, if it is a fairly short period of time. So that is something the landlord could certainly build in to their intention, if they know it is a short period of time and go to SACAT if they need to.

Mr TEAGUE: And really, without banging on about it, I understand the point about its being a deterrent period—six months—and much like some of the introduced parameters it will dictate the way that parties behave. But I just wonder, this might be a really practical set of circumstances.

Bearing in mind we have dealt with fixed terms over a long period of time now, and a landlord might organise themselves more or less entirely good faith arrangements. A landlord might arrange their plans so that they are ready to kick off with desired minor renovations to coincide with the end of the fixed term. They will take that opportunity.

In the current environment they would do that without needing to have any fuss because they would just say, 'Alright, I am not planning on renewing this tenancy. I want to improve this bit and this bit and this bit and then go back to the market and I will see what presents itself.' In the new world, the subject of the bill, the landlord is needing to rely on a prescribed ground in order to bring the tenancy to an end at the end of the fixed term.

Let's say the landlord has the same mindset. They are orderly, they want to go to the end of the fixed term—no surprises to the tenant—and now 60 days worth of notice to the tenant of that intent, leaving aside the fact that the landlord is freshly in jeopardy then of the seven-day departure and that might work itself out potentially if that means, 'Alright, I will bring the renovations forward to the seven days if I can organise the subbies and all that sort of thing.'

Is it not predictable that there will be any number of renovations and any number of those sorts of activities that would meet the requirement that it would be logical to draw upon as a practical means of relying on using the end of the fixed term as a punctuation point to have an end to the tenancy? In those circumstances, is it not predictable that landlords will actually increasingly want to organise themselves about getting pronto in front of SACAT so that they can present the bona fides and say, 'No doubt about it. It was a short renovation but it was incompatible with occupation. It is completed and now I would like to be free of my six-month penalty thanks very much.'

Is there any sense in which SACAT—and we have considered the word 'disproportionate' in circumstances of rent increase—is concerned with the proportion of time, or the relative materiality of the renovation, or really is it just potentially one of those de facto levers that might end up being used if there is actually a desire on the part of a landlord to bring an end to the tenancy at the end of the fixed term?

The Hon. A. MICHAELS: The commissioner notes that with the price of renovations at the moment, it is an expensive way to get rid of a tenant. I think it would lose its deterrent factor if we start going down that path. I think most homeowners would be able to undertake renovations and arrange their life to use a second bathroom or make other arrangements.

If you are a homeowner, you do that when you renovate your house. You do not move out every year to undertake renovations. So I think people will adjust to this, and I think if it is anything less than six months, a landlord will take a commonsense approach and talk to their tenant about it. If there is a need to terminate that tenancy, then that is exactly why we have that ability to go to SACAT, prove their bona fides and be able to go back and rent it.

Mr TEAGUE: I might be repeating or reminding about that question about what those regulations will include. Have I summarised it accurately or are there others that might be in contemplation?

The Hon. A. MICHAELS: We will go and consult on those, but it is largely the ones that we have indicated of taking over the property to live in themselves, or major renovations.

Clause passed.

Remaining clauses (56 to 95) passed.

Schedule 1.

Mr TEAGUE: This is a point against me potentially, but it might be one that is worth elucidating again. This is the amendment to section 69 of the Real Property Act and that qualification to indefeasibility that is the subject of the amendment. My current reading of the clause is that it extends as a qualification to indefeasibility those interests of a tenant the subject of a residential tenancy duration at present not more than one year, that will be extended to not more than three years.

My understanding of the effect of that is that for a tenancy period not greater than three years, the tenant will not be required to take a step to formalise the protection of their interest in the property because it will be an automatic qualification on indefeasibility of the title of the owner, and that that will augur towards three-year terms being just as likely as one-year terms are now for the same reason, and that three years is determined as a good balance point around what is routinely going to be recognised as a qualification without further steps. I guess the first question is whether I have appropriately summarised that.

Secondly, why three years and not five or 10 years or some other number? Thirdly, in circumstances where the overall policy objective of the bill is to augur towards long-term rental, and presuming that the ambition might be that the tenancies are greater than three years in any single fixed-term contract, will this not tend towards three years becoming the outer limit of a fixed-term contract? Are there any other factors that have been borne in mind in that context?

The Hon. A. MICHAELS: The member for Heysen's summation I think is quite a good one of the intent of that provision. Again, this was something raised with us by the Real Estate Institute and requested by them. Getting to the three years was considered, I guess, a good balance. In terms of whether the three years becomes a standard—we have talked about six years becoming the standard because of the maximum liability provisions in the bill—I guess that is for landlords to decide as to what they are comfortable with and what interests they are trying to protect and what they want to do with that.

As I understand it, examples provided by REISA are, at the moment, leases over 12 months have a tendency for tenants to lodge a caveat. I have not seen that in practice, but that is what has been advised to me, so we want to extend that out. They have asked for that. We have landed on three years as a good balance. But your understanding of it is correct.

Schedule passed.

Long title.

Mr TEAGUE: I just take the chance to make that overall observation again, I suppose, of the substantial changes that are the subject of the bill, particularly in terms of the really very comprehensive moving away from the notion of a fixed-term residential tenancy of really any duration. That is a really very consequential shift. It is one that has been deliberately placed at the core of these changes, and I have made the observations in a variety of contexts throughout the course of the debate on the bill.

Again, just to highlight how important that is, we have noted that the act will still provide for what are said to be essential terms of a residential tenancy agreement, and core to those is the term, as it always has been. I just make it very clear that we might in the future be better moving to characterising the fixed term more in terms of a punctuation point for further negotiation or, otherwise, setting out some sort of sense of the expected primary duration of the tenancy as some expression of the intent of the landlord and tenant at the outset. There have been numerous observations about the clash involved there with basic principles of freedom of contract, despite the context in which the act has treated fixed-term contracts in the past. So that is one very substantial departure.

In the course of my observations in the second reading I was keen to deal, on the one hand, with the particular contractual provisions that will now be incorporated in this way into each and every residential tenancy agreement by virtue of the contents of the act, and the consequences for the market incentives to invest, and availability of rental, and so on, in the broader picture on the other, which is necessarily a matter for some speculation and uncertainty. Concerns have been raised about the extent to which the shifting of the dial in this respect, to really leave substantial decisions about the extent and duration of a tenancy in the hands of a tenant, and how that will augur in terms of the nature of the rental market over the period ahead, are things that will necessarily remain to be seen in important ways.

A commonsense observation that occurred to me in thinking about where this might leave the rental market is one that was also made by the institute in terms of predicting what landlords might do—landlords particularly who are wanting to control when and how and where their premises are let. The anticipation of a shift to letting for short-term accommodation purposes—Airbnb, and so

on—as a result of these reforms being introduced I think is something that will need to be monitored closely, and we have seen, obviously, this debate occurring in circumstances where there is pressure on for the debate about capping of rents and other forms of intervention into what has been very much a private and contractually based market over a long period of time. So I just note those rather fundamental changes that are part and parcel of the overall reform.

I reiterate again that there are substantial parts—some of them were not addressed in any particular detail in the course of the debate—that are reflecting considerable work and are welcome, but those matters that have been addressed in some detail in the course of the committee are particular matters of controversy. I certainly will look to the government to keep a close eye on the health of the market generally and be willing to continue the reform process so as to ensure a healthy and productive residential tenancy market into the future, including any necessary future amendments. I thank the Chair and the minister for the opportunity in the course of the committee.

Long title passed.

Bill reported without amendment.

Third Reading

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (21:14): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 21:15 the house adjourned until Thursday 16 November 2023 at 11:00.