HOUSE OF ASSEMBLY

Wednesday, 28 August 2024

Parliamentary Procedure

SPEAKER, ABSENCE

The CLERK: I inform the house of the absence of the Speaker. Pursuant to standing order 17, the Deputy Speaker to take the chair.

The Deputy Speaker took the chair at 10:30.

The DEPUTY 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 DEPUTY SPEAKER read prayers.

VISITORS

The DEPUTY SPEAKER: Before we move into business, I welcome officers from the Legislative Assembly and Legislative Council of the Parliament of New South Wales who are visiting our parliament this week as part of an exchange program between our two parliaments. From the New South Wales Legislative Assembly are Isabella Azzena, Senior Parliamentary Officer, House and Procedure, and Hugh Duffield, Parliamentary Officer, House and Procedure. From the New South Wales Legislative Council—that is the other place we do not normally talk about—is Justin Mangos, Principal Council Officer, Procedure Office. We also have Robin Howlett, Administration Officer, Procedure Office.

Bills

CONSTRUCTION INDUSTRY COMMISSIONER BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 March 2023.)

Mr TEAGUE (Heysen) (10:37): I rise to support the bill at this time to urge the house to progress debate to vote on the bill today and to take the opportunity to pass this bill into law. The Construction Industry Commissioner Bill 2022 tells a story in its title. It has been with us now throughout the course of this parliament, and it arose in circumstances of what were credibly described as looming clouds over the construction industry in this state now more than two years ago.

I will turn in a moment to the prescient words of Will Frogley back in 2022, and then this house ought to take very seriously the words of wisdom of Will Frogley expressed in July of this year of what has, in fact, come to pass in terms of the difficulties that have beset the construction industry and construction sites, the result of the very vices that Will Frogley was flagging two years ago. Let me just make it very clear: this bill is not a piece of legislation that is somehow about union bashing or indeed—

Members interjecting:

Mr TEAGUE: I hear some sounds opposite; I am very sincere in that regard. This is not a bill that is essentially about union bashing or, indeed, going to the necessary work that now confronts both the state and the commonwealth in terms of getting to grips with what has been truly extraordinarily intolerable, allegedly criminal thuggish behaviour of one union in particular, the CFMEU—and more about that in a moment.

This is about establishing a commissioner—just have a look at clause 7 of the bill—whose purposes and functions are all about fostering a healthy and thriving construction sector in this state, something that we all ought to be able to embrace and get behind and, indeed, in the present circumstances, something that the Malinauskas Labor government might do well to take as an opportunity to turn around what it has acquiesced with for the entire period in which it has been in government, indeed, going back before that because, of course, state Labor here in South Australia has been on the take from the CFMEU since before the election.

The CFMEU provided a donation in cash of $125,000 to SA Labor and it took until August of 2022 for Malinauskas Labor to return the donation. So we know that state Labor has been in receipt directly of donation from the CFMEU and that donation has had to be returned, and that was the story of 2022. We know what went on in parallel—and I am not being in the least bit inflammatory in this respect—we are seeing in the context of legislation that the state Labor government wants to bring to this place the regulation of political donations because we saw in parallel to that donation of $125,000 from the CFMEU to state Labor a concerted campaign by the CFMEU run in parallel which any interested observer would have no difficulty in identifying as having made a significant contribution to the campaign at the last election.

So state Labor knows all about what it is like to be closely understanding, working in close association with and being the beneficiary of union activism and that particular union about which Will Frogley had, among so many others, belled the cat very early and we saw his words of wisdom in recent weeks.

Let me refer—this is particularly important—to remarks of Sir John Carrick back in 1986 in the federal parliament. He, as is well known, is a legend of public life and he always made the point, up front and centre, when dealing with matters of regulation in the trade union movement that trade unionism in Australia is something that ought to be understood, its place ought to be recognised and its proper role ought to be allowed to thrive. Let me quote from Sir John Carrick's contribution to the debate in the federal parliament in the Trade Union Training Authority Amendment Bill of 1986. He said, regarding trade unionism in Australia, that what we need to do in looking at the bill and those matters that relate to trade unionism in Australia is to:

> …ask ourselves what role should be played by trade unionism in the future. We ought to face up to the need to eliminate the extremes. However, we should fundamentally preserve that role which was designed in the past for trade unionism. That role, of course, was an industrial one; it was not political. It was not a role of interference with management. It was a role which was designed to help union officials ensure that members of a union should have good working conditions in terms of monetary reward, amenities and, of course, the environment in which they work. In fact, over decades trade unionism has brought a considerable benefit to the people of this country.

He goes on and it is not his only remarks. I commend the contribution of Sir John Carrick in terms of characterising the proper role of trade unions. But what we have seen in this state and in the nation over the two years that this bill has sat on our *Notice Paper* is the very opposite of what Sir John Carrick describes as the proper role for trade unions. What we have seen is the application of thuggery to the distortion of the construction industry, and absent this commissioner being able to be a point of reference for those who would highlight such bad behaviour, the problem is that the rot has set in over these two years.

What did Will Frogley have to say back in 2022? Will Frogley saw it coming. He said back in November 2022, in warning that bad behaviour would ramp up in SA:

> Reports are that we're already seeing it on sites in South Australia…
>
> There's a lot more pressure on people in construction in South Australia to do what the union wants (them) to do, whether that's being a member (or) signing up to their agreement.
>
> He said the union had been 'emboldened' and were 'flexing a bit of muscle'…
>
> The concern now is 'are there going to be consequences for breaking the law without a specialist watchdog?'

That was 2022. What did Will Frogley have to say on 15 July 2024, in a piece that I commend to all members? He said, and this was published in the South Australian press:

> I've seen evidence of at least one SA CFMEU representative brazenly standing over a local business recently.

The message was simple: If the business didn't ensure his workers joined the union they wouldn't be allowed on work sites. The business would also miss out on future contracts.

That's where we're at now in SA.

It is a disgrace. Will Frogley has called it out. We on this side are calling it out. We need to do better in this state to ensure that a union such as the CFMEU does not go around flexing its muscles insisting that you join the union or you are out, and insisting that there be these distortion effects on the industry, with the result that we know that we are seeing construction costs go through the roof. We know that we see workers, contractors and participants in the industry living in fear of the consequences of them not toeing the line from this sort of behaviour, and we see the very opposite of the proper role that Sir John Carrick so well articulates for unions in this country.

In these particular circumstances, a bill that has been on the *Notice Paper* for now the bulk of this parliament ought be progressed and passed today. At the very least, if the government will not do that, it ought to commit to bringing its own legislation to this parliament and having it pass so that we can have such a commissioner active in this state as a matter of urgent priority.

Ms HOOD (Adelaide) (10:47): I move:

That the debate be adjourned.

The house divided on the motion:

Ayes 21
Noes.....12
Majority 9

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Cook, N.F.	Fulbrook, J.P.
Hildyard, K.A.	Hood, L.P. (teller)	Hughes, E.J.
Hutchesson, C.L.	Koutsantonis, A.	Michaels, A.
O'Hanlon, C.C.	Pearce, R.K.	Picton, C.J.
Savvas, O.M.	Thompson, E.L.	Wortley, D.J.

NOES

Basham, D.K.B.	Batty, J.A.	Brock, G.G.
Cowdrey, M.J.	Cregan, D.R.	Ellis, F.J.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G.
Pratt, P.K.	Teague, J.B. (teller)	Telfer, S.J.

PAIRS

Malinauskas, P.B.	Whetstone, T.J.	Odenwalder, L.K.
Tarzia, V.A.	Stinson, J.M.	Hurn, A.M.
Szakacs, J.K.	Gardner, J.A.W.	

Motion thus carried; debate adjourned.

Motions

BICKFORD'S AUSTRALIA ANNIVERSARY

Mr BASHAM (Finniss) (10:56): On behalf of the member for Chaffey, I move:

That this house—

(a) recognises that a proudly Australian family-owned business, Bickford's Australia, will celebrate its 150th anniversary in 2024;

(b) congratulates Bickford's Australia for reaching this remarkable milestone and acknowledges its legacy and historical connection with South Australia;

(c) celebrates this iconic local business for its outstanding business success and innovation to becoming a globally recognised brand and acknowledges the family's vision for manufacturing in South Australia;

(d) notes the significant positive social, cultural and economic impacts that Bickford's Australia has had for the manufacturing sector, beverage production industry and wider community; and

(e) recognises Bickford's Australia for their continued efforts to keeping their production and employment local and for maintaining their status as an Australian family-owned and managed business.

It is a privilege to rise to speak about Bickford's, a very important South Australian company and a very important Australian company. Bickford's is Australian-owned, proudly family-owned, and is celebrating its 150th anniversary, an absolutely remarkable milestone and a legacy going back with course, deep roots in South Australia.

A bit about the history: Bickford's began its story in 1839 with William and Anne Bickford. William, who was apprenticed as a druggist and veterinary assistant in England, set sail for South Australia in 1838 with £10 and the dream of becoming a sheep farmer. He met his wife, Anne, on the voyage and they married shortly after arriving.

The price of sheep made it too expensive to be a farmer and instead he focused on his apprenticeship. In 1839, William and Anne opened their first shop in Hindley Street where they made and sold medicines for both people and animals, as well as tonics and household items such as pickles, sauces and soaps. They cornered the market for fresh River Murray leeches which were a common remedy at the time.

In 1845, William began experimenting with creating lime juice. There was a lack of fresh fruit and vegetables largely due to transit spoiling and a lack of experience growing crops. William used brown limes from the Caribbean that were deemed inedible, and this led to the birth of the iconic Bickford's lime juice cordial that we all enjoy today. At that stage, they were hand-bottling and labelling 84 bottles per day.

William sadly passed away from pneumonia in 1850 at the age of 35. After his death, Anne took over the business until their sons came of age. In 1874, A. M. Bickford & Sons was established, which was the start of the commercial business we know today. Anne remained the figurehead of the company, which was unprecedented at the time. She led an incredible legacy with her sons. They:

- opened a factory in Waymouth Street;
- bottled 1,500 bottles per day through gas and horse-powered equipment;
- opened showrooms and a second office in Perth;
- began overseas exports in 1881; and
- launched coffee syrup in 1919 to combat the shortage post World War I, still a staple item of Bickford's range today.

The company changed hands many times throughout the 20th century. The head facility was moved to Port Road in 1930, manufacturing beverages and medical and dental equipment. It moved again in 1994 to larger premises and, finally, into its current location in Salisbury South in 2007.

Bickford's today is Australia's best-selling premium cordial. It is headed by managing director Angelo Kotses. It is Australia's fastest-growing premium juice range—22 flavours, with 80 per cent of the market share. The Salisbury factory produces lime cordial at 13,500 bottles per hour, with no manual intervention from liquid batching to label application.

A production of 400 products across 35 trademarks—cordial, carbonates, alcohol, flavoured water, dairy and alternatives, coffee syrup, etc.—is all part of their range. It also owns the 23rd Street Distillery at Renmark, with a premium liquor range: gin, brandy, vodka and whiskey. It owns Beenleigh Distillery, Australia's oldest continuously operating distillery—140 years this year. It also

owns Beresford Estate Winery at McLaren Vale, the Vale Brewing Restaurant and Bar at McLaren Vale, and 90,000 trees in a pomegranate orchard in the Murray Valley.

They employ more than 100 people at the Salisbury South head office and 150 personnel at sites across Australia. They export to more than 45 countries globally. Facilities house eight production lines, including an aseptic filling line, one of the only lines of its kind in the Southern Hemisphere, and is one of the only beverage companies in Australia to blow bottles and fill them on site. It is certainly an amazing company and does amazing things. It is a great credit to all those who have been involved over the time.

In 2024, they released six anniversary cordials as part of their celebration, a creative blend of nostalgic flavours with a Bickford's twist. It is certainly an amazing company, with an amazing ability to perform and grow, an amazing history of a family coming to South Australia and growing their business to see what it is today and to see how successful they have been. It has been a privilege, with my connections and when I was Minister for Primary Industries and Regional Development, to have been involved and see the work they were doing up at the distillery at Renmark, as well as the Vale Brewing Bar in particular. It is certainly a great credit to the company of today. They are continuing to build on their history. I will leave my remarks there.

Ms PRATT (Frome) (11:03): I rise today to speak to the motion, recognising Bickford's 150th anniversary being marked this year in 2024, noting that they are proudly still an Australian family-owned business. I take this opportunity to quite shamelessly plug and promote a brand that has been and continues to be a part of our own Pratt family tradition.

I have not known a day in my life where there was not a bottle of Bickford's brown lime cordial on the kitchen bench. To expand further on this topic is to provide insight into my own drinking habits, which have habitually revolved around this delicious elixir. To come inside from a hot day moving sheep or checking troughs meant unlimited glasses of brown lime cordial and ice cold water. To maximise the zing of a fresh lime off the tree, I would fashion a glass of nose-popping soda water with generous lashes of lime cordial, and that always hit the spot.

To enhance the mood, one can add vodka for that evening aperitif to make the classic vodka, lime and soda. But let me be very clear: many a bartender has been told by me that a lime wedge is not enough. If the cordial is not Bickford's, then you can forget about it. If you are making a punch, whether it is kid-friendly or for adults, then you cannot go wrong with a glug of tropical juice. While I note there are other anniversary editions, it is brown lime cordial all the way for me.

While these light-hearted reflections are very much a part of my family's history of this delicious product, it is the history of the Bickford's company that we acknowledge today. I thank my friend and colleague the member for Chaffey for bringing this special anniversary to our attention today. The member is resolute in his own advocacy of our unique South Australian brands and icons, and rightly so because there are so many to celebrate, but behind their successes are the trials and tribulations that go with building a brand and establishing that brand amongst competitors.

Bickford's trace their roots back to 1839, when William and Anne Bickford opened and operated an apothecary on Hindley Street, just a stone's throw away, and grew it into a respected family business. In 1874, following the death of William Bickford, the business would evolve into what is known today and developed the first Bickford's cordial as well as aerated waters. That very special lime juice cordial was one of the first products and remains a flagship of the Bickford's range.

After several changes of ownership during the 20th century, Bickford's was acquired by its current owners in 1999 and maintains its long-held status as an Australian family-owned and managed business. In 2006, Bickford's original design for the lime juice cordial was recognised by the National Trust of South Australia as a heritage icon, and rightly so.

Today, Bickford's export to more than 45 countries. Their business produces more than 400 products. In Salisbury—where we can also find the iconic R.M. Williams manufacturing plant, which I celebrate and recognise with a local connection to Frome—that lime juice cordial is produced at a rate of 12,500 bottles per hour, I am told.

Brown lime cordial is unique to South Australia, respecting the original liquid and the story of its inception. Bickford's brown lime cordial achieved that South Australian heritage in 2009, as I

mentioned. While it is interesting to note perhaps that in other states Bickford's lime cordial is greenish in colour, I have discovered, in a horrifying realisation, that in WA the brown lime cordial sitting on the shelf is pale in colour and, quite disconcertingly to me, looks like the diet variety. I appreciate that the diet products exist, but it is the original all the way for me.

Today, under the guidance of managing director Angelo Kotses, we continue to celebrate this fantastic icon. Bickford's have a group portfolio 400 strong. It is recognised as Australia's bestselling glass-bottled cordial range. The original iced coffee syrup from 1919 and Australia's original liquid coffee product set the standards for South Australia's love and fascination with iced coffee. Within its stable is also the 23rd Street Distillery, which has, as we know, a premium liquor range of gin. I was happy to be up in the Riverland in Renmark at 23rd Street Distillery over the weekend, celebrating with rural doctors. They chose a prime location for their awards night.

In this economic climate, the opposition certainly recognises that there is enormous pressure when it comes to the cost of doing business. In this current economic climate, we are seeing soaring power prices at a time when we all need our businesses, from small mum-and-dad shops to big, iconic brands like Bickford's, to flourish and thrive. One hundred and fifty years on, Bickford's have witnessed much economic and global turbulence, but their reputation stands the test of time. In the Pratt household, I am happy to say, at a minimum, that the Bickford's legacy lives on. I commend this motion to the house.

Ms HOOD (Adelaide) (11:09): I rise in support of this motion and wish to congratulate Bickford's Australia on their 150 years. I had the pleasure, with the original mover of the motion, the honourable member for Chaffey, of attending the celebration, along with a number of my colleagues, at the Art Gallery of South Australia. It was really a fitting celebration for such an iconic South Australian brand.

The Bickford's story started in Hindley Street, in my community in the City of Adelaide. The Bickfords opened an apothecary on Hindley Street, where they sold medicines and tonics as well as household items, such as pickles, sauces and soaps. It grew to become a thriving and respected family business. In around 1874 they began the production of cordials. One of the earliest cordials ever made was, of course, their lime juice cordial, which is iconic and very famous and remains one of their bestsellers today.

I am not sure if this is a country town thing, but you do not just get served Panadol when you are a sick kid in the country. My mum would heat up Bickford's lime cordial with a dash of hot water, and that would cure all various ailments in my family. There were always numerous jars of Bickford's lime cordial in our pantry at the farm at Bool Lagoon and also in Naracoorte.

I also want to congratulate the managing director, Mr Angelo Kotses, who began working at Bickford's in 1992. In 1999, the family purchased the business, transforming it into a successful national and international business and a household name. It now boasts sales offices, wineries, vineyards, tasting pavilions, distilleries, farms, visitor centres, restaurants and accommodations all around Australia. Yet, amidst their expansive reach, Bickford's have stayed committed to their roots and have kept their support centre and main manufacturing facilities in South Australia, for which they should be congratulated and commended.

It is so important that we take these moments to celebrate iconic South Australian companies such as this. It is something we have been doing, and just over a week ago we had Buy SA Week. It is just a reminder to all South Australians that, if you can just change one dollar of every $20 of spending from overseas products and switch it to South Australian-made brands, we can funnel millions of dollars into South Australian businesses and products and to our producers and farmers as well. So, next time you are at the supermarket and you feel like a bit of a sweet treat, make sure you go straight to the cordial aisle and buy Bickford's cordial. Congratulations again to this iconic South Australian brand on 150 years.

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (11:12): As the local member in Ramsay, I am so pleased that Bickford's made Salisbury their home, moving there in the early 2000s and of course establishing their production facility a few years later. When they moved, Angelo Kotses said this:

Bickford's Australia's world class beverage manufacturing has been part of South Australia's heritage since 1839.

Our products range from waters, juices, iced teas, to the world famous Bickford's cordials. Recently, we had a choice to move our new production operations to either the north or south of the Adelaide business district. We chose Salisbury in the north, because the Council there had been exceptional to deal with in terms of planning approvals…

Being located in Salisbury means we are close to our major customers and we have ease of access to a Council that will continue to work with us to further grow our business in the region. For Bickford's everything adds up, Salisbury is the perfect location.

Since the great decision of Bickford's to move to Salisbury, we have seen many other operations that have been established there and have grown; R.M. Williams, for example. Of course, in just a few months, Haigh's will also be relocating their manufacturing facilities to Salisbury. Can I tell you, that Facebook post, when I heard the chocolate factory was moving, received the most likes I had ever had.

We have heard today about this 150 years of history. It is a great South Australian story. I have had the opportunity to meet with Angelo at two of the facilities on many occasions. Of course, the exports to more than 40 countries have been widely established for many decades. The online sales at Sippify have also added to their strength.

I also want to take the opportunity to recognise their areas of investment in the tourism industry, particularly with Beresford Estate, which has accommodation and, of course, wine tasting as well. One of my absolute favourites is 23rd Street Distillery, both in Renmark and North Adelaide. It is a great visitors' centre telling about the history, particularly about brandy and other things. It is a great asset to the Riverland.

One of the things that we want to do is recognise that Bickford's supports lots of local events. They have been a notable community partner in the popular Salisbury.RUN event, and I really thank Bickford's for continuing to commit to South Australia and, of course, our northern suburbs. It is something important to recognise when people commit to our state and do not just commit but continue to be entrepreneurial and innovative. Can I say to Bickford's: happy 150th birthday.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (11:15): I want to also congratulate Bickford's on their 150-year anniversary. It is a very much significant milestone for South Australia's business sector. It is one of our most iconic and beloved companies not only in this state but around the country. For 150 years Bickford's has been more than just a brand in South Australia: it is really an important part of our local economy and a real testament to the entrepreneurial spirit that we see across the state, not only from the original Bickford family but the Kotses family since they have taken it over.

Obviously, Bickford's began in 1839 with William and Anne Bickford opening on Hindley Street with their original products of medicines, tonics and other household items and then moving into drink production, which began in 1874. That was the start of the legacy we now know as Bickford's.

What we have seen since Angelo and his family took it over in 1999—Angelo joined the company in 1992 but took it over in 1999, purchasing the business—is that he has really transformed Bickford's into a national powerhouse and also an exporter as well. It really has become a household name not only across South Australia but across the country and, I think, a real symbol of what can be achieved in business here in South Australia with the right plan, the right business acumen and that dedication that we have seen from the Kotses family.

I was very fortunate to be at the 150th birthday for Bickford's at the Art Gallery earlier this year, and we can certainly say with confidence that the Kotses family's leadership has been instrumental in continuing that Bickford's success story through the years.

I do want to offer my very deep condolences to Angelo and his daughters on the recent passing of Mary. She was obviously a very treasured and cherished member of the community, known as a very kind and vibrant woman, and I know her loss is deeply felt by everyone who knew her but in particular Angelo and his daughters. I want to pass on my thoughts and prayers to the Kotses family during this very difficult time.

Bickford's are, of course, recognised not just around Australia, as I said, but around the globe, really representing the best of South Australia. From their very expansive range of beverages, including one of my favourites, the lime juice cordial, they have maintained the highest standards in their beverage production. It really is that dedication to excellence that has won them accolades and awards and really solidified their reputation as a leader in the beverage industry around the country. They are continually adapting and continually changing their product line to suit consumer needs, and it is that innovation that I think really stands them in excellent stead.

From my personal experience in business and through all the businesses that I have got to know as the Minister for Small and Family Business, it really is that innovation and that diversification that are so important to a successful business. Bickford's demonstrates that time and time again, continually introducing new product lines. In fact, they released six new celebration flavours to mark their 150th anniversary, from lime spider to mango coconut splash, one of my favourites of that range in pink lemonade, creamy soda, raspberry ripple and strawberry lime crush. There is some excellent new product out there, so if anyone wants to buy a little bit of Bickford's those celebration flavours are worth trying.

Bickford's is a shining example of how a family business can make such a significant contribution to our local community and our local economy. It is tough to be running a business, with sleepless nights, tough decisions, and that relentless pursuit for growth and stability. It is no mean feat, and I really want to congratulate the Kotses family, and the Bickfords before them, on such an impressive journey in their business success story. For 150 years they have weathered the hard times and they have emerged stronger, they have absolutely maintained their commitment to quality and their dedication to our community, and it is truly inspiring.

Of course, they have expanded around the country with various offshoots of their business, with tasting pavilions, distilleries, restaurants and vineyards. The Kotses family are incredibly entrepreneurial. They have a workforce of over 300 people around the country, but they have stayed committed to sourcing local ingredients wherever they can and supporting our local farmers and our local businesses, which I think is highly commendable. That sort of commitment to local ripples through the South Australian economy and is something that we should be very proud of in the Kotses family.

Of course, these products are a staple in our homes. We all have a Bickford's cordial in our pantry or in our fridge, and I think it is something that many of the members here will have grown up with, and their children are, no doubt, adopting as well. I want to express my heartfelt congratulations to the entire Bickford's team, past and present, on meeting this incredible 150-year milestone. Their sheer hard work and dedication, and their continuous commitment to excellence, has made Bickford's a household name. Again, congratulations and happy 150 years to Bickford's.

Mrs PEARCE (King) (11:22): I would also like to add my thanks and congratulations to Bickford's on an incredible achievement of 150 years. It has been really interesting to hear everybody's preferences of Bickford's products in their households. It sounds like lime cordial has been a strong frontrunner, but I will admit that I am an iced coffee girl. There is nothing better in the summer months than to be able to make an iced coffee, thanks to Bickford's, and adding just a little bit of Golden North ice cream to that as well.

I had the great pleasure of visiting Bickford's a couple of months ago with the Minister for Trade and Investment to catch up with Angelo and the fantastic team there and hear about all of the work they currently have underway. I am really blown away by all of the phenomenal work they do. They are revolutionary in what they do, and they adapt to get things done. I want to thank them very much for the work they do and for their fierce support of investing in regions and also, of course, their fierce support of showing the world just what South Australia can do. I understand that is across 47 countries now, which is absolutely phenomenal.

However, what is most important, and what I would really like to highlight to the chamber today, is the amazing way that Bickford's works as a team. They are more than a team, they are more than an employment place, they are a family. They dream big and they get things done. With that in mind, thank you for everything that you do, and congratulations on such an impressive milestone.

Ms SAVVAS (Newland) (11:23): I, too, would like to rise to celebrate the 150th anniversary of Bickford's. There is no better time to do it than off the back of Buy SA Week, which was last week, when so many of us were out in our communities celebrating the wonderful South Australian businesses that we are all so proud to support.

Personally, I get most of my South Australian products from a little fruit and veg shop at St Agnes Shopping Centre called Frankie and the Grocer. They have a full section on the side with South Australian products where you can find Kytons Bakery, Billson's cordial and all different South Australian products. I am really proud to support that local business when looking for South Australian made.

Like many of the other members in this chamber, I too have celebrated Bickford's this year in my own way in my community. I would like to call out one of my favourite organisations and that is, of course, the volunteer group that runs the Tea Tree Gully Heritage Museum. This year, the Tea Tree Gully Heritage Museum celebrated 170 years of its building. A lot of people talk to me about my community as if it is newly established. Many of the areas, particularly down in Modbury, for example, have only been there 40-odd years, but up at the Hills face, sort of on Perseverance Road, we have a number of buildings that have been there for a very long time, which existed in the former village of Steventon in what we call the Tea Tree Gully historical precinct.

At the Tea Tree Gully Heritage Museum, which was formerly the old Highercombe Hotel, this year we celebrated 170 years of that building but also significant milestones and birthdays of other South Australian organisations. We had a lovely Sunday afternoon celebration. We had 100 years of the Garford Fire Truck, which was there. We celebrated 180 years of Penfolds. There was wine, of course, much needed at a celebration like that one. We also celebrated 150 years of Bickford's and were all given the opportunity to taste the new anniversary editions of Bickford's cordial. That was, I believe, given to the museum as a donation from Bickford's so that we could celebrate those milestones of the South Australian brands and also South Australian community groups such as those that volunteer at my beloved museum.

I found it really interesting hearing the stories from the members for Frome and Adelaide about their experiences growing up with cordial. I am happy to confirm that I had never had lime cordial until I was an adult. I actually have a very different story, but similar, to the member for Adelaide's. We grew up with blackcurrant cordial. There was always blackcurrant in the pantry. At nana's, if you were sick, you would get a glass of hot blackcurrant. Again, I had not heard of the hot lime version, but when we were sick we would have a little bit of Bickford's blackcurrant in the bottom of the cup with boiling water filled to the top and you were only allowed to have it if you were sick.

For some reason, when you were not sick we had to have our blackcurrant cold, but if you were unwell you were allowed to have hot blackcurrant, which was a real treat. That was something that we always grew up with in the house, both with mum and at nana's house. I must admit, it is still in my house to this day. I am in this habit of always buying a bottle of Bickford's blackcurrant to have at the back of the pantry just in case I, or any guests, happen to be unwell.

It is really interesting how you get into these sort of family traditions and do not even think much of it. Now I always have a bottle of lemon, lime and bitters cordial and also the blackcurrant at the back in case I am not feeling myself. I think that says a lot about the way that South Australian brands, such as Bickford's, actually permeate into the consciousness of families and become part of family traditions in South Australia.

It is really interesting for me hearing the variance of that same story by the member for Adelaide talking about a hot lime cordial when she was unwell, with my family and I having hot blackcurrant cordial when we were unwell. I think it says a lot about the reach and also the influence that a company such as Bickford's has had on South Australian families in a way that perhaps we do not even think of at times. It was not until I heard the other members' stories that I have even really thought about that tradition and what it has meant for us.

It is a really important occasion today to be celebrating Bickford's and to be thanking Bickford's. I am particularly thankful for the pink lemonade anniversary cordial. I hope they continue that one for years to come because that, of course, has also made its way into my pantry, whether I

am well or unwell, and I really enjoy that one. I would like to say a very big happy birthday, happy anniversary to Bickford's.

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (11:28): I am pleased to have the opportunity to speak briefly on this motion acknowledging 150 years of Bickford's. I was very fortunate to represent the suburb of Salisbury South where the Bickford's manufacturing plant resided for four years between 2018 and 2022, and visited there with Angelo Kotses on a number of occasions to tour the facility and talk about the things they were doing. I got to know Angelo very well. He has provided me with a lot of really important and valuable advice over the years, and we still speak quite often. What he has done there in terms of the growth in Bickford's is pretty remarkable and one of the great success stories, I think, of any local manufacturing company in South Australia when you consider where things were before Angelo came on board.

One of the things that first struck me upon visiting the plant there in Salisbury South for the first time was the incredible breadth of labels that actually fall under the Bickford's banner that I had no idea were Bickford's products. There is Vok, a whole heap of other things that are staples in our supermarkets and other stores as well, and homewares brands that Bickford's has branched out into as well that exist not just here in South Australia but also interstate. It is a remarkable story and a fantastic story of local employment, of course, right there in Salisbury South.

I was very pleased recently to join some of the other people who have spoken to this motion this morning at the event in the city acknowledging 150 years of Bickford's and pay my respects to Angelo and the rest of his team and thank them for all they have done. I know that the member for Enfield mentioned previously that Angelo has recently lost his wife after a long time. I want to pay my respects to Angelo and to Mary as well. I know that they were incredibly close and Angelo is obviously doing it pretty tough, I think, at the moment. I wanted to make mention of that, but more than anything else take the opportunity to talk about a very proud South Australian company that is doing incredible things.

I think we have the tendency sometimes—particularly post car-making and automotive in South Australia and the decline of that post the closure of Holden—to not so much think of ourselves as a manufacturing state as much as we used to be. We spend a lot of time, as we should, talking about the opportunity that AUKUS presents our state, but there is still a lot of amazing manufacturing that goes on already. Bickford's is a fantastic example of that, using local produce and marketing it to not just our state and Australia but the rest of the world as well.

It is important that we use occasions like this motion today to actually highlight those fantastic stories. I am very pleased to have the opportunity today to speak, as someone who formerly represented the area and is a big supporter of Bickford's and all the work that Angelo Kotses and his team have done.

Mr BASHAM (Finniss) (11:32): Firstly, I would like to thank the member for Chaffey for putting this motion on the *Notice Paper*. Unfortunately, he was not able to be here this morning to move the motion, but certainly he has great admiration for Bickford's and Angelo in his management of the business.

It is a great legacy and a remarkable legacy for South Australia to see this company and see how it has grown. It is very much a social and cultural icon and part of this state. It delivers quality products right around the world. A big congratulations to them on their 150 years, and a big thankyou to Angelo Kotses and family.

As the two ministers commented, it was very sad to read the news of Mary passing only last month. It was very much about teamwork, and Mary's work in homewares and her business was also very important to South Australia. To lose Mary in such an important year just highlights how wonderful the business is to be able to actually reflect on what they have done in their time in control.

A big congratulations to Angelo and family. Keep going with the efforts in the production of Bickford's products. It is certainly an important part of South Australia and I am very privileged to be able to move this motion.

Motion carried.

ADELAIDE MARATHON FESTIVAL

Ms HOOD (Adelaide) (11:34): By leave, I move my motion in amended form:

That this house:

(a) acknowledges that Sunday 25 August marked the 46th Adelaide Marathon Festival, South Australia's premier running event that runs along all the scenic locations of Adelaide's CBD;

(b) congratulates the organisers and participants of this year's festival and recognises its long-term success, given it is one of the only races in Australia that was held during the heights of the COVID-19 pandemic, in a safe setting;

(c) acknowledges the rise of community running clubs, parkruns and running festivals across South Australia, and how they contribute to more active, connected, healthier communities; and

(d) acknowledges the many volunteers across our state who allow these clubs and running events to happen.

Just for the information of the house, the amendments there were just changing in (a) the Saturday to Sunday, in (b) adding the word 'the' after 'during the heights of' and, also in (a) removing the final letter 'e' from premiere.

On Sunday, my alarm went off at 5am, but I was not upset about that because it meant that I was getting up bright and early to head to the Adelaide Marathon Festival at Adelaide Oval. The festival features the marathon, half marathon, 10km, 5km and the kids' run, and it is organised by the tremendous South Australian Road Runners Club. While many of the capital city marathons are actually run by major event companies, this is a marathon festival still run by a not-for-profit volunteer running club, so what they achieve is just absolutely incredible.

I want to congratulate Adam Taylor and Jeremy Zieseniss, and all of the other organisers and volunteers on a terrific morning. Thanks to their amazing sponsors, partners and charity partners. There is PREPD Hydration, Aussie Home Loans, RunDNA, OzHarvest and also the government of South Australia who help make this day happen.

A special mention to the Indigenous Marathon Foundation. It was great to have the 1983 marathon world champ Rob de Castella at the event supporting the IM Foundation's amazing athletes. There was just so much joy on Sunday morning amongst all of those athletes as they prepared to run.

There was also some Olympic star power at this year's festival. Jessica Stenson was at the festival. She has just returned from Paris. Jess and I both grew up in our hometown of Naracoorte, and attended Naracoorte Primary School, running the cross countries there. I can tell you with absolute certainty that I was not as fast as Jess. Seeing her lead the marathon during the Paris Olympics was just so incredible, and we are so proud of her for coming in at 13th. But having just returned from that incredible experience with so much training, the fact that she gave up her Sunday morning to come down and support the Adelaide Marathon Festival really is just a testament to the kind and caring nature of Jess. She was actually a pacer in the 10km run, which I am sure for Jess is pretty much the equivalent of a leisurely Sunday stroll.

To all the runners, you came out in droves, and you gave it your all. I would like to inform the house of the following winners: for the 5km race in female, it was Victoria Bath, Rosamond Gilden and Indiah Staniford; in the males it was Ben Van Raalte, Patrick Hunt and Finlay Crisp; in the 10km female Izzi Batt-Doyle, an incredible Olympian herself, Georgia Wilson and Sophie Morphett; in the males Adam Goddard, Adrian Potter and Thomas Elfenbein.

In the half marathon—this is where things start getting serious—in the females it was Tara Palm, Penny Townshend and Emma Kraft; in the males it was Jacob Cocks, Frankie Conway and Matthew Smith; then for the marathon—I cannot even imagine running this far—for the females it was Acacia Wadham, Georgia Darcy and Amelia Spring, and for the males Kaleb Laker, Fraser Darcy and Ryan Waddington. It was just incredible.

Many of the runners on Sunday are also part of local running groups, and so I wish to acknowledge them today and the enormous contribution they make to our community. In my suburb of Prospect, we have the Prospect Run Club. Their motto is Running for No Reason. It was started

up a few years ago by a group of local dads just for fitness and for friendship, and promoting mental health, so to all of those who are part of our beautiful run club—Mikey, Renee, Zols, Pup, Clutsy, Dave, or the Beacon as they call him—there are just so many people involved in making this club special.

What started with just a few dads on a Friday morning has now exploded to more than 100 runners every Friday at 5.30am. Sometimes I am there trotting along next to them. They also do intervals on Tuesdays and a long run on Sunday mornings, all ending up at our fabulous Cotto coffee shop on Prospect Road. So there is that element as well of our run clubs really supporting our local cafes and coffee shops.

A shout-out goes to the Walkerville Run club. They run from the former YMCA site on Thursday mornings at 6am. Thank you to Natalie and everyone involved with that wonderful run club. We are lucky enough in my community to have three amazing park runs. I give a shout-out to all the volunteers who make that happen, from the timekeepers, walkers, scanners, those providing the tokens to the race directors—they all do an amazing job.

We have Pakapakanthi at Victoria Park, the Torrens parkrun along Karrawirra Parri—the River Torrens, where you often find me trotting along—and the Nantu Wama parkrun in North Adelaide as well. These are more than just run clubs; they are keeping our community healthy, connected and engaged. It really makes for such a healthier and strong community. So I just want to congratulate everyone who is involved, whether they are from the Adelaide Marathon Festival, the South Australian Road Runners Club or parkrun and all our community running clubs. We really do appreciate you, and I look forward to setting my alarm this Friday for a trot out with the Prospect Run Club. I commend this motion to the house.

Mr BATTY (Bragg) (11:40): I rise in support of the member for Adelaide's motion acknowledging the Adelaide Marathon Festival, a very long-running festival since 1979, and most recently—this last weekend, on 25 August—when there were five races held. The first of them was the main event, the marathon, which is over 42 kilometres. It started very early in the day at Adelaide Oval on Memorial Drive passing many landmarks in our city, heading through Bonython Park and our Parklands along the River Torrens, and looping back through the Adelaide Oval gardens. I would like to congratulate Kaleb Laker who placed first in the marathon this year, completing it in two hours, 23 minutes and 32 seconds.

I presume that I have been asked to speak on this motion because I am an international athlete. I have never done the Adelaide Marathon but I have completed the London Marathon, and I can tell you I did it in a much, much longer time than Kaleb Laker. Doing a difficult thing is difficult, doing a difficult thing for a long time is even more difficult, so I would say the six or seven hours in which I completed the London Marathon was an impressive effort nevertheless.

You can actually look up the statistics of how many people beat you—how many women over the age of 90 beat you—and it does not make for happy reading. With that, I am going to move on, because the second race on the weekend was the half marathon, and I would like to commend Jacob Cocks, who took out first place with a very impressive time of one hour and six minutes. Of course, there was a 10-kilometre race, a five-kilometre race and also the Kids Dash as well.

I mentioned that the Adelaide Marathon Festival has been running since 1979 every year including, as this motion acknowledges, during the heights of the COVID-19 pandemic—one of the few marathon events in Australia that took place during that time. It is an event that is hosted and organised by the South Australian Road Runners Club, which is the largest running group in South Australia. It is a not-for-profit member-based organisation, which has been supporting runners and organising events such as this festival for over 40 years. Indeed, they are responsible for 11 events across the state every year, and I want to take this opportunity to thank and acknowledge the work that they do and all the volunteers associated with the Road Runners Club do as well.

Many local community clubs are acknowledged in this motion. Many of them are registered with Running SA, which is the hub for recreational running in South Australia and hosts its own events, such as the City-Bay Fun Run every year as well.

I want to particularly acknowledge all the community running clubs throughout metropolitan Adelaide and in our regions as well that provide an activity for many South Australians every weekend, often very early. Parkrun is an excellent example mentioned by the member for Adelaide, a free community event held across the state every weekend. The Victoria Park parkrun is very close to me, and it is a major event when it is occurring. My new puppy, Chester, I know is very much looking forward to participating in the parkrun when he is a little bit older. There are 28 clubs across Adelaide and 23 in the regions and I would like to acknowledge them all.

Another running club that operates around my local area is RunAsOne, which was started by one of my constituents, recently returned Olympian Izzi Batt-Doyle. Following her Tokyo Olympics debut, she returned to Paris and competed in the women's 5,000-metre race and represented us extremely well. Izzi is a very talented long-distance runner. She competes in the five kilometre but also the 10-kilometre race and the marathon as well. Indeed, I think she holds the South Australian record for many of those events. She is a very impressive athlete but, importantly, she is also a really passionate member of our local community.

Together with her partner, Riley Cocks, she founded the popular running community, RunAsOne. Since quite humble beginnings in 2020, that has grown into a very large community running club and, indeed, a thriving business offering Olympic-level coaching to members of our community, improving fitness levels and welcoming everyone, and, again, really building on that sense of community. Their runs often finish at the Runhouse cafe, which is a cafe that Izzi herself has started up to service the running community in our local area.

I commend all our local athletes, particularly those very impressive athletes who represented our country at the Paris Olympic Games, including Izzi Batt-Doyle in the 5,000-metre race. With that, I commend this motion, acknowledge the marathon being held on the weekend as a wonderful community event, and put on the record our thanks and acknowledgement for all those involved in helping to organise it.

Mr HUGHES (Giles) (11:47): I think I might as well add a few words to this great motion. I want to acknowledge all the clubs throughout the state, both in the metropolitan area and the regions, when it comes to distance running. Indeed, some years back I was a very active runner. I was running for the Whyalla Harriers and in the A grade the Adelaide Harriers here in Adelaide. I took part in a number of half marathons, lots of 10k races and 5k races, and it is good to see the long history of the Adelaide Marathon has continued through all of those years.

Indeed, there are a number of special races out in the regions, including the Pichi Richi Marathon, half marathon and 10k. I thought I would turn up there the other week to do the 10k walk but also to check on the record that I held for over 20 years when it came to the half marathon. Records are meant to be broken, and this year it was broken at long last.

One of the things about running is—there was a book of short stories written many years ago by an author from the north of England, and it was called *The Loneliness of the Long-Distance Runner*—I tell you what, there was nothing lonely about being a long-distance runner. The training, the group of people that you would train with and the camaraderie that developed were particularly special. I have really good memories. A lot of them were Scottish runners in Whyalla who were in the Harriers who took me under their wing and I guess developed me as a runner. It is great to see these days. There was always that element of participation; not everyone was at the pointy end of the race, so it is great to see the parkruns and other contributions that enable people to participate.

Like I said, I was a competitive runner. It was never a fun run, it was always intense, and the intent was to either set a PB or to win the race. The discipline that goes with that meant that you trained every day. You would knock off work, you would go out and you would train. On Sunday mornings with a group of men—and it was all men—we would get up early and just about every Sunday morning we would do anywhere between 28 kilometres and 32 kilometres, and we would sometimes front up in the evening to do another 10 kilometres to get that massive glycogen depletion so that we were prepared to race marathons at a reasonable speed.

I have very good memories of those days. I wish I was that fit now. It came to an end because I would come home from work ready to go out running, but we had twins, and my partner at the time quite rightly said no. She had been home all day with the twins when they were very young, so I

stopped running at that stage with the intent of coming back, but I never came back in the competitive sense.

Running is important. It is one of those participation sports that does not take much in the way of money. You just need a pair of shoes and you do not need any fancy gear. I remember John Bannon used to run marathons here and in Whyalla, and he did not have any fancy gear whatsoever, but he was a regular and each year he would run. At the time, it was from Gawler into the city for 42.2 kilometres. I would encourage as many people as possible to take up running, whether you are fast or whether you are slow, because it is an important thing to do. I do not do much of it these days, but I do walk. The fitter the community is, the better. Like I said, it was always the group participation and the camaraderie that had a good impact.

Motion carried.

REGIONAL HEALTH SERVICES

Mr ELLIS (Narungga) (11:52): I move:

That this house—

(a) recognises the dire impact that the unfortunate reduction of health services in Ardrossan will have on the town and surrounding community;

(b) congratulates the hardworking staff and volunteer board on their perseverance in keeping the community hospital as long as they have;

(c) notes that this comes as part of a wider degradation in regional health services; and

(d) implores the state government to do all that they can to address the reduction of health services in regional South Australia, including but not limited to—

(i) installing a triage service in Ardrossan to imitate the template provided after the closure of the Keith and district community hospital;

(ii) committing to a significant upgrade of the woefully undersized Wallaroo Hospital; and

(iii) guaranteeing the equitable distribution of health professionals across the entirety of the state.

This is an issue that I intend to continue to bring before this parliament because it is one that is of vital importance to the community of Ardrossan. Time keeps passing since the community board made the tremendously difficult decision to shutter the A&E, and we continue to work on finding an acceptable solution so that health services can continue to be provided in the town of Ardrossan.

Ardrossan is the biggest town in the YP Council area. It is a significantly-sized regional community that is quite aged in demographic, and it is one that continues to grow. It is a wonderfully popular retirement destination and a community that is welcoming to people who want to move for a bit of a sea change, but that will be at risk if we do not make sure that there are health services there to serve that community and health services that are fit for purpose to do the job. This is an issue that I will continue to bring to the chamber. It is something that is of vital importance, and I hope that continued pressure will mean that we get an acceptable outcome for the community.

At the outset I need to congratulate some people, and they are the people who have taken it upon themselves as members of the community to push this issue and to continue to strive to achieve a better outcome. Chief amongst them is Mr Don Hosking, who has done an outstanding job of marshalling our community committee, which has been self-titled the Healthy Ardrossan Action Group and that is pushing and prodding and trying to find a way to ensure that an acceptable solution is reached.

Well done to Don and all those wonderful people who have joined that committee and are doing their best to find an outcome. I am pleased to play just a small part by sitting on that committee and trying to help, but it is clear that that is a group that will not take no for an answer and they will continue to strive. I look forward to seeing where we can drive that vehicle and make sure that it results in a good outcome.

As part of that group, we have been writing to the minister and the government to try to lobby them for a solution. I have put forward on a number of occasions personally—and I think it has the

support of the action group in Ardrossan—that the model that has been put in place at Keith is an appropriate template that should be followed. They are eerily similar situations. They are both community hospitals that did their best to withstand the increased bureaucracy and red tape that came along with running a community-owned hospital, and they held out for longer than most.

It is true that it is a difficult task for a community group to run, such is the paperwork that is required these days. Many a hospital—many a community hospital specifically—has had to shut because of the burdens that have been placed upon them. Keith and Ardrossan were two that held out for quite some time, Ardrossan just that little bit longer than Keith, and they were a really valued service in their community.

They were really valued because the community put their own money and their own blood, sweat and tears into the formation and the building of those services, and they were really valued because of the things that they provided to the community. They were wonderfully appreciated parts of that community, and it was a sad day when the board had to make the decision to shutter them.

However, in Keith we saw the government step in and provide a triage service, which featured a community paramedic who was able to see people who were in an emergency situation and point them in the right direction to achieve the care that they needed. I cannot speak for the people of Keith, but I imagine that that went over particularly well because that is the greatest fear that people have.

In a state of emergency there is no time to ring and make an appointment with a GP, should there be one available. Sometimes there is not time to drive to Adelaide to try to secure the services that people down here have. Having that triage service, that community paramedic who can make those decisions about where best to send a patient or potential patient, would be an appreciated service, I imagine.

We had Rob Tolson from SAAS come in and talk to our group recently. I do not want to conflate his appearance with any support for our initiative or anything like that, but he filled us in on the details of the community paramedic. It only reinforced to me how suitable it would be for Ardrossan. I am of the firm view that we should lift that template that has been provided for Keith and apply it in Ardrossan for that sizeable community so that they can have an A-level triage service to help point them in the right direction when push comes to shove.

In other correspondence with the minister, we have been assured that the Yorke and Northern Local Health Network will continue to consider future opportunities for expanding their community and allied health services into Ardrossan should there be further demand. The question that we have responded with through the action group is: how does one demonstrate increased demand without those services there being promoted and provided in the meantime? There is no way that we could demonstrate increased demand while those services are not actually being utilised at the moment.

We are calling now on the health network and perhaps the government to fund a feasibility study, something that can go out to the community in Ardrossan and surrounds and determine what demand there is and what interest there is for different allied health services to be provided. We hope that they will see fit to fund that study and provide that study for us because, in lieu of that, we cannot see how it will be possible for us to demonstrate 'further demand'.

We have written to the health network, and I have written to the minister previously about it. We look forward to following this issue at the action group to see where it lands. It will be a wonderful thing to involve the community in any future decision-making for the services that are provided, and I am sure they will appreciate being consulted and provide valued input into any future decision.

I also want to quickly mention the private GP clinic in Ardrossan. Dr Rod Pearce owns and operates that, just like he does the one in Maitland. He should be commended in this case for the service that he does provide in the GP sense. It is one of the more well-populated GP clinics in my electorate, I imagine, with a number of doctors.

We just recently had a new GP visit, an international medical graduate who has come out and is at the clinic now. In the last conversation I had, she had not actually started providing services,

but she was physically there and raring to go. We look forward to her joining the workforce of Dr Babu and others to ensure there are options for people seeking treatment.

As part of that new doctor arriving, I need to commend the op shop. The op shop historically was a facility that fundraised for the community hospital, staffed by volunteers and it is remarkably profitable. It has done an extraordinary job fundraising over the journey, and it has the mandate to funnel those proceeds back into the community hospital to try to ensure that it can continue to survive and provide the services that the community expects. Obviously, now that community hospital has been shuttered, the op shop has seen fit to redirect some of its efforts, and it will now be doing its best to ensure that those proceeds go towards health initiatives that are appreciated by the community.

The first of these expenditures was to assist Dr Pearce with the exorbitant cost of a visa application for this international medical graduate. These are tens of thousands of dollars that private businesses have to front up for a visa application to try to get an international medical graduate to their clinic. The op shop committee saw fit to contribute to Dr Pearce's costs on that front so as to ensure that they got a doctor in their community. I think that is entirely commendable. I would like to congratulate the op shop committee for that expenditure and that decision. We now have a doctor in place for four years—that is how long she signed on for—and I think that will be a wonderful addition for those people looking to make an appointment.

Well done to the op shop. I know there are a number of other issues they have been presented with by a number of different health initiatives within the community that they are looking at funding. I know the community continues to support the op shop in its purchasing of second-hand goods and whatnot to ensure that those community funds are there for the use of the community. Congratulations to the op shop. Well done to Dr Pearce on providing a healthy clinic. We look forward, as an action group, to continuing to lobby the government and the local health network to provide a level of health service in Ardrossan because it surely deserves it and it surely needs it.

Parliamentary Procedure

VISITORS

The ACTING SPEAKER (Mr Brown): Before I call on the member for Dunstan, I wish to acknowledge the attendance in parliament today of a legal studies class from Seaview High School, who are guests of the member for Davenport. Welcome to parliament.

Motions

REGIONAL HEALTH SERVICES

Debate resumed.

Ms O'HANLON (Dunstan) (12:01): I move the following amendment:

Delete paragraphs (c) and (d) and substitute:

(c) implores the state government and Yorke and Northern Local Health Network governing board to investigate improvements in health services to the Yorke Peninsula including in Ardrossan and at the Wallaroo Hospital.

The Ardrossan Community Hospital was closed from 13 November 2023 following a decision of the hospital's board to surrender their private hospital licence. This resolution was made as a result of their unsustainable financial position despite annual contributions of consecutive state governments of $180,000 a year to supplement costs.

Due to the hospital's ongoing challenges in sourcing an appropriate clinical workforce, particularly for medical coverage, the hospital's inpatient activity declined significantly over several years. This resulted in a reduction in separations from 236 in 2020-21 to 79 separations in 2022-23. The decline in activity resulted in the rerouting of ambulances and patient activity to Maitland Hospital, which is an SA Health site managed by the Yorke and Northern Local Health Network that is less than 20 minutes away from Ardrossan.

The government has already made a considerable additional investment into the operational and capital works budget of SA Health sites, including across regional South Australia. Specifically

for the Yorke and Northern Local Health Network, this includes a $45.9 million increase in operational expenditure in 2024-25 when compared to the final Liberal government budget in 2021-22, equivalent to an increase of more than 26 per cent.

Specifically for capital works there is $20 million currently in this year's budget for local works, particularly focused on the Port Pirie emergency department upgrade and the surgical suite upgrades in Clare. This equates to a 500 per cent increase in capital works budgets compared to 2021-22. In addition, our commitment to improve regional ambulance resourcing will include improved coverage for the Yorke Peninsula, including 12 new paramedics and a community paramedic to start in Wallaroo in 2025, as well as six new ambos in a new regional medical transfer service crew that has already been on our roads since July.

While there is no mechanism to guarantee an equal distribution of health professionals, as drafted in the member for Narungga's original motion, the government has taken several steps to boost the health workforce. This includes more than 200 additional FTEs already based in the regions since coming to government, as well as the announced trial of the single-employer model to attract trainee doctors to the regions starting next year.

The Yorke and Northern Local Health Network Board, led by Board Chair John Voumard, will continue to consider ways that health services can best be delivered in the region, including whether there is enough demand for outreach services, such as community or allied health, to Ardrossan over time.

Ms PRATT (Frome) (12:05): I rise in great support of this motion, and thank the member for Narungga for bringing a motion that reflects his community in quite a lot of detail when it comes to regional health services. I want to take a moment to unpack the original motion, which the opposition supports in full, just to better understand what it is that the member for Narungga is raising, not just with the house but, in fact, with the government.

The original motion reads, in clause (a), that this house 'recognises the dire impact that the unfortunate reduction of health services in Ardrossan will have on the town and surrounding community'. I would argue that this a dire situation for any town in regional South Australia at the moment, when it comes to a concerning retreat from this government seeing regional health as a priority.

Clause (b) states that the house 'congratulates the hardworking staff and volunteer board on their perseverance in keeping the community hospital as long as they have'. Again, I would state that this is applicable to many country volunteers who find themselves on a health advisory committee (affectionately known as a HAC), and that it is statewide in regional South Australia.

The motion goes on to recognise the wider degradation in regional health services and as the shadow minister for regional health I concur with that observation. The motion implores the state government to do all it can to address the reduction of these health services in South Australia, and my country colleagues are on their feet every day, when it is possible, in this house to bring attention to the plight of regional health services under this Labor administration.

In recognising the impact to the Ardrossan Community Hospital, the member for Narungga also broadens his horizon and asks us to look at the woefully undersized Wallaroo Hospital. It is certainly not lost on me, as the member for Frome—sharing the Yorke and Northern Local Health Network, the same LHN as the member for Narungga—that we recognise the busyness that Wallaroo Hospital sees as it swells during the summer season, so it is extremely important that the member for Narungga and the opposition recognise the importance of Wallaroo Hospital for the Copper Coast and Copper Triangle.

As an aside—and the member for Narungga may not know this—as part of the government's budget last year, with its commitment to investing in the rollout of the Sunrise electronic records management software program, our LHN, the Yorke and Northern, is one of the last to fulfil that commitment; both Wallaroo and Clare hospitals are at the point where they are the last to come online. Clare Hospital, in negotiation with Wallaroo, and because summer is coming, made a friendly pact that Wallaroo would get this done first. So Clare is yet to come, hopefully by the end of the year, because we need that data system, that database, talking to itself.

I note that the member for Dunstan has risen to make an amendment, and I politely suggest that she go back to the Minister for Health's office and get some better notes to read from, because in reference to the money that the government says it is pouring into the Port Pirie and the Clare hospitals upgrades, I can say—with authority as a volunteer and a community member on the HAC—that that upgrade has already blown its budget of a committed $4.5 million, and that $1.5 million will be taken, with approval, by our HAC.

Regarding money raised by our volunteers, we hark back to those strawberry fetes and hospital auxiliary boards. Local communities like my grandparents understood what they were fundraising for and where that dollar was going. We are definitely seeing a retreat from the government in terms of investing in regional health, because HACs are having to fund, through their gift funds, more and more services.

When it comes to regional health services more broadly, the opposition is very clear that the Liberals understand country health. Representing the bulk of regional South Australia, we are the regions when it comes to prioritising country health. When the Minister for Health talks about hospital avoidance programs, where better to start investing in regional health to work towards diverting our country patients away from this chaotic city system.

When it comes to the Ardrossan Community Hospital, the former Liberal government certainly was tracking closely its financial commitments to the hospital. I know that hundreds of thousands were provided to offset that substantial cost in providing 24/7 public emergency care, and more was pledged. Should we have been successful at the 2022 state election—we know the result—our commitment to country health would never have wavered.

While no such commitment really stemmed from this current Labor government as they rolled in action, soon after that result the Minister for Health and Wellbeing was on the public record declaring in no uncertain terms that he had no interest in providing support to our community private hospitals. I recall very clearly that that was kicking off with the Glenelg Community Hospital, asking for some similar compassion and attention. We go on to see, with the exception of the Keith community hospital being reabsorbed and returned to the public system—although that really was not ever their prime intention or outcome—that this government really has turned its back on community and private hospitals, those smaller community and private hospitals, with disastrous effect.

I start with Ardrossan, but I include the McLaren Vale and Districts War Memorial Hospital, and for different reasons the Stirling Hospital, which has seen great success because of local advocacy—and I encourage the member for Narungga to continue his support with that action group—Ardrossan, McLaren Vale, Stirling, Victor Harbor and Glenelg, notwithstanding in a separate elevated middle category the Western Hospital.

It is not an exaggeration to state that our largest private hospitals nationally are quietly very worried about the rising costs of providing health services, yet here we are in our state with historic highs in ramping, a government that has no solution for a health system in crisis, an obligation now to buy private beds and no communication between the public and private system to get some synchronicity or harmonisation.

The main concerns from the Ardrossan community late last year, when these hard decisions were being made, was that the closure of that hospital certainly would put further pressure on an already struggling health system, and we know that is the case. The closest hospital is 23 kilometres away in Maitland, and the Ardrossan community is arguing that it must continue to provide that 24/7 emergency care for the region.

Despite those local campaign efforts, we know the accident and emergency services have closed. We recognise the importance of maintaining facilities and services for an ageing population. I commend the Ardrossan community, through the member for Narungga, for their ongoing commitment, their passion, their advocacy, their desperation, I would guess, to fight for what they have had and to preserve it going forward.

I contest that we are witnessing a Labor administration that is not only failing regional health but retreating from investing in it. I point to common topics that will continue to be prosecuted by us,

whether it is about an inability to incentivise, recruit or retain our general practitioners; the impact of the GP payroll tax, with great consequences still to come, I think; or no plan for midwifery services to stabilise those options for maternity patients statewide. We are still the only state without a country-based regional radiation therapy service. It is a long shopping list, and we will use every opportunity to call that out. I commend the original motion.

Mr TEAGUE (Heysen) (12:15): I rise in support of the original motion. I commend the member for Narungga for his sincerity, his eloquence and his dedication in advancing the motion in its original form. This is an occasion where I really think that the house deserves to have the participation of the minister in this debate. The minister really does need to tell the house what is this Labor government's attitude to addressing the needs of rural and regional South Australia.

This issue, this challenge in Ardrossan, as the member for Frome has just put it so well, is not a singular challenge. This is an issue that is faced by community private hospitals throughout the state, small communities and large. Indeed, the challenges of these community-run hospitals is something of pressing concern now throughout the entire country.

As the house well knows, I have come and reported this to the house on many occasions over the last year and a half. I can speak from firsthand knowledge of the challenges that have been faced by the Stirling community hospital in my electorate of Heysen. That has been a story of struggle and of achievement. It has come by applying some core expertise in terms of understanding what the compliance needs are for the hospital, and it has come with a constant rededication to working on the model that is going to be best fit and viable for the local community, but, importantly and centrally, it has reminded all of us of the need for the community to work hand-in-hand with the government of the day to ensure that the hospital's services are well supported and sustained.

In reporting the good news that the Stirling Hospital board had turned around what it feared might be the course that the Stirling Hospital was on in the middle part of last year, to reassure the community that it would not be closing its doors, it would not be selling and moving to rented premises in Mount Barker but would instead be continuing, I had to report that that was no thanks to the Malinauskas Labor government. In fact, on the contrary, as the house knows and as the minister knows, it was as early as the first moments of stress being widely announced by the Stirling Hospital leadership.

It was on 31 May last year in this house, in response to a question from me about what the Malinauskas Labor government was going to do to help the Stirling Hospital, that the Minister for Health immediately and thoroughly washed his hands of the whole thing. He said, 'It's a private hospital, nothing to do with us, and we won't be doing anything to help.' That is despite the fact that only a few months prior to that he had been only too happy to come up and help hold the scissors, cutting the ribbons on the improved facilities at the hospital. So this is a matter of seriousness. It ought to be a matter of priority concern for this state Labor government.

We know that the federal Minister for Health, Minister Butler, has been so exercised by this challenge that is affecting small rural and regional hospitals around the country that he has had to step in and have a thorough re-look at the sorts of accreditation criteria that are being applied and that are putting a further burden on these hospitals. He knows that if they all close their doors, one after the other, then the burden comes onto the public health system all the more.

Against the background of what we now know—the famous, single most significant lie told to the South Australian people that got this mob elected, that they will fix the ramping crisis and that health will be improved under the Malinauskas Labor government—it has all gone completely in the wrong direction. They now have the shame and ignominy of these massive ramping data and the hospital system in constant crisis. You name the colour—yellow, white—it is just sustained. It is a complete crisis ongoing in the public health system, and yet we see public and community hospitals that are left to struggle through.

It is well that the member for Narungga talks about the benefit of having an op shop by your side providing funds. Stirling is no exception. Stirling Hospital has benefited from hundreds of thousands of dollars, over that near century of the hospital's proud history, of contributions from the Stirling op shop. Now that the hospital has said that it is going to stay put, the op shop has continued

with those commitments, making further tens of thousands of dollars of commitment, and it is well that that should continue.

So it is disappointing, in these circumstances, that the government presents the member for Dunstan to indicate some kind of proposed amendment to this motion. We would have been better off in hearing from the member for Dunstan about some of that farming community history that we heard about yesterday, and about that appreciation of just how important regional hospitals are for our regional communities. That would have been a more helpful contribution to this debate.

I cannot emphasise how real and pressing this is. The focus of this motion is particularly the Ardrossan community, but we have certainly found common cause. I often reflect on the fact that I am very much the odd one out in my family, not being medical. I have no particular medical expertise to share. I pay particular tribute to my brother and my sister-in-law, most relevantly for their continued dedication to general practice in the regions and in the remote parts of Australia, in the Northern Territory and in Queensland in particular. I know the hard work that regional GPs do, and I know the hard work that they do alongside and together with our regional private community hospitals. It is well that we should apply our priority resource to supporting the dedication of those individuals and those communities.

Closer to home, I think in terms of the member for Narungga's linking of the needs of the community in Ardrossan with what ought to be done to amp up the services at Wallaroo, I can speak with some near firsthand knowledge. My niece was born at the Wallaroo Hospital. I know what it was like to have to resort to the nearest fully fledged public hospital in the district. There is no doubt that there is a core role for the public health services in the region to work together with local regional hospitals within their network. I thank, appreciate and acknowledge the work of John Voumard in particular, and the local health network. That work is vital.

But all of these elements together cannot progress, cannot thrive and will be under terminal stress if the hospitals are met with silence and abandonment from the government in their moments of need, and if they are overborne by regulation and accreditation burdens which are not fit for purpose. Those are important matters for the government to reflect on and to act on.

They have had plenty of time. It is not just today. The story of the Stirling Hospital runs in parallel with that of Ardrossan which runs in parallel with that of McLaren Vale. Of course we know the story of Victor Harbor, and it is happening in the urban areas of Adelaide as well. It is time that Malinauskas Labor stood up and supported regional hospitals in South Australia.

Mr PEDERICK (Hammond) (12:25): I rise to support this motion by the member for Narungga in supporting not just healthcare needs on the Yorke Peninsula but across broader South Australia and certainly, in particular, in my seat of Hammond and surrounding areas. Some areas of Hammond have interchanged over time, and at the moment the Mallee areas of Lameroo, Pinnaroo and Karoonda have all gone into different seats–Lameroo and Pinnaroo into MacKillop and Karoonda into Chaffey. They have certainly had their different challenges over time in attracting health professionals. I have seen, sadly, a bit of racism over international doctors coming to one location years ago, and that was a tragedy in itself because that community then lost their doctor.

Certainly, everyone deserves decent health care across this state. In the bigger scheme of things I would like to thank the volunteer ambulance service personnel around the state for what they do in supporting the paid paramedics to get the healthcare helicopters out and, for those further afield and further-flung hospitals, the Royal Flying Doctor Service for the work they do in looking after not just country South Australians but those who need those services out in the bush.

Country health is a challenging space, and sadly we see too much money just burnt up in health. We see the state Labor government pouring billions and billions of dollars into health as they try to fix the ramping crisis that they said they would fix at the last election, which they will not fix, by the way. They will just pour in billions and billions of dollars, and it just keeps getting thrown at essentially a festering wound.

We have seen the most expensive building in the world built here in Adelaide—the new Royal Adelaide Hospital. Before it was built, it was always going to be too small. Yet when we saw the new Angas Street hospital built, the new Calvary, that hospital was built for a third of the bed

price of the Royal Adelaide Hospital. Why did that happen? It was because it was built in the private sector. Commercial & General built it. Jamie McClurg and his team do a great thing, and thankfully he is the builder doing great work in North Adelaide, finally building some towers after decades of maladministration in regard to that land, but that is another story. You just have to question where the wastage comes from.

Certainly, over time, living at Coomandook—and I have said this before—we have had emergency services at Tailem Bend. I believe they are not there anymore, but it was a great service to have, whether you drove in or needed an ambulance to come. You would ring up and get the doctor to come in to make sure that a doctor was there. We have similar triage arrangements at the Murray Bridge emergency department now, where doctors are on call. This happens in most sites across South Australia, because they are contracted out. Murray Bridge is contracted out to Bridge Clinic, which does a magnificent job, alongside the other two clinics that are based in Murray Bridge.

I have written to the other two clinics about getting more support for Bridge Clinic, which is happy to cooperate with the other two clinics to attract more doctors to assist with the emergency management at that hospital. That has not been forthcoming. Bridge Clinic get criticised for having a so-called monopoly, but they want the support and they need the support to carry on, and they do a great job. Certainly, since the new emergency department was built, with my urging through my team and under the Marshall Liberal government, it has been a great boon for our area. But as the population expands, we are going to need a massive upgrade in health services in the Murray Bridge area. Certainly, with a tripling of the population over the next 40 years it has to be front and centre of governments going into the next few decades.

Emergency departments are quite vital but they get abused to a degree—that might be too strong a word—but during COVID we saw 70 per cent of people stop attending emergency departments, like the one at the Royal Adelaide Hospital, because people were actually scared to go into emergency departments because they thought they would catch COVID. That means—and I do not think the number has changed, and I am happy for someone to tell me if it has—that 70 per cent of people attending an emergency department do not need to be there.

The problem we have, though, is that people are having trouble getting into general practitioners (GPs) and so that is their option. What happens in most country hospitals with emergency department access is that there is a gap fee if you do not get admitted. It is usually not very large but it does impact people, and I get that—we certainly get the references that come to my office for that kind of thing—but guess what? The way that works is that it literally keeps people out of emergency departments who do not need to be there.

That gap fee is variable, and I get that. People think we should have free health care—well, nothing is free in the world. I just mentioned before about the many billions of dollars getting poured into SA Health and we still get the same outcome. It just does not work. I think it would be too simplistic, to a degree, but I certainly believe that ramping could be fixed without—and here I am trying to help the Malinauskas Labor government—

An honourable member interjecting:

Mr PEDERICK: Trying to help all South Australians. I think it could be fixed without spending a single dollar on any infrastructure. I do not think the public would stand it, mind you, but if there was a gap fee for people turning up to emergency who did not get admitted, I think you would see a drastic reduction in people attending emergency departments. I do not think it would be something politically saleable for probably anyone, but the reality is that there are billions and billions of dollars being forged into SA Health and it takes 30 per cent of the state's budget, but where are we going?

There is more infrastructure being built, more people not being able to access general practitioners, and more people being ramped for over 100,000 hours, I think, since Labor came into office. The simple fact is that we need more support at our regional hospitals because that will keep regional people out of Adelaide as much as possible, notwithstanding the fact that 30 per cent of patients in Adelaide hospitals are country people; 30 per cent of patients can be up here for elective surgery, emergency needs and that kind of thing.

We need more support in the regions, which are vital to this state's economy, whether it is in the farming sector, the mining sector, or whether it is in all industries across the board, the value-add sector as we have in my area with the food processing industries. We need to have those support services close to home so that we do not have to be rushing off and clogging up a system that is already clogged beyond control.

Where I think the billions of dollars should be invested is in local health services, whether they be on Yorke Peninsula at Ardrossan or Wallaroo or over on the West Coast at Port Lincoln and surrounding areas, and certainly in my area, whether that be at Murray Bridge, which obviously will need an expanded service and a new hospital over time, Mannum or Strathalbyn, which does not have a functioning emergency department at the moment and certainly needs an upgraded service there for a community that is expanding. If you do not class that as regional then look up the road at Mount Barker: they are having a few hundred million invested there for a new hospital over time.

I think it would be a lot smarter investing billions of dollars into country health services right across the state than what I see as some of the waste going into a project that is not fixing the problem that the Malinauskas Labor government said they would fix, and that is ramping.

Mr TELFER (Flinders) (12:35): I rise to speak in support of the original motion from the member for Narungga and to highlight that, indeed, there is a significant challenge which should be faced by this government. I note the amendments that have been put by the government. I am surprised by the amendments, really, and a bit disappointed because if you take out the aspect that we note that this comes as a part of a wider degradation in regional health services, you are missing the whole point of the motion—you are missing the whole point.

Both the mover and the seconder I understand are now members of parliament representing inner metropolitan seats, but I thought that both, with experience in regional centres, might understand what is being faced at the moment. In regional South Australia, our communities are at risk of not being sustainable because of the lack of investment and the degradation of our health system.

I am on my feet today and will share some of the stories from my electorate. These are stories that are mirrored when I speak to people all around regional South Australia and which have already been mentioned by some of the other regional members of parliament. I was in the member for Narungga's electorate speaking with communities that reflected exactly the same things that my community are reflecting. It is the same in the South-East and the Riverland, in the Mid North and the Upper North. If there is not a recognition from this Labor government that there has been a wider degradation in regional health services and regional health infrastructure, then why are we even bothering to look at this? The rest of it is just icing on a really flat cake.

We need a health system in our regions that effectively keeps our regions pumping the amount of money into our state's economy that is needed for us to continue to function. We need sustainable services as far as GP delivery goes within our regional areas if we are truly going to maximise the opportunities that we have. Even if it is not within a motion, I hope there is recognition within this Labor government that there needs to be investment.

I am going to share a few specifics about what is happening in Flinders because it truly is worrying. I have spoken in this place about the challenges that have been faced previously at Streaky Bay. Streaky Bay is a community that has a longstanding sustainable population, which has sustained GP and health services for a long period of time. That should not have changed, but the model and the structures that support that seem to have changed.

It arose that with the private practice closing there was not the leadership from within state government, the local health network or the health department to actually fill the gap necessary. Who filled the gap? It was the local council. The District Council of Streaky Bay for several years has basically been subsidising the health delivery into the Streaky Bay community because of the lack of leadership and the lack of awareness from within the health department. Hundreds of thousands of dollars of ratepayers' money has gone into propping up what should have been delivered by state and federal governments.

The same goes for some of the challenges that are being faced all the way around my electorate. Only last week, I heard—after the fact, obviously not before—that the health minister visited my electorate. He visited Streaky Bay, specifically. One would think if there was awareness of what the current delivery model looks like, there may be a courtesy call, there may be an email, there may at least be an awareness that local government—the council there at Streaky Bay—have been playing a key role.

But in fact, a visit to Streaky Bay by the health minister did not include any recognition of the local council: no phone call to the mayor, no phone call to the CEO, no heads-up that at least they were going to be there or thereabouts. They found out afterwards through the social media post. That is just a total lack of awareness—bloody-mindedness—from the health minister when it comes to regional health and knowing the different aspects.

We had the local health network slowly guiding the minister just to the areas they wanted him to see and not to the areas that he should have been looking at and the community say he should have been looking at. There was no phone call to the mayor, no phone call to the CEO and no awareness of what those structures look like.

At Elliston at the moment there is really a stand-off between the health department—our local health network—that wants to try to minimise what they are responsible for versus what the community need and the community expectation is. We have doctors and health professionals who are willing to help drive a solution in these communities—like Elliston, like Wudinna—whose solutions are just being rejected by the local health network. These solutions would actually be able to be delivered with less expenditure than the local health network is currently putting out.

Firstly, the current arrangement at Streaky Bay is that the council has been subsidising the locums coming in for thousands and thousands of dollars every week. In these centres, the amount of money that the local health network is spending on those sorts of arrangements is over and above what it would actually take to afford to deliver some of these other costs. But the bloody-mindedness with which they have been going about these processes is stark.

The minister made his way, mollycoddled by the LHN to where they wanted him to be, down to Cummins—once again, without any sort of awareness about what the arrangements are with the wider medical system in Cummins. There was no phone call to the mayor, there was no, 'What can we do as a part of the community to help get the best outcome for the community?' No, once again they found after the fact, just like I did.

At Cummins we have a hospital which, to highlight the wider degradation in the regional health services, has had significant swathes closed due to a lack of investment, due to a lack of maintenance. The kitchen itself at the Cummins hospital has been condemned. For months the cooking of meals for people who are at this hospital and part of that health system has been done up the road at the Cummins Bowling Club. That includes meals for Meals on Wheels. This is a long way away from the hospital itself, and why? Because there has been a wider degradation in regional health services and infrastructure. That is why this point that has been taken out by this Labor government is so crucial in this motion. There has been a wider degradation.

If we go over the hill to the Tumby Bay community, the Tumby Bay Hospital has not just an active HAC but also a hospital auxiliary wanting to better their community. In regional communities, we all have a vested interest in having medical and health services that are up to community expectations, and we put in: we volunteer, we donate, we fundraise and we have people who are bequeathing significant amounts of money upon their death to be able to sustain what should be a core function of the state government.

At Tumby Bay, money has been available from the community to invest in bathroom upgrades for hospital rooms. You would think that having modern, all-ability access bathrooms should be a core function of what a hospital or a health system looks like, but in fact we have hospitals like Tumby Bay all around South Australia where these basics are not even done right because there has been a wider degradation in regional health services and infrastructure. This is what this motion is highlighting. It is not even highlighting the amount of money that needs to be spent; it is bringing the awareness of that wider degradation. To have this gutted out of this motion by the amendment put by this Labor government is stark.

I do not have time to speak about the need for the Patient Assistance Transport Scheme to have more funds put into it, to be upgraded to make sure that it better reflects the community's needs. We understand that not everything can be delivered by a regional health service. That is why a scheme such as this needs to be robust and comprehensive enough to support members of our regional communities to go to Adelaide and to not be significantly out of pocket when it comes to their medical costs.

We have not seen anything from this government on that either, and I am calling on the health minister to be eyes wide open with regional health because the gaps are getting wider, and the regional communities are crying out for more.

Mr McBRIDE (MacKillop) (12:45): First of all, I would like to acknowledge the member for Narungga's motion. Obviously, I can speak volumes to it, in particular at paragraph (d)(i) where it mentions the Keith and District Hospital. I am no stranger to this area: batting for local health, hospitals and networks, and services for our regions. I also acknowledge the member for Dunstan and her amendment because even though it is not the same as what is being advocated here by the member for Narungga, it is still a motion that supports regional health and the network that he has here, and it basically implores the state government to do all they can.

I will speak to both of them, because the Keith hospital would not be the Keith hospital if it did not have the state government's support—by the Liberal government or the Labor government. I am going to mention a name here that is front and foremost when the Keith hospital is talked about: a lady called Ms Kelly Borlase, who is now on the Limestone Coast Local Health Network board. She was the coordinator of the model that the Keith hospital as it exists is now using.

I was at the Keith hospital recently to visit a dear lady—obviously, it is an aged-care facility as well—who turned over 100 years old, and we celebrated her birthday. The hospital and the precinct with the aged care was just amazing. The director of nursing, Ms Jacquie Halliday, who I know quite well and have known for a long time, and her husband, Richard, who is a merino sheep breeder, runs this community hospital. They are locals.

When I first came into politics in 2018 it was a private hospital model that bled a lot of funds out of the community—I believe in the vicinity of $1.2 million of community funds keeping the Keith hospital alive and meeting the needs of the community—and in the end it fell over because of its private hospital status. It speaks volumes to the local health network now about where the Keith hospital has landed from the old health network back in the Limestone Coast under the previous chair and previous CEO to the new ones that are in their places now. It now has a nurse practitioner and is backed up by paramedics.

The thing that Keith really did struggle with was doctors. I think it has at least two or three doctors coming from places like Bordertown to back up the Keith hospital model, which was wanted, it was warranted, but we never knew where it was going to land and how it was going to work. It is my understanding that the relationship between the doctors now and the Keith hospital, and its model, is a really good model that is working well for the region and the township of Keith.

Just as everyone here has been speaking to this motion by the member for Narungga in advocating for regional health, never have we seen such dynamics in health and difficulty around the shortage of doctors, the shortage of services, and such pressure being put on the medical system statewide.

One thing that has to be highlighted—and there will be no hiding from this by government, whether Labor or Liberal; it will not matter—is that the health system has to take a long hard look at itself. I am not talking about the soldiers, be they the nurses, and I am not talking about the doctors, be they the GPs or even the specialists, but those who manage the health system. The tier above this has to have a long hard look at themselves and ask: are they worthy of their job, are they doing a job that is needed and are they in the way of good health services for this state? I can tell you it is going to be found and it is going to be seen if this is not the case.

It starts off from the fact that we know that we have a new Royal Adelaide Hospital, and we know that before this new Malinauskas government there was a new Women's and Children's Hospital being proposed. If we go back and see what the new RAH has cost, and its per square

metre costings compared with a private hospital that was built in Adelaide, they will say, 'But the RAH is a lot bigger, better, grander and that was why it was so much more expensive.'

The point I make here is that the more money we waste, the more we say that we need this—and it is going to be the most expensive build and the best Women's and Children's Hospital—the more money we do not have for our regions. The Ardrossan hospital, the Keith hospital and all the other networks will have to suffer more problems because of the drain on the system by those who are up above, spending more than they should, more than the private sector would—and not just by a little way but by two and three times more than the private sector would. The Public Service and the health system have to take a long hard look at themselves because the people will revolt, and they will highlight it, and what is going on will be pointed out and there will not be anywhere to hide.

If you are in these jobs where it is—you could say it is my side—jobs for the boys or it is bureaucracy building on bureaucracy building on bureaucracy, and it just falls over and implodes, if that is inevitably where you are going to land and you do not mind that, then that is alright. We will stand back and watch. But when you turn and you go down to a collapse, and you look at where the Victorian government now lands itself, it cannot even complete its projects. It had to turn down a major sporting event because it has run out of money. This pot does actually run out and people are going to have to start saying, 'Well, we are going up to $44 billion worth of debt in this state and we cannot keep our people alive, and we cannot keep them in health services.' 'Oh, sorry, we just ran out of money.' That is not acceptable.

Obviously, I understand the struggles we are seeing there in Narungga. We understand the struggles. This community has now found itself without any foundations, it has found itself without any support. I imagine the budget for the local health network around the Ardrossan hospital probably does not fit and then, all of a sudden, 'It's too bad, we just have to close the doors.' People will just have to travel 40, 50 or 100 kilometres until they see the next health system, health network facility or whatever it is.

All I would then say is that that is the inference, and the inference is that we will just transport all our regional community into a citycentric hospital system that is probably and should be and could be Rolls Royce in being grand, and grand in its entirety. It does not mean that the tentacles out into the regions need to be rusted, worn out and tired, as we heard from the member for Flinders, where kitchens do not work, where bathrooms are not suitable for all patients with a disability or the elderly. Then you say, 'Well, how do we then live and how do we then cope?' 'But there is not enough money to go around.' And then, 'No, that's alright, we are spending it on this new Women's and Children's, we spent it on the RAH and we spend it around Adelaide. We will just fly the Flying Doctor up.'

I heard an interesting statistic recently because I am seriously looking in this area: apparently in the early 2000s, there used to be around 30 Royal Flying Doctor visits into Mount Gambier per year and now there are over 700. Those 700 now just happily fly down to Mount Gambier, pick up what they cannot do in Mount Gambier now in the way of services, fly them back to the Royal Adelaide or another hospital that is in the city, and it just adds to your problems in the city—and then the government suffers from ramping.

Well, you are not getting a good solution here I can tell you. You have 670 more visits from Mount Gambier because the services down there are not meeting the needs of the people. So we just then load it up here in Adelaide and then we wonder why the ambulances are stuck on their ramps. All I am going to say here is that I really do thank the state government, be it the previous Marshall government or the new Malinauskas government and the new Minister for Health.

In regard to the Keith model, in my own electorate we can probably see the Keith model roll out to other hospitals and its services. If those hospitals continue to lose more hospital services that we see there at the moment—e.g. Keith hospital does not have a hospital bed anymore, but it is better than having the doors closed. I can tell you, they have doctors there now and they can go 40 kilometres away to Bordertown, so that is a tick; the community will wear that.

We know that the model is more efficient and effective due to the fact that it has this nurse practitioner. The problem is that nurse practitioners are really hard to find. We know we have a beautiful nurse practitioner operating out of Pinnaroo. She is absolutely loaded with work. Not only is she seeing South Australian residents from Pinnaroo and Lameroo, she is seeing Victorian

residents come across the border to go to Pinnaroo and work with her. Also, even the service sector around health and the specialists are coming from Victoria to back up the nurse practitioner at Pinnaroo. Maybe the Keith hospital will also eventually see some more specialists going to Keith because it is being backed up by the local GPs, backed up by a nurse practitioner and other nurses with an aged-care facility.

All I am going to say is I speak volumes for it. I thank the Limestone Coast Local Health Network for the Keith hospital model. I hope that model is able to be rolled out elsewhere rather than closing the doors on our health facilities. I wish the member for Narungga all the best with his advocacy for Ardrossan and long may we all have good health in the regions.

Mr BASHAM (Finniss) (12:55): I rise just for a few moments before allowing the member for Narungga to close the debate. I just want to make a few comments. Sadly, the Victor Harbor community lost the Victor Harbor community hospital back in April. That was very much a sad moment to lose a community-run hospital. It was co-located with the public hospital, the South Coast District Hospital. They shared the building, which meant they could share facilities, etc. It was, going back 25 years ago, the model that people saw as the future.

Intriguingly, it was actually a few years after its operation and its establishment that it was recommended by the manager of the public hospital that the private hospital take over the management of the public hospital so that they could manage it all as one from the private hospital side. That was an interesting suggestion then that did not ever come to fruition. Sadly, the hospital has been closed. The community of Victor Harbor has lost the ability to have a private option, which means that the public purse is now paying for every person who is being admitted to that hospital. Yes, the state government has taken on the beds that were in the private wing, but they are now being funded by the taxpayer and so it is certainly not a great outcome.

There are many people who have private health insurance who now will not use that private health insurance for their health care because if they are admitted into that hospital there is no difference in service that will be given to them, so they might as well go in as public patients under the care of the taxpayer. I just wanted to get that on the record. I very much support the original motion.

Mr ELLIS (Narungga) (12:57): I thank all members for contributing. I am somewhat surprised at the interest in the Ardrossan Community Hospital and the number of speakers that we had but I appreciate the support for regional health nonetheless and thank all of those individual speakers, particularly the member for Dunstan, who has put forward the government position. I wish to make it clear to the chamber that I accept the amendments from the government, acknowledging the fruitlessness of opposing them, but certainly prefer the original iteration that had slightly more detail.

The important thing out of all of it is that it has been brought to the parliament's attention at length and that we have all had the opportunity to highlight the dire situation in regional South Australia in regard to health. She did also remind me of one important fact and that was that I did not acknowledge the contributions that governments have made to the Ardrossan Community Hospital over a number of years. Both the previous Liberal government and the current Labor government had made contributions to try to ensure that that community hospital was able to keep running. Ultimately, the burden became too much, despite those contributions, but they should be acknowledged and thanked indeed.

I also should make an effort to exonerate the LHN. They have earnestly engaged with the community hospital about finding a solution. One has not been found yet, but John Voumard and co have earnestly sat down with the intention of reconciling a solution, and for that they should be congratulated. They are in a good place I think, the LHN. They have Dr Hendrika Meyer running the medical services. She has been a wonderful addition, along with Verity Paterson and a few other wonderful people there who are helping the situation, and they should be thanked.

The one exception that I do take to the member for Dunstan's contribution is that we are genuinely sick and tired of being told that investment in the Port Pirie hospital is a good thing for the Yorke Peninsula. It is one hour the other way from Adelaide and if we drove that way it would be three hours from town. No-one is going there to use their wonderful new facilities. It is basically

irrelevant for the majority of the peninsula in regard to our health services. If we could stop being told that Port Pirie is a wonderful boon for the YP that would be a good thing. But, in essence, we need to ensure that there is a health service in Ardrossan into the future. I commend the amended motion.

Amendment carried; motion as amended carried.

Sitting suspended from 13:00 to 14:00.

Parliamentary Procedure

VISITORS

The SPEAKER: Before we begin this afternoon, I would like to welcome some people to parliament. We have Dulcie Boag, who is a 44-year volunteer with the Hutt St Centre and winner of the Joy Noble Award, which is the highest distinction for an individual volunteer in South Australia. It is lovely to have you here today, Dulcie, and thank you so much for all the wonderful work you do for the Hutt St Centre and the wider community. It is very much appreciated. She is the guest of the Minister for Human Services, and thank you very much, Nat, for having Dulcie in today.

We also have the great Graham Gunn with us, the former member for Stuart, former Speaker of the house. Thirty-nine years he spent in here, and just think about it: that is 12 elections that Graham Gunn won. Always a terrific person to get on with as a local member. He won that seat so many times, when others thought they might have been able to take it off him, but he knew the people of his area very well. It is great to see you, Gunny, you are looking younger than ever.

We have a couple of school groups in as well, and both have a connection with me: St Michael's College. I was a former scholar there, and probably got traded in the draft at Blackfriars in year 11, but had a good time. They are the guests of the member for Colton. The member for Cheltenham is a former scholar at St Michael's as well. I am not sure whether there are any other former students from St Michael's.

We also have University Senior College here. My son went to that school. It is great to have all the students here from St Michael's and from University Senior College—great schools. Of course, University Senior College students are the guests of the member for Adelaide.

Also, we have Dr Catherine Kemper, who is the senior researcher in mammals at the SA Museum. I hope you find today's proceedings interesting as well; maybe they will form part of your research!

Petitions

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition): Presented a petition signed by 10,561 residents of South Australia requesting the house to establish a committee inquiry into the South Australian Museum, including the proposed restructure of research and collections, strategic direction, budget for scientific research, reporting relationship to government and other related matters.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr BROWN (Florey) (14:09): I bring up the 48th report of the committee on subordinate legislation.

Report received.

Question Time

AMBULANCE RAMPING

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:10): My question is to the Premier. Will the Premier apologise to South Australians for what is seen as Labor's greatest statement of electoral fraud? With your leave, sir, and that of the house, I will explain.

The SPEAKER: I will ask the opposition leader to sit down. The Leader of Government Business.

The Hon. A. KOUTSANTONIS: I ask that the leader rephrase the question so that it is within standing orders.

The SPEAKER: Yes, I concur with the minister. If the leader can rephrase the question and perhaps leave one particular word out.

The Hon. V.A. TARZIA: I will rephrase. Has the Premier fixed ramping? With your leave, sir, and that of the house I will explain.

Leave granted.

The Hon. V.A. TARZIA: At the 2022 state election the Premier promised to fix ramping. In July we experienced the worst ramping on record of 5,539 hours, bringing the total ramping hours under this government to over 100,000 hours.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:11): I thank the Leader of the Opposition for the question. There is much work to be done, and only on the weekend (on Sunday) I, along with the Minister for Health, were at the Lyell McEwin Hospital where we were able to open up yet another 48 beds at the Lyell McEwin Hospital, which is of course part of a comprehensive package where, from the period of 1 July this year to the end of the calendar year, we will open over 150 beds throughout the public hospital system. Throughout the course of next year we will open another 180 beds in the public hospital system.

Amongst other openings, it means that throughout the four-year period of this term of government we will not just have opened 300 beds, which we committed to at the last state election, but many, many more beds than that. Because there is essentially not a public hospital in the state of South Australia that is not having an upgrade or an expansion as a result of the investment that is being made by this government. Whether it be at the Repat or Flinders or the Lyell Mac or Modbury or Noarlunga or Port Augusta or Whyalla—

Members interjecting:

The SPEAKER: Members on my left, the Premier will be heard in silence.

The Hon. P.B. MALINAUSKAS: —or Clare or Mount Gambier, you name it—

Mr Patterson interjecting:

The SPEAKER: Member for Morphett, second warning.

The Hon. P.B. MALINAUSKAS: —this state government is investing in our public hospital system unlike any other government that has come before us. On top of that, we are of course in the process of delivering a $3.2 billion brand-new Women's and Children's Hospital that, unlike the former government, will actually be a bigger hospital than the one that we have at North Adelaide currently. All these investments are rolling out progressively.

Of course, the contrast between this policy and the policy of those opposite could not be starker. The contrast could not be starker, because here we have a government that is building capacity within the hospital system—

Members interjecting:

The SPEAKER: The member for Morialta, second warning. The member for Frome, second warning.

The Hon. P.B. MALINAUSKAS: —versus those opposite that only—

Members interjecting:

The SPEAKER: Premier, will you please sit down. To members of the opposition, the Premier will be heard in silence. There is a couple of you on second warnings and people will be going very early in question time if I do not hear silence from my left. The Premier.

The Hon. P.B. MALINAUSKAS: Thank you, Mr Speaker. Without the—

Members interjecting:

The SPEAKER: The member for Chaffey can leave the chamber until the end of question time.

The honourable member for Chaffey having withdrawn from the chamber:

The Hon. P.B. MALINAUSKAS: Without the emotion, I am very happy to make clear to the people of South Australia that there is a stark contrast in terms of the policy positions between those on this side of the house who do believe we need to invest in the infrastructure that is required in our state hospital system versus those opposite. Only earlier today, the member for Hammond was on his feet in this place making clear that he is of the view that additional investment in hospital infrastructure is not necessary.

The idea that we don't need more investment in hospital infrastructure boggles the mind, given that even the member for Hammond should know that we do have a situation across the country where we have a growing population and an ageing population, which means we need capacity in the system to fix it.

That is not just going to happen. It's got to be invested in and built up, and that's exactly what this government is committed to doing, it is what we are already delivering, and you need only ask the men and women who are working in our hospital system—the extra 1,000 of them over and above attrition, who are frontline clinicians who are currently employed today and who never would have been if the former government had executed their policy of ongoing cuts and redundancies to the health system.

AMBULANCE RAMPING

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:15): Supplementary to the Premier: when will the Premier fix ramping?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:15): Ramping will reduce when we see additional capacity come online into the system in a way that those opposite are simply not committed to.

Members interjecting:

The SPEAKER: The member for Morphett, you are on two warnings.

The Hon. P.B. MALINAUSKAS: We know that whether it be in the area of mental health, whether it be in the area of services being provided in regional South Australia, whether it be capacity in the system, the employment of more clinicians, the employment of more nurses, getting ambulance response times down—which this government has already achieved in comparison to what was the case with those opposite—we know that on this side of the house there is a comprehensive policy.

Whereas on this side of the house, we now know what their policy is in regard to the hospital system: it is a smaller one. They believe in a smaller hospital system than the one that currently exists. Of course, the people of South Australia will know at the next election, if they choose to vote for the conservative side of politics, it will be back down the low road: cutting the health system, reducing the capacity of the health system.

Members interjecting:

The Hon. P.B. MALINAUSKAS: The member for Hammond—

Members interjecting:

The SPEAKER: Premier, I will just ask you to sit down. The member for Morphett, you were on two warnings, I gave you another warning; you can leave the chamber until the end of question time. And the Premier will be heard in silence.

The honourable member for Morphett having withdrawn from the chamber:

Members interjecting:

The SPEAKER: That was just accidental. You won't be at the tribunal. The Premier.

The Hon. P.B. MALINAUSKAS: He has sat there for two days—two days. Today in South Australia, if someone calls 000 and they are calling with a life-threatening emergency, they are twice as likely to have the ambulance roll up on time than what was the case two years ago. That is a massive improvement and it makes a huge difference, particularly considering that we know in the month of July there were 800 more calls to 000 than what was the case two years ago. Yet despite the dramatic increase in the number of people calling 000 with life-threatening injuries, despite that increase, we know that the ambulance is twice as likely to roll up on time, and that, of course, is the difference between life and death.

We have seen the tragic circumstances that can transpire when an ambulance rolls up late which is why we need to see the highest possible percentages that can be achieved on ambulances arriving in the appropriate timeframe relative to the severity of the emergency, and this government has delivered in spades in that regard. We have made sure that ambulances have the resources to roll up on time. Of course, once the ambulance rolls up on time and administers emergency care to save a person's life, the next step, of course, is to ensure that when they get to the hospital, as expeditiously as possible, they are getting into a bed.

That is why we need more beds, that is why we need more nurses, that is why we need more doctors, and that is what this government is delivering in a way that those opposite never committed to. In fact, their only commitment was to actually reduce capacity in the system, and we see that reflected in the rhetoric even deployed by the member for Hammond only today.

CODE YELLOW

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:19): My question is to the Minister for Health and Wellbeing. Can the minister advise the house what data was relied upon to inform the decision to lift the Code Yellow at our hospitals recently? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: On ABC radio on 16 August, the day the Code Yellow was lifted, ambulance union secretary, Leah Watkins, said, 'The conditions that exist today are worse than they were when the Code Yellow was called in the first place.'

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:19): I am happy to outline for the member and the house in terms of the decision-making that was made by Dr Robyn Lawrence, the Chief Executive of the Department for Health and Wellbeing, in relation to the Code Yellow measures that were put in place. They were put in place in a period of significant strain on the health system. We are certainly not saying that that strain has been lifted, but what Dr Lawrence determined in terms of lifting that Code Yellow response was that the measures that were being put in place in an emergency way have now been embedded in terms of the ongoing response across the system.

Obviously, the noteworthy one of those was in relation to elective surgery. However, within a month, I believe, of the Code Yellow being called, some 95 per cent of those restrictions have been lifted. In fact, if you look at July figures compared to July the year before, some 15 per cent extra elective surgery took place than what happened in July last year. That accounts for some 495 extra patients receiving elective surgery than what happened that time last year. Obviously, there was still significant elective surgery taking place, but during winter it has to be managed against the capacity in the system.

Some of the measures that have been embedded in the system are better coordination between our hospitals, particularly also with the Ambulance Service, the State Health Coordination Centre and particularly also with our country hospitals. We are now working with our country hospitals better to repatriate people who are in city hospitals back to their country hospitals of origin in a faster way. That is helping to some degree in terms of what is really significant demand that our hospitals are seeing across the system.

But there is no doubt that we still face a lot of pressure in our system. We really welcome additional beds that came online over the weekend. That was a measure from the Treasurer's first budget and our election commitments, where we have already doubled the number of beds that we promised to deliver at Lyell McEwin Hospital. We said we would do 24. We have already done 48, and there is actually another 32 to come to get up to 80 additional beds at that hospital. That is an example of the extra capacity that we are bringing on wherever we possibly can across our system to meet that demand.

I would say the other factor that is a big pressure on our system at the moment is aged care. We have, I think, 208 patients in our system at the moment, who have been cleared for discharge, have had their ACAT assessment but are waiting to get into aged care and are stuck, effectively homeless in hospitals, waiting for that aged care. That is a federal government responsibility. We are raising this daily with the federal government. We need action from them to decant those patients, because there has been a doubling of that in just 18 months, and that is putting additional pressure on patients. Ultimately, those patients who are stuck in hospitals are suffering because of it, but also the other patients who are coming through the emergency department need access to those beds.

CODE YELLOW

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:23): My question again is to the Minister for Health and Wellbeing. Can the minister advise whether all Code Yellow conditions have been lifted at our hospitals? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: On 23 August, *The Advertiser* reported an order with note 'effective immediately' was given to clinicians in CALHN to cancel non-urgent elective surgeries only days after the Code Yellow was lifted. Doctors from CALHN said, and I quote, 'The clear lie about the code yellow frustrates us all.'

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:23): The Code Yellow has been lifted, and there are no longer statewide elective surgery directions in place. As I said, even when the Code Yellow was in operation, we had conducted 15 per cent more elective surgery operations in July than we had the July before. But obviously we have a decentralised healthcare network—there was legislation that was put through by the previous government—and all of our local health networks and their boards will make local decisions in terms of their hospital capacity. That has always been the case. Many, many years will that be the case, particularly over winter demand, and they will make day-to-day decisions in terms of balancing that capacity. We are also using a significant amount of private hospital capacity where that's available to make sure that people can get their operations as fast as possible.

The other factor that this comes down to is beds. The Premier has outlined very clearly how we are building hundreds and hundreds of extra beds across the system. That's not only important for emergency patients who are coming through either from the ambulance or the waiting room, many of whom get stuck in the emergency department after they have had their emergency treatment, waiting for that ward bed, but it is also important for those surgery patients because when those surgery operations get cancelled it is not a lack of will from anybody for that operation to happen, it's because we don't have enough beds.

Because there is the pressure of those patients coming through the emergency department, difficult decisions have to be made, with sometimes those patients having their surgery deferred because there are not enough beds. That's why we are building those hundreds of extra beds.

We were with Dr Toby Gilbert, the clinical director of medicine at Northern Adelaide Local Health Network, on the weekend, who rightly articulated that the benefit of those beds will not just be for medicine patients and the emergency department patients but also for other surgery patients who sometimes, unfortunately, face those delays because the emergency department patients are overwhelming the hospital in terms of the number of beds that they need.

CODE YELLOW

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:25): Supplementary, again to the minister: when will the government clear the elective surgery backlog caused by that Code Yellow emergency he referred to?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:26): In terms of elective surgery, we are obviously working as fast as we can to bring on capacity of beds across the system that will enable as many elective surgery operations to happen as possible. We are also using private hospital capacity across the system where, to be honest, a market failure of Australia's private healthcare market at the moment is seeing private hospital capacity available despite every public hospital across the country being under pressure. The private hospital market has additional capacity, so we are using that where we can as well to make sure that patients can get the care that they need. We are working with our clinicians to do that.

The deputy chief executive of the department and also the Chief Medical Officer, Dr Mike Cusack, are chairing work with our clinicians to identify ways in which we can improve the pathway for those elective surgery patients as much as possible, looking at work that has happened in New South Wales, for instance, where a number of operations are now able to take place on a same-day basis, clinically safely, which otherwise would have required an inpatient bed and that demand that I spoke about in the previous answer. If we can do more operations safely on a same-day basis, that enables that flow through the operating theatres to happen without that pressure on the beds in the system.

REGIONAL HOSPITAL HELIPADS

The Hon. G.G. BROCK (Stuart) (14:27): My question is to the Minister for Health and Wellbeing. Can the minister update my community as to the replacement of the existing helipad located on the Port Pirie regional health grounds, which has been there for many years and which can no longer be utilised by the new Medicare helicopters? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. G.G. BROCK: The awarding of the new contract by SA Health for medical retrieval by helicopter has resulted in the existing helipad not being able to be utilised due to the increased weight of the new rescue units. This has resulted in patients having to be transported to the local aerodrome some six to eight kilometres away, resulting in existing ambulance staff having to be utilised for longer periods than previously. My understanding, minister, is that the money is in the budget.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:28): Thank you very much to the member for Stuart for his question and his advocacy on this important matter. He is right in terms of we have inherited a situation where many helipads across the state, including at the Port Pirie Regional Health Service, were not up to scratch in terms of the capability and the safety requirements they needed through the civil aviation authorities, and we are now having to upgrade those helipads to meet those requirements.

We are very appreciative that the Treasurer has allocated some $23.4 million to enable those works to happen, particularly at Port Pirie but also at 12 other country hospitals across the state: Balaklava, Clare, Kangaroo Island hospital at Kingscote—which you will be interested in, of course, Mr Speaker—Kapunda, Loxton, Mannum, Meningie, Murray Bridge, Port Broughton, the Riverland General Hospital at Berri, the Southern Fleurieu hospital at Victor Harbor, as well as Wallaroo.

All of those hospitals are receiving upgrades to their helipads out of that $23 million investment, and that will mean that they meet the requirements that are needed to safely transport those patients, to safely take those helicopters, and to look after the staff and patients. Most of those helipads will be widened to have larger landing areas, allowing the new statewide Rescue Helicopter Service fleet to be able to use them safely during the day and night when they hit the skies later this year.

We are pleased to report that the Pirie helipad works were recently tendered as part of the same project as the emergency department upgrade. The member will be very familiar with this. Something he has passionately advocated for for some time is having that new emergency department built at Pirie, as well as what was put in the last state budget to have the new clinical simulation training laboratory built at Pirie, which will help us to train more healthcare workers for the local area. That is an additional $20.6 million investment going into those two projects: that plus the helipad are being tendered together.

We are expecting that the Pirie helipad in particular will cost $1.5 million and will be happening on the existing site of the current helipad at the hospital. That tendering, I am advised, is going through the final stages at the moment. The construction works for the helipad and the ED will be integrated and focus on completing the helipad as soon as possible, with that expected to come online before the emergency department.

I thank the member for his advocacy in relation to that matter. This will be good news for patients in Pirie, particularly those who are critically ill and need to be transported to metropolitan hospitals. They will have a much safer facility very shortly.

HOUSING SUPPLY

Mr BROWN (Florey) (14:31): My question is to the Premier. Can the Premier inform the house of any steps the government is undertaking to address housing supply?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:31): I thank the member for Florey for his question. I recall, prior to either of us entering into parliament, having a rather lengthy discussion some time ago with the member for Florey about how important housing supply is to intergenerational equity within society writ large. This has been a source of passion for him for some time.

I am very pleased to advise the house that only earlier today I was with the Minister for Housing at a new development in Aldinga, in your electorate, Mr Speaker. This is a really exciting new development that will see 800 homes being built in Aldinga, immediately adjacent to the rail corridor that this government saved and immediately adjacent to the brand-new super school that you advocated for over some period of time, Mr Speaker. It will see 800 new homes being built over the course of the next few years, 25 per cent of which will be affordable housing.

The Hon. V.A. Tarzia: When?

The Hon. P.B. MALINAUSKAS: I will get to that. Twenty-five per cent of those 800 homes means that 200 homes will be built that will be available to the market for $490,000 or less, which is fundamentally important to ensure that home ownership isn't something that is completely beyond the reach of working people within our state.

The construction of those homes will start next year, and it is all but one component of the Housing Roadmap that we announced a number of weeks ago. The Housing Roadmap is a concerted, across-government policy effort to ensure that we are pulling every lever at our disposal to get more homes built in this state—not houses, but homes. That has been a substantial and comprehensive exercise, one that we know was lacking under the former government, as has been acknowledged by the former Leader of the Opposition, who made it clear on the record, to his credit, acknowledging that this was something that didn't enjoy the effort that was required by the former government.

Now, what are we doing? There is the land release. There are rezonings that have taken place following that land release, some of the most comprehensive number of rezonings in this state's history. Then, of course, we have seen tax reform. We haven't cut taxes around housing supply—an issue that matters to every young person in this state—but we have abolished them.

If you are a first-home buyer in this state who builds their own home, you will not pay a single dollar of stamp duty. This is now the envy of other jurisdictions around the country, which is probably why the Housing Industry Association and the BCA, amongst other organisations, say that if you are going to be a young person trying to buy a new home you had best live in South Australia because it has the best, most equitable tax regime in the country for young people wanting to buy new homes.

On top of that, we are now investing in the critical infrastructure that has been underinvested in for too long that is mission critical to getting a house coming out of the ground. Of course, none is more important than water supply. How many dollars were spent over the course of the four years of the Marshall Liberal government on housing infrastructure? I will tell you: $172 million is the number that I have been advised of. How much money is this government spending over the same length of period? $1.5 billion is the amount that we are spending on critical water infrastructure.

It is fair to say that this won't be seen, it won't be touched, it's not like a road that you can drive on, but it does matter to making sure that we have more houses built in this state at a pace we haven't seen in the past so that young people have the opportunity of home ownership to live in their state that we all want to call home.

GOVERNMENT GRANTS ADMINISTRATION

Mr TEAGUE (Heysen) (14:35): My question is to the Premier. Does the Premier consider the incorrect awarding of $1 million to a company 'an administrative error'? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: An ICAC report entitled 'Evaluation of Grants Administration' found that, quote, 'an administrative error' resulted in a bungled awarding of $1 million to a company which then had to retrospectively apply for the funding that it had already received.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:36): Yes, as was reported in the parliament yesterday, and the Attorney-General gave a ministerial statement regarding a number of matters that pertained to the various reports that were tabled in the parliament yesterday, this was one of them.

We are grateful for the work that has been undertaken by the commission in this regard. I am very pleased to report that the $1 million grant that was awarded to Belgravia has resulted in some high-quality outcomes that have benefited industries throughout the state. The business exists within the member for Florey's electorate and it is a grant that has unlocked a lot of growth at Belgravia. We have seen their investment in capital actually deliver jobs that were being performed in China now being performed right here at home in the state of South Australia.

These types of partnerships between business and government are the sorts of partnerships that we are willing to invest in but we were grateful that, as a result of the work undertaken by the commission, there was an identification in terms of a process that had a gap within it in terms of the way that cabinet decisions are communicated to relevant government agencies. As a result of that work in November last year I was very pleased that the CEO of the Department of the Premier and Cabinet, in conjunction with myself, revised a circular to ensure that cabinet submissions that are made, of which are often amended during the course of cabinet deliberations, are adequately and appropriately communicated to government agencies. That issue has now been rectified, and we are very grateful for the exercise to be able to deliver that outcome.

GOVERNMENT GRANTS ADMINISTRATION

Mr TEAGUE (Heysen) (14:38): In light of that answer, a supplementary question: will the Premier guarantee therefore that there have been no other administrative errors in the awarding of grants, and will the government audit recently awarded grants for other administrative errors or the risk thereof?

The SPEAKER: Member for Heysen, I will take that as a second question. The use of supplementaries is expanding out the number of questions from the opposition, and it is a separate question. Yesterday, the opposition had 19 questions, the Independents had four questions and the government had zero questions. Premier.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:38): I understand that the analysis that was conducted as part of this evaluation was comprehensive, and I have not received any advice around any other concerns in terms of specific grants that were administered or awarded. In fact, I do note—and I am talking in general terms here—that in terms of the evaluation that was tabled yesterday there were a number of references, and at least one specific reference from the

ICAC, to the fact that on their observation that the administration of grants and the like by the state government had been done with complete integrity. There was no finding and no suggestion of any lack of integrity in terms of awardings of the Belgravia grant or otherwise, but there is a robust process in place.

There is always room for improvement, and that is why these types of evaluations can be valuable to the government. In fact, out of the reports, the various evaluations, five of which were handed down yesterday, some contained specific recommendations in different contexts, not in the context the shadow attorney-general is asking about. Naturally, they are being pursued by the government. I have asked the commissioner for the public sector to look at at least two sets of the recommendations. She has already been charged with those responsibilities formally yesterday, and we look forward to the outcome of that.

MINISTERIAL ADVISER CORRUPTION

Mr TEAGUE (Heysen) (14:40): My question is to the Premier. Was the Premier advised—and if so, when—that a ministerial adviser was receiving large sums of money into their bank account, who was the adviser, and what action has the Premier taken? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: An ICAC report tabled yesterday, titled 'The Gatekeepers: Corruption risks with ministerial advisors', found:

> …a ministerial advisor might have been engaging in corruption. It appeared the advisor was receiving large sums of money into a bank account from unexplained sources, possibly as bribes.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:41): The shadow attorney-general thinks he is clever, but the selective quotations adopted by the shadow attorney-general—even he knows better than that, because of course the very same report that the shadow attorney-general refers to makes it clear that there was no finding of corruption or illegality or otherwise, which of course bribery would be. So the suggestions made by the shadow attorney-general are, quite frankly, outrageous. He should be a lot better than that.

Members interjecting:

The SPEAKER: The Minister for Trade will come to order.

Members interjecting:

The SPEAKER: Member for Unley! The Minister for Trade, you are on a second warning.

LEIGH CREEK POLICE STATION

The Hon. G.G. BROCK (Stuart) (14:42): My question is to the Minister for Police and Correctional Services. Can the minister update the community of Leigh Creek and surrounding locations as to the situation with the staffing of the Leigh Creek Police Station? With your leave, sir, and that of the house, may I explain?

Leave granted.

The Hon. G.G. BROCK: This police station is currently not staffed, and this is causing grave concerns not only with the local community but also about the ramifications there are if there is a vehicle accident or anything like that. Volunteer ambulance drivers have to attend to that, and I am advised that it is protocol for safety that they must have a police officer whenever they attend these incidents.

The Hon. D.R. CREGAN (Kavel—Minister for Police, Emergency Services and Correctional Services, Special Minister of State) (14:43): I thank the member for this important question. He is a powerful advocate for his community. When I commenced in this role, he brought to my attention a number of matters. He has been persistent in ensuring that those matters have not fallen out of my focus or the focus of any department leaders.

To provide him with a very specific answer, Leigh Creek Police Station is normally staffed by two SAPOL members, including an officer in charge. It is currently staffed by a seconded member

pending both vacancies being filled. In the interim, the area is supported by police from other cluster stations. South Australia Police are currently seeking applicants for both vacancies, and I would encourage the member to continue to be in contact with me in the way that he has been since I have assumed these responsibilities, as earlier indicated. I look forward to those conversations.

SOFT PLASTICS RECYCLING TECHNOLOGY

Ms THOMPSON (Davenport) (14:44): My question is to the Deputy Premier. Can the Deputy Premier provide an update to the house on efforts to improve advanced soft plastic recycling technology here in South Australia?

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Climate, Environment and Water, Minister for Workforce and Population Strategy) (14:44): I am delighted to bring the house up to date with this because they individually, but also the people that they represent, I am certain, are very concerned about what we do about all of that film soft plastic. It seems impossible to go shopping without getting at least some of it into the shopping basket and, yet, at present, has no real destination for recycling.

People will remember that REDcycle was an organisation that offered to collect these plastics at supermarkets and would take them back to Melbourne to have them recycled. Through a number of circumstances, including a bad fire in Melbourne, that destination for soft plastics was cut off. I think in other states ministers have said to me, 'Well, actually, the one good thing about it is that it made people pay attention to the fact that we do want to recycle soft plastics.'

Here, I think it was much more devastating because you don't need to convince South Australians about recycling. We are the highest by far per capita recyclers in Australia, and 25 per cent of what was being collected in soft plastics in REDcycle across Australia was coming from South Australia, with around 7 per cent of the population. So we didn't need to be convinced and, in fact, I think it has been devastating for South Australians.

I have had to persuade people in my house not to keep stockpiling this in the hopes of being able to turn things around because they might need an EPA licence for the shed. The reality is that we need to have less of this coming in, and that is where the Packaging Covenant—which is going to be significantly toughened up through the leadership of Tanya Plibersek—reducing the amount that comes into our shopping baskets, is essential.

We have been trialling ways in which we can offer an alternative to REDcycle for collecting this material, whether it's in a very bright bag that is put into the recycling bin—otherwise please do not put these in the recycling bin; they mess up the whole process—and/or ways of having collection sites, perhaps again at supermarkets. That is being worked on at present in South Australia but in other states also.

Then, there is this big question of where does this stuff go and who buys the product that's made? The commonwealth government put aside $60 million to look into this question. I was very pleased to see a South Australian company won $20 million of that. They are putting $20 million of their investment in as well, and they are going to, in the next 12 months, bring online technology that is new to Australia (but has been proven in Europe) that is able to take the soft plastics material and turn it into the kinds of pellets that are then able to be used to be turned back into packaging and ultimately, we hope, into food-grade packaging.

What that year does is give us time to really resolve the ways in which we can allow consumers to collect the material and pass it in and have it available for this factory. We need to work out whether that factory itself, that facility, is going to be able to take all of the demand that we know is pent up and ready. I very much congratulate Recycling Plastics Australia, the company that has decided to put itself on the line and offer this.

I would say that plastic is choking us; plastic is everywhere. While it is a very useful material, it is not only very wasteful to simply get rid of it and only use it once, but it also, when it enters the river stream, can cause immense damage to wildlife. I would like to congratulate the other side of the chamber, although that individual may not presently be here, for leadership in the eradication of the single-use plastics with the piece of legislation that was brought in in that term, and we are glad to continue that to this day.

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:48): My question is to the Minister for Arts. How does the minister respond to the parliamentary committee testimony of world-renowned marine mammal expert Dr Catherine Kemper? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. J.A.W. GARDNER: On Monday, Dr Kemper told the Statutory Authorities Review Committee, and I quote:

> I would love to return to the South Australian Museum as an honorary researcher…my heart is there and I really feel I have so much more to do, but I won't go back unless there is a change in leadership and direction and there is a return to valuing science, knowledge and research.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:48): I thank the member for the question. I do want to acknowledge Dr Catherine Kemper, who is in the gallery at the moment, and thank her for the incredible amount of very important work she has done with the Museum for a very long time. What I do want to acknowledge is the importance that this government places on that research. As the member would be aware, there is obviously some concern—and we have the petition that was lodged earlier today—from a very passionate group of people who want to see the Museum improve and do well. What the Premier and I have done is listen to that, and we have the Premier's Review currently undertaking some work.

I want to thank Dr Jim Thompson, Professor Craig Simmons and Damien Walker for the work that they have done in engaging really closely with some key stakeholders. That work is being done at the moment. The Premier and I are both waiting for that report to come through to us and then decisions will be made. We will make those announcements shortly in due course.

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:50): My question is to the Minister for Arts. When is that report going to be provided to the minister and the Premier, and will it be released?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:50): In a matter of weeks. The Premier and I will have those discussions once we receive the report.

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:50): My question is to the Minister for Arts. Is the minister aware of testimony given to the Statutory Authorities Review Committee in relation to a $1 million donation to the Museum, the terms of which have allegedly been breached by the Museum leadership, and, if so, what action is the minister taking to address this matter?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:50): I thank the member for the question. Yes, I am aware of the evidence that was provided and I have received some information in relation to that. Very kindly, Mr Antony Simpson donated $1 million to the Museum back in 2019 under the former government. The new leadership of the Museum has been working with Mr Simpson in the last year or so to resolve any issues that may exist around where that donation is being spent.

I understand that there was agreement reached in principle in late March this year for the donated funds to support an early career appointment. I understand that role will oversee the migration of the significant Vince mineral collection for the Museum for a two-year period in collaboration with the Australian Critical Minerals Research Centre at the University of Adelaide, and the Museum is due to advertise that position in due course. I understand that since the new leadership and this government have been involved, that work is being done and those negotiations have been undertaken with Mr Simpson.

We are very grateful for the contributions that Mary Lou and Ant Simpson have made to the Museum over many years, and we look forward to engaging with them and working with them closely.

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:51): Supplementary.

The SPEAKER: If it is a supplementary.

The Hon. J.A.W. GARDNER: Yes, it is, sir: directly to the minister's answer.

The SPEAKER: I will work out whether it is or not.

The Hon. J.A.W. GARDNER: Thank you, sir. The minister, in her answer, said that there was an advertisement that was going to be placed—I believe she said imminently—in relation to an early career person in the field of minerals. What qualifications will that person have, will they be a research scientist in critical minerals, will they have experience in that role and when will that position be filled?

The SPEAKER: That is definitely a supplementary. Minister for Arts.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:52): I can take on notice the questions around the details of the advertisement, but obviously they would have the relevant experience to be able to take on that role of research into critical minerals. I expect that to be the case, but I will take on notice the details of the advertised position and come back to you.

NARACOORTE POLICE STATION

Mr McBRIDE (MacKillop) (14:52): My question is to the Minister for Police. Can the minister inform the house whether land has been purchased or earmarked for the new Naracoorte Police Station? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr McBRIDE: In the recent state budget, nearly $18 million has been committed for a new Naracoorte Police Station. I understand this will be the new station.

The Hon. D.R. CREGAN (Kavel—Minister for Police, Emergency Services and Correctional Services, Special Minister of State) (14:53): I thank the member for this excellent question and for his consistent, significant and impactful advocacy to ensure that there are appropriate facilities for South Australia Police in his community and surrounding communities.

As the member is aware, the Naracoorte Police Station is an ageing legacy asset in the ownership of the minister. The original building on the site was the courthouse, which was extended to provide a new courtroom and waiting and witness facilities in 1954. The police station utilised the old section of the courthouse and there were additions to the facility in 1972 and 1996, as the member is aware. The asset has faced continued building and structural issues arising principally from the failure to adequately install a damp course in the original construction, and those difficulties could not be overcome through further investment over time.

Delivering a new Naracoorte Police Station of course is now a commitment of the government. In terms of the specific land for use for that future asset, I am advised that South Australia Police are presently exploring land options with Renewal SA as part of the first stage of the build for the new police station. I encourage and welcome ongoing contact from the member with respect to this significant investment in his community.

LYELL MCEWIN HOSPITAL

Mrs PEARCE (King) (14:54): My question is to the Minister for Health and Wellbeing. Can the minister provide an update on the Lyell McEwin Hospital?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:55): I thank the member for King for her question. It was great to join her and other members from the northern suburbs at the Lyell McEwin Hospital on the weekend where we unveiled and opened the new 48-bed

extension of the Lyell McEwin Hospital. This is an investment that the government has made of some $47 million into the hospital to expand the number of beds at the Lyell McEwin to meet the needs of the growing northern suburbs.

This has been built on level 3 of what was the clinical services building, which had two levels of beds but now we have added a third. This was originally set aside in the construction of the original building as a potential future expansion point, and we have now been able to utilise that and convert that area to additional beds. It has been done in a very fast way over the past two years. I want to commend all the workers who have worked on that and the builders, Built, who did an excellent job.

At the peak, there were some 166 staff who worked on that project. They created a new canopy over it to enable fast-tracking of those works so they weren't impacted by weather to get that project done as fast as possible. Then through the course of Monday we saw 100 patient movements happening to enable those beds to be filled and patients to get out of the emergency department, and also other moves between Modbury and Lyell McEwin Hospital. By the end of close of business Monday those beds were all full.

Of course, beds are not the only thing; we need staff as well, so we have recruited additional staff to work as part of those new beds. They will be staffed by more than 100 FTE, including 12 medical officers, 85 nurses and 12 allied health and pharmacy staff working across those sites to make sure that we can properly care for the patients in those additional beds.

That is not all. We've got more beds to come. We only promised 24 extra beds at the Lyell McEwin at the election. We have already doubled that number of what was delivered this week, and then next year there will be another 32 beds of internal expansion happening to enable additional beds to come online for what we know is a growing hospital with growing demand.

Clearly, it is the government's proposition and our plan to expand our hospitals and to expand our infrastructure to make sure patients can get the care that they need. I think by and large all the experts and all the advocates are saying that this is what needs to happen to make sure we can reduce pressure on our hospitals and reduce ramping across the system. I hadn't heard anyone putting an alternative view until today actually.

Earlier today we heard a proposition from the Liberal Party. We have been waiting to hear some health policies from the Liberal Party and finally we heard some. The newly appointed shadow assistant minister to the Leader of the Opposition, the member for Hammond, made a contribution in the chamber today saying, 'I think it could be fixed without spending a single dollar on any infrastructure.' That is music to the ears of the Treasurer, no doubt. What is this secret fix that you cannot spend any money on infrastructure? He said:

> I do not think the public would stand it, mind you, but if there was a gap fee for people turning up to emergency who did not get admitted, I think you would see a drastic reduction in people attending emergency departments.

So Tales of Tarzia today, the new Tarzia gap fee—

Members interjecting:

The SPEAKER: Members on my right!

The Hon. C.J. PICTON: —cancelling infrastructure, a new patient tax, putting it on patients across South Australia.

Members interjecting:

The SPEAKER: Members on my right!

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The Leader of Government Business, you will come to order.

Members interjecting:

The SPEAKER: Members on my right!

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:59): My question is to the Minister for Arts. How much money is being given to the Museum this year by private donors? What action is the minister taking to restore philanthropic giving levels and the confidence of the Museum's major donors in the institution?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:59): I wouldn't have any figures off the top of my head and I am not sure the Museum would for this financial year, given we are in week eight of this financial year. I am sure I can take it on notice and provide what information is available. Obviously the 2024-25 financial accounts are not yet done as we are only part way through the year, but I will take that on notice and come back to the member with any information that I can attain.

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:00): My question is to the Minister for Arts. Do the chair of the South Australian Museum Board, the director of the Museum and the minister herself understand the contribution scientists make to the Museum? With your leave and that of the house, I will explain.

Leave granted.

The Hon. J.A.W. GARDNER: On Monday, the Statutory Authorities Review Committee heard evidence from Dr Catherine Kemper and Mrs Mary Lou Simpson specifically that they do not.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (15:00): In short, yes, I certainly do. I can't answer for the others but Dr Gaimster is eminently qualified and Mr Kim Cheater also has had a long association with the Museum and is very well aware of the issues and the importance of research, so, yes.

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:00): My question is to the Premier. Will the Premier finally draw a line through the proposed restructure to the staffing, collections and galleries of the South Australian Museum as requested by more than 10,000 South Australians who signed a petition tabled in the house today?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (15:01): As the Minister for Arts has been indicating throughout the Deputy Leader of the Opposition's questions, the government will be releasing the outcome of the review. It has been a comprehensive effort. There have been a number of people who have been able to contribute to that exercise. It has been well led. We have made sure we have experts including the state's Chief Scientist and then a well-regarded museum director from the Queensland Museum, along with the CE of the DPC.

The Minister and I are looking forward to the receipt of that report in the not too distant future. I should make mention that there have been a number of people who have represented the group of, I think, concerned citizens around the original proposition that was being put forward by the Museum board. I can say at this point from the briefings that we have had, as the review has been ongoing, that the original proposition that was being pursued by the board was not satisfactory, that there was a very underwhelming effort on behalf of the Museum's management to engage with people who have a really legitimate and genuine interest in the Museum. So there is clearly work to be done.

We look forward to the outcome of that review. I want to thank people who have contributed to that review. This government's objective is to make sure that the Museum remains a strong institution in this state, that its outstanding collection is able to be preserved and put on display, and we want to make sure that the science and research that is well-regarded around the country at the Museum is able to be preserved.

But, at the same time, we do acknowledge that there is a need to modernise elements of the Museum. I don't mind saying, and I think I have mentioned in this place before when the Deputy

Leader of the Opposition has asked questions about it, that my kids go to the Museum every school holidays it feels like. I myself went there a few weeks ago to have a look, and I went there with the kids, and they know the place far better than I do. But it did strike me that there are parts of the Museum that feel like they need a bit of a freshen up. There are parts of the Museum—the parts that are public facing because so much of what the Museum does isn't public facing—but there are parts of what is public facing, that feel like they haven't changed since I was a kid.

A part of that engenders nostalgia. I mean, who doesn't love the lion that wags the tail. But it is also true that we don't want the Museum to end up being a museum of a museum. So there is a balance that needs to be achieved here. I think, rather thoughtfully, those people who I characterise as concerned citizens about the proposed changes acknowledge that there is a need for effort in the Museum going forward. So that is where there is work to be done and we keenly await the outcome of the review.

PATIENT ASSISTANCE TRANSPORT SCHEME

Mr ELLIS (Narungga) (15:04): My question is to the Minister for Health and Wellbeing. Is the presence of two different sorts of handwriting grounds for denying a PATS claim form? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr ELLIS: I recently had a constituent present with a rejected PATS claim form on the grounds that it had two sorts of handwriting. At her specialist appointment, the admin staff had filled out the majority of the form, leaving just the details for the specialist themselves to fill in, but when it was submitted it was therefore rejected, forcing her back to the specialist to take up their valuable time to fill in the entire form.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:04): Thank you to the member for Narungga for his question and his continued advocacy on behalf of his residents in relation to health care in his area. Thank you to the member for raising this with me and my office. We have received a letter from the member for Narungga in relation to this matter, and I have made sure that we have raised it with the PATS team for their investigation. On the face of it, I can't see why that would have been the case. It certainly isn't my understanding that that would be in the policy, so I am looking forward to seeing an explanation from the PATS team and the Rural Support Service in relation to that matter but also if there can be steps taken to rectify that matter in terms of any payment being released to your constituent.

I would say as well that the team and the Rural Support Service led by Executive Director Debbie Martin are undertaking work in terms of trying to make the system more electronic to enter, if not the 21st century, at least the 20th century, with our PATS record system and make sure that we can have electronic submissions for a number of these documents. Once that system is in place, that may well go to help prevent those sorts of instances happening in the future as well.

NORTH-SOUTH CORRIDOR

Ms CLANCY (Elder) (15:06): My question is to the Minister for Infrastructure and Transport. Can the minister please update the house on the government's north-south corridor project?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:06): I thank the member for her question and her keen interest, because South Australia is indeed building. The government is investing a record $25.6 billion in infrastructure, which will create jobs, support our economy and improve the lives of South Australians. At the centre of this is the Torrens to Darlington Project, the largest initiative in South Australian history. Following an exhaustive procurement process, which commenced in January 2023, the consortium comprising of John Holland, Bouygues Construction, Arcadis Australia, Jacobs and Ventia has been selected as the preferred alliance partner.

These companies individually have an extensive track record of successfully delivering major tunnelling infrastructure projects across the country and internationally. The successful consortium has confirmed they can deliver the Torrens to Darlington project on budget, delivering significant travel, economic and community benefits for all South Australians. The consortium's plans to procure

three tunnel boring machines, instead of two previously anticipated, will mean that both the north and the south tunnels can be constructed concurrently. This gives us a reasonable expectation that the state-shaping project can be completed not only by the 2031 deadline but even earlier.

In the coming weeks, the construction consortium will set up the major construction site at the southern laydown area in Clovelly Park and engage with local communities as early works continue along the corridor. In conjunction with this, more than seven kilometres of South Road will have been resurfaced by the end of the year. Main construction works for the installation of the second left-turn lane from Manton Street to Adam Street are well underway. The main construction works were released this month for Grange Road/Holbrooks Road/East Avenue intersection upgrade. Concept plans for the broader network upgrades have been released, including the Raglan Avenue, Edward Street and South Road network upgrade—something the member has championed for a long time.

Not only is it the largest infrastructure project in our state's history to support 5½ thousand jobs per year during construction and slash travel times across the 10½ kilometres to just nine minutes but it will also provide an unprecedented economic opportunity for local businesses.

From June 2020 to June 2024, the Torrens to Darlington project has supported approximately 896 jobs, around $350 million worth of contracted works, with approximately 90 per cent of the commitment to date being South Australian-owned businesses. Ninety per cent of the labour hours will be undertaken by South Australians. This is a key election commitment brought in by the Malinauskas Labor government. The consortium has committed to a minimum of 6 per cent Indigenous employment on the project and more than 600 jobs for apprenticeships and trainees.

More than 300 local businesses have already registered their interest in being involved as a subcontractor on the project through the ICN network. We are getting on with this job of delivering South Australia's record infrastructure investment.

LIMESTONE COAST RADIATION TREATMENT

Ms PRATT (Frome) (15:09): My question is to the Minister for Health and Wellbeing. Has the minister considered the radiation oncology access coalition's response to the Mount Gambier therapy service feasibility and, if so, what action is he taking? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms PRATT: On 18 August, the radiation oncology access coalition provided a response to the minister.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:10): I understand we have received a letter that will be given due consideration. We will receive advice from the Limestone Coast Local Health Network. I do make clear again what I said in the parliament yesterday in relation to the question from the member for MacKillop that we undertook a process where suitable experts were brought in to provide a full analysis of the feasibility. Those experts were able to assess that independently and provided a report to the board. That has been released publicly and we are now looking at how we can implement those recommendations in the report about improving cancer access to people who live in the Limestone Coast.

Grievance Debate

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:11): Generations of South Australians love and cherish our South Australian Museum and 10,561 of them have today seen their signatures honoured in this parliament with the presentation of the petition calling on the government to save the Museum. Those 10,561 signatures were collected from all corners of this state, from small shops in country towns to shopping centres in major suburban centres in Adelaide. More than 1,000 signatures were collected from people visiting the Museum and about 1,000 signatures collected on the steps of this parliament during the day that the rally was held to save science at the South Australian Museum.

I want to pay tribute to all those people around South Australia who have contributed to that petition, particularly those who have put in substantial efforts to collect those signatures by talking about this important issue in their communities, by sharing the news about the government's plans for the Museum and what it would do to damage the scientific reputation of the Museum, the galleries of the Museum, if it went ahead.

Those people come from all walks of life: I am talking about philanthropists and I am talking about scientists. There are various societies of particular scientific research interests that have put in an enormous amount of work. I would like to thank my fellow members of parliament, particularly but not limited to those in the Liberal benches, who went out into their communities collecting signatures as well.

This statement by more than 10,500 South Australians should send a clear message to the government that it is time to once and for all draw a line in the sand, rule out the restructure, rule out the reimagining and restore the budget that has been taken from the Museum.

Most recently, the last budget cuts of substance to the Museum were in the Malinauskas Labor government's first budget. That 2022 budget cut hundreds of thousands of dollars from the Museum's annual budget. It was the straw that broke the camel's back in many ways because there had been a series of cuts over previous governments that could no longer be withstood and the board put in place this tremendously inappropriate restructure proposal that would have cut 27 senior researchers from the Museum and replaced with 23 more junior positions.

These 27 researchers have collectively nearly 500 years' experience and they are experts in their fields, whether it is the marine mammals, such as those that Catherine Kemper, who is here with us in the gallery, researched for the Museum for nearly four decades; whether it is the reptiles; whether it is the Ediacara fossils; or whether it is the extraordinary anthropological work that is done by the South Australian Museum. Their expertise and their experience is irreplaceable and their understanding of the collections at the Museum, some of which are world-leading collections, is also irreplaceable.

The South Australian Museum has the world's leading collection of opals. The South Australian Museum has the world's leading collection of Aboriginal cultural artefacts. The South Australian Museum has some of the world's oldest, if not the world's oldest, fossil remains. It is an extraordinary collection and it needs to be valued in the way that this side of the house does, that the 10,500 South Australians who have signed the petition do and which the Labor Party clearly has had no interest in.

I have heard people in the Labor Party celebrate the proposed restructure, and certainly there was evidence given to this house when I started asking these questions at the beginning of this year that they were very proud of the work that was being done. That was the ministerial response earlier in the year.

Subsequently, when there was a public backlash to the public announcement of the restructure, I heard the Premier say that it wasn't really their proposals; it was the board and the management's—throwing to Kim Cheater, the chair of the board, and David Gaimster, the director of the Museum, as if it was just their idea. They may well have led the work on this idea, but make no mistake: the Labor Party has supported this proposal and the Labor government has supported this proposal.

It was a proposal that was briefed to the minister last year and, indeed, signed off by the minister in December. It was a proposal that sought the support of the Premier through the Premier's department to have resources towards that change management, and those resources were provided from the Premier's own department. They cannot just walk away from it.

I am somewhat encouraged by the completely different tone the Premier took today, where he recognised that a lot of those concerns were real concerns. What we need now is a clear statement from the Premier that that budget is going to be restored. The budget was cruelly cut in 2017 by Tom Koutsantonis, the cuts were modestly increased by Rob Lucas in 2019, and it was further damaged in the 2022 budget. The budget needs to be restored, the restructure needs to be

absolutely cancelled, and the reimagining taken off the drawing board. We need support for this Museum. Those 10,500 South Australians deserve no less.

REGIONAL HEALTH SERVICES

Mr ELLIS (Narungga) (15:16): I rise to talk about my passion project which is, of course, regional health. Today in this grieve I would like to take the opportunity to really urge this parliament, and essentially this government, to take some action on the petition that I tabled in this place some nine months ago. In November last year I tabled a petition of almost 11,000 signatures that should, by legislation, have triggered an inquiry into health care in Narungga but as yet has not seen the light of day.

The people who signed that petition did so because they thought they were instigating an action. They were not necessarily doing it as a token gesture or anything like that; they just wanted to instigate an action that might lead to an objective outcome, and as yet we have not had the opportunity to do that.

I urge the government: it needs to see the light of day. It needs to be an earnest and honest inquiry that gives my constituents the opportunity to chip in and help out and contribute to it so that they can have their voices heard and they can help lead the direction in which regional health care goes. I need to urge the government to do something, to promote it to the top of the list. It surely has been waiting on the table long enough and I hope that it can soon be referred to a different committee, because it seems that the Legislative Review Committee does not have the time nor the resources to give it the light of day.

This moment signals the start of my renewed push to have it inquired into. I will keep constituents updated when we finally have it at the forefront and open so that they can make their contributions toward the future of health care in Narungga. That is plainly obvious and plainly essential, because we continue to have stories roll through about the inadequacies of the system that we are dealing with.

Only last week I had a call in my office from a gentleman whose family member had suffered a slight cut at footy that Saturday. They presented to the Wallaroo Hospital, our leading healthcare clinic. Despite the best efforts of the people working there, they had to wait six hours for six stitches—extraordinary. It was a cut worthy of immediate attention, for sure, but the reality is it was six stitches that took six hours. They had to sit there and wait for the entire time they were there. That is just the latest example of the shortcomings.

I do want to stress that is not through any fault of the people who work there; they are all doing their absolute best. I earnestly believe that the local health network is doing its best as well. John Voumard is chairing what is an extraordinarily difficult proposition. The Yorke and Northern Local Health Network has more hospitals, I think, than just about any other—16 that they have to spread their love across—and, if memory serves, they have the second highest population of any of the LHNs. So they have an incredibly difficult job trying to make sure that the services under their stewardship have all received appropriate attention and they are all getting what they desire.

But along with those difficulties comes missed opportunities, I think, and the Wallaroo Hospital is certainly that at the moment. It is a comically small hospital. It is a 21-bed hospital for a community that is close to 15,000 people, I suspect, between Kadina, Wallaroo and Moonta—and that is before you count the rest of the peninsula. So it is a comically small hospital for a community of our size.

I saw in the local paper only last week that 40 years ago we were promised a $6 million new hospital at Wallaroo that was to have 30 acute beds and 28 long-stay beds. Here we are 40 years later with a 21-bed hospital and an increased population—a bigger community—that it is trying to serve. Urgent action needs to be taken at Wallaroo. The hospital needs to be upgraded significantly, made bigger so that it can serve its community. Urgent action also needs to be taken across the peninsula at Yorketown and Maitland, and I would like to see some government action at Ardrossan as well to replace the community hospital that has since shuttered there.

It is important to stress that this petition needs to see the light of day. It needs to be promoted to the top of the list so that a genuine inquiry can be had. As I said earlier, my constituents signed

that petition on the understanding that they would then be given the opportunity to contribute to a public inquiry on the record and out in the open so that the decision-makers, those who apportion the money, can be fully made aware of what the community sentiment is on the ground. That has not happened yet and it soon needs to.

The greatest evidence that we have of the disconnect potentially between Adelaide and our region is whenever we raise concerns in this place or in some other forum about the shortcomings of our regional health system, we are consistently fed information about the improvements that are happening at the Port Pirie hospital. That is not a relevant consideration for our community.

There is no-one from our community, or very few people from our community, who will drive an hour north to Port Pirie rather than an hour and a half to Adelaide to access their services. As such, while I am sure the Port Pirie hospital redevelopment is welcomed by that community it is not necessarily appreciated by ours. We would like to see that money spent at Wallaroo or another facility in our system. If Pirie is going to continue to be prioritised, maybe it should be moved into the adjacent health network.

PARALYMPIC GAMES

Mr COWDREY (Colton) (15:21): I rise today ahead of the opening ceremony of the Paralympic Games, which will take place in the early hours of tomorrow morning, to pass on my regards and best wishes to the South Australian contingent and, more broadly, the Australian Paralympic team who are about to leave their mark on Paris with their performances in the pool, on the track or on the cycling velodrome or the many other sporting infrastructure that is there supporting our athletes at these games.

In particular, I would like to highlight a few of the athletes who will be competing over the next week or so over in Paris, including Jed Altschwager and Nikki Ayers who both compete in the para-rowing PR3 class in the mixed-doubles sculls. I have just had the St Michael's College students in from the western suburbs and just learnt that Jed is an old scholar of St Michael's as well, and they will be having a green and gold day to support his performances later in the week—so good luck to our mixed-doubles scull pair.

Amanda Reid from West Lakes is competing in the para-cycling events in the MC2 class. Sam Von Einem—a hero when it comes to table tennis—will also compete at the Paralympic Games. Sam is a fantastic local South Australian lad who has really set the world on fire with his performances over the last couple of years. We really look forward to seeing what he is able to do on the world stage when it comes to the table tennis events. There is also Darren Hicks, a fantastic man whom I have had the opportunity to meet on a couple of occasions. He will be competing in the para-cycling events over in Paris including, I believe, the individual pursuit, the time trial and the road race.

Driving down Henley Beach Road towards the beach, as I do quite frequently during the week, I reflect that there is an advertising billboard currently up with Darren Hicks on that billboard, And I sit there and think to myself, 'Would this have been the case 20 years ago?' It is a pretty special thing to see our athletes being recognised in that way. To a couple of expat South Australian athletes—Jesse Aungles from the swimming team, who I had the great privilege of being able to coach for a very short part of his career in his very early days; and Michael Roeger (pride of Strathalbyn), a fantastic lad, out there in the distance running events—best of luck.

I only wish to reiterate the words and the sentiment that I shared in the media earlier this week to express my disappointment that the South Australian government is not providing funding in the same way that every other state government is providing funding to support our Paralympic athletes over in Paris. I think that is regrettable. It is a fight that I do not think we need to be having 20 years post the fact, and where the Paralympic movement is at the moment. Alas, that is the situation we are in, but I pass on my best wishes to our South Australian athletes competing at the Paralympic Games in the next week or so.

I would also like to provide while I have the opportunity a small update and an interim update to my community in regard to the Western Hospital. It was reported in *The Advertiser* this morning that a buyer has been sought in regard to the situation at the Western. While that transaction has not

occurred yet, there is an expectation that there will be a new owner of the Western Hospital by early November. That is something that is well and truly welcomed by my community.

To have had a petition tabled in this house with more than 20,000 signatures on it I think expresses very clearly the place that the Western Hospital has in the hearts of the western suburbs. It is a facility that we need to have continue to operate. The healthcare services that are delivered at that hospital are immense, and given the significant stress that our public system is under, they need to continue to be offered on that site.

While there may be some more specific questions in regard to the potential impact on the GP clinic and oncology services and, frankly, the staff who work within those units at the hospital, I understand that there are commercial considerations that need to be taken into account as all of these issues are continued to be worked through. But I did want to share the good news that has been reported by *The Advertiser* this morning that appears to present the fact that there is a clear future for the Western Hospital and for those services to be maintained on that site into the future.

I personally want to thank the businesses and every individual who signed that petition because the message was clear: this hospital is important. It needs to stay open and continue, and that has been heard loud and clear by the administrators of the hospital, the government and those looking to purchase that hospital.

The SPEAKER: Member for Colton, I would like to join with you in wishing our Paralympians all the very best in Paris over the next couple of weeks and acknowledge your enormous contribution as our most successful Paralympian. We can only lament the fact that we did not get to see you on billboards 20 years ago, but something that is going to last a lot longer than a billboard is the State Aquatic Centre, which has been the place where we have seen national titles and Olympic trials, with that pool quite rightly named after you. Thank you again for your contribution, and good luck to everyone in Paris.

SALISBURY CYCLE SPEEDWAY

Mr FULBROOK (Playford) (15:27): It is my pleasure to rise on behalf of the fantastic sport of cycle speedway and the amazing efforts made by our local club, the Salisbury Jets, for hosting the City of Salisbury Twilight Open Championship. I admit that up until recently I was completely unaware of what cycle speedway was all about. I had seen the occasional reference to the Findon Skid Kids and at one point I lived very close to the Lefevre Cycle Speedway, but it was not until this time last year when one of my constituents, Mr Ian Ward, visited my office seeking help for his daughter, Georgia, who was lining up to participate in the upcoming world championships. That made me a little bit curious.

Fast forward to November, and I dragged my son to Osborne to get a taste of the event. I must admit I was impressed from the get-go. For those not in the know, cycle speedway is a form of bicycle racing on short, oval dirt tracks, usually outdoors, typically 70 to 90 metres long. Riders use lightweight bikes without brakes or multiple gears. In most cases, a single race within a meet will have four riders on track, and they will ride in an anticlockwise direction, usually over four laps. This delivers fast-paced racing, with overtaking and a lot of gritty competition.

Crudely put, the origins of cycle speedway date back to the 1920s but took off in the wreckage of postwar cities across the United Kingdom. For the sake of brevity, I understand it attracts interest with clubs and riders hailing from the UK, Poland, Australia and Ireland, with interest also from Sweden, Japan, the US, Ukraine, Austria, Germany and Malta. But the big three are the clubs from the UK, Poland and Australia.

At the risk of generalising, when I say 'Australia', I am proud to say I mean South Australia. While its origins may be English, cycle speedway is much like rugby league: created in the UK and with its Australian base cemented in one region, in this case around Adelaide. With clubs in Murray Bridge, Salisbury, Osborne and Findon, if it were not for its English origins you could argue it is as South Australian as FruChocs or the Malls Balls, but that is not a bad thing. To me, there is nothing more amazing than seeing local kids taking on a grassroots sport and being within striking distance of representing their country.

While participation at their lead event is possible, thanks to some amazing volunteers and a lot of hard work it is refreshing how this sport celebrates people of all abilities. I mentioned Georgia Ward earlier. She has autism and has been participating since 2013. The sport has done wonders in boosting her self-esteem, and I could not be happier that she participated in the open women's section of the world championships. On the weekend, at the Salisbury Twilight Open Championship, another constituent, Chloe Barlow, who has autism, ADHD and anxiety, did an amazing job with her efforts on track. To her, the sport has boosted her self-confidence and improved her social skills, becoming more outgoing while also giving her a sense of belonging to what is a very supportive community.

Competition throughout the day was tight but, despite a lot of on-track biffo, there were plenty of handshakes to follow once the chequered flags fell. Having seen everyone give it 110 per cent during the day, while I am hesitant to pick a crowd favourite, I do not think anyone would begrudge me singing the praises of Cody Chadwick. Not only did he take out the division 1 event for the day, but he has also done an amazing job participating for his country and ensuring, as club president, the Salisbury Jets go from strength to strength. It is no wonder he also took out Salisbury council's Australia Day Community Achievement Award.

Behind the great man is a massive legion of fantastic volunteers. This includes Stacey McCormick, Craig Saunders, Jade Hannam, David Hartman, Justine Powell and Michael French who, along with many more, work tirelessly to ensure the excitement continues. While I am nearly converted, kudos goes to the federal member for Makin, Mr Tony Zappia, who joined me on the day and has been supporting this great club for well over 30 years. In saying these words, I hope there are a few in the chamber who are now curious and keen to check out this great sport. I encourage you all, as I am confident you will not be disappointed.

THE ADVERTISER BUSH SUMMIT

Mr WHETSTONE (Chaffey) (15:31): I rise to speak about an event I attended this morning down at McLaren Vale, *The Advertiser* Bush Summit. It has been touted as one of the great regional platforms in South Australia over a number of years. I would like to thank Ms Rinehart as a sponsor through Rossi Boots. She does an outstanding job not only sponsoring and supporting Australian sport but also in shining a spotlight on the regions of Australia, none more important than here in South Australia.

The Bush Summit had many attendees this morning, but it also had a number of panels that presented. I want to commend Gemma Jones, the editor of *The Advertiser,* for her overview on ag, regions, the challenges, living in the bush. It set up the conversation for a really robust morning, just to understand what the challenges are, living in the bush, and exactly what regional South Australia presents to the economy of South Australia.

Cosi was the mediator for the morning, and he is never short of a word. His first cab off the rank was an interview with the Premier, and it was all about the regions. As the Premier has said, the regions are the state's economic powerhouse. What continues to confuse me is that the government continues to neglect our regions. They continue to neglect our roads, they continue to turn away from the need for proper health services, or growing health services, and much more, but no more than people. As the Premier said, people are moving away from the cities into the regions, and this is happening right around the world, and this morning was no exception.

What we are seeing, while people are moving out of the city to the regions, is that the health system continues to be neglected, workplace relations laws and reforms continue to be shifted and not in favour of employers, not in favour of productivity, not in favour of the cost of living, but in favour of the union movement, in favour of Labor governments both federal and state.

It has been brought to the attention of many that while unions were weaponised in the last federal and state elections, they are looking for their pound of flesh, and that is that they are being given a voice now. We are seeing significant strikes and union action looking for better pay and wage deals, but that comes at a price of increasing the cost of production in the regions and increasing the price of food on people's tables. The thing that is really concerning is that it is driving down productivity in the workplace, particularly on farms.

After the Premier had spoken, we looked at ways that he could help support the regions. There was a lot of spin and there was a lot of talk—the Premier is a very good narrator—but it really did fly in the face of what he was saying and what has actually happened. There is some big talk in the city but there is not much action happening in the regions.

The first panel comprised a former neighbour of mine and my father's, Stephanie Schmidt, a farm lifestyle psychologist living at Worlds End; Harry Schuster, a seventh-generation farmer out at Freeling, who is quite renowned for the ploughed Australian map that he put into his front paddock and I think he is a great advocate as a young farmer; Brad Perry, a former staffer of mine and now CEO of Grain Producers SA, who talked about the challenges of growing grain and chemical use on our farms; and Adam Giles, the CEO of Hancock Agriculture and S. Kidman & Co, who talked a lot about red tape and live trade. There really was a lot that resonated and a lot of head-nodding in the room with some of those contributions.

Senator Penny Wong came to the stage and talked about the regions. She really did suck the oxygen out of the room. She jeered the audience. She did not want to talk about live sheep. She did not really want to talk about live lobster. It really was quite lacklustre and I was quite disappointed. I know Penny Wong personally, but it just was not a good fit for her today.

We have seen in recent days that power prices have doubled, particularly to some of the food production regions, but it was a great platform today. The Bush Summit is alive and well, and the platform for regional South Australia is there. I look forward to attending the next one.

LIGHT ELECTORATE

The Hon. A. PICCOLO (Light) (15:37): There is quite a vibe in the Gawler community currently, as events showcasing our heritage, creativity and energy draw people from near and far. Last weekend was the Gawler Show, South Australia's largest regional show, which saw more than 24,000 people pass through the gates across the two days. This year marked the 170th anniversary of the Gawler Agricultural, Horticultural and Floricultural Society, a cornerstone of Gawler's cultural and social life since 1854. It is more than an event, it is a celebration of community spirit, tradition and the vibrant culture of Gawler. Kudos to president Isaiah Tesselaar, the committee, sponsors, vendors and volunteers who continue to rally to make the event possible each year—a magnificent achievement and a magnificent effort.

Walking through the show, it is evident how much work goes into organising this event. The committee ensures our region is well represented, providing thrilling rides, agricultural showcases, entertainment, activities, hospitality and, of course, showbags. Our regional show offers both local businesses and artisans a platform to showcase their products, boosting the local economy and promoting regional talent. My thanks go out to all those involved, including the families who continue to circle the event in their calendars each year, as regional shows are an important part of a thriving community.

The Arts on the Plains Festival has also swept across the greater Gawler region. I thank the Minister for Arts, the Hon. Andrea Michaels, for launching the event earlier this month. The inaugural festival last year celebrated the creativity, community and vibrant artistic spirit of our region. In conjunction with the South Australian Living Artists Festival, the event brings the arts to the forefront, allowing artists of all types and skill levels to present their work. Artists pour their hearts into their work and collaborate with businesses to open exhibitions and experiences for the community. The overwhelming support from artists, businesses, residents and visitors last year laid strong foundations for this year's festival event. Over 20 events and activities are currently on offer to engage, inspire and entertain the public.

The biggest weekend of the festival is coming up this weekend, with businesses keeping their doors open for art enthusiasts. This year's theme, 'A celebration of creativity and community', is a hallmark of our goals. We showcase the incredible diversity of creative pursuits in our region, from Gawler to the Northern Adelaide Plains. This festival is about the people who create art, the stories they tell and the connections they forge.

Art is a powerful and emotive medium, especially in times of crisis, to express feelings and spread messages throughout society. It allows for self-expression, imagination and bringing beauty

into the world. The Arts on the Plains Festival reflects the support and enthusiasm of our community members who come together to make this event possible. With the support of sponsors, the local council, businesses, schools and community groups, the festival is a true community effort.

This year's festival features a wide array of artistic expressions, from paintings to sculptures, hand embroidery, textiles, photography, mixed media, recycled art and mosaics. Local artists capture the essence of our landscapes, our history and cultural heritage, telling the story of our region.

In addition to visual arts, we have a robust program of interactive workshops and activities. These events provide opportunities for everyone to engage with arts, whether as participants or spectators. Inclusive activities include baristas taking requests for latte art, a do-it-yourself arts session and a miniature painting tutorial, which are all happening this weekend. I got a sneak peak at the latte art last week and requested a unicorn. There were some naysayers suggesting that they could not do it, but it was quite magical.

One of the most exciting aspects of the festival is the focus on youth engagement. Fostering a love for the arts in young people is crucial for our community's future. By involving schools and youth groups, we hope to inspire the next generation of artists and art enthusiasts. As we celebrate the arts, we also recognise the economic impact. The arts are vital to our economy, attracting visitors, creating jobs and supporting businesses.

The Arts on the Plains Festival highlights this economic contribution and promotes arts tourism in our region. By drawing visitors to our town, we showcase our artistic talent and boost our local economy. That is why Business Gawler, our local chamber of commerce, has jumped on board once again as the major naming rights sponsor. I thank all the sponsors and supporters of the festival. Your generosity and commitment make this event a continued success. Thank you, and enjoy the Arts on the Plains Festival.

Private Members' Statements

PRIVATE MEMBERS' STATEMENTS

Mr TELFER (Flinders) (15:42): I want to speak today about the state of affairs with EP Cruises, who provide one of the most incredible nature-based tourism experiences in our state, with their Fowlers Bay whale cruise experience being a spectacular, unique, bucket list experience, one that every South Australian should visit and experience.

The EP Cruise operator, Rod Keogh, is one of the most passionate tourism and environment advocates you will find in the nation. Every Australian should experience it. In fact, perhaps the tourism minister should experience it. Maybe she can visit. Perhaps the environment minister should visit. Because, being such a passionate tourism and environmental advocate, Mr Keough has been endeavouring to deliver more unique experiences for people visiting the far west of our state.

He simply wants to be able to take people for overnight visits to the Nuyts Archipelago and Investigator Group of Islands, which are remote island clusters out on the Far West Coast. Indeed, he was allowed to for a short period of time. However, then the environment department decided they wanted to add some additional regulation, restriction and red tape. They developed a draft island management plan which, if accepted by the minister, will mean that this business will not be able to stay overnight, which will render the experience unable to be delivered because of its remoteness.

From my perspective, that is completely unnecessary. EP Cruises and Rod Keogh are incredibly conscientious environmental managers who have spent significant funds but have been let down by actions and inaction from the tourism and environment departments. I am asking the environment minister to please intervene and allow this experience to continue.

Ms WORTLEY (Torrens) (15:44): Today I recognise two great South Australian National Premier Leagues football (also known as soccer) teams based in Torrens: Adelaide City whose home ground is in Oakden, and North Eastern MetroStars whose home ground is in Klemzig. Last Saturday night, I was delighted to attend the first leg of the 2024 NPL South Australia semi-final at Adelaide City Park featuring these two great clubs, wearing both scarves: the black and white (Adelaide City), and the black, red and yellow (MetroStars). I was joined by Adelaide City president, Angelo Carrozza, and MetroStars president, Rob Rende, and I had the honour of tossing the coin.

What followed was a hard-fought game. After a tense 90 minutes of play, the first leg of the semi-final ended in a 0-0 draw, making way for a blockbuster this Friday night when MetroStars host Adelaide City at T.K. Shutter Reserve for the second leg of their 2024 NPL South Australia semi-final. I encourage all locals who can get down to T.K. Shutter Reserve on Friday night to cheer on these two successful NPL teams.

It is fair to say I feel safe in the knowledge that one of these great Torrens' soccer clubs will take their place in the 2024 National Premier Leagues South Australia Grand Final on Friday 6 September. On that occasion, I can assure you, I will be wearing only one team's colours: black and white or black, red and yellow. It is still to be decided.

Mr PATTERSON (Morphett) (15:46): The regional city of Whyalla has been through a lot this year. Recently, steel production was resumed after a four-month shutdown due to excessive cooling of the blast furnace. ABC News has recently reported that several contractors who supply services to Whyalla's steelworks are owed tens of thousands of dollars by the plant's owner. I have had similar concerns raised with me on a recent trip to the Upper Spencer Gulf. GFG needs to prioritise paying their contractors. GFG are also delaying the purchase of an electric arc furnace until at least 2027, with a lack of availability and the cost of hydrogen as reasons. Twiggy Forrest has also walked away from his hydrogen ambitions, including those in SA, citing prohibitive costs.

Labor's costly hydrogen plant is relying on GFG to be an offtake partner for their steelworks. Now we hear the blast furnace is again being shut down awaiting a shipment of coking coal. In April last year, the Premier and Prime Minister gleefully announced the closure of the steelworks coking coal oven. Fifty staff are losing their jobs, with GFG explaining there is an extended downturn in the steel market globally. The Premier needs to explain what risks and delays these issues at the Whyalla steelworks pose to Labor's Stalinist-sounding State Prosperity Project. Labor is spending millions of taxpayers' dollars in advertising this project to justify spending $700 million of taxpayers' money on their hydrogen plant.

S.E. ANDREWS (Gibson) (15:47): This morning we got the fantastic news that our community has won the campaign to 'sink the rink' and for that I thank all the community members who signed my petition, who attended the rally, who called their local councillors and who attended local council meetings to show their opposition to the proposed ice rink on Sturt Road at Marion. I do acknowledge that there are some in the community who liked the idea of ice skating at Marion but, in reality, there was strong community opposition to this project and that was for multiple reasons.

Traffic on Sturt Road is already really heavy. We see multiple accidents there on a regular basis and no-one wanted to see more traffic in that area. Importantly, too, we have saved two significant trees, two beautiful significant gum trees, that will no longer be chopped down to make way for this ice arena. But let's not forget the community sports groups at that precinct who were also against this proposal because they want more open space. Our community sports clubs want more room to grow and I support their every effort to maintain their fantastic clubs and hopefully find a new home for the Marion Tennis Club at the precinct as well.

Sitting extended beyond 18:00 on motion of Hon. A. Koutsantonis.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:49): I move without notice:

That standing orders be so far suspended as to enable the adjournment of the house to extend beyond 7pm.

The DEPUTY SPEAKER: Is an absolute majority present? No. Ring the bells.

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

The DEPUTY SPEAKER: You wish to speak?

The Hon. A. KOUTSANTONIS: Just briefly, sir. The government wishes to thank the opposition for their support of the suspension of standing orders for this evening. The government will not be disadvantaging any member who has made pre-arrangements between 6pm and 7.30pm.

The government is not planning on any divisions during that time. If there are disagreements between members during that time, the government will adjourn those matters until after 7.30pm to ensure that no member is disadvantaged.

Motion carried.

Bills

MOTOR VEHICLES (PREVIOUS OFFENCES) AMENDMENT BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:51): Obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959 and the Road Traffic Act 1961. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:52): I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Motor Vehicles (Previous Offences) Amendment Bill 2024 which amends the *Motor Vehicles Act 1959* (MVA) and the *Road Traffic Act 1961* (RTA).

In May 2019, the *Statutes Amendment (Vehicle Inspection and South Eastern Freeway Offences) Act 2017*, came into operation, amending the MVA and the RTA by inserting two new offences and respective penalties applying to trucks and buses travelling on the South Eastern Freeway descent into Adelaide. One offence is exceeding the applicable speed limit by 10 kilometres (km) or more per hour, and the other offence is failure to use a low gear when descending the South Eastern Freeway. In December 2019, Parliament amended the penalties in response to concerns raised about the severity of penalties imposed on offenders committing multiple offences involving speeding or failing to use low gear while descending the South Eastern Freeway.

The intent of the penalty provisions for these offences is to ensure that each offence is treated individually with an escalating disqualification period, regardless of whether an offence is expiated or a conviction is imposed by a court. Essentially, the more offences a person commits, the greater the punishment. This is intended to deter future offending and ultimately to protect the public by enhancing road safety by disqualifying people who repeatedly engage in risky road user behaviour.

However, the Government has become aware that the provisions may not achieve this intended outcome.

This Bill seeks to eliminate the administrative anomaly, permitting the Registrar of Motor Vehicles (the Registrar) to impose disqualification periods regardless of the timing of the commission and expiation of the alleged offences.

In addition, the escalating penalty structure for South Eastern Freeway heavy vehicle speeding expiating offences has been removed, with a 6 month flat penalty regime introduced to address cases where very lengthy periods of disqualification have been imposed with somewhat harsh results. The same penalty will therefore apply every time the person allegedly commits a further offence (subject to the 5 year period limitation).

The Bill seeks to ensure the intended outcome relating to escalating penalties is also achieved for the following offences:

- Alcohol and drug dependency assessment tests (section 79B).
- Drink driving offences (section 81C).
- Drug driving offences (section 81D).

Section 79B provides that a person must undertake a drug dependency assessment if they commit a drug offence with a child in the vehicle who is under the age of 16, or they commit 2 or more drug driving offences within a 5-year period.

The Bill inserts a new section making it clear that the order in which alleged offences are expiated or the subject of a conviction does not affect the Registrar's duty to ensure that any person who commits multiple offences undertakes an alcohol or drug dependency assessment.

Section 81C and 81D are also amended to ensure that the dates of commission and expiation of multiple offences are irrelevant to the Registrar's duty to impose a disqualification period.

The Bill further ensures that where a person has multiple disqualification periods applying, each period will run consecutively, one after the other, not concurrently, reflecting the original legislative intent.

The Bill also amends the RTA to ensure that SA Police can prosecute second and subsequent drink and driving offences regardless of whether a first offence has been expiated or a conviction imposed, which aligns with the original intention of Parliament.

The Bill also provides the Registrar the ability to reduce or waive lengthy disqualifications in cases of severe or unusual hardship. The discretion may be exercised in favour of drivers already serving their disqualification periods at the time of the commencement of the Bill, as well as drivers who have been issued a disqualification notice prior to the commencement of the Bill, but are yet to commence serving their disqualification.

I draw Members' attention to the fact that the escalating hierarchy of penalties for offences prosecuted and considered by the Courts remain unchanged. Only disqualifications imposed by the Registrar are affected by the Bill.

I seek the support of Members to progress the Bill through the House as expeditiously as possible.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

3—Amendment of section 79B—Alcohol and drug dependency assessments and issue of licences

This clause amends section 79B to make it clear that an offence may be taken into account as a previous offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second or subsequent offence.

4—Amendment of section 81BB—Appeals to Magistrates Court

This clause amends section 81BB(1) to make it clear that a person must have been given their notice of disqualification before they can appeal.

5—Amendment of section 81BC—Disqualification for certain offences relating to section 45C of the *Road Traffic Act 1961*

This clause amends section 81BC to:

- make it clear that the Registrar of Motor Vehicles can give a notice of disqualification to a person in circumstances where the person has been convicted of, or expiated, offences to which the section applies in a different order to the order in which they were committed or allegedly committed (so that an offence that appeared to be a first offence at the time of expiation but that later turns out to have in fact been a second or subsequent offence can be treated as such a second or subsequent offence);
- to replace the current levels of disqualification with a 6 month disqualification for all second or subsequent offences;
- to specify how the Registrar is to deal with multiple offences that are expiated at the same time;
- to make it clear that a person may be given a notice under the section in relation to a second or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second or subsequent offence.

6—Amendment of section 81C—Disqualification for certain drink driving offences

This clause amends section 81C to:

- make it clear that the Registrar of Motor Vehicles can give a notice of disqualification to a person, or give an additional notice of disqualification to a person in circumstances where the person has been convicted of, or expiated, offences to which the section applies in a different order to the order in which they were committed or allegedly committed (so that, for example, an offence that appeared to be a second offence at the time of expiation but that later turns out to have in fact been a third or subsequent offence can be treated as such a third or subsequent offence);
- to specify how the Registrar is to deal with multiple offences that are expiated at the same time;

- to make it clear that a person may be given a notice under the section in relation to a second, third or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second, third or subsequent offence.

7—Amendment of section 81D—Disqualification for certain drug driving offences

This clause amends section 81D to:

- make it clear that the Registrar of Motor Vehicles can give a notice of disqualification to a person in circumstances where the person has been convicted of, or expiated, offences to which the section applies in a different order to the order in which they were committed or allegedly committed;
- to specify how the Registrar is to deal with multiple offences that are expiated at the same time;
- to make it clear that a person may be given a notice under the section in relation to a second, third or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second, third or subsequent offence.

8—Amendment of section 139BD—Service and commencement of notices of disqualification

Section 139BD is amended to specify that notices of disqualification that would otherwise apparently take effect at the same time will instead take effect in the order determined by the Registrar, with each notice of disqualification taking effect on the termination of the prior disqualification or suspension.

Schedule 1—Related amendments and transitional provisions etc

Part 1—Related amendment of *Road Traffic Act 1961*

1—Amendment of section 47B—Driving while having prescribed concentration of alcohol in blood

Section 47B(5) and (6) are substituted to require a person (of or over 16) to be given an opportunity to expiate an alleged category 1 offence if the information available to members of SA Police at the relevant time for the alleged offence indicates that the person has not committed or allegedly committed another drink driving offence or drug driving offence within the prescribed period immediately preceding the date on which the offence under consideration was allegedly committed.

2—Amendment of section 47BA—Driving with prescribed drug in oral fluid or blood

Section 47BA(6) and (7) are substituted to require a person (of or over 16) to be given an opportunity to expiate an alleged offence against the section if the information available to members of SA Police at the relevant time for the alleged offence indicates that the person has not committed or allegedly committed another drink driving offence or drug driving offence within the prescribed period immediately preceding the date on which the offence under consideration was allegedly committed.

Part 2—Transitional provisions etc

3—Notices issued etc before commencement of Act

Under this provision:

- it is declared to have always been lawful for the Registrar of Motor Vehicles to give a person a notice under section 81BC, 81C or 81D of the *Motor Vehicles Act 1959* in relation to a second, third or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second, third or subsequent offence;
- a decision of the Registrar of Motor Vehicles, before the commencement of the measure, to treat an offence as a first offence or as a second, third or subsequent offence for the purposes of section 81BC, 81C or 81D of the *Motor Vehicles Act 1959* is taken to be, and to have always been, validly made if the decision was based on the date of commission, or alleged commission, of the offence and no liability lies against the Registrar of Motor Vehicles or the Crown in respect of any period of licence disqualification or any licence suspension or cancellation applying to a person pursuant to such a decision;
- the Registrar of Motor Vehicles is given a discretion to alleviate severe or unusual hardship caused to a person by a period of licence disqualification or suspension pursuant to 1 or more notices given, or purportedly given, under section 81BC(2) before the commencement of the measure;
- a decision of the Registrar of Motor Vehicles to treat 2 or more notices of disqualification personally acknowledged by, or served on, a person in accordance with section 139BD of the *Motor Vehicles Act 1959* as taking effect one after another in a particular order (and not to be taking effect at the same time) is taken to be, and to have always been, validly made.

4—Notices issued after commencement of Act

Under this provision:

- the Registrar of Motor Vehicles may give a person a notice pursuant to new section 81BC(3a), 81C(4) or 81D(2a) of the *Motor Vehicles Act 1959* in respect of offences committed or allegedly committed before the commencement of the relevant provision provided that the person is convicted of or expiates the previous offence referred to in the relevant provision after that commencement;
- the new 6 month disqualification for all second or subsequent offences under section 81BC will apply in relation to all notices issued under that section following commencement of the measure.

5—Application of amendments to *Road Traffic Act 1961*

This clause specifies how sections 47B and 47BA of the *Road Traffic Act 1961* as amended by the measure will apply.

Debate adjourned on motion of Hon. D.G. Pisoni.

AUTOMATED EXTERNAL DEFIBRILLATORS (PUBLIC ACCESS) (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:53): Obtained leave and introduced a bill for an act to amend the Automated External Defibrillators (Public Access) Act 2022. Read a first time.

Second Reading

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:53): I move:

That this bill be now read a second time.

I rise today rise today to introduce the Automated External Defibrillators (Public Access) (Miscellaneous) Amendment Bill 2024. In 2022, our government was proud to support the Automated External Defibrillators (Public Access) Bill 2022, which was historic legislation brought to this parliament by the Hon Frank Pangallo.

This legislation will make life-saving defibrillators mandatory in public buildings such as schools, universities, libraries, sporting facilities, local council offices, theatres and swimming pools to help save the lives of South Australians from cardiac arrest. This Australian-first legislation is an important measure to protect our community, ensuring access to crucial heart-starting equipment when it is needed most. Legislation follows the lead of many organisations and businesses already installing automated external defibrillators (AEDs), providing access for customers and team members who may suffer a sudden cardiac arrest or be required to step in and assist.

The South Australian government has already taken positive steps to install AEDs in some of the places this legislation mandates, including CFS, MFS and SES vehicles. We have also commenced a new grant program helping the community and sporting organisations purchase AEDs, with the first round of the South Australian AED Grants Program opening in May this year, offering $1,000 grants to the not-for-profit community, cultural and sporting organisations to assist with the cost of purchasing a defibrillator for their building or facility.

The AED Grants Program is able to assist eligible community and sporting organisations to have AEDs installed by 1 January 2026 in line with the requirements of legislation. The first round of the program provided over 200 grants to over 160 organisations right across South Australia. There is substantial evidence that widespread access to AEDs can help prevent deaths by cardiac arrest.

According to the Heart Foundation, time is everything in a cardiac arrest. Every minute without defibrillation to restart the heart reduces the chance of survival by 10 per cent, and if bystanders have not been trained in CPR, that means that time is wasted. Public access to AEDs will reduce that risk. The South Australian government is currently in the process of implementing this legislation, which will commence from 1 January 2025 for government-owned buildings and 1 January 2026 for non-government.

The bill before the parliament is a culmination of the work of the Hon. Frank Pangallo and the government on this important initiative to increase AED availability within the South Australian community. The government has considered the views of a wide range of stakeholders to ensure the legislative regulatory framework for installation of AEDs can be operationalised in the most effective

manner. This bill proposes to amend the act for the purposes of removing ambiguity around the applicability, scope and requirements of the act, which will enable consistent interpretation and application.

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

Leave granted.

The proposed amendments have ensured the intent of the act is strengthened by requiring the installation of AEDs in buildings or facilities which are publicly accessible, noting the intent of the act is to increase the availability of AEDs in public areas to be used by the community in the event of a cardiac arrest.

Furthermore, the amendments ensure there is a clear distinction between AEDs required to be installed by building owners to be used by members of the public in accordance with the act, as opposed to AEDs which are installed by an entity for a work health and safety purpose, which sit outside the scope of the act.

The Bill has been supported by stakeholders across government and non-government entities, mainly due to the added definitions which clarify the scope and legal obligations under the act.

Key provisions in the bill include:

- Refined definition clauses to clarify the applicability of the act by defining key words.
    - Including a definition for 'owner' in the act will ensure a clear distinction is drawn between the obligations imposed by the act on a building owner versus a tenant.
    - Additionally, the proposed definitions to clarify what is regarded as a building or facility for the purposes of the act will see smaller businesses being carved out from the requirement to comply with the act, noting the act was not intended to capture smaller businesses and cafes, with the aim to ease pressure off those businesses.
- A new provision for the exclusion of certain buildings and facilities from the requirements of the act for reasons including:
    - Instances where there is a superior response mechanism in place and the presence of trained medical staff.
    - Instances in which the presence of an AED present safety concerns.
    - Instances where building or facility is entirely not accessible to the public and therefore the mandated presence of AEDs would not align with the intent of the act.
- The requirement to install AEDs within the floor area that is publicly accessible.
- Removal of the requirement to annually test an AED in accordance with advice from the department's biomedical experts and advice received from consultation confirmed that AEDs should be maintained in accordance with manufacturer instructions to ensure optimal device performance in the event of an emergency.
- Removal of the requirement for the minister to establish a training scheme under the act, noting first aid training is governed by the Work Health and Safety Act 2021 and the Education and Care Services National Law.
- A new provision is proposed which enables the making of exemptions on a case-by-case basis to the requirements of the act.
- A new provision is proposed which enables the minister to confer their functions under the act to a specified body or person.
- The current act contains limited and narrow regulation-making powers, which do not enable standardisation or operationalisation of the act's requirements. The bill proposes to allow broader regulation making powers to support effective operationalisation of the act.
- A new provision is proposed to give power to the minister to appoint a suitable person to be an authorised officer. This provision aims to strengthen compliance with the act, as authorised officers appointed under the act will have powers to confirm that installation, registration, and maintenance of AEDs by building owners meet the requirements of the act.
- The Bill proposes a delayed commencement date for prescribed vehicles due to the logistical implications of removing fleet to enable installation of AEDs on public buses, noting almost all fleet are in use.

It is this government's view that the bill before the parliament strikes a balance between upholding the intent of the act whilst also ensuring it can be operationalised in the most effective manner.

I would like to thank the many people who have provided feedback to the public consultation on this bill earlier this year. I sincerely hope the passage of this bill will be supported to support the implementation of this important legislation and to improve access to crucial heart-starting equipment when it is needed most. I commend the bill to the house and note, Mr Deputy Speaker, your keen interest in making sure that people survive heart attacks.

Debate adjourned on motion of Mr Batty.

TOBACCO AND E-CIGARETTE PRODUCTS (E-CIGARETTE AND OTHER REFORMS) AMENDMENT BILL

Introduction and First Reading

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:57): Obtained leave and introduced a bill for an act to amend the Tobacco and E-Cigarette Products Act 1997. Read a first time.

Second Reading

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:58): I move:

That this bill be now read a second time.

I rise to introduce the Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Bill 2024. Tobacco smoking remains the leading preventable cause of disease and death in Australia. There are around 260,000 current adult smokers in South Australia and around two out of three of those people, if they do not quit, will be killed by their smoking.

We have made significant progress in reducing smoking prevalence in our community. From a time when the majority of people smoked and being exposed to someone else's smoke was a normal part of life, less than 9 per cent of South Australians now smoke and the community expects places to be smoke free.

Many South Australians would remember going out only a few decades ago when smoking was allowed in public places, including cafes, restaurants, pubs and clubs, and even as a non-smoker you would come home smelling like smoke. Now that is just a distant memory thanks to bold and brave legislation enacted right here in this very house. Yet the fight against the harms of tobacco continues. It has a huge impact on the health of individuals and families and demands on the health system. Smoking is estimated to cost our state health system in excess of $2 billion each year.

In recent years, our attention has also turned to e-cigarettes. E-cigarette use, or 'vaping', has increased rapidly in South Australia and across the country, especially among young children and young people. Recent research shows that the number of 15 to 29 year olds currently using e-cigarettes in South Australia increased to 15.1 per cent in 2023 from 8.4 per cent in 2022. Among 15 to 29 year olds, this is the first time there are more e-cigarette users than there are smokers. Worryingly, the research showed for those surveyed aged 15 and over, 6.7 per cent have reported current use of e-cigarettes compared with just 3.6 per cent the year prior. E-cigarette use is also rising amongst 30 to 59 year olds, up from 3.1 per cent in 2022 to 6.7 per cent in 2023.

Researchers keep learning more about e-cigarettes every month. What we know is that these products contain many chemicals that pose a significant risk to human health, including cancers and cardiovascular diseases. The government is not prepared to sit by and watch this public health emergency and the popularity of vaping explode among such a large proportion of our young people and do nothing.

I commend and support the reforms by the commonwealth government to address and stamp out vaping nationally. These initiatives include banning the importation of non-prescription e-cigarettes; regulating flavours, colours and other ingredients; requiring pharmaceutical-like packaging; reducing the allowed nicotine concentrations and volumes; banning disposable e-cigarettes; only allowing nicotine-containing e-cigarettes to be sold through pharmacies; and funding public awareness campaigns and service enhancements to help Australians quit smoking and vaping. These regulatory changes will balance the need to prevent adolescents and young

people from taking up nicotine vaping while enabling access to nicotine vaping products as medically supervised smoking cessation aids.

The South Australian government has been an active player in the national vaping reforms as well, taking other strong action against this serious health problem, including: running hard-hitting media advertising campaigns about vaping across radio, outdoor and digital platforms, including Instagram, TikTok and YouTube; supporting schools with education campaign resources and staff training aimed at preventing children taking up vaping and helping those who want to quit; introducing new vape and smoke-free areas, which commenced on 1 March 2024, banning vaping and smoking in a variety of public outdoor areas, including our schools, childcare settings and under-18 sporting events; and imposing tougher licence conditions on retailers to reduce the illegal sales of tobacco and vapes.

Last year in 2023, public consultation was undertaken on a range of amendments to the Tobacco and E-Cigarette Products Act via the YourSAy engagement platform, with almost 80 per cent of respondents in support of expanding tobacco and vaping laws in South Australia. Following the public consultation, the submissions were reviewed by Dr Chris Reynolds, a public health law expert, who recommended some refinements to the act and regulations. The outcomes of the consultation and Dr Reynolds' recommendations have been incorporated into this bill, including:

- amendment to the objects of the act to ensure it continues to reflect contemporary directions in tobacco control policy;
- amendment to the definition of 'residential premises' to remove reference to sleeping or living areas in a prison or place of detention so that existing smoke-free laws apply to these areas;
- inclusion of greater criteria about who may be a fit and proper person to hold a tobacco merchant's licence;
- amendment to the licence provisions for the minister to impose conditions on a licence to any condition that is consistent with and furthers the objects of the act;
- reintroduction of a wholesale tobacco licence;
- creation of a new offence prohibiting the sale or supply of a tobacco product by a person under the age of 18;
- banning the sale of tobacco products by vending machines;
- amendment to the current smoking ban for covered public transport area to include any area within five metres of the covered area;
- allowance for 'smoking permitted' signs to be displayed in a specific area of hospitality venues to provide clarification for patrons and allow for appropriate enforcement of smoke-free laws;
- establishment of a power for an authorised officer to issue a notice to comply with the provisions of the act;
- enshrining of controlled purchase operations into the legislation;
- amendment of the confidentiality clause to allow for information sharing between SA Health and other agencies and jurisdictions, such as South Australia Police or the Therapeutic Goods Administration, as part of a coordinated compliance activity; and
- increases to court powers to restrict, suspend or cancel a tobacco merchant's licence if a person is found guilty of selling or supplying tobacco or e-cigarette products to children.

In addition to these amendments, the bill also integrates the national vaping reforms passed by the commonwealth government in June 2024.

Despite the strength of the national vaping reforms, this bill seeks to go further by strengthening South Australian tobacco and vaping laws and the enforceability of these laws. Importantly, the bill introduces its own prohibition on the sale and supply of e-cigarette products, as well as the possession of e-cigarette products for the purpose of sale.

While this is similar to bans introduced through the federal Therapeutic Goods Act, having these offences in South Australian legislation maximises the opportunity for enforcement officers in this state, including to ensure that funds from the penalties are returned to the South Australian government where appropriate.

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

Leave granted.

South Australia remains committed to a national enforcement approach and continues to work with law enforcement and all jurisdictions in the development and implementation of the National Vaping Enforcement Framework to stamp out unlawful vapes in the community.

The Bill also introduces new penalties that are the toughest of any state or territory. This sends a clear message that the Government is very serious about cracking down on people selling illegal e-cigarettes or tobacco. We can't have penalties that are so low they are considered just a cost of business.

As examples, these new penalties include a maximum of $750,000 on the first offence and $1.1 million on second offence for selling tobacco without a merchant licence, and up to $1.5 million for selling a tobacco product to a minor. This compares with the current levels which are between $20,000 and $40,000. This ensures that if an operator chooses to sell tobacco without a licence or sell tobacco to a child, they run the risk of being hit with these very large penalties.

The Bill also removes clauses in the Act relating to the licensing of retailers to sell e-cigarettes, given that the sale of e-cigarettes is no longer lawful under Commonwealth law outside of therapeutic medical settings for the purposes of smoking and vaping cessation or treatment of nicotine addiction.

Along with the increase in e-cigarettes, Australia has also seen an increase in illicit tobacco products. This can involve the sale of counterfeit tobacco or tobacco that is packaged without health warnings or tobacco which has not gone through the correct excise pathways.

Just last year, we implemented new legislation aimed at tackling illicit tobacco sales in South Australia. These amendments to the Tobacco and E-Cigarette Products Act 1997 were brought to the Parliament by the Hon Connie Bonaros and strongly supported by the Government.

Despite these new laws, some of the toughest in the country, we have still seen illicit tobacco being sold across Australia. Therefore, this Government has committed a further $16 million over the next four years to tackle this growing trade in illicit tobacco and to take action against anyone thinking they can still sell e-cigarette products to our children and young people.

From 1 July 2024, Consumer and Business Services assumed responsibility of the licensing under the Tobacco and E-Cigarette Products Act 1997 and the enforcement functions related to illegal sales of e-cigarettes and illicit tobacco. They are now responsible for assessing new licence applications, ensuring existing licensees are complying with the law and investigating and prosecuting offenders.

This tougher compliance approach is necessary to tackle the criminal activities that are occurring and is more closely aligned with their current compliance work.

To strengthen the ability for Consumer and Business Services to take action against those selling illicit tobacco, e-cigarettes or other prohibited products, the Bill includes enforcement powers and processes that are consistent with those used by Consumer and Business Services for other State laws it is responsible for.

This Bill also introduces national leading penalties for selling, supplying and commercial possession of illicit tobacco products.

The introduction a wholesale tobacco licence in this Bill aims to ensure all the tobacco wholesalers supplying tobacco into retailers in South Australia have a licence, and fulfil the fit and proper person requirements to be supplying these products.

This opens up opportunities to establish a process for retailers and wholesalers to verify each other's licence status, thereby creating another barrier to selling tobacco illegally.

We have also seen other nicotine products hit the youth market, particularly nicotine pouches. For those members who haven't yet heard of nicotine pouches, they are a small pouch usually containing a synthetic nicotine and other ingredients such as sweeteners or flavours and are designed to be placed between the lip and the gum.

Each pouch can contain the same nicotine as a tobacco cigarette. They have started to become more popular among young people, particularly in the eastern states.

The South Australian Government plans to act fast so that these and other novel products aren't the next big thing, given the risk they pose to young people.

The Bill includes a new ministerial declaration power to enable a prohibition to restrict new and novel products, with a very high penalty against this offence. The Bill 'future proofs' the Act by extending this power to novel nicotine products that emerge in the future.

These measures support those retailers and wholesalers who do the right thing and follow the law.

As we know, however, compliance and enforcement are only one part of the equation when it comes to tobacco and e-cigarette products. An important way to drive down the prevalence of smoking and vaping is to provide pathways to make quitting more accessible and engaging for smokers and vapers.

This Government has committed to creating a new and independent agency, Preventive Health SA, with a mandate to develop evidence-based programs and policies to keep South Australians healthy. Tobacco and vaping are key priority areas for this new agency.

The work of Preventive Health SA includes the development of new and innovative public campaigns, motivating smokers and vapers to quit and is targeting young people to inform them of the dangers of e-cigarette use and helping them to quit vaping.

Preventive Health SA is also working with the Department for Education to support schools, teachers and, parents and carers to support young people to get off the vapes.

We are also including other minor amendments in the Bill, such as increasing the timeframe for short-term smoking bans so that more events can be declared smoke-free and vape-free events, and we're declaring a five-metre buffer at covered public transport stops to now be smoke-free and vape-free.

This additional buffer zone complements the smoke-free and vape-free areas that we introduced from the first of March this year that creates smoke-free and vape-free areas within ten metres of schools, childcare centres, hospitals and shopping centres among several other locations.

Smoke-free areas reduce the exposure to second-hand smoke and e-cigarette aerosols, reducing the health impacts for children and other vulnerable people. Research shows that strong smoke-free laws reduce likelihood of children and young people taking up smoking.

It is our responsibility to ensure that our children and young people do not take up smoking, or vaping, or the next thing that this relentless industry serves up.

Supporting this Bill is supporting South Australian children and young people by ensuring that we close down the supply chains for illicit tobacco products, e-cigarette products and new and emerging nicotine products, such as nicotine pouches.

I would like to thank the Minister for Consumer and Business Affairs for her support in developing this important legislation, as well as staff within Preventive Health SA, the Department for Health and Wellbeing and Consumer and Business Services for their work and contributions in preparing this Bill which is all about clamping down hard on these products and moving towards a smoke-free and vape-free future for our young people.

Let this be a warning to those doing the wrong thing. South Australia is closed for this type of business.

I commend this Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Tobacco and E-Cigarette Products Act 1997*

3—Amendment of section 3—Objects of Act

This clause amends the objects of the Act to take account of amendments in the Bill.

4—Amendment of section 4—Interpretation

This clause makes various amendments to delete, amend and insert necessary definitions.

5—Insertion of sections 5 and 5A

This clause inserts 2 new sections:

5—Definition of e-cigarette product and related terms

The proposed section contains definitions of e-cigarette, e-cigarette accessory, e-cigarette product and vaping substance consistent with the definitions enacted in the *Therapeutic Goods and Other Legislation Amendment (Vaping Reforms) Act 2024* of the Commonwealth.

5A—Provisions governing whether person is fit and proper

This provision sets out the circumstances in which a person will not be a fit and proper person for a particular purpose under the Act.

6—Substitution of Part 2

The provisions of existing Part 2 dealing with licences are updated and amended as follows:

Part 2—Licences

6—Requirement for licence

The proposed section sets out offence provisions for carrying on the business of selling tobacco products by retail or by wholesale or holding out as carrying on such a business without a retail or wholesale licence.

7—Licences

The proposed section sets out the manner in which a person may apply for a licence authorising the person (subject to the Act and the conditions of the licence) to sell tobacco—

- by retail (being a sale to a consumer); or
- by wholesale (being a sale for the purpose of resale).

The Minister must, before granting a licence, be satisfied that the applicant is a fit and proper person to hold the licence or if the applicant is a trust or corporate entity, that each person who occupies a position of authority in the trust or corporate entity is a fit and proper person.

8—Application for licence to be given to Commissioner of Police

The proposed section requires the Minister to—

- give the Commissioner of Police a copy of each application for a licence; or
- notify the Commissioner of Police of the identity of the applicant or, if the applicant is a trust or corporate entity, the identity of each person who occupies a position of authority in the trust or corporate entity.

The section further requires the Commissioner of Police to make available to the Minister information about criminal convictions relevant to whether the application for a licence should be granted or such other information to which the Commissioner has access that is relevant to whether the application should be granted.

9—Conditions of licence

The proposed section sets out the following in relation to the imposition of conditions of licence:

- the manner and circumstances in which the Minister may impose, vary or revoke a condition on a licence;
- the nature of such conditions;
- that it is a condition of a licence that the holder must keep, retain and provide certain information relevant to the business carried out under the licence in accordance with the requirements of the regulations;
- an offence with various penalties applying to the holder of a licence for contravention of a licence condition.

10—How licences are to be held

The proposed section sets out provisions applying in circumstances where 2 or more persons hold a licence.

11—Annual fee and return

The proposed section requires the holder of a licence to pay an annual fee and provide an annual return. Failure to pay the annual fee or provide the annual return may result in the cancellation of the licence.

12—Notification of certain changes in holder of licence

The proposed section requires the holder of a licence to notify the Minister of a change in certain information in relation to the licence, such as—

- a person assuming or ceasing to occupy a position of authority in a trust or corporate entity that holds a licence;
- the business or trading name under which the holder of the licence carries on business;
- the contact details provided by the holder of the licence for purposes connected with the licence;
- any other prescribed particulars.

13—Surrender of licence

The proposed section re-enacts the provisions in current section 11 of the Act to allow for a licence to be surrendered.

7—Amendment of heading to Part 3

This clause amends the heading to Part 3 to reflect the new proposed offence provisions.

8—Insertion of heading

This clause inserts a new heading to indicate the offences relating to tobacco products that follow.

9—Amendment of section 30—Restrictions on retail sale of tobacco products and e-cigarette products

The amendments in subclauses (1) and (5) are consequential on the removal of e-cigarette products from the licensing scheme established by the Act.

The amendments in subclauses (2) and (3) remove reference to retail sale, consequential on the other amendments in the measure which now distinguish between retail sale and wholesale.

Subclause (4) amends the penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

10—Amendment of section 31—Requirements for packaging tobacco products

This clause amends the current penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

11—Amendment of section 32—Prohibition on sale or supply of certain tobacco products

This clause amends the penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

12—Amendment of section 33—Possession of certain tobacco products

This clause amends the current penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
  - is committed by a body corporate or an individual;
  - is a first offence or a second or subsequent offence.

13—Amendment of section 34A—Prohibited tobacco products

The amendments in subclause (1) are consequential on the other amendments which now distinguish between retail sale and wholesale.

Subclause (2) amends the penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
    - is committed by a body corporate or an individual;
    - is a first offence or a second or subsequent offence.

14—Amendment of section 35—Sale of sucking tobacco

This clause amends the penalty provision and expiation fee to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether—
    - an offence or alleged offence is committed by a body corporate or an individual;
    - an offence is a first offence or a second or subsequent offence.

15—Amendment of section 36—Products designed to resemble tobacco products

The amendments in subclause (1) are consequential on the other amendments in the measure which now distinguish between retail sale and wholesale.

Subclause (2) amends the penalty provision and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties to apply depending on whether—
    - an offence or alleged offence is committed by a body corporate or an individual;
    - an offence is a first offence or a second or subsequent offence.

16—Substitution of section 37 and 37A

This clause makes 2 amendments consequent on the removal of e-cigarettes from the licensing scheme. Section 37A which applied only to e-cigarette products is deleted. Section 37 is recast as follows:

37—Sale of tobacco products by vending machine

The proposed section prohibits the sale of cigarettes and other tobacco products by means of a vending machine. The penalty provisions applying for the offence—

- are increased; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual;

17—Amendment of section 38—Carrying tray etc of tobacco products or e-cigarette products for making of successive retail sales

This clause makes several amendments consequent on the removal of e-cigarettes from the licensing scheme. The clause also amends the penalty provision to:

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

18—Amendment and redesignation of section 38A—Sale or supply of tobacco products or e-cigarette products to children

The amendments in subclauses (1) and (2) are consequential on the removal of e-cigarettes from the licensing scheme.

The amendments in subclauses (4), (5), (9) and (10) are consequential on the amendments made by clause 16.

Subclauses (3), (6) and (7) amends the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties to apply depending on whether—
- an offence or alleged offence is committed by a body corporate or an individual;
- an offence is a first offence or a second or subsequent offence.

The amendments in subclause (8) adds several new provisions to provide offences for the sale or supply of an e-cigarette product or a prohibited product to a child. Subclause (11) redesignates the current section as s 39E and relocates it in the new Division where all offences relating to children are now to be located.

19—Amendment and redesignation of section 39

The amendments in this clause update the existing evidence of age provisions consequent on other amendments in the measure, increases existing penalties and expiation fees and redesignates and relocates the section so that it is located with other similar provisions in the Act.

20—Insertion of Part 3 Divisions 2, 3, 4 and heading to Division 5

This clause inserts a new heading to Division 5 for offences already in the Act. It also inserts new offence provisions under the following proposed Divisions:

Division 2—Offences relating to e-cigarette products

39A—Offence relating to sale or supply of e-cigarette products

The proposed section makes it an offence to sell or supply an e-cigarette product. The offence does not apply to a person who is authorised under any other Act or law to sell or supply e-cigarette products to allow for the sale and supply of e-cigarette products by medical practitioners and pharmacists as provided for under Commonwealth law.

39B—Offence relating to possession of e-cigarette products

The proposed section makes it an offence to be in possession of an e-cigarette product for the purpose of sale. The offence does not apply to the possession of an e-cigarette product by a person who is authorised under any other Act or law to sell or supply e-cigarette products to allow for the sale and supply of e-cigarette products by medical practitioners and pharmacists as provided for under Commonwealth law.

The provision allows for the regulations to provide that in proceedings for an offence against proposed subsection (1), if it is proved that the defendant had possession of a prescribed quantity of e-cigarette products, it is presumed, in the absence of proof to the contrary, that the defendant had possession of the e-cigarette products for the purposes of sale.

Division 3—Prohibited products

39C—Prohibited products

The proposed section allows the Minister to declare by notice in the Gazette that a product or a class of product specified in the notice is a prohibited product. The Minister must not declare a prohibited product unless satisfied that the product—

- is presented or advertised in a manner that indicates that the product contains nicotine; or
- may be used, or is presented or advertised, as an alternative to smoking.

The proposed section provides offence provisions for persons who sell or supply a prohibited product or have possession of a prohibited product for the purposes of sale.

Division 4—Offences relating to children

39D—Sale or supply of tobacco products by children

The proposed section creates an offence for a person to employ, authorise or allow a child to sell or supply a tobacco product. The section does not prevent the employment or authorisation of a child of or above the age of 16 years to sell or supply a tobacco product.

21—Amendment of section 40—Certain advertising prohibited

Subclauses (1) and (2) amend the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether—
- an offence or alleged offence is committed by a body corporate or an individual;
- an offence is a first offence or a second or subsequent offence.

The amendments in subclauses (3) and (4) are consequential on the removal of e-cigarettes from the licensing scheme and on the new distinction between retail sale and wholesale of tobacco products.

22—Amendment of section 41—Prohibition of certain sponsorships

This clause amends the current penalty provision and expiation fees to—

- increase existing penalties; and
- provide for different penalties and fees to apply depending on whether—
    - an offence or alleged offence is committed by a body corporate or an individual;
    - an offence is a first offence or a second or subsequent offence.

23—Amendment of section 42—Competitions and reward schemes etc

This clause amends the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether—
    - an offence or alleged offence is committed by a body corporate or an individual;
    - is a first offence or a second or subsequent offence.

24—Amendment of section 43—Free samples

This clause amends the penalty provision to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence—
    - is committed by a body corporate or an individual;
    - is a first offence or a second or subsequent offence.

25—Amendment of section 45—Business promotions to attract smokers

Subclauses (1) amends the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether an offence or alleged offence is committed by a body corporate or an individual.

Subclause (2) inserts a provision to disapply the section in relation to the display of a sign, in accordance with the requirements of the regulations, that indicates an area where smoking is not prohibited.

26—Amendment of section 46—Smoking banned in enclosed public places, workplaces and shared areas

This clause amends the penalty provisions and expiation fees to—

- increase existing penalties and fees; and
- provide for different penalties and fees to apply depending on whether an offence or alleged offence is committed by a body corporate or an individual.

27—Amendment of section 48—Smoking in motor vehicle if child present

This clause amends the current penalty provision and expiation fees to increase existing penalties and fees.

28—Amendment of section 49—Smoking banned in certain public transport areas

Subclause (1) amends the current penalty provision and expiation fees to increase existing penalties and fees. Subclause (2) extends the definition of prescribed public transport area to include any public area within 5 m of a place described in the existing definition.

29—Amendment of section 50—Smoking banned near certain playground equipment

This clause amends the penalty provision and expiation fee to increase existing penalties and fees.

30—Amendment of section 51—Smoking banned in certain public areas—short term bans

Subclause (1) increases the number of days that a short term smoking ban is able to be made under the section from 3 days to 90 days.

Subclause (3) requires that signage indicating areas within which a short term smoking ban applies must be of a kind prescribed in the regulations.

Subclauses (2) and (4) amend the current penalty provision and expiation fees to increase existing penalties and fees.

31—Amendment of section 52—Smoking banned in certain public areas—longer term bans

Subclause (1) amends the penalty provision and expiation fee to increase existing penalties and fees.

Subclause (2) recasts the existing offence of failing to indicate the effect of longer term smoking bans to increase penalties and require the signs to comply with the requirements of the regulations.

32—Amendment of section 63—Appointment of authorised officers

This clause makes a technical amendment.

33—Substitution of section 64

This amendment recasts the existing identification of authorised officer provisions as follows:

64—Identification of authorised officers

The proposed section requires that authorised officers be issued with a certificate of identity (rather than an identity card containing the person's name and photograph as in the current provision). The current requirement for an authorised officer to provide their certificate of identity on request by a person remains.

34—Amendment of section 65—Power to require information or records or attendance for examination

This clause amends the penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

35—Amendment of section 66—Powers of authorised officers

These amendments expand the powers of an authorise officer to allow them to seize and retain any record or thing that affords evidence of an offence or that has been used in connection with the commission of an offence.

36—Insertion of sections 66A and 66B

This clause inserts new provisions as follows:

66A—Compliance direction

The proposed section sets out the manner and circumstances in which an authorised officer may give a compliance direction to a person for the purpose of securing compliance with a requirement under a licence or the Act. The section further provides for the review of such a decision by the Minister and an offence for failing to comply with a direction.

66B—Embargo notices

The proposed section sets out the manner and circumstances in which an authorised officer may issue an embargo notice where an authorised officer is authorised to seize a record or thing which cannot, or cannot readily, be physically sized and removed or stored. The section sets out a number of offence and defence provisions that may apply to a person doing things forbidden by an embargo notice.

37—Amendment of section 67—Offence to hinder etc authorised officers

This clause amends the current penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

38—Substitution of section 69

The provisions of section 69 in relation to seized records or things is to be recast and updated to take account of current enforcement requirements and amendments in the measure as follows:

69—Powers in relation to seized records or things

The proposed section allows for the manner in which a seized record or thing is to be dealt with to be prescribed by the regulations.

39—Insertion of Parts 6, 6A and 6B

This clause inserts the following new provisions:

Part 6—Controlled purchase operations

69A—Interpretation

This section defines terms used in the proposed Part, which sets out a scheme the intended purpose of which is to provide a person suspected of having committed an offence against a prescribed provision on 1 or more occasions with an opportunity to commit or to attempt to commit an offence against a prescribed provision.

Prescribed provisions are to be listed in proposed Schedule 1 of the Act, and include those offences relating to prohibited sale of tobacco and e-cigarette products and the sale and supply of those products to children.

69B—Controlled purchase officer

The proposed section allows the Minister to authorise a person to be a controlled purchase officer (including a person under the age of 18 years) who is able to take any action specified by the Minister in their notice of authorisation.

69C—Controlled purchase operation

The proposed section makes provision for certain matters associated with the undertaking of a controlled purchase operation, including—

- that a controlled purchase officer, an authorised officer and the Minister do not commit an offence against this Act or any other Act or law in connection with any action taken for the purposes of a controlled purchase operation as specified in a notice of authorisation; and
- certain evidentiary provisions relating to actions of authorised officers and controlled purchase officers.

Part 6A—Disciplinary action against holder of licence

69D—Cause for disciplinary action

The proposed section sets out the following in relation to the taking of disciplinary action against the holder of a licence:

- the grounds on which there is proper cause for disciplinary action against the holder of a licence;
- actions that the Minister may take if the Minister believes that there are proper grounds for taking disciplinary action;
- matters to which the Minister may have regard in determining whether there is proper cause for disciplinary action.

69E—Compliance notice

The proposed section sets out the manner in which the Minister may issue a compliance notice to the holder of a licence and the form that the notice must take. The proposed section creates an offence for the holder of a licence to fail to take the action specified in the notice within the time allowed in the notice.

69F—Default notice

The proposed section allows for the Minister to give a default notice to the holder of a licence. The notice specifies the grounds for disciplinary action to be taken against the holder of the licence and informs them that disciplinary action may be avoided by payment by a specified time of a specified sum not exceeding—

- in the case of the holder of a licence who is a body corporate—$500,000; or
- in any other case—$250,000.

69G—Disciplinary action

The proposed section sets out the manner in which the Minister may take disciplinary action against the holder of a licence, including by issuing a reprimand, cancelling or suspending the licence, issuing a fine or giving a direction. The proposed section provides that the notice must be given to the holder of the licence before such action is taken. It is an offence for the holder of a licence to fail to comply with a requirement, order or direction given by the Minister under the proposed section.

69H—Effect of criminal proceedings

The proposed section clarifies that the Minister may take disciplinary action under the proposed Part whether or not criminal proceedings have been, or are to be, taken in relation to the matters the subject of the action. The Minister must however, in imposing a fine, take into account any fine that has already been imposed in criminal proceedings.

Part 6B—Review

69I—Review by Minister

The proposed section sets out the manner in which a person who is dissatisfied with a decision of the Minister under proposed Part 2 or 6A may apply for a review of the decision.

69J—Review by SACAT

The proposed section sets out the manner in which a person who is dissatisfied with the decision of the Minister on a review may apply to SACAT for a review of the Minister's decision.

40—Amendment of section 70A—Confiscation of products from children

This amendment is consequential on the removal of e-cigarette products from the licensing scheme under the Act.

41—Amendment of section 71—Exemptions

These amendments allow for exemptions from provisions of the Act to be made by the Minister by notice in the Gazette, rather than by proclamation by the Governor.

42—Substitution of section 73

The existing provisions in relation to the keeping of a register are to be expanded as follows:

73—Register

The proposed section requires the Minister to maintain a register of licences granted under the Act, sets out the information that must be included in the register and requires that the register be made publicly available on a website determined by the Minister.

43—Amendment of section 75—False or misleading information

This clause amends the penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

44—Amendment of section 76—Minister may require verification of information

This clause amends the penalty provisions to—

- increase existing penalties; and
- provide for different penalties to apply depending on whether an offence is committed by a body corporate or an individual.

45—Substitution of sections 77 and 78

Current section 77 is deleted as its contents are now to be included in provisions located under proposed Part 2 and 6A. Current section 78 is to be expanded in the manner set out in proposed section 78. This clause also inserts new proposed sections 76A and 77:

76A—Enforceable voluntary undertakings

The proposed section allows for the Minister to accept, by notice in writing, an undertaking given by a person in connection with a matter relating to a contravention or an alleged contravention by the person of the Act. It sets out the effect of such an undertaking, and creates an offence for a person to contravene an undertaking.

77—Criminal intelligence

The proposed provision sets out the manner in which information classified by the Commissioner of Police as criminal intelligence is to be managed.

78—Disclosure of information

The proposed section sets out the manner in which information obtained in the course of the administration of the Act may and may not be disclosed.

46—Amendment of section 79—General defence

This amendment allows a defence to apply to offences charged against a body corporate or against an individual where conduct or state of mind is imputed to the body corporate or individual as provided for in the Act.

47—Amendment of section 82—Prosecutions

This allows an expiation to be issued within 2 years after the date on which the offence is alleged to have been committed.

48—Insertion of section 82A

This clause inserts a new section:

82A—Court may make certain orders

The proposed section sets out the orders that may be made by a court against a person who is found guilty of an offence under the Act, and that the Registrar of the relevant court must notify the Minister of the details of such an order.

49—Amendment of section 85—Evidence

This amendment adds a new subsection (3) that provides that in proceedings for an offence against this Act by a body corporate, a statement made by an officer of the body corporate is admissible as evidence against the body corporate.

50—Substitution of section 86

Section 86 is deleted as its contents are now covered in section 51 of the *Legislation Interpretation Act 2021*. A new section is proposed as follows:

86—Imputation of conduct or state of mind of officer, employee etc

The proposed section sets out the manner in which the conduct and state of mind of officers, employees or agents acting within the scope of their actual, usual or ostensible authority may be imputed to an individual or a body corporate (as the case may be) in proceedings for an offence against the Act.

51—Insertion of section 86B

This clause inserts a new section:

86B—Exclusion of compensation

The proposed section provides that no right to compensation arises as a result of the expropriation or diminution of rights of the holder of a licence by the amendments in this measure.

52—Amendment of section 87—Regulations

The amendments in this clause make several changes to the existing general regulation making power in the Act.

53—Substitution of Schedule

This clause deletes the existing Schedule which contains obsolete provisions and substitutes the following Schedule in connection with the operation of proposed Part 6:

Schedule 1—Controlled purchase operations—prescribed provisions

This Schedule lists the provisions of the Act in relation to which a controlled purchase operation may be undertaken.

Schedule 1—Saving and transitional provisions

1—Interpretation

This clause defines terms used in the Schedule.

2—Existing licences

This clause provides for saving and transitional arrangements for existing licences.

3—Requirement for wholesale licence

This clause provides for an exemption from the requirement to hold a wholesale licence for a period of 6 months after the day on which proposed Part 2 commences.

4—Licence applications

This clause makes provisions for the consideration of application for licences that have been made but not yet determined on the commencement of proposed Part 2.

5—Licence conditions

This clause make provision in relation to conditions of licence in force before the commencement of proposed Part 2.

6—Annual returns

This clause sets out the requirements in relation to the provision of annual returns for existing licence holders.

7—Seized products

This clause clarifies the manner in which products seized under Part 5 may be dealt with.

8—Review proceedings

This clause makes provision in relation to review proceedings that have commenced but not finally determined before the commencement of the measure that amend those provisions.

9—Register

This clause provides for the continuation of the register maintained under the provisions of the current Act.

Debate adjourned on motion of Mr Batty.

OFFICE FOR EARLY CHILDHOOD DEVELOPMENT BILL

Introduction and First Reading

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (16:05): Obtained leave and introduced a bill for an act to provide for an Office for Early Childhood Development, and for other purposes. Read a first time.

Second Reading

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (16:06): I move:

That this bill be now read a second time.

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

Leave granted.

The Bill I introduce today is the Office for Early Childhood Development Bill 2024 to provide for the Office for Early Childhood Development and set out its functions and powers.

On 27 August 2023 the Royal Commission into Early Childhood Education and Care, led by the Hon. Julia Gillard AC, made 43 recommendations for reform, aimed at improving child learning and development.

These recommendations set out a plan to give every child the best start to life and envisioned a future in which every child can thrive and learn through getting the support they need.

The Government has committed to action on all recommendations, setting an ambitious goal for South Australia to become a national leader in early childhood development.

At the heart of this is our commitment to providing universal access to quality, teacher-led preschool from the age of 3, growing and sustaining a quality workforce, and greater supports and connected services to better align with the needs of children.

Recommendation 2 of the Royal Commission was that the Government should introduce new legislation establishing the Office for Early Childhood Development as a steward of South Australia's early childhood development system, with a mandate to reduce the proportion of South Australian children who are developmentally vulnerable when starting school.

This Bill will implement this recommendation, enabling the Office to work with all parts of the sector, and broader service systems, to ensure 3- year-old preschool is reliably available and services are integrated and connected for families.

Under the terms of the Bill, the Minister must ensure there is an Office for Early Childhood Development. An attached office was established last year which enabled the Office to start work immediately on delivering the recommendations of the Royal Commission and implementing the government's ambitious early childhood reform agenda.

This work is progressing at pace following the government's historic commitment of an additional $1.9 billion to early childhood services and support over the period to 2032-33. This investment represents a once in a generation commitment to reducing the number of developmentally vulnerable South Australian children.

Through this investment, generations of South Australian children will benefit from quality early learning, setting them up to thrive.

The roll-out of up to 15 hours of a quality preschool program for 3-year- olds will be staged from 2026 to 2032, with a focus on increasing accessibility, flexibility and providing quality education and services.

We have designed the roll-out to enable as many children to access 3- year-old preschool as quickly as possible.

The early childhood workforce will be critical to the success of this investment, and the Office is also working in collaboration with government, non-government and Aboriginal community stakeholders to build capacity through workforce attraction and retention initiatives.

The Bill sets out the functions of the Office with the primary function to act as a steward of the State's early childhood development system, and in particular to reduce the proportion of children in the State who are developmentally vulnerable when starting school from the current 23.8 per cent to 15 per cent—well below the national average of 22 per cent. The Bill also sets out numerous additional functions to support the Office in stewarding a robust and responsive early childhood system.

These include functions

- to promote universal access to 3- and 4-year-old preschool;
- to align supports and services with the needs of children;
- to provide overall strategic direction in relation to government early childhood development services;
- and to promote the participation of children with disability, and children in care, in the early childhood development system.

The Office has functions to support research in the early childhood development space, noting the government is undertaking further work to carefully consider the Royal Commission's recommendation to develop a new child development data system.

To recognise the unique needs of Aboriginal children, and the evidence heard by the Royal Commission about the need for culturally safe and inclusive early childhood and care services, this Bill includes specific additional functions for the Office in respect of Aboriginal children, and the principles to be upheld in performing these functions.

I am particularly grateful for the advice provided by the Commissioner for Aboriginal Children and Young People to strengthen this element of the Bill.

Under the Bill, the Office for Early Childhood Development will perform these functions having regard to

- the principles of Aboriginal self-determination,
- the need to partner with Aboriginal communities and organisations,
- and the safeguarding and promotion of the cultural identity of Aboriginal children.

The Bill was subject to consultation with a broad range of stakeholders, including peak representatives of the early childhood sector, universities, and representatives of the Aboriginal and multicultural communities.

Consultation elicited strong support for the Bill and enthusiasm for the role of the Office and more broadly, for the implementation of the transformational reforms committed to by the Malinauskas government to ensure a fairer, better future for South Australian children.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms and phrases in the measure.

4—Meaning of early childhood development system

This clause defines the term 'early childhood development system' for the purposes of the measure.

Part 2—Office for Early Childhood Development

5—Office for Early Childhood Development

This clause requires the Minister to ensure that an Office for Early Childhood Development exists in the State.

6—Functions

This clause sets out functions of the Office for Early Childhood Development under the measure.

7—Additional functions and principles in respect of Aboriginal children

This clause sets out additional functions of the Office for Early Childhood Development in relation to Aboriginal and Torres Strait Islander children.

8—Committees

This clause enables the Chief Executive of the Office for Early Childhood Development or the Minister to establish such committees to advise the Office for Early Childhood Development.

9—Delegation

This clause is a standard power of delegation.

Part 3—Information gathering and sharing

10—Chief Executive may require State authority to provide report

This clause allows the Chief Executive of the Office for Early Childhood Development to require certain State authorities to provide the Chief Executive with reports in relation to specified matters that may assist the Office in the performance of functions under this measure.

11—Chief Executive may require information

This clause allows the Chief Executive of the Office for Early Childhood Development to require specified entities to provide the Chief Executive with information and documents in relation to specified matters.

12—Sharing of information between certain entities

This clause allows the entities specified to exchange information that would assist in the performance of the entities' functions as they relate to the matters specified in subclause (2). The clause also protects against the use of the information or documents for other purposes.

13—Interaction with *Public Sector (Data Sharing) Act 2016*

This clause clarifies that the measure does not affect the *Public Sector (Data Sharing) Act 2016*.

Part 4—Miscellaneous

14—False and misleading statements

This clause creates an offence for a person to make false or misleading in statements in information provided under this measure.

15—Confidentiality

This clause creates offences for the unlawful disclosure of certain information obtained under the measure.

16—Victimisation

This clause is a standard victimisation clause.

17—Protections, privileges and immunities

This clause sets out the protections, privileges and immunities available to persons under the measure.

18—Regulations and fee notices

This clause is a standard regulation and fee notice making power.

Debate adjourned on motion of Mr Batty.

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (DESIGNATED LIVE MUSIC VENUES AND PROTECTION OF CROWN AND ANCHOR HOTEL) AMENDMENT BILL

Introduction and First Reading

The Hon. N.D. CHAMPION (Taylor—Minister for Housing and Urban Development, Minister for Housing Infrastructure, Minister for Planning) (16:07): Obtained leave and introduced a bill for an act to amend the Planning, Development and Infrastructure Act 2016. Read a first time.

Standing Orders Suspension

The Hon. N.D. CHAMPION (Taylor—Minister for Housing and Urban Development, Minister for Housing Infrastructure, Minister for Planning) (16:07): I move:

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

The DEPUTY SPEAKER: An absolute majority is required. As we do not have an absolute majority, ring the bells.

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

Motion carried.

Second Reading

The Hon. N.D. CHAMPION (Taylor—Minister for Housing and Urban Development, Minister for Housing Infrastructure, Minister for Planning) (16:09): I move:

That this bill be now read a second time.

The Planning, Development and Infrastructure (Designated Live Music Venues and Protection of Crown and Anchor Hotel) Amendment Bill 2024 has been drafted to provide for the preservation of the Crown and Anchor Hotel at 196 Grenfell Street, Adelaide, as a live music venue. The hotel has significant importance to Adelaide for public interest reasons, and the state government has been working closely with its owner to ensure that it is retained as a live music venue into the future. In order to achieve this, though, there needs to be an ability to increase the maximum height limit of the development on the site adjacent to the hotel to ensure that the same yield can be achieved as if the hotel were not retained.

This bill achieves three purposes: it preserves the hotel so that generations to come will be able to use it as a place to congregate; it provides that the minister can prescribe in a notice other live music venues so that residential development within 60 metres must be developed with noise attenuation measures; and it significantly increases the supply of student accommodation in the Adelaide CBD, which will assist to alleviate the pressure on the private housing rental market by supporting housing diversity as set out in the Housing Roadmap.

The current planning rules specify that the site of the hotel has a maximum building height of 53 metres. Incentive policies, such as the provision of affordable housing, do enable overheight development in the area, and the development application before the State Commission Assessment Panel proposes a height of 64 metres. This bill will allow the site adjacent to the hotel to be developed to a height not exceeding 29 storeys or 101 metres.

The bill provides that the hotel cannot be demolished, its height cannot be increased through the addition of more storeys, and a change in use of the land cannot occur without the concurrence of the Minister for Planning after the minister has consulted with the community for not less than four weeks. It allows for the demolition of gutters and the parapet of the hotel that encroach on the adjacent allotment, which may occur without the concurrence of the Minister for Planning.

Noise attenuation or acoustic treatment works in relation to the hotel building will be taken to be classified by the code as deemed-to-satisfy development, and any partial demolition associated with those works does not require the concurrence of the Minister for Planning. The proposed student accommodation on the site adjacent to the hotel is not subject to referrals to state agencies or the City of Adelaide and will also be taken to be classified by the code as deemed to satisfy if it meets the following criteria—in the opinion of the State Planning Commission, the development:

- through high-quality design, positively contributes to the liveability, durability and sustainability of the student accommodation and the surrounding built environment;
- has a maximum building height not exceeding 101 metres;
- consists of no more than 29 storeys; and
- meets other criteria published by the Minister for Planning on the SA Planning Portal.

It also provides that the Minister for Planning can prescribe in a notice other live music venues within the Adelaide CBD where any future residential development within 60 metres of the venue must be developed with noise attenuation measures to reduce the potential for complaints.

The bill makes for a technical change to section 76 of the act to allow the code to be amended without the need for a formal code amendment process. Where the proposed student accommodation development meets the above criteria and is assessed to be deemed to satisfy, a statement of site suitability confirming that the necessary and appropriate remediation works in response to any site contamination have been undertaken will be required before a certificate of occupancy is issued, i.e., before the building can be occupied.

Where the proposed development does not meet the additional criteria published on the SA Planning Portal, the development will be assessed on the merits against the code, but the code will be amended in such a way that student accommodation is a desirable use of the land, and a maximum building height for the site is 101 metres, or 29 storeys. The State Commission Assessment Panel, as a delegate of the commission, is the relevant authority for the purposes of giving planning consent for the development of student accommodation on the site adjacent to the hotel as well as for the purposes of the noise attenuation or acoustic treatment works in relation to the hotel building.

The Heritage Places Act 1993 does not apply to the hotel site or to the site adjacent to the hotel. It should be noted that the bill as proposed will allow development applications to be lodged in keeping with the ongoing use and maintenance of the hotel. For example, an application to convert part of the hotel's function room will be assessed against the current conventional development application against the existing planning system.

Student accommodation will need to comply with the following additional criteria that will be published on the SA Planning Portal to be considered as deemed to satisfy. In relation to primary and secondary street boundaries, there must be zero metre setbacks, there must be a clearly defined podium with a maximum height of two storeys and there must be one or more levels above the podium with a setback of 1.5 metres, and 75 per cent of the ground floor frontages must be active. The ground floor of the building must have a floor-to-ceiling height of at least 3.5 metres and any habitable areas of the building must have a ceiling height of at least 2.7 metres.

Communal open space must be provided at a minimum rate of 100 metres square for every 300 beds and it must be at least five metres wide in one direction. Communal space inside the building must be provided at a minimum rate of two metres square for every bed. There must be storage or parking for bicycles at a rate of one storage or one parking area for every six beds. Noise to bedrooms must be reduced to specified levels, and the finished floor level of the building must be at least 300 millimetres above the kerb. The criteria are considered necessary to ensure that a high-quality building is developed. If the prescribed criteria are met, the student accommodation must be approved by the State Commission Assessment Panel within 10 business days of the development application being lodged.

With regard to the potential for other live music venues to be prescribed in the notice, the requirement for noise attenuation will be the same as currently exists in the Planning and Design Code. The designation of other live music venues in the notice will allow for a more responsive and timely process to ensure that live music venues are not unduly impacted through noise complaints from new adjoining residential development.

A consequential change to section 76 of the act will ensure that the places identified in the notice can be reflected in the code without needing to undergo a lengthy code amendment process. This change will ensure that applicants are provided all assessment requirements through the online development application process where a residential development is within 60 metres of a designated venue. This will give immediate visibility to applicants or prospective developers that the noise attenuation measures apply to any potential residential development.

The proposed bill is a sign that the government is prepared to use innovative solutions to achieve outcomes that benefit both the live music scene and student accommodation industries, as well as the community more generally. I thank the house.

Mr COWDREY (Colton) (16:18): I rise today to add my contribution to the Planning, Development and Infrastructure (Designated Live Music Venues and Protection of Crown and Anchor Hotel) Amendment Bill 2024. I do that as the lead speaker for the opposition on this bill.

At the outset, and for the benefit of those in the gallery today, I indicate that the opposition will be in no way impeding passage of this bill through the house. We do that for a range of reasons. Firstly, this bill, in terms of its passage into the house today, seems to be adding to a theme that has come out of the minister's office in relation to bills being dropped on this parliament for consideration with less than 24 hours' notice with a view that there is public urgency in passing such bills. We will have a broader discussion later, I am sure, in regard to that matter of urgency.

While we recognise and hope that the underpinning argument put forward by the minister is sincere, it certainly does not push aside the clear pattern that is well and truly emerging from the minister's office in terms of his approach to bringing significant legislation to this house, which has been to ensure that the opposition, crossbenchers in the other place and key stakeholders who are involved in this process have been provided as little time as possible to truly understand the impacts of the bill and the proposed legislation before us. That is clear, that is unequivocal and there can be no argument to any other end.

We do, at this stage, reserve our right between the houses to consider amendments and to consider exactly what will be put forward by the opposition for potential improvements to the bill. We will take into consideration the feedback provided by stakeholders to that end. In regard to our key desire for the process today, it is essentially to gain as much information from the minister as possible in regard to how we got to this point. What negotiations took place? With whom did those negotiations take place? Exactly what is being assured through this bill?

It is very difficult from the outside—where I still consider the opposition to be, given the small period of time that has been provided to us to properly understand this legislation—to know what exactly is assured through this bill. Is live music assured to continue to take place at the Crown and Anchor into the future? We know that there is going to be a two-year period where there will not be live music at the Crown and Anchor Hotel. I think we need to pull apart and truly understand exactly what the impacts will be for the building itself in regard to heritage protections. Given that the heritage act will no longer apply through this legislation, I think we truly need to understand exactly what that means for the building into the future.

It is clear that 10 additional storeys have been added to the proposal of the developer in regard to that building and also that, on the back of the changes proposed in this bill around noise attenuation, there will be a significant construction burden on future developments around the CBD in particular. It is difficult to understand how live venues in the CBD and developments around them are going to be treated differently to developments around live music venues outside the CBD. You can understand that it is confusing, I think, for everybody in South Australia to get their head around why there would be such a significant difference in how those venues are treated, simply because they fall within the periphery of the Adelaide CBD.

I recognise, at this point, the significant and passionate contributions of many in bringing about a campaign that has highlighted the deficiencies in the eyes of those who have been passionate enough to bring this forward in the planning process, but we do need to understand fully the ramifications, the unintended consequences and the possibilities that may be put forward on the back of this legislation going through today, because it has been done in a hasty manner.

I think the key things for the minister are that this process should be undertaken in good faith, particularly given the manner in which the minister has come, cap in hand, seeking to have the regular standing orders of this house put aside to proceed with the passage of this bill. As much information as possible should be provided by the government today to outline the information that they have in regard to what this bill truly is achieving and solidifying, and the potential impacts that it will have not just on the Crown and Anchor Hotel but on live music venues more broadly and for development in the CBD of Adelaide, and outside of that, into the future.

As lead speaker for the opposition, I have clearly outlined and articulated the position to this point and the approach that the opposition will be taking. I hope the minister has his full complement of advisers on hand because it will be a lengthy committee process.

Ms HOOD (Adelaide) (16:25): On the 18th of this month I joined the Premier and the Save the Cranker campaign, alongside live music lovers, musicians and other supporters, to make an exciting announcement, and that was that together we had saved the Cranker.

The introduction of this special purpose legislation secures the future of the Cranker as a live music venue for generations to come. This bill achieves a number of important outcomes. It ensures the Cranker cannot be demolished, that no development can occur above the Cranker and that its current land use as a hotel capable of supporting live music cannot be changed. It is important to note that these protections are stronger protections than exist under the state heritage act 1993.

Under this bill, these conditions will only be able to be removed with the concurrence of the Minister for Planning and only after a period of four weeks of public consultation. This bill will also protect other live music venues in the CBD by requiring new neighbouring residential developments within 60 metres to install sound attenuation measures to ensure internal decibel levels are acceptable.

The bill also means the developer will abandon plans to demolish all but the facade of the Crown and Anchor Hotel. Instead, they will proceed with a 29-storey student housing development adjoining the Crown and Anchor that will deliver approximately 700 student housing beds that are urgently needed to take pressure off the private rental market. The bill also allows the development application to be assessed within 10 business days. I am advised that as a part of this the developer will also invest funds in ensuring the appropriate noise attenuation works will be made at the rear of the Crown and Anchor Hotel.

I want to acknowledge people involved in the Crown and Anchor campaign, some of whom are in the gallery today. In particular, Evan, Naz, Grace, Patrick, Dan, Chrissy, Jessica and the many other faces of the Save the Cranker campaign group. You are truly an impressive group of South Australians. I admire your passion, your commitment and your organisation. It is an understatement to say you threw everything at this campaign, and I hope you enjoyed a beer or two or three since the rally.

Thank you to every single local who contacted me to share their views, who put in a submission or attended a rally. I want to share with you some of the feedback that I received because it speaks to how important this venue is to my community and to the live music scene. An Adelaide resident said:

> …this hotel provides work for local and touring musicians, and music workers, who are mostly sharing original music. It is very well-loved venue by musicians and music lovers alike and holds thousands of stories in multiple through-lines of our city's history.

A Prospect resident said:

> When attending the Adelaide Fringe and other events in the city recently, I noticed the eclectic mix of people drinking and chatting outside The Cranker as I walked past. Whenever I drive or walk by there always seems to be a buzz. It contributes to the ambience of our beloved city…The Cranker is exactly what is needed to make the city an interesting lively place to visit and live.

A North Adelaide resident said:

> While it has been a while since I have visited The Cranker, I regularly drop my 21 year old daughter off on a Wednesday to socialise with her friends and listen to live music. My youth in the 80's and 90's was spent going to venues, such as The Cranker, Tivoli, Adelaide Uni bar and Austral, Limbos, Le Rox and Cargo Club…
>
> I want my daughter and future generations to be able to continue to have these experiences. As I have been following the Save the Cranker campaign on Facebook I have noticed that this venue in particular is a place that evokes a sense of belonging. The patrons including overseas students, new arrivals and other minority groups, have voiced that it is a place that is inclusive and welcoming, where they can go on their own for a drink and know that they will find someone to chat to. We need The Cranker, in our city if we are to stop our young people from becoming disenfranchised from the community.

This is an example of the community, of government and of the private sector working together on a win-win-win outcome. It is a win for the culture and heritage of our CBD, a win for live music, a win for student housing we desperately need to take the pressure off the private rental market, and it is a win for places that create community. Long live the Cranker. I commend the bill to the house.

Mr TEAGUE (Heysen) (16:30): I rise perhaps to foreshadow some of the topics of interest for the committee stage. At the outset, I think it is important to make the observation that this is a piece of legislation that is unusually bespoke. I say 'unusually' in that ordinarily and generally speaking if there is a problem in the planning system, if there is an aspect of the planning process that is preventing a good outcome from occurring, then the job of government is to go about addressing that and to do so in principle with the view to general application. There is nothing that is preventing precisely that from occurring.

What we have seen here is a mixture therefore of a general overlay of some sort, we have got the city mile designated for the purposes of this and what might be future applications for other venues, but we have really otherwise got a bill that is looking much more like the sort of list of conditions that might follow the outcome of an individual planning decision that affects a single property. There are acts on the books, of course, dating back over the 150 years that are special purpose pieces of legislation, but it is a rare event and this appears to be one such rare event. I hear the minister and the member for Adelaide. It is important that the member for Adelaide is central to the debate as this is very much at the centre of the member for Adelaide's electorate.

I think before we get too excited about describing the outcome of all this as some sort of miracle that leads to the best of all outcomes for everybody who has been dedicated to saving and enhancing and allowing the building and all good things, we should bear in mind that time will tell. What is clear on the face of this bill is that there are a number of things that have been dealt with as part of what has been described as this deal. First of all, heritage protection and therefore the capacity to apply in the normal way and to enjoy protections in the usual way in relation to heritage is gone. Secondly, we know as the result of this bill proceeding and the development occurring that there will be two years at least—two years has been foreshadowed—during which there will not be any live music or, indeed, any activity going on at the Crown and Anchor Hotel. That is the second point.

So I encourage, if it is still happening on 6 September, those who had in mind getting down to see *The Rowdy Neighbours* to take that chance. I note it is the Cranker's birthday on 7 September and to the extent that that is going ahead as normal that will be a significant event indeed.

I am concerned as I stand here that after two years of closure and after the completion of the proposed development there is no guarantee that there will be the continuation of life and business as we have known it for decades, but that remains to be seen. What we know, as part of this deal, thirdly, is that there will be now a quite considerably larger building built on the site—10 more storeys, so a 29 storey building, as I understand it. That, on its own, is a tremendous thing. There is a tremendous amount of investment involved. From all indications, the owner and developer is an investor of the highest repute and is keen to get on with investing in providing necessary accommodation for people in the CBD, and that is a tremendous outcome.

It is a very significant building over the Cranker nonetheless. It might be that The Rowdy Neighbours is an apt choice for what might be one of the last few performances before all of the works commence. But, fourthly, as the result of the bill passing, we are going to see the advent of a cost burden that will be applied to construction citywide wherever there are circumstances of a like designation—a live music venue and noise attenuation requirements. At least those four matters ought be borne very much in mind.

We might say there are silver linings in all directions. We are going to see a development. Those who prioritise the heritage side will say, 'Well, that's a loss of heritage, but on the other side, we are not seeing a demolition of the building altogether. Alright, there might be something saved there.' I would perhaps rate my primary concern in terms of the winners and losers in all of this, as we stand here, frankly, as the thing that drove the protests in the first place—the threat to the loss of live music.

It will be really interesting to see in a couple of years' time want the Cranker looks like and what live music possibilities are there, but we will all have to wait and see. I have been interested to hear just in terms of remarks in the media from the lessee. I know him. I will be interested to hear from the minister about what arrangements are in place to compensate the lessee for this period of development time ahead.

So those are the highlight concerns. Hopefully, there will be an opportunity for some elucidation at the committee stage, at least from my point of view. Really, the overriding sentiment is that, if, as has been lauded by this government in recent weeks, there is the capacity to come shining through with a solution to a difficult problem, then it would be much to be preferred if the problem that has been presented by the Crown and Anchor Hotel development application could be answered by an approach, by a change. We have seen all sorts of development plan changes in recent times. That has more to do with the general application that can provide transparency for those moving forward into the future and less about a bespoke, single-site, piecemeal approach. The last thing I think we want to see is a new bill for multiple development proposals, whether they be in the city or elsewhere.

Perhaps finally, in terms of my contribution, I just indicate that I cannot claim to be a significant or decades-long patron of the Cranker. The Bridgeway Hotel is more in my memory from the early days. I certainly hope that live music, whether it be in the city or elsewhere in the state, has a healthy future. I think the proof will be in the course of the next years ahead as far as this particular development and this site. I think there will be some more to explore in the course of the committee stage.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (16:40): I rise to support this bill. Following on from the theme at the end of the member for Heysen's speech, I really want to express how important we see that music is in creating an exciting and vibrant city and state of South Australia. The Crown and Anchor is one such venue that plays a really important role in the South Australian live music ecosystem and does contribute to the vibrancy of the East End precinct.

The Cranker, along with venues such as the Exeter, provides training ground for our young South Australian musicians. It provides them with the opportunity to hone their skills and gets them ready to play on bigger stages and in front of larger audiences. Had we lost the Cranker, it would have had real-world impacts on our live music ecosystem. All of these venues play a really important part in the live music ecosystem and being able to save the Cranker is a really important part of that. It would have taken opportunities away from our local young musicians and hampered their career development.

The Malinauskas government was elected on a strong promise to support the South Australian live music industry through the See It LIVE election commitment. Our government's intervention to protect the Cranker is just one example of our commitment to live music in our city and our state. Since being elected, our See It LIVE package has provided 200 venue upgrade grants totalling $1 million, funding for 130 events through 2022 and 2023. We provided mental health support for South Australian musicians and music businesses coming out of COVID with a grant of $250,000 to the national music not-for-profit association Support Act.

We returned live music to the Royal Show after 20 years and that provided a platform for almost 500 South Australian artists to perform to some fairly substantial audiences at the first Royal Show post COVID. We have provided 2,700 vouchers to local clubs, pubs and small bars around the state to host more live music.

We have gone further than our original election commitment: we had two new initiatives that were launched late last year, 2023, through the See It LIVE program to support live music venues. That includes an $850,000 See It LIVE music activation fund and the $50,000 Fringe It LIVE program. Eligible venues were able to apply for grants of up to $60,000 to host live music, with a focus on original content to attract patrons and create employment opportunities for local musicians, for lighting and sound techs and other such technical positions as well.

Through a collaboration between the Music Development Office, which sits in Arts SA, and my Office for Small and Family Business, the recipients of these grants also received free business advisory services to support the sector's long-term sustainability, and that is really important in the live music sector.

As part of the business advisory services, the recipients were able to access free workshops on business fundamentals, which were tailored to live music venues, one-on-one consultation to

assess their individual business needs, and an opportunity to secure a business mentor. There were 20 successful venues: 13 in the CBD, five in metropolitan Adelaide and two regional venues as well.

These grants are on top of the $50,000 Fringe It LIVE program, which encouraged venues otherwise not part of the Fringe to host live music during the Adelaide Fringe, opening themselves up to new audiences. Our live music venues play a vital role in supporting the careers of emerging artists and contribute significantly to the cultural life of our state, which is reflected through our designation as Australia's only UNESCO City of Music. As members will be aware, I am in the midst of developing a new arts, culture and creative industries policy for our state. That policy will consider all art forms and will closely consider music and how it influences all aspects of our culture.

At the start of this month, Adelaide hosted the Australian Independent Record Association Awards at the Queens Theatre. This is a wonderful event that showcases Australia's best independent musicians. Winners this year included Dan Sultan, Josh Pyke, Private Function and Don Spencer OAM, who received the 2024 Outstanding Achievement Award for his commitment to children's music through the Australian Children's Music Foundation. On that night, Don received a standing ovation and filled the room with joy as he began to sing the Playschool theme song.

Importantly, Maria Amato, who is the Chief Executive of the Australian Independent Record Association, confirmed that the awards would continue to be held in Adelaide for the next two years and, very excitingly, that Adelaide will be the exclusive home of the American Association of Independent Music's Indie Week Australian Edition. This is the first ever Indie Week conference held outside of New York, which is an incredible opportunity for Adelaide.

It will bring the world's largest music market to Adelaide, provide valuable opportunities for our local artists and music businesses, and enable them to connect and develop relationships in what is an important export market. The Indie Week Australian Edition, in partnership with AIR's Indie-Con Australia conference and the AIR awards, reinforces our designation as a UNESCO City of Music and the independent music capital of Australia.

As you can see from my short summary, we are a government that has a deep interest in and passion for supporting live music, which is why we took the step we did, thanks to the Minister for Housing, to take action to save the Cranker. I look forward to seeing many future generations of local musicians stepping up on a national stage or an international stage having honed their craft at venues like the Cranker.

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (16:46): I am really pleased to rise to speak in support of this bill. I really thank the Minister for Planning and the Minister for Arts for their words and their work towards this important piece of legislation. I am really pleased to rise in support of the bill, and in support of live music, the much-loved Cranker and how our community and this government has secured and helped to advance its future, alongside many passionate community members.

My husband, our sons and I love live music. Seeing local emerging bands, those we have loved for years, and occasionally those who everybody knows, brings my husband and I great joy, connection and sometimes some very rare but much-needed time together.

After a very busy week and weekend, late last Sunday afternoon we headed out at about 4.30pm to the Gov to see The Stems and to buy their new release vinyl. The Stems are a band that we have loved for many, many years. They were absolutely as good as ever. As well as seeing them, we absolutely loved the concept of the late afternoon gig. We loved that we were home by 7pm and did reflect that things have changed a lot for us. Decades ago, at 7pm we would have still been a couple of hours away from even contemplating and getting ready to leave the house.

Amongst my husband's friends is a small group who went to high school together. They bonded at that time by starting to go and see bands in those years at the Tiv, the Exeter, Flinders Uni, Adelaide Uni, Le Rox and the Cranker, amongst other venues. That same group of friends catches up to this day by still regularly going to see bands at many of those same venues. Live music and venues provide such an important environment to connect, to belong, to be moved and uplifted, and to focus on something positive with the people you love.

I frequented some of those venues, too, but it was also the Seacliff, the Holdfast and our surf clubs where I saw the likes of The Mark of Cain, the Numbskulls and others.

S.E. Andrews: The Numbskulls?

The Hon. K.A. HILDYARD: Absolutely. One of the venues that has remained a constant, so-loved place to get together to see live music is the Cranker. C.J. Ramone, the Hard-Ons, Lime Spiders, the Vains, Hey Harriet, Oscar the Wild and Green Circles are all bands that have entertained a crowd at the Cranker. The Cranker is also one of the much-loved venues where Clarity Records' Footy Horvath has really generously facilitated the incredible Day of Clarity, which absolutely supports so many emerging artists.

The Cranker represents so much more than the very happy memories of those of us who have been there over the years. It is also the place where the musicians of the future—often the stars of the future—are playing now, and often where they have made their first foray as a band. There are young people out there right now in suburban garages and school halls, harbouring dreams of spending their life playing music, and they need places to play. I am proud that our government wants to support them as the Minister for Arts spoke about, including through our See It LIVE music voucher program and our support for the excellent work of mental health organisation, Support Act.

Adelaide is proudly a UNESCO City of Music. Living up to this means that we need to support the entire ecosystem of live music. That ecosystem includes emerging artists, bands making a comeback or exploring a new genre, those who are hitting the big time and those who are already there. These bands need fans—places where people who have heard them many times, and those who are hearing them for the first time can immerse themselves in their tunes.

The Cranker is central to our ecosystem. It has been a core part of the fabric of our city for almost 150 years and every week it still hosts around 25 to 30 bands. We want its place—all that it provides for bands and their fans—in the heart of the East End of our city in that ecosystem to continue long into the future. This bill secures that future and I am really proud that our government has worked so hard alongside the community toward that future: that through the bill we preserve the hotel in its current external form with only minor caveats and retain its current land use as a hotel capable of supporting live music.

The bill will also rightly protect other live music venues in the CBD by requiring new neighbouring residential developments within 60 metres to install sound attenuation measures to ensure internal decibel levels are acceptable. The bill also provides for a deemed-to-satisfy development assessment process for the student accommodation development adjacent to the hotel site. I am so proud and so glad that our government has helped to secure a step forward that gives us the best of both worlds: much-needed student accommodation and the preservation of live music at the Cranker. I commend this bill to the house.

Ms CLANCY (Elder) (16:53): I rise to very enthusiastically support this bill. The East End of Adelaide is a super fun place to be. There is food, music, pubs, little lanes and shops. You can spend the day or night there for fun and lots of people are choosing to live there too, so it is easy to see why a developer would want to build student accommodation to take advantage of all the best of what Adelaide has to offer for international students. Those young people want to have an amazing educational experience in our great city, and developers want to build somewhere that is attractive to international students, while maximising their investment.

What makes the East End and all heritage precincts the world over attractive to developers is the borrowed value that is intrinsic to places where heritage has been retained, where light has allowed street trees to flourish, providing places for people to gather outside and enjoy each other's company with great food, drink and entertainment. In the East End, you can do shopping, catch a movie, eat dinner, see live music and have a drink, all without having to get in a car in between. These are the same factors that make the French Quarter, East Village and West End attractive places to be in New Orleans, New York and London.

It has been said before, and I am sure it will be said again, that the Crown and Anchor is the beating heart of the East End, and I am so happy that this bill preserves the hotel so that generations to come will be able to use it as a place to come together. Adelaide, like other music cities, has a rich

history that reflects Adelaideans' deep commitment to our vibrant and world-class music scene. We are, and always have been, a centre for musical performance and education.

This is reflected across our arts and cultural festivals, including the Fringe and WOMADelaide; our musical institutions, such as the Elder Conservatorium of Music; and our diverse live music scene. I am proud this bill will protect live music venues in the CBD, like the iconic Exeter, Metro, Jade and Grace Emily, by requiring new neighbouring residential developments within 60 metres to install sound attenuation measures to ensure internal decibel levels are acceptable.

Adelaide's UNESCO City of Music status was granted as a result of our city's commitment to supporting and promoting all musical genres at all levels. The Cranker plays an important part in fostering up-and-coming local musicians and artists and has continually shaped our city's cultural identity through the nurturing and promotion of local acts. As one of the city's oldest pubs and longstanding live music venues, the Crown and Anchor serves as a crucial element in what makes our city relevant on the national and international scene, attracting musicians and patrons from all over Australia and the world.

I have had a number of great nights at the Cranker, playing pool very badly and seeing bands like Diplomat, Reverses, Night Rites, The Burning Sea, Grenadiers, Rat Catcher and Screamfeeder. Yes, I shamelessly included my partner's bands in that list—love you!

The Cranker is not only an important example of our built heritage: it has an impressively long history as a gathering place for the local community, allowing for social interaction and cultural exchange literally across the centuries. On 19 January 1892, Mr John McPherson, who was running to represent East Adelaide, spoke to punters at the hotel. McPherson was the founding secretary of the South Australian Labor Party, and this was the first time the party had contested an election and won a seat in the house.

There is no doubt the Cranker is deeply connected to the history of our city since it was first licensed in 1853. Generations of South Australians are connected to this building and are invested in preserving it for the future. The loss of this beloved cultural institution would have contributed to the homogenisation of both the built form of our city and our evolving cultural and musical heritage. I cannot begin to describe how pleased I am about the historic agreement reached between our state government, the private sector and the Save the Cranker campaigners that will ensure the Cranker is preserved.

Huge congratulations to Evan, Patrick and the Cranker committee on their campaign and to all those across Adelaide who came out in force to show their support for one of our most iconic venues, including many people in my electorate who made contact with me and my office. Thank you to the Premier and the minister for their dedication to getting a good result. When I am driving my daughter home from gigs at the Cranker 11 years from now—after enjoying the gigs from the very back of the room to avoid embarrassing her—I will think of you and be grateful. I commend the bill to the house.

The Hon. D.G. PISONI (Unley) (16:58): I will take this opportunity to speak about the bill. Enough has been said, I think, about the minister's rush and that being his style. I think he is developing the nickname 'the seagull'. A seagull comes to your picnic, flies around, shits everywhere and then leaves.

The ACTING SPEAKER (Mr Brown): Member for Unley, it is unparliamentary to compare another member to an animal.

The Hon. D.G. PISONI: I withdraw, sir, and I will just be careful next time I have a picnic. I think there are missed opportunities, from what I can see so far looking at this bill, because it is focused on just really one project. When you walk through the streets of Melbourne—there has been enormous development in the last 10 years in Melbourne—you will see heritage building after heritage building preserved with a 150-metre skyscraper sitting behind it, and that building is being used. We are seeing curated pathways linking the heritage and new buildings. I think this is short-sighted because it is missing an opportunity for a much broader review to preserve heritage in Adelaide and to designate areas for the creative industries.

I experienced another example when I visited Auckland a number of years ago. There was a company that contracted abandoned building sites that had been cleared, and those sites on a particular night were alive with people buying food at markets and musicians playing. I think it is not just musicians in heavy metal bands or pub bands that contribute to the experiences that we all enjoy in music; it could be a solo guitarist, it could be somebody playing the flute, or a couple, one singing, one dancing. Consequently, I think this does not do anything to support those in the creative industries that are very much in that sector.

When I was the minister responsible for the music industry, we were very focused on taking an organic process that encouraged all creative industries to express themselves and have opportunities. It might surprise some of you that I was a young musician, but the advice that my parents gave me was to get a real job before I decided to take that any further. I took that advice and, obviously, ended up in the furniture industry. However, these days, the creative industries is a real job, so consequently there is a big opportunity to do this. There are programs and events that we see in other parts of the world.

I visited a pub in London, where every staff member who worked behind the bar was a singer. Basically, somebody would pour you a couple of pints, a song would come on, and the person who poured the pints would take off their apron, grab a microphone and be on the table singing. I thought it was a great way of encouraging and supporting young musicians who want to be creative as part of their job. We identified a couple of pubs that were prepared to give it a go in South Australia but, unfortunately, time ran out, with the 2022 election, in order to pursue that model of entertainment and opportunity for creatives in Adelaide.

I know there are some people in Parkside who are very concerned, when looking at this bill, about a development that SCAP did not allow through, which failed on 10 different performance outcomes, some of them very severe. It is a brand-new concept, rent coming from interstate. The process itself is managed by a former CEU official, and he is in the business of approaching unions about their assets and seeing how they can turn them into money making operations. The Australian Education Union, which owns the building in Parkside in partnership with this particular person, put forward a monstrosity of a building that has virtually no parking and is very heavy on small, single bedroom apartments with borrowed light. It is over the height capacity limitations, over the ground coverage, and it does not pass the overshadowing; it is on the northern side of the buildings that it shadows.

It is a very prominent overshadowing on those buildings, particularly in the wintertime when the shadow is long, and it has failed on all of those matters. That is now before the courts. The developers are appealing the SCAP decision. The residents had a win; for the first time, residents were able to be represented at that appeal. They tested the act and they were able to be represented at that appeal.

My concern is that with such a specific amendment to the act that we have here—the Planning, Development and Infrastructure (Designated Live Music Venues and Protection of the Crown and Anchor Hotel) Amendment Bill—what is to stop this government from bringing another bill into the parliament, such as a planning, development and infrastructure (build-to-rent) amendment bill, that is just as specific for particular properties that they may want to see breach long-planned and long-consulted height, density and parking limits?

This is the concern that my residents in Unley have. I think this particular attempt by the Australian Education Union to make some money is an example of where people would be very frightened after seeing that the government has the capacity to override what was sold by John Rau at the time as removing the politics out of planning and getting the best possible results for the community. I would be seeking assurances from the minister that we are not going to see a similar bill come to this parliament if the AEU fails in its appeal on the SCAP decision to go ahead with the overcapacity, high-density development on Greenhill Road at Parkside.

The other point I think I would like to raise—and I might also ask some questions about this in the committee process—is that as part of providing more homes quickly, we have heard calls for looking at repurposing commercial buildings. We know that vacancy levels are at about 20 per cent at the moment, a historically high level in the city. We know that there have been changes in work

practices: for example, working from home, more businesses conducting themselves from the suburbs, people deciding that they do not actually need to rent an office if they are going to practice in a particular profession and they can actually set up an office at home, or they might work in a small innovation centre where they are working with other independent people. Of course, more people do tend to choose to work for themselves or work under contract rather than work for big firms that may have been in those office buildings in Adelaide that are empty.

I have heard the minister himself say that it is the high-quality office accommodation that is in demand and the low-quality is not being used or needs to be refurbished, and I did hear him say that it was not viable to refurbish those into accommodation. I would be very interested to know any future plans that the government might have when student housing is no longer in the demand that it is in here now—whether that is in 10 years' time, 20 years' time or 30 years' time—because the university system may have changed or people may prefer country resort-type university education. I do not know what will happen in 20 or 30 years' time. How easy will it be to repurpose these homes so they can cater for retirement living, aged care or other forms of residential living?

I think it is important that anything that is built for a specific industry in South Australia is in a fully adaptable design so that interior walls can be moved and they can still provide the fire breaks that are required with very minimal expense. With what we know about technology and how smart architects have become in their design, there should be an opportunity to work with an organisation like this to say, 'Let's do something really special. Let's not just save this historic building. Let's make a change for the long term in the City of Adelaide.'

Compare the way historic buildings are treated in Adelaide with Melbourne. People think of Melbourne as being just a monstrosity of buildings, but when you are on the street it is very pleasant to see that there is so much heritage still at that level. Obviously, as you are driving in from the West Gate Bridge it almost looks like it is our own New York because it is so filled with skyscrapers and tall buildings. However, when you are on the footpath there are lovely places to walk and lovely places to eat. It is a very walkable city. There is plenty of sun coming in on the streets because of the placement of these tall buildings and the fact that they work with those key buildings, like the Cranker, for a design to happen.

A disappointing thing about this is that, if it were not for the Cranker being a live music venue, it would have been bulldozed under this government. That is what would have happened to it, and that would have been a shame. I am pleased that the Cranker is being saved. I am concerned about how a business can survive two years without being in business and then just snap its fingers in two years' time when the building becomes available again to ramp up the live music and entertainment. I am not sure how easy that will be. I do not think it will be easy at all, because we know about the music industry and those pubs that have been supporters of the music industry.

I congratulate the Australian Hotels Association, which I understand is the biggest employer of musicians in the state. However, from a standing start at the end of COVID restrictions and getting people back out again, it has not been as easy as people would have hoped it would be. People have changed their entertainment practices since COVID, and what they were doing before COVID is not necessarily what they are doing after COVID.

It is much bigger than a physical place in order to reboot the live music industry in South Australia. It needs considered planning over a broad range of areas, some of which I have covered today in my contribution, like broadening the live music industry beyond the type of bands that we have all grown to love over the years and looking at those who are participating in other areas of live music performance and live performance full stop in Adelaide.

We know that people are now choosing to spend a bigger chunk of their disposable income on enjoying services. In my day, when I was a younger person, as well as my parents and so forth, people would save up for the lounge suite, the bedroom suite and other items that you could physically touch and use. Thanks to places like Ikea and so forth, in many instances a piece of furniture is cheaper than a night out. Consequently, people are spending money on entertainment and enjoying life, because we all know we only have one of those and it can be very short. People's priorities have changed and more and more the growth in the economy is coming from the service industry, and the creative industry is very much a part of the service industry.

I would have liked to have seen a bill brought here—it may have taken a week or two longer to do that—that was broader than just one location for the music industry, because doing this by location, location, location, one at a time, does two things: it does not really deliver certainty and, secondly, it will concern people like those who are living in the vicinity of the Australian Education Union monstrosity proposal on Greenhill Road at Parkside, thinking that if the government is prepared to pull out a single development with a justification, then what is to stop them from justifying that they want to see more build-to-rent developments in the inner suburbs, and so we are going to actually have a special bill in parliament to achieve that for this particular site as well

That is something that will concern my constituents, and I am sure it will concern people living in the seat of Dunstan, people living in the seat of Bragg, and other areas that have really more than their fair share of urban consolidation than other parts of Adelaide, that are the same distance from town and, in many instances, have even better transport links through trains and so forth.

I go back to the whole justification for the rebuilding of the planning act by John Rau and the previous Labor government, and it was so that people knew what to expect when they bought a home. If they bought near Unley Road, for example, if their back fence was shared with a car park of a shop on Unley Road, then they would know that between basically Mary Street and Park Street you could have a five-storey building on your boundary. The community accepted that because they were consulted over a long period of time and the trade-off there, of course, was that there was more consideration for streetscape and character further in from those side streets, and there were designated heritage zones and character zones in Unley.

So the government was able to achieve the ability to have more housing, more choice of housing, and everybody knew where they stood. With this bill, and if more like this come through this place, people do not know what is going on, and I think that is the concern. And the minister has still not justified the rush and why it is that the opposition—even the Labor Party backbench did not know about this until the announcement was made. Why the rush for this to run through the parliament as quickly as it is? It is such a significant bill, not just for this particular development but for future options for the government when it comes to development.

The Hon. N.D. CHAMPION (Taylor—Minister for Housing and Urban Development, Minister for Housing Infrastructure, Minister for Planning) (17:18): I might begin by seeking 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

This clause sets out the short title.

Part 2—Amendment of *Planning, Development and Infrastructure Act 2016*

2—Amendment of section 76—Minor or operational amendments

Currently, under section 76 of the Act the Minister may amend a designated instrument (which is defined in the Act) in order to provide consistency between the designated instrument and the regulations. This clause amends section 76 so that such amendments may be made for consistency with the Act or a prescribed Act, or the regulations or any other instrument made under the Act.

3—Amendment of section 127—Conditions

This clause amends section 127 of the Act so that a relevant authority must, in granting development authorisation for a relevant residential development within 60 m of a boundary of a designated live music venue (being a venue or place within the designated live music venue area that is designated by the Minister in the Minister's noise attenuation requirements), impose a condition that the development include noise attenuation measures in accordance with the Minister's noise attenuation requirements.

Certain definitions are inserted.

4—Insertion of Part 10 Division 2A

This clause inserts Division 2A into Part 10 of the Act:

Division 2A—Protection of Crown and Anchor Hotel as live music venue and development of surrounding land

135A—Protection of Crown and Anchor Hotel as live music venue and development of surrounding land

The concurrence of the Minister is required before granting development authorisation for a proposed development involving:

- the whole or partial demolition of the Crown and Anchor Hotel building; or
- development involving the addition of 1 or more storeys above the Crown and Anchor Hotel building; or
- a change in the use of the Crown and Anchor Hotel land.

Public consultation is required before a concurrence of the Minister may be given.

Demolition of certain parts of the Crown and Anchor Hotel building does not require concurrence.

Provision is made in relation to development authorisation of noise attenuation or acoustic treatment in respect of the Crown and Anchor Hotel building.

The *Heritage Places Act 1993* does not apply in relation to any place on the Crown and Anchor Hotel land and any State Heritage Place on that land is taken to cease being such a place and to be removed from the South Australian Heritage Register.

Provision is also made to facilitate significant student accommodation development on the surrounding land of the Crown and Anchor Hotel land. The Minister is authorised to publish the Minister's section 135A criteria for the purposes of such development.

5—Insertion of Schedule 4A

This clause inserts Schedule 4A into the Act:

Schedule 4A—Designated live music venue area

This Schedule sets out a map that identifies the designated live music venue area for the purposes of section 127 of the Act.

I thank all the speakers on the government side in particular for their really passionate contributions about live music and about people's passion for the Cranker hotel. I thank the opposition for their constructive criticisms and for their help in passing this bill through the house. I will endeavour, when we no doubt go into committee, to answer some of those questions. I feel I know all of you a bit better too. I did not know that the member for Unley was once in a band. It is always good to know about people.

I guess I have been thinking about my own adventures at the Cranker. In my youth, with the member for Elizabeth, with you, Deputy Speaker, I think on more than one occasion I might have gone to the Austral, the Exeter, the Cranker, the Producers or the Tivoli. There were a lot of pubs down in the East End in my day playing music, and it was because the East End was at a particular point of its transition from, really, a produce market—the end of its days as a functioning market—and towards its time as a really lively and vibrant area.

Part of that was about urban renewal. Urban renewal has a life to it. It has its own adolescence, its middle life and then areas go into a particular pathway. You see that in cities. You see that around the place. It is the path of the life and regeneration of cities. I think no set of planning laws or heritage laws can create the sort of urban grittiness, the urban life that I saw in my youth. It is different. I think my era at the Cranker is different to some of the younger members. It is probably very much different to some of the people who go there today.

I did take the opportunity midway through this debate to go and drive past the Cranker at about 11.30 at night. I do not go out that late. I was not game to go in there and have a rum as Minister for Planning, because I thought I might get an earful, but it was livelier than I remember it in my day. In my day, it was a bit touch and go about how many people would be there on a Friday or Saturday night.

So it is obviously well used. It is well loved. Its heritage value: it is worthwhile members going and having a look at the original built form of the Cranker. It was very different in its colonial architecture than it is today. There were some pretty significant changes to its facade. The balcony

was not there when it was first constructed. The windows were different. The doorway was different. It actually had quite a beautiful crown and anchor parapet out the front of it.

The Cranker itself has had a long and storied history right the way through its time. It has been very good to hear everybody's stories about the Cranker. I endeavour to constructively engage with the opposition about this bill. I would say this is a unique bill. It is unique to particular circumstances and, as such, it should be treated as such. Thanks once again. With that, I will close debate.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr COWDREY: My first question to the minister is in regard to a timeline, in particular when the minister himself first had any interaction with the organisers of the Save the Cranker campaign, and also when the Premier first met with the Save the Cranker campaign organisers, to understand the genesis of where this bill was brokered from. Can the minister please provide an indication to the committee of when the first meeting occurred with the Save the Cranker campaign organisers and when the decision was made by the government to intervene in the planning process and produce the bill that we see before us today?

The ACTING CHAIR (Mr Brown): Before I call the minister, I point out to members that this is not an estimates committee so members do need to stand when they make contributions.

The Hon. N.D. CHAMPION: I am not sure quite how this goes to the title of the bill, clause 1.

The ACTING CHAIR (Mr Brown): For the information of all members, there is a general understanding that general questions may be asked on this particular clause.

The Hon. N.D. CHAMPION: I did not meet with the Save the Cranker group; at least not to my memory. I think I might have had representations from them, and I am happy to take that question on notice. I certainly interacted with them on ABC radio. There was sort of a debate on ABC radio. I went to two meetings, from memory, with the developer, in this case Wee Hur, and that was with the Premier. At those meetings basically what was sought was this unique approach.

There was quite a bit of examination about whether or not the existing planning system and heritage act could accommodate the sort of outcome in the timeframe necessary. It was decided that the Planning Code and the heritage act could not probably arrive at the outcome we needed in the timeframe we needed, so that is when we decided to go down the pathway of the specific act.

The Hon. D.G. PISONI: In relation to the bill itself, are you able to advise where the height came from? Why the 101? Was that a conversation that was either demanded from the developers or was it offered by the government?

The Hon. N.D. CHAMPION: Principally the height in this case is to accommodate the same amount of yield on a more contained site. The reason why preserving the hotel in its form as a hotel is important is that if you build above a hotel—which you can do—as I understand it, and I am not an architect or an engineer, you have to drive some pretty big structural pillars behind the hotel's facade, so you end up with facadism, which I think the honourable member was referring to in some of his previous contribution.

In order to prevent the facade being retained but not the actual hotel's form as a live music venue, in order to get the hotel preserved and the same amount of yield in terms of student accommodation, that is why the height. So, if you like, you are trading the preservation of the hotel with an increase in height. The original proposal had 613 rooms and 708 beds and the new proposal has 758 rooms and 684 beds, so slightly different numbers but basically the same yield in terms of student accommodation.

Quite clearly, the government wanted to achieve two objectives here: one objective is to save the Cranker and the second objective is we want student accommodation in the city. It is important

for the city's growth, it is important for the university sector and it is important, frankly, that we have a solution that preserves that outcome, because it is important to investor confidence.

The Hon. D.G. PISONI: Is there a contingency? Like you, I suspect, minister, I am not an engineer. I imagine that something that has gone to an extra 10 storeys high would have substantially larger foundations and there would be a lot more crane activity. We saw how things fell off the building next door and affected Parliament House when that building was being built. Is there a contingency if something happens and the Crown and Anchor is destroyed beyond repair because of that mishap with the construction of the building next door?

While you are thinking about that, you might also be able to answer what the process is for dilapidation reports for those people who live nearby with such large foundations going in. Will they have to organise and buy their own dilapidation reports so that they have a report on the condition of their homes before the build so they can then sue the builder for the damage that has happened to their homes, or will the builder fund those? Is there a fund for those people next door?

One of the things that has certainly been raised with me during developments that are this much bigger than the surrounding buildings in established areas—we saw the hotel in the west end that had to close because of the work that was going on affecting that business—is that the sheer vibration and other activities can cause damage to buildings that could be five, 10, 15 metres away. The question I am asking is: what is the expectation of the government for those who are immediately affected—whether they have a business premises or whether they have a residential premises—regarding damage that is caused, which is inevitable, through the construction of such a large project?

The Hon. N.D. CHAMPION: This bill does not change the normal circumstances in which construction occurs and these matters are dealt with. The matters you refer to across the board are civil matters. People quite often, in anticipation of construction next door to them, get building reports and the like. That can often be a prudent thing for individuals to do—a stitch in time saves nine and all of that.

As I understand it, there are no adjacent residential developments. There might well be business developments. But I do not anticipate that some of the hypotheticals that you raise will occur, and if they do they will be handled through the normal course of civil law as opposed to this bill.

The matters that are talked about in this bill are in order to do the noise attenuation work on the hotel. There is an allowance for the developer to change the back of the hotel. In any event, quite a bit of work will have to be done on the Crown and Anchor to do that noise attenuation work.

The Hon. D.G. PISONI: Is it fair that people who are minding their own business in their own buildings must spend money to protect their interests because there is a development happening next door?

The Hon. N.D. CHAMPION: That is the system that exists—

The Hon. D.G. PISONI: I have asked is it fair.

The Hon. N.D. CHAMPION: That is the system that exists for everybody in this state, and it has been that way across governments. The member asks whether it is fair. What I would say is if you have development going on next door to you, you know you have civil rights in that regard. It is always prudent, I think, to get a building report if you are concerned about it. We found that last year there were about 35,000 different planning applications in the system, and I think there are about 4,000 or so so far this year. There is an enormous amount of construction activity across the state that is going on at any one time. The planning system's job is to approve development, and there are other areas of the law that deal with the issues that the member raises.

Mr COWDREY: I am interested in having a response from the minister around why the government has been so secretive about sharing the bill with other parliamentarians and industry stakeholders to this point. Can the minister please provide information to the committee about when—to help aid this process—the Save the Cranker campaign representatives were provided a copy of the bill and when the developer was provided a copy of the bill?

The Hon. N.D. CHAMPION: I would have to take that on notice, member for Colton. In terms of briefings to the crossbench and the opposition, obviously I would have preferred to brief the opposition as early as possible. It is sometimes the case with our respective party rooms that that becomes an issue, but this is a unique bill. In some of the debate before there was some pointed criticism of my office. Unfortunately, I have had to deal with two unique bills in a row: the AUKUS bill, which was a unique bill, and this bill as well, which is a unique bill. It is a well-constructed bill that aims to achieve a good outcome and I am confident that the parliament, once it examines all of its content, will find that it is elegantly crafted.

Mr COWDREY: I just have a supplementary in regard to the drafting of the bill. At whose direction was the bill drafted? Was it at the Premier's direction, at your direction, or those at Planning and Land Use Services? At whose direction was the bill drafted?

The Hon. N.D. CHAMPION: What I would say is that through the course of our discussions with the developer, and through the course of public advocacy that was occurring with the Save the Cranker campaign, we basically knew that we wanted to save the Cranker because it was an important issue, and we wanted to preserve, as I said before, the student accommodation.

If we had an unlimited amount of time, I think we could have done that through a code amendment, we could have done that through appropriate interactions with the heritage act, we could have gone through a very long process and achieved that goal. The difficulty is that, through that process, we would have greatly affected the timelines for the provision of the student accommodation, and we would have probably damaged investor confidence.

The decision to craft the bill was to achieve our outcomes, and that was a government decision. It was generated by the government, and the form of the legislation was of course. It was a government decision. It was a decision of the government to craft the bill, and of course we took advice from Planning and Land Use Services and obviously parliamentary counsel to do it.

Mr COWDREY: A final question: will the minister rule out ever bringing a bill to this place again that subverts the planning process?

The ACTING CHAIR (Mr Brown): The minister may choose to answer that question.

The Hon. N.D. CHAMPION: It is never good to deal with hypotheticals. The opposition love to do hypotheticals. I do not think that is useful. This does not subvert the planning system or the heritage system. This is a bill that utilises all of the mechanisms—the State Commission Assessment Panel is in here, all of the mechanisms derived out of the planning system.

Members interjecting:

The ACTING CHAIR (Mr Brown): Order!

The Hon. N.D. CHAMPION: The outcome in protecting the hotel preserves the heritage system. What this does do, though, is compress time frames and give us a very certain result for both the Crown and Anchor and the student accommodation and achieves important goals in that respect.

The ACTING CHAIR (Mr Brown): Member for Unley, you have already had three contributions on this clause. Someone else?

The Hon. D.G. PISONI: If I can make a request—or a point of order, however you would like to read it—the opposition only got this bill yesterday. I wonder whether the minister is happy to take questions that might not necessarily be relevant to the clause yet relevant to the bill because we have not had the time we would normally have to examine the bill.

The ACTING CHAIR (Mr Brown): Member for Unley, I have already ruled, if you were listening earlier, that there is no reason why you cannot ask general questions at clause 1, so there is no requirement for you to raise that. Does anyone else wish to make a contribution?

The Hon. D.G. PISONI: You are not allowing me to have any more questions. You are being strict about three questions, but you do have the ability to be flexible. The parliament has been flexible today in supporting the government bringing this forward. We have not had the luxury of the laying on the table that is normally available—

The ACTING CHAIR (Mr Brown): Member for Unley, your colleagues here are actually seeking to ask questions, so I might turn to one of them. Member for Heysen, I understand you want to make a contribution?

Mr TEAGUE: Thanks, Chair. I will take the opportunity. We are all doing our best, I think, in the circumstances. To carry on from what I have described as the four key consequences of the passage of the bill insofar as it affects the site and the development: first, heritage is gone; second, live music is gone, at least for two years now for the purposes of the development, then we all have high hopes for the return; third, there is a development that will be now approved for 10 additional storeys. I appreciate the minister's description of the consequence of all that.

I will just say in passing in that regard: I hope it is just the fact that it is such an immediate impression of what the 29 storeys would look like compared with the 19 storeys, but the render for the original looks so much more attractive than the render for the new one. I will just indicate that I hope that what is built ends up not looking like a large, narrow thing on the adjoining block with the hotel next to it, that there is some sort of design and architectural capacity. I think we are all confessing that we are not architects and engineers, but I just indicate that the renders I have seen of the new tower do not look quite as attractive as the original one, just on the face of it.

Fourth, there is this now imposition of a cost burden for noise attenuation throughout the designated area. I have highlighted that the bill does, therefore, apply certain new arrangements, particularly noise attenuation, within the designated zone in respect of potential future decisions. That is the subject of clause 3. You have a certain amount of consequence of general application. But there is no getting away from the fact that in clause 4 you have essentially a whole run of conditions that would normally just be applied to an individual planning decision and would not find their way into a piece of legislation.

My first clause 1 question is: how come, if so many shortcomings of the planning process—so many, call them, non-commercial or inhibiting factors in the planning process—have been discovered in the course of this whole exercise, then why has it not been possible and deemed preferable by the government to fashion a piece of legislation of general application that can improve the playing field for all participants for the foreseeable future?

I will put it another way. Why are we now not seeing a new landscape that might promote significant capital investment in the CBD in the designated area? Why are we possibly finding ourselves in this eddy that is very directly and specifically associated with one location, one development application, one negotiation, to take up the sentiments of the member for Colton? What assurance is there that we are not going to see planning by legislation one after the other? I concede that the last time we did this there was a particularly unusual set of circumstances; this, I submit, not so much.

Is there any kind of comfort that might be given about lessons learned and is there any prospect now that the planning system can be changed so that, where there are these competing objectives, that can actually be done in an orderly way in the process, including a greater capacity for the minister to step in and make decisions on the merits, if that is deemed to be in the best interests of moving forward?

The Hon. N.D. CHAMPION: The member for Heysen asked a very broad-ranging question. He has been the minister for planning himself, so I think he has a bit of a taste about just how vast a system it is; it is everything from sheds, pool pumps in some instances, right the way through to large buildings. Our planning system actually gets a lot of marks, a lot of ticks, from the Business Council of Australia, and the federal government have run their eye over it. Absent of infrastructure issues, the planning system, which has been built by successive governments of both persuasions, is a very good planning system that deals with thousands of applications every year and hundreds of complaints and has very good public consultation provisions that allow people to express their view on things like code amendments and the like.

From the outset—and I have said this publicly and I will say it in the house—it is a very good planning system. There are always people out there in the ether who will say that in this one circumstance you can change the whole system so you will not have a unique circumstance. What I would say is that this was a very unique circumstance, a very bespoke solution was required and,

hence, the bill in the house. It was unique in terms of the nature of this hotel and its particular cultural importance to Adelaide.

I used to go to concerts at the Tivoli Hotel. I went to see The Clouds there in about 1994; I still remember the hangover. I used to go to the Producers Hotel. There are other stories. I almost got into a fight with a young Liberal in the Producers Hotel; I will not tell the story.

The Hon. J.K. Szakacs interjecting:

The Hon. N.D. CHAMPION: Yes, that's right. This circumstance has happened before without public consternation, and development has proceeded. In this instance, I do not think any system could really take into account something like the Cranker hotel and I do not think it could take into account the demand for student accommodation as we amalgamate the universities.

Adelaide is going through a unique period of growth and I do not think, as a society, we quite know what is coming at us. The city is very different from when I was a young man. So we have a bespoke solution to a bespoke issue which is caused by a particular point of time, and I do not think we should translate that into a need to completely upend the planning system or completely overturn the heritage act.

I listened to the member for Unley's contribution pretty diligently. I have a different view about Melbourne when I go there. There is a lot of facadism and, if you look at historic photos of the CBD of Melbourne, there is an awful lot that has gone as well. Cities do change and grow and develop. There is sometimes a sense of nostalgia about the past and there is sometimes a sense of regret. Was it the Federal Hotel on the corner of Rundle, and the Exhibition Building—although there are different discussions about the Exhibition Building. People have said it is not very well constructed. It is hard to know now, but it looks beautiful from the outside. I am a bit sentimental about brutalism. I like some of the brutalist, modernist buildings from the sixties and seventies.

Mr Teague interjecting:

The Hon. N.D. CHAMPION: Yes, that's right, and we all know those buildings too. For the member for Heysen's information, while there is no referral to the Government Architect, the Government Architect has met with Wee Hur about the built form. But none of us are architects and beauty will always be in the eye of the beholder. To sum it up, it is a bespoke solution for a very bespoke set of circumstances.

Mr TEAGUE: I mean this respectfully, but I guess the fallacy to some extent in the answer is that we have now, subject to clause 3, a new overlay that contemplates what will happen in circumstances where there is a development near a live music venue in the designated area. So we can contemplate heading into new territory. I take it from the answer that this is sufficiently unique that where a clause 3 scenario happens in the future, we are not going to see another bill come through with the equivalent of clause 4 for that particular location.

We have the noise attenuation requirements that are now going to be applied across the board. One takes it from that answer and from the fact that that is contained within this bill that it is contemplated that there will be live music preservation-type arrangements through noise attenuation, but that they will not necessitate a subsequent specifically named bill that is going to then apply for the particular protection arrangements for that next approval; that is, every time we see clause 3 doing its work in the designated area, we are not going to see another bill coming through saying, 'Righto, now we've got'—and the minister has named a few venues.

The Hon. N.D. Champion: Long-gone venues.

Mr TEAGUE: Yes. A question that takes it another step down the line, then, is: to what extent is there any possibility of retrospectivity in terms of works that are either in the approval process or have been approved or work has been commenced the subject of an approval, that are now going to be caught by this noise attenuation requirement and, therefore, developers ought to be on notice that they are up for some change of circumstance?

The Hon. N.D. CHAMPION: We might deal with clause 3 when we get to clause 3, if you like, but the answer is no, there will not be any retrospectivity applied.

Mr TEAGUE: Again, perhaps because it is most convenient at this stage, although there might be questions to be asked at clause 4—and I hope that this is not a quick commercial-in-confidence response—the lessee has been in the media indicating that there is a view about what is going to happen during the two years. Two years has been regarded as the time it is anticipated that it is going to be shut down. There has been some mention, at least in concept, about a pop-up Cranker or something, and there has been mention of the workforce. We have otherwise not seen the lessee visibly around the table in all of this. This is essentially a planning-led arrangement.

Is there some agreement that goes hand in hand with this for the provision of compensation to the lessee? If so, what is the amount and what is the way forward? Is there any assurance that the government can give about what actually happens to the Cranker over the next couple of years?

The Hon. N.D. CHAMPION: The planning system as it now exists does not contemplate, interfere with or deal with in any way the arrangement between a lessor and a lessee. A lessor and a lessee will have their own commercial contract under other acts. The planning system does not deal with that and neither does this bill. All this bill does is preserve the Cranker as a live music venue and it deals with the student accommodation and it deals with the noise attenuation issues that the member referred to before.

However, the government is working with the lessee in this instance to see if we can be of assistance. That is not my policy area so it is other arms of government that are looking at that. It is not contemplated in the bill because the planning systems—and this is a planning bill—do not normally contemplate those matters.

Mr BATTY: I want to make a brief contribution, having a significant interest in preserving heritage buildings across our state and having worked with and heard from the various volunteers who have been working on this campaign, engaging in a really thoughtful way how we approach these issues. I want to thank Evan for his time in briefing me on some of these issues over the past little while.

There has been much celebration with people here in the gallery today with the Save the Cranker campaign and a lot of rhetoric around 'saving' the Cranker. I want to delve a little bit into what we actually mean when we say that. I am seeing paraphernalia being distributed saying, 'We've saved the Cranker.' You have said just now you have preserved it as a live music venue. The member for Adelaide has social media up saying that the land use will always be a hotel and that can never change; is that correct? It can never change? This will always be a hotel and it will always be a live music venue, unless we come back and amend this legislation?

The Hon. N.D. CHAMPION: No, it can only change with the concurrence of the Minister for Planning and I would have to undertake public consultation for four weeks.

Mr BATTY: So the member for Adelaide running around and saying, 'We've saved the Cranker because it's going to be a live music venue forever, it can't be demolished ever, it has to be a hotel forever,' is just not true, is it? All this bill does is make you the sole decision-maker on the future of that building.

The Hon. N.D. CHAMPION: For as long as there is a Labor government, it will be a hotel and a live music venue. I cannot speak for some future Batty administration, can I? I am not a soothsayer.

The ACTING CHAIR (Mr Brown): Minister, you should refer to members by their electorates.

The Hon. N.D. CHAMPION: Thank you, Chair. The Labor government, having saved the Cranker, is going to save the Cranker, and this bill absolutely preserves it as a hotel, as a live music venue and that is an important thing to do.

Members interjecting:

The ACTING CHAIR (Mr Brown): Order! The minister is answering the question.

The Hon. N.D. CHAMPION: We would not be going to all this effort if that was not our intention and commitment. I will just say to the member for Bragg that he began with a bit of his

interest in heritage matters. I as a planning minister, have initiated, I think it is about half a dozen but it might well be more, heritage code amendments in the City of Adelaide, in the City of Prospect, Norwood Payneham and St Peters council and Charles Sturt council.

So what is happening under this government is an enormous protection of local heritage and the upgrading of character areas into historic areas and with that, demolition control, so that councils can properly protect and preserve the built form heritage of those councils. We have been very, very deliberate in that action. That could have been done in the past by previous governments, and it was not. As planning minister, I have said to councils, I have an open door. If they want to preserve heritage in their local areas, and they want to go through the heritage code amendment, I am very happy to do so.

Of course, we are doing important work in the member for Adelaide's electorate and she is a very passionate, I can assure the member, defender of heritage in places like Prospect and Walkerville and Adelaide. The member for Dunstan is a passionate defender of heritage and built form in places like Norwood and, guess what, we are actually doing something about it. We do not just talk about it; we actually do something about it in conjunction with the local councils there.

Mr BATTY: Just by way of clarification, any comment that the Cranker's land use as a hotel cannot change is incorrect and misleading.

The Hon. N.D. CHAMPION: It cannot change without my concurrence and I have to go through four weeks of consultation beforehand. I think I have stated the government's policy intention. Our policy intention and our commitment is to make it a pub, a hotel, a live music venue forever.

The ACTING CHAIR (Mr Brown): Are there further contributions on this clause?

Members interjecting:

The ACTING CHAIR (Mr Brown): Order, members!

Clause passed.

Clause 2.

Mr COWDREY: Forgive us for reminiscing on the 'trust us' messages that have come from the Labor Party previously. In regard to clause 2 of the bill, I think it would be helpful for the committee for the minister to outline the reasons for the inclusion of this bill and the practical application of it.

The Hon. N.D. CHAMPION: Clause 2 does two things. It changes the code so that it is consistent with other acts. It also changes the code so that the instrument under the P&D Code can be easily utilised including in this case noise attenuation standards which are already in the code.

The Hon. D.G. PISONI: When will the regulations be published, considering this is such a rush?

The Hon. N.D. CHAMPION: It refers to regulations that are already in place.

Clause passed.

Clause 3.

Mr COWDREY: In particular reference to the bolded headline of 'Designated live music venue', our understanding is that the minister is preparing, or in the process of preparing, or may or may not have started preparing, a list of designated live music venues. Why was that list not included with the bill today or provided to the opposition of the South Australian public more broadly prior to bringing this bill today so that there was a more accurate understanding of what impacts would be thrust upon the development industry in South Australia as a result of this bill?

What is the government's framework for assessing whether or not a venue will be a designated live music venue? Is it a pub in the CBD that has an acoustic performer on the balcony once every two weeks? Is there a more substantial threshold that needs to be crossed before the government is willing to designate a live music venue? How many does the government anticipate being on that list at first instance?

The Hon. N.D. CHAMPION: This is a legitimate question, I think, from the opposition. I am not making reflections on any other contributions. It is a perfectly legitimate and, I think, useful question to ask of me in this circumstance, because it is important to have some criteria around it, and I would not mind putting that on the public record.

What we are going to do when we consider whether we designate a venue, on the PlanSA website, is the Minister for Planning will have regard for the following: the extent to which the venue is used as a live music venue; whether there is likely to be residential development within 60 metres of the venue; any relevant zoning that applies to the venue in the Planning and Design Code; whether the venue is a place of state or local heritage; the existing development approval and any relevant conditions attached to it; and any other approvals or licenses, such as a licence under the Liquor Licensing Act 1997, that the venue has. They are the starting criteria. What I would say to the honourable member is I think that the designation of a live music venue would have to pass an appropriately high threshold, because it does place costs on development around it.

There were some useful contributions, I think, in the previous debate. Planning laws and heritage laws shape a city, but they do not create the life of a city. They guide it, but they do not create it. The member for Unley was pointing to some of the programs that were in London, I think. There are many, many things that governments, communities, councils and citizens can do to make cities lively, vibrant, interesting places, and planning laws play some role in that, but you cannot manufacture the life of a city.

Mr COWDREY: Perhaps I will respond to the minister's compliment with one back to him, because it does seem to be a well-developed, well-worked-through criteria that he has put together, one that certainly has had at least some degree of thought put into it. How many live music venues do you believe currently fit the criteria that you have just outlined to the house and what are they? Can you list them for the committee?

In regard to the process of putting forward this list, are you required to undertake any consultation prior to declaring a venue onto this list? Are you the sole decision-maker in terms of making a determination? Essentially, if Minister Champion decides that it is okay, it goes straight on the list? What is the process for a venue being designated and how many fit the current criteria that you have just outlined to the house?

The Hon. N.D. CHAMPION: The answer to the honourable member's question is it is a minister and in this case it is me. I have given you the criteria by which I will approach this, but I do not have a list of live music venues in the city in my mind. I am going to take considered advice and consult with my department about what the appropriate way forward is.

Mr COWDREY: Sorry, I am confused. The minister has a framework, has a bill before the house but has not contemplated what impacts may possibly come from a list that he has a criteria for but has not determined who or what buildings may or may not be on that list. It does not make a lot of sense, I think, to those on this side of the house for the government to be moving a bill that has been admitted by the minister will place considerable burden on those who wish to develop in the vicinity of these designated live music venues, but has not provided any level of consideration of how wideranging those impacts could be. It seems preposterous that we would have a Minister for Planning walk into this place, ask us to consider a bill in front of us, having not himself considered the impact of the very legislation that he is putting before the house today.

Again, I ask you, minister: do you have a fully developed criteria or at least an outline of a criteria that would, on face value, seem like it has had an appropriate level of consideration? Have you at least requested that your department go and determine how many venues within the Adelaide CBD would fit the criteria that you have just outlined? Do you understand the impact of what is before us and what potentially may come from that? Again, can I ask you the simple question: can you provide us with the list of live venues that you think fit the criteria that you have just outlined to the house?

The Hon. N.D. CHAMPION: The noise attenuation guidelines that exist in the Planning and Development Code already exist and already apply in some instances.

Mr Cowdrey: But they are not mandated.

The Hon. N.D. CHAMPION: Just listen to my answer. You had a fair crack, member for Colton, in terms of time and volume. I am not going that far in complimenting you. Provisions already exist in the act. We think it is prudent because there are, like it or not, going to be and have been times, and this is an issue from time to time, when developments go up around well-known live music venues and then people make complaints and so you are building in a problem for the live music venue. What this seeks to do around well-known, well-established live music venues that meet the criteria—

Mr Cowdrey: Name them.

The Hon. N.D. CHAMPION: As I said before, I am not going to put the cart before the horse. The bill passes the house and then I will sensibly sit down and make prudent planning decisions about the future. What I would say is, what we are doing here, when you apply those noise attenuation guidelines, you go straight to cost but, of course, you are also preserving the amenity and peace of residents around these venues, so you are preserving their quality of life by making—

Mr Cowdrey interjecting:

The Hon. N.D. CHAMPION: No, for a new development. A new development will have better noise attenuation, which is not a bad thing in a city, probably something—

Mr Cowdrey interjecting:

The Hon. N.D. CHAMPION: You are acting like it is entirely a bad thing: it is not a bad thing. This will be a good thing. I think noise attenuation is generally a feature that would be attractive to people who are developing units in the city. I think that would be an attractive selling point. I do not believe it will put on undue costs and I do not think it will have some catastrophic effect like the member says it will. It is a sensible clause, a sensible power for a sensible planning minister to have, and I will use it sensibly.

The CHAIR: Member for Colton, you have had three goes.

Mr COWDREY: Perhaps a supplementary then, sir?

The CHAIR: You want a supplementary?

Mr COWDREY: If that is okay, with your wise guidance.

The CHAIR: Okay.

Mr COWDREY: That being the case, minister, that you will use it sensibly and obviously be attentive in your duties, have you sought the view of the AHA, Property Council and UDIA and, if so, what are their views on what has been proposed in the legislation in regard to the attenuation?

The Hon. N.D. CHAMPION: I have not heard from the AHA, though their hotels are more likely to be subject to this power than the developers around it. I have talked to the Property Council; I talk to Bruce Djite fairly often. Bruce always puts his views pretty forthrightly. I spoke to him just before the bill was announced to the public at the Save the Cranker rally. He has not called me since that time.

The Hon. D.G. Pisoni: Was that before the back bench?

The CHAIR: Member for Unley!

An honourable member: What did he say?

The Hon. N.D. CHAMPION: He just wanted to know the broad features of the solution that we were trying to get. What are we trying to do here? We are trying to preserve a hotel, tick; preserve live music, tick; and get a good outcome in terms of student accommodation, tick. It is a pretty good outcome, I would have thought, for heritage, live music, culture and development. It is a good outcome. Just like this bill is a good outcome, these powers given to a sensible minister are also a good outcome and will lead to good outcomes.

The Hon. D.G. PISONI: I want to try to get some specifics out of this. I am quite a practical kind of person and to me the questions and answers on this particular section of the bill have been quite academic. If the live music venue is a host for karaoke, will this apply? If it is a live music venue

that is for acoustic music, singing and guitars and pianos and things like that, will it apply? I know, with my experience as the minister responsible for the music industry, that you will often see somebody who has developed an electronic piece of music and a choreographed dance to go with it performing in front of an audience, which is considered as live music and very much accepted in the live music sector. Would a nightclub or a pub that focused on any of those styles of live music trigger this section of the clause?

The Hon. N.D. CHAMPION: I might just expand on my previous answer. The Premier's office briefed both the Property Council of Australia and the AHA, so both were briefed and I have not had any follow-up correspondence with them to my knowledge. That is just for the house's knowledge.

In relation to the honourable member's question, live music would be taken to be the natural meaning of live music. You know live music when you see it. The honourable member could raise a million obscure questions about what constitutes live music. I do not think we will have that problem. I think perhaps when the Cranker reopens I will take the member for Bragg there.

Mr Batty: Your buy.

The Hon. N.D. CHAMPION: I will buy him a beer or whatever he drinks. I will have rum and we will listen to some live music together and we will know what it means because it will be right there in front of us.

The Hon. D.G. PISONI: Just to be clear, what you are telling me is that if it is an acoustic performance it will not trigger this clause, if it is a karaoke bar where people sing live to loud music or if it is a performance of a choreographed electronic music and dance situation that is loud, that will not trigger this clause. I just want a yes or a no. I am not in charge of art.

The CHAIR: We would have never known that, member for Unley. It is a good thing you told us.

The Hon. N.D. CHAMPION: I would say a karaoke performance would not constitute live music. You know live music when you see it: it involves an instrument, it involves a performance.

The Hon. D.G. PISONI: You are so old-fashioned, minister.

The Hon. N.D. CHAMPION: Yes, that's right. But if someone wants to get an electric synthesiser out and do other additional things to it you would be able to see—

An honourable member: AI.

The Hon. N.D. CHAMPION: I do not think an AI performer would constitute live music. I think the honourable member is reaching for technicalities that will not eventuate. What we will see is live music, a range of performances and they will be in a pub where I can buy the member for Bragg a bipartisan beer and we will enjoy the ambience, we will enjoy the music, and I will be able to reminisce about my youth.

Mr TEAGUE: There are a few things that are attendant here in clause 3. One is, if we just turn over to clause 5 for a minute for ease of convenient reference, we are actually getting way ahead of ourselves in the sense that we have this designated live music venue area that the government has seen fit to include in the bill. There are a few of the streets within the area that are even set out on the map, but there are more streets than that and there are potential live music venues dotted around within that area that are not even identified by reference to a relevant street.

The point is, though, that the eventual scenario is going to be a kind of chequerboard of designated venues within the area, as I understand the objective. They may not be identified now but you will eventually see dotted around in amongst the area a series of such venues so that you know if you are going to propose a development, you are going to be up for the 60-metre assessment and the noise attenuation and all the rest of it, but we are just not there yet. We have the framework, we are going to see the chequerboard compiled, but we are not there yet. Hold that thought.

The eventual situation, once you are dealing with a decision being made, the subject of these clause 3 changes—and I am picturing the minister getting around at midnight doing his own self-assessment in the back of the car: 'That one looks like it's happening, mark that one down for

consideration; it could be in the area,' and Tom Waits is playing in the background and could not put it better than all that—we are still stuck are we not, in all seriousness, with a Miller v Jackson type situation where you have the famous case of the folks who move in on the edge of the cricket ground and then they bring the nuisance case based on the cricket balls exiting the ground.

Lord Denning says, 'How dare you! The public interest has to take precedence over the private, so you cannot possibly have a nuisance from a cricket ground that has been playing cricket for decades and decades,' but he is in the minority. The rest of the court upholds the basic legal principle, which says, 'No, every time the ball heads off into the Millers' front yard or breaks their window, that is an instance of negligence and constitutes a nuisance, and there is damage and so on.

So we are not providing some kind of shortcut or avoidance of what might anyway be eventual claims in nuisance for those future residents of the venues: what we are providing is a certain amount of mandated noise attenuation. That might reduce the possibility of the nuisance action to some extent, but we are not doing away with that altogether, are we? We are not saying it is a live music venue therefore that takes precedence over anything else that might happen, and whatever else you do, if anyone moves in, there is no possibility to make a claim and there is no possibility for that to result in the ending of live music at that venue. None of that is true, is it—maybe sensibly.

But all you are doing is ending up with the chequerboard scenario so there is some notice to developers and then putting them on notice that, if they want to do residential development, they are going to have to put on additional noise attenuation. The rest is down to how the residents and the live musician venue find each other. What happens might result in peace in our time, but it might also result in claims by residents against the live music venue with the result that you cannot any longer play the live music. Is that a correct assessment of the result of what is going to happen when clause 3 comes into play?

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I would just like to acknowledge in the gallery volunteers of the Croydon Park Catholic parish, who are members of the St Margaret Mary's and St Patrick's churches. They are guests of the Premier. I am sure they do some live music from time to time—a good choir.

Bills

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (DESIGNATED LIVE MUSIC VENUES AND PROTECTION OF CROWN AND ANCHOR HOTEL) AMENDMENT BILL

Committee Stage

Debate resumed.

The Hon. N.D. CHAMPION: The answer to the member's question is: the complaints he envisages by residents around live music venues would be handled under the Liquor Licensing Act. It is a separate act. What the powers of—

Mr TEAGUE: Or a common law.

The Hon. N.D. CHAMPION: Yes, or common law; the honourable member is a lawyer and I am not. What this act seeks to do is, in a city, because we have this issue—there is this issue more broadly. You have given the example of a cricket oval. I think there are some examples interstate of airports where someone might move in and then begin the complaint process. I will not make any comment about all of that except to say it is an interesting phenomenon. What I would say is that cities need life. They need culture, they need music.

Members interjecting:

The Hon. N.D. CHAMPION: I like some of the imagery you conjure up, member for Heysen. They need all of that. It attracts people. Unfortunately, then, how do you get those two things to cohabit? What I would say is that this gives the Minister for Planning some very sensible powers that

would be used sparingly and sensibly in order just to better accommodate that in our CBD. As I said before, in 1994, 1996, 1997 or 1998, you could go down the Cranker and all through there were a bunch of pubs, but there were not many residents at that point.

Then urban renewal happened, and urban renewal in the East End has been spectacular. It has been a spectacular success. That is a good thing, it is an excellent thing, but we have to preserve the very thing that people found attractive in the first place, which is the life of that precinct. As I said before, it is a job beyond the planning system, but what this does is just give the planning minister, whatever party they are in, some powers that can be sensibly applied in order to have better quality development in and around live music venues.

Mr TEAGUE: I am grateful. To the extent this is repetition, the committee might forgive me. It is a fair summary of the provision, though, isn't it, to say that this is a planning provision? It is all about a condition that will be placed on the residential development in terms of built noise attenuation, and so it is kind of handing the rest over to the universe and saying the planning bit is done within reason, it is the structure that is capable of resisting noise to some extent. If anything else surprising ensues—people like sitting outside on their balcony and complaining about the noise, or whatever it is—that is off to be dealt with somewhere else.

The Hon. N.D. CHAMPION: Simply, that is correct. The member would know, having been a minister for planning, you get a lot of correspondence about matters that you have to write back to the individual saying, 'I'm sorry that that's outside the scope of the planning act.' Often, it relates to noise and to issues like that. I remember I had a letter from a constituent of the member for Bragg, who raised quite a serious issue, which I am contemplating and thinking about, which is where—

An honourable member interjecting:

The Hon. N.D. CHAMPION: No; I will tell you what it is. You will like this. This person lived next door to an allotment that became a car wash and, of course, there is a vacuum cleaner right outside his bedroom window, which is a 24-hour thing. Sensibly, thinking forward, I think we should contemplate something around that in the planning system. I think we can make changes, but you cannot account for every single circumstance that might happen in the city. A planning system cannot do that. All this does is give the planning minister a pathway by which they will make for better amenity for the residents living in and around live music venues.

Mr TEAGUE: Maybe for completeness, this might be a preview of a question that might be road-tested in clause 4. Clause 3 might be contrasted with clause 4 in the sense that the member for Bragg has not only shared in terms of wise counsel here in the house but also put it on the *Hansard* record in the course of the debate. Clause 4 is going to see the minister holding all the cards in terms of decisions specifically in terms of the Crown and Anchor regime. If we are to look at the clause 3 circumstance, where there is, if I can put it this way, a conventional planning approval requirement for noise attenuation, that is our core planning point. 'All right, you can build, you just have to do your noise attenuation in addition to everything else you have to do.'

The clause 4 process puts all the decisions in the hands of the minister: 'Okay, do the consultation.' Forgive the hypothetical, but here we are dealing with something quite specific. What happens if all 29 storeys, filled with all 643 residents, or how many it is, decide that they are finding this noise downstairs is a bit of a nuisance and they feel like they want to participate in a consultation with the minister about it, and all of a sudden this populated urban renewed city is now providing the member for Adelaide with a whole lot of constituents who are saying, 'We're over all this loud noise'? From a clause 3 point of view, the minister says, 'I did the noise attenuation requirement. That was within my remit. You need to go and talk to the liquor licensing crowd or advance your action at common law, or wherever it might be.'

Whereas, in clause 4, the member for Adelaide might be coming and knocking on the minister's door, and the minister might be moved to exercise the responsibilities the minister has held on to in terms of decisions for future changes. It is the case, isn't it, that, unusually, unlike all these other chequerboard places within the designated area that might be the subject of the special arrangements insofar as the Crown and Anchor is concerned, the consultation, the four weeks, that leads to the minister making a decision about a change, is something then that the minister is keeping

within the planning space and could therefore be responsive to residents' concerns about nuisance or other like issues.

The Hon. N.D. CHAMPION: Are we going to skip forward to clause 4, or do you want to stay on this? This is a somewhat different aspect. I am happy to answer questions about clause 4 down the track, if you like. Do you want to do that?

Mr TEAGUE: Treat it as a preview.

The Hon. N.D. CHAMPION: They are quite separate. One is about a specific hotel and the other is about noise attenuation in and around designated live music venues. They are different; I understand how you might want to link them, but they are different. I am happy to answer the clause 4 questions in clause 4.

The Hon. D.G. PISONI: With the designated live music venues, can venues apply to be on that list? If they do apply, what is the criteria for acceptance? If they do not agree with that, is there a process of appeal? Can they be added at any time, or is there a certain time of the year when applications are viewed?

The Hon. N.D. CHAMPION: I put down the criteria for the member for Colton. I am not sure if the member for Unley was here at the time, but that is now in *Hansard*. If a venue or an owner of a hotel wanted to write to me seeking to be designated, I would consider that in an appropriate way.

Clause passed.

Clause 4.

Mr BATTY: Clause 4 is the historic saving of the Cranker provision, of course. Having saved the Cranker now, you have also given yourself quite an extraordinary power in being able to unsave the Cranker once we pass this bill—tomorrow, if you want, or next week or next month or indeed the next minister next year or the year after. Why have you inserted that extraordinary power to unsave the Cranker at a whim?

The Hon. N.D. CHAMPION: In order for a change of use, there would have to be a development application. That is set out. I would then have to go through public consultation. Let me make it clear for the member for Bragg who is, as always, so far off the policy and so into the politics. I admire it; I admire your commitment, but you just have to accept that the Cranker has been saved. You and I are going to go down and have a beer and listen to live music.

Mr BATTY: In 20 years' time?

The Hon. N.D. CHAMPION: We all know that the hotel has to close as the development for the student accommodation occurs. There will be refurbishment of the hotel and then it will reopen and live music will commence. That is something that the developer wants to do in this case. So, this is a bespoke bill. It is a bespoke solution. It is a pretty elegant bill, if I might say so myself, in every aspect except for consultation with the opposition. I am happy to take that criticism on board. You know how much I love briefing you on all other matters of planning. I try to interact with members of this house in a bipartisan way because the planning system is very important to the state economically, socially and all the rest. So Cranker saved. I do not think I will see a development application, but if I do you can get some indication about the seriousness in which I would assess any change of use.

Mr BATTY: We will just have to take your word for it that the Cranker has been saved and we can look forward to that beer. That provision need not have been in there. It could have simply come back to the parliament if it was so important, if you really wanted to enshrine it. I do not see this section really changing much at all, other than making the super minister slightly more super perhaps.

The Hon. D.G. Pisoni: If that's possible.

Mr BATTY: If that is even possible. My second question is: is there something fundamentally wrong with the heritage act, the heritage system and the way we protect local and state heritage places broadly? You have described this as a very unique case and a very bespoke solution. This building is so special you have had to rip away heritage protection from it. It is so worth protecting

that you do not want our heritage laws anywhere near it because it is too dangerous to leave it in that stream; we have to legislate specifically for it. Is there something wrong with the way we protect heritage generally in this state, and what are you going to do about it?

The Hon. N.D. CHAMPION: No. You can go around our city and see a number of examples. The Tivoli is actually a very good example and the Producers is a good example, and there are many, many other uses where historic buildings have had adaptive reuse. However, that protects the built form. That is what heritage laws do, they protect the built form. In this case, we are trying to protect the built form and the usage, and that is a different task. In this case, as I said before, this is a unique set of circumstances. To give the member comfort, we are protecting the hotel and its use, and that is why it has a bill of its own and the Minister for Planning has powers to protect it. That will preserve its heritage and its use, and that is a good thing.

Mr BATTY: So, out of the many hundreds of state heritage-listed buildings and locally heritage-listed places, there is no other place or building in the state worthy of the same sort of treatment where we need to be legislating specifically to protect both the building and its cultural use? I think the only time I have ever seen legislation like this in the heritage space is actually trying to demolish heritage listed buildings.

There was the very special purpose, bespoke, unique solution for the Thebarton Police Barracks, which of course had a very different outcome for heritage. Why are we not seeing, in a similar vein, pulling the Thebarton Police Barracks out of the planning system or the heritage system and legislating to protect that as barracks going forward, by way of example? I know you are putting the bulldozer through that so it is a mere example.

Leading on from that, is this the start of a trend? You often write to me and say, 'We've got an independent planning process for a reason. We've got expert planning assessment. Don't look at me.' Are we trying to move away from that? Do we want to now politicise the planning process? If we can get 1,000 people at a rally, is it now the super minister who gets to decide what happens to heritage buildings? And what is that number? Because I could do it to a few more buildings if it is going to assist to protect and preserve them in the future.

The Hon. N.D. CHAMPION: I think what makes this unique is that we are trying to protect land use and we are trying to facilitate student accommodation on a pretty unique site. That is why we have this bill.

The state heritage act has been examined by this parliament, and there have been recommendations about the state heritage act and the State Heritage Register. Local heritage still resides within planning and is subject to code amendments, and those code amendments go through a process via councils, via the State Planning Commission. A local heritage code amendment ends up on the planning minister's desk both for initiation and for approval, and a heritage code amendment also comes to the ERD Committee of this parliament for approval as well.

I was not here when minister Rau, the deputy premier at the time, moved the planning legislation, but essentially you have a series of independent decisions through the State Planning Commission and the like, and through the SCAP—I do not involve myself in those—and then you have a series of decisions that I think properly come to the minister's desk, and then they are reviewed by this parliament. That is a model that was in when previous ministers were around, and it is one that I have done.

We have a greater pace of code amendments than we ever had before: council-led code amendments, state government-led code amendments and private-led code amendments. I forget the exact number in the system but it is massive, and I thank the staff at PLUS for their hard work. Notwithstanding the member for Bragg's comments, what he will find is that at the end of this term in the areas where I have power and jurisdiction and decision-making capability, there will be greater protection of local heritage.

Mr COWDREY: My first question in regard to this clause is going to be about the built form. I provide the passing commentary that it is good to see that the minister views his own work in such high regard. I do not know that I have ever heard a minister describe their own work as, what was it, eloquent?

Members interjecting:

Mr COWDREY: Just ask me. My question in regard to built form and in particular the removal of the application of the Heritage Places Act, what does that mean for the built form of the Crown and Anchor Hotel moving forward both in regard to maintenance requirements that would otherwise be expected under the act and, for the sake of future funds, for the ability of the proprietor or owner of the Crown and Anchor Hotel to apply for heritage funds for the restoration of the building should it need that? What does the removal of the application of the Heritage Places Act mean for the built form of the Crown and Anchor Hotel from a practical sense moving forward?

The Hon. N.D. CHAMPION: Essentially what it means is that you do not have a double layer of protection. You will not have the heritage act protecting it; you will have, in this case, the bill which we are discussing and that is sufficient protection. You do not need belt and braces. Well, you might, but I do not think it is necessary in this case. So the PDI Act will effectively protect the built form of the Cranker.

It is interesting to note that at the start of this debate and my second reading speech, and I think in my summing up, the Cranker had a local listing but it was not on the State Heritage Register. It was provisionally listed, but if you look at the built form of the hotel it was a very beautiful building in its original form and it had had a lot of work done to it at some point in its life. The balcony was added, the windows were changed—and this is just what I have observed—and the doorway was changed quite a bit, so it might have had a bit of modernisation in the fifties and sixties.

What I would say is that the protections in the act are much more significant than the protections it had, say, six months to a year ago.

Mr COWDREY: You mentioned the provisional listing, because I think that essentially is the crux of what I am trying to ask here. Should the Crown and Anchor have achieved state heritage listing, there would have been another layer of protection provided to the built form of the Crown and Anchor Hotel itself. There would have been further requirements in terms of the maintenance of the building and the state that it was required to be kept in. I cannot see any of those requirements that exist in the Heritage Places Act replicated in the bill that is before us. Are you trying to tell the house that you believe there is the same level of protection that would have been there for the Crown and Anchor Hotel had that provisional listing become permanent in the bill before us today?

The Hon. N.D. CHAMPION: What I would say is that the projections in this act are more substantial because it protects it from demolition. It also protects it from change of use. What members opposite are talking about is a provisional listing. They are not talking about it being listed. Under the local heritage listing that it had, it could have been demolished, it could have been completely repurposed. So that is a listing it actually had, rather than a provisional listing. This act comes in and protects the hotel as both a hotel and protects its use as a live music venue, and it gives a very high level of protection that I think will be sufficient going forward.

Mr COWDREY: A supplementary, and perhaps I will provide a greater level of detail. I thought I was leading the minister to where hopefully we were going to get a resolution and an answer to the question that I was posing to him. Essentially, the question is in regard to a protection around demolition by neglect. It applies currently under the Heritage Places Act to those that are state heritage listed. Again, it was a provisional listing. We assume that that would have been given at some point in time, given in particular the views that there would be significant respect for the heritage value of the Crown and Anchor Hotel in terms of its built form. Is there a requirement in this bill to maintain the Crown and Anchor Hotel in a state that is sufficient and would have been replicated through the Heritage Places Act?

The Hon. N.D. CHAMPION: I do not think the honourable member is dealing with reality. The reality of this site—and it is pretty clear to everybody except him—is that we have a good outcome here. I know you are struggling to find something to hang your hats on, but just understand this: we are going to get a huge investment in student accommodation. The owners of the site do not want to have that enormous investment in student accommodation and then somehow have a derelict site right next to it. It defies reason. It defies common sense. What will happen is, they are very keen to have a good, operating live music venue hotel next to their student accommodation,

and that is what we are going to get. For the member to make a Geoffrey Robertson hypothetical, I think will not need to be accounted for.

Mr COWDREY: The 'just trust me' comes back again. Minister, I am just seeking some clarification in regard to the current zoning situation for the site at 188 Grenfell Street. Are you able to provide an indication for the committee of the current zoning and the current height maximum that applies to that site?

The Hon. N.D. CHAMPION: The current TNV maximum building height—and I said this in my second reading speech—is 53 metres. The proposal that was made, the original proposal, was 63.67 metres. What that is attempting to accommodate is, in all of the height, there was built into the planning system what is called 'performance planning'. So if you had affordable housing, you would get—I think it is 15 per cent, from memory—additional height if you meet certain criteria. That has been a matter of contention in communities and it is something that has been dealt with by the expert panel and we have announced reforms that restrict that in certain instances, because when people hear height limits they tend to think those height limits are—when you hear 53 metres you expect it to be 53 metres.

This is in a city. There is the opportunity to go higher. It is not the highest building in the vicinity, I do not think. There are higher buildings in the vicinity. What we are getting here is essentially additional height to get the same student accommodation outcome—that is a good thing—and we are preserving the hotel and the usage of the hotel in the process. I think these things are colloquially known as win-win situations.

If you want to know my attitude to height in the city, I think height in the city is a good thing, particularly when we are protecting heritage. The City of Adelaide has a code amendment on local heritage. What that typically does is constrain development. The member for Unley was talking about the sorts of grand bargains or compromises that have happened in Unley. They have development along Unley Road, and that is good development. I think the member for Unley takes a very mature approach to that, as does the council, because they know that the growth in housing along Unley Road goes side by side with the preservation of beautiful colonial heritage that is unique to Adelaide.

In the CBD of Adelaide, we have a lot of one and two-storey colonial buildings that are beautiful and should be appropriately preserved, but every time you do that you are effectively down-zoning pretty big chunks of your city and so inevitably you have to make that up elsewhere. If you look at the proposals that are going on from the market through to the Australia Post site, we are going to have to make up for some of the historic preservation in height elsewhere.

Mr COWDREY: I just have one final question in regard to that answer around the win-win and protection of heritage. To the minister's last point in regard to a thriving local music venue and student accommodation business, obviously the intent of the developer and the business owner is to have a thriving student accommodation business and a thriving live music venue—we certainly hope that that is the case. In presenting that argument, you are making the assumption that this is going to be a viable business. You are making the assumption that there is always going to be a viable operation whose best interests it is to uphold the heritage value in the built form of the infrastructure of the Crown and Anchor Hotel.

The protections that are provided to those with listings under the state Heritage Places Act, should the Crown and Anchor have secured that listing, would assure the maintenance of the building to a standard that is required and there is the ability under the act to enforce maintenance. There is the ability under the act to procure funds to ensure that that occurs. Again, my question to you is simply: do you believe that should the Crown and Anchor Hotel have secured a state heritage listing that what is present in this bill before us today provides the exact same level of protection that would have been available to the Crown and Anchor Hotel under the Heritage Places Act?

The Hon. N.D. CHAMPION: I have a bit of information for the member for Colton. The powers he talks about in the heritage act do not actually exist in the form that he imagines they exist. If they did—I can take you around to any number of buildings that are falling down but are heritage listed. I believe there are some policies and proposed laws that will come to this house that might do that—a good thing. But what the honourable member asks us to believe is that the—

Mr Cowdrey interjecting:

The Hon. N.D. CHAMPION: No, no, I listened to you, with great patience. What you ask us to contemplate and to believe is that the developer, having spent money putting in noise attenuation, which they are required to as part of this bill—so he puts all this noise attenuation in this hotel—they then embark on a course of neglect. It does not make any sense. If you invest in making this hotel better, preparing it for live music, keeping it a live music venue, you are going to invest in it and you are going to make it work, and that is their intention. There is a great deal of protection under this bill for the Crown and Anchor. As I said before, I look forward to shouting the lot of you a drink in the reopened Cranker Hotel, and we can listen to a live band in the process.

Mr TEAGUE: This better be beyond just the member for Bragg—I am delighted, I have been waiting for that moment.

The Hon. N.D. Champion: In fact, I might take you rather than him.

Mr TEAGUE: All inclusive sounds good. With the clause 3 preview about where we get to here with clause 4, clause 4 we are in Crown and Anchor specific territory and in circumstances where a change of use is down to the minister to authorise. To identify it, it will be the new section 135A(1)(c) that is providing for a prohibition against a change in use of the hotel land without the minister concurring in the granting of the authorisation. In the new 135A(2):

> (2) the Minister cannot concur in the granting of the development authorisation…unless the minister conducts public consultation (in such manner as the Minister thinks fit) for a period of at least 4 weeks on the proposed development.

So, clear enough. Does it not stand to reason—and you might call it a Geoffrey Robertson hypothetical—that, when you have built the development, all of a sudden you have got a whole new community of interest in the immediate vicinity. Leave aside the potential for individual nuisance actions, and so on, but from a consultation point of view, by structuring the bill this way specifically in relation to this venue, and then by pronouncing in the course of the debate and the committee just now, 'You're safe with me, while I'm the minister you won't be getting any changes, I'm a good minister, there might be other ministers down the track, I can't speak for them,' isn't the minister risking pre-judging such a consultation, in circumstances where the minister has discharge obligations, where it stands to reason that there will actually be a quite significant change in community interest as a direct result of what is being facilitated here?

Therefore, a respectable argument might be made in a year or two or 10 after this particular development is completed, let alone any others permitted in the course of the minister's grand vision for: 'Going up is good, renewal and the great success of the East End,' and all the rest of it, which I completely take on board, in terms of a situation, at least as far as the structure of this is concerned, where the minister is forced to step out of the conventional planning space that we see in clause 3, where there are the conditions of development: 'That's it, I've done my job. Now you go and talk to someone else.'

If the minister finds that the member for Adelaide is no longer knocking on the door saying, 'Everyone wants to save the Cranker, that's what we've got to do,' but instead is saying, 'I've gone door to door on the 29 levels and they all think that live music has to stop right here and, not only that, but everyone in the near vicinity is saying so,' isn't the minister compelling himself by this provision to undertake a consultation process with a view to some sort of objective feedback and then, in the course of that four weeks, having to come up with a view that does not prejudge the circumstance in which we see ourselves now in the course of the debate, but has to actually take on board what that community consultation is telling the minister?

Then he could be in this potentially invidious position of having to come back and say, 'Actually, do you know what? The world has changed, and I am the one who is carrying the can because I held it here in the site-specific legislation that we've got before us.' That is a scenario that might be described as a hypothetical, but where the rubber hits the road is in the minister's obligation to avoid prejudgement and to undertake some sort of exercise that is dispassionate and objective.

The Hon. N.D. CHAMPION: Some of the scenarios that you put are not quite accurate, because there has to be a development application at the beginning, and a development application

would most likely come from the owner. So one cannot prejudge or pre-imagine some development application.

Mr Teague: He might want a new five-storey Cranker.

The Hon. N.D. CHAMPION: I guess the issue is that there is a process. I do not think it is helpful to entertain hypotheticals because I can give you a hypothetical where we do not just have a beer in two years' time but we come back every 10 years. I know you would be happy to do that, member for Heysen, but we will not bring the member for Bragg with us. Hypotheticals are not useful.

As you point out, applications have to be judged appropriately. I always do that. I discharge my obligations as a minister carefully and prudently. I think this is a perfectly sensible clause. I think because there is a development application at the beginning of it, there is public consultation and then there is a judgement by the minister that it is entirely consistent with other aspects of the act.

The Hon. D.G. PISONI: One thing we are certainly learning tonight is that the refurbished Cranker is not going to make much money out of the minister: two beers in two years' time and then two more beers ten years later.

Minister, the bill that you have here refers specifically to a certificate of title and a folio with a volume number, so it leaves me to raise a question on behalf of my Parkside constituents: whether a bill can be that specific about a change of purpose—because you have made it very clear that this is more than just use; it is a purpose, it is about preserving live music.

This is a development that SCAP rightly refused on 10 grounds—10 grounds. Some of those grounds are that the development is not consistent with building height, nor does it positively respond to local content. It does not satisfactorily mitigate the impacts of building mass in a residential development within the existing neighbourhood zone. It was also refused because it does not adequately minimise offsite impacts or achieve a high level of design quality, as a result of exceeding the height.

I will not read them all out, just some of the more concerning ones. The building height and mass do not contribute positively to the character of the local area, and the proposal does not meet the urban design, relying on borrowed light and ventilation for many of the habitable rooms. It does not have the required parking, or anywhere near the required parking, relying on offstreet parking that is simply not there.

My question to you is: will you rule out bringing a similar bill? You said that this was a unique situation; well, build-to-rent is unique. We have not done that in South Australia. It is common in the eastern states, but we have not done it here, and you could argue it is another unique project so it needs a unique bill that we would have to rush through the parliament, and it could be called something like the 'planning, development and infrastructure (build-to-rent zone) amendment bill' and could actually override all of the objections, all of the reasons SCAP refused this particular development. What I am seeking from you, minister, is assurances that we will not see an overriding of the SCAP's refused planning consent through a bill in the parliament.

The Hon. N.D. CHAMPION: This bill is a unique circumstance around a unique hotel and a unique student accommodation proposition. I cannot highlight to the member enough: it is unique. The member reads out into *Hansard* an application which I am not going to comment on. It was before SCAP and has been dealt with under the planning system, so I do not think it is sensible for me as Minister for Planning to start talking about particular developments anywhere in the city.

The Hon. D.G. Pisoni: Except this one.

The Hon. N.D. CHAMPION: Well, that is right: except for the bill before the house, which quite clearly sets out its uniqueness. It is a unique bill. Parliamentary approval is not easy to get. I thank the opposition for their consideration of this bill. I think there will be a sensible discussion in the other place as well. Clearly it is unique. I do not expect it to be replicated in other parts of the city, for other reasons.

The Hon. D.G. PISONI: With due respect, minister, this situation with build-to-rent is unique to South Australia.

The Hon. N.D. Champion: No, it's not.

The Hon. D.G. PISONI: In the concept—well, this is part of the selling pitch of the developers. Are you saying the developers are misleading potential customers even before the building has approval? This is a brand-new developer coming into South Australia. It is a unique site. It is not a residential site. It is a commercial site currently. Through that long six-year period of the consultation process and the implementation of the planning bill that we use now it already has agreed heights and setbacks and parking requirements and all sorts of things that are in that act. What I am seeking from you, minister, is that we are not going to see a bill specifically for number 163A-164 Greenhill Road Parkside and 3 Porter Street Parkside that will enable a building that has been rejected by SCAP to be built.

The Hon. N.D. CHAMPION: As I said before, that matter is entirely separate to this bill, but I will just correct the record: there is build-to-rent in South Australia. There is a build-to-rent—the first build-to-rent, as I am often reminded. Every time I talk about Sentinel in Bowden being the first build-to-rent the owner of the Highway Hotel I think sends us an email to the office saying, 'No, no, we were the first build-to-rent.' So there is a build-to-rent being operated—

An honourable member: On Marion Road.

The Hon. N.D. CHAMPION: Yes, on Marion Road at the Highway Hotel. I am not going to shout you beers there either, member for Unley. There is build-to-rent behind that, and there is build-to-rent that is being built at Bowden as well. So build-to-rent will be a feature of our system. The planning system can accommodate those proposals and can judge those proposals, and SCAP is completely able to do that, and I do not believe there needs to be any changes to facilitate that—to facilitate the assessment of those sorts of proposals.

The Hon. D.G. PISONI: Just to be clear for my constituents, you will rule out a bill specifically for this development to go ahead in its current form.

The Hon. N.D. CHAMPION: Just to be clear, this is unique legislation. We do not anticipate unique legislation coming to this parliament in any regular pattern. The build-to-rent category can easily be accommodated in the normal course of the planning system.

Clause passed.

Clause 5.

Mr COWDREY: In regard to the map that has very helpfully been provided by the minister, in clause 5 in regard to the designated live music venue area—which we note is essentially the CBD of Adelaide—why was that designated area chosen? What considerations were given to other live music venues that come to mind that perhaps fit the criteria that the minister has mentioned? The Governor Hindmarsh is, I think, one amongst others that would potentially fit the criteria that was mentioned earlier. For what reason was the designated area simply bounded by the CBD of Adelaide?

The Hon. N.D. CHAMPION: You would expect live music to occur in your CBD. Outside of the CBD we do not believe that these powers are needed. As the members before were recognising, these are significant powers that the Minister for Planning will have. We think it is sensible to contain them to the city where we are most likely to have these issues.

Mr COWDREY: Sorry, I am trying to understand. Let's take the Stamford Grand at Glenelg, which I hear is a vibrant place on a Sunday afternoon or evening from time to time, and the Ramsgate Hotel at Henley Square. Again, we are not taking a position here one way or the other, I am simply asking the question to get to the bottom of the thought process of the government. Are you prioritising the needs of residents of the CBD as opposed to residents who would live within 60 metres of what I would imagine to be live music venues in suburban areas?

To me, the expectation would be for a CBD resident, that there would be an expectation of a level of noise that comes with living in the CBD. As you have just articulated well, we expect that of CBDs, to be vibrant, happening places where there will be loud music and other vibrant activities from time to time. Would it not then make even more sense that live music venues outside of the CBD, where perhaps residents are less likely to expect those sorts of things—although it could be

argued, as was articulated earlier with your reference to the Airport, that people are aware of where these things existed previously. However, I am trying to understand why the CBD is special but the rest of Adelaide is not.

The Hon. N.D. CHAMPION: Self-evidently, the CBD stands apart from suburban life. The reason why we were quite deliberate in the map is because that is the area where you are most likely to get two things coinciding together: live music and live music that plays into the life of the night and, simultaneously, greater densities of student accommodation and other residential apartment living as well.

If you look at the City of Adelaide's plan and you look at the Greater Adelaide Regional Plan discussion paper, they anticipate the CBD accommodating more people. The reason why this is important is because postwar we had 47,000 people living in the city approximately, and we got down to 22,000 in the late eighties, and it has now gone up to 28,000.

The CBD is the one area of Adelaide that has a somewhat normal rental vacancy rate because of the supply of apartments. We want to see the supply of apartments continue. We want to see the supply of student accommodation continue because it takes the pressure off private rental markets, but you have to be able to accommodate the life and culture of the city, which is by its nature different to a suburban setting at the Ramsgate Hotel, which has a level of zoning and is covered by the Liquor Licensing Act and, in most of those circumstances, it does not require additional legislative focus.

Mr COWDREY: Perhaps I will be even more direct then, minister. I can think off the top of my head that down at Glenelg we have the Stamford Grand, The Moseley hotel, and The Pier hotel all within the space of roughly 200 metres. You have zoning changes that were brought in by the Rau regime to significantly increase building heights through Adelphi Terrace and other streets through the Glenelg Moseley Square precinct that allowed for student accommodation building, amongst other things. Was there any consideration given to Glenelg in preparing this map, or was it simply construed only to the CBD?

The Hon. N.D. CHAMPION: The name of the bill is about protecting the Crown and Anchor Hotel. That is its focus, and so by its nature this bill was focused on the city, and on the CBD. The matters that the member referred to—you can go all the way back; I think the Olsen government first rezoned the foreshore. I can remember all sorts of fears about that, none of which have really come to pass. That is a lively, vibrant place, that has a lot of restaurants. I think it is actually quite a good development. I think that was a good decision of the Olsen government.

I think, generally, density and mixed-use developments—and we are about to look at the West End Brewery, which is absolutely going to kick off that sort of development down there. If you have mixed-use developments you tend to have more lively precincts, more passive surveillance. People feel safer and so they are happier to go out at night and the like. All of that brings life and good amenity to an area.

In this case, for the CBD, we do think that the Minister for Planning needs some bespoke powers for the city but, outside of that, generally what you find is that these areas—I will check, but I do not think I have ever had a single piece of correspondence about Glenelg and the nightlife there.

Mr COWDREY: Check Henley.

The Hon. N.D. CHAMPION: I am happy to check Henley, too. Henley is a terrific place.

Mr COWDREY: I am happy to make this very quick contribution now or at the third reading, whichever is easiest: just to make a request of the minister that any questions taken on notice to please be provided before the bill makes its way for consideration in the other house, if you are happy to take that on board. My understanding is, from communication with your office, that we are proposing for the normal process to take place from here where it sits on the *Notice Paper* over in the other place for the normal period of time. So I would appreciate if you are able to provide those answers in a sensible timeframe.

The Hon. N.D. CHAMPION: We will endeavour to do that for the opposition.

Clause passed.

Long title passed.

Bill reported without amendment.

Third Reading

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Housing Infrastructure, Minister for Planning) (19:24): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 27 August 2024.)

The Hon. J.K. SZAKACS (Cheltenham—Minister for Trade and Investment, Minister for Local Government, Minister for Veterans Affairs) (19:25): I am very happy to continue from my previous remarks and, in doing so, seek to thank members again for their contributions. There being one government amendment, I will seek to move into committee, which I understand is a way to progress this amendment.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 51 passed.

New clause 51A.

The Hon. J.K. SZAKACS: I move:

Amendment No 1 [TradeInvest–1]—

Page 13, after line 39—Insert:

51A—Amendment of section 83A—Transfer of proceedings

(1) Section 83A—after subsection (3) insert:

(3a) The Magistrates Court or a Magistrate may transfer civil proceedings in the Magistrates Court that lie within the jurisdiction of the Tribunal to the Tribunal.

(2) Section 83A(5)—delete 'or (3)' and substitute ', (3) or (3a)'

Just for the committee's benefit, this is an administrative amendment which seeks to insert the Magistrates Court alongside the Supreme Court and District Court as courts that are able to transfer appropriate employment matters to the South Australian Employment Tribunal.

New clause inserted.

Remaining clauses (52 to 57) and title passed.

Bill reported with amendment.

Third Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Trade and Investment, Minister for Local Government, Minister for Veterans Affairs) (19:29): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LOCAL NUISANCE AND LITTER CONTROL (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2024.)

Mr COWDREY (Colton) (19:30): I do not wish to labour the house tonight in regard to a second reading speech. The position of the opposition has already been set out in previous debate on this bill, which I note has been on the *Notice Paper* for a fairly significant period of time. However, we are dealing with it tonight. To that end I just indicate that the opposition will seek to enter the committee stage tonight, but not for a significant period of time.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Climate, Environment and Water, Minister for Workforce and Population Strategy) (19:31): I would like to thank all members for their contributions to the second reading of the Local Nuisance and Litter Control (Miscellaneous) Amendment Bill 2024. A number of members noted how important the Local Nuisance and Litter Control Act 2016 is for the resolution and prevention of issues of local nuisance and littering in the community, and that the act is relied upon by members of this place to deal with a wide range of constituent inquiries and issues.

The member for Davenport reflected that when out and about in her community the act is often referred to her by name, which is almost unique across the South Australian statute book, and the member for King told us about Lesley from her electorate, who regularly reports abandoned trolleys around and in Cobbler Creek and the Little Para River. As the minister responsible for the act, I receive a great deal of correspondence regarding the act from members of the community, from members of this place on their behalf, and in correspondence from constituents in my own electorate. Port Adelaide experiences its share of local nuisances and trolley abandonment.

As acknowledged by the member for Bragg, the amendment bill contains various reforms that will reduce red tape, particularly for small business. The amendment bill will provide for the streamlining of the exemption application process under the act by building in greater flexibility, such as allowing councils to waive the need for an applicant to submit a site nuisance management plan, which is currently mandated where the nuisance is of a limited nature or unavoidable, allowing councils to determine an appropriate length of an exemption and allowing councils to extend an exemption without the need for further application.

The bill also includes reforms, included on advice from the Small Business Commissioner, aimed at better protecting small businesses from the nuisance impacts associated with large construction projects by increasing expiations for body corporates that cause local nuisance in order to provide a strong deterrent. The Small Business Commissioner also suggested that the ability to issue a litter abatement notice for shopping trolleys should be limited to businesses with more than 20 trolleys, which has also been incorporated within the bill.

While there will be an opportunity to discuss the legislation in more detail if required during the committee stage, it is worth responding to some of the concerns and perceived issues raised by the opposition during the second reading in preparation. There was concern raised about the potential impact on small business of the offence within the bill to install a light or air-conditioner in a location where it causes local nuisance. It is important to understand that this new offence essentially replaces an existing provision of the act, being clause 4(f) of schedule 1, which is proposed to be deleted by clause 18(3) of the bill.

Clause 4(f) of schedule 1 of the act declares the installation of a fixed machine, which includes air conditioners, in a location where the noise travels to a neighbouring property and that noise is considered unreasonable by an authorised officer, to be a form of local nuisance and therefore subject to local nuisance provisions of the act.

The proposed offence extends to the installation of lights as lights was only added by regulation as an agent of local nuisance under the act on 1 April 2024. The proposed amendment would establish a standalone offence that is a lesser penalty amount than the current penalty. The

standalone offence has a $210 expiation proposed, whereas the current provision operates as a form of local nuisance and that carries a $500 expiation.

It is uncertain whether any councils have used the existing provision, but anecdotally the EPA has been advised of instances where air-conditioning installers are now considering local nuisance when installing equipment. Implementation of this reform will include communication with trade associations, and it is expected that word of mouth will also help with educating installers.

The other perceived issues and concerns that were raised were regarding the shopping trolley provisions of the bill. As mentioned in my earlier contribution, Coles were the only retailer to provide a written submission during the consultation process and were accepting of the proposed reforms. I also personally met with the chief executive officer and chairperson of the South Australian Independent Retailers prior to introducing this bill and at the end of this meeting they too indicated that they were comfortable with what was being proposed. I understand that they may have since indicated a different position.

The issue of abandoned shopping trolleys can be broken down into two elements, the first being the abandoning of trolleys and, once they are abandoned, the second element being their prompt return to their owner, so they do not negatively affect our streets and waterways or the amenity of the local neighbourhood. The act of abandoning the trolley, that is, how they end up proliferating around our neighbourhoods, is done by customers and others already covered by the act as a littering offence that attracts a $210 expiation.

The bill will enhance the offence provision by including shopping trolleys under the definition of 'general litter' in the act, but importantly the offence already exists. The bill also has provisions that support preventative management strategies being put in place in locations where there are significant abandonment issues. The act of abandoning a trolley will not in the vast majority of cases meet the thresholds of theft outlined in section 134 of the Criminal Law Consolidation Act 1935. The offence of littering is straightforward in its application to discarding or disposing of an item to a place that it should not be and is already applied to the abandonment of shopping trolleys.

With that, and given that I am likely to be entering one of my coughing phases six weeks into a virus, I will thank everyone for their contributions and look forward to discussion during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr BATTY: Thank you to the minister for providing those comments then, which might shortcut some of our questions tonight. I will try to be as efficient as possible. Clause 3 is the interpretation clause. I am interested in the addition of shopping trolleys to the definition of 'general litter'. Does the minister consider shopping trolleys already to be in that definition and this is just a point of explicit clarification?

The Hon. S.E. CLOSE: Yes, that is correct.

Mr BATTY: What is the effect of shopping trolleys being general litter? Does that mean that section 22 of the act applies to shopping trolleys, in regard to the illegal disposing of litter and certain penalties attached to the disposing of litter? If that is the case, who do those penalties apply to at the moment? Is it the shopper who takes the trolley or is it the supermarket?

The Hon. S.E. CLOSE: That is the case, and it is the shopper who is the person who is doing the littering.

Mr BATTY: How many expiations have been issued, say, in the last year to shoppers who have littered a trolley?

The Hon. S.E. CLOSE: We do not believe there have been any in the last year, but I will take that on notice should that be inaccurate and clarify the record. That may in part be due to, although we do consider that they were captured, there being a degree of lack of clarity, having not changed the legislation.

Mr BATTY: In that case, shopping trolleys are already within the definition of 'general litter'. That means section 22 applies. That means we could be fining people who abandon trolleys on the street, but we are not. I just wonder whether any thought has been given to actually trying to enforce the provisions we already have and addressing the root cause of someone taking a trolley illegally and disposing of it as litter, rather than simply penalising supermarkets.

The Hon. S.E. CLOSE: It is fundamentally a council choice because they are the ones enforcing the bill. If we were to rely only on that provision to tidy up the shopping trolleys then there would be enormous effort required from councils, which would be expensive and therefore expensive for ratepayers, and also would perhaps not be regarded as the highest order issue for that expenditure, but it could in fact be quite intrusive as well, having inspectors circling shopping centres looking for fines to enforce. It might not as elegant a solution as that being proposed through the addition of some of the clauses in this bill.

The Hon. D.G. PISONI: If a proprietor of a supermarket or a supermarket owner has done everything they possibly can to prevent the theft or the removal of trolleys from the car park—we see geolocking in other countries and we even see it in other states—what happens if one of their trolleys ends up the subject of this act? Are they exempt from any penalties or are they treated differently because they have done everything humanly possible and available to prevent the situation?

The Hon. S.E. CLOSE: The member puts forth a very correct view that shopping centre owners and supermarket owners and operators generally try as much as possible to keep those trolleys within their control and have various options before them at present to do that. Geolocking is one. I understand there is at least one shopping centre that does that in Adelaide, but also of course you can have the coin connection. You can have various ways in which you discourage the taking away of that trolley.

However, it does happen that trolleys are removed. The intention of this bill is to be able to have the contact details of that supermarket on the trolley so that they can be contacted and asked to pick it up. The intention is that we are helping shopping centres to retrieve the trolleys when they have gone further afield than their normal collection process can capture, while if they do not do it within a period of time that has been discussed and negotiated with the retailers, that could attract a fine. The intention is not wanting to fine the owners of the trolleys; the intention is to create a system that assists them in having the trolleys identified, located and brought back.

The Hon. D.G. PISONI: Is there any liability that is additional to what is there now on the damage that that escaped trolley may cause to the owner of the trolley?

The Hon. S.E. CLOSE: No, there is not.

Clause passed.

Clauses 4 to 6 passed.

Clause 7.

Mr BATTY: Clause 7 deals with the installation of devices that might cause a nuisance. Who was consulted specifically on this clause?

The Hon. S.E. CLOSE: This was included as part of the broader consultation on the bill, but there was also contact made with a number of air conditioner associations, mechanics and so on—I might not have the terminology entirely correct and that is not my adviser's fault, it is mine—but nothing was heard back to alter the way in which the bill was being constructed.

Mr BATTY: Was the Small Business Commissioner consulted on this clause?

The Hon. S.E. CLOSE: Yes, on the entire bill, including this clause.

Mr BATTY: Did the Small Business Commissioner have any views on this particular clause and the impact it might have on small business owners who might be operating in the air conditioner industry, and also on whether it is going to increase any costs to the consumer? If you have the installer of these devices taking a lot more risk, does that come at a cost?

The Hon. S.E. CLOSE: No. I am advised the reason that there were not any concerns raised is that this is a provision that existed in the schedule of the existing act, and in fact by bringing it in through this bill we are reducing the expiation cost.

Mr COWDREY: Just a point of clarification in regard to 19A(1). The way that the section is constructed references the person who 'installs a designated device, or causes a designated device to be installed'. I am just seeking some clarity from you on whether that is 'and' or 'or'. Is the key here in terms of who is responsible the person who contracts somebody to install the air conditioner, irrelevant of whether the location is designated by that home owner, or is it the installer themselves who is captured by this provision?

Just for clarity, I think it is important to get on the record, as the construction of the section can be quite ambiguous, I want to be clear on the root, for lack of a better term—the person who retains the need to potentially be fined. Is that with the person who procures or contracts somebody to install or is it with the installer themselves?

The Hon. S.E. CLOSE: It is the person responsible for making the decision about where it is located, so that may be the procurer who says, 'You must put it here,' or it may be the person who installs it. The person who has procured the service has just said, 'I want an air conditioner somewhere.' It is intended to be aimed at the decision-maker, because it is the decision-maker who can then have it located in an area that does not create the nuisance in the first place.

Mr COWDREY: Whose responsibility is it under the act to determine who the decision-maker was?

The Hon. S.E. CLOSE: The council enforces this, so local government.

Mr COWDREY: Do they have any powers to ask questions of owners or installers? Do they have the ability to procure documents to support the investigation to determine who the appropriate decision-maker was? I guess the question is: how do you see this actually playing out in practice?

The Hon. S.E. CLOSE: That is legitimate to ask. The act, which this bill amends, contains considerable detail on the powers that local government have to enforce this act.

Mr COWDREY: I just have a point of clarification. Exactly what does exist? You have referenced it broadly, but exactly what does exist and what process is relied upon by councils to determine who the appropriate decision-maker is?

The Hon. S.E. CLOSE: I can direct the member to section 14 of the current act, which talks about the powers of authorised officers. Probably rather than reading all of it out, it might be worth the member having a read through. It includes things like that at any reasonable time, having the power to enter or inspect the premises, to ask questions, to inspect, to take samples—possibly not as relevant in this case—to examine, copy and take extracts from plans, specifications and so on. So the existing act covers the circumstances in which it would be reasonable to know who had made the decision to place the air conditioner in that location.

The Hon. D.G. PISONI: What are the consequences for someone who is asked to produce such documents to refuse those documents, refuse access or to refuse to answer questions?

The Hon. S.E. CLOSE: We are straying rather into existing law. I do not want to be unhelpful but the existing law is not quite the subject of these clauses that we have before us. In that section 14, the powers of authorised officers, it does list the consequences for people who do not comply, who hinder or obstruct. It also talks about when compliance might tend to incriminate, and what a person is able to do in those circumstances, and also identifies some limits to the authority of the officers. Again, rather than my reading into *Hansard* a piece of legislation that already exists it might be worth familiarising yourselves with that or we could provide a more extensive brief at a later date.

Mr COWDREY: One final question in regard to this section: you mentioned earlier that you had not had any response from anybody in the air-conditioning business, the air-conditioning association. Were any follow-up attempts made to contact anybody in the industry to get their view as to whether this was workable or whether there could be any improvement to the current process in the industry on determining the location of air conditioners?

The Hon. S.E. CLOSE: There were, I am advised, two opportunities for the profession to participate. Initially, as part of consultation, documents were sent out to say, 'This is what we are intending to do.' Regardless of whether people responded or not, the post consultation document was set out saying, 'This is what we now intend to do and this is what we have heard.' Nothing was heard, according to the EPA, from any of those organisations.

The Hon. D.G. PISONI: Are there any exemptions for this section of the bill? For example, I am just thinking that as we are seeing more choice in housing, as housing is increasing in cost and we will be seeing more balconies, smaller apartments and fewer options for the placement of air conditioners, could this act actually stop somebody from getting an air conditioner because they do not have any choice as to where the position of that air conditioner is to be fitted?

The Hon. S.E. CLOSE: In some ways, both sides of the situation that you are articulating are why we are here. It is true that, as we have some greater density or medium-scale density with apartments with balconies and also with houses that are expanding to the limits of their blocks and are therefore very close to their neighbours, it may appear to be difficult to install in a place that does not create a nuisance.

But it is because of that density and that tightness of proximity that we need to make sure that we are putting every effort into having houses being designed and built and having air conditioners installed in a way that does not cause these challenges that last for the rest of the duration of those buildings if nothing is done. The clause itself does talk about ways in which a defence can be provided, including that there was a reasonable unforeseeability of the creation of nuisance, that the person who installed it did not choose where it was to be installed, and that there may have been a defect.

In the situations that the member describes, while not being an exhaustive planning or design expert—neither myself nor my adviser—the option of having these units located on the roof is usually the one that is adopted. Providing it complies and has planning and development consent, it would be preferable to having the kind of noise on your balcony that prevents both you and your neighbours being able to use the balcony when the weather requires having air conditioning on.

Clause passed.

Clauses 8 to 13 passed.

Clause 14.

Mr BATTY: This is probably one of the more substantial causes so far as it relates to shopping trolleys, a new requirement to identify shopping trolleys and also new requirements for supermarkets to collect shopping trolleys. I am interested in fleshing out a little how it is going to work in practice. I might use the minister's own example that we have heard about a little bit, not only in here but in the briefing, of Port Augusta in 2018, when apparently about 500 trolleys were discovered underwater and were removed. They were being dumped, effectively, then got fished out at a cost of $15,000.

I am curious how that very situation might operate under the new law. Presumably, someone is going to go to the local IGA in Port Augusta and say, 'We have identified 500 of your trolleys. They're underwater.' That IGA then has three business days to get a crane and go and fish out those trolleys at a cost of $15,000. If they fail to do that within three days, they are getting a penalty of $5,000 per trolley—$2.5 million. Is that how it is going to work in Port Augusta?

The Hon. S.E. CLOSE: The member raises a very interesting challenge because, of course, one would not expect that that would be the normal experience. It is always poor form to create a law aimed only at the extreme, but equally to ignore the extreme possibility is not sensible. There is in the current act a clause that relates to the defence of due diligence. What we have been discussing

is creating an amendment that we might take into the upper house to address that reasonableness question so that we do not trigger a perverse outcome that would be unreasonably punitive on a shopping trolley owner.

Mr COWDREY: With regard to the minister's response, it is my understanding that the example that was just used by the shadow minister on this occasion, yourself previously, is that the activity of taking the trolley from the location and dumping is theft; it is an illegal activity. You have just discussed potential amendments to provide a defence for—I cannot remember the exact language used, but is criminal activity something that the government would consider in terms of a defence?

The Hon. S.E. CLOSE: There are two offences that we are talking about, if we can just disentangle this. The first is the offence of littering by leaving a trolley somewhere. The second is, given that happens and it is very rarely observed by anyone to know who has done it, particularly to the point of being able to prove through evidence that they have done it, there is now proposed to be a mechanism to encourage trolley owners to have their contact details on the trolley and then a process of encouraging them to pick it up quickly once they are told that it is somewhere, and an expiation notice should they fail to do that.

In the instance we are talking about here, the extreme case being that someone, some group of people, over a short or long period of time managed to amass hundreds of trolleys and then located them in a place that is invisible and inaccessible for most of the time, I do not know how those trolleys got there but I suspect that there would never be enough evidence to prove who did that—singular or plural did that. Therefore, on the question of theft or littering, we maintain that dumping the trolley is substantially a littering case, whether that could ever be proved.

What we are talking about in determining an amendment to avoid unreasonableness in that kind of case is that the shopping trolley owners, having been victims of something that is quite an extraordinary effort, should not then be fined to the extent that would otherwise be proposed for being incapable of recovering within three days. Quite that test of reasonableness is what we are working on, and we will have something ready for the upper house.

The Hon. D.G. PISONI: How often is the minister notified of a missing shopping trolley? I am referring to new section 24B—Collection of shopping trolleys. Subsection (1)(b) provides:

> (b) the person is notified by the Minister or a council, or the person otherwise becomes aware, that a trolley provided by the person is located at a place…

How often is the minister notified and how often has she contacted people over missing shopping trolleys? Why is the minister listed as the recipient of notification in the act?

The Hon. S.E. CLOSE: At the moment there is not a requirement under the current act for anyone to tell the minister about shopping trolleys, and therefore, of course, I have not had any notifications, other than perhaps occasionally into my electorate office as a local member.

The way that this act is constructed—and it is an act that is essentially enforced by local councils, but under the aegis of the EPA as it is an EPA-associated act—in other elements of the legislation is that the minister is the one who is seen to be responsible and therefore can have activities reported to them, but under delegation that would immediately drop to being the EPA receiving that complaint. Importantly, councils are listed because that is where one would expect the notification to occur—if not, ideally, to the shopping trolley owner because their contact details will now be located on the trolley.

The Hon. D.G. PISONI: Section 24B states that if:

> (b) the person is notified by the Minister…that a trolley provided by the person is located at a place outside the business premises of the business in circumstances where the trolley is, or may cause, a hazard…

Under what circumstances would the minister take that extraordinary step of notifying somebody?

The Hon. S.E. CLOSE: It is extremely unlikely that the minister personally would, but it is feasible that the EPA would have been contacted, as happens because we have a hotline for people who are exercised about nuisance in their environment. They may well phone through to the hotline,

and customary practice under this act is that the EPA holds the delegation from the minister and that the EPA would then get straight on to the trolley owner to let them know. This creates the mechanism for that to occur.

Mr BATTY: I thank the minister for her previous response to my fairly extreme example. It is the extreme example that has been thrown up quite often as justification for requiring these provisions, though. When did the minister first become aware of concerns about a lack of a defence of reasonableness in this clause, and is there any reason why we are proceeding with the bill tonight without that reasonableness defence in there?

The Hon. S.E. CLOSE: This was not raised at all during consultation. This is something that has come to light in preparing for the legislation to go through. We need to get final legal advice on whether that reasonableness is already contained within the combination of the bill and the existing act, or whether there is indeed a gap that needs to be filled. Usually, legislation is able to operate within reasonableness, but we do want to test that, and that is why we are seeking to do that until we get it into the upper house in a couple of weeks.

Mr BATTY: As I think you know, the South Australian Independent Retailers have some concerns about particularly this aspect of the bill, and they wrote to you on 16 October 2023. For the record, I am going to read out part of their letter:

> SAIR's owners are opposed to the proposed draft Bill i.e. Local Nuisance and Litter Control (Miscellaneous) Amendment Bill 2022 as, in our view, it sets a wide-ranging precedent and would appear to emphasise supermarkets and less focus on other general retailers e.g. hardware, liquor, garden nursery retailers etc.
>
> The proposed Bill seeks to:
>
> - suggest that if someone takes a shopping trolley not for its intended use, it is not considered theft, moreover it is deemed as a service offered by the owner of the shopping trolley
> - penalise the owners of shopping trolleys where people have in the owners' view, stolen the trolleys and dumped them within the community
>
> It is our view that the concept of a person taking an owner's shopping trolley, and not using it for its intended use (i.e. to carry products from the shop for convenience and returning it back to the shopping trolley containment site) should be treated as theft and that the way this law is proposed, is fundamentally flawed.
>
> Supermarket owners do not want their shopping trolleys stolen and already have in place robust and innovative systems to prevent theft and misuse.
>
> Owners provide shopping trolleys for customers convenience and are an important investment to their businesses. There is a cost to supermarket owners with what they believe is 'trolley theft'. They are proactive in trying to prevent it and take the collection and maintenance of shopping trolleys very seriously.
>
> If this draft Bill becomes law, then in our view it sets a dangerous precedent for other industry sectors.
>
> SAIR owners seek to reduce the level of shopping trolley misuse and will continue to work to that end with all stakeholders and respective agencies across the State, regarding this matter. More regulation pinned to the owners of shopping trolleys is not, in our view, the answer and does not address the root cause of the issue.
>
> This draft Bill if passed in its present form makes one person responsible for another person's illegal action.

In light of that, my question is whether the minister has met with SAIR since receiving this letter and how does she respond to their concerns?

The Hon. S.E. CLOSE: Yes, indeed, I took this letter very seriously. I think what happened was that there was a bit of a hiatus in the leadership of that organisation. So, when we were undertaking the initial consultation and they did not respond, we took it that that meant they were okay with it. But actually I think it was Colin Shearing's temporary absence from that role that meant there was a bit of a gap in being responsive.

As soon as I got this letter I was obviously very concerned, not only that we need to hear from any sector but also we in South Australia are rightly very proud of that third provider of supermarkets and we do not want to do anything to create difficulties for them. I therefore did have a meeting with them, I think in early December, and held up the legislation because I did not want to proceed to get it through—although we had substantially prepared it—until we had been able to have that conversation. That meeting, as I mentioned at the close of the second reading speech, went very well.

I think they have indicated on radio that they still have some concerns; that is understandable. They have not seen it come through yet, and they are of course always very alert to making sure that their companies and their businesses are being well protected. The reality is that once we talked through all the details of how it would actually work they were substantially supportive of understanding that we were not trying to create a more punitive regime, as exists in some other states. We are trying to be very responsive to the needs of our retailers.

Where we differ I think—and I suspect it is now largely a semantic argument—is whether taking a trolley outside the bounds of a supermarket and then walking away from it constitutes theft. We can look at the thresholds of what is understood to be theft in section 134 of the Criminal Law Consolidation Act 1935. According to that section, the person:

(1) …deals with property—

(a) dishonestly; and

(b) without the owner's consent; and

(c) intending—

(i) to deprive the owner permanently of the property; or

(ii) to make a serious encroachment on the owner's proprietary rights.

That is an exaggeration for the vast majority of occasions on which a shopping trolley has been pushed a little bit further to take the goods home and then be left on the kerbside. That is more about perhaps not being bothered to take it back or not valuing the need for that to go back than it is to actively seek to steal.

It is also the case that, although the retailers point out the efforts to which they go to keep their property within their control, they do actually give the trolleys to people to take off their immediate premises, out of their shops. They do not all—in fact very few now I think—use the coin-operated mechanism and they do not use geoblocking, so they have made a choice that they are prepared to allow people the expected convenience.

What comes with that is an obligation to be part of not allowing that to create a local nuisance. The obligation is primarily on the person who dumps it and is seen to be having littered, and we have the expiation for that. However, there also ought to be an obligation for them to at least have their details on the trolley and at least be prepared to go out and pick it up in the event that they are told where it is.

The retailer who came along with Colin to the meeting indicated that they do that, they are very active in making sure that they are constantly circling and keen to hear from people about where their trolleys have been left and picking them up, because they are of value to them. They are not cheap units to purchase and they are part of their business model. So while we have a difference, perhaps, in the terminology of the legal weight of the word 'theft' versus 'littering' we, I think, substantially agreed on the reasonableness of the South Australian approach. I think their concern had been that we had gone closer to some of the other states which are much more punitive on the supermarkets.

The ACTING CHAIR (Mr Brown): I have you down as having spoken three times on this clause, member for Bragg.

Mr BATTY: I have a final supplementary, sir.

The ACTING CHAIR (Mr Brown): Okay, a quick point of clarification maybe.

Mr BATTY: Just to clarify, after speaking with SAIR after receiving that letter, did the minister make any changes to the bill now before the house, or did simply having the conversation allay some of their concerns in your view?

The Hon. S.E. CLOSE: No, we didn't, because the conversation was based on the bill in front of them, and looking through the clauses and the way in which we expected it to work.

Clause passed.

Clause 15.

Mr BATTY: This is an amendment of section 30—Nuisance and litter abatement notices. I understand that this is only required if a supermarket, for example, might be issued with a notice from a council or you as the minister. There are already litter abatement notice provisions in the act and my understanding of this clause is that it essentially expands them. Can you confirm that my understanding is correct, and also whether the minister has issued a notice already under the current act with respect to supermarket trolleys?

The Hon. S.E. CLOSE: The substantial difference is that currently the area of littering that is captured by the current legislation is only 100 metres from the door of the supermarket, whichever one it might be, and this extends it to a kilometre. So it extends the range of the location. It also adds a number of ways in which the councils cannot force the business to respond, so they cannot force geo-locking or coin operation, and that was done in response to concerns that we were being overly onerous on shopping centre owners.

Mr BATTY: This particular new section will only apply to businesses that have more than 20 shopping trolleys. Why? Also, was a similar threshold ever considered for the collection and identification requirements we were talking about earlier and, if not, why not?

The Hon. S.E. CLOSE: The trigger of having 20 was suggested by the Small Business Commissioner in order to be more reasonable with small businesses. The distinction and the reason it has not applied to simply having trolleys needing to have an obligation to put contact details and to go and pick it up if told it is there, is that that really ought to be the responsibility of someone who offers trolleys, because they can individually become a nuisance. What we are talking about in this section and the reason the trigger has then been put in is that it is a far more substantial and potentially burdensome response that is required. A plan has to be developed, and a very small business is going to struggle to do that. The larger supermarkets will have people who are capable of doing that or they can bring people in to do that should it be necessary.

Mr BATTY: Just on that answer, I think we have already established that the previous provisions we are talking about might also be burdensome. We have gone to extreme examples—obviously having far more than 20 trolleys. I just wondered whether any thought had been given perhaps to at least tiered penalties on the size of the business being operated or anything like that.

The Hon. S.E. CLOSE: It is hard for a business which has fewer than 20 trolleys to have 500 ending up in a lake, but I take the more general point. No, the tiered penalties have not applied. They are very rarely used, and it was not suggested by anyone, including the Small Business Commissioner, as being necessary. I would hope that we do not have to impose penalties. I would hope that this works.

Clause passed.

Clauses 16 to 18 passed.

Schedule 1.

Mr COWDREY: This question relates to perhaps a matter of interest, just to provide some clarity in regard to exactly where these issues should be reported in the future. There does appear to be, for those of us dealing with these sorts of complaints—our electorate officers—a level of confusion in regard to who has responsibility for enforcing noise complaints from licensed premises, whether that is something that is captured by nuisance laws from the EPA or whether that is something that is determined under the Liquor Licensing Act. I am just keen to have some guidance from the minister in regard to the sections that she has set out there about the appropriateness and where noise complaints from licensed venues should be best made, and who is best positioned to provide outcomes for aggrieved residents.

The Hon. S.E. CLOSE: As I understand it, there has been a degree of confusion where councils have been referring all noise nuisance complaints associated with a licensed premises to the liquor licensing commissioner, whereas, in fact, if it is from an air conditioner, if it is a supermarket air conditioner, it is council, but if it is a licensed premises air conditioner then somehow they will be referred off to the liquor licensing.

What we have done here is clarify what it is in terms of nuisance that properly belongs to the liquor licensing commissioner and that is noise and behaviour associated with the fact that it is a liquor licensed premises rather than other elements of the fabric such as light or air conditioning.

This is on request of the commissioner that we use this opportunity to have much more clarity in the noise act so that councils can no longer say, 'Oh no, if that's a pub, all of that goes to the commissioner,' when in fact elements of the complaint might very properly belong to council consistent with how they would treat any other business. I get the sense I have made it less—

Mr COWDREY: I think you potentially have. The issue that I am particularly referencing is the collection of used bottles. It could be said that that activity would not be taking place but for it being a licensed premises, or does that sit with the council's responsibility of picking up recycling? It probably is not the best example, but that is the one I am particularly referencing.

While you ponder that example, the other question I have in regard to this section is in relation to legislation we had before the house without referencing the debate itself in regard to an establishment, the Crown and Anchor. Will this section of the liquor licensing law in regard to complaints around noise emanating from a licensed premises be relevant for the Crown and Anchor Hotel moving forward?

The Hon. S.E. CLOSE: The way I will be describing this is that anything associated with entertainment and crowd noise is liquor licence and anything else belongs to the council. The movement of bottles is something that could occur if it were a supermarket equally and therefore belongs properly to the council and this provides that level of clarity.

Schedule passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Climate, Environment and Water, Minister for Workforce and Population Strategy) (20:28): I move:

That this bill be now read a third time.

In saying that, not only do I, as usual, thank everybody who has contributed, but I would particularly like to thank Mr Steven Mudge, who is leaving the EPA very shortly, and I am glad that we have been able to get this bill through at least this chamber before his departure.

Bill read a third time and passed.

HERITAGE PLACES (PROTECTION OF STATE HERITAGE PLACES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 March 2024.)

Ms O'HANLON (Dunstan) (20:30): I rise to speak on this bill, not just because it covers an issue I am personally passionate about but because I know, more importantly, how passionate many people in the electorate of Dunstan feel about the heritage places not just in our area but right across greater Adelaide. Indeed, I spoke in my very first speech in this place about how I was so deeply affected by the buildings and streetscapes of Norwood and St Peters and Marden and Kensington, and all of the suburbs in between, that I knew then I wanted to make my home amongst them. It did not take long to find that many members of my community share this passion with me.

To this day, when I am out doorknocking in my community I am likely to end up in conversation with someone living in a historic house about a shared admiration of their house or the story of that house's history. These historic State Heritage Places tell the story of our state's history. They are important to people—people in my community who want development to occur alongside

the protection of our historic buildings—and we only need to look at other states to see that this is not just entirely possible but it is happening.

That is why I am so pleased this government made a commitment to legislate to better protect State Heritage Places. Currently, the Heritage Places Act 1993 contains stop orders, no-development orders and protection orders, but we have seen that those orders alone are not sufficient to provide positive conservation outcomes for State Heritage Places. There are currently no subsidiary enforcement measures, which means there is nothing to prevent, for example, demolition by neglect.

This bill not only provides an updated enforcement mechanism but also registers enforcement orders to the title of the land, which ensures that if the property is sold the purchaser is aware of the obligations that come with the property and that those obligations are enforceable. But perhaps most importantly, this bill also ensures greater consultation, leading to greater community engagement and procedural fairness.

We know that people are stakeholders in their community, and this government recognises that. I want to thank the many people in my community who continue to raise with me their concern for protecting these beautiful, historic examples of our built environment, and assure them that I am passionate about protecting these parts of our state and our community's story and will continue to be their voice.

I want to acknowledge the tireless advocacy of many people in my community and others—such as the city of Norwood Payneham & St Peters, the Department for Environment and Water, and the Hon. Robert Simms MLC in the other place—for their hard work and commitment to protecting the historic buildings we so love. This is an example of the government working with a range of stakeholder groups to ensure an outcome that is meaningful to people where they live, and means the beautiful buildings that, in many cases, define our suburbs will not just remain standing but will be preserved for us all to enjoy into the future.

Ms HOOD (Adelaide) (20:33): I, too, rise in support of this bill. The heritage and character of our neighbourhood streets is what makes my community of Adelaide so special. In every corner of my community—Prospect, North Adelaide, Walkerville, Gilbertson and, of course, our CBD—you will find heritage properties that enhance the character of our community and provide a physical link to the past and to South Australia's rich history. This bill joins other initiatives just this week that have seen the Malinauskas government move to invest in and protect heritage in my community.

On Monday I had the privilege of joining the environment minister and the Lord Mayor in North Adelaide to announce that the Malinauskas government is investing $250,000 towards helping owners conserve and protect heritage-listed properties in the City of Adelaide, as part of the council's Heritage Incentives Scheme. The funding agreement will expand the council's $1.16 million investment in the scheme with the further commitment of $250,000 from the state government until the end of 2025, with the focus of the new funds on state heritage-listed properties.

Established by the City of Adelaide in 1988, the scheme has provided more than $30 million in financial assistance to the owners of heritage buildings to preserve their properties' heritage values. The scheme allows them to undertake works, including reroofing, facade conservation, paint removal, repointing and structural stability works. Notable properties the City of Adelaide has helped restore through the Heritage Incentives Scheme include the famous Beehive Corner, on the corner of Rundle Mall and King William Street, West's Coffee Palace on Hindley Street and the historic East End Market buildings.

On Monday, the minister, Lord Mayor and I attended a beautiful heritage-listed property in Gover Street in North Adelaide which has benefited from the Heritage Incentives Scheme. Last financial year, the scheme allocated $1.18 million worth of funding across 71 projects in the city and North Adelaide. Given that the City of Adelaide is the custodian of about a quarter of South Australia's State Heritage Places, this funding boost from the Malinauskas government will enable even more property owners to consider conserving their own little piece of our state's history.

Also, just a short time ago the Malinauskas government took another step towards protecting the locally heritage-listed Crown and Anchor, with our bill passing the lower house that secures the

future of this iconic East End live music venue. This is a significant win for the heritage and culture of our CBD.

I like to believe good news comes in threes, so I am delighted to be debating this bill this evening that legislates to better protect State Heritage Places. The government has made a commitment to legislate to better protect State Heritage Places, and takes this opportunity to augment the bill introduced in the other place to advance a gradated scheme of enforcement, to increase penalties for noncompliance and otherwise improve processes under the Heritage Places Act 1993. These amendments are part of broad legislation and policy reform to modernise heritage protection in South Australia, and this legislative reform work is already underway and is being conducted by the Department for Environment and Water.

Reforms currently being considered include many aspects of what is proposed in this bill, such as demolition by neglect, compliance, regulation, penalties, incentives and more. In regard to penalties, I was quite surprised to learn that the current penalties are 30 years old and as such do not act as a deterrent against noncompliance, especially for commercial developers. This bill therefore increases penalties to bring South Australian legislation in line with penalties in other Australian jurisdictions.

The bill introduces a gradated scheme of enforcement in regard to noncompliance, with a new system of repair notices, repair orders and restoration orders to help support positive conservation outcomes for state heritage properties. A repair notice advises the owner of the need to repair a State Heritage Place if the place suffers from neglect or disrepair. This preliminary step has the advantage of allowing owners the opportunity to undertake repairs and to discuss the repairs with a heritage architect without exacting a penalty. Only if the owner fails to comply with a repair notice will the secondary enforcement of a repair order be issued.

This measure, as well as providing daily penalties forcing the person to undertake works contemplated by the order in a timely manner, offers these subsidiary measures. This may avoid a repetition of the circumstances that have led to the continued demise, for example, of Bell's Plumber Shop.

I would like to thank the Minister for Environment and her department for their work on this important legislation and commitment to protecting heritage in this state. I thank also the Hon. Robert Simms MLC in the other place for his initiative in introducing legislation to further the protection of State Heritage Places. I commend the bill to the house.

The Hon. D.G. PISONI (Unley) (20:38): I take this opportunity to speak about the long-term interest that I have had in heritage, and how important it is to the electorate of Unley. I can remember in the 2006 election, in a very short period of time, I was preselected nine months prior to that election and I doorknocked 7,000 homes in that period. One constant issue that people raised, regardless of who they voted for, was that they were concerned about the growing lack of insistence on streetscape and how many older homes were being bowled over, and two or three going on the same block without any planning, without any consistency, without any respect, if you like, for the heritage character of Unley.

Unley was a very early suburb of the city of Adelaide. I spoke in this place just this week about St Augustine's church. At the time when the second church, which celebrated its centenary last Sunday, was built next door to the first, smaller church, a population of 31,000 people was living within the City of Unley. You can see it grew very substantially and very quickly once it was established.

Just three kilometres from the GPO, we have homes in Unley that have blocks that are an acre or more with those homes sitting on them, quite an extraordinary situation and very rare in major cities, certainly in capital cities, in Australia or anywhere else in the world. It is not just the heritage of those buildings: it is the heritage of the proportions of the land, the proportions of the gardens, the density of the housing.

In the lead-up to the 2006 election, heritage did become a big election issue. My Labor opponent was the then Mayor of Unley, Michael Keenan. In those days, planning decisions were made by the council, and the people of Unley blamed the mayor for the lack of interest in heritage,

the lack of care. Although it was not a very good election for the Liberal Party, I did manage to hold that seat, and it was because I identified and supported improvements to protecting heritage.

I am very pleased that the council itself then started a very detailed piece of work of identifying heritage areas and streetscapes for preservation and identifying places in Unley where there could be development. When I had my business in Unley, there was a pocket of industrial activity that happened off Charles Street, just west of Unley Road and east of King William Road in behind the council depot, which was all rezoned in a higher density than the usual. That has been a very successful addition to the City of Unley because it was designed with a lot of open space, green space, and homes that have garages to park their cars very close to the sought-after strip shopping on both King William Road and Unley Road.

It is not just the built heritage that is important, of course, but it is the heritage of trees, both native trees and introduced trees. We have some extraordinary specimens of introduced trees in Unley, such as very large oak trees. There are some streets in Malvern, for example, that are lined with English oak trees. Those who know oak trees know that they are very slow growing. The forefathers and mothers of Unley, in deciding to put those in, gave a gift to a dozen generations with their decision to do that.

It was the locals' decision, because the street trees are in Unley. The early street trees—the beautiful jacarandas, the oak trees, the white cedars, the plane trees that we see on Victoria Avenue, for example, and in other parts of the city—were all planted by the residents themselves. Street committees were set up to decide what tree they would plant. People would buy those trees, plant them in front of their homes, agree on species. There is no doubt that today's residents of Unley have benefited enormously from that foresight and that community-driven desire to improve the streetscape and bring all that shade into the suburbs.

From my point of view, something that is missing in this particular bill is an emphasis on the heritage of the streetscape through its vegetation. It is very easy for the roads to lose the character they have acquired: the older construction, previously the side roads, the older construction methods, the way that gutters were made from stone, the paving that was used. There are some pockets in Unley and in other suburbs where that has been preserved. It is an expensive process. It is a process that needs dedication, but it does not mean it should not be done because it is very much part of preserving Adelaide's heritage.

When you take a minute and step back from your shopping when you are in Rundle Mall and look above the parapet, above the verandahs, and head east down Rundle Street east, there is that block of Polites shops at the western end of Hindley Street that were done up a number of years ago. They went from Federation buildings that were rendered in the fifties and sixties and painted white, with aluminium windows dropped in, to being restored back to stripped brick with timber window frames and doors, and it has made a big difference to the appearance of that area.

On the importance of retaining that built heritage and the heritage we have in places like the Botanic Gardens, it is a little known fact that the Adelaide Botanic Garden has the oldest planted Australian red cedar tree in the world. It was planted when white settlers came to the eastern seaboard in 1788. There was an abundance of red cedars, from Wollongong right up to the top of Queensland. It was a significant building timber. There is cedar in this particular building here, for example, but it did not grow in South Australia. Of course, the Botanic Gardens are a vault of heritage when it comes to botanical species, particularly species that were introduced to Australia from other parts of the world.

There are also some very spectacular Kauri pine species. Kauri pine grows only on the eastern seaboard, in the northern part of Australia and in New Zealand, but it does not grow anywhere else in the world. It is a massive tree that would take probably as many as six people, holding hands, to wrap themselves around the trunk. It is in the most southerly garden of the Botanic Gardens. It is yet another piece of important heritage that we should cherish and remember.

I am pleased that the parliament is here discussing and debating the importance of heritage. For quite some time, it was not a priority. I was pleased to work with the former minister for transport, Corey Wingard. Rather than demolish the gatehouse at the Waite campus to make way for the road work that was required on the corner of Fullarton Road and Cross Road, I was able to convince

minister Wingard and the department that it should be pulled down brick by brick and rebuilt because I had seen that done before. I was very pleased to see it was opened. Unfortunately, I was not invited by the minister even though it is my electorate. Every other surrounding Labor MP was with the minister but, unfortunately, the local member who initiated the rebuilding was not invited to that event, which I really thought was quite mean-spirited, I have to say, considering my interest in heritage is quite well known.

Heritage is an important living factor, it is an important tourism factor and it is an important business factor. We have heard stories about buildings that have been left to neglect. It reminds me of Romilly House on the corner of Hackney Road and North Terrace. For my entire life, every time I have driven past that building it has looked as though nobody lives there, nobody cares about it and it is about to fall down. I was very pleased to see that it has a new owner who has an ambition for it. I have heard that before, but let's hope it can be restored.

I think it is also important that when you are serious about restoring buildings, maybe there are some elements of modern design practices or modern requirements that could be amended in order for the building to be restored and used commercially—which then, again, makes that building valuable. When a building is valuable, it is looked after. When you can get rent for it or income from it, if it is a commercial building, it is looked after. When you can live in it and enjoy it as a comfortable place to live, it will be restored, it will be appreciated and it will continue to be preserved.

It does not do any heritage building any good to be left to rot and deteriorate. It would be much better for those buildings to be brought up to speed and used earlier than later. I think there is a massive waste of heritage space on the second and third levels of so many of the retail places in Rundle Street, Rundle Mall and other streets in the city, and even in our suburban strip shopping areas that have two-storey buildings with a shop below. Often, the top is simply storage space or it is unused.

A lot of that goes back to the fact that the costs of compliance with modern building standards are stopping owners from making those buildings a viable prospect to be turned into a home and rented, turned into an office that could bring in income, or even for the owners to live there themselves and enjoy the lifestyle that they are providing through being part of the strip shopping atmosphere. One of the places where we see a lot of residential living above shopfronts is on Semaphore Road. I think that is a great example of where we see shops and residential use of buildings that have history and historical value.

For historical value, you do not have to go back to Victorian villas or Federation homes. In America, for example, people fall over themselves for a Frank Lloyd Wright built in the 1950s. In Canberra, anything built by Walter Burley Griffin—who was a student, of course, of Frank Lloyd Wright—is very sought after for the heritage and design features.

These are the things that we can learn from when we are looking for inspiration to improve streetscapes and options for living, particularly as we are now desperately looking for more choice and other ways of living in Australia as the cost of housing continually increases. I think the sums in the late eighties when Michelle and I bought our first home were about four times the average salary. The latest estimate now is that the average home is up to 14 times the annual median salary, which is an extraordinary jump. Having children around the age where they are buying homes, it is a big burden.

One way to help alleviate that is to produce more homes and more options for homes so that there are lower price points for entry. Put simply, if you are prepared to live somewhere smaller and have fewer amenities to get started, to get yourself into the property market so that what you have purchased will continue to move as the market increases, when you are ready to buy something larger you will be buying and selling in the same market. Of course, that is the ideal way to upgrade your home when you are ready to do that. I conclude my contribution with those remarks.

Mr COWDREY (Colton) (20:56): I do not wish to take up any more time than is necessary this evening in regard to this bill. I note the significant contributions that have been made already at the second reading from the opposition in regard to our position on the bill. I look forward to exploring some issues in a more fulsome manner through the committee process as the government introduces amendments, as previously flagged with the opposition.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Climate, Environment and Water, Minister for Workforce and Population Strategy) (20:57): I thank members for their contributions, and of course I thank again the Hon. Robert Simms from the other place, whose bill this is. We have a reasonably extensive series of amendments, some of which the government had been contemplating in any case, and we have seen that this is a good merger of ideas on strengthening and improving heritage. Therefore, I look forward to being able to move into committee to go through those bills and any questions or further amendments that other members have.

Bill read a second time.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I acknowledge in the gallery the following guests of the Minister for Trade and Investment: David Whomes, Nadia Whomes, Matthew Woodman, Nick Nulle, Fred Saliba, Gary Duncis (who I think I know), Cheynie Venables and Tanya Caro. Welcome to the chamber tonight.

Bills

HERITAGE PLACES (PROTECTION OF STATE HERITAGE PLACES) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

Mr COWDREY: My question is a broad one to start in regard to a number of the provisions that have been entered into this bill. In particular, we obviously have significant increases in penalty provisions around damage and neglect, ERD Court orders where penalty provisions have been changed significantly and there are also some changes to the protection orders of heritage buildings.

My question is a simple one. Those who have taken a keen interest in the proceedings to this point tonight will have been witness to a significant discussion or debate in regard to the Crown and Anchor Hotel. The government has taken a decision not to include, or to specifically exclude, the Crown and Anchor Hotel from any application from the Heritage Places Act including, as was quite strangely referenced by the minister, the proposed changes that were coming here tonight in regard to this bill.

My question again is quite broad and simple, about the additional protections and penalty provisions that are in this act, that are, as I see it, a mechanism to provide increased protection to ensure that there is not a state of disrepair, to ensure that there is less chance of destruction through disrepair, and provide significant penalties to that end. Can the minister confirm that none of these additional provisions that are being provided through the passage of this bill will apply to the Crown and Anchor Hotel?

The Hon. S.E. CLOSE: There is no certainty that the Cranker would have been declared a State Heritage Place so it is speculative whether or not this legislation, should it go through, would in fact have covered the Cranker. Obviously it is provisionally listed at present because the decision was made that that was necessary to safeguard the process of consideration by the SCAT while the Heritage Committee Council considered the merits of its inclusion or not.

A decision was taken that in creating an entire act, part of which is dedicated to the protection of the fabric of the building, it was unnecessary to have a duplication of acts sitting across. But, as I say, it is in fact hypothetical whether or not the Crown and Anchor would have been protected under the State Heritage Places.

Mr COWDREY: Do you, minister—I assume given the fact that the government is bringing amendments to this bill and has the intention to pass it as best as I am aware to this point—believe that these are heritage protections that are an improvement on the current situation and provide

appropriate heritage protection of buildings deemed as being reasonable heritage value to South Australia?

The Hon. S.E. CLOSE: Sorry, do I consider that the bill that we are supporting and the amendments that we are proposing are reasonable for the protection of heritage? Yes.

Clause passed.

New clause 1A.

The CHAIR: Minister, do you have an amendment?

The Hon. S.E. CLOSE: I do. I move amendment No. 1 standing in my name, about the proclamation of the act:

Amendment No 1 [ClimateEnvWater–1]—

Page 2, after line 5—After clause 1 insert:

1A—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Mr BATTY: Can I ask why the minister is moving this amendment?

The Hon. S.E. CLOSE: It was something that ought to have probably been included in the first place in the bill and we have inserted it in order to allow for the commencement of the bill.

Mr BATTY: What is the effect of this amendment? But for this amendment, when would this legislation commence? If we do not support this amendment, when would this legislation commence?

The Hon. S.E. CLOSE: The advice that I am receiving is that it was necessary in order to be able to allow the act to commence. If there is further advice, we will get that back to you later.

Mr BATTY: On the face of this amendment, it appears that it is an attempt to delay the commencement of this act. I think, if we did not have this amendment, we could pass this legislation tonight. It could be sent to the Governor and it would commence immediately. What this allows you to do is pick a future date. It could be days, it could be weeks, it could be months, it could be years for this act to come into effect.

I refer to a joint press conference that you attended with the Greens during the Dunstan by-election on 6 March, where you announced your new, strengthened heritage policy—something the Liberal party supported in the other place, of course—and rushed it into here with somewhat a sense of urgency. We have now seen six months pass since that press conference during the by-election, and we have not seen this legislation progress until now. Even now, when you are trying to progress it six months after your press conference during the by-election, you are trying to delay it even further.

The member for Dunstan posted on social media soon after that press conference:

I've spoken to thousands of people in our community over the last three years and what has consistently been raised is the desire to protect our built heritage.

Today, the Malinauskas government announced they will support a bill to protect South Australia's heritage places…I know my community wants their history and heritage protected and these new laws will do just that.

They will not if they never commence, minister. Is it the case that Labor only care about heritage when it is election time? You announced this during a by-election. You do not do anything about it for six months. You come back now and you try to delay it even further. Labor only care about heritage at election time.

Mr Patterson: So cynical.

The CHAIR: Member for Morphett, we do not need any commentary, thank you.

Mr Patterson: Sorry, I thought it would help.

The CHAIR: It would help if you actually did not provide commentary, thanks very much.

The Hon. S.E. CLOSE: I think the mark of the fact that we are taking this seriously is that we are sitting after 9 o'clock at night in order to be able to address this piece of legislation. There is absolutely no intention of delaying, once this bill is through, in enacting it. It is orthodox to have a clause like this in order to make sure that we have all of the procedures in place, in particular relating to any penalty regime, but there is no intention to delay.

The committee divided on the amendment:

Ayes 24
Noes.....10
Majority 14

AYES

Andrews, S.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brown, M.E.	Champion, N.D.
Clancy, N.P.	Close, S.E.	Cook, N.F.
Fulbrook, J.P.	Hildyard, K.A.	Hood, L.P. (teller)
Hughes, E.J.	Hutchesson, C.L.	Koutsantonis, A.
Michaels, A.	Mullighan, S.C.	O'Hanlon, C.C.
Pearce, R.K.	Picton, C.J.	Savvas, O.M.
Szakacs, J.K.	Thompson, E.L.	Wortley, D.J.

NOES

Basham, D.K.B.	Batty, J.A. (teller)	Cowdrey, M.J.
Gardner, J.A.W.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Stinson, J.M.	Tarzia, V.A.	Odenwalder, L.K.
Hurn, A.M.	Malinauskas, P.B.	Pratt, P.K.

New clause 1A thus inserted.

New clauses 1B to 1J.

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

Amendment No 2 [ClimateEnvWater–1]—

Page 2, after line 6—Before clause 2 insert:

1B—Amendment of section 3—Interpretation

(1) Section 3(1)—after the definition of *archaeological artefact* insert:

associate—see subsection (3);

(2) Section 3(1)—after the definition of *dispose of* insert:

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

(3) Section 3(1)—after the definition of *place* insert:

protection order means an order issued under section 39A;

(4) Section 3(1)—after the definition of *Registrar-General* insert:

repair order—see section 39B;

(5) Section 3(1)—before the definition of *River Murray Protection Area* insert:

restoration order—see section 39C;

(6) Section 3(1)—after the definition of *specimen* insert:

spouse—a person is the spouse of another if they are legally married;

(7) Section 3—after subsection (2) insert:

(3) For the purposes of this Act, a person is an *associate* of another if—

(a) they are partners; or

(b) 1 is a spouse, domestic partner, parent or child of another; or

(c) they are both trustees or beneficiaries of the same trust, or 1 is a trustee and the other is a beneficiary of the same trust; or

(d) 1 is a body corporate or other entity (whether inside or outside Australia) and the other is a director or member of the governing body of the body corporate or other entity; or

(e) 1 is a body corporate or other entity (whether inside or outside Australia) and the other is a person who has a legal or equitable interest in 5% or more of the share capital of the body corporate or other entity; or

(f) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or

(g) a chain of relationships can be traced between them under any 1 or more of the above paragraphs.

(4) For the purposes of subsection (3), a *beneficiary* of a trust includes an object of a discretionary trust.

1C—Amendment of section 5—Composition of Council

Section 5(2)—delete 'advertisement published in a newspaper circulating throughout the State' and substitute:

notice published on a website determined by the Minister or by such other means prescribed by the regulations

1D—Amendment of section 14—Content of Register

Section 14(7)—delete subsection (7) and substitute:

(7) The Council may—

(a) designate a State Heritage Place as—

(i) a place of geological, palaeontological or speleological significance; or

(ii) a place of archaeological significance; and

(b) include that designation as part of the entry for the place in the Register.

(8) The designation of a State Heritage Place as a place of geological, palaeontological or speleological significance or a place of archaeological significance may occur on or after the provisional entry of the place in the Register (or after the confirmation of that entry).

1E—Amendment of section 17—Proposal to make entry in Register

(1) Section 17, heading—after 'Register' insert:

and inclusion of related designations

(2) Section 17(4)(a)(ii)—after 'confirmed' insert:

and, if the Council has designated the place as a place of geological, palaeontological or speleological significance or a place of archaeological significance—the designation

(3) Section 17(4)(b)—delete 'advertisement published in a newspaper circulating throughout the State' and substitute:

notice published on a website determined by the Minister or by such other means prescribed by the regulations

(4) Section 17(4)(b)(iii)—after 'confirmed' insert:

and, if the Council has designated the place as a place of geological, palaeontological or speleological significance or a place of archaeological significance—the designation

(5) Section 17(4)(c)—after 'the entry' insert '(and any relevant designation)'

(6) Section 17(4)(d)—after 'the entry' insert '(and any relevant designation)'

(7) Section 17—after subsection (6) insert:

(7) If the Council, in relation to a State Heritage Place entered in the Register as a confirmed entry, subsequently designates the place as a place of geological, palaeontological or speleological significance or a place of archaeological significance under section 14(7), the Council must—

(a) give each owner of the land constituting the place a written notice—

(i) stating the reasons for the designation; and

(ii) explaining that the owner has a right to make submissions, within 3 months from the date of the notice, in relation to the designation; and

(b) give notice by notice published on a website determined by the Minister or by such other means prescribed by the regulations—

(i) that the Council has designated the place as a place of geological, palaeontological or speleological significance or a place of archaeological significance; and

(ii) explaining that any person has a right to make written submissions, within 3 months of the date of the notice, in relation to the designation; and

(c) give written notice to the Minister of the designation; and

(d) if the place is within the area of a local council—give written notice to the local council of the designation.

(8) In relation to a part of the State that is not within the area of a council, a reference in this section to—

(a) a local council will be taken to be a reference to the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

(b) the area of a local council will be taken to be a reference to the outback (within the meaning of the *Outback Communities (Administration and Management) Act 2009*).

1F—Amendment of section 18—Submissions and confirmation or removal of entries

(1) Section 18, heading—delete 'and confirmation or removal of entries' and substitute:

etc in relation to provisional entries in Register and related designations

(2) Section 18(1)—delete subsection (1) and substitute:

(1) Subject to this section, if the Council gives notice that it has made a provisional entry in the Register, any person may, within 3 months after the notice is given, make written representations to the Council on—

(a) whether the entry should be confirmed; and

(b) if the provisional entry includes a designation of the place as a place of geological, palaeontological or speleological significance or a place of archaeological significance under section 14(7)—the designation.

(3) Section 18—after subsection (4) insert:

(4a) If the provisional entry in the Register is confirmed, the Council may, after considering the representations (if any) made under this section in relation to the designation of the place as a place of geological, palaeontological or speleological significance or a place of archaeological significance, subject to any direction of the Minister, determine whether to retain or revoke the designation.

(4) Section 18(6)—delete subsection (6) and substitute:

(6) If the Minister is of the opinion that—

(a) the confirmation of a provisional entry in the Register; or

(b) the designation of a place as a place of geological, palaeontological or speleological significance or a place of archaeological significance,

may be contrary to the public interest the Minister may, by instrument in writing, direct the Council to defer making a decision on—

(c) whether or not to confirm the entry; or

(d) whether to retain or revoke the designation,

until the Minister determines the matter (and the Council must comply with any direction of the Minister under this subsection).

(5) Section 18—after subsection (7) insert:

(7aa) If the Minister, not having directed under subsection (7) that the provisional entry of a place, being a place designated as a place of geological, palaeontological or speleological significance or a place of archaeological significance, be removed, is of the opinion that such designation of the place would be contrary to the public interest (whether or not the Minister has acted under subsection (6)), the Minister may, after consultation with the Council, by instrument in writing, direct that the designation be revoked.

(6) Section 18(7a)—delete subsection (7a) and substitute:

(7a) The Minister must, when acting under subsection (7) or (7aa), set out the grounds on which the Minister considers that the confirmation of the provisional entry, or the designation of the place, (as the case requires) would be contrary to the public interest.

(7) Section 18(7c)—after 'the provisional entry' insert '(including any related designation)'

(8) Section 18—after subsection (7c) insert:

(7ca) If the provisional entry of a place (being a place designated as a place of geological, palaeontological or speleological significance or a place of archaeological significance) has been confirmed under this section and—

(a) the Council, after considering the representations (if any) made under this section in relation to the designation of the place, is of the opinion that the designation should be revoked; or

(b) the Minister directs that the designation be revoked,

the Council must remove the designation from the relevant entry in the Register.

(9) Section 18(7d)—after 'provisional entry' insert:

, and if relevant, the retention or revocation of a designation in relation to the entry

(10) Section 18(7d)(b)—delete 'advertisement published in a newspaper circulating throughout the State' and substitute:

notice published on a website determined by the Minister or by such other means prescribed by the regulations

(11) Section 18(9)—after 'confirmed' insert:

, and whether any related designation of the place as a place of geological, palaeontological or speleological significance or a place of archaeological significance should be retained or revoked,

(12) Section 18—after subsection (9) insert:

(10) In relation to a part of the State that is not within the area of a council, a reference in this section to—

(a) a local council will be taken to be a reference to the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

(b) the area of a local council will be taken to be a reference to the outback (within the meaning of the *Outback Communities (Administration and Management) Act 2009*).

1G—Insertion of Section 18A

After section 18 insert:

18A—Submissions etc in relation to designation of confirmed State Heritage Places as being places of particular significance

(1) Subject to this section, if, in relation to a State Heritage Place entered in the Register as a confirmed entry, the Council gives notice under section 17(7) that it has designated the place as a place of geological, palaeontological or speleological significance or a place of archaeological significance, any person may, within 3 months after the notice is given, make written representations to the Council in relation to the designation.

(2) If the Minister is of the opinion that the period that applies under subsection (1) should be extended in the public interest, the Minister may, by notice in the Gazette, extend that period for a further period of up to 3 months.

(3) If a person who makes written representations under this section seeks to appear personally before the Council to make oral representations, the Council must, unless the submission is frivolous, allow that person a reasonable opportunity to do so.

(4) The Council must consider all written and oral representations made under this section.

(5) After considering the representations (if any) made under this section, the Council may, subject to any direction of the Minister under this section, retain or revoke the designation of a State Heritage Place as a place of geological, palaeontological or speleological significance or a place of archaeological significance.

(6) If the Minister is of the opinion that the designation of a place as a place of geological, palaeontological or speleological significance or a place of archaeological significance may be contrary to the public interest the Minister may, by instrument in writing, direct the Council to defer making a decision on whether to retain or revoke the designation, until the Minister determines the matter (and the Council must comply with any direction of the Minister under this subsection).

(7) If the Minister is of the opinion that the designation of a place as a place of geological, palaeontological or speleological significance or a place of archaeological significance would be contrary to the public interest (whether or not the Minister has acted under subsection (6)), the Minister may, after consultation with the Council, by instrument in writing, direct that the designation be revoked.

(8) The Minister must, when acting under subsection (7), set out the grounds on which the Minister considers that such a designation of the place would be contrary to the public interest.

(9) If—

(a) the Council, after considering the representations (if any) made under this section, is of the opinion that a designation should be revoked; or

(b) the Minister directs that a designation be revoked,

the Council must remove the designation from the relevant entry in the Register.

(10) Notice of the retention or revocation of a designation of a place as a place of geological, palaeontological or speleological significance or a place of archaeological significance must be given—

(a) by written notice to the owner of land constituting the relevant place; and

(b) on a website determined by the Minister or by such other means prescribed by the regulations; and

(c) by written notice to the Minister; and

(d) if the relevant place is within the area of a local council—by written notice to the local council.

(11) The Council must take all reasonable steps to make a decision about whether a designation should be retained or revoked within 12 months after the date on which the designation was made and if the Council fails to make a decision within that period or such longer period as is allowed by the Minister under this subsection in the particular case, the designation must be revoked.

(12) In relation to a part of the State that is not within the area of a council, a reference in this section to—

(a) a local council will be taken to be a reference to the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

(b) the area of a local council will be taken to be a reference to the outback (within the meaning of the *Outback Communities (Administration and Management) Act 2009*).

1H—Amendment of section 20—Appeals

(1) Section 20—after subsection (1) insert:

(1aa) If an owner of land constituting a place designated as a place of geological, palaeontological or speleological significance or a place of archaeological significance in the Register makes written representations to the Council with respect to that designation, the owner may, subject to this section, appeal to the Court against a decision to retain or revoke the designation.

(2) Section 20(1b)—delete subsection (1b) and substitute:

(1b) No appeal lies under this section against—

(a) the removal of a provisional entry at the direction of the Minister under this Division; or

(b) the revocation of a designation at the direction of the Minister under this Division.

1I—Amendment of section 23—Council may act if registration at State level not justified

(1) Section 23(1)—delete subsection (1) and substitute:

(1) If the Council—

(a) after taking into account the criteria set out in Division 1, is of the opinion that an entry relating to a place in the Register as a State Heritage Place is no longer justified, or that an entry relating to a State Heritage Place should be altered by excluding part of the place to which the entry applies; or

(b) is of the opinion that an entry relating to a place in the Register that has been designated as a place of geological, palaeontological or speleological significance or a place of archaeological significance should be altered by varying or revoking the designation,

it may give notice of its intention to alter the Register by removing or altering the entry (as the case requires), and invite written representations on the proposal—

(c) by notice in writing to the owner of land constituting the place and, if the entry relates to or includes an object under section 14(2)(b), to the owner of the object; and

(d) by notice published on a website determined by the Minister or by such other means prescribed by the regulations; and

(e) if the place is within the area of a local council—by notice in writing to the local council.

(2) Section 23—after subsection (4) insert:

(5) In relation to a part of the State that is not within the area of a council, a reference in this section to—

(a) a local council will be taken to be a reference to the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

(b) the area of a local council will be taken to be a reference to the outback (within the meaning of the *Outback Communities (Administration and Management) Act 2009*).

1J—Amendment of section 30—Stop orders

Section 30(6), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) in the case of a body corporate—$1,000,000;

(b) in the case of an individual—$500,000.

New clauses inserted.

Clause 2 passed.

Clause 3.

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

Amendment No 3 [ClimateEnvWater–1]—

Page 2, lines 20 and 21 [clause 3(1), inserted penalty provision]—Delete paragraphs (a) and (b) and substitute:

(a) in the case of a body corporate—$1,000,000;

(b) in the case of an individual—$500,000.

Amendment No 4 [ClimateEnvWater–1]—

Page 2, lines 24 and 25 [clause 3(2), inserted penalty provision]—Delete paragraphs (a) and (b) and substitute:

(a) in the case of a body corporate—$500,000;

(b) in the case of an individual—$250,000.

Amendment No 5 [ClimateEnvWater–1]—

Page 3, lines 3 and 4 [clause 3(3), inserted penalty provision]—Delete paragraphs (a) and (b) and substitute:

(a) in the case of a body corporate—$500,000;

(b) in the case of an individual—$250,000.

(a) in the case of a body corporate—$1,000,000;

(b) in the case of an individual—$500,000.

(2) Section 38—after subsection (3) insert:

(3a) In relation to a part of the State that is not within the area of a council, a reference in this section to—

(a) a local council will be taken to be a reference to the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

(b) the area of a local council will be taken to be a reference to the outback (within the meaning of the *Outback Communities (Administration and Management) Act 2009*).

Amendments carried; clause as amended passed.

New clause 3A.

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

Amendment No 6 [ClimateEnvWater–1]—

Page 3, after line 4—Insert:

3A—Amendment of section 38—No development orders

(1) Section 38(3), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

(a) in the case of a body corporate—$1,000,000;

(b) in the case of an individual—$500,000.

(2) Section 38—after subsection (3) insert:

(3a) In relation to a part of the State that is not within the area of a council, a reference in this section to—

(a) a local council will be taken to be a reference to the Outback Communities Authority established under the *Outback Communities (Administration and Management) Act 2009*; and

(b) the area of a local council will be taken to be a reference to the outback (within the meaning of the *Outback Communities (Administration and Management) Act 2009*).

New clause inserted.

Clause 4.

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

Amendment No 7 [ClimateEnvWater–1]—

Page 3, lines 8 and 9 [clause 4, inserted penalty provision]—Delete paragraphs (a) and (b) and substitute:

(a) in the case of a body corporate—$1,000,000;

(b) in the case of an individual—$500,000.

Amendment No 8 [ClimateEnvWater–1]—

Page 3, after line 9—Insert:

(2) Section 38A(11) and (12)—delete subsections (11) and (12)

Amendments carried; clause as amended passed.

Clause 5.

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

Amendment No 9 [ClimateEnvWater–1]—

Page 3, lines 16 and 17 [clause 5(2), inserted penalty provision]—Delete paragraphs (a) and (b) and substitute:

(a) in the case of a body corporate—$1,000,000;

(b) in the case of an individual—$500,000.

Amendment No 10 [ClimateEnvWater–1]—

Page 3, after line 17—After subclause (2) insert:

(2a) Section 39A—after subsection (5) insert:

(5a) If an amount is recoverable from a person by the Minister under this section—

(a) the Minister may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

(b) the amount together with any interest charge so payable is until paid a charge in favour of the Minister on any land owned by the person in relation to which the order is registered under this Part.

(5b) A charge imposed on land by this section has priority over—

(a) any prior charge on the land (whether or not registered) that operates in favour of a person who is an associate of the owner of the land; and

(b) any other charge on the land other than a charge registered prior to the registration of the order under this Part in relation to the land.

(2b) Section 39A(7) to (12)—delete subsections (7) to (12) (inclusive)

Amendment No 11 [ClimateEnvWater–1]—

Page 3, lines 18 to 37 [clause 5(3)]—Delete subclause (3)

Amendments carried; clause as amended passed.

New clause 5A.

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

Amendment No 12 [ClimateEnvWater–1]—

Page 3, after line 37—After clause 5 insert:

5A—Insertion of sections 39B to 39E

After section 39A insert:

39B—Repair orders

(1) Subject to this section, if the Minister is satisfied that a State Heritage Place suffers from—

(a) neglect or disrepair that risks destroying or reducing the heritage significance of the place; or

(b) neglect or disrepair of a kind or extent prescribed by the regulations,

the Minister may issue an order under this section (a *repair order*) to a person in respect of the State Heritage Place that requires the person to carry out specified works or take other specified action for 1 or more of the following purposes:

(c) protecting the State Heritage Place from damage, deterioration or destruction due to fire, weather, vermin or other causes;

(d) securing the State Heritage Place from intrusion or vandalism;

(e) ensuring that maintenance and repair necessary to remedy or prevent serious or irreparable damage or deterioration is carried out in respect of the State Heritage Place.

(2) Before issuing a repair order, the Minister must give written notice to the person to whom the order is proposed to be issued of the intention to issue the order, the terms of the proposed order and the period proposed to be specified as the period within which the order is to be complied with.

(3) The notice must also state that the person to whom the repair order is proposed to be issued may, within a period (being at least 21 days) specified in the notice, make written representations to the Minister as to why the order should not be issued, or as to the terms of, or period for compliance with, the order.

(4) A person given notice of a proposed repair order may, in accordance with the notice, make representations concerning the proposed order.

(5) The Minister must consider any representations so made and after doing so may determine to—

(a) issue a repair order in accordance with the proposed order; or

(b) issue a repair order in accordance with modifications made to the proposed order; or

(c) not issue the repair order.

(6) If the Minister determines to issue an order in accordance with modifications made to the proposed order, notice under subsection (2) of the proposed order as so modified is not required to be given.

(7) A repair order issued under this section must—

(a) be in the form of a written notice served on the person to whom the notice is issued; and

(b) specify the person to whom it is issued (whether by name or a description sufficient to identify the person); and

(c) specify the particulars of the works required to be carried out or action required to be taken; and

(d) specify the period within which the works or action must be completed; and

(e) state that the person may, within 21 days of the order being issued or a subsequent variation of the order being made, appeal to the Court against the order or variation of the order.

(8) The Minister may, at any time, by written notice served on a person to whom a repair order has been issued under this section—

(a) after consultation with the person, vary the order (including so as to vary the period specified for compliance with the order); or

(b) revoke the order.

(9) A person to whom a repair order is issued must comply with the order.

Maximum penalty:

(a) in the case of a body corporate—$1,000,000;

(b) in the case of an individual—$500,000.

(10) If a person fails to comply with the requirements of a repair order, the Minister may cause any works or action contemplated by the order to be carried out and recover the cost of doing so, as a debt, from the person against whom the order was made.

(11) A person taking action under subsection (10) may enter any relevant land at any reasonable time.

(12) If an amount is recoverable from a person by the Minister under this section—

(a) the Minister may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

(b) the amount together with any interest charge so payable is, until paid, a charge in favour of the Minister on any land owned by the person in relation to which the repair order is registered under this Part.

(13) A charge imposed on land by this section has priority over—

(a) any prior charge on the land (whether or not registered) that operates in favour of a person who is an associate of the owner of the land; and

(b) any other charge on the land other than a charge registered prior to the registration of the repair order under this Part in relation to the land.

39C—Restoration orders

(1) The Minister may issue an order under this section (a *restoration order*) to a person if—

(a) the person has carried out works or activities in relation to a State Heritage Place; and

(b) the Minister reasonably believes that the works or activities were not authorised by, or carried out in accordance with—

(i) development authorisation under the Planning, Development and Infrastructure Act 2016; or

(ii) an approval, consent, licence, permit or other authorisation, granted or required under another Act or law, prescribed by the regulations.

(2) A restoration order issued to a person may require the person to—

(a) rectify any works or activities carried out in relation to the State Heritage Place; or

(b) otherwise restore or reinstate the State Heritage Place, as far as is possible, to the condition it was in immediately before the work or activity was carried out.

(3) A restoration order under this section must—

(a) be in the form of a written notice served on the person to whom it is issued; and

(b) specify the person to whom it is issued (whether by name or a description sufficient to identify the person); and

(c) specify the particulars of the works required to be carried out or action required to be taken; and

(d) specify the period within which the works or action must be completed; and

(e) state that the person may, within 21 days of the order being issued or a subsequent variation of the order being made, appeal to the Court against the order or variation of the order.

(4) The Minister may, at any time, by written notice served on a person to whom the restoration order has been issued under this section, vary or revoke the order.

(5) A person to whom a restoration order is issued must comply with the order.

Maximum penalty:

(a) in the case of a body corporate—$1,000,000;

(b) in the case of an individual—$500,000.

(6) If a person fails to comply with the requirements of a restoration order, the Minister may cause any works or action contemplated by the order to be carried out and recover the cost of doing so, as a debt, from the person against whom the order was made.

(7) A person taking action under subsection (6) may enter any relevant land at any reasonable time.

(8) If an amount is recoverable from a person by the Minister under this section—

(a) the Minister may, by notice in writing to the person, fix a period, being not less than 28 days from the date of the notice, within which the amount must be paid by the person, and, if the amount is not paid by the person within that period, the person is liable to pay interest charged at the prescribed rate per annum on the amount unpaid; and

(b) the amount together with any interest charge so payable is, until paid, a charge in favour of the Minister on any land owned by the person in relation to which the restoration order is registered under this Part.

(9) A charge imposed on land by this section has priority over—

(a) any prior charge on the land (whether or not registered) that operates in favour of a person who is an associate of the owner of the land; and

(b) any other charge on the land other than a charge registered prior to the registration of the restoration order under this Part in relation to the land.

39D—Registration of orders by Registrar-General

(1) If—

(a) the Minister issues a protection order, repair order or restoration order under this Part; and

(b) the order is issued in relation to an activity carried out on land, or requires the person to take action on or in relation to land, that constitutes a State Heritage Place,

the Minister may apply to the Registrar-General for the registration of the order in relation to that land.

(2) An application under this section must—

(a) define the land to which it relates; and

(b) comply with any requirement imposed by the Registrar-General for the purposes of this section.

(3) The Registrar-General must on—

(a) due application under subsection (2); and

(b) lodgement of a copy of the relevant order,

register the order in relation to the land by making such entries in any register book, memorial or other book or record in the Lands Titles Registration Office or in the General Registry Office as the Registrar-General thinks fit.

(4) The Minister must, in accordance with the regulations, furnish to the Registrar-General notice of any variation of an order registered under this section.

(5) An order registered under this section (as varied from time to time) is binding on each owner and occupier from time to time of the land.

(6) The Registrar-General must, on application by the Minister, cancel the registration of an order in relation to land and make such endorsements to that effect in the appropriate register book, memorial or other book or record in respect of the land as the Registrar-General thinks fit.

(7) The Minister may, if the Minister thinks fit, apply to the Registrar-General for cancellation of the registration of an order under this section in relation to land, and must do so—

(a) on revocation of the order; or

(b) on full compliance with the requirements of the order; or

(c) if the Minister has taken action under this Part to carry out the requirements of the order—on payment to the Minister of any amount recoverable by the Minister under this Part in relation to the action so taken.

(8) The Minister must, as soon as is reasonably practicable, notify each owner and occupier of the relevant land by notice in writing if—

(a) an order is registered under subsection (3); or

(b) a notice of the variation of an order is registered under subsection (4); or

(c) the cancellation of the registration of an order is given effect to under subsection (7).

(9) A notice to be given to the occupier of land under subsection (8) may be given by addressing it to the 'occupier' and posting it to, or leaving it at, the land.

39E—Appeals to ERD Court—protection orders, repair orders and restoration orders

(1) A person to whom a protection order, repair order or restoration order has been issued under this Part may appeal to the ERD Court against the order or any variation of the order.

(2) An appeal must be made in the manner and form determined by the Court, setting out the grounds of the appeal.

(3) Subject to this section, an appeal must be made within 21 days after the order is issued or the variation is made.

(4) The Court may, if satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that an appeal be made within the period fixed by subsection (3).

(5) Unless otherwise determined by the Court, an appeal must be referred in the first instance to a conference under section 16 of the *Environment, Resources*

and Development Court Act 1993 (and the provisions of that Act will then apply in relation to that appeal).

(6) Subject to subsection (7), the making of an appeal does not affect the operation of the order to which the appeal relates or prevent the taking of action to implement or enforce the order.

(7) The Court or the Minister may, on its or the Minister's own initiative or on application by a party to the appeal, suspend the operation of an order until the determination of an appeal.

(8) A suspension under subsection (7) may be subject to specified conditions, and may be varied or revoked by the Court or the Minister (as the case requires) at any time.

(9) The Court may, on hearing an appeal—

(a) —

(i) confirm, vary or revoke the order appealed against; or

(ii) substitute any order that should have been made at the first instance; or

(iii) remit the subject matter of the appeal to the Minister; or

(iv) order or direct a person to take such action as the Court thinks fit, or refrain (either temporarily or permanently) from such action or activity as the Court thinks fit; and

(b) make any consequential or ancillary order or direction, or impose any condition, that it considers necessary or expedient.

This amendment creates a new clause 5A.

New clause inserted.

Clause 6.

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

Amendment No 13 [ClimateEnvWater–1]—

Page 4, after line 5—Insert:

(3) Section 42(7), definition of *prescribed offence*—delete 'or 39A' and substitute:

, 39A, 39B or 39C

Amendment carried; clause as amended passed.

New clauses 7 to 10.

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

Amendment No 14 [ClimateEnvWater–1]—

Page 4, after line 5—After clause 6 insert:

7—Insertion of sections 42A and 42B

After section 42 insert:

42A—Onus of proof in certain offences

(1) In any prosecution of an owner of a State Heritage Place for a prescribed offence arising from the substantial damage or destruction of the place (including damage or destruction which occurs as a result of neglect of the place), if the circumstances suggest the owner has not suffered significant financial loss as a result of the damage or destruction the owner is presumed to have caused, or authorised, caused or permitted another person to cause, the damage or destruction unless it is proved that the owner did not do so.

(2) In this section—

prescribed offence means an offence against section 36, 38, 38A, 39A, 39B or 39C.

42B—Continuing offences

(1) A person convicted of an offence against a provision of this Act in respect of a continuing act or omission—

(a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continues of not more than an amount equal to one-tenth of the maximum penalty prescribed for that offence; and

(b) is, if the act or omission continues after the person is convicted of the offence, guilty of a further offence against that subsection and liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continues after that conviction of not more than an amount equal to one-tenth of the maximum penalty prescribed for that offence.

(2) For the purposes of subsection (1) an obligation to do something is to be regarded as continuing until the act is done notwithstanding that any period within which, or time before which, the act is required to be done has expired or passed.

8—Amendment of section 43—Service of notices

Section 43(d)—delete 'in a newspaper circulating throughout the State' and substitute:

on a website determined by the Minister or by such other means prescribed by the regulations

9—Amendment of section 44—Evidence

Section 44—after subsection (3) insert:

(4) In any legal proceedings, an apparently genuine document purporting to be a notice or order, or copy of a notice or order, issued or executed by the Minister will be accepted as such in the absence of proof to the contrary.

10—Amendment of section 45—Regulations

(1) Section 45(2)—after paragraph (e) insert:

and

(f) make provisions of a saving or transitional nature consequent on the amendment of this Act by another Act.

(2) Section 45—after subsection (2) insert:

(3) A provision of a regulation made under subsection (2)(f) may, if the regulation so provides, take effect from the commencement of the amendment or from a later day.

(4) To the extent to which a provision takes effect under subsection (3) from a day earlier than the day of the regulation's publication in the Gazette, the provision does not operate to the disadvantage of a person by—

(a) decreasing the person's rights; or

(b) imposing liabilities on the person.

New clauses inserted.

Long 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 Climate, Environment and Water, Minister for Workforce and Population Strategy) (21:17): I move:

That this bill be now read a third time.

In so doing, I thank people for their contributions. I note that there was what could be described as a little bit of theatre to try to drum up a story that by including a perfectly standard clause that enables the government to control the day of the commencement of the act in order to ensure that the very

serious penalty clauses that are associated with this have been lined up fairly and appropriately, that that somehow implies a delay.

It is true that the honourable member from the other place, Robert Simms, introduced this legislation some time ago. It is also true that it is neither orthodox nor common for government to take on private members' bills entirely as they are when they take them from the other chamber.

While we were very happy to support it, we wanted to make sure that we were not only able to strengthen it but also able to ensure that its impact on the community—which is something that we are in a position to consult on and to understand in a way that it is very difficult for a member of a minor party to do—was able to be taken into account. That perfectly orthodox approach in making sure that the legislation was appropriate and useful for the public has, of course, taken a period of time and also requires us to be in control of the date of commencement. Any suggestion that that adds up to a delay in wanting to look after heritage is a nonsense.

The government has committed an extra $1 million a year for 10 years to heritage, which is going out to support people who own state heritage places, it is going out to work through the backlog of nominations that have been made for state heritage consideration, and it has been going to making sure that we have the best possible legislation and legislative regime around heritage. The work that my advisers have been doing on that has been of extreme value. Therefore, I am pleased that we were able to sit late tonight in order to get this important piece of legislation through, and I undertake that it will be enacted in the legislation as rapidly as possible.

Bill read a third time and passed.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (DATA ACCESS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 1 May 2024.)

Mr PATTERSON (Morphett) (21:20): I take the opportunity today in parliament to speak about the Statutes Amendment (National Energy Laws) (Data Access) Bill and indicate that I am the lead speaker. Rest assured, we should be right in terms of not going too long into the night. We need to be mindful of people staying on late here. This is an important bill and it requires examination, but obviously we want other members of parliament to be able to do that as well.

Similar to other national energy laws that have come through in this place, it is another batch of reforms. This comes from the Energy Ministers' Meeting, where all the commonwealth and state energy ministers meet together and bring forward these bills. This particular bill seeks to amend a number of the national energy laws. We have the National Electricity (South Australia) Act 1996 and also the National Gas (South Australia) Act 2008.

In terms of the particulars of this bill—and there is a fair bit of legislative work in this—principally, if you break it down what it is looking to do is to allow AEMO to share protected data with some trusted prescribed bodies over and above what it already does. This has been in the pipeline for a time now. Back in 2017, this process first kicked off coming through the Energy Security Board, and they worked with the Australian Energy Regulator to develop not just this bill but a data strategy overall, I suppose you would say, for the national energy markets—the gas and electricity markets—and they came up with that strategy.

Even though most people in the real world work at fast pace, these bodies seemed to take a while to get moving. So it was not until 2019 that they actually commenced work on this and, not wanting to set the world on fire, it took until 2021 before they released their final recommendations about what their data strategy would be. It comprised two stages of reform and they had this consulted on.

Another two years down the track, over 2022-23, there was consultation and then here we have the first stage. We do not want to go too quick, we do not want to do two stages at once, so we are just doing one stage. That is what we have here in this bill, the Statutes Amendment (National Energy Laws) (Data Access) Bill before us, known as the initial reforms. That came through in May

into this parliament as it does, because of course SA is the lead legislator in terms of dealing with national energy laws, which is good for the state. I think it has been said before that it at least gives the state a look at what is going on in that market, which is important.

So in this case, we see this bill landing here in our parliament. The previous bill, which we were talking about, was taken very seriously. We were sitting late to go through this important work. That is fair enough, but as I said, it has been here since May. It would have been very welcome to have debated it earlier, but here we are now debating this bill, important bill that it is.

As has been said previously with the national energy laws, the convention for changes to the national energy laws is that these legislative amendments are supported by the opposition, so of course I indicate that the opposition will be supporting this bill, because it is an instrument that then allows these laws to come into place not only in South Australia but in the other states in regard to the National Electricity Market. It is of great value and importance to South Australia that we get to be the lead legislator. Certainly, speaking with other members of parliament in other jurisdictions, a lot of this stuff goes through and they really are not aware of what is going on. At least we here in this parliament get to scrutinise what is going on, and I think it is important.

Maybe to underline that or to go through that in a bit of a summary, previously here in the parliament we have considered other reforms to both the gas and electricity markets. Reforms that have come through this place since 2022 include the east coast gas system amendments, consumer data right protection and gas pipelines. We have had reforms around market transparency, ministerial powers and, most recently, wholesale market monitoring.

In terms of the consultation around not only this bill but other bills that have preceded it—just making an observation—you would say that these reforms and the one that we see here seem to have a theme to them. They really continue a trend we see that reform that is being done through these changes to the national energy laws in both the electricity and gas markets seems to be more about delivering market transparency but also giving increased powers to the market bodies that are in charge of the markets. In this case, we have AEMO, the Australian Energy Market Operator. In other bills, it might be the Australian Energy Regulator or the Australian Energy Market Commission.

You would say it is an attempt to make the market better. It is an attempt to address the supply issues that have built up over at least a decade, maybe a bit more. These reforms, these changes, are telling the market bodies more and more about what is going on, but of course the flip side is that that data has to come from somewhere, and quite often it is coming from the market participants. That provides more of a compliance burden on them, more red tape.

If we are putting more red tape on there, is it going to give a productivity benefit? We talk about that with inflation and the consequences on wage growth. To have a high-performing economy, you want to have growth. You want to have wage growth and at the same time a commensurate amount, or ideally more, in productivity, and that then allows the economy to grow. Certainly, here, it is the same thing. What we would be looking for is: is this going to give productivity gains? For the stakeholders, the jury is out on that. There does not seem to be what you would call a productivity gain here in this situation, a corresponding effort to increase supply.

That might be getting more gas out of the ground and into the gas market, transported through the pipes into the gas market, or, in terms of the electricity market, getting more base load electricity generation into the market. Doing that before retiring some older coal-fired power generation would lead to more efficient markets. As I said, what stakeholders are seeing is that the effort is more in terms of compliance and reporting. When you are explaining that to families and businesses in South Australia—small businesses, big businesses, family businesses—they are struggling and battling with higher power prices and they are looking for relief, they are pleading for relief.

What they would like to see coming out of these energy ministers' meetings is work and legislation. In this case, what do we have? We have 13 pages of legislation. They would like to see 13 pages of legislation that will bring prices down. Instead, this is the legislation that is put before them. They can tell the market bodies what is going on very quickly. They do not need to have copious amounts of data being spat out, to read it, about what is going on: they can tell you. They

just look at their power bills. We hear about those power bills in the papers, only as recently as this week, and I will touch on that a little bit later.

In terms of trying to explain what we are getting for putting this through, according to AEMO and the energy ministers, the new provisions put into the national electricity law and the national gas law will allow AEMO to disclose protected information to relative entities for a data sharing purpose. That will include the delivery of government services. Once provided, it will be used to help with government planning, presumably, with government policy, with programs and research in relation to energy.

You have data. In the world we live in now, data has high value. For a lot of these online social media companies, it is the data that is the worth of those companies, that actually becomes an asset for the companies. They give away free services and, of course, nothing in life is free. The reason they give away free services is that they can collect massive amounts of data. They have massive subscriber bases, with many data interactions effectively building up a profile of people. Data is important and has value in the world. Here we have legislation dealing with data, presumably, to try to inform different bodies.

Where will that data come from? The idea is that the data will come from consumers' meters, their power meters, the meter reading that comes through. It will come from distributed energy resources. That could be solar panels on roofs and the batteries sitting alongside houses or businesses. What is the usage of that? When do they turn on? It is really worthwhile taking a bit of time to consider this.

Those consumer meters, where they come out on, is that then fed into everyone's power bill? Power bills have a reading of what is on the meter, and from that both households and businesses have their power bills come out. What consumers and small businesses would have noticed is that when the former Liberal government was in place in South Australia those meter readings, their power bills, would have been coming down for the same meter reading. But now we are in the situation where unfortunately, for the same meter reading year on year, those power bills would be going up—in fact, going up sharply and significantly.

I have spoken previously in this place about the different reports put out around trying to get a feel for what the average power bill is year on year, whether for households or small businesses. One such report by one of the market body operators, the Australian Energy Regulator, is on the default market offer and, of course, there has been much commentary on that.

In the three default market offers that have come out since this government has been in place, March 2022, for the first two years the average household's power bill skyrocketed by $710. That is a 34 per cent increase on that rate. For businesses, it was even more. They had massive jumps in their energy bills; I think it was over 40 per cent in those two years, or upwards of $1,750. That is a massive jump just in the space of two years.

Businesses especially, but also households, set budgets. In the case of businesses, they set up a business plan on the cost of doing business and how they are actually going to make a profit. They build that in in terms of providing an offering to their customers, whether it is a product or a service. When one of their inputs shifts so dramatically, such as electricity prices, it puts businesses under extreme stress. In some cases, it makes them unprofitable. In terms of households, they quite often have fixed incomes, or the ability to grow their income is specified by the profession they are in and their ability for upwards movement. Again, they are having these costs come through.

I have talked about the surges in prices with businesses in my local area. Over time, power bills have become more and more of a significant component of their outgoings to the point now where it is a serious consideration for them, whereas previously it would be a cost they had to put up with but it was manageable. Instead, it is now a significant burden for them.

Thankfully, in the last default market offer prices came down, but probably not by as much as the federal energy minister would have you believe. In the news recently we have had commentary about the imposts on business. We had a spokesperson—so you would say it has come from Chris Bowen—trying to tell people that 'SA households on standard offers are seeing falls in energy bills of over 15 per cent'. I thought that seemed quite a lot, so I went and had a look at the latest

standard offer that was released, and we saw that bills came down by between $41 and $63. Now, $63 off of the previous year's total of $2,279 is 2.76 per cent, and $41 off of the previous year's total of $2,787 is about 1.5 per cent.

So we see there figures put out into the media by the minister, who is in charge of what is going on Australia-wide, and you would have to say they are misleading and mischaracterising the effect, the size and the quantum of those releases. Of course, we will leave that to them to explain. It gives a good indication of being cautious about what is being said and what is coming out of the office of Chris Bowen, because there is a fair bit of hot air coming out of there. I think it would be wise for South Australians to maybe not heed that as much.

The Hon. A. Koutsantonis: Come on, mate.

Mr PATTERSON: I think it is an important point to make. We will move on from this point, but we will say that bills overall for households in those three standard offers are up 32 per cent over the three years, and businesses are quite similar as well; they have suffered. That is when you are talking about numbers on a spreadsheet. It is always important to look at individual cases because I think that brings it home when you talk through that. This week is a good snapshot of what is going on. To some extent maybe it has bubbled out. It has been sitting there in terms of inquiries into my office, and this week it has been thrust into *The Advertiser*.

We have seen local Adelaide business Ballaboosta backing this up and reinforcing these sorts of price rises. The owner there is saying their electricity bill is up 35 per cent, having gone from $5,800 per quarter to $9,200 per quarter. That is a small business. The problem experienced by those businesses where they are relying on their customers is that the customers themselves are feeling the pinch from these big 30-plus per cent electricity power bill rises and they have less money to spend. So Ballaboosta cannot just increase their costs by 35 per cent to make up for this. No, they have to wear it, so it gets harder and harder quite often. They work harder.

The Hon. A. Koutsantonis: Come on.

Mr PATTERSON: I would just like to flesh this out a bit more fulsomely.

The Hon. A. Koutsantonis: Why? This is about data. Come on.

Mr PATTERSON: This was about data and it has now moved on. We are trying to personalise this, and I think it is important we do that to respect the pain that is being felt out there. Yesterday we had Nippy's come out. I remember as a kid, obviously, having Nippy's orange juice. It is an icon of South Australia. Their monthly bill has more than doubled despite, as was said by the manufacturer, using fewer power hours. They gave the specific example where they were invoiced $51,600 last June for 260,073 kilowatt hours of use and this month, despite reducing the number of kilowatt hours used by 6,200 kilowatt hours, the invoice was $109,580. That is a massive surge.

Similarly, we had the Dairyfarmers' Association saying their bills have gone up by 38 per cent. We had almond farmers saying their bills had gone up by 60 per cent. This is hard stuff. Just today a constituent sent through an email, and it is hard to read but I will. He says, 'It is now a situation for small business that is way out of control. An immediate solution is required.' This was forwarded to me. Those words were from the hotel's manager, who was forwarding on the email from the hotel's director. The directors are the ones who are in the boardroom and having to read the numbers. They are going through all the expenses and they are seeing the bills, so they are living it. He says:

> I am writing in response to the article in the Advertiser yesterday. I am a director of a small business. Last year my electricity contract with AGL expired. I use a broker through the AHA. The only quote I could get was with AGL. No-one else would quote. They said SA was too hard.

It continued:

> My electricity costs per month have almost doubled.

It then went on to say:

> We are not alone here. Every day small businesses are doing it tough. With wages and red tape going through the roof, no wonder businesses are closing. It is time for governments to stop wasting money and provide

stability for businesses which would flow on to wages. The best a government could do is reduce payroll tax. It gives no incentive to improve your business and employ more staff.

So you can see conflating here is the cost of business, but the principal one that has triggered that email is the electricity bill prices.

The Hon. A. Koutsantonis interjecting:

Mr PATTERSON: And I shall.

The Hon. A. Koutsantonis: Good. Keep going.

The DEPUTY SPEAKER: Minister!

Mr PATTERSON: But what I would say, if we get back to the data, going back to the reports by these market bodies, in terms of, 'Okay, what is the news on the horizon,' it is pretty sobering. We just had the wholesale prices report come out from AEMO for quarter 2 and it showed that wholesale prices were up by $80 a megawatt hour. The AER, which does similar reports, also showed that in terms of the wholesale prices, they were up. It is a different amount but a commensurate big increase. It is hard for businesses to hear that, going forward, wholesale prices are up. Is there a light at the end of the horizon? Not so certain about that.

What I would say in closing is that what we have here is legislation coming through here driven by energy ministers. I hope that our energy minister has a strong voice at the table because, of course, there are other energy ministers there. We have Victoria's Lily D'Ambrosio, and her aversion really to looking after customers, having her say in this. What we are seeing is the reform that is coming through is giving market bodies more power and they are not really trying to address what the fundamental issue is, which is to try to get more supply into the market.

Having said that, we know that South Australia is the lead legislator and so the convention is for these changes to come into effect nationally and they do so, of course, by passing through this South Australian parliament in a quite speedy manner, you would have to say. So, of course, we will provide our support for these amendments to the national energy laws. But, as I said before, we have to make it clear that it continues a trend of electricity and gas market reform delivering increased powers to the market bodies—AEMO in this case, AER and AEMC—to try to solve the problems. It is not targeting the real need for those South Australian families and businesses, some of which I mentioned here before, where the aim should be to bring down energy bills, and that is what the government here in South Australia should be focusing on.

The Hon. A. KOUTSANTONIS: I thank the member for his lengthy discussion about everything but the bill. I thank the shadow minister for his support, and I look forward to a speedy passage through the house.

Bill read a second time.

Third Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (21:49): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 April 2024.)

The Hon. D.G. PISONI (Unley) (21:49): I indicate that I am the lead speaker for the opposition on this bill. The bill was introduced back in April by the Minister for Infrastructure and Transport. The bill contains two significant transport reforms and several minor technical amendments. Transport reform one is an amendment to the Highways Act 1926 to permit the Commissioner of Highways to consent to a roadside service centre accessing a controlled access

road and enter into a written agreement with the relevant party that includes payments and arrangements in relation to the access. Transport reform two is an amendment to the Road Traffic Act 1961 to provide for a reduced speed limit of 25 km/h when passing a breakdown service vehicle that is stopped on the road and is displaying amber flashing lights.

I will be seeking some clarification during the committee process about the use of 25 km/h for that process, when in Victoria it is 40 km/h. I think there would be a lot of South Australian drivers who would be very interested to understand the science in achieving that nominal speed limit here 15 km/h lower than that of Victoria.

The first amendment stipulates that a roadside service centre is different to an ordinary petrol station. A roadside service centre includes additional facilities, including designated heavy vehicle parking areas, trailer marshalling and break-up facilities, public amenities such as showers, change rooms and play areas, and restaurants for fast food options. This amendment seeks to introduce that the commissioner can enter into a commercial agreement with a roadside service centre operator for the access and operation of the access road for the roadside service centre. Currently, the commissioner only has the ability to provide ongoing permits. In short, the amendment seeks that the roadside service centre operator pays a commercial fee to the commissioner in order to maintain and manage the access road. How I understand it is that the commissioner will maintain it for a fee from the operator.

The government proposes that this is to maximise the economic and community benefits from the government's investment in roads and infrastructure. However, the operator of the roadside service centre currently is liable for all taxes and levies set by the government for the use of the property as per any petrol station and all property along the highway. This is in addition to payment that the government is seeking to generate more revenue from roadside service centres.

The second part of the bill seeks to introduce an amendment to the Road Traffic Act to provide a new offence that requires motorists to drive at a reduced speed of 25 km/h when passing breakdown service vehicles that have stopped on the road and are displaying flashing amber lights. Breakdown service vehicles within the bill include vehicles used for the purpose of providing breakdown service and includes tow trucks, RAA vehicles and any other vehicle or vehicle of a class prescribed by the regulations. The amendment seeks to expand on the previous amendment that requires motorists to drive at a reduced speed of 25 km/h when passing an emergency service vehicle.

There is a difference of opinion as to why the bill will include the name of one roadside assistance operator, being the RAA, and not the generic term, which includes all operators. When clarification was sought through the ministerial briefing session, the department stipulated that, from a point of perception, RAA is the most notable and recognisable operator. Including their name on the bill will simplify the bill for motorists. All roadside assistance operators are included in the bill.

The RAA data shows between 2019 and 2023 there were 20 reportable incidents caused by cars driving past breakdowns without due care, including five instances where RAA patrol vans were hit by a car or motorcycle. This amendment seeks to reduce the number of motorist incidents caused by motorists driving past breakdowns without due care. The department says that there are currently no concerns from stakeholders. On immediate loss of licence, the bill makes several technical amendments to the provision which allows SA Police to issue a notice of immediate loss of licence at the roadside for offences of drug driving and reckless and dangerous driving.

It is interesting that in the Joint Committee on the Legalisation of Medicinal Cannabis we have heard quite a bit of evidence about the effects of drug driving and also the challenges of detecting whether those who are using medical cannabis, for example, are in fact impaired or not. That is an interesting area to watch. In relation to excessive speed, for offending drivers who receive an immediate loss of licence notice, there is a right of appeal to the court to lift their licence disqualification or suspension. This is to ensure consistency with a vehicle owner's right of appeal to do so that currently exists with the RTA.

Regarding inserting a specific power for the SA Police to withdraw an immediate loss of licence when a determination is made that a driver should not be charged with an excessive speed offence, this is to ensure consistency with the equivalent traffic offences under the Criminal Law

Consolidation Act 1935 allowing SA Police to take into account time already served on the reissue of an immediate loss of licence.

On occasion, immediate loss of licence must be withdrawn by SA Police and reissued to the same person to correct minor errors, such as an incorrect date of birth recorded; however, there is no ability for SA Police to take into account time already served on that person's previous immediate loss of licence. The bill ensures that the police officer is able to issue an immediate loss of licence to a vehicle owner who they reasonably believe has committed a camera-detected excessive speed offence against the RTA in circumstances where a vehicle owner has not been given an expiation notice for that offence but will likely be prosecuted in court for the offence instead.

Regarding additional technical amendments to clarify matters associated with the issuing of an immediate loss of licence for an excessive speed offence, this amendment of immediate loss of licence is an increase in road safety measures and aims to reduce the number of repeat offenders in South Australia. The Liberal Party supports the bill as it stands, but we are interested in moving into committee to make some inquiries about some elements of the bill.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (21:58): I thank the member for his question, and I thank members for their forbearance at such a late hour. We do have officials here to answer questions of the opposition. I will try to do that as quickly as possible. For their benefit—they have been waiting for so long—I think it is appropriate we do that tonight. I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 18 passed.

Clause 19.

The Hon. D.G. PISONI: The speed limit while passing breakdown service vehicles here is 25 km/h. The government is saying that they are matching the speed limit for emergency vehicles on the side of the road. For the Transport Accident Commission in Victoria, the speed on their website for the same purpose is 40 km/h, so I am just wondering if you can explain why there is a difference in South Australia.

I have also noticed, with the bit of extra driving I have been doing in recent times in New South Wales in Canberra, the speed limit at roadworks on the side of the road is 40 km/h as opposed to 25 km/h. Why is it that it is 25 km/h for emergency vehicles for this new amendment and for the roadworks on the side of the road? Is there a science that has delivered that different speed limit here in South Australia?

It is not the only thing that South Australia is unique on. We are the only jurisdiction I am aware of in which you cannot have a timber floor in your bathroom. You can have a beautiful big room in a nice Victorian terrace in Fitzroy in Victoria and decide you are going to put a claw bath and a basin at the end of the bedroom with a wall. You have to rip the floorboards up and put concrete down if you are doing that in South Australia, but not in Victoria or New South Wales or anywhere else in Australia as far as I know. This seems to be another quirk, so I am very interested to know why we have 25 km/h in South Australia and 40 km/h that we know for sure in Victoria.

The Hon. A. KOUTSANTONIS: I will answer the most important question first, which is as a fellow Pisan, what is wrong with concrete? I mean, come on. I do not know why we have that anomaly here in South Australia. We also have these beautiful houses in Torrensville and Cowandilla and Mile End that have beautiful wooden bathrooms, but we often rip them out and have to put concrete in. I agree; I am happy to work with the member for Unley on that as well. The advice I have is it is about consistency. We have 25 km/h for police. There are two scales for roadworks: one is 40 km/h and one is 25 km/h. There is a lower-level complexity and a higher-level complexity. We have gone for the protection of roadside workers at 25 km/h. We basically want to say to people, 'If you see flashing lights, it is 25 km/h.'

Now, I accept there are anomalies in that; there are always anomalies in the law. But I think generally we are getting the message through that it is 25 km/h if you see flashing lights. I want to thank the member for his support on this, because he was the shadow minister for transport and infrastructure between 2014 and 2018.

The Hon. D.G. PISONI: 2016.

The Hon. A. KOUTSANTONIS: Between 2016 and 2018, and can I say on the record that he was the most effective opposition spokesperson on those portfolio matters I have ever seen in my 27 years in this parliament—a very, very effective shadow minister. What we are attempting to do here is consistency. I accept there are anomalies, there are anomalies in all parts of the law, but what we are attempting to do here is try to make sure we are as consistent as possible while we accept there is an anomaly.

The Hon. D.G. PISONI: I understand that you are aiming for consistency here, but it would be just as consistent for that speed to be 40 km/h for emergency vehicles and roadside assistance vehicles. Why do we have 25 km/h? Also, it is 40 km/h when lights are flashing at schools in Victoria, not 25 km/h. Is there some research, is there a scientific-based reason or a statistical-based reason as to why here in South Australia we are 25 km/h for exactly the same purpose?

Let's stick with what is in the bill. We are talking about roadside assistance and consistency with emergency vehicles, which is 40 km/h in Victoria and 25 km/h here.

The Hon. A. KOUTSANTONIS: There is consistency. The evidence we have is that speed does kill. For a vehicle collision at 40 km/h versus a vehicle collision at 25 km/h, force equals mass times acceleration. It is a pretty simple equation. That equation means the acceleration is an important part of that force. If the speed levels are lower, the force impact is lower, and we are going for minimal impact. We want consistency, and we have that for school buses and we have that for all emergency services. If you see flashing lights on the side of the road we want you going at 25 km/h, but I accept there are anomalies. The member makes an important point that there are anomalies here, and it would be good to have consistency across jurisdictions, but in South Australia we are aiming for 25 km/h.

Mr BASHAM: My questions are very much about the operation of amber lights in regional areas in particular. As a dairy farmer, I often used amber lights crossing cows across the road, spraying on the sides of roads and those sorts of things, but there are also many other activities where amber lights are used in regional areas that are certainly not covered by what is outlined in this bill. I am just trying to get some clarity about what might be covered in this bill. Is someone who is using amber lights, whether they be a farmer or a mechanic from the local service station, going to be covered by the legislation if they are there repairing a vehicle, even though they are not a member of the RAA and even though they might be a private operator repairing their own vehicle?

The Hon. A. KOUTSANTONIS: The short answer is, yes, absolutely. If there are amber lights on, the law is that you must do 25 km/h. If there is a farmer doing repairs or a mechanic doing repairs and they have amber lights on a tractor on the side of the road, the law says it must be 25 km/h. We want to protect farmers as well, we want to protect people who are working on the side of the road, because it is dangerous. So, yes, the answer is they are protected. New section 82A is the appropriate section.

Mr BASHAM: Adding to that as well, is the use of hazard lights as flashing lights covered as amber lights or not in that circumstance? Also going a bit further, where a tow truck is operating those lights in an area where they are not actually working, just because they pulled over to the side of the road because they wanted to have a smoke or something, is there any penalty to stop them using their amber lights in a way that they should not?

The Hon. A. KOUTSANTONIS: We have not put penalties in here; we are expecting some good faith here. If there are people pulling over on the side of the road and turning their amber lights on flashing, trying to slow traffic down and tricking people into getting speeding fines, obviously that is not in the spirit of the law, but I do not expect that to occur. So, yes, we can find anomalies in all these pieces of legislation, but what we are attempting to do is to try to protect roadside workers who are doing their job.

If there is an RAA worker who has pulled over on the side of the road to have a cigarette and they turn on their amber lights, obviously that is inappropriate use of their amber lights, and I do not believe that they would do that. If they did do that, and they were caught, do we have a penalty in this bill for it? No, we do not, and I have to say I would not want to be that prescriptive either because that leads down another path as well about a whole series of criteria about when you turn your amber lights on. So my analysis here is we are looking for a quarrel where none exists.

The truth is, if a farmer turns on their amber lights because someone is doing work on their tractor on the side of the road, you should slow down to 25 km/h. If an RAA vehicle is coming to change your tyre on the side of the road and the amber lights are on, slow down to 25 km/h. If an RAA driver pulls over on the side of the road to have a cigarette and turns on their amber lights, we will slow down to 25 km/h because the amber lights are on, but if we see it being abused, we will act. But I just cannot imagine a situation where that would occur.

Mr BASHAM: Adding to that, the reason I asked that question was that, after the introduction of this, I actually saw a tow truck driver parked opposite a McDonald's having a cigarette in a no-parking zone with his flashing lights on. That is why I went down that path, because there are operators out there who do the wrong things at times.

The Hon. A. KOUTSANTONIS: They should not.

Mr BASHAM: They should not. Wrapping up some of the other things that currently operate in rural areas, we have farmers, traffic controllers, oversized loads, oversized load escorts, local government vehicles and state government vehicles all using amber flashing lights when they are doing their work.

My question is: has there been any consideration of introducing some other coloured light for these circumstances where we are requiring the change so that we are not getting confused with other operators, whether adding a red light to the amber lights or something just to give a combination? The other thing I am also concerned about in regional areas, particularly remote regional areas, is road trains, etc., being able to slow down to 25 km/h if they come around a bend and see a vehicle with its amber flashing lights on.

The Hon. A. KOUTSANTONIS: That is always a problem; 100 km/h or 90 km/h down to 25 km/h is always going to be an issue. I accept that, but what are we attempting to do here? We are attempting to protect people. The flashing lights flash at a faster rate than the others. We want to quarantine this to assistance on the side of the road rather than escort vehicles. I think what we are actually creating here is an awareness that if you see flashing lights on the side of the road you should slow down, which is a good thing.

The member can come up with all series of anomalies in regional areas where we are going to need to have police with commonsense solutions, and generally I think police are very good at that in regional settings. If there is a bend where there is no visibility, and you turn around that bend and there are flashing lights, obviously you will have an argument that you could not possibly have seen the lights. There are always arguments and defences here. You can construct as many anomalies as you like, but the truth is what we are attempting to do is give a very blunt message that if you see flashing lights, slow down.

What are the chances of there being a speed camera alongside flashing amber lights for a breakdown from a burst tyre? Very, very rare. What we are actually raising here is awareness. We are making it the law and we want it enforced, but it will not be set up in the same way we would enforce other things. If the police have flashing lights on the side of the road and someone speeds past, the police can respond, act and issue an infringement notice. An RAA driver or a tow truck driver cannot. So I do not see the idea of there being a penalty in place for people who may accidentally speed past this. What we are attempting to do is say to everyone that it is the law of South Australia that if you see flashing amber lights and somebody offering assistance on the side of the road, the speed limit is 25 km/h. In my experience, it is observed more often in the good conscience rather than the breach.

There will be breaches, and we can come up with solutions later on if it gets out of hand, but this is about protecting our workforce to make sure that they are looked after, including farmers,

including tow truck drivers and including RAA drivers who are just trying to help someone who is stranded. I accept that you are supporting the bill, but I also accept that you can punch holes in this and find examples where there could be anomalies, and I would respond to that by saying that those anomalies probably will not be punished because that is not what we are attempting to do here.

Mr BASHAM: Chair, with your indulgence—I know I have had my three—just one final issue. My big concern, particularly as someone who has been operating lights for different purposes, particularly crossing cows across the road, is often drivers will slow down but, once they realise what it is, they will then start accelerating. My concern is that the users who are not covered by this may now have drivers that are accelerating past them rather than slowing down.

The Hon. A. KOUTSANTONIS: I completely agree. A lot of the big problems we had with this reform to start with is SAPOL's objection to the idea that an independent civilian can alter the speed limit by pressing a button on their vehicle, without any legislative framework. SAPOL turn on their red and blue lights because they are enforcing the law, and that triggers a whole series of things in statute, but they are sworn officers. Paramedics have a role, fire have a role, all rolled out in statute. RAA are not sworn or public servants, tow truck drivers are not employed by the Crown, yet they can alter the speed limit on the King's roads.

So, yes, you will find these anomalies, but I think the message that we are getting through with this legislation is that if you see flashing lights, it is 25 km/h. In my experience, other than the occasional breaches, South Australians will accept that. I think it is a good reform. Yes, there are anomalies, but the truth is that if you are changing a tyre on the Princes Highway or you are changing a tyre on the Dukes Highway or the Augusta Highway and cars are going past at 102 km/h, it is dangerous. We want those people to go home to their families, and I know you do too. I am not questioning that.

Yes, we can poke holes in all of this, but I think ultimately this is a good reform. It will benefit people, it will benefit the people you are talking about, because in terms of the distinctions that you and I are talking about here I can guarantee you the average South Australian is not going to read through this legislation and understand what their obligations are. What they are going to hear is that the message is: if you see amber lights flashing, you slow down to 25 km/h. That will benefit the people you are talking about as well.

The CHAIR: You need to move your amendment now, minister.

The Hon. A. KOUTSANTONIS: I move:

Amendment No 1 [InfraTransport–1]—

Page 11, lines 20 and 21 [clause 19, inserted section 82A(2), definition of *breakdown services vehicle*, (b)]—Delete paragraph (b)

Amendment carried; clause as amended passed.

Remaining clause (20), schedule and long title passed.

Bill reported with amendment.

Third Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (22:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 22:18 the house adjourned until Thursday 29 August 2024 at 11:00.