LEGISLATIVE COUNCIL

Thursday, 18 October 2018

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 11:00 and read prayers.

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

Parliament House Matters

CHAMBER MEDIA ACCESS

The PRESIDENT: Before I call on the Treasurer, I alert honourable members that I have given consent to Channel 7 to film in the chamber, with the usual caveats that they do not film members of the gallery or honourable members while seated. Treasurer.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, notices of motion and orders of the day, private business to be taken into consideration at 2.15pm.

Motion carried.

Bills

RETAIL TRADING BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 October 2018.)

The Hon. T.J. STEPHENS (11:02): I am pleased to rise to speak to this particular bill. As somebody who has a reasonable amount of experience, in a past life, in the retail industry—and it is on the public record—in my current life I still have some interest in retail properties, so as a landlord I follow quite closely the ebbs and flows and trends within retail. Can I say from the outset that it is not a surprise to people, and they would understand, that I personally cannot see what the fuss is about in deregulating shop trading hours. I spent 18 years in retail, certainly in the country, and the businesses I was involved in stretched from Victor Harbor to Katherine in the Northern Territory. We had businesses in Whyalla, Port Lincoln and Alice Springs as well.

Can I say at the outset that country people are often looked at sometimes as second-class citizens in the eyes of many city folk who have spent, really, no time in the country. Country living offers many advantages. In terms of commuting, certainly in a country town like Whyalla, you can go from one side of the town to the other in a very short period of time, which leads to things like spontaneous entertainment of friends and family. It is not uncommon to front up at somebody's place on Sunday morning for a cup of tea and leave at 10 o'clock at night after you have had a couple of meals and, perhaps, barbecues and stuff, with lots of people congregating, with no prior notice, but it is just fabulous to be able to catch up with people.

This takes me on to the privilege that country people have—all bar, I think, Millicent—where if by chance you had family and friends lob on your doorstep and you were a little embarrassed because you could not offer the hospitality that you would like, you could very easily duck down to the local supermarket and buy whatever you would need to provide food for family and friends. Again, I will say that is a great privilege.

I lived in Whyalla for nearly 40 years and always had that ability. I am not quite sure what separates country people and the way they live their life from city people, who could not possibly handle the ability to shop when they want. Heaven forbid! Those country people out there must be really different because they can actually handle it. These days, I spend my time between Victor Harbor and Adelaide.

It is fabulous when I am in Victor Harbor. If one of my friends pops in at 6 o'clock on Sunday and says, 'It's great to see you,' I can say, 'Why don't I cook you a barbecue or something, rather than going to one of the fantastic pubs in Victor for a meal?' I can shoot over to one of the supermarkets and get whatever I need, and actually provide hospitality, which is what I like to do. That is how I was brought up. If you can look after people, what goes around comes around, and it provides for a pretty good environment.

I am hoping, when I am enjoying the ability to do so in the future down at Victor Harbor, that I do not run into, after 5 o'clock on a Saturday or on a Sunday evening, any of my colleagues who are voting against this bill. They would be taking advantage of the same thing that I take advantage of. I know that a number of my colleagues in the Legislative Council and some in the House of Assembly frequent Victor Harbor during the holidays. I think it would be awkward if I were to run into one of them when they are taking advantage of the ability to, heaven forbid, shop when they have the need.

An advertisement is being run by the 'anti-freedom people', as I call them, whereby a lady in a flower shop is bemoaning the fact that those nasty Liberals are going to destroy her business. She is in a flower shop; she can open whenever she wants. That is my understanding. I am sure the Hon. Rob Lucas, in his summary, will correct me if I am wrong, but small retailers can operate 24/7. I cannot remember ever ordering flowers and sending them to my wife to make up for one of my transgressions—which have been many over our journey—from one of the larger retailers. I do not know whether other members in the chamber may be able to correct me after the debate. Maybe they have rushed down to—

The Hon. K.J. Maher: Caltex.

The Hon. T.J. STEPHENS: Maybe that is the way you operate, mate, but that does not fly at home for me, I have to say. Any attempt to get out of strife with anything less than quality flowers has never worked for Mrs Stephens. I am very confused, because this lady is bemoaning the fact that the right to shop whenever you want is going to destroy her business, when she has the right to open whenever she wants. I do not see—

The Hon. R.P. Wortley: But that's not the issue.

The Hon. T.J. STEPHENS: I do not understand why she is involved. What effect is it going to have on her business? She says, 'Oh, it's a dreadful thing,' but I do not understand where her competition is going to come from—heaven forbid she has some competition.

The Hon. C.M. Scriven: Coles and Woolies sell flowers.

The Hon. T.J. STEPHENS: As do On The Run. You can get flowers at On The Run 24/7. The reality is, as I said, if you are trying to impress somebody who needs to be impressed, or are seeking forgiveness, I do not think that On The Run flowers do the job; it certainly does not for me. I was just really interested—Rob, you might be able to clear that up for me; I might be terribly wrong about this. All I can say is that I am certainly happy to vote for the deregulation of shop trading hours.

My wife, as a nurse in Whyalla, had limited time because of the different roles she played within our family and with the children, etc. She would finish afternoon shift and it was fabulous for her to be able rip through the grocery shopping at 11 o'clock at night. It was not uncommon to see other shift workers doing the same thing when they had finished their shift, taking advantage of not having to put up with the crowds that there might be during different times of the day.

Donna would rip through and do our grocery shopping on a Thursday night after afternoon shift, and it did not seem to change the retail environment in my city. There were independent retailers. In Whyalla, there is still an independent retailer that does really well because they provide great service and a great range of products. They actually trade whenever they feel like it—heaven forbid—and compete very well with Coles and Woolworths.

I want to put on the record that, from a country person's perspective, this debate is really quite interesting. I wonder if people out in the country sit back and wonder what all the fuss is about when in fact they enjoy these fabulous benefits. Maybe more city people need to get out and live in the country and take advantage of country life. I am sure that the Hon. Clare Scriven has never gone to a supermarket in Mount Gambier—

An honourable member: Millicent.

The Hon. T.J. STEPHENS: No, in Mount Gambier—after what would be normal trading hours in the city, because heaven forbid you would take advantage of that. I am very pleased to support the Liberal Party's position on deregulating trading hours

The Hon. R.I. Lucas: We will be taking photos.

The Hon. T.J. STEPHENS: No, I will not be running around with a camera, I have to say. You would be able to see by the look on my face. One thing that the Hon. Angus Redford told me early in the piece was that people will put up with most things in politics, but hypocrisy is something that they will jump all over you for. With those few words, I look forward to the vote on this bill, and I look forward to the Hon. Mr Lucas summing up. Heaven forbid, maybe common sense will prevail at some stage and we will get to shop when we feel like it.

The Hon. C. BONAROS (11:12): I note that I was not listed to speak today, but I would like to add to the comments of the Hon. Frank Pangallo, who has spoken at length on this issue, and make a brief explanation echoing some of his remarks and also SA-Best's policy more generally. We know SA-Best does not support the deregulation of retail trading hours in SA. We support small independent retailers and we support the little guy against the big end of town. That is the nub of the issue that we are dealing with here today. That is why we are not supporting the government's move to deregulate shop trading hours, including trading hours for car dealers, in South Australia.

Any move to deregulate shop trading hours would absolutely devastate small and medium-sized businesses, including independent stores like IGA that take advantage of big supermarkets having to close early on weekends and open late on Sundays. The legislation proposed by the Liberal government is nothing more than a blatant and aggressive push by the big end of town that would force out small independent retailers. The retail market pie remains the same, and deregulation would only serve to reslice it; it just gets redistributed.

I know from personal experience, as the wife of someone who has spent his entire working life in retail for small independent businesses, that the people most likely to suffer as a result of this are salaried workers in that space. We always hear about deregulation creating more jobs for casual workers. I think that is probably the biggest furphy in this debate because what actually happens is that staff who are on salaries, who work to earn a decent living, are forced to work the extra hours. There is no choice in that. You must do it, because the shops have to stay open longer. That is the reality of the situation. I have had firsthand experience in that situation, so I know that is the case. This argument that we are going to create more casual employment just does not fly.

South Australian independent retailers enjoy stronger local support than in any other state, with over 30 per cent of the market share. SA-Best stands with our independent retailers. Deregulation only favours Coles, Woolworths and Aldi at the expense of South Australia's proud local fruit and veg stores, butchers, bakers, independent small supermarket businesses and other locally owned general retailers.

We strongly oppose any further expansion of trading hours, because it would threaten the viability of smaller operators who are the lifeblood of our community. We believe it is important to support local independent business, and SA-Best is proud to stand alongside them. We are also proud to be standing alongside the opposition and the Greens in this instance. I think that is the position that we all need to be taking in this place and that common sense will prevail today and we will see the vote go the way that it is intended. Thank you.

The Hon. R.I. LUCAS (Treasurer) (11:15): I thank honourable members for their contribution to this debate on shop trading hours. Given, as I understand it, that sadly we will not in all likelihood be going through the committee stage in this debate, where we would be able to explore some of the absurdities of the current trading laws in relation to how they apply in particular industry

sectors, my reply at the second reading will be extensive in terms of trying to answer many of the issues raised by members in their contributions and indeed some of the claims that have been made in the community about the legislation that we have before the parliament this morning.

We have heard over the last few weeks and months that, if this legislation passes, it will be the beginning of the end of the world as we know it today. Even though we have seen over very many years extensive reforms in South Australia, there is an inevitability about greater freedom of choice for shop trading hours, whether it be under Liberal or Labor governments.

It was not that long ago—in the early 1990s—that we were having exactly the same debate and exactly the same claims when the government of the day, a Labor government, extended Saturday afternoon trading until 5 o'clock. The world was going to end; that would be the end of independent retailers; no-one would be able to play sport on Saturdays; families would be destroyed—all those claims were made. Trust me, I was there. I was part of that particular debate. All those claims, the same ones we have heard in relation to this matter, related to that momentous move to provide Saturday afternoon trading in 1990.

In 1994 and 1995, under a Liberal government—eventually, after the Liberal Party had tried from opposition to make the changes—shock horror, we actually removed the restrictions on the selling of red meat on weekends. Again, that was going to be the beginning of the end of the world as we knew it. The Liberal Party, championed by a former leader of the Liberal Party in the Legislative Council, Martin Cameron, and indeed a former Liberal minister who has now become a lobbyist for the opposing forces for shop trading reform, was one of the key proponents supporting that particular legislative change.

In 1995, again under a Liberal government, Sunday trading from 11 o'clock until 5 o'clock was introduced into the Adelaide CBD. Again, we heard exactly the same claims being made. In 1998, again under a Liberal government, weeknight trading hours were extended to 9 o'clock in the CBD, and suburban hours were extended to 7 o'clock. Again, we heard the complaints at the time that that would be the beginning of the end of the world as we knew it. It would destroy the independent sector and it would be to the benefit of the big end of town.

Then in 2000, again under a Liberal government, the then Glenelg tourist precinct was established, but the major change was that Sunday trading was allowed in the Adelaide CBD. In 2003, under a Labor government, the act was amended again to extend Sunday trading to the suburbs, to the rest of metropolitan Adelaide. Various other changes were made in 2003.

In 2012, again under a Labor government, there was the introduction of trading on most public holidays in the Adelaide CBD. Again, under a Labor government, as I have advised this council before, because some independent retailers had been trading unlawfully for 10 or 15 years or more on Sundays, the Labor government presided over the abolition of 32 of the proclaimed shopping districts in regional South Australia. So the hypocrisy we have heard in relation to extended trading hours in country areas in relation to the Millicent debate: it was the Labor Party and a Labor minister, minister John Rau, who led the charge in the abolition of 32 of the then proclaimed shopping districts which restricted trading hours in a similar fashion to Millicent.

Experience, history and facts demonstrate that over a period of time there is a sense of inevitability about a greater freedom of choice because, ultimately, the wishes of the consumers will prevail. Ultimately, governments, as that history shows—both Labor and Liberal—in Labor's case they were forced kicking and screaming to recognise what the consumers and what families want. Labor governments, as I indicated there, on a number of occasions have introduced greater freedom of choice in relation to shop trading hours, and former Liberal governments have done the same.

I will address some of these claims, some extraordinary in their nature, that have been made in relation to this particular debate: trust me, we have heard it all before. We have heard the same arguments being repeated for the last 20 years or 30 years in relation to the beginning of the end of the world as we know it today if we were to introduce any further freedom of choice, whether it is Saturday afternoons, whether it is week night evenings, whether it is Sunday trading or whether it is public holidays—on every occasion there has been no new argument introduced in this particular debate that we have not heard on numerous occasions in the past.

As I look at this debate and look at the historical perspective, I have a vision of these shop trading King Canutes standing down at the beach trying to stop the inevitable tidal wave of freedom of choice in shop trading hours engulfing them and swamping them—it is inevitable. As I said, under Labor governments and Liberal governments it has occurred. As I said, you can stand like King Canute down at the beach and try to stop the inevitability of consumers, the people of South Australia saying, 'We want greater freedom of choice. We are not prepared to allow the vested and parochial interests to continue to hold sway.' As we have seen with that history of greater freedom of choice, at some stage there will be greater freedom of choice, or greater freedom of choice than is currently provided for suburban residents and in metropolitan Adelaide in particular.

The inevitability of the greater freedom of choice, as I said, has been demonstrated by recent surveys which have demonstrated overwhelming public support: 75 per cent of people indicating support for greater freedom of choice in terms of shop trading hours reform. That is the sort of tidal wave of support that the opponents of this are going to have to fight against. That is the sort of tidal wave of support that the new Marshall Liberal government has in terms of supporting it and its ongoing battle for shop trading reform, and getting rid of the silly laws, the absurd laws that we currently have before us.

The second point I make in terms of the inevitability is that no-one in the debate, that I could see, was prepared to address one of the elephants in the room, in relation to bricks and mortar retailers, which is, in essence, the 24-hour service stations. Because of loopholes in the legislation potentially, but because of the way the current legislation is drafted, the original concept of a service station selling just petrol to people, being an essential requirement 24 hours a day, which we would all support, has morphed into—as anyone who is prepared to go and have a look—On The Run supermarkets being openly advertised as On The Run supermarkets.

If you go down to an Aldinga On The Run supermarket, or a number of the others, there is a massive sign out the front. It does not say petrol station or service station, it says On The Run supermarket. If you go to their websites they are On The Run supermarkets. There are other franchises, it is not just On The Run, but they are obviously the most well known currently in South Australia.

The reality is, the On The Run supermarkets are trading 24 hours a day and all of these claims—and I will address, again, some of the absurd claims that have been made in relation to this particular reform—could have and should have been applied to the real world as it exists today. On The Runs and their equivalents are popping up all over the place. On The Runs and their equivalents are popping up everywhere because of the convenience factor, because of shift workers, because of the sorts of reasons the Hon. Terry Stephens and others highlighted.

If people are prepared to pay the higher prices for the convenience of shopping 24 hours a day, they do so. They pay extraordinarily larger sums of money for their bread and milk late at night or in the early hours of the morning as they come back from a function because of the convenience factor. If they held off until whatever time the supermarket opened the next day, they would be paying half price in some cases in terms of their bread or their milk. But that is a choice that those shift workers or others, partygoers, or whatever, make in terms of their freedom of choice.

Again, not addressed by anyone in this particular debate, there is this assumption that all of the independent retailers speak with one voice. I accept the fact that the vast majority are strongly supportive of the current independent retailing campaign, but I have highlighted on a number of occasions independent family-owned retailers like the Inglis family at Moana, where they say they want to be able to, in particular during summer, open after 5 o'clock on a Saturday and 5 o'clock on a Sunday. The On The Run just down the road can trade after 5 o'clock on a Saturday and Sunday; they can trade whenever they want to. So when families, in the summertime in particular, come off the beach and want to buy ice creams or bread or milk, or whatever it might happen to be, they are not allowed to open their doors at 5 o'clock even though they want to.

So here is an independent retailer that is pleading for the freedom to open and to compete with the big 24-hour retailer just down the road, the On The Run. The independent retailer says to this government, to me, 'How fair is this that you lot support,' that is not us, but the parliament, 'the big On The Run retailers being able to trade 24 hours a day and being able to sell ice-creams, bread

and milk to all of these families coming off the beach at 5 o'clock on a Saturday or 5 o'clock on a Sunday, but you say to me, a small family-owned retailer—not someone who owns 35 or 37 independent retail outlets in South Australia, but someone who owns one at Moana and wants to be able to compete with the On The Runs—why are you preventing me from being able to compete?'

The honest answer to that is: it makes no sense at all. It makes no sense at all. Here is an independent retailer who wants to trade, wants to compete with the big On The Runs, the big 24-hour supermarkets that are growing up down there, but this parliament is evidently hellbent on protecting the privileged position of the On The Run outlets to the disadvantage of a small independent retail outlet like the IGA at Moana.

I will address the issue later in this contribution about the demonising of certain outlets. It is so easy to just talk about Coles and Woolworths. They are easy targets, a bit like taking on politicians, or a bit like taking on banks at the moment—they are easy targets. But no-one highlighted the privileged position that On The Run supermarkets have in South Australia and they are the ones that are ballooning, mushrooming everywhere in Adelaide and South Australia at the moment, encouraged by the former Labor government, which fast-tracked planning arrangements, etc. So do not point the finger of criticism at this Liberal government in relation to the growth of On The Run supermarkets.

Let's be quite clear: I make no criticism of the On The Run franchise or the 24-hour franchises. We actually want them to be able to compete, but we would like everyone else to be able to compete with them—give everyone else the opportunity to compete with the On The Runs or the 24-hour service station franchises that are developing in other states and I am sure will come to South Australia in competition as well.

In talking about this inevitable tidal wave of demand for freedom of choice and the inevitability of competition, I draw members' attention to, and it comes in the area of online trading, an article in *The Australian* last week which talks about the privileged position of motor traders, which was referred to by a number of people in their contributions. The heading was 'Amazon coming to a car yard near you', and the article quotes Jeff Cole, who has been a strategic adviser in terms of disruption strategies for 30 years or more, advising governments and many of the world's largest and most successful companies on digital strategies. He said:

> These days he is a member of the investment committee of the listed Evans & Partners Global Disruption Fund, which now has over $400 million under management and ambitions to grow that to $1billion in the short to medium term.

Mr Cole was asked about the next industry in the world to be 'Amazoned'—a very unfortunate turning a noun into a verb—and the article continues:

> —that is, disrupted and transformed by Jeff Bezos's global tech colossus—and his answer is instant.
>
> 'I think eventually he will sell every new automobile in North America. A lot of manufacturers feel they are saddled to their dealers. A lot of them now want to get rid of the dealer relationship. Tesla, for instance—

Much loved by the former Labor government, I might note—

> does not have dealerships. I think you will see Amazon go to manufacturers and say, "Get out of the dealership business, and turn the dealership into service centres"," the fast-talking American tells *The Australian*…'Amazon is going to facilitate that if you want to buy a car, you will go online, see the specs, test drive it virtually. Then if you want to really drive it, you will book an appointment online and it will come to you.'

He goes on to explain where he sees—and he is somebody who together with others is putting up to a billion dollars in terms of disruptive technologies, and disrupting established industries and vested interests around the world. The shop trading laws have no impact on the online market. The shop trading laws are blissfully ignorant of what is happening in the real world in relation to online trading.

The National Retail Association put out some figures in relation to online retail growth in South Australia, and the source of this was 'Inside Australian Online Shopping: 2018 eCommerce Industry Paper'. In 2017, South Australia recorded the second highest level of online retail growth throughout Australia. In that year, online retail growth grew by 21.1 per cent, second only to Western Australia—surprise surprise, the other most restrictive in terms of its trading hours legislation at

21.8 per cent, and significantly ahead of the national growth in online retail growth of 19.2 per cent. Sorry, those figures were according to Australia Post, quoted by the National Retail Association.

The reality in the real world in terms of retail as well, is that already retailers are providing either next day or same day delivery of goods and services. We are not talking about days and weeks as some people are talking about; you can get on the blower or online at any hour of the day or night and you can have next day, same day or, in some cases, three-hour deliveries of your goods. Brands such as Coles and The Iconic offer three-hour delivery in Australia. We are advised that some of the local independent retailers also offer similar services—I am not sure about three hours—but will deliver groceries as early as the following day if your order is placed before midnight.

The inevitability and the reality of what is going on at the moment in terms of retail shopping is that online growth is growing and growing, and will continue to grow in terms of the options because of its convenience, and the inevitability of the disruptive technologies which are being implemented, and some of the big players, whether it is an Amazon, or whether it is any number of others that are going to provide the various options.

That is why I say that the opponents of this shop trading reform are not recognising the reality of what is going on in the real world. They stand King Canute-like, trying to stop this tidal wave of people demanding greater freedom of choice and also this tidal wave of disruptive technologies that will just go around and work around what is occurring. We have seen similar debate in relation to online betting as the inevitable decline in on-site betting, such as the TAB agencies and gaming machines, inevitably stabilises and declines as young people in particular bet much more frequently on their mobile phones, without the inconvenience of having to go to an on-site gambling residence.

Retail will be exactly the same: we are seeing it already. This is not me indicating what is occurring; this is me quoting people who are active already in the retail sector and the retail market indicating the reality in terms of the retail market in South Australia. I intend to address the extraordinary claims that have been made by some of the opponents in relation to what they claim are the consequences of this modest reform, following decades of even more comprehensive reform by Labor and Liberal governments.

The first one I want to address is some claims made in the debate this week by the Hon. Mr Darley and supported by the Hon. Ms Franks. The Hon. Mr Darley in his contribution, based his arguments, as I understand it, on a 1977 submission from SAPOL in relation to the implications of the 1977 changes. As I have just highlighted, the world of retail trading in 1977 was such that we were not even selling red meat on weekends, we were not trading on Saturdays and we had no weeknight trading at all anywhere in the metropolitan area. Let me quote, so that I am not accused of misquoting anyone. The Hon. Mr Darley said:

> This brings about an interesting point: the safety of employees. We already have a problem in the community where many—I would say most—women feel unsafe walking alone at night. If these women are then rostered on to work a graveyard shift, I have genuine concern about their safety if they finish in the middle of the night. South Australia's public transportation system outside of peak hours is already problematic.

ABC Online quotes Mr Darley, and then quotes the Hon. Ms Franks, and again, so that I am not accused of quoting out of context, let me refer to the transcript of the online report:

> Greens MLC, Tammy Franks, said Mr Darley was correct that later shopping hours could put young and female workers at risk. She said it was also a concern for nurses around North Adelaide's Women's and Children's Hospital. 'Why would you think it would be any different with shop staff,' she said. 'Young women still walk through dark streets at night holding a car or a house key thinking that they are going to be attacked.'

I find it extraordinary that honourable members and others could try to seize upon what is an important issue in terms of the safety of young and older woman, and, indeed, anybody late at night—I am not sure that it is necessarily just a women's issue, but it is a safety issue generally. I accept the point in part that the Hon. Mr Darley, supported by the Hon. Ms Franks, is making. But, to use that as one of the reasons to oppose reforms in shop trading hours legislation I think is just extraordinary. I reject it completely and out of hand.

The reality is that we have young women and young men, older women and older men, trading 24 hours a day at the moment at On The Run supermarkets. We already have, in all of

regional South Australia and in the CBD, people trading until at 9 o'clock at night. We already have, in relation to some parts—

The Hon. T.A. Franks interjecting:

The Hon. R.I. LUCAS: The Hon. Ms Franks might be a bit uncomfortable about being called out on this issue. I am not going to be deterred because the Hon. Ms Franks has made her statement and she will need to defend it. I will not be deterred by unparliamentary and out of order interjections in relation to this debate. The reality is that we already have a situation where the safety of workers, young and old, male and female, needs to be a consideration for any employer, big or small. If you are in a shopping centre, there needs to be well-lit car parking. Wherever you happen to be, you need to look at the safety and security of your staff.

We already have those issues under the current trading laws because we have 24-hour trading for a large number of workers. These issues already exist and have to be handled as best as we can with a combination of employer action and government and departmental action through agencies like SAPOL and other initiatives like that.

As I said, I then had a series of journalists and media outlets putting questions to me about whether I am jeopardising the safety of women by introducing this particular reform into the parliament. I said, 'Absolutely not. I reject it out of hand.' I think it is an extraordinary claim to make. You can make a whole series of other claims, if you wish, as to why you want to oppose shop trading hours reform, but this particular one has no substance at all.

I want to address some of the issues that the Hon. Mr Pangallo raised in his contribution. In a media release issued on 11 September, he said:

> Bunnings sly jobs act just the beginning: SA-BEST warns 'Bunnings bug' will spread with shop trading deregulation.
>
> SA-BEST today warned that more big retailers would resort to copying the 'Bunnings bug' of sending workers home during quiet trading periods and then getting them to make up for lost hours on busy days if shop trading hours were ever deregulated in South Australia.
>
> It sighted the multi-national monolith as the 'consummate example' of how other giant retailers would react if the State Government's proposed new shop trading laws were introduced—ridiculing claims they would lead to the creation of more jobs.
>
> 'Anyone in any doubt of the root outcomes of the Liberal Government's proposed new shopping laws need look no further than Bunnings' actions,' SA-BEST MLC, Frank Pangallo, said today.
>
> 'The retailer giant stands accused of treating its employers—

I think it should be 'employees'—

> like pawns in a chess game—moving them to wherever they need to be when trade is busy, cutting them adrift when things quieten, and then calling them back to work when demand picks up again' he said.
>
> 'If they don't do it already, the other influential retailers will do exactly the same thing if shop trading was deregulated in SA.'

There were similar rhetorical flourishes, to use the President's phrase, that populated the rest of the media release, but I think that is enough to give a sense of the claim the Hon. Mr Pangallo was making.

Putting aside the fact that that particular provision has been around for many years—and at this stage I am not aware whether anybody else has included it—it was interesting in terms of some of the media coverage afterwards and the response of the union representing retail workers, the Shop, Distributive and Allied Employees Association, the SDA. Let us remember that this is the union that controls the Australian Labor Party of South Australia, the Labor opposition. The former union boss Peter Malinauskas takes his riding instructions from that union. That is why they are opposing this legislation. The SDA, which also represents Bunnings employees, said:

> …an 'extensive' network of delegates will secure another high-quality agreement for staff members as the bank of hours condition—

which is the one the Hon. Mr Pangallo is railing against—

> in the enterprise bargaining agreement (EBA) has been a 'long standing issue.'

'While the bank of hours has both supporters and detractors amongst Bunnings employees, EBAs containing the condition have historically been strongly voted up, with the 2015 Bunnings EBA attracting a 93.7 per cent yes vote from staff,' said SDA National Secretary Gerard Dwyer.

So the union supported it, the union advocated it, and 93.7 per cent of Bunnings employees supported it. Mr Dwyer goes on to say:

'Additionally, the Bunnings agreement contains a range of above award conditions including enhanced leave, improved minimum hours per day, rest breaks and superior junior rates and redundancy provisions.

'No new agreement comes into force unless there is a majority vote in favour of a new agreement by Bunnings employees.'

Despite claims made by the Hon. Mr Pangallo and some opponents that, 'Bunnings sly jobs act is just the beginning', that it will spread with shop trading deregulation, will be the 'root outcome' of the Liberal government's proposed new law, that employees are being treated 'like pawns in a chess game' and that the influential employers will do the same thing—in essence, 'Look out, this is what the Liberal government is going to introduce'—it was actually supported by the shoppies union. It was actually voted on by 93.7 per cent of the staff in Bunnings, in support of the EBA.

I suspect this might have been part of the national argument within the SDA. I am not sure whether this argument occurs within South Australia, but I will leave others like the Hon. Mr Malinauskas, the Hon. Ms Scriven and the Hon. Ms Bourke to speak with greater authority. Certainly, at a national level, as has been covered by interstate papers, there has been an argument against these sorts of arguments within elements of the SDA. I think there was a breakaway union either established or sought to be established in order to argue against some of these particular provisions.

It is a bit rough to try to demonise Bunnings, as a major employer of a lot of South Australians in particular, on the basis of an agreement which they took to their staff. The shoppies union supported it and nearly 100 per cent of their workers supported it. We, the Liberal government, are being attacked on the basis of, 'Here's the bad world that is going to exist if this particular reform gets through.' It exists under the existing arrangements and, as I said, was supported by the union and the vast majority of employees in Bunnings outlets.

The Hon. Mr Pangallo also raised an issue in relation to someone I have known very well for many years and who is a very successful retailer, Mr Theo Vlassis, who runs an IGA outlet in the metropolitan area. Our paths crossed many, many years ago due to his past association with the Liberal Party. Without knowing for sure, I suspect it is probably less active these days—

The Hon. J.M.A. Lensink: He was a candidate.

The Hon. R.I. LUCAS: Well, many years ago, but I suspect he is not looking to be a candidate at the moment. I suspect that would be the best way of putting it. The argument made by the Hon. Mr Pangallo, Mr Vlassis and others, including Colin Shearing and the lobbyists on behalf of the independent retailers, is that this will be the beginning of the end of the IGA outlets in the city.

The point I make today, which I have made on a number of occasions, is that the CBD is already deregulated. Mr Vlassis and the IGA outlets in the city are already competing against Coles and Woolworths. Perhaps it might be unknown to the Hon. Mr Pangallo, but there is actually a Coles in the CBD shopping district, there is actually a Woolworths in the CBD, and there are IGA outlets in the CBD. Shock horror! Mr Vlassis and other IGA outlets are successfully competing in the CBD, in a deregulated market, against Coles and Woolworths.

This occurs at the moment, and yet Mr Vlassis and the IGAs in the city are being used as an example of what is wrong with the reform. People have missed the point that the CBD has already been reformed. The CBD has already been reformed by the former Labor government.

One of the kernels of the Liberal argument is to let the suburbs have the same capacity as the CBD has. The CBD argument uses Mr Vlassis in advertising and media statements, etc., when he is already competing and has competed successfully against the Coles and Woolworths in the CBD. I am told that it has either been decided or is in planning that another IGA outlet will open up in the CBD, actually in the central area.

We have another IGA, a bigger one as I understand it, tied up with one of the bigger family groups, opening up in the CBD and competing directly with Coles and Woolworths. Why? Because, they say, 'We provide a niche in the market that people will come and support. We can compete with the Coles and Woolworths, and we will take them on in their own backyard'.

Mr Vlassis and the other IGA outlets—because it is not just his; there are a number in the CBD district, if you have a look at the map—in the city are already competing with Coles and Woolworths, and as I said, as I understand it, either already decided or commenced is a proposal for another, bigger IGA outlet somewhere in or around about the Rundle Mall. Contrary to the claims that this is going to destroy the independent retailers, you actually have the independent retailers taking on the big boys and girls in town and competing with them in the deregulated markets.

The other example I give in relation to that is the example I have given previously of the stupidity we have in Stirling and Mount Barker, and I will come back to that later. Let me just address part of that at the moment. Mount Barker is completely deregulated. You can trade whenever you like. You can actually trade on Christmas Day, Good Friday, ANZAC Day morning, 24 hours a day, 365 days a year—366 in a leap year—if you want to. It is completely free in Mount Barker, just up the road from where we are today.

In that particular locality, we have Coles and Woolies and Aldi but, shock horror, we have in the last two to three years, with a considerable amount of money being spent and a launch in November last year, a brand-new, or renovated, Foodland competing, and competing successfully, against the big boys and girls in Mount Barker. They have not been closed down because of the big boys there. There are competing, and competing successfully, against the big retailers because, again, they have an innovative product. They have their own market niche and they have a group of people who want to support them—who have supported them—and in their business case model they have made a judgement that they will continue to support them over the future. That was a Foodland. There is already a Mount Barker IGA, all of them trading on public holidays, together with Coles and Woolworths.

Just five minutes down the road at Littlehampton is a Foodland, which also trades from 7.30am to 9pm every day of the week, and on public holidays from 7.30am to 9pm as well. The IGAs and the Foodlands in a completely deregulated market, not too far from here, at Mount Barker are taking on the big end of town, as the Hon. Mr Pangallo would put it, and are competing, and competing successfully.

They are not downgrading; they are actually spending lots of their own money on upgrading and renovating their premises to compete, because they believe that the money is well spent because they are going to get their dollars back because of the customer support. In the two areas that we are talking about—Mount Barker, very close, and also the CBD—where we do have deregulation, the IGAs and the Foodlands are competing. They are expanding their options, contrary to the claims that have been made as part of this particular debate.

The next claim I want to address was a claim again made by the Hon. Tammy Franks. I just want to reject it out of hand. In her contribution in the council—and again for fear of being accused of misquoting, let me give you an exact transcript—she said:

> The South Australian people will start to ask why the Treasurer prioritises where a fridge is at the local Foodland over yet another death on a worksite.

On behalf of the government, I want to categorically rule that out. I think it is an offensive suggestion.

The new government is capable of walking and chewing gum at the same time. SafeWork SA has important responsibilities which in the past, under a Labor government, it has not implemented well in relation to investigating work deaths and injuries. There is a new boss in there trying to achieve change in relation to that, but on behalf of the government can I rule out categorically that there will be any diminution of the relative importance of workplace safety and worker deaths because workers are going to be diverted into examining shop trading laws.

There is a very small group within SafeWork SA that has always been responsible for public holidays, shop trading hours laws and those sorts of things. They will continue to have those responsibilities. There is a much bigger group that is responsible for workplace safety. With the

reforms that are being implemented at the moment, they will continue to have those particular responsibilities as well.

The Hon. Emily Bourke raised in her contribution a couple of things that I want to address. One of them was a claim she made in relation to the briefing on how the government had come up with the changes. Under this particular model we have moved away from this absurdity of having to measure 400 square metres and 200 square metres. I think the Hon. Clare Scriven said that that should be a relatively easy task and, by inference, what is the problem? The Hon. Emily Bourke said the government's response to why we were introducing this with a cap of 20 employees was, 'We just copied Victoria.'

Again, that is not the complete response. Let me put on the record the complete response. As I indicated in the second reading explanation, every other state has moved away from the square metre rule to a staffing model. Why? Because they had the same problems that we had. How do you actually measure what should or should not be included in a 400 square metre calculation or a 200 square metre calculation?

The staffing model in all the other states varies. In New South Wales the employee cap is four. In Western Australia it is 25. In Victoria it is 20. In Queensland the cap is 30. The Tasmanian cap for all businesses owned by a person or group of persons is 250. So it is correct to say that the number, the 20, that South Australia has proposed in this legislation is the same as the Victorian model. But what needs to be said is that every other state has recognised the absurdity and the complexity of the square metre rule, for reasons I have outlined and some of the members even conceded. Do you include—and the Hon. Clare Scriven said, clearly you should—the entrance areas? But some retailers—

The Hon. C.M. Scriven interjecting:

The Hon. R.I. LUCAS: Should exclude, yes, the entrance areas. Some retailers are actually arguing that the area where you purchase cigarettes from, where there is a generally a counter, a cupboard at the back that is closed, should be excluded because you can only see the cigarettes when you open it for the purchase but for the rest of the time you cannot. Therefore, the square metre rule, which in some areas is reasonably significant, should exclude the sale of tobacco products from the calculation of the 400 square metres. Give me a break. That is the sort of absurd argument that we are getting into at the moment.

We have retailers who are arguing to the government that when we calculate this 400 square metres you have to exclude the cigarette counter selling cigarettes. I am interested to know whether the Labor Party will support the fact that the sale of cigarettes within supermarkets should be excluded from the calculation of 400 square metres or not, because that is what some of the independent retailers are arguing.

The other argument going on at the moment is, in particular, the deli counter. The argument is that the goods which are displayed in the glass case, generally at the front of the deli counter, should count as part of the 400 square metre calculation, but the whole area at the back, where you might have meats hanging from hooks, clearly where the meat is being carved so that it can be displayed, or cheeses stored at the back so that they can be brought forward to the counter, that whole area at the back should be excluded from the 400 square metre calculation because that is not part of the supermarket. It is not part of the shop trading laws legislation.

They are the absurd arguments that are going on at the moment. That is the sort of provision that the Labor Party, dictated to by the shoppies union, is supporting. They are saying, 'Why move to a staffing model?' The Labor Party does not see any inherent problem in the square metre rule in relation to how it is applied. Every other state has moved away from it for obvious reasons. All this legislation is seeking to do is to similarly move away from the square metre rule to a staffing model, as exists in every other jurisdiction. The Hon. Ms Bourke also in her contribution said in essence:

> While the bill purports to provide protections for workers who may be opposed to working at 3am on a Sunday, it is silent on how workers who seek to keep their public holidays work-free will be treated.

Again, just to make it clear, the bill provides exactly the same protections that are in the current legislation—under a former Labor government. If there are claims in relation to–and it is hard to

contemplate under Labor governments the occasions where Labor governments have allowed 24-hour trading in some of the days before Christmas—too many outlets being opened at 3am in the morning, other than the On The Run supermarkets, which are obviously open at 3am on a Sunday, you have all those provisions and problems as exist at the moment and, rightly I guess, you would be applying the same problems to the On The Run supermarkets in terms of employees at 3am on a Sunday in those On The Run supermarkets, or the like, that are being canvassed.

Concluding the contribution from the Hon. Ms Bourke—and I think a number of other members raised this, to be fair—is the matter of the potential impact on jobs. Again, I repeat that following deregulation between 2003 and 2006, Tasmania experienced a 25 per cent growth in retail sales immediately after deregulation there. In that same period, Australiawide growth was only 16 per cent. Whilst no-one can definitively argue causality, certainly whatever evidence exists it is more arguable that the impact of deregulation down there saw an increase, or was a potential reason for the increase in retail sales at a significantly higher level in Tasmania after the deregulation because of those particular figures.

ADS data also showed that the employment in the retail trade in Tasmania increased in that particular period from 2002 to 2003 by 2,000 jobs on a base of 23,000, so just under 10 per cent increase in jobs in that one year. Sorry, this represented an 8.3 per cent retail jobs growth over the year, and the equivalent figures for average jobs growth across all other Tasmanian industries in that same period was 4.3 per cent. In that period immediately after deregulation in Tasmania, the jobs growth in retail grew at double the jobs growth in every other industry sector in South Australia at the time.

The other issue was one that the Hon Mr Pangallo raised, which was the issue of the IGA Foodland outlet at Thebarton. Let me quote, again, the Hon. Mr Pangallo:

> This owner, who is stridently opposed to deregulation, had only just finished enduring 12 months of severe disruption and trading losses while road construction workers dilly-dallied streetscaping George Street. Now they are ripping it up—

that is George Street—

> and all the new work has further renewed stress and anxiety for this hardworking businessman.

Mr Pangallo went into some rhetorical flourishes both in his press release and others, and accused the government, and myself in particular, of misrepresenting the owner of Foodland at Thebarton and the reasons for why he wanted the extension. Let me quote again, he says:

> …the Treasurer recently misrepresented the owner of the Foodland at Thebarton, who had again pleaded with the government for an extension of hours, not because of the coming Christmas period, as the Treasurer twiddled—

I am not sure if that is 'twiddled' or should have been 'tweeted', perhaps?

The Hon. F. Pangallo: Twiddled.

The Hon. R.I. LUCAS: Okay. He continued:

> …but because significant roadworks have recommenced outside his car park, and he is desperate to save his business.

Regarding the claim being made by Mr Pangallo, in first instance, as minister, we actually provided the extension of trading hours that the Foodland at Thebarton wanted, that is extended trading hours on weekends and through the week when, rightly, his claim was correct that there was disruption to his worksite because of roadworks in George Street. His Foodland, so I am advised, is on the corner of George Street and Dew Street. He has two entrances, one from George Street and one from Dew Street, and these roadworks, which were significant, were in George Street and were impacting.

He sought exemption and relief. We provided that relief in terms of extended trading hours. What the Hon. Mr Pangallo was saying is—and he may well have been advised of this, but I am just going to point out that he is, in fact, wrong and perhaps his advice was wrong—he says:

> Now they are ripping it up—

that is George Street again—

and all the new work has further renewed stress and anxiety…

As of last weekend and at the time when it was rejected a couple of weeks ago, an on-site inspection showed no further works being conducted in George Street.

The Hon. F. Pangallo: I have a video, if you want to have a look.

The Hon. R.I. LUCAS: I am happy to have a look. No further works in George Street, no further works in Dew Street. Where there are works is just around the corner in Maria and Albert streets.

The Hon. F. Pangallo: George Street. I have the video.

The Hon. R.I. LUCAS: No, in Maria and Albert streets. The on-site inspection last weekend indicates there is no roadworks outside George Street, as claimed by the Hon. Mr Pangallo. The advice that SafeWork SA provided me with was that, whilst it was correct in relation to the first exemption (that there were roadworks impacting one of the entrances to his car park), that there were no roadworks on this occasion impacting on the entrances to his car park, but that there were roadworks around the corner in Maria and Albert streets, I think are the names of the two streets.

As I said, there were a series of claims being made in this debate and publicly in relation to, in that case, me misrepresenting the position of the Foodland at Thebarton. I might say that this particular exemption that applied sought an exemption from here to allow him to trade on public holidays, not just extended hours on weekends, but he wanted to be able to trade on the October long weekend, and I think it goes through to the Christmas period as well. I am not sure whether it got to the new year but it certainly went to the Christmas period in terms of wanting to trade extended hours, weekends, through the week and on public holidays during that particular period.

Good luck to him. What we are seeking to do in this is: why should an individual owner who has a roadwork issue, either immediately out the front of his store or around the corner or whatever it is, have to come cap in hand to a minister? At least with the Liberal minister he has had the opportunity of getting support. A Labor minister dictated to by the shoppies union may well say, 'No, we are not going to do it,' may well say, 'We will not give you that exemption because that will weaken our shop trading laws in South Australia.'

We actually support greater freedom of choice. We would like the Thebarton Foodland operator to open whenever he wants to. He can open whenever he wants to and provide service to his customers, because clearly he is not asking for that on the basis that it is going to do harm to his business. He is asking for it on the basis that it is going to improve his business and improve his dollar flow-through in terms of his turnover. Clearly, his workers are prepared to work, and he wants to open. If customers want to shop, why should he have to come cap in hand every time and plead an excuse or find a new reason why he should get the extended trading hours that he wants? It makes no sense at all.

As an independent retailer, why can he not make a judgement, 'I will open now and on other occasions I won't open. When the shop car park entrance is being impacted, I will open for extended hours to try to keep my turnover up, but when the car park is not being impacted, I will go back to my normal trading hours.' Why should it not be a judgement for the individual retailer?

The other issue that has been raised by a number of members, in particular Labor members and a number of crossbenchers as well, has been the issue of the impact on workers (and their families) having to work on some public holidays. My challenge to the Labor Party in particular is where were they, or where are they now in saying the same thing to those workers (and their families) who have to work on public holidays in all of regional South Australia, including Mount Barker and in the CBD? Why are the workers in the suburbs of Marion, Tea Tree Gully, Elizabeth, Noarlunga and Port Adelaide different from the workers (and their families) who have to work in Adelaide, Mount Barker, Mount Gambier, Whyalla, Port Lincoln or the Riverland?

Why is it that there is a special category of worker and their family that deserves this particular protection but the Labor Party and the shoppies union says, 'Well, they deserve special protection but too bad for the workers who work in the CBD and in all of regional South Australia and their families.' No member of the Labor Party will address that issue, because there is no answer to

it. That is the reason they will not address it. It is just the hypocrisy of the Labor Party and the shoppies union in relation to these particular issues. There is one quality, one group of workers and their families who deserve protection but who gives a continental about all the other workers and their families?

The Labor Party does not. They can work, it can impact on their families, they cannot travel to the Riverland, they cannot play sport and all the other claims that have been made about the impact of this reform or legislation. We heard nothing from the Labor Party when they were abolishing 32 of the 37 proclaimed shopping districts in regional areas of South Australia or when they provided extended trading hours in the central business district of Adelaide.

As members would know, it is not just workers who live in Adelaide who work in the CBD on public holidays; there are workers in the suburbs who have to come into Adelaide to work. So why is it that a worker who lives in Tea Tree Gully and has a job in the CBD is not worthy of the protection the Labor Party says they deserve, but that if he or she has a job at Tea Tree Plaza, they should be protected from having to work on a public holiday? Again, there was no response and there will be no response from the Labor Party in relation to these issues.

I want to turn now to some of the criticisms that have been made by members in relation to what has been alleged as a lack of consultation on this issue. I want to put on the public record that I have been engaged in this debate for decades, but in recent times I have had countless meetings, discussions, telephone calls, email exchanges and text message exchanges with the two lobbyists on behalf of the independent retailers, Mr Colin Shearing and former minister, Graham Ingerson, in relation to these issues. Maybe at some stage some of those emails and texts would bear closer discussion, but certainly today is not the occasion for that.

I have had meetings organised by the lobbyists, together with Liberal leaders over the years, in recent times and dating back prior to the 2010 election, where the lobbyists, together with representatives of Drakes, Romeos and other independent retailers, met with the former leader, Isobel Redmond, and myself in relation to shop trading reform. To be fair, the independent retailers, the same as the shoppies union, have always opposed shop trading reforms. There is nothing new. It is new for the Hon. Mr Ingerson, because in 1997 or 1998 I remember circulating to him, after he had lobbied me the first time, a copy of his very persuasive speech, as a former minister in the Liberal government, arguing passionately for the reform of shop trading hours in South Australia.

But the world moves on, and people are entitled to take different positions as the world moves. I had a series of meetings dating back prior to 2010, because the independent retailers as a group knew the general policy position of the Liberal Party, and prior to 2010, prior to 2014 and prior to 2018 met extensively and, as I said, we had a free exchange of text messages, emails and correspondence all through that period.

I do not think anyone can say with any validity that there has been no consultation in relation to these issues. You can criticise the government's position, but you have no substance at all to say that there has been no discussion or consultation in relation to the government's position on these issues.

The next matter I want to address is the issue of costs. I pay tribute to great South Australian businesspeople like Roger Drake: Drakey has been very successful in growing a small business to a very successful business. I think he still describes himself as a master of public perception as a small businessman. I think he has more than 35 outlets in South Australia, and somewhere around 15 or 17 in Queensland. Good luck to him; he is a great South Australian businessman and he is entitled to every success.

There are others in the independent retail group, like Romeos, the Chapleys and others, who also have been very successful, and good luck to them. They have carved out a niche in the market, and a niche that is supported. They provide a difference in product from the bigger retailers.

The point that I have made before—and I want to put some facts on the record today in terms of independent material—is that it is fine for people in this chamber, who I would characterise as being in the more comfortable, better off or well-off sections of the South Australian community. Each of us are on at least just under a couple of hundred thousand dollars a year, so we are in the top percentile of income earners in South Australia.

Many come to this debate from that particular comfortable or well-off perspective. The notion of being able to make choices to buy more expensive goods and products is an easier choice for someone who is comfortable and well off. But, I want to speak up on behalf of the very many South Australians who are not comfortable and are not well off: the very many South Australians who are struggling to put food on their table each and every day of the week, and their voice is not heard in this particular debate; their voice is not being reflected in this debate.

Let me put on the record some independent analysis. This is a price survey done in March 2017 by Bankwest Curtin Economics Centre (BCEC), an analysis about the indicative cost of the weekly shopping trolley in capital cities. This independent survey found that the weekly shopping trolley cost for groceries and other items in the supermarket sector in Adelaide in March 2017 is $217.20. The indicative cost in what is referred to as a mid-priced store—this is in the supermarket area—is $288.50. The same shopping trolley of goods costs $71.30 more on a weekly basis in one of these mid-priced stores in South Australia. It is 24.7 per cent higher.

For those South Australian families who are struggling to put food and groceries on their kids' table, $71 a week is a significant difference. Why should struggling families not have the option, if they so choose, of going to the lower-priced retail outlet and spending up to $71 a week less on their food and groceries? Why should they not be able to go along to a lower-priced retail outlet and save up to $70 a week on a public holiday—in the suburbs of Port Adelaide, Noarlunga, Elizabeth and Munno Para—or early on a Sunday morning if they are a shift worker, or whatever it is, or later on a Saturday night or Sunday night if they are a shift worker?

It is easy for those of you who are comfortable and well off here, who can spend the money at whatever retail outlet you like because you make a choice—and good luck to you—because you have the dollars to be able to do it. Many other South Australians also have the capacity to do that, and good luck to them. There is a niche in the market which can be provided by these particular retail outlets. Why should trading laws prevent people who are struggling from week to week, from day to day, from getting the cheapest priced goods whenever they want to go and shop? Why should you stop them? Why should you have to live in Mount Barker to be able to do it, or why should you have to live in the Adelaide CBD to do it? Why should you have to do that sort of thing?

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition.

The Hon. R.I. LUCAS: Well, Mr President, you get to squeal on your own—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Restrain yourself, Leader of the Opposition!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, you are not going to get a question in question time. Right? That is the only sanction I can give at the moment. I will not have you intervene in a debate at this time of the debate. This is the summing-up of the debate.

The Hon. R.I. LUCAS: The reason why the Labor Party starts squealing in relation to this is because the soft underbelly of the Labor Party's argument has been exposed. They are out there supporting themselves and others who have the satisfaction and capacity to make a choice as to which particular shop they will shop at. Because some people who are struggling do not have the financial capacity and want to save up to $70 a week on their groceries, because they want to do that, the Labor Party is unprepared to support them.

The other thing I will put on the record is something which goes to show the support in the community, and how many in this particular chamber are unrepresentative about what consumers actually want. Roy Morgan released some research in July this year which I must admit stunned me. The summary says:

Supermarket brand ALDI is now the most trusted brand in Australia with improvements in ALDI's Net Trust Score—

The Hon. J.E. Hanson: In Australia?

The Hon. R.I. LUCAS: In Australia, yes. South Australia is part of Australia. I am not sure whether the Hon. Mr Hanson has quite worked that out yet—

Members interjecting:

The Hon. R.I. LUCAS: He hasn't quite worked that out yet, Mr President. This is indicating that—

Members interjecting:

The Hon. R.I. LUCAS: What this is indicating, Mr President, is that in relation to this independent research on the trustworthiness of brands—it looked at groups; it was not just retail outlets. It looked at Kmart, Bunnings, Qantas, Bendigo Bank, NRMA, the ABC, IGA, Australia Post and ING. It looked at a whole range of brands in a net trust score. People in this chamber have to recognise what the real people out in the community are saying.

If you had asked me, 'What is the most trusted brand in Australia?' I never would have contemplated that Aldi would have been voted by the people of Australia as the most trusted brand. What the Labor Party misses, and what Roy Morgan highlights, is that the success of Aldi's entrance to the Australian market has been built not only on discount prices but also a reputation for reliability and meeting the needs of consumers. The Labor Party and others, as they seek to demonise anyone other than the independent retailers—

The Hon. E.S. Bourke interjecting:

The Hon. R.I. LUCAS: As you seek to demonise anyone who is not an independent retailer in South Australia, you are missing the point of what is going on out there in the real world. There are a lot of struggling South Australian and Australian families who appreciate the fact that they can buy goods at a lower price because they are struggling to make ends meet. Good luck to the South Australians and Australians who have the money to make consumer choices in terms of their retail outlets, but do not deny the reality of the real world.

Members interjecting:

The Hon. R.I. LUCAS: You have lost touch with your base—

Members interjecting:

The Hon. R.I. LUCAS: They have lost touch with their base, Mr President, in relation to this particular issue, and it is the South Australian Liberal government—

Members interjecting:

The PRESIDENT: Order! I cannot hear the member.

The Hon. R.I. LUCAS: The South Australian Liberal government is standing up for the little people: the consumers who are struggling to make ends meet, the consumers who want cheap grocery prices, and the consumers who are struggling to feed their children. We are delighted to stand arm in arm with those consumers and struggling families in South Australia.

Members interjecting:

The Hon. R.I. LUCAS: Mr President, in relation to—

Members interjecting:

The Hon. R.I. LUCAS: I think we have agitated the troops. We have upset those on the other side.

Members interjecting:

The Hon. R.I. LUCAS: They do not like the home truths being sheeted home to them.

Members interjecting:

The PRESIDENT: Order! I cannot hear the member.

The Hon. R.I. LUCAS: You can assure yourself of preselection with the shoppies union if you get up, jump up and down and do the right thing. I am sure the Hon. Mr Wortley and others—

Members interjecting:

The Hon. R.I. LUCAS: I again want to highlight the fact that a significant number of independent retailers are trading lawfully, and I am advised unlawfully in some cases, on public holidays, before 11 o'clock on Sundays and extended hours through the week. What I do want to say, in relation to the list I am highlighting here, is that a number of these outlets are trading lawfully because they may well be under 400 square metres.

I do want to highlight the fact that a reasonable number of independent retail outlets in the suburbs are currently choosing to trade on public holidays. They are also choosing to trade in regional areas, when they have the choice to trade on public holidays or not. They are not required to, but they are choosing to trade in those particular areas.

If one goes to the Drakes group of stores for the October long weekend, for example, the following stores were all open from 9 o'clock to 5 o'clock on the Labor Day public holiday in October: the Bridge Road Market, from 7.30am to 10pm; in a regional area, Drakes Ardrossan Foodland, 9pm to 5pm; the Glen Osmond Road Market, from 7am to 10pm; and Drakes Grange Foodland, from 7.30am to 10pm.

Drakes in both Kingscote and Moonta were open: Kingscote from 10am to 4pm, and Moonta from 8am to 8pm. Drakes at Port Lincoln was open from 8am to 8pm. Drakes Sunnybrook in the metro area was open from 7.30am to 10pm on that public holiday, Drakes Walkley Heights Foodland from 7.30am to 9pm, Drakes Wallaroo Foodland from 7.30am to 9pm, and Drakes West Beach Foodland from 7.30am to 10pm.

If you look at the very many Drakes stores in Queensland—I think I said 17, but it looks like it is way more than that; it may well be over 20 by now—all of those stores traded normal hours or extended hours on the October long weekend. All 20 or so stores in Queensland chose to open during those hours.

Drakes and the other independent retailers are railing against extended trading hours and the impact it will have on families and workers, but all of those outlets in Adelaide—and others—choose as a business decision to trade when it is not required on public holidays. Clearly, Mr Drake and his company want to trade. Clearly, the customers in those suburbs around Glen Osmond, Sunnybrook and Walkley Heights and various other areas want to be able to shop extended hours. Some of them are starting at 7.30am on a public holiday.

Where are the Labor Party and the opponents railing against the impact on workers and families because the independent retailers in those areas have chosen to trade on public holidays? All the government's proposal is seeking to do is to allow the other retailers in South Australia and the suburbs to open and compete with a number of these Drakes and other independent retail outlets which are already opening.

As I said, some of them, on my advice, are over 400 square metres and have been trading, up until recently, unlawfully on public holidays and for extended hours. The hypocrisy, again, of the Labor Party and the opponents in relation to this is that it seems to be okay for independent retail outlets like Drakes to 'force their workers'—to use the Labor Party's view—and families to work in those communities on public holidays, but it is somehow wrong for somebody else to have the opportunity to trade in competition with Foodland and IGA.

This is not a case where Foodlands are not actually opening and they are going to be forced to open because a Coles or a Woolworths opens. This is a case where Coles and Woolworths are not open and Foodland has decided that the customer demand is so strong and the business case is so strong and their workers are so supportive—because they want the extra hours and the extra dollars—that they decide to open anyway. No-one is forcing them; they have just made the commercial judgement, the business judgement, to trade. Good luck to them. We want to see more of it. We just think everyone should be given the opportunity, not just them, and not just the IGA supermarkets because there is a loophole in the legislation through which they have been able to work.

I have highlighted the problems of the 24-hour service stations; I will not repeat that. I have referred to the absurdity of the situation in the hills, where Mount Barker is completely deregulated and a few kilometres down the road in Stirling you have a completely regulated shop trading market.

If anyone wants to go to Mount Barker, they can shop till they drop, to use the phrase, whenever they want, with Aldis, Woolworths, Foodlands, IGAs and whatever else there is. A few kilometres away—because there is line drawn between Stirling and Mount Barker—Mount Barker is allowed to do whatever it likes, but Stirling is not allowed. The absurdity of that has not been defended by anybody in the Labor Party or any of the opponents of the legislation. The reason why is there is just no response in relation to that.

Let me wrap up. As I said, much of this we would have discussed during the committee stage of the debate. Because, I am advised, we are unlikely to see a committee stage of the debate, I have taken the opportunity to extensively reply to all the claims that have been made in the debate. I will wrap up by saying that I think it is a tragedy for South Australia that what we see in South Australia in this particular case is a perfect indication of a problem when you have a union boss running a major political party. In the Hon. Mr Malinauskas, the member for Croydon, we have a former union boss, a union heavy of the shoppies union in South Australia. He has to do what the union tells him to do. There are so many people in this chamber and another chamber whose very preselections are reliant on the shoppies union supporting them. They have to do what the shoppies union tells them to do.

That is the problem you have with a party like the Labor Party purporting to be an alternative government, which is incapable of actually sitting back dispassionately and making a judgement in the public interest. The struggling families who might want to see cheaper grocery bills every week have to put that aside because the new bosses in the shoppies union have told the old boss of the shoppies union that he and the Labor Party are not allowed to support any further reform in relation to shop trading hours.

Can I say that today, from the government's viewpoint, is not the end of the battle. Today is the start of a long, relentless, continuous campaign leading through to 2022. We will be campaigning to provide the freedom of choice that more than 75 per cent of South Australians are demanding. As I said, this is not the end of the battle. We will commence a long, ongoing, continuing campaign in terms of sensible economic reform, sensible freedom of choice, because 75 per cent of South Australians want to see this sort of choice.

I will leave members with this question: why shouldn't the families in Elizabeth, Munno Para, Tea Tree Gully, Port Adelaide, Noarlunga and Marion have the same freedom of choice in terms of when they shop and where they shop as the residents in Adelaide and the residents in virtually every regional area of South Australia starting from Mount Barker have? That is a question the Labor Party cannot answer and will not answer.

The council divided on the second reading:

While the division was in progress:

The PRESIDENT: In the gallery, you are not entitled to take pictures of members who are seated.

Ayes 8
Noes..... 13
Majority..... 5

AYES

Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

NOES

Bonaros, C.	Bourke, E.S.	Darley, J.A.

NOES

Franks, T.A.	Hanson, J.E.	Hunter, I.K.
Maher, K.J. (teller)	Ngo, T.T.	Pangallo, F.
Parnell, M.C.	Pnevmatikos, I.	Scriven, C.M.
Wortley, R.P.		

Second reading thus negatived.

There being a disturbance in the chamber:

The PRESIDENT: Clapping is out of order.

FAIR TRADING (TICKET SCALPING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 June 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (12:44): I rise today to indicate Labor's support for this bill as proposed to be amended. South Australia is called the Festival State for a very good reason. We have world renowned events and festivals that are the envy of other states and, indeed, the rest of the world. Many of them are largely thanks to the great stewardship of Labor for the last 16 years, and the absolutely remarkable efforts of the most recent minister responsible for many of these events, the member for Mawson, Leon Bignell. We are renowned around the world. When former minister Leon Bignell was overseas, he called himself a minister because that is what he was at the time. South Australia and the people—

Members interjecting:

The PRESIDENT: Order! Order from the Liberal front bench. The member has a right to be heard in silence. Leader of the Opposition, please continue.

The Hon. K.J. MAHER: South Australians, and the people who come to these events from all over the world, should be free to enjoy these festivals and events without being gouged by ticket prices. We want to ensure events are accessible to as many people as possible and not put out of reach by ticket scalpers driving up ticket prices. Labor supports the bill as proposed to be amended because it puts in place a regime that will protect ticket purchasers.

I note the government has filed amendments on the bill. They are based on amendments that were proposed by and negotiated with the member for Reynell in another place and I am pleased the government has seen sense to take some of these very sensible amendments on board. I pay tribute to the marvellous work of the member for Reynell in another place in regard to her negotiation with the government to make this a better bill.

I note, however, that the ticket purchase cap has been removed because the government does not think it is necessary, and I am sure the government will explain exactly why they think that is the case. I know that one of the amendments inserts a review clause similar to the one agreed to in this chamber yesterday for gift cards, but I am sure the Treasurer will explain in great detail why the government does not think a ticket purchase cap is necessary. I am sure the Treasurer will indicate whether that cap will form part of the review. With those few words, I indicate our general support for the bill.

The Hon. T.A. FRANKS (12:46): I rise with great pleasure to welcome the Fair Trading (Ticket Scalping) Amendment Bill. The council would be well aware that I have raised the issue of ticket scalping many a time. Indeed, the ticket resale industry is worth billions and a lot of money is at stake. When a lot of money is at stake, opportunists often seek opportunities to gouge. Ticket scalping has become a scourge of the industry, particularly in this online world. It is something that the CEO of Ticketmaster equated to an airline fart. He stated:

> The on-sale process is like a mysteriously devastating aeroplane farter. Tickets leak out little bits at a time. Nobody can figure out where they are coming from and the whole thing reeks.

The industry itself has been crying out for fit-for-purpose legislation. I find it extraordinary that the previous speaker would even mention the member for Mawson in his contribution debate. This was a member who did not believe that ticket scalping was an issue, possibly because he had not often had to buy his own tickets to events, and who was forced into compromises on declaring major events around the AFL finals series in this state, usually under duress, and who oversaw a Major Events Act that pretended to have ticket scalping provisions but, indeed, provided cold comfort for consumers, performers, promoters and athletes alike.

When you could walk across the road from Adelaide Oval in a declared zone prohibiting ticket scalping and just on the other side of King William Road ticket scalping could go on unabated, or when you could make complaint after complaint, as my office did, about extraordinary levels of tickets being scalped even under the very minimal provisions that were afforded under the Major Events Act once it was declared, and they were not followed up by the office of consumer and business affairs, you did not actually have a fit-for-purpose piece of legislation that took ticket scalping seriously.

This legislation does take ticket scalping seriously, and I commend the government for bringing it forward. I wish to particularly thank both ministers that I have had conversations with in regard to this—minister Wingard and, indeed, the Attorney-General—and also those who have provided advice: Cara Knight, Damian Allison and Ingo Block variously from the department and ministerial offices. I acknowledge the commitments that have been made by Dini Soulio in terms of ensuring, as this government will do, that additional resources will be provided. I am sure many organisations have made submissions. Certainly, Live Performance Australia made submissions that this needs to be taken seriously and enforced.

The only question that I have at this point is an example that I would like to raise for the government to address specifically because it is not just the face price of a ticket; it is the gouging booking fees and how that will be addressed. One example that was given was that there was $900 being charged for Adele tickets but when the consumer bought that—and clearly that ticket price itself would fall foul of this legislation—at the final moment of pressing the button, a booking charge of an additional $900 was placed on that ticket as that consumer booked it.

So how will this legislation deal with those booking fees and hidden charges that may not necessarily be the face value themselves is my simple question for the government. We look forward to a strong committee process. We note that the government has gone out and properly consulted on this and we thank them for that. I also welcome the fact that there will be a review. Every bill like this should be reviewed and I hope that it will not be the job of the opposition or the crossbench to start inserting those review provisions into these pieces of legislation as they come forward.

The Hon. J.A. DARLEY (12:51): The purpose of this bill is to address the issue of ticket scalping, that is, the resale of tickets for an event for a profit. The bill proposes to do this by putting a limit on the amount that tickets can be resold for, and also limiting the number of tickets that a person can purchase. From what I understand, ticket scalping has existed for many years; however, it has become more and more of a problem in the past decade.

In the eighties and nineties, if people wanted to make a profit from reselling tickets, they needed to put in some legwork. For big events, scalpers would need to line up in order to secure a number of tickets in person from the ticket agent. In order to resell them, they had to advertise them in publications such as the *Trading Post* or stand out in front of the event in the hope of connecting with a fan who had been unable to secure tickets prior.

However, with the emergence of the internet, the ticket scalping game has changed dramatically. Most scalpers utilise bots to purchase mass quantities of tickets and then use online ticket resale platforms, such as Viagogo, to on-sell them, usually for a profit. This practice has meant that many true fans miss out on tickets simply because there are not enough to go around. It is virtually impossible to beat the bot software and regular punters often do not stand a chance to purchase tickets. As a result, scalpers are delivered a market which is desperate for tickets, a commodity they possess, and are free to sell them for an exorbitant profit.

It has been argued that one of the reasons ticket scalping occurs is because promoters and artists do not provide enough product for the demand; that is to say, that there are often only a limited

number of concerts performed by artists who are very popular and, therefore, only a certain number of tickets available. If more performances were put on, then demand would be lessened as would the marketplace for ticket scalpers. However, for promoters, it is risky to put on too many shows. It is far more profitable to offer a limited run of a show and sell out rather than hold several shows which have a lesser attendance per performance. The latter option may even cost the promoter money if not enough tickets are sold. Venues which are at a higher capacity also provide a better atmosphere for attendees.

Ticket scalping has now become such a big issue that it has become an entire industry unto itself. *The New York Times* estimated that 60 per cent of tickets are bought by scalpers and the resale industry is worth a whopping $8 billion per annum. There are websites and companies which have been established solely for the purpose of providing a platform to resell tickets. In fact, Ticketek, one of Australia's biggest ticket agents, established their own resale site. This move indicates that Ticketek are indifferent to the issue of scalping and regard scalping as part of the process for big ticket events.

America has gone down the line of prohibiting people from bypassing security measures put in place by ticket agents, and this has had the effect of making the practice of what the bots do illegal. I understand this has gone some way to stemming the tide of ticket scalping. I would be interested to hear if the government considered similar legislation here and, if so, why they chose to go down the path of a price cap instead? I commend the government on this bill.

Debate adjourned on motion of Hon. T.J. Stephens.

Sitting suspended from 12:55 to 14:15.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2017-18—
- Adelaide Festival Centre Trust
- Adelaide Festival Corporation
- Art Gallery of South Australia
- Auditor-General's Department
- Carrick Hill Trust
- Defence SA
- Department of the Premier and Cabinet
- Libraries Board of South Australia
- South Australian Museum Board
- State Opera of South Australia

By the Minister for Health and Wellbeing (Hon. S.G. Wade)—

SA Health's Response to the State Coroner's Findings on the Death in Custody of Anthony Vincent Sissons, dated June 2018

Ministerial Statement

FORD, MR F.

The Hon. R.I. LUCAS (Treasurer) (14:16): I table a copy of a ministerial statement made by the Premier in another place today on the subject of Frank Ford AM.

Parliamentary Procedure

SITTINGS AND BUSINESS

The PRESIDENT: Before we go to question time, can I alert honourable members to the proper practices on divisions: when the bells are ringing you go to your seats; upon the proposition being put, you then vote. You do not use it as an occasion for social interaction.

Question Time

ADELAIDE 500

The Hon. C.M. SCRIVEN (14:17): My question is to the Minister for Trade, Tourism and Investment. When was the minister first made aware that Supercars is considering changing its championship format? What representations have been made to you personally or to your office to get rid of the street circuit in Adelaide?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:18): I thank the honourable member for her question. The first that I became aware was when I read the article in *The Advertiser*, where Supercars were floating the concept of changing their format, as I mentioned yesterday at length, around having a split season, potentially summer or late summer-early autumn, not winter and the other back end of the season.

As I said yesterday, we are contracted with Supercars until 2021, and that contract includes hosting the opening race of the season. In relation to the second part of the member's question, as to what representations have been to me personally or to my office about getting rid of the street circuit, the answer is none.

ADELAIDE 500

The Hon. K.J. MAHER (Leader of the Opposition) (14:18): Supplementary.

The PRESIDENT: Leader of the Opposition, I will allow you supplementaries during this session.

The Hon. K.J. MAHER: Have all aspects of this first race for the season for the upcoming year been finalised—all aspects of the race and the entertainment around the race?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:19): I thank the honourable member for his supplementary. All aspects of the race are in their final stages. As I said yesterday in reply to a question from the Hon. Mr Pangallo, a sponsor has been identified and that will be announced some time in the near future. All other aspects of the race—sale of tickets, prices—will also be announced in the near future.

ADELAIDE 500

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): Supplementary arising from the answer: in relation to the first race of the season, why has there been such a delay, and why have you stuffed up the post-race concert and when will tickets be announced for that?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:19): I think it is a bit rude to accuse me of stuffing things up. The former government stuffed up and couldn't find a sponsor.

The Hon. K.J. MAHER: Point of order: the supplementary did not refer to anything about sponsorship. It was very specifically about the post-race concert.

The PRESIDENT: I am allowing the minister some latitude to respond to your question.

The Hon. D.W. RIDGWAY: Thank you, Mr President. The member, if he had been paying attention when he was a minister in cabinet with his colleagues, would understand that a lot of these things are quite linked. We have needed to lock down a sponsor so we can do some of the other components, and the sponsor wanted to know what some of the other components were. They go hand in glove. All that work is underway. The announcements are in the near future. There has been no stuff-up. There has just been somewhat of a delay to try to get a sponsor, because, of course, we had a government before that was unable to get a sponsor.

We saw just recently that National Pharmacies is sponsoring the Christmas Pageant. In fact, with the buoyant business conditions in South Australia, the Tourism Commission is experiencing people actually knocking on their door and wanting to sponsor events, something that I think the former government had not experienced, and the business community actually wants to get on board and help. I have even had people who missed out on the Christmas Pageant lobbying me, disappointed that they had missed out.

We are in an unusual environment. The Adelaide 500 will go ahead. A new sponsor will be announced. All the details will be announced in the near future, and I suggest the members opposite sit and wait, and all will be revealed soon.

The Hon. K.J. MAHER: Supplementary arising from the original answer.

The PRESIDENT: I saw the Hon. Mr Pangallo first. I will give you the call in a minute.

The Hon. S.G. Wade: Don't try to block out the crossbench.

ADELAIDE 500

The Hon. F. PANGALLO (14:21): With some rhetorical flourish here.

The PRESIDENT: You know I don't like that.

The Hon. F. PANGALLO: I have a supplementary: just in relation to the sponsor. I know you can't reveal the name of the company or persons involved. Could you tell us at least if it is a South Australian company, an interstate company or an international company?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:22): I would love to be able to tell the honourable member the details of it, but I am not able to today. We will be announcing the sponsor in the reasonably near future and all will be revealed as to who it is. I will make sure that I send a copy of the press release or a text message to the Hon. Mr Pangallo so that he is one of the first to know, but I am not able to release any of the details today.

ADELAIDE 500

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary arising from the original answer in relation to the first race of the season: the honourable member describes the stuff-ups as 'somewhat delays'; that is his euphemism for it. Will these 'somewhat delays' in this, the Tour Down Under and nearly everything else he touches, be part of the New Zealand-led review of his department?

The PRESIDENT: The question is out of order.

KANGAROO ISLAND

The Hon. E.S. BOURKE (14:22): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding Kangaroo Island tourism.

Leave granted.

The Hon. E.S. BOURKE: According to the SATC, the visitor spend on Kangaroo Island is $123 million, with the tourism sector providing around 700 jobs. A key component to boosting the sector is access to the island. In an ABC radio interview on 11 October 2018, the Minister for Transport, Infrastructure and Local Government claimed he was unaware if his department pays for dredging the Cape Jervis sandbar. This is despite the managing director of KI Connect saying he has written evidence stating the department refuses to do so. My question is: has the Minister for Tourism spoken to KI Connect or any other regional tourism operators to assist in resolving this issue? Given the government already funds dredging works elsewhere, is the minister willing to commit funds to support dredging at Cape Jervis?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:23): I have had discussions with KI Connect. I have met with them on Kangaroo Island and visited their ferry at American River. Unfortunately, I think it did have a small accident after I was there and it wasn't able to work for a little while. I have met with them.

Members interjecting:

The Hon. D.W. RIDGWAY: It wasn't as a result of me being on the ferry and it being overloaded. It was some other accident, I think, that they had where they accidentally hit something that was submerged with the propeller. That is my recollection.

In relation to the honourable member's questions about dredging, they really are matters for the Minister for Transport, Infrastructure and Local Government. I will take them on notice and talk to him about the budget. Tourism does not have a dredge or a budget for dredging; that is what minister Knoll's department does. I don't think they actually own a dredge, but they have a budget for it. That work needs to be done, if it's required to be done, by his department. So I will take that question on notice and refer it to him to bring back a reply.

The PRESIDENT: The Hon. Mr Pangallo, do you have a supplementary question?

The Hon. F. PANGALLO: Yes, it sort of segues into a question I had already prepared about Kangaroo Island.

The PRESIDENT: It is not a supplementary.

KANGAROO ISLAND

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Supplementary: does the minister think that a commissioner for Kangaroo Island may have been able to resolve this problem that he seems unwilling or incapable of getting involved in himself?

The PRESIDENT: It is hypothetical. I am ruling it out of order.

KANGAROO ISLAND

The Hon. E.S. BOURKE (14:25): Supplementary: considering this service to Kangaroo Island provides $123 million in tourism and around 700 jobs, don't you think that it is a responsibility of your portfolio?

The PRESIDENT: Minister, it does arise out of your original answer.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:25): I'm not quite sure what the question is. I'm not sure that the KI Connect service provides all of the support for the Kangaroo Island tourism industry. I am concerned when that ferry is not running or the SeaLink ferry is not running, because it is a vital connection. The Hon. Mr Pangallo proposed some weeks ago a bridge to Kangaroo Island, which looked fabulous on the front of *The Advertiser*, I must admit, but it would be somewhat expensive. I'm not sure the Treasurer would be interested in funding that.

The Hon. R.I. Lucas: Completely uninterested.

The Hon. D.W. RIDGWAY: I know that nobody ever wants toll roads, and I'm not sure the people of Kangaroo Island would see a toll on a multibillion-dollar bridge as a way to boost their economy. I am concerned when the ferries don't run, but those dredging and operational things are very much a matter of concern for the Minister for Transport, Infrastructure and Local Government. As I said to the honourable member, I am happy to refer that question to him around dredging and any other matters and bring back a reply.

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. J.E. HANSON (14:27): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding international tourism markets.

Leave granted.

The Hon. J.E. HANSON: In the SATC's September edition of Tourism News, the commission noted:

> The South Australian Tourism Commission (SATC) has recently undertaken a review of operations in our key international markets and has made a decision to suspend its India operations. As a result, we will no longer have a Regional Director for the South East Asia market and Dana Urmonas will be finishing her contract with the SATC, effective September 30.

This year's budget cut for international trade and marketing puts it down from 2017-18 levels of $16.334 million to $14.83 million for 2018-19. My question to the minister is: does the government

have any intention to reinstate international marketing to pre-Marshall government levels? Has the SATC made a judgement call that India is no longer a key target market?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:28): I thank the honourable member for his ongoing interest in international tourism and particularly India.

An honourable member interjecting:

The Hon. D.W. RIDGWAY: Of course, that's what he is angling for: a trip. India is an interesting market. I would advise members opposite that I travelled there for a week on my own in opposition—no support from government—to have a look at the market and meet some of the operators around tourism and around trade and investment and even things as interesting as blockchain and distributed ledgers. I met with the Bombay Stock Exchange, but that might be too difficult for some of the members opposite to grasp.

The Indian market is interesting. We had a South-East Asian South India representative in Singapore who operated across that area. We believe the Tourism Commission has made a judgement that they are going to dispense with that position. However, we have some other opportunities with our representative in Mumbai.

There was a bit of a database for some opportunities for India and in that region, and I am already having some discussions to see if we can share the database. We now have a new Department for Trade, Tourism and Investment, and people are not as narrowminded or narrowly focused as they were. India will still be an important market for us. We have an inbound trade mission from India in conjunction with the test cricket. We've got a number of people coming, and I expect there will be some really good opportunities.

Of the people I met when I was in India—and I am still in contact with them—there were two young entrepreneurs who play in the Indian wedding market. The Indian wedding market is a massive opportunity for South Australia. You have to understand that Indian weddings—and I have a family wedding in a couple of weeks today, Mr President—

The PRESIDENT: The Hon. Mr Ridgway, I'm being very tolerant and giving you leeway, but weddings is pushing my tolerance. I am going to allow you to go on, but do not disappoint me.

The Hon. D.W. RIDGWAY: Indian weddings, Mr President, are a massive—

The Hon. K.J. MAHER: Point of order, Mr President.

The PRESIDENT: Yes, the Leader of the Opposition.

The Hon. K.J. MAHER: You, sir, very wisely and correctly called him to order about straying well from the subject, and he has deliberately and wilfully disobeyed your ruling—

The PRESIDENT: Sit down!

The Hon. K.J. MAHER: —and I would suggest you don't let him—

The PRESIDENT: Leader of the Opposition, I am not upholding your point of order with that degree of sanctimony. I am allowing him on a short leash. If he goes too much on weddings, or even strays anywhere near a family member's wedding, he will be sat down.

The Hon. D.W. RIDGWAY: Mr President, I beg your forgiveness. I do want to quickly explain the Indian weddings are—

The Hon. K.J. MAHER: Point of order.

The PRESIDENT: No, sit! You stand and finish it quickly.

The Hon. D.W. RIDGWAY: —a massive tourism opportunity. Indian weddings—

Members interjecting:

The Hon. D.W. RIDGWAY: They don't want to hear the answer, Mr President.

The Hon. J.E. Hanson interjecting:

The PRESIDENT: The Hon. Mr Hanson, is this a supplementary or a point of order?

The Hon. J.E. HANSON: Supplementary, Mr President. I'm taking it the minister has finished.

The PRESIDENT: Well, do so at your own risk. Ask a supplementary.

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. J.E. HANSON (14:31): Outside of Indian weddings, what KPIs are actually used by the department, or is the minister is aware of, that were used when they decided to no longer continue with India as a key market?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:31): It was a decision made during the budget bilaterals as to where we needed to come up with some efficiencies. I am keen to point out there are lots of opportunities. As I said, we have the Indian trade mission and I am going to go back to the topic of Indian weddings. They are massive. They sometimes have—

The Hon. K.J. MAHER: Point of order—

The PRESIDENT: I don't need to hear the point of order. I can anticipate the point of order.

The Hon. J.E. Hanson interjecting:

The PRESIDENT: Are you up on a point of order, the Hon. Mr Hanson? Please sit.

The Hon. J.E. HANSON: No, I was going for a further supplementary, Mr President.

The PRESIDENT: The Hon. Mr Ridgway, show some courtesy to the Hon. Mr Hanson. That is testing my patience with Indian weddings. He asked you about KPIs. Stick to KPIs.

The Hon. D.W. RIDGWAY: Tourism numbers are a KPI, Mr President. We have a visitor spend of $8 billion by 2020. We are on target to get to that $8 billion by 2020. When we looked at the budget, there is a mess we inherited, as my colleague mentioned earlier. We have to look at how we can cut our cloth to fit the budget. The decision has been made to do away with the position in Singapore that was India and South Asia. We still believe we will get to our $8 billion by 2020. That is the KPI. So everybody who walks through my door, whether it is for an Indian wedding or any other thing they might be proposing, the advice I seek from tourism is: is this going to get to our $8 billion target at the same rate we are going or quicker? If it gets us the same rate, let's consider it. If it gets us there quicker, let's consider it.

We made a decision. I am sure that India will still continue to be a focus. Tourism Australia does some work. We have some trade activities happening in India, and we will continue to pursue the very lucrative opportunity of hosting Indian weddings here in Adelaide as well.

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. J.E. HANSON (14:33): Further supplementary: outside of visitor numbers and financials—obviously the amount that you are spending—what other KPIs were used in making this decision?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:34): Mr President, I don't think the honourable member understands.

The PRESIDENT: Don't debate the question.

The Hon. D.W. RIDGWAY: It is all about visitor spend. It is all about dollars in South Australia; 41 per cent of the visitor expenditure in South Australia happens in regional South Australia. It's obvious you don't care about that. It is about regional South Australia. When the decisions are made at the departmental level and operational level to make some judgements, they have made judgements based on where we get the best bang for our buck.

Clearly, the decision has been made that we can get to our $8 billion target and keep tourists in regional South Australia. There is something that I think not everyone realises: in regional South Australia the only labour-intensive industry left of any magnitude is tourism and hospitality. Everything else—farming, mining, manufacturing—uses machinery and technology to make them

more efficient, they have to. Hospitality is one of the few that is left that really underpins regional South Australia.

The KPIs that we look at are getting people here to tour South Australia; getting them to come and spend money and, if possible, stay a day longer. The RDA on Eyre Peninsula used this stat: that 40 per cent of the admissions to the Elliston Hospital were from tourists. So, not only do tourists underpin hospitality, pubs, cafes and hotels, they also underpin some of our other regional services. Of course, if you look in the Mid North, in the Flinders Ranges where Rawnsley Park is a good example: if they were running sheep, 1.5 staff; being involved in tourism, 21 staff. There are kids in the Hawker school; the Hawker township is more viable. They are the sort of KPIs—

The Hon. J.E. HANSON: Point of order, Mr President. We are now on the Hawker school; that's a long way from Mumbai; it's a long way from anywhere in India. I would just like him to come back to the question about what KPIs, other than visitor numbers and finance, were used in making the India decision.

The PRESIDENT: So your point of order is relevance, the Hon. Mr Hanson.

The Hon. D.W. RIDGWAY: They are the numbers—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! Leader of the Opposition, order!

The Hon. K.J. Maher: So Marty did it better. Just admit it.

The Hon. D.W. RIDGWAY: Well, he was your very good friend and you are displaying very similar traits to him, I can tell.

The PRESIDENT: Minister, you have the call to respond to a question from the Hon. Mr Hanson and not to carry on a private conversation with the Leader of the Opposition.

The Hon. D.W. RIDGWAY: The two KPIs that I look at are visitor numbers and visitor expenditure—that is what we want. We want to get more people in here and we want more visitors. I don't know what the Hon. Mr Hanson wants—less visitors and less spend. That may be the place that he wants South Australia to be but we want more visitors and more expenditure, and we will be unashamedly pursuing that over the next 12 years.

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. J.E. HANSON (14:37): Further supplementary arising from the original answer: who was consulted before the decision was made?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:37): Those final internal budget decisions are made by the South Australian Tourism Commission. I'm sure they consulted with the individuals involved. However, as I keep coming back, our target is to get to $8 billion by 2020 and boost the visitor numbers. That is our number one goal. The decision has been made and I believe that we will still get to that target and that goal by 2020.

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. J.E. HANSON (14:37): Last supplementary, I promise, Mr President, based on the answer I get. In terms of who was consulted, I heard that you are certain that your department did consult people. Is the minister willing to come back to me with who was consulted, after he has had an opportunity to talk to his department?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:38): It's an internal operational matter but I will make some inquiries and see what information I can bring back for the honourable member. However, I will reiterate that the two KPIs are $8 billion and visitor numbers. That's what we are after.

The PRESIDENT: The Hon. Mr Pangallo, is this a supplementary?

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. F. PANGALLO (14:38): This is a supplementary to the minister. Could the minister come back to the Legislative Council with an answer to this question: whatever became of the Indian trade office announced by former premier Mike Rann, I think back in 2007 or 2011, which suddenly disappeared off the radar?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:38): I thank the honourable member. I could spend another 10 minutes talking about that era in state politics but I could mislead parliament because I might not be in control of all of the facts. I do remember being on the Budget and Finance Committee with the now Leader of the Government here where there was an Indian guy that we exposed, I think, for probably taking more money from the taxpayers, Mr Pangallo, than he actually delivered. I will ask for some details around the history of the Indian trade office that was announced by the Hon. Mike Rann when he was premier and bring back some details, if I'm able to. They may be a bit sketchy. They may have been lost deep in the archives. I will also see if I can bring back some information on the whole India office.

SOUTH AUSTRALIAN TOURISM COMMISSION

The Hon. K.J. MAHER (Leader of the Opposition) (14:39): Supplementary question arising from the answer about international trade and marketing programs. Will such international trade and marketing programs form part of the New Zealand-led review of the minister's department?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:39): Is that a supplementary?

The PRESIDENT: I don't know why, but I'm going to allow him some latitude on that question. My compassion is overwhelming.

The Hon. D.W. RIDGWAY: Yes, it will. It is interesting the new Department for Trade, Tourism and Investment—it is the Premier's and the cabinet's wish that we have a much more focused approach to our international engagement. Under the former government, it was sort of somewhat of a scattergun approach. There were bits and pieces all over the place and people not quite sure. A good example is, the previous government closed all our trade offices. We have one in Shandong, one in Jinan and one in London in Australia House, which is funded by DPC and report to DPC but not to me, so I'm not quite sure what is going on when it comes to trade and engagement.

The Hon. K.J. Maher: You are not quite sure what is going on? That summarises—

The PRESIDENT: Leader of the Opposition, it is your question.

The Hon. D.W. RIDGWAY: You had the Leader of the Opposition's very, very good friend in the Hon. Martin Hamilton-Smith and he often spoke about his very intimate and close relationship with the Hon. Martin Hamilton-Smith. He was minister for trade. Then we had the former minister for tourism, his other very good friend, Leon Bignell. The three of them together are almost the Three Stooges or three wise men, I am not quite sure what you would call them. But, they didn't talk to each other. We are actually trying to have a much more unified approach: an outward-facing agency that engages with the world, so the left hand knows what the right hand is doing because all of the evidence we are getting is that it was a scattergun approach.

There was a massive amount of duplication across a whole range of agencies. You had the former minister for water—SA Water has an international engagement approach. You had the nature-based tourism activities that the former minister undertook. We have PIRSA doing international stuff. We have tourism doing international stuff. We have trade doing international activities. This review is to actually have a look at exactly how we need to structure. We have some pretty clear ideas. Look at New Zealand. They are the standout success story, in the last 15 years, of a modern economy—a little bit bigger than ours but much smaller that the national Australian economy—an agriculture and tourism-based economy, very similar to ours that has been an international success story.

I think it is a great opportunity to get them to come up with some fresh eyes just to have a look at our international and external engagement to make sure we get it right because, as you have seen, Mr President, over the last 16 years, we had 6 per cent of the population and 8 per cent of the exports. We now have 7 per cent of the population and not even 4 per cent of the nation's exports,

yet the rest of the nation has grown. We have also grown, but the rest of the nation has grown faster than us. They are some of the answers that we want. We are happy to have the New Zealand inquiry and look at what we are doing. We have limited resources in both finance and personnel. We want to make sure those resources are put to the best possible use to grow our economy.

Again, I go back to the Hon. Mr Hanson—we want to go beyond $8 billion. We want to have a target well beyond that at some point in the future. We want to try to get back to our share of the national pie. I don't think it's unreasonable for a new government to actually aspire to actually do our fair share of the lifting. We are not doing that on all the metrics: international students, immigration, trade, tourism. We are growing, but we need to grow more and we will look at wherever we can get advice and assistance to make sure that our final position in our final approach to the world is the best possible one we can have.

HOUSING HUB

The Hon. J.S. LEE (14:43): My question is to the Minister for Human Services about the Housing Hub. Can the minister please advise the council about the role of the Housing Hub in securing accommodation for people with disability in South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): I thank the honourable member for her question and for her interest in this area. As the transition to the National Disability Insurance Scheme progresses, the need to bridge the gap between the role of Disability SA matching clients to accommodation and the future arrangements under the National Disability Insurance Scheme will be important.

Historically, the search for housing for people with disability was not often transparent, requiring specialist insider knowledge or the skills of a Disability SA case manager. NDIS reform has identified how important it is to modernise the housing search experience and empower people with disability to have choice and control over decisions about the type of home most suitable to them. In response, the Department of Human Services has collaborated with the Summer Foundation to deliver an interim option. Over the next six months, we will be working together to trial and adapt Summer Foundation's accommodation management tool, the Housing Hub.

The website will capture data on the number of visitors, the types of housing they search for, and additional information that participants provide through the website on their housing needs and preferences. The Summer Foundation will publish a summary of specialist disability accommodation (or SDA) insights from The Housing Hub towards the end of sponsorship. The Housing Hub is now live in South Australia. Disability and housing providers can list their vacancies free of charge for the six-month period.

Providers are able to independently manage their properties and inquiries, with the option to receive support from The Housing Hub team where required. Access to the site is always free for people with disability, who can apply for vacancies based on not only their needs but on their likes and interests. Once DHS sponsorship has ended, it will cost housing providers $120 for the first time they list each property and $50 to advertise the property for subsequent vacancies. This is less prohibitive than the price of listing vacancies on mainstream websites. The Summer Foundation will consider a pricing strategy for a premium matching service as the website develops.

I was very privileged to attend the launch of The Housing Hub on 9 October. It was attended by Mr Luke Bo'sher, who is well known within the disability community as somebody who has quite a great deal of expertise in the matters of housing for people with disabilities, having had a role nationally in advocating for younger people with disabilities to be appropriately accommodated rather than being accommodated in aged-care facilities. I would encourage anybody who is interested, whether they are a tenant or a prospective landlord wanting to list a property, to check it out at www.thehousinghub.org.au and they will find very user-friendly information with a range of facilities there.

ADELAIDE PARKLANDS

The Hon. M.C. PARNELL (14:46): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment representing the Minister for Transport, Infrastructure and Local Government a question about the use of Adelaide's Parklands.

Leave granted.

The Hon. M.C. PARNELL: On 4 August 2016, I asked the then minister for police representing the then minister for the City of Adelaide a question about the Adelaide Parklands. Since then, we have a new government and a new minister. To remind members of the issue I asked about then, under section 23 of the Adelaide Park Lands Act 2005, if land within the Adelaide Parklands is no longer required for any of its existing uses the minister must ensure that a report concerning the state government's position on the future use and status of the land is prepared within 18 months and tabled in parliament. This report:

> …must include information on the condition of the land and on the action (if any) that would be required in order to make the land suitable for public use as park lands.

In 2016, I asked whether the then minister would be providing a report to parliament that properly addresses the legal requirements of section 23 of the Adelaide Park Lands Act. I asked this question in relation to six projects: the old Royal Adelaide Hospital site; the expansion of the Casino onto the Parklands; the Walker Corporation's proposed office block on the Parklands behind Parliament House; the proposed Walker Corporation retail buildings on the Festival Plaza directly behind this Parliament House on the Parklands; the proposed new CBD high school on the Parklands; and the O-Bahn project on the Parklands.

Some nine months later, on 9 May 2017, the then minister for the City of Adelaide responded saying that the government was seeking further advice on the preparation of section 23 reports on the development of the Casino and the Festival Plaza. It said that it did not need to prepare one for the CBD high school because the site had previously been used for educational purposes, but it possibly did need to prepare a report in relation to the O-Bahn. My question of the new minister is: when might we expect to see these reports tabled in parliament, as required under the Adelaide Park Lands Act?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:48): I thank the member for his question. I do recall, not the date, but I do recall him asking that question. He has always had a strong interest in the Parklands and it would be a pleasure to take that question on notice and to refer it to my colleague the Hon. Stephan Knoll in the other place and bring back a reply.

ADELAIDE OVAL PRICE INCREASES

The Hon. I. PNEVMATIKOS (14:49): My question is to the Minister for Trade, Tourism and Investment. Does the minister support the price increases for food and beverages at the Adelaide Oval announced today?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:49): Thank you, Mr President—

The Hon. R.P. Wortley: $6 for a Coke.

The Hon. D.W. RIDGWAY: Well, those—I thank the honourable member for her question. I'm actually not familiar with the price increases that have been announced today—

Members interjecting:

The Hon. D.W. RIDGWAY: Mr President, that is always a concern to families when attending these big sporting events at Adelaide Oval. The price of some of the hospitality can be quite cost-prohibitive, and I think that's why we see an increasing number of people packing their own lunch and taking their own drinks, which of course means that there's more gear to be inspected when they go in through the turnstiles. It is always a concern, but the price of these things—it is unfortunate.

Mr President, I know you are probably going to pull me up, but I remember that when I started school, a pie was 10¢ and one with sauce was 11¢. I wish they were still the same price today but they're not; time moves on. Unfortunately, we continually see price rises. They always seem like they are expensive. It's unfortunate. It does put pressure on families and larger groups going together, but I think that at the end of the day, the events that are put on at Adelaide Oval, it still fills. As long

as the Crows and the Power play good football, or the events that are put on are spectacular world-class events, I'm sure that we will still see high patronage at those events.

ADELAIDE OVAL PRICE INCREASES

The Hon. K.J. MAHER (Leader of the Opposition) (14:50): Supplementary: will the minister himself make any representations about the price increases and the huge cost of buying food and beverages at Adelaide Oval?

The Hon. R.I. Lucas: What was the price rise?

The Hon. K.J. MAHER: A full-strength beer is now $9.50. Does the minister think that's realistic, and does he think former minister Martin Hamilton-Smith would stand for this sort of thing?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:51): I might be a little unusual, but I usually go to the footy to watch the footy, not drink beer. I know the member opposite—obviously he does the opposite and goes and spends his time—

Members interjecting:

The Hon. D.W. RIDGWAY: Mr President, it is what we see. Unfortunately, the price of all of these commodities always goes up. It is always disturbing. There is a limited amount of money to go around in the economy—I know that. It's tough for families, as I said earlier, but at the end of the day, Adelaide Oval has made a decision. It's not something that the Minister for Tourism has control over, to be able to go and say, 'Hang on, Stadium Management Authority, that's too expensive; cut the price by a dollar.' They are entitled to put up the price.

It is a concern that if the price is too high, people may not go. But, in most cases they don't just go to have a drink, or a hamburger or hot dog; they go to watch what's on. I think that's what we see. We have the football—we have the Crows. Hopefully when they play my team, Carlton—

Members interjecting:

The PRESIDENT: Order! Have you finished?

ADELAIDE OVAL PRICE INCREASES

The Hon. K.J. MAHER (Leader of the Opposition) (14:52): Supplementary arising from the original answer: does the minister think former tourism minister Leon Bignell was out of line when he put pressure on and requested that prices remain affordable at Adelaide Oval?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:52): I'm not talking about Leon Bignell; he's a has-been.

Members interjecting:

The PRESIDENT: The Hon. Mr Hood.

TRADE, TOURISM AND INVESTMENT MINISTERS MEETING

The Hon. D.G.E. HOOD (14:53): Thank you, Mr President. My question is to the Minister for—

Members interjecting:

The PRESIDENT: Order! I cannot hear the Hon. Mr Hood.

The Hon. D.G.E. HOOD: Thank you, sir. My question is to the Minister for Trade, Tourism and Investment. Can the minister inform the council about recent discussions with other state and federal ministers at the Trade, Tourism and Investment Ministers' Meeting in Melbourne?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:53): I thank the honourable member for his ongoing interest in the trade and tourism ministers' meeting I attended earlier this month in Melbourne. I have sat next to the Victorian minister at the last two meetings and he said how pleased he was that there had been a change of trade ministers. He'd obviously had some interactions. It's strange—he's a Labor guy but we share a common dislike, probably, of the previous member. We hosted—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, I cannot hear the minister.

The Hon. D.W. RIDGWAY: Thank you, Mr President. As you may recall, we hosted the last meeting in Adelaide, and it was great to meet all of these people again. Discussions in relation to trade and investment included the 'team Australia' approach to international markets. There's a much more collaborative approach and we work closely. While it was sad to see all the upheavals for my federal colleagues in Canberra, one of the great things to come out of it was that a local senator, Senator the Hon. Simon Birmingham, is now the Minister for Trade, Tourism and Investment. Having a South Australian, and a person I regard as a friend, actually means there's some really good camaraderie and collaboration that goes on.

The 'team Australia' approach for international markets will be important. In a couple of weeks' time, we will have the CIIE, which is the China International Import Expo, which I will be attending on behalf of the government on 5 and 6 November this year. This is the first time the Chinese government have thrown their doors open and said to the whole world, 'Come in and give us your best shot.' Austrade have quite a large presentation. We only had about 11 or 12 exhibitors early in the piece; that has now grown to well over 20 and some have taken some quite large positions. I am looking forward to actually being part of that because there are some great opportunities.

Beston Global—you saw the Premier last week opening the mozzarella plant in Murray Bridge—will certainly be having a presence there. I think they have a 12-month presence in the supermarket. We are doing, if you like, an Australian supermarket that will showcase South Australian and other Australian products. That will be a particularly exciting opportunity. It is something that the Chinese government, if it is supported well, are going to do every November, so I think we need to make sure we have a strong presence there. If we happen not to be sitting, maybe some of the members opposite might like to jump on a plane—you can get direct flights up to China these days—and come along and participate.

We also did some collaboration on major events, especially on the incentive visits. Tourism Australia and Trade are now starting to sort of come together and work with us on that. We had some very good discussions around the free trade agreements and the likely timing of some more announcements that will continue to benefit South Australia.

We also had a presentation on international students. Obviously, we have quite a large number of our students coming from China, Malaysia and some of those areas. The international team are now looking at marketing into Mexico, Brazil and one other country that eludes me at the moment, but there are some really good opportunities to diversify our market for international students.

Broadly, the ministers agreed on a framework and guiding principles to collaborate and the need to share our sectoral priorities more with each other to grow our international trade pie by emphasising our common strengths. We also agreed that at major international trade events the states should work together in that vein as well.

An example of the collaborative spirit came on the day when the Hon. Michael Gunner MLA, Chief Minister of the Northern Territory and a Labor member up there, raised the importance of South Australia and the Northern Territory collaborating and putting aside all of our political differences. Clearly, they don't make very much wine, if any, in the Northern Territory. We don't have much barramundi. They have crocodiles. There is a range of things that we can do together.

I recall my very good friend the Hon. Caroline Schaefer talking about collaboration between the two states on supplying products over a longer period of time because we had such a wide range of climatic zones. Michael Gunner is very keen to pursue that. I am certainly going to pursue that from a trade point of view, and I am very keen to see my colleague the Hon. Tim Whetstone talk to them about shared goals when it comes to production as well.

In the afternoon, we moved to the tourism ministers' meeting. Items there discussed the International Visitor Survey, and the data that comes out of that is always important. Beyond Tourism 2020 is the target that the Hon. Mr Hanson doesn't seem to really grasp. Our share of that $130 billion

target is $8 billion by 2020. We had an update on the other states. I expect over time we will see, as we get closer to 2020, there will be some talk about what targets at 2025 and 2030 might be but, certainly, it was particularly good.

Tourism demand for infrastructure was a key on the agenda and also regional tourism. I think something that came out of my 19 meet the minister meetings around South Australia was the need to make sure we keep pushing people to the regions. So there has been a lot of work done to keep underpinning our tourism in the regions and we will continue to do it. It was invaluable for the Chief Executive of the SATC and I to understand the national picture because we are looking at how we fit into whatever the new strategy in the nation may be.

It was interesting. One of the things that we took to the last election was a bike trail between Adelaide and Melbourne. The Victorian minister reiterated his strong support for that. Tourism Australia are very interested in getting on board and supporting it, and the new tourism minister is also interested in seeing that work sort of come together so we can see it. We have committed some resources to looking at what the gaps are and coming up with a plan to fill those gaps, but clearly there are some really good opportunities to collaborate across state borders.

I think that is something that hasn't been done in the past. We have sort of gone to war with the other states. There are some areas we need to collaborate on, and tourism is one of those. We should not be precious and, if we can share people across the border, we should. In this case with cycling we have a wonderful opportunity to develop one of the world's iconic cycling touring routes to join two capital cities—one big international city and one boutique international city—and all the wonderful tourism assets of food, wine and scenery and opportunities that lie between the two. I am looking forward to that. I thank Senator Birmingham for chairing his first meeting, and I look forward to being at many more meetings where Senator Birmingham is the chair of that meeting.

TRADE, TOURISM AND INVESTMENT MINISTERS MEETING

The Hon. I.K. HUNTER (15:00): I direct a supplementary question to the minister with regard to his comments about a cross-border relationship on a bicycle trail between Adelaide and Melbourne. What financial commitment has the minister secured in this current budget to move that project forward?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:00): As we made an election commitment, our first commitment was to—

Members interjecting:

The Hon. D.W. RIDGWAY: —I said a moment ago, if the former minister had been listening—look at the gaps. A good gap, as the former minister for water would know—

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: The largest gap, Mr President, is probably the one between the ears of the opposition leader. The former minister knows—

The Hon. K.J. Maher: Just say, 'Not a cent.' That's the truth—say, 'Not a cent.'

The PRESIDENT: Order! Allow the minister to respond.

The Hon. D.W. RIDGWAY: We are looking at what assessment has been done at the moment, and we have a budget for it, but to look at the gaps. The former minister for water would know that one of our commitments is to have the trail go across the barrages. He would know that we would have to go across some private properties, so we have to do an assessment as to how—

The Hon. K.J. MAHER: On a point of order, Mr President: the supplementary had nothing to do with the route that the trail will take; it had all to do with whether there was a single cent committed to—

The PRESIDENT: Leader of the Opposition, I'm not upholding it because the minister is actually referring to certain parts of the trail, which I suspect will be particularly expensive or time consuming to sort out. Minister, continue with your answer.

The Hon. D.W. RIDGWAY: We have a preliminary budget of, I think, $400,000 to look at where the gaps are. I said that the former minister would know that there are some gaps from SA Water's viewpoint. He would know that that would have sent a shiver down the spine of SA Water when we said that we want to ride across the barrages—there is private property. I think there is about 16 kilometres of unsealed road on the eastern side of the barrages: they are the sorts of things on which we are spending this amount of money.

The Victorian election is on 24 November and both sides of politics there—Visit Victoria has already started a little bit of work on it and is very keen on it, as is the current minister. We suspect we will have a fairly solid picture of what are the gaps, and then an estimation of the actual costs.

I refer people to the New Zealand experience, where they did the trail from the top of the North Island to the bottom of the South Island. If I am wrong I will bring back a correction, but I think they invested about $60 million or $70 million New Zealand dollars in it over a number of years; it created 1,200 regional jobs, put $40 million into New Zealand's regional economy, and there are about 1.3 million people a year who ride on parts of that.

Mr Eagleson, who was the former chief of staff to the New Zealand Prime Minister, said that it is one of the best things they spent money on, that it got one of the best returns. So there is a small budget to identify the gaps. Then we sit down and say, 'What's it going to cost to fill the gaps and how do we fund it?' I suspect there will be a three-way funding thing between the federal government, the state government and the various local governments along the route.

INTERNATIONAL STUDENTS

The Hon. T.T. NGO (15:03): Supplementary to the previous answer by the minster: the minister mentioned an initiative in terms of attracting international students to the state. Was a 10 per cent target discussed with the departments along with the initiative for international students?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:03): There was not really a target discussed. It is an important part of our economy—we have 35,000 international students here, and we want to grow that number. The Premier has been on the record saying that he wants to double it. We want to grow it, and I do not think that we should put an upper limit on any of these things. Each state will be slightly different. We did not have a set target. I do not recall the ministers tossing around a target. I will check the notes from that meeting to ascertain whether there was a target.

My view is to get the framework right, get the policy right and host the maximum number that your community can cope with, because, as the honourable member would know, for every four international students who come into a town or a city like ours, one job is created. Then, of course, you have all the flow-on benefits of the family and friends who come to visit.

I know that in Melbourne when all the international students come back, the luxury clothes and apparel sales go through the roof, because they know that in places like Australia and the UK and others those luxury goods are not fakes, they are actually genuine articles. A lot of the international consumers come to buy that sort of stuff. I don't think you should ever put a lid on the number. You should actually make sure you can comfortably handle the student numbers, not overcrowd the city and not overcrowd the universities but make sure that we can cope with it. There should never be a top number on it.

Of course, it is also that those people have a wonderful experience. Everybody who has been to university, by and large nearly every one of them, has great memories of that time at university. A lot of these people go back to be community leaders, business leaders, political leaders and leaders of their country, and to have fond memories of Adelaide is really important. The more that we can have leaving our shores the better.

If we have 35,000 at the moment leaving our shores, with all 35,000 of them with fond memories of South Australia, we can double that and have 70,000 leaving the state each year saying, 'Wasn't it a great place! I need to get back there.' They have the friendships, the relationships, the networks they build. I honestly think you should never put a cap on it. You should just strive to have most people that you can cope with, to get the biggest possible benefit for them and for our South Australian economy.

TORRENS TO TORRENS PROJECT

The Hon. J.A. DARLEY (15:06): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment, representing the Minister for Transport, Infrastructure and Local Government, questions regarding the closure of small businesses due to the Torrens to Torrens project.

Leave granted.

The Hon. J.A. DARLEY: After eight years in business, owners Gareth and Emma Grierson announced on social media recently that Red Door Bakery and Croydon Social will be placed into the hands of liquidators due to the constant disruptions caused by the Torrens to Torrens project. This is a matter that has been widely discussed in the media. In an attempt to save their business and retain their 30 employees, the couple were forced to sell their family home. Unfortunately, their efforts could not overcome the devastating impact of three years of road works. The owners have expressed the need for the government to consider small business when capital works are undertaken. Sadly, they have seen many local businesses close due to the T to T project.

I am personally aware of other businesses that have had to close due to the disruption caused by government projects. This is in addition to the businesses that have managed to stay afloat albeit under extreme financial and emotional distress, but does not even begin to address the concerns of residents who have been affected by government projects like the Torrens to Torrens. My questions to the minister are:

1. Can the minister advise how many businesses have closed, rather than relocated, along the Torrens to Torrens project?

2. Has DPTI conducted any follow-up with these businesses that closed to find out how things could be done better and see if anything could have been done to save their livelihoods?

3. Did the Griersons request assistance from the government? If so, what was the result?

4. How many businesses have approached the government or DPTI indicating that the Torrens to Torrens project has affected their businesses?

5. What consideration has the government given to providing relief to businesses that are affected by capital works?

6. What plans does DPTI have in place now to avoid these problems in the future?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:08): I thank the honourable member for his question. I did spend some time on a select committee with him in the previous parliament, where we looked at a number of these issues. I know that he still has a strong ongoing interest in the disruption with infrastructure and land acquisition, and properties and businesses. It will be a pleasure to take that question on notice and refer it to the Hon. Stephan Knoll, the Minister for Transport, Infrastructure and Local Government, and bring back a reply.

INTERNATIONAL STUDENTS

The Hon. R.P. WORTLEY (15:09): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding international education.

Leave granted.

The Hon. R.P. WORTLEY: In the government media release dated 11 September 2018, entitled 'International students to drive South Australian economy', the minister is reported as saying:

> The State Government has already established the Ministerial Advisory Committee for International Education (MACIE) which meets quarterly to facilitate a coordinated approach across education institutions, peak bodies, government and private providers.

My question to the minister is: who is on the Ministerial Advisory Committee for International Education? How much are they being paid? When will the strategy be delivered?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:09): I thank the honourable member for his question. I am not sure whether he was listening yesterday, but I did speak about the Ministerial Advisory Committee for International Education (MACIE). I said that it had had one meeting, and a second meeting is next week, I think, on 23 October.

An interesting thing about the Labor Party is they want to know how much people are being paid. Actually nobody is being paid. They are actually doing it because they want to do it. There are the three universities, Torrens University, TAFE, SACE, a whole range of private providers and a couple of others whose names escape me at the moment. I put that on the record yesterday. They are not being paid. They are doing it because they actually care about the sector and they want to see international student numbers grow, and so does the government. That's why we have given StudyAdelaide extra resources to try to do it.

We want to bring all the stakeholders from across government and from across the sector together, because we recognise it as being an important part of our economy. I think it might have been $1.54 billion that it contributes to our economy. They were hoping that with that growth they might go past wine, but wine had a big uplift this year. I think it is close to $1.8 billion or $1.9 billion now, so international students will have to be comfortable with running quite an unfortunate $300 million or $400 million second to wine.

In regard to the strategy, the minister asked for a time line. We haven't developed a time line for releasing that strategy, but my instruction as minister is that I want it to happen quickly. We don't want to be having 10 meetings and a strategy in three years' time. We want things to happen quickly. We have an appetite in this state to grow our international student numbers. We've got discussions, as members would be well aware, between our two universities: University of Adelaide and University of South Australia. If the merger was to go ahead, they believe that lifts them into the top 100 around the world and the top five in Australia. Once that's established, they believe that could be worth another $100 million in international students just by virtue of the fact that we climb up the ladder into the top 100 and the top five in Australia.

There are some really good opportunities in the adult education sector and even the pre-university level. There is more and more interest from students who come in high school and stay on. I have mentioned him before, but it is interesting just to be reminded of Nicho Teng from Haneco Lighting. He is the developer behind the Westin Hotel at the post office site. He is also involved with the Wirra Wirra development and accommodation down there. He came here as a high school student and studied in South Australia. He went on to university and now is a major investor and a huge friend and great supporter of the South Australian economy.

In answer to the member's question, nobody is being paid. They are doing it because they want to grow the sector. The strategy will be released as soon it is available to be released.

INTERNATIONAL STUDENTS

The Hon. R.P. WORTLEY (15:13): Supplementary: who was on the advisory board?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:13): I said that yesterday. I don't have the names of all of the people. There were about 15 or 20 of them. I will take that on notice and bring back the names for the honourable member. I did cover this in reasonable detail yesterday. Maybe he was distracted and not listening. I will bring back the names for the honourable member, if he so wishes.

INTERNATIONAL STUDENTS

The Hon. R.P. WORTLEY (15:13): Supplementary: why did the government create a new ministerial advisory committee for international education but abolish the advisory committee for investment attraction?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:13): They were doing two different roles. This is one that is across government that is around making sure we get the ecosystem right here to attract international students. As I said, I don't want to bore the chamber, but it is a very important economic contributor to our economy; it is $1.5 billion. There is development, there is tourism—all of the wonderful things that happen with international students, an opportunity to grow.

Investment attraction was a different kettle of fish. That was something that your very good friend Martin Hamilton-Smith, who was a minister for trade and investment, had a board that was chaired by Rob Chapman from the Crows. The government made a decision that we thought that structure was not working as well as it should and we thought the best way forward was to abolish the board. We made that very clear as an election commitment, and we did it on 1 July. There have been no hard feelings, no disappointment from board members. We are moving on, and we are still growing the South Australian economy and we will continue to grow it with the strategies that we will implement.

ELECTIVE SURGERY

The Hon. J.S.L. DAWKINS (15:14): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding public hospitals.

Leave granted.

The Hon. J.S.L. DAWKINS: The minister assured the council earlier this week that there would be no cancellation of elective surgery today. Will the minister update the council on the management of elective surgery in South Australian hospitals?

The Hon. K.J. MAHER: Point of order, Mr President, in the question: I think the honourable member may have inadvertently misled parliament because the minister did not rule out that they would not be cancelled. He refused to get up and give the chamber this assurance. I ask the honourable member to perhaps reflect to see if he has inadvertently misled the chamber.

The PRESIDENT: I'm not upholding the point of order. The member has given a brief explanation about matters which are in accordance with his understanding. If they are incorrect, then the minister is going to have an opportunity to correct them. Minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16): I thank the honourable member for his question. The honourable member is quite right to recall that earlier this week I quoted into the record a statement by the SA Health executive directors of Nursing and Midwifery, which made it very clear—

The Hon. K.J. Maher: That's not what the question was. The question asked whether—

The PRESIDENT: Leader of the Opposition, I can't hear.

The Hon. S.G. WADE: Through you, Mr President, I thank the honourable member for their question and their ongoing interest in the South Australian health system.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: No; the Hon. Mr Hunter, I heard that. That is going down a path that won't assist the opposition benches. Minister, please start again.

The Hon. S.G. WADE: Through you, Mr President, I thank the honourable member for their question and their ongoing interest in the South Australian public health system. Today, South Australians can rely on their hospitals to provide scheduled surgery after the ANMF abandoned its industrial bans. Today is the day that the nurses' union had nominated to start cancelling elective surgery. Today, 44 South Australians are scheduled for elective surgery. Today, 44 South Australians and their families and the medical professionals who care for them have been freed from the anxiety—

The Hon. K.J. MAHER: Point of order, Mr President.

The PRESIDENT: Minister, just sit down, please. Point of order.

The Hon. K.J. MAHER: The honourable member asked a question about a guarantee that the minister gave, not any guarantee that others gave.

The PRESIDENT: Leader of the Opposition, I appreciate your concern that the Hon. John Dawkins' question gets answered, but I think on this sort of point of order it is up to the Hon. John Dawkins to raise any concerns he has with the response to his question. I am anticipating, given that it is a Liberal question to a Liberal, he is not going to be disappointed. The Hon. John Dawkins.

The Hon. J.S.L. DAWKINS: To the point of order, sir.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, can we just calm down?

The Hon. J.S.L. DAWKINS: I'll shout you down anytime you like. To the point of order, sir, my explanation was that the minister assured the council earlier this week that there would be no cancellation of elective—

The Hon. I.K. HUNTER: Point of order, Mr President.

The PRESIDENT: You can't have a point of order on a point of order.

The Hon. I.K. HUNTER: Well, that's what I'm saying. That's my point of order.

The PRESIDENT: Sit down!

The Hon. I.K. HUNTER: I don't think you can debate a point of order.

The PRESIDENT: I cannot hear the member's point of order. The Hon. Mr Dawkins.

The Hon. J.S.L. DAWKINS: I made that point because the Leader of the Opposition had verbalised what I had asked, and I just put that down as exactly what my explanation—

The PRESIDENT: Matter of explanation. The Hon. Mr Hunter, do you wish to pursue your point of order?

The Hon. I.K. HUNTER: No, sir. I always abide by your directions, obviously.

The PRESIDENT: Really? Well. Minister.

The Hon. S.G. WADE: I am very pleased that today the 44 South Australians who are scheduled to receive elective surgery—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —will receive that surgery. Today, 44 South Australians and their families and the medical professionals who care for them have been freed from the anxiety and uncertainty sown by the ANMF, egged on by Labor. Considering the bans were apparently ongoing—

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: —surgery for many more South Australians was put at risk. Labor's active support of the nurses' union highlights that Labor will always put unions before people. Faced with a union campaign threatening patient safety, they scared patients by suggesting that they would not get their care. Faced with a union threatening to defy an order of the industrial tribunal, they encouraged the law of the jungle in industrial relations. Faced with a choice between the unions or the people of South Australia, Labor backed the union.

Yesterday, even after the union had backed down, Labor members of this place did not step back. They continued to agitate against the government when we had averted a misguided and futile ban. In government and in opposition, Labor puts politics before patients. Today, the secretary of the ANMF admitted on radio that she had been approached by Labor to run as their candidate. She indicated that she did not take up the offer, but you have to ask whether Labor's support for the nurses' union bans were part of making way for a potential Labor candidate.

We know they lost the trust of the South Australian people. They will never recover the trust of the people as long as they continue to disregard patient welfare in the pursuit of political gain. Labor's Transforming Health deformed the South Australian public health system. Labor cut beds, they broke their promise and closed the Repat, they downgraded services at Modbury Hospital—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, you are trying my patience.

The Hon. S.G. WADE: —The Queen Elizabeth Hospital and the Noarlunga Hospital. They tried to close the neonatal unit at Flinders Medical Centre and they left the state with a $2.44 billion new hospital which doesn't even work properly. Labor in government mismanaged health and in opposition they continue to get in the way of good government. They continue to disrupt the government that is trying to fix their mess. The Marshall Liberal government will clean up Labor's mess. It won't happen overnight but we will work through the challenges in a methodical and consultative manner to improve health care in this state.

Bills

STATUTES AMENDMENT AND REPEAL (SIMPLIFY) BILL

Introduction and First Reading

The Hon. R.I. LUCAS (Treasurer) (15:22): Obtained leave and introduced a bill for an act to amend various acts to simplify administrative and other processes or to remove obsolete or out of date matter or practices, to repeal various obsolete acts and for other purposes. Read a first time.

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:23): I move:

That this bill be now read a second time.

The Statutes Amendment and Repeal (Simplify) Bill 2018 aims to reduce red tape and simplify regulation for businesses and consumers. The state government is committed to lowering the cost of doing business in South Australia. We are committed to creating an environment in which our businesses can operate competitively in the global economy. The government's red tape reduction strategy is about supporting businesses by putting in place efficient processes. This approach supports innovation in how government regulates and interacts with business to the greatest extent possible.

Regulatory barriers can also hinder competition and prevent small businesses from starting up. Inefficient regulation costs more than just time and money: it makes the economy less responsive to economic trends and global market forces. Amendments to 40 acts are included in the bill and include changes to 27 acts to add the option of publishing government notices online.

Twelve obsolete or unnecessary acts are proposed for repeal and the remaining changes support red tape reduction, most notably in relation to transport, licensing and registration. The bill contains some important reforms, which I will now detail. A significant component of the bill is the various amendments to the Motor Vehicles Act 1959. The package of initiatives reflect an ongoing commitment to supporting passenger transport, motor vehicle and goods transport improvements to support the local economy.

The transport reforms in the bill include: enabling automatic progression of a motorcycle licence after a period of 12 months, that is, removing the need for clients to attend a Service SA centre to have engine capacity restrictions removed from a motorcycle licence after completing 12 months on a restricted motorcycle licence; and providing more flexibility in the accepted means of verifying a learner's test that has been passed. This means that an applicant for a learner's permit will not be required to produce a certificate. Changes will also allow testing to be conducted by more delegated government employees. This will add to flexibility and create efficiencies.

The bill will amend the Road Traffic Act 1961 to allow low-risk public events to occur without the need for closing of public roads. Amendments to the Aquaculture Act 2001 will extend the maximum production lease term that can be given from 20 to 30 years, making the lease terms more attractive for financial institutions. The amendments will also clarify that if the public register includes a notation that a specified person has an interest in the lease, that person must also be provided with a copy of the written notice sent to the lessee, where the minister proposes to cancel the lease.

The Fisheries Management Act 2007 will be amended to clarify that a court has the clear discretion to reduce the number of demerit points that would otherwise apply if found guilty of offences under the act, where a person is liable to be disqualified from holding a fisheries licence and that disqualification would cause a level of hardship disproportionate to the offence committed. The amendments will also provide a head of power to make regulations that will allow greater

flexibility in the prescription of fees in the future, such that they may be prescribed to apply in different fishing seasons or may include methods of calculation or be varied according to specified factors.

The Irrigation Act 2009 will be amended to facilitate new investment in South Australia's irrigated agriculture sector by enabling irrigation trusts to adopt more efficient and fit-for-purpose business models. This is an industry-driven proposal responding to market barriers under the existing legislative scheme that will positively impact on irrigators, water supply and business productivity.

The Real Property Act 1886 will be amended to ensure the Registrar-General has the power to mandate electronic conveyancing in line with policy objectives. A further amendment will also allow a revocation of power of attorney or the death of a grantor of power of attorney to be noted on the electronic copy of the duplicate or copy of a power of attorney.

The Dog Fence Act 1946 will be amended to reduce red tape by allowing the minister to establish, vary the functions of, and abolish local dog fence boards by declaration. These powers are currently assigned to the Governor. The amendment has been recommended by the Dog Fence Board.

Provisions in the National Parks and Wildlife Act 1972 will be clarified, relating to the appointment of the director of National Parks and Wildlife. Currently, the act does not include a provision for the appointment of the director of National Parks and Wildlife. The appointment of the director will be simplified by introducing a process whereby the minister may appoint a person to the office of the Director of National Parks and Wildlife and a mechanism be provided whereby, if the director is absent and unable to discharge official duties, then the minister may appoint an employee to act in the role.

The bill includes amendments to 27 acts to create flexibility and include an option to publish notices online. The public notices reforms aim to decrease the cost associated with public notices advertisement and the time taken to publish those notices. Where it is considered the best option, publications of notices in newspapers will continue to play an important role, for example, in rural and remote communities where internet access is not always available.

The Statutes Amendment and Repeal (Simplify) Bill 2018 proposes the repeal of 12 spent and redundant acts. These will be removed from the state's statute books as they have fulfilled their purpose or are no longer required. For example, two similar acts, the Bank Merger (National/BNZ) Act 1997 and the Westpac/Challenge Act 1996, will both be repealed. These two acts enabled the transfer of assets and liabilities to new banking structures and, as such, have served their purpose.

Two rather antiquated pieces of legislation will also be repealed, the Statistics Act 1935 and the Redundant Officers Fund Act 1936. The amendments and repeals in the bill are the result of concerted and extensive engagement and collaboration with the business sector and community at large to deliver beneficial reforms and improve the competitiveness of the state. This engagement was done through the government's YourSAy platform, through face-to-face meetings with peak industry groups, an online survey of business, as well as encouraging written submissions from small business owners and individuals.

The changes announced today continue the government's regulatory reform agenda. This bill is a demonstration of the government's commitment to continuously looking for ways to reduce the red tape burden on business in this state, and to improving government processes to support the economy and services to the community. The Statutes Amendment and Repeal (Simplify) Bill 2018 is another important step in removing unnecessary red tape. It is removing the regulatory and administrative burden on business and the community, and improving the state's competitiveness.

In concluding the second reading, I make two further comments. One is a cautionary note to my friend and colleague the Hon. Mr Parnell, who, on a previous occasion, confessed that a particular provision in an omnibus simplify bill had snuck through without his appropriate due diligence and he was regretful of that some time after, him having voted in support for that particular provision. So my cautionary and advisory note to the Hon. Mr Parnell is to speak now during this debate or forever hold his peace. It will not be a sufficient defence to say some time down the track that he did not realise what he was voting for. These are comprehensive pieces of legislation and if he does have issues, now is the time to be raising them.

The other point I would make in relation to the nature of these bills, is that the normal committee stage will be somewhat complicated. No one officer of government is going to be an expert on every particular area of the government. That one officer, I suspect, will be able to talk about the overall shape and structure of the bill, consultative processes gone through, and be able to answer questions in relation to the detail of many of the aspects of the bill, but when it comes to the detailed provisions of the motor vehicles acts or fishing and aquaculture acts and those sorts of things, it is probably going to—and there is no rush on this—assist the passage of the bill if members can identify the issues in their second reading, and we can try to get comprehensive answers to that.

Secondly, during the briefings on the bill, if members have issues to be raised, then raise those issues so that the government and its officers can provide answers to members at that particular stage. I accept the fact that sometimes, at that particular stage, stakeholders might not have raised concerns with the opposition or crossbench parties and they might get raised subsequently. Again, we are happy to progress the committee stage in a measured way, and not rush it. If there are unidentified issues that are raised at a later stage of the debate, I think the only response may well be that if the officer advising on the bill does not have an answer, if need be we can take it on notice and bring back a reply or report progress on that particular aspect of the bill, proceed with others and see whether we can harmoniously progress consideration of what might be a complicated debate. With those words, I commend the bill to the council. I seek leave to have the detailed explanation of the clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the measure will commence on the day on which it receives the Governor's assent. However, some specified provisions will commence on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Aerodrome Fees Act 1998*

4—Amendment of section 6—Aerodrome operator may fix fees for arrivals, departures etc

The proposed amendment provides that if an aerodrome operator fixes fees, a notice setting out the fees must be published by the operator in the Gazette. The notice must also be published on the operator's website, in a periodical publication prescribed for the purpose or in a daily newspaper circulating in the State.

Part 3—Amendment of *Agricultural and Veterinary Products (Control of Use) Act 2002*

5—Amendment of section 20—Manner of making order

The proposed amendment provides that as soon as practicable after a trade protection order addressed as referred to in section 20(1)(b) is made, a notice setting out the date on which the notice is published, the terms of the order and the persons to be bound by the order must be published by the Minister in a manner and form that, in the opinion of the Minister, will be most likely to bring the order to the attention of the persons bound by it.

Part 4—Amendment of *Air Transport (Route Licensing—Passenger Services) Act 2002*

6—Amendment of section 5—Declared routes

This proposed amendment provides that the Minister must ensure that a copy of the relevant notice relating to a declaration under section 5 is published—

- on a website determined by the Minister; or
- in a newspaper circulating generally in the State; or
- in a newspaper circulating generally in Australia.

Part 5—Amendment of *Aquaculture Act 2001*

7—Amendment of section 25B—Cancellation of lease

The proposed amendment requires the Minister to give a specified person with an interest in an aquaculture lease noted on the public register a copy of the written notice given to the lessee relating to the proposed cancellation of the lease.

8—Amendment of section 28—Granting of corresponding licence for pilot lease

The proposed amendment allows public notice of the proposed grant of a pilot lease to be published on a website determined by the Minister instead of in a newspaper circulating generally in the State.

9—Amendment of section 35—Granting of production leases and corresponding licences in public call areas

The proposed amendments allow public notice of the proposed grant of a production lease and corresponding licence to be published on a website determined by the Minister instead of in a newspaper circulating generally in the State.

10—Amendment of section 36—Granting of production leases and corresponding licences if public call not required

The proposed amendment allows public notice of the proposed grant of a production lease and corresponding licence in respect of an aquaculture zone or part of an aquaculture zone not designated as a public call area to be published on a website determined by the Minister instead of in a newspaper circulating generally in the State.

11—Amendment of section 38—Term and renewal of production leases

Currently an aquaculture production lease can be issued or renewed for a term of 20 years, or such lesser period as is specified in the lease. The proposed amendments will enable production leases to be issued or renewed for terms of up to 30 years and will allow the Minister to extend the term of an existing production lease, on application by the lease holder, by such period as the Minister thinks fit (but only once and not beyond the thirtieth anniversary of the day on which the lease was granted or renewed).

12—Amendment of section 39A—Granting of research leases and corresponding licences

The proposed amendment allows public notice of the proposed grant of a research lease and corresponding licence to be published on a website determined by the Minister instead of in a newspaper circulating generally in the State.

13—Amendment of section 50—Grant of licences other than corresponding licences

The proposed amendment allows public notice of the proposed grant of an aquaculture licence other than a corresponding licence to be published on a website determined by the Minister instead of in a newspaper circulating generally in the State.

14—Amendment of section 60—Reviews

The proposed amendment corrects a drafting error.

Part 6—Amendment of *Associations Incorporation Act 1985*

15—Amendment of section 43A—Application for deregistration

This proposed amendment would allow the Commission to publish a notice of an application under section 43A in a manner and form determined by the Commission to be most appropriate in the circumstances.

16—Amendment of section 44—Defunct associations

This amendment would allow the Commission, by notice published in a manner and form determined by the Commission to be most appropriate in the circumstances, to give notice requiring an association to show good cause why it should not be dissolved.

Part 7—Amendment of *AustralAsia Railway (Third Party Access) Act 1999*

17—Amendment of Schedule—AustralAsia Railway (Third Party Access) Code

The regulator must undertake public consultation when the regulator is undertaking a review or considering adopting a guideline. The amendment would provide the regulator with the option of publishing on a website or in a newspaper a notice about the matter on which consultation is to occur.

Part 8—Repeal of *Bank Merger (National/BNZ) Act 1997*

18—Repeal of Bank Merger (National/BNZ) Act 1997

This Act is to be repealed.

Part 9—Repeal of *Corporal Punishment Abolition Act 1971*

19—Repeal of Corporal Punishment Abolition Act 1971

This Act is to be repealed.

Part 10—Amendment of *Correctional Services Act 1982*

20—Amendment of section 81E—Notice to victims to be published

This proposed amendment requires the CE to publish in the Gazette a notice notifying victims. The CE must also publish the notice on a website determined by the CE or in a daily newspaper circulating generally in South Australia and in a daily newspaper circulating generally in Australia.

Part 11—Amendment of *Crown Land Management Act 2009*

21—Insertion of section 18A

This clause inserts a new provision requiring the consent of the Minister responsible for the administration of the *Crown Land Management Act 2009* before a council resolves to exclude dedicated land from classification as community land in the circumstances described in section 193(4)(a) of the *Local Government Act 1999*.

Part 12—Amendment of *Dog Fence Act 1946*

22—Substitution of section 35A

New section 35A provides for the Minister, on the recommendation of the board, by notice in the Gazette, to establish a local dog fence board constituted of the persons specified in the notice for the area inside a dog fence specified in the notice, with the powers and duties specified in the notice.

23—Substitution of section 35C

New section 35C allows the Minister, on the recommendation of the board, by further notice in the Gazette—

- to amend or vary a notice under section 35A; or
- to abolish a local board and make provision for incidental matters.

Part 13—Repeal of *Economic Development Act 1993*

24—Repeal of Economic Development Act 1993

This Act is to be repealed.

Part 14—Amendment of *Emergency Services Funding Act 1998*

25—Amendment of section 20—Sale of land for non-payment of levy

The proposed amendment gives the Commissioner of State Taxation the option to advertise notice of an auction on a website determined by the Commissioner.

Part 15—Amendment of *Environment Protection Act 1993*

26—Amendment of section 28—Normal procedure for making policies

27—Amendment of section 39—Notice and submissions in respect of applications for environmental authorisations

The amendments proposed would provide for the option of publishing notices on a website or in a newspaper.

28—Amendment of section 46—Notice and submissions in respect of proposed variations of conditions

This amendment would provide the option to cause public notice of a proposed variation to be published in a manner and form determined by the Authority to be most appropriate in the circumstances.

29—Amendment of section 69B—Sale and supply of beverages in containers

A correction is made to the penalty provision in section 69B of the principal Act (incorrectly specified by a recent amendment Act —the Environment Protection (Waste Reform) Amendment Act —as $4000). It is proposed to be returned to its previous level of $30,000.

Part 16—Amendment of *Explosives Act 1936*

30—Amendment of section 25—Power to sell explosives

The amendment would allow a call for public tender under the section to be published on a website determined by the Director or in a newspaper.

Part 17—Amendment of *Fire and Emergency Services Act 2005*

31—Amendment of section 78—Fire danger season

The amendment would allow the Chief Officer's order fixing a fire danger season to be published in the Gazette and also on a website, in a State-wide newspaper or in a local newspaper.

32—Amendment of section 105F—Private land

A notice to take specific action may be published on a website or in a local newspaper if the responsible person cannot be served personally or by post.

Part 18—Amendment of *Fisheries Management Act 2007*

33—Amendment of section 44—Procedure for preparing management plans

The proposed amendment allows public notice of the Minister's intention to prepare a management plan to be published on a website determined by the Minister instead of in a newspaper circulating generally in the State.

34—Amendment of section 54—Application for licence, permit or registration

The proposed amendments remove the requirement for applications to be signed and provide for fees to be prescribed by the regulations rather than fixed by regulation.

35—Amendment of section 57—Transfer of licence or permit

The proposed amendments remove the requirement for applications to be signed and provide for fees to be prescribed by the regulations rather than fixed by regulation.

36—Amendment of section 64—Applications for registration

The proposed amendments remove the requirement for applications to be signed and provide for fees to be prescribed by the regulations rather than fixed by regulation.

37—Amendment of section 68—Issue of duplicate authority

The proposed amendment provides for fees to be prescribed by regulation rather than fixed by regulations.

38—Amendment of section 104—Demerit points for certain offences

This proposed amendment provides a court with guidance in deciding whether to reduce the number of demerit points incurred by a person on being found guilty or expiating an offence.

39—Amendment of section 116—Registers

The proposed amendments provide for fees to be prescribed by regulation rather than fixed by regulations.

40—Amendment of section 127—General

The proposed amendments make it clear that the regulations may—

- prescribe fees for the purposes of the principal Act and regulate the payment, refund, waiver or reduction of such fees; and
- prescribe various methods for the calculation of various fees; and
- prescribe fees which may be differential, varying according to any factor stated in the regulations; and
- prescribe amounts payable for the late payment of fees under the principal Act.

Part 19—Amendment of *Gaming Machines Act 1992*

41—Amendment of section 29—Certain applications require advertisement

The proposed change provides that the required notice—

- must be published in the Gazette and on a website; and
- may be published in a State-wide newspaper or in a local newspaper.

42—Amendment of section 42A—Advertisement of certain applications and objections

The publication by the applicant of notice must be advertised in the Gazette and on a website or in a State-wide newspaper.

Part 20—Amendment of *Geographical Names Act 1991*

43—Amendment of section 11B—Assignment of geographical name

This clause amends section 11B by establishing the publication requirements for a notice under subsection (2) to be in the Gazette and on a website or in a local newspaper.

Part 21—Amendment of *Government Business Enterprises (Competition) Act 1996*

44—Amendment of section 11—Public notice of investigation

This clause substitutes section 11(1) of the principal Act to provide that the Commissioner may determine the manner and form of a notice of investigation.

Part 22—Amendment of *Heavy Vehicle National Law (South Australia) Act 2013*

45—Amendment of section 10—Other declarations for purposes of Heavy Vehicle National Law in this jurisdiction

This amendment updates the references to reflect recent changes to the Law to declare the Magistrates Court to be the relevant tribunal or court for the purposes of section 590D as well as section 556 of the Law.

Part 23—Repeal of *Housing Loans Redemption Fund Act 1962*

46—Repeal of Housing Loans Redemption Fund Act 1962

This Act is to be repealed.

Part 24—Amendment of *Impounding Act 1920*

47—Amendment of section 25—Notice of impounding

The amendment will allow for the publication of a notice to be in a newspaper or on the Department's website.

48—Amendment of section 26—Poundkeeper may charge for service of notice

49—Amendment of section 32—Proceedings prior to sale by poundkeeper of unclaimed cattle

50—Amendment of section 33—Time and mode of sale of impounded cattle

The other proposed amendments are consequential on the changes made to section 25 of the principal Act.

Part 25—Amendment of *Irrigation Act 2009*

51—Amendment of section 14—Dissolution on application

52—Amendment of section 15—Dissolution on Minister's initiative

The proposed amendments to sections 14 and 15 of the principal Act facilitate the vesting or attachment of irrigation trust property, rights and liabilities in 1 or more persons on the dissolution of the trust. However, if that is not practicable or appropriate, the property, rights and liabilities will vest in or attach to the Crown or an agency or instrumentality of the Crown (including a Minister), as specified by the Minister.

53—Repeal of section 16

This clause repeals section 16 of the principal Act. Section 16 concerns the disposal of property on the dissolution of a trust. Those matters are now covered by the amendments to sections 14 and 15.

Part 26—Repeal of *Liens on Fruit Act 1923*

54—Repeal of Liens on Fruit Act 1923

This Act is to be repealed.

Part 27—Amendment of *Livestock Act 1997*

55—Amendment of section 37—Gazette notices

This clause amends the provision to enable the relevant notice to be published on a website determined by the Minister.

Part 28—Amendment of *Local Government Act 1999*

56—Amendment of section 44—Delegations

Section 44 currently requires councils to review delegations in force under the section at least once in every financial year. As amended by this clause, the section will instead require councils to review delegations within 12 months after the conclusion of each periodic election.

Part 29—Amendment of *Marine Parks Act 2007*

57—Amendment of section 14—Procedure for making or amending management plans

Publication procedures are updated and simplified in this amendment with Gazette and newspaper notices replaced by notices on a website determined by the Minister.

Part 30—Amendment of *Maritime Services (Access) Act 2000*

58—Amendment of section 43—Review and expiry of Part

The amendments by this clause to section 43 of the principal Act alter the publishing requirements for giving notice of a review of the operation of Part 3 of the Act as it applies to particular industries.

Part 31—Amendment of *Motor Vehicles Act 1959*

59—Amendment of section 38A—Reduced fees for pensioner entitlement card holders

This clause amends section 38A to remove the reference to the 'State concession card' which no longer exists.

60—Amendment of section 38AB—Registration fees for trailers owned by pensioner entitlement card holders

This clause amends section 38AB to remove the reference to the 'State concession card' which no longer exists.

61—Amendment of section 47C—Return, recovery etc of number plates

This clause amends section 47C so that the Registrar is not required to direct the owner of a motor vehicle to return number plates to the Registrar when the registration of the vehicle expires, is void or is cancelled other than on the owner's application. The amendment will allow the Registrar to direct the owner to destroy the plates or ensure that they are securely stored so that they cannot be affixed to a motor vehicle that is driven on a road or allowed to stand on a road.

62—Substitution of section 72

This clause substitutes section 72.

72—Classification of licences

Subsection (1) provides that a licence must be assigned 1 or more prescribed classifications.

Subsection (2) provides that subject to the Act, if a person applies for the grant or renewal of a licence and the licence is granted or renewed (as the case may be), the Registrar must ensure that the licence is assigned the classification for which the person has applied.

Subsection (3) provides that if—

(a) an applicant for the renewal of a licence applies for the licence to be assigned any further or other classification; and

(b) the Registrar is satisfied that the applicant is competent to drive a motor vehicle in respect of which that further or other classification is required under this Act,

the Registrar must ensure that the licence, if renewed, is assigned that further or other classification.

Subsection (4) provides that if the Registrar is satisfied that a person who holds a licence is competent to drive motor vehicles for which a licence assigned a further or other classification is required under this Act, the Registrar must ensure that the licence is assigned the appropriate further or other classification.

Subsection (5) provides that the Registrar may, for the purposes of this section, require a person who holds a licence or applies for the grant or renewal of a licence to provide evidence to the satisfaction of the Registrar of the person's competency to drive motor vehicles for which a particular classification is required under this Act.

Subsection (6) provides that the regulations may provide that, for the purposes of this Act, a person is to be taken to hold a licence that is assigned a particular classification if the person has held a licence of some other classification for a prescribed period (the *qualifying period*).

Subsection (7) provides that, subject to the regulations, a classification assigned to a licence must be endorsed on the licence.

Subsection (8) provides that for the purposes of the Act, in determining whether a person has held a licence for the qualifying period, any period during which—

(a) the person's licence was suspended; or

(b) the person was disqualified from holding or obtaining a licence in this State or in another State or Territory of the Commonwealth,

is not to be taken into account.

63—Amendment of section 79—Examination of applicant for licence or learner's permit

This clause amends section 79 to allow the Registrar to accept evidence (other than a certificate) that an applicant has passed a theoretical examination. It also broadens the definition of tester to include persons or classes of persons to be authorised by the Registrar as testers.

64—Amendment of section 80—Ability or fitness to be granted or hold licence or permit

65—Amendment of section 141—Evidence by certificate etc

66—Amendment of section 145—Regulations

These clauses make minor amendments that are consequential on the substitution of section 72.

Part 32—Amendment of *National Parks and Wildlife Act 1972*

67—Amendment of section 5—Interpretation

The definition of *Director* is updated reflecting new appointment procedures in section 11A. *Public notice* is defined as notice published on a website determined by the Minister.

68—Insertion of section 11A

New section 11A (headed Director of National Parks and Wildlife) is inserted governing the appointment of the Director.

69—Amendment of section 38—Management plans

Publication of the notice in subsection (3) need now only be on a website determined by the Minister, and not in the Gazette or a newspaper.

70—Amendment of section 41A—Alteration of boundaries of reserves

Publication of the notice in subsection (2) need now only be on a website determined by the Minister, and not in the Gazette or a newspaper.

71—Amendment of section 49A—Permits for commercial purposes

Publication of the notice in subsection (1) and the recommendations in subsection (4) need now only be on a website determined by the Minister, and not in a newspaper.

72—Amendment of section 60D—Code of management

Publication of the notice in subsection (5) need now only be on a website determined by the Minister, and not in the Gazette or a newspaper. Publication of the notice in subsection (7) need now only be on a website determined by the Minister, and not in a newspaper.

73—Amendment of section 60I—Plan of management

Publication of the notices in subsections (4) and (7) need now only be on a website determined by the Minister, and not in the Gazette or a newspaper.

Part 33—Amendment of *Payroll Tax Act 2009*

74—Section 95—Assessment if no probate within 6 months of death

This proposed amendment replaces the requirement to publish the notice in a newspaper with a requirement to publish the notice on a website, with publishing in a newspaper to be optional.

Part 34—Amendment of *Petroleum Products Regulation Act 1995*

75—Amendment of section 34—Controls during periods of restriction

This amendment would allow notice of directions to be published in the Gazette, on a website determined by the Minister or in a newspaper.

76—Amendment of section 38—Publication of desirable principles for conserving petroleum

This amendment would allow desirable principles to be observed to be published in the Gazette, on a website determined by the Minister or in a newspaper.

Part 35—Amendment of *Phylloxera and Grape Industry Act 1995*

77—Amendment of section 18—Duty to prepare and maintain five year plan

This amendment would allow the Board to publish a notice of the date, time, place and purpose of a public meeting on a website determined by the Board or in a newspaper circulating generally throughout the State (or both).

Part 36—Amendment of *Prices Act 1948*

78—Amendment of section 12—Accounts and records in relation to certain declared goods and services

The proposed amendment would allow the choice between publishing the notice in the Gazette, or in a newspaper, or on the Commissioner's website.

Part 37—Amendment of *Primary Industry Funding Schemes Act 1998*

79—Amendment of section 9—Management plan for fund

This clause would allow the person or body administering the fund to publish notice of a public meeting to be convened in a manner and form that, in the opinion of the person or body, will be most likely to bring the notice to the attention of members of the public.

Part 38—Amendment of *Public Assemblies Act 1972*

80—Amendment of section 4—Notice of assembly

This amendment would provide for the option of publishing a copy of an objection to an assembly on a website determined by the Minister.

Part 39—Amendment of *Rail Safety National Law (South Australia) Act 2012*

81—Amendment of section 7—Exclusion of legislation of this jurisdiction

The amendment made to section 7 by this clause clarifies that certain South Australian Acts do not apply the Act, the *Rail Safety National Law (South Australia)* or to instruments made under the Law except as applied by the Law.

Part 40—Amendment of *Railways (Operations and Access) Act 1997*

82—Amendment of section 7A—Review and expiry of access regime

The amendment provides for the regulator to give reasonable notice of the review of the access regime, by publishing a notice in a manner and form determined by the regulator to be most appropriate in the circumstances, inviting written submissions on the matters under review within a reasonable time specified for the purpose in the notice.

Part 41—Amendment of *Real Property Act 1886*

83—Amendment of section 3—Interpretation

This amendment makes it clear that a form approved by the Registrar-General may be an electronic form.

84—Amendment of section 54—Form of instruments and manner of lodgement

Under section 54, the Registrar-General may not register an instrument that does not comply with the Act and is not in the appropriate form. Under the section as amended by this clause, the Registrar-General may also approve the manner in which instruments are to be lodged.

85—Insertion of section 160A

The effect of this proposed new section is that a requirement for entry of a note of the revocation of a power of attorney, or of the death of the grantor of a power of attorney, to be made on the duplicate or copy of the power of attorney will be satisfied if a note of the revocation or death is entered on an electronic copy of the duplicate or copy.

Part 42—Repeal of *Redundant Officers Fund Act 1936*

86—Repeal of Redundant Officers Fund Act 1936

This Act is to be repealed.

Part 43—Amendment of *Road Traffic Act 1961*

87—Amendment of section 33—Road closing and exemptions for certain events

This clause amends section 33 so that on the application of any person interested, the Minister may declare an event to be an event to which section 33 applies and may do either or both of the following:

- make an order directing that specified roads (being roads on which the event is to be held or roads that, in the Minister's opinion, should be closed for the purposes of the event) be closed to traffic for a period specified in, or determined in accordance with, the order;
- make an order directing that persons participating in the event be exempted, in relation to specified roads, from the duty to observe an enactment, regulation or by-law prescribing a rule to be observed on roads by pedestrians or drivers of vehicles.

Part 44—Repeal of *Sex Disqualification (Removal) Act 1921*

88—Repeal of Sex Disqualification (Removal) Act 1921

This Act is to be repealed.

Part 45—Repeal of *Snowy Mountains Engineering Corporation (South Australia) Act 1971*

89—Repeal of Snowy Mountains Engineering Corporation (South Australia) Act 1971

This Act is to be repealed.

Part 46—Repeal of *Statistics Act 1935*

90—Repeal of Statistics Act 1935

This Act is to be repealed.

Part 47—Repeal of *Statutory Salaries and Fees Act 1947*

91—Repeal of Statutory Salaries and Fees Act 1947

This Act is to be repealed.

Part 48—Amendment of *Summary Offences Act 1953*

92—Amendment of section 72A—Power to conduct metal detector searches etc

This amendment would give the Commissioner of Police the option of publishing a notice of a declaration under section 72A on the Commissioner's website or in a newspaper.

Part 49—Amendment of *Taxation Administration Act 1996*

93—Amendment of section 4—Meaning of taxation laws

94—Amendment of section 110—Offences by persons involved in management of corporations

The purpose of these amendments is to remove reference to the *Debits Tax Act 1994* and the *Financial Institutions Duty Act 1983*, both of which have been repealed.

Part 50—Repeal of *War Service Rights (State Employees) Act 1945*

95—Repeal of War Service Rights (State Employees) Act 1945

This Act is to be repealed.

Part 51—Repeal of *Westpac/Challenge Act 1996*

96—Repeal of Westpac/Challenge Act 1996

This Act is to be repealed.

Part 52—Amendment of *Wilderness Protection Act 1992*

97—Amendment of section 3—Interpretation

The definition of *public notice* is amended to mean notice published on a website determined by the Minister, and no longer means notice published in the Gazette.

98—Amendment of section 12—Wilderness code of management

This is a consequential amendment preserving the status quo with respect to public notification of the adoption of a revised or substituted code of management (namely by notice in the Gazette).

99—Amendment of section 16—Prevention of certain activities

This amendment gives the Minister discretion to publish a notice under subsection (7) in a newspaper or on the Minister's website, whichever medium the Minister considers appropriate in the circumstances.

100—Amendment of section 31—Plans of management

This is a consequential amendment preserving the status quo with respect to public notification of the adoption of plan of management (namely by notice in the Gazette).

101—Amendment of section 33—Prohibited areas

This amendment preserves the status quo with respect to public notification of the declaration of prohibited areas or variation or revocation of such declarations (namely by notice in the Gazette) but also adds a requirement for the notifications to be on a website determined by the Minister.

Part 53—Amendment of *Work Health and Safety Act 2012*

102—Amendment of section 274—Approved codes of practice

This amendment would provide the Minister with the option of publishing notice of the approval, variation or revocation of a code of practice on a website or in a newspaper as well as in the Gazette.

Debate adjourned on motion of Hon. I. Pnevmatikos.

FAIR TRADING (TICKET SCALPING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. C. BONAROS (15:34): I rise to speak on behalf of SA-Best in support of the Fair Trading (Ticket Scalping) Amendment Bill 2018. The bill repeals section 9 of the Major Events Act 2013 and makes amendments to the Fair Trading Act 1987 to increase consumer protection in relation to ticket scalping in South Australia.

The Fair Trading Act is administered by Consumer and Business Services, which will oversee compliance of the new provisions. For that purpose, we have been advised that funding for an additional compliance officer was approved, and Consumer and Business Services will absorb the enforcement functions within its existing Compliance and Enforcement branch.

Further, we have also been advised that existing resources will be utilised, and compliance officers will be allocated to compliance and endorsement activities around ticket scalping as required—for example, when there is a major sporting or entertainment event taking place—and in response to any complaints received.

I pause at this point to extend my thanks to the Attorney-General and her staff for the communication and consultation they have provided to myself and to my staff on this bill. It was during this consultation that I sought a review of the pending legislation to ensure that it achieves its stated aims and that, in particular, enforcement of the provisions in the bill are actually working on the ground and in practice. The Attorney-General has agreed to a review, and it forms part of the further government amendments to the bill to be moved by the Treasurer today.

Ticket scalping is the unauthorised onselling of tickets to sporting or entertainment events, usually at a price much higher than the tickets' original face value. The scalper purchases tickets with the deliberate intention of making a profit through the sale of tickets with inflated prices. Ticket scalping can be traced back to the days when individuals touted tickets outside various venues or at the local hotel or club. With advances in technology, ticket scalping has now entered the online space. It is now a very different platform and more sophisticated type of operation.

The increasing online sale of tickets has made it difficult to contain the activities of scalpers, which are now more visible. It is further complicated by those with a genuine reason for reselling their tickets, as well as rent-seekers chasing a profit by using the internet to resell their tickets. The effect of ticket scalping is that it short-changes genuine ticket purchasers who just want to see their favourite team, artist or show. It distorts the market and ruins the concert experience for fans.

Scalpers can behave like vultures, and young people in particular can miss out. It is an unfair, ruthless and deceitful practice that must be stamped out. It is clear that the existing legislation has not worked for a very long time, particularly with the inability to effectively enforce the current provisions. Further, existing provisions under the Major Events Act do not address advances in technology that enable the use of ticket bots.

The issue of ticket bots, which enable software applications to purchase tickets en masse in seconds, is something that we and Nick Xenophon have long campaigned for at a state and federal level. In fact, Nick Xenophon previously tried to introduce similar legislation in this place some years ago, but it was defeated in the Legislative Council. In more recent years, as a senator, he led the charge in attempting to prohibit ticket brokers from using bots to beat ticket website software and automatically buy tickets to top concerts whist also snapping up the best seats available, only to onsell them at ridiculously exorbitant and inflated prices.

In 2014, Live Performance Australia—the lobby group for ticketing companies, music promoters and venue operators—urged the federal parliament to ban bots. Unfortunately, both the government and the parliamentary inquiry committee investigating scalping rejected those calls. As other members in this place have pointed out, the use of bots has been a huge problem for the industry and consumers alike. On that front, I am particularly keen to understand how the government proposes to deal with jurisdictional issues involving overseas buyers.

The bill is most welcome to address risks posed by unscrupulous players in the ticket resale market and increase the consumer protection afforded to genuine purchasers of tickets to events so that South Australians can purchase tickets in good faith and enjoy the many wonderful events held in South Australia each year. It will do so by:

- as we know, broadening the scope of the legislation so that ticket scalping provisions apply to any sporting or entertainment event in South Australia that is subject to a resale restriction, removing the requirement to declare a major event;
- prohibiting the advertising or hosting of an advertisement for the resale of tickets to an event in South Australia to which the provisions apply for an amount that exceeds 110 per cent of the original cost of the ticket;
- requiring that any resale advertisement must include certain information, including the original supply cost of the ticket and details of the location from which the ticket holder is authorised to view the event, including, for example, a bay number, row number or seat number for the ticket;
- restricting a person from selling tickets to an event in South Australia to which the provisions apply for an amount that exceeds 110 per cent of the original cost of the ticket;
- prohibiting the use of software that enables or assists a person to circumvent the security measures of a website in order to purchase tickets for an event in contravention of the terms of conditions; and
- enabling the minister to require an event organiser to publicly disclose certain information about a particular event, including the total number of tickets available for sale to the general public.

It is envisaged that these provisions will protect consumers from unscrupulous scalpers looking to make a fast and lucrative buck. It is a cottage industry of people who seek to rip off genuine sport and music fans. All that said, our team has also long advocated for a cap on the number of tickets that can be sold to one person or one group. Despite other measures that the government says will overcome the need for such a cap, this is something we would like to have seen in the bill.

I am somewhat disappointed that the government has chosen not to follow through with those provisions. I accept that the government and the opposition have agreed not to back such a measure, and I certainly hope they are right in the long run. I am, however, very pleased again that the Attorney has agreed to SA-Best's suggestion for a review of the operation of the act in an effort to assess its effectiveness or otherwise.

This legislation is long overdue. It is about destroying the ticket scalpers' business model once and for all. The effects of ticket scalping can be disastrous for consumers, with genuine fans losing out to scalpers when attempting to purchase tickets in the first instance from point-of-sale sites, or falling victim to a scalper selling tickets for exorbitant prices, or even being sold fake tickets.

In May 2013, consumer association Choice reported that when One Direction were here in 2012 for a series of concerts before the band, sadly or otherwise, decided to go their own separate ways, tickets at the face value price of $79 sold out within hours but were available on eBay for $4,000. *The Advertiser* reported at the time that tickets to One Direction's Adelaide Entertainment Centre shows were selling for up to $599 a pair on internet auction site eBay, almost four times their original $158 retail price. Tickets to Bruce Springsteen's 2013 concert in Adelaide were selling for almost double their face value within hours of the show selling out after scalpers hijacked an exclusive internet presale site, and I think the same also happened with a Bon Jovi concert where tickets were selling for around $4,700.

We recognise the legitimate role that a secondary market has in providing a service for ticket purchasers who have a genuine need to onsell their tickets, and enabling those people who miss out when events go on sale to purchase these tickets. We want these consumers and fans to purchase tickets in good faith and not get ripped off, with tickets only being able to be sold for 110 per cent of their price, and enjoy their chosen concert or sporting experience. Ticket buyers must be vigilant and report any suspected scalpers they come across online to Consumer and Business Services. For

that purpose, it is absolutely imperative to have a strong public awareness campaign to alert consumers to the proposed changes that will soon be enacted.

As part of the consultation process, I raised the issue with the Attorney-General's staff and was advised that the consumer education campaign will involve information on the Consumer and Business Services website, and writing to key stakeholders like Gumtree, Ticketek, eBay, Sport SA, Business SA, Consumers SA, and the like, to make them aware of the new requirements. This is absolutely critical as part of this proposal.

By way of example, I recall a chat I had with an American couple who sat next to me at a recent Jimmy Barnes concert. The lady I sat next to asked whether I would be kind enough to tell her how much I had paid for our tickets. It turns out that she paid a ridiculously expensive amount for the same tickets—I think it was something like four times the price. Upon further discussion, I queried with her whether she had in fact bought the tickets on the Ticketmaster site or on a resale site. It sounded very much to me like she had perhaps bought them on a resale site.

I know that when you are searching for these tickets, sometimes the resale sites come up first in your search, so it is very easy to mistake resale sites for actual sites. It should then be incumbent on these organisations, particularly those sites that resell tickets, to place warnings on their sites about the changes. In addition, the Attorney-General's Department needs to conduct a media campaign on the changes. With those comments, SA-Best commends the bill to the chamber.

The Hon. R.I. LUCAS (Treasurer) (15:46): I thank honourable members for their contributions to the legislation, and in general terms thank them for supporting the second reading.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: Following on from the comments in my second reading contribution, what does the government intend to do to ensure enforcement of the provisions of the bill by overseas jurisdictions?

The Hon. R.I. LUCAS: I am advised that the answer, unsatisfactory as it might be, on this legislation is the same as it was to a similar question in relation to gift cards, and that is that I am advised that the legislation does apply, but the issue of how you would enforce beyond our jurisdiction is obviously difficult to comprehend. The honourable member has a legal background, so she would be aware of the complexities of how a small regional jurisdiction like South Australia would enforce compliance by operators from another country. The frank answer to the question is that, yes, the legislation applies, but how South Australia would be able to enforce that is difficult to comprehend.

The Hon. C. BONAROS: Just on from that, I would just like to confirm that those sites will be limited to the 110 per cent cap and so they ought not to be trying to resell them at more than 110 per cent in the first instance?

The Hon. R.I. LUCAS: My advice is that in relation to the events that this legislation applies to that is correct.

The Hon. K.J. MAHER: My question at clause 1 for the Treasurer, who has conduct for this on behalf of the Attorney-General, is: who was consulted with in the preparation of this bill?

The Hon. R.I. LUCAS: Similar to the answer that I gave in relation to the gift card, it was a combination of both targeted and general consultation. The general is easily done. It was done under the former government's YourSAy proposition. In terms of targeted consultation, we are advised that contact was made with Gumtree, eBay, Ticketek, BASS, Adelaide Oval, the Entertainment Centre, Business SA, Consumers SA, Music SÁ, the Small Business Commissioner and Sport SÁ.

The Hon. K.J. MAHER: Can the minister outline the general nature of the position of those who were in the targeted consultation? Was there broad support for the aims of the bill and were there specific concerns with any parts of the drafting of the bill that those who were involved in the targeted consultation had?

The Hon. R.I. LUCAS: I am advised that no major issues were raised in terms of the proposal. A fair assessment would be generally supportive. In relation to those who had experience with the NSW jurisdiction, they conceded that it was intended to be broadly consistent with the NSW legislation, a bit like the debate we had on gift cards the day before yesterday.

The Hon. K.J. MAHER: Can I ask, at clause 1, the rationale behind not including in the final wash-up a cap on the number of tickets that can be purchased?

The Hon. R.I. LUCAS: I am advised that NSW does not have a cap and in the broad concept of introducing our legislation, which was broadly consistent with New South Wales, we have proceeded down that path. However, in the review that has been referred to, this would obviously be one of the issues that would be reviewed to see whether or not the proposal for a cap in some form or other should or should not be implemented.

The Hon. K.J. MAHER: I thank the honourable member for his answer. He mentioned the NSW legislation. Do other jurisdictions around Australia have any comparable ticket scalping legislation?

The Hon. R.I. LUCAS: I am advised no. NSW is the only jurisdiction that has legislation similar to this that is proposed. Other states have more limited versions, consistent with the more limited version that used to exist in South Australia. It might relate to particular events or particular venues, but in relation to a more comprehensive reform it is really only NSW and South Australia.

The Hon. K.J. MAHER: Similar to yesterday's discussions on gift cards, is the government aware if the federal government is considering introducing a regime? If so, what stage is it up to? What, from the understanding, will be the differences between the South Australian and the proposed federal regime?

The Hon. R.I. LUCAS: My understanding is that in the next week or so there will be meetings of ministers and this will be one of the topics of discussions. At this stage, our advice is that the commonwealth is not proceeding down something similar to this in relation to a percentage cap on prices. It has talked, evidently, about greater disclosure provisions, but all I can say is that, at this stage, we are not aware that they are heading down this particular path similar to South Australia and New South Wales. It will be an issue for ministers to discuss in the next week or so at the ministers' meeting.

The Hon. C. BONAROS: Just in relation to the caps, is it the Treasurer's understanding that promoters and sellers of tickets—and this is certainly in line with the advice we have been provided—will impose their own caps in terms of the number of tickets they will sell to any one person?

The Hon. R.I. LUCAS: My advice is that it may well be that some promoters do do that, but that is not a requirement. They can make that decision themselves.

The Hon. C. BONAROS: In relation to the meeting with ministers that you just referred to, is the issue of bots on that agenda to be discussed with other ministers?

The Hon. R.I. LUCAS: I am advised that it is very likely that issue would be discussed.

The Hon. C. BONAROS: In relation to ticket scalping incidents under the current legislation, do we have any data in relation to the number of complaints received perhaps in the last year, whether those complaints were investigated and whether any action was taken in relation to any of those complaints?

The Hon. R.I. LUCAS: We are happy to take that on notice, but my initial advice is they are not aware of any complaints, perhaps surprisingly, that have been received by Consumer and Business Services. But we will, at an excess of caution, take that on notice. It sounds like, if there have been, it is a very small number that may well have lodged complaints and that they have therefore been investigated or not.

The Hon. T.A. FRANKS: For the benefit of the council, my office under various guises has made many complaints and none of them has been acted upon.

The Hon. C. BONAROS: Given that response, would the Treasurer and government be open to the publication of the number of complaints and what action, if any, is taken perhaps on

Consumer and Business Services' website so that we can actually track the complaint process in relation to ticket scalping?

The Hon. R.I. LUCAS: Can I take those questions on notice and bring back a reply. In response to the Hon. Ms Franks' contribution, we will have to check as well whether complaints lodged by members of parliament are in a separate category. If they are, they are complaints nevertheless. We accept that. We will bring back some information in relation to the number of complaints lodged directly by consumers or perhaps indirectly via members' offices by way of correspondence or whatever it might be. Whatever information is available, we are quite happy to share it. It is just that my adviser here is not aware of a significant number of consumer complaints that have been received and investigated.

The Hon. T.A. FRANKS: Again for the benefit of the minister now in government, these complaints were made by members of my office, not as my office, because we did not want to get special treatment. We wanted to see how the system is working for consumers under various Gmail and other contacts.

The Hon. C. BONAROS: In relation to the information that the Treasurer has undertaken to bring back, will the government also consider public warnings as part of that, so that if we do have an incident there are public warnings that go out on a website so that consumers are aware that those incidents are occurring?

The Hon. R.I. LUCAS: Again, I am happy to take that on notice. We need to take advice from the commissioner. It is a standard procedure that in certain circumstances he can issue warnings about consumer issues. Whether or not he would see this as being potentially part of an appropriate role for him, I do not know. We are happy to take that on notice. Given that this bill is likely to be passed before we get the answers back, I am happy to undertake to have the Attorney-General correspond with the members who have raised those questions and have replies sent to them directly.

Clause passed.

Clause 2 and 3 passed.

Clause 4.

The Hon. R.I. LUCAS: I move:

Amendment No 1 [Treasurer–1]—

Page 4, line 21 [clause 4, inserted section 37E(3)]—Delete '$0' and substitute:

> taken to be an amount determined by the authorised seller of the ticket as the recommended retail price of the ticket

This amendment enables someone who has acquired a ticket at no cost to sell the ticket for an amount no greater than 110 per cent of the original recommended retail price of the ticket. This amendment addresses concerns raised that, as the bill currently stands, someone who has won or been gifted a ticket is unable to onsell that ticket for any monetary value. Given that in such circumstances a person will not necessarily know what the original supply cost of the ticket was, the recommended retail price has been used as the basis upon which to calculate the 110 per cent limit.

The ACTING CHAIR (Hon. D.G.E. Hood): Leader of the Opposition, can I just clarify: does your question relate to this amendment or generally to the clause?

The Hon. K.J. MAHER: It relates to the 110 per cent, not in relation to the gifting in particular, so I am happy to save the questions until after.

The ACTING CHAIR (Hon. D.G.E. Hood): Do you wish to respond to the amendment, Leader of the Opposition?

The Hon. K.J. MAHER: No.

Amendment carried.

The ACTING CHAIR (Hon. D.G.E. Hood): I will go to the Leader of the Opposition to put his questions on the clause, if I may. I call the Leader of the Opposition.

The Hon. K.J. MAHER: In relation to clause 4, the insertion of new sections 37F and 37G, the resale of tickets, we have just spoken about the amendment and that, when a ticket is won or gifted, it can be sold for up to 110 per cent, but the figure also applies to the resale of tickets that someone has purchased. What is the rationale for the 110 per cent figure? How was that 10 per cent above the ticket price arrived at? Why 10 per cent? Why not 30 per cent or 5 per cent? What is the rationale for 110 per cent?

The Hon. R.I. LUCAS: My advice is that it is consistent with the New South Wales provision. In the interests of consistency, we have settled on 110 per cent.

The Hon. K.J. MAHER: Does that 110 per cent amount include bookings, transactions or other fees associated with purchasing a ticket?

The Hon. R.I. LUCAS: My advice is that it excludes the additional fees and charges. I will work my way through this and if I get it wrong I am sure that I will get a dig in the ribs. For example, if there is a $100 ticket and you have had a $5 fee you can resell for $110, not for 110 per cent of $105, so it excludes the additional fees and charges.

The Hon. K.J. MAHER: As the Treasurer is fond of saying he is not a lawyer, I am not a treasurer, so he will have to be the expert on figures here. It does not include those, so if it is a $100 ticket and you paid a $5 booking fee and a $3 transaction fee, your cost in buying it was $108, but the maximum you can sell it for is $110.

The Hon. R.I. LUCAS: Yes.

The Hon. K.J. MAHER: If it was the case that you bought your $100 ticket and there was a $9 booking fee and a $4 transaction fee, and you could not make the event, you would have to sell your ticket at a loss—for what it cost you. Is that correct?

The Hon. R.I. LUCAS: Yes, but I would advise you that if you are having additional fees and charges of 13 per cent on your ticket you might want to have a look around for a different booking agent. But the answer to the question is yes; it is 10 per cent on the RRP, the original recommended retail price—sorry, the original supply cost in this particular case.

The Hon. K.J. MAHER: Is that part consistent with the New South Wales act, that any booking or transaction fee is not included?

The Hon. R.I. LUCAS: My advice is that that aspect is different from New South Wales. In New South Wales, the supply charge or the add-on bit could be included. So in the example we were talking about, you could actually scalp your ticket for a higher price than $110 in New South Wales. South Australia's will be tighter than that; that is, you will not be able to scalp the high level: you will scalp at a slightly lower level in South Australia. The reason for that is the judgement was made in South Australia that due to the complicated nature of the compliance arrangements, as determined here in South Australia, evidently it was going to be easier to do it just on the original supply cost of the ticket. In the end, it results in a lower scalping price.

The Hon. K.J. MAHER: I thank the honourable member. In the example we gave, as a result of this legislation, it is possible for someone who cannot get to an event to be forced to sell their ticket at a loss when you take into account any transaction costs.

The Hon. R.I. LUCAS: No, not in the example I gave.

The Hon. K.J. MAHER: Sorry, it could be possible. If the transaction costs were in excess of 10 per cent, you would be forced to sell at a loss—I think that is quite clear. I know the Treasurer has been fond of, yesterday in the gift cards legislation and today, saying, 'We are doing this because New South Wales does this.'

In this case, there is the difference where in New South Wales someone may not have to sell at a loss if the transaction costs were greater than 10 per cent, but in South Australia would be forced to sell at a loss if transaction costs were greater than 10 per cent. The Treasurer has mentioned the administrative compliance here being the reason for the difference. What is the difference in the administrative compliance between here and New South Wales that has justified this?

The Hon. R.I. LUCAS: My advice is that the compliance people who were consulted in relation to this just took the judgement and that was the advice, and ultimately the government has accepted that advice that it is administratively simpler and easier and the compliance costs are lower if you do not have to go down the particular path that New South Wales did in this respect. One could argue that it is also much more user and consumer friendly in that it allows less ticket scalping because, I think the judgement is, in the circumstances the member is talking about where the additional costs are more than 10 per cent, to my understanding, certainly having booked tickets before, whilst I cannot rule out onerous additional supplier charges, etc., in most cases the additional charge is less than the 10 per cent.

But in the circumstances in South Australia, as the member outlined, if the charge was higher than a 10 per cent charge, then someone who was selling their ticket would sell it at a slight loss. In the interests of the consumers who are buying things, on balance the judgement has been that this is the best way to head.

The Hon. K.J. MAHER: In the circumstances where a ticket is bought online with a credit card, and that is the only way to buy a ticket, and the retailer of that ticket imposes a surcharge for using a credit card, is that counted in the overall cost of the ticket or is that counted as a transaction cost that cannot be recouped when you onsell?

The Hon. R.I. LUCAS: I am advised that that is considered as a transaction cost and it is another example of the sorts of complexities of this particular issue because the sort of charges the honourable member has referred to would vary between financial institution and financial institution and for an individual consumer. So, in terms of compliance, one would have to get access to that sort of information in relation to those sorts of issues if you are having to take into account that sort of detail for each and every individual consumer who might use a different credit card.

The Hon. K.J. MAHER: Is the government aware of any online ticket sales that have a face value of a ticket, but then add a uniform surcharge to anyone who uses a credit card to buy them online?

The Hon. R.I. LUCAS: At the moment I cannot answer that. We are happy to take that on notice and see what sort of reply we can provide but, no, I cannot answer that particular question for the member. I move:

Amendment No 2 [Treasurer–1]—

Page 4, after line 21 [clause 4, inserted section 37E]—After subsection (3) insert:

(4) In any proceedings, an apparently genuine certificate purporting to be signed by the Commissioner and certifying as to the recommended retail price of a ticket determined by an authorised seller for the purposes of subsection (3) is, in the absence of proof to the contrary, proof of the matter so certified.

This amendment relates to amendment No. 1. It is consistent with existing evidentiary provisions under the Fair Trading Act 1997. This amendment provides the means by which the recommended retail price is to be determined for the purposes of any court proceedings.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Amendment No 3 [Treasurer–1]—

Page 6, after line 7—After inserted section 37I insert:

37IA—Defence for certain ticket sales

(1) It is a defence to a charge of an offence against this Division involving the sale or supply, or an advertisement for the sale or supply, of a ticket if the defendant proves—

(a) that the ticket was or was advertised to be (as the case may require) sold or supplied as a fundraiser for approved purposes; and

(b) the whole of the net proceeds of the sale or supply of the ticket were, or were to be, applied for the approved purposes.

(2) For the purposes of subsection (1)—

(a) the following are *approved purposes*:

(i) a religious, educational, charitable or benevolent purpose;

(ii) the purpose of promoting or encouraging literature, science or the arts;

(iii) the purpose of providing medical treatment or attention, or promoting the interests of persons who have a particular physical, mental or intellectual disability;

(iv) the purpose of establishing, carrying on or improving a community centre, or promoting the interests of a local community or a particular section of a local community;

(v) the purpose of sport, recreation or amusement;

(vi) the purpose of promoting animal welfare;

(vii) the purpose of conserving resources or preserving any part of the environmental, historical or cultural heritage of the State;

(viii) the purpose of promoting the interests of students or staff of an educational institution;

(ix) a political purpose;

(x) the purpose of promoting the common interests of persons who are engaged in, or interested in, a particular business, trade or industry; and

(b) the *net proceeds* of the sale or supply of a ticket are the gross proceeds of the sale or supply less the expenses incurred in conducting the sale or supply.

This amendment addresses concerns raised regarding the sale of tickets for genuine fundraising purposes. This amendment allows tickets to be sold for charitable fundraising purposes. For example, it allows tickets to be auctioned off for an amount that exceeds the 110 per cent limit in circumstances where the whole of the net proceeds is to be applied to an approved purpose. The amendment defines approved purposes and this definition is consistent with the definition under the Lottery and Gaming Regulations 2008. This definition is broader than the definition of charitable purpose under the Collections for Charitable Purposes Act 1939 and is considered appropriate in this context.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Amendment No 4 [Treasurer–1]—

Page 7, after line 29—After inserted Part 4A Division 4 insert:

Division 5—Review of Part

37M—Review of Part

(1) The Minister must cause a review of the operation of this Part to be conducted not before 18 months, and not later than 2 years, following the commencement of this Division.

(2) The review must be completed, and a report on the results of the review provided to the Minister, within 3 years following the commencement of this Division.

(3) The Minister must, within 12 sitting days after receipt of the report, cause copies of the report to be laid before each House of Parliament.

This amendment requires that a review of the proposed ticket scalping provisions be undertaken no later than two years following commencement. It arose out of discussions with honourable members representing the SA-Best party. This will enable the effectiveness of the changes to be assessed and enable specific issues that have been raised to be considered further—e.g. whether there should be a cap on the number of tickets sold per transaction to further reduce the likelihood of ticket scalping.

It will also enable the South Australian legislation to be reviewed in light of any proposed changes at a national level that may be considered during that time. Given that Consumer and Business Services administers the Fair Trading Act 1987, and will be responsible for enforcing the

new provisions, it is appropriate that Consumer and Business Services undertake the review and that the commissioner provide a report to the minister outlining the relevant findings. This amendment also makes it a requirement that a report is tabled in parliament within 12 sitting days of being received by the minister.

The Hon. C. BONAROS: I will indicate again for the record, that we are very pleased that the government has seen fit to include this review provision.

Amendment carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

OFFICE FOR THE AGEING (ADULT SAFEGUARDING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 September 2018.)

The Hon. J.A. DARLEY (16:20): This bill will establish a new adult safeguarding unit, which will sit within the Office for the Ageing. The purpose of this new unit is twofold: the first is to raise awareness and educate the community about elder abuse and the abuse of vulnerable adults; the second is to receive reports from the community where there is concern that abuse of vulnerable adults is occurring, and taking action where it is warranted and necessary.

If a report is received that the adult safeguarding unit believes is necessary to investigate, their first course of action would be to approach the vulnerable adult to ask how they would like the matter to be dealt with. In many cases, this step is integral, as many victims are fond of the perpetrators of their abuse and do not want them to get into trouble; they merely want the abuse to stop. The adult safeguarding unit will work with the vulnerable adult to implement a strategy to address the issues, which may involve linking individuals to social services such as financial planning or substance abuse counselling.

I understand Professor Wendy Lacey has worked closely with the government to develop this bill, which aims to fill a gap in response to elder abuse. One of the major issues with elder abuse is that it may not necessarily be criminal behaviour, but rather there is a likelihood that someone will try to manipulate and take advantage of another person due to their age or mental or physical conditions. Unfortunately, I am familiar with the malicious and unscrupulous actions of such people, as I have had firsthand experience of someone wanting to manipulate my wife for their own personal gain.

To this end, I was very interest in what the Hon. Connie Bonaros had to say on the matter of elder abuse when she gave her second reading contribution on 6 September 2018. It is not widely known that last year, the Hon. Connie Bonaros made an unannounced visit to my wife at our home, to instil the fear that I had lost my faculties and was no longer capable of serving as a member in this place.

The honourable member, who at the time was on extended leave from a position in my office and was instead working in a much higher paying position in a federal parliamentary office, told my wife she had concerns that my health and mind were failing me, and that perhaps it was time for me to retire. This is despite the fact that she had not worked for me for about six months as she had been on maternity leave and then left to work in Senator Griff's office.

The Hon. Ms Bonaros had been a trusted member of my staff for around eight years, and was so close that I did not blink an eyelid to help her when she came to me almost 10 years ago

asking to borrow $10,000. I lent it to her willingly because I could see that she was distressed and I wanted to help her. Fortunately, I was also in a financial position where I could help her, and I lent her the $10,000.

This was a debt that was meant to be repaid upon the sale of an investment property about two months later; however, as the property did not achieve a price as high as was anticipated, Ms Bonaros never repaid my loan. As I did not want to put her under financial stress, I never pursued her for it, but believed her when she periodically reassured me that she had not forgotten about the debt and that I would be repaid.

Of course, at the time of Ms Bonaros' visit to my wife, I was still part of the now defunct Nick Xenophon Team and my retirement would have resulted in Ms Bonaros being installed in my position in this place. While Ms Bonaros spent the next two days preparing for my retirement, I was trying to assure my inconsolable 70-year-old wife, who was convinced that I had been hiding some sort of terrible health condition from her. I had to convince my wife that the malicious lies that Ms Bonaros had told were absolute nonsense. I find it truly disgusting and absolutely abhorrent that someone would stoop so low to get what they want.

Two days later, Ms Bonaros followed up her visit with a call to my wife to inquire as to whether she had been successful in convincing me to retire. At no stage did Ms Bonaros approach me directly with concerns about my health. I believe this demonstrates the real motive behind her visit to my wife.

In her contribution, Ms Bonaros said, and I quote, 'Elder abuse is usually perpetrated by those in a relationship of trust'. This is true, and it is with authority that Ms Bonaros speaks on this issue because she tried to maliciously manipulate my wife due to being in a position of trust not only with me as a long-time staffer but also with my wife who, over eight years, had come to look upon her fondly. My wife trusted Ms Bonaros and so believed her when she expressed her so-called concerns. Again, this is something that I might have believed if it were not for the fact that Ms Bonaros had never approached me directly to ask about my health and wellbeing. Ms Bonaros herself acknowledges that, and I quote:

> Elder abuse takes so many insidious forms. Psychological and emotional abuse appeared to be the most common types…It also includes treating an older person like a child, repeatedly telling them that they have dementia…

Whilst she did not treat me as if I had dementia, she certainly made out to my wife that I had lost mental capacity. In her own words, it is 'psychological and emotional abuse' and her behaviour would likely be classified as elder abuse. She goes on to say further, and I quote:

> I and SA-Best remain concerned about the nuanced way perpetrators of elder abuse can operate and the fear they can instil in their victims.

Again, I am not surprised at the expertise the Hon. Ms Bonaros has demonstrated on this subject, given the fear she instilled in my wife and the nuanced manner in which it was done. It was done covertly in order to scare my wife and cause friction between us. I am, however, appalled at the apparent concern shown by Ms Bonaros' contribution, as she did not seem to have any concern about the effect the lies she told would have on my wife. Her moral compass must have needed calibration that day.

I need to point out that my wife is not at all happy that I am speaking about this, but I think it is important to highlight what has happened and how people from all walks of life, even those who have been elected into respected positions within the community, are able to perpetrate this malicious and despicable behaviour. This behaviour is repulsive and reprehensible. While I am big enough and ugly enough to fend for myself, not everyone in our community is able to do this. These are the sorts of actions that people would be able to report to the adult safeguarding unit. With that, I strongly support the bill.

Debate adjourned on motion of Hon. I.K. Hunter.

TOBACCO PRODUCTS REGULATION (E-CIGARETTES AND REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 July 2018.)

The Hon. J.A. DARLEY (16:30): This bill will make changes to the Tobacco Products Regulation Act so that e-cigarettes are treated in the same manner as traditional tobacco products, such as cigarettes. I understand the changes are in response to the select committee, which was established last year to investigate e-cigarettes. Whilst the bill does not adopt all the recommendations made in the final report, the bill does adopt the key recommendations, and are made in the spirit of the report.

It is alarming that there are currently no rules governing the sale of e-cigarettes and associated products, and it demonstrates the need for governments to be proactive on developing technologies and products in our community. Without any oversight, this means that anybody, including children, is able to purchase these products. This is very concerning.

I understand that e-cigarettes are often used as an alternative for smokers and, whilst it is good that this is assisting people to quit smoking cigarettes, the effect of smoking e-cigarettes is not yet proven, and I think it is best that we proceed with caution. I am aware that this is not the path that has been taken overseas, particularly in the UK and Canada. However, there are certainly enough people who have voiced their concerns about the use and unknown effects of these products to make me think long and hard about promoting them as a healthy alternative.

After all, for decades smoking cigarettes was touted as being healthy, and the tobacco companies have only relatively recently admitted to the negative health effects of smoking cigarettes, notwithstanding the concerns that were raised about cigarettes from those in the health and research sectors.

The bill will require those who want to sell e-cigarettes or associated products to be licensed under the act. I understand it will only be one licence to sell both e-cigarettes and also tobacco products. Clarity on where e-cigarettes can and cannot be used will also be provided in the bill, as it will be made clear that, if smoking is prohibited, this will automatically include e-cigarettes too.

The bill also makes a number of amendments to the act as a result of an independent review undertaken by Dr Chris Reynolds last year. These amendments will again provide clarity on certain aspects of the act and assist compliance officers with enforcement. I support the bill.

The Hon. K.J. MAHER (Leader of the Opposition) (16:33): Thank you, Mr President, for allowing me to speak on a substantive matter today; I am very grateful.

The PRESIDENT: I appreciate your gratitude, at such a late part of the day.

The Hon. K.J. MAHER: I rise to speak on the Tobacco Products Regulation (E-Cigarettes and Review) Amendment Bill. I indicate that I will be the lead opposition speaker on this bill, and that we intend to support the bill. This bill substantially resembles the Labor government bill introduced in the House of Assembly last year, which is an occurrence we are seeing frequently: the bill represents something that we had previously introduced, which is one of the reasons we are supportive of it. We then reintroduced the bill in this parliamentary session as a private members' bill, which currently sits before the house. The Labor opposition did this because it is an incredibly important reform that should be acted on as soon as possible.

The shadow minister for health and wellbeing, the member for Kaurna, had written to the health minister inquiring as to whether he was indeed planning to reintroduce this bill. After receiving no response for well over a month, the member for Kaurna decided to take matters into his own hands and get moving on this vital piece of information. We are glad to see the minister has now realised that this is important and that e-cigarettes do require a regulatory framework. It is just unfortunate that it has taken so many months to reach this point.

The legislation presented to the council is substantially similar, as I said, to one that has previously been introduced. It seeks to establish a regulatory scheme for e-cigarettes, a product that is currently not regulated in South Australia. The bill seeks to introduce a range of different measures to regulate the sale, supply and use of e-cigarettes. In particular, the bill seeks to prohibit the sale of e-cigarettes to children; retail sales of e-cigarette products without a licence; indirect sales of e-cigarettes such as internet sales; e-cigarette sales from temporary outlets, sales trays and vending

machines; the use of e-cigarettes in areas that are smoke-free under the act; advertising promotion specials and pricing promotions for e-cigarettes; and retail point-of-sale display of e-cigarettes.

The government's version of the bill does contain some new additions, many of which are minor rewording adjustments or simply taking the opportunity to make tidy-ups to the act itself. However, there are two changes I would briefly like to mention. Firstly, the bill now clarifies that shisha falls under the definition of a tobacco product, regardless of whether the product contains tobacco. At the verbal briefing, I understand it was put that these products are already covered in the act. However, this has at times been difficult to enforce. We have had a concrete definition in the act. The new addition to the bill is something that we will discuss further during the committee stage.

The other change I would like to note is the adjustment of the penalties to the act according to CPI. We are not sure some of these penalty adjustments go far enough, for instance the adjustments to the penalty for selling tobacco products to minors. It might be that the penalty for selling tobacco products to minors should be in line with the penalty provisions for selling alcohol to minors under the Liquor Licensing Act as recently amended. This is something the opposition may look to amend, and we hope councillors in this chamber, if we do, will see that as a common-sense change.

When in government, Labor had a proud record on tobacco product regulation and on reducing the harmful effects of smoking. The Labor government introduced a ban on smoking in all enclosed public places and workplaces, phasing in licensed hospitality locations in 2004 and extending this ban to the Adelaide Casino later. In mid-2007, the then Labor government led the nation in banning smoking in vehicles with children under the age of 16 present in the car. This was a critical reform aimed at protecting our vulnerable children from the harmful effects of passive smoking.

We implemented an outdoor dining ban on smoking as of July 2016, banning smoking in alfresco areas where meals are served. We believe that families going out for a meal should not have to be exposed to the harmful effects of passive smoking. More broadly, implementing the ban sent a message that smoking is becoming less and less acceptable in public settings. We must continue to progress towards a universal view that smoking is no longer acceptable in our society, that the dangerous effects of smoking are well known and that it is a bad decision to take up this habit in today's world.

Just last year, the Labor government announced a policy to eliminate smoking across all South Australian prisons by the end of 2019. I trust that the new government, under the direction of the new minister in this respect, is working hard to implement this policy. We are pleased to see that the government has introduced this legislation, which is very similar to the previous Labor government's legislation, despite the slow pace of its introduction. I commend the bill to the council, noting that it has substantially reintroduced good Labor policy, and look forward to further discussions during the committee stage.

Debate adjourned on motion of Hon. I.K. Hunter.

HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:40): Obtained leave and introduced a bill for an act to amend the Health and Community Services Complaints Act 2004. Read a first time.

Second Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:41): 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 into *Hansard* without reading them.

Leave granted.

This bill will amend the *Health and Community Services Complaints Act 2004* (the Act) so that the National Code of Conduct for Health Care Workers (National Code), approved by COAG Health Council for adoption by the states and territories, will replace the Code of Conduct for Unregistered Health Practitioners (South Australian Code) which is currently in the regulations under the Act.

The National Code is based on the current South Australian Code. The South Australian Code was adopted from New South Wales after the Social Development Committee 'Inquiry into Bogus, Unregistered and Deregistered Health Practitioners'. I was a member of this committee, which was, as the report states, in part established as a result of complaints made to the South Australian Health and Community Services Complaints Commissioner (the Commissioner) regarding the treatment of people with terminal cancer by unregistered health practitioners. During the inquiry people related their stories of being exploited by dubious health practitioners using unconventional methods to allegedly cure cancer and other terminal illnesses. These people were obviously vulnerable and susceptible to practitioners who claimed they could provide what mainstream medicine could not.

The National Code will be, or has already been adopted by the states and territories so that a nationally consistent approach is taken. Orders from one jurisdiction will be enforceable in another. The amendments to the Act are concerned primarily with aligning the Act and the National Code so that it can be administered. The changes are all designed to ensure that the health and safety of the public can be protected. For this reason volunteers will be included within the ambit of this part of the Act.

Section 9(4) of the Act specifies that volunteers should not be unnecessarily involved in proceedings under the Act. This clearly applies to the parts of the Act which are dealing with complaints and their resolution. Division 5 of Part 6 of the Act which is the section of the Act concerned with unregistered health practitioners is about protecting the health or safety of the public. If a volunteer is placing the health or safety of the public at risk they need to be captured by this part of the Act so that the public can be protected.

The sections of the Act concerned with the nature of the orders that the Commissioner can make if the requirements are satisfied are amended. This is to make it clear that in making a prohibition order, this may include preventing the person from offering, advertising or otherwise promoting health services, holding themselves out as a provider of health services or providing advice in relation to health services. These prohibitions may be applied in addition to preventing the person from providing services or specific services.

I wish to make it perfectly clear that this bill is not about restricting people's access to complementary and alternative medicine. While the code applies to practitioners such as naturopaths and homeopaths, it also applies to mainstream practitioners such as social workers, assistants in nursing and aged care workers. The bill is about preventing further harm when it is demonstrated that a practitioner, irrespective of their model of service provision, poses an unacceptable risk to the health or safety of members of the public.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Health and Community Services Complaints Act 2004*

4—Amendment of long title

This clause amends the long title to replace a reference to users with a reference to consumers.

5—Amendment of section 3—Objects

This clause amends section 3 of the Act to replace a reference to users with a reference to consumers.

6—Amendment of section 4—Interpretation

This clause inserts a definition of *corresponding law* for the purposes of the amendments made to the Act by clauses 15 and 17.

This clause also deletes a reference to the repealed *Occupational Therapy Practice Act 2005*.

This clause also inserts the definitions of *community service consumer* and *health service consumer* to replace the defined terms of *community service user* and *health service user* respectively.

7—Amendment of section 9—Functions

This clause amends section 9 of the Act to replace references to users with references to consumers.

8—Amendment of section 24—Who may complain

This clause amends section 24 of the Act to replace references to *health or community service user* with references to *health or community service consumer*.

9—Amendment of section 25—Grounds on which a complaint may be made

This clause amends section 25 to remove the limitation on volunteers being subject to proceedings and action under the Act in circumstances where—

(a) a code of conduct under section 56A applies in respect of the volunteer; and

(b) the Commissioner is satisfied that conduct of the volunteer poses or has posed a risk to the health or safety of members of the public.

This clause also amends section 25 of the Act to replace references to users with references to consumers.

10—Amendment of heading to Part 6 Division 5

This clause amends the heading to Part 6 Division 5 and is consequential on the amendments to section 56A in clause 11.

11—Amendment of section 56A—Codes of conduct

This clause amends section 56A(1) so that the Governor may, by regulation, prescribe 1 or more codes of conduct relating to the following:

(a) the provision of health services by persons who are not registered service providers;

(b) the provision of health services by persons who are registered service providers and who provide health services that are unrelated to their registration.

This clause also amends section 56A to insert new subsection (2a) which provides that a regulation under the section prescribing a code of conduct may refer to or incorporate, wholly or partially and with or without modification, a code, standard or other document prepared or published by a prescribed body, either as in force at the time the regulations are made or as in force from time to time.

12—Amendment of section 56B—Interim action

This clause amends section 56B as follows:

(a) references to a *prescribed health service provider* are removed and replaced by references to a person who has provided a health service;

(b) in subsection (2)(a), the matters about which the Commissioner may make an interim prohibition order have been expanded to include—

(i) the offering, advertising or promotion of health services or specified health services (including where those services may be provided by another person); and

(ii) the promotion of a person as a provider of health services or specified health services; and

(iii) the provision of advice in relation to health services or specified health services (including where those services may be provided by another person);

(c) in subsection (2), a new paragraph (c) has been added which permits the Commissioner, when taking interim action, to publish a public statement, in a manner determined by the Commissioner, identifying a person and giving warnings or such other information as the Commissioner considers appropriate in relation to the health services, or specified health services, provided by the person.

13—Amendment of section 56C—Commissioner may take action

This clause amends section 56C as follows:

(a) references to a *prescribed health service provider* are removed and replaced by references to a person who has provided a health service;

(b) in subsection (2)(a), the matters about which the Commissioner may make an interim prohibition order have been expanded to include—

(i) the offering, advertising or promotion of health services or specified health services (including where those services may be provided by another person); and

(ii) the promotion of a person as a provider of health services or specified health services; and

(iii) the provision of advice in relation to health services or specified health services (including where those services may be provided by another person).

14—Amendment of section 56D—Commissioner to provide details

This clause amends section 56D(1) to remove references to a *prescribed health service provider*.

15—Insertion of section 56EA

This clause inserts new section 56EA containing a requirement for a person to comply, in this State, with an interstate order in force against the person. The person will commit an offence if—

(a) an interstate order is in force in respect of the person; and

(b) the person engages in conduct in this State that would constitute a contravention of the interstate order if it occurred in the jurisdiction in which the order is in force.

An interstate order is defined to be an interstate final order or an interstate interim order, being an order, or order of a type, made under a corresponding law that is declared by the regulations to be an interstate interim order or interstate final order for the purposes of the new section.

16—Amendment of section 74—Protection of identity of service consumer or complainant from service provider

This clause amends section 74 of the Act to replace a reference to a user with a reference to a consumer.

17—Amendment of section 75—Preservation of confidentiality

This clause amends section 75 to include the purposes of a corresponding law in the list of exceptions to the general prohibition on the recording, disclosure or use of confidential information gained by the person through involvement in the administration of the Act.

18—Amendment of section 76—Returns by prescribed providers

This clause amends section 76 of the Act to replace a reference to users with a reference to consumers.

19—Amendment of section 77—Returns by registration authorities and prescribed bodies

This clause amends section 77 to broaden the application of the section to include prescribed bodies in the requirement to provide returns as determined by the Commissioner.

Debate adjourned on motion of Hon. I.K. Hunter.

PAYROLL TAX (EXEMPTION FOR SMALL BUSINESS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 September 2018.)

The Hon. R.I. LUCAS (Treasurer) (16:42): I thank honourable members for their general indications of support for the legislation. This is a major reform in terms of the abolition of payroll tax for all small businesses. We welcome support for the legislation.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. F. PANGALLO: We strongly support this payroll tax and what it will do to help small business in South Australia. We had some contact from a group of accountants who were concerned about the mechanics of all this. Administratively, they felt it was probably better to do it at the end of the financial year. There was going to be too much work for them to do to comply by the end of December. What they want and what I would ask is: will there be any information or an education campaign that you intend to roll out once this bill is passed that will give businesses, particularly small businesses, an idea of how they can comply with this so that it does not become a burden for them?

The Hon. R.I. LUCAS: The simple answer to the honourable member's question is yes. Can I prefix that by saying that, with the wonderful benefit of hindsight, I agree 100 per cent that it would have been much more administratively simple for the then Liberal opposition to have promised to introduce payroll tax abolition at the end of the financial year, so that it was for a full financial year rather than having this, in essence, transitional six-month period from 1 January next year.

It has added considerable extra complexity in the drafting of the legislation. RevenueSA, Treasury and parliamentary counsel have said the drafting of the legislation has been complicated. In one financial year we are going to have a combination of the former government's old system and the new government's abolition.

The bottom line is the government made a commitment to try to abolish payroll tax as soon as possible, but the greater benefit is to reduce taxes for small businesses so they can start to employ more people. Yes, it has been more complicated for parliamentary counsel and for those of us who have to understand the legislation and, yes, it is going to be more complicated for accountants in terms of interpreting it. We accept all of that, but the greater goal, the light on the hill, is to reduce the tax of small business as soon as possible, even if it has been significantly more complicated than we would have ever contemplated when we were in opposition. I can give you that frank response.

The answer to your question is, yes, there will need to be an education program. Information will be made available on the RevenueSA website, but there will also be the capacity for accountants and/or other business people to ring and make contact and have explanation as it is required in relation to these things. We would hope to have relatively simple to understand and explain, as far as that is possible, information for accountants and financial advisers that will assist many small businesses in terms of complying with the requirements of payroll tax legislation. It is a transitional issue. We will manage it as best we can. We acknowledge the concerns being expressed, and we will do the best we can to ameliorate those concerns.

The Hon. F. PANGALLO: How soon will you roll out this education program once the law is passed?

The Hon. R.I. LUCAS: My advice is as soon as possible after the legislation passes. Let's assume it passes this week and gets assent in the next week. We are at the end of October. We would imagine that sometime in November we will be able to start rolling out the initial stages of an education and information program and then build on that as we have more time.

The Hon. F. PANGALLO: Can you provide some detail of what the education program will be? Is it just simply going to be advertisements in newspapers? How will you be contacting small businesses?

The Hon. R.I. LUCAS: It will be a combination of things. The government indicated that, whilst we were not undertaking any publicly-funded campaign supporting the state budget, we did reserve the right to make a modest contribution towards an advertising campaign to highlight the payroll tax initiative once it commenced, and that will be on 1 January.

In November, what is contemplated is both website information and a telephone number but, equally, RevenueSA has a list of all registered payroll tax payers and so information will be sent directly to the payroll tax payer in relation to their obligations and requirements. That can, of course, be shared with their accountant or financial adviser and, at the same time, we will be able to provide further assistance if accountants are having difficulty in terms of understanding or complying with the terms of the legislation. The website and trained officers within RevenueSA will be there trying to provide that sort of assistance as well.

Clause passed.

Clauses 2 to 10 passed.

Clause 11.

The Hon. R.I. LUCAS: I move suggested amendment No. 1:

Amendment No. 1 [Treasurer–1]—

Page 13, lines 1 to 4 [clause 11(4) and (5)]—Delete subclauses (4) and (5) and substitute:

(4) Schedule 2, clause 6(3), formula—delete the formula and substitute:

$$D = \frac{T}{(T+I)} \times \text{prescribed amount}$$

This amendment to the payroll tax bill seeks to correct an inconsistency between the monthly and annual deduction amounts provided in the bill to some employers. The formula for determining an employer's monthly deduction amount in the current bill can result in a situation where the sum of the monthly deductions for a business will be less than the annual deduction they are entitled to.

The issue would only impact a small number of businesses, being those who begin or cease operating part way through a year. While this would have no impact on the total tax paid by those businesses for the year following the annual reconciliation process, it does have the potential to impact negatively a business's cash flow during the year. This inconsistency was identified by RevenueSA as part of its systems development and testing and, as a result of that, I move this corrective amendment in my name.

Suggested amendment carried.

The Hon. R.I. LUCAS: I move suggested amendment No. 2:

Amendment No. 2 [Treasurer–1]—

Page 14, lines 9 to 12 [clause 11(12) and (13)]—Delete subclauses (12) and (13) and substitute:

(12) Schedule 2, clause 9(3), formula—delete the formula and substitute:

$$D = \frac{T}{(T+I)} \times \text{prescribed amount}$$

This suggested amendment is consequential on the one that we have just passed.

Suggested amendment carried; clause as suggested to be amended passed.

Title passed.

Bill reported with suggested amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

APPROPRIATION BILL 2018

Second Reading

The Hon. R.I. LUCAS (Treasurer) (16:56): I move:

That this bill be now read a second time.

I take the opportunity to note that my budget speech was tabled in the house on budget day, 4 September, and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2018. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

3—Interpretation

This clause provides relevant definitions.

4—Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

5—Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

6—Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

7—Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

8—Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

Schedule 1—Amounts proposed to be expended from the Consolidated Account during the financial year ending 30 June 2019

Debate adjourned on motion of Hon. I.K. Hunter.

TEACHERS REGISTRATION AND STANDARDS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (16:57): I move:

That this bill be now read a second time.

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

Leave granted.

The Teachers Registration and Standards (Miscellaneous) Amendment Bill 2018 will amend the *Teachers Registration and Standards Act 2004* to address issues with the ability of the Teachers Registration Board to suspend the registration of a teacher charged with serious offences and to improve administrative arrangements for the appointment of an acting Registrar for the Board.

Teachers are vital to the strong development of our children. The best teachers improve the lives of students and contribute to a well-educated and engaged citizenry. For this reason the teaching profession deserves the trust and respect of our community.

To engender this trust, the State must maintain high professional standards for its teachers and ensure those teachers registered in South Australia are not only competent educators but fit and proper persons to have the care of children.

The *Teachers Registration and Standards Act 2004* sets out provision for the registration and oversight of the teaching profession in South Australia. It establishes the Teachers Registration Board and provides the Board with, among other things, the functions of regulating the teaching profession and promoting professional standards for teachers.

This Bill specifically aims to improve the ability of the Board to deal with unprofessional conduct of teachers. It will provide the Registrar of the Board with the ability to immediately suspend the registration of a teacher, or impose, or vary, conditions on a teacher's registration, where the teacher is charged with a prescribed offence.

Current provisions for the suspension of a teacher's registration limit the Board's ability to address any immediate concerns in regard to a teacher's conduct.

If the Board becomes aware of serious charges laid against a teacher it cannot take action to suspend that teacher's registration until it has held an inquiry into the matter and determined there is proper cause for disciplinary action.

The Board may also need to await the outcome of related Court action before it can even commence a disciplinary process.

Currently, a teacher's registration will remain valid while any court proceedings and subsequent disciplinary inquiries are underway. This means a teacher can potentially hold themselves out to be a fit and proper person to work as a teacher despite being the subject of serious criminal charges relevant to the safety of children.

Teachers facing serious criminal charges related to offences against children who remain on the public register while these matters are finalised has the potential to negatively impact on the safety of children and undermines the integrity of the register of teachers.

Clause 7 of the Bill sets out provision for the Registrar of the Board to immediately suspend the registration of a teacher who is charged with a prescribed offence pending an inquiry as to whether there is proper cause for disciplinary action against the teacher. The clause also provides for the Registrar to vary the conditions of a teacher's registration, including by imposing new conditions, if they are charged with a prescribed offence. Prescribed offences will be set out in regulations under the Teachers Registration and Standards Act and will replicate the prescribed offences under the *Child Safety (Prohibited Persons) Act 2016* as well as other serious offences.

The Bill provides for three members of the Board to review a decision of the Registrar to suspend a registration, or impose or vary conditions on a registration, within 60 days. On review, these board members could continue the suspension or the variation of conditions, or cancel the suspension or the variation of conditions.

A suspension would continue until the Board has determined:

- whether there is proper cause for disciplinary action against the teacher
- or 120 days after the day on which the last charge to which the suspension or variation relates has been withdrawn or finally determined
- or until the suspension is otherwise cancelled under the provisions. The Board can determine to cancel a suspension or variation of conditions at any time.

A teacher whose registration is suspended, or whose registration has conditions imposed or varied, would have a right to appeal to the Administrative and Disciplinary Division of the District Court under current section 49 of the Act.

Clause 6 of the Bill includes amendments to section 20 of the Act that are consequential to the new provisions for immediate suspension of a teacher. The amendments ensure that an employer does not commit an offence by continuing to employ a person whose registration as a teacher has been suspended but prohibits that employer from requiring or allowing the person to continue to teach or hold a leadership position within a school or preschool.

Clause 5 of the Bill provides the Board with the ability to appoint a person to act as the Registrar to cover any short term absence of the Registrar or a temporary vacancy in the position. Currently all appointments for the Registrar, including short term acting arrangements, are made by the Governor. The process for appointment by the Governor is unnecessarily onerous for the purposes of appointing an acting registrar to cover a short term or emergency absence of the Registrar. Appointment of the Registrar will remain with the Governor.

The Board undertook consultation with a range of stakeholders about these proposed changes including representative organisations for the education sectors, principals, unions, parent groups, and the providers of initial teacher education. Stakeholders broadly supported the proposal and their feedback has helped shape the final form of the Bill.

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

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Teachers Registration and Standards Act 2004*

4—Amendment of section 15—Registrar of Teachers Registration Board

This clause inserts new paragraph (c) into section 15(4) of the principal Act, enabling the Registrar to perform the functions contained in this measure.

5—Insertion of section 15A

This clause inserts new section 15A into the principal Act which allows the Teachers Registration Board to appoint an acting Registrar.

6—Substitution of section 20

This clause substitutes section 20 of the principal Act, prescribing the functions for which a person must be a registered teacher to perform or be employed to perform. In part, the need for clarification arises from the inclusion of the ability for registration to be suspended under proposed section 34A.

7—Insertion of section 34A

This clause inserts new section 34A into the principal Act, which confers on the Registrar the ability to suspend the registration of a teacher, or alter the conditions of their registration, where the teacher is charged with certain offences, and pending dealing with the matter under the provisions of the principal Act relating to disciplinary proceedings. The new section also makes procedural provision in relation to such suspension etc.

8—Amendment of section 41—Application

This clause inserts new subsection (1a) into section 41 of the principal Act, disapplying the provisions of that section in respect of proceedings under new section 34A.

Debate adjourned on motion of Hon. I.K. Hunter.

Personal Explanation

DARLEY, HON. J.A.

The Hon. C. BONAROS (16:58): I seek leave to make a personal explanation.

Leave granted.

The Hon. C. BONAROS: In light of the comments just made in this place by Mr Darley, I have sought leave to make a personal statement. Can I just say that I am both shocked and utterly dismayed and disgusted at the vile, untrue and outrageous allegations that Mr Darley has just levelled at me. Any suggestion that I would be involved in elder abuse, or indeed abuse of any sort, sickens me to the stomach, to the absolute core, and can only be politically motivated and self-motivated. The fact that Mr Darley has chosen to hide behind parliamentary privilege to make these gutless and untrue claims is proof enough of that.

For the record, I categorically deny every allegation that he has just levelled against me. That said, given the nature of the allegations, I will seek to have this matter referred to the Privileges Committee.

What I will say in the meantime is this: Mr Darley can try as hard as he might to humiliate me, publicly defame me and attempt to bring me down, under the cover of parliamentary privilege or otherwise. It will not deter me from my duty to this chamber and the work that I will undertake during my term in this place for the benefit of those people who elected me to this place.

I also seek the indulgence of the chamber to make a further personal explanation next week, Mr President, after I have had an opportunity to thoroughly review the disgusting and sickening and vile and utterly false allegations that Mr Darley has chosen to level at me.

Bills

TERRORISM (POLICE POWERS) (USE OF FORCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 August 2018.)

The PRESIDENT: Leader of the Opposition.

The Hon. K.J. MAHER (Leader of the Opposition) (17:01): Mr President, I thank you for letting me speak again. It is very generous of you.

The Hon. T.J. Stephens: Try not to stretch the indulgence any further.

The Hon. K.J. MAHER: And I also thank the Hon. Terry Stephens, president in waiting. Do I have to get permission from both the President and the president in waiting to speak? I am happy to do that in the future.

The PRESIDENT: You are trying the friendship, Leader of the Opposition.

The Hon. K.J. MAHER: Thank you for your friendship, Mr President.

The PRESIDENT: The chamber awaits your comments on this bill.

The Hon. K.J. MAHER: I rise to indicate Labor's support for this bill, and I indicate that I will be the lead speaker in handling the bill for the opposition in this place. The issue at the heart of this bill is an important one and one which we take very seriously. For this reason, I believe it is important that we strike a bipartisan position on this legislation, and that is what we will seek to do. Both Labor and the Liberal Party have been supportive of similar legislation previously, before the election, and I am pleased to indicate support, although there will be a few questions.

The primary purpose of this bill is to give certainty. Our police officers, who put themselves on the line every day to protect Australians, have to make some of the toughest possible decisions under trying circumstances. In those circumstances any uncertainty can make the difference between life and death. We saw this in the Lindt cafe siege, the incident which sparked this call for legislative change in New South Wales.

There, two officers had the hostage taker in their sights but did not act because they were not sure whether he constituted an imminent threat. Now, it has been noted that it is entirely possible their actions would have been in line with the law as it stands, but the fact remains that they did not know for sure. It is that lack of clarity which this bill aims to correct.

Some in the media have labelled this 'shoot to kill' legislation, which is somewhat misleading. Officers already do have considerable power to stop a threat, and they are given a detailed matrix of possible responses, from de-escalation to lethal force. Obviously, peaceful solutions will always be preferred, and this bill does not stand in the way of those. It simply acknowledges that there will be times where lethal force is necessary in order to halt a greater loss and provides a restricted framework in which it will be legally protected. It is not a new power but rather a limited extension of existing powers. In essence, it is about recognising the changing face of terrorism.

That is also the reason behind the anonymity provisions, which require a court to be empty before any police officer is identified and prevents the name or image from being published unless either they consent or the Supreme Court requires it. This is a necessary part of the bill to protect officers not only against criminal liability but from the threat of revenge or intimidation by others from any terrorist group targeted under this legislation. The opposition would not support this bill unless it believed that these two provisions together were robust enough to protect police officers dealing with terrorist acts.

Ultimately, the bill allows for the police commissioner to declare an incident a terrorist attack, a term which is already defined in federal legislation. There is also an argument, which I understand the police were in favour of last year, to include situations outside of the narrowly-drawn terrorist act definition. The most common example of this would be in the case of high-level domestic abuse. Where this turns into a siege, that may create a situation much like that of a terrorist threat, and where there may be a high risk of danger that does not fall under the typical picture of imminent threat.

I understand that for special forces responding to sieges, there is some protection awarded already and that may be something worth looking into again in light of these new recommendations. However, as I have stated, that is a matter for another day. We will not be making further amendments to this bill. As a protection for those in the community who are tasked with making the most difficult decisions imaginable, we will be supporting this bill.

The Hon. J.A. DARLEY (17:05): I rise in support of this bill, which will provide protection from criminal liability for police officers who use force in relation to a terrorist incident. This protection will extend to the use of lethal force. In order for this protection to apply, it must be in relation to a terrorist act or declaration made by the Commissioner of Police; however, the protection does not apply if actions were taken by an officer in contravention of orders made by the officer in charge of the response to the terrorist act. The bill also includes provisions for the identity of the police officer to be kept confidential.

I know this was a matter of particular importance to the Police Association of South Australia. It is a pity that we now live in a day and age where these measures are necessary; however, it is important that the police are given the right tools and are confident in the knowledge that they will be protected if they are required to take forcible action in order to protect the community. I hope that we will not have an incident in South Australia which means that the provisions within this bill would have

to be used, but it will be some comfort for those who are on the front line that they will be protected from criminal liability. With that, I support the bill.

The Hon. M.C. PARNELL (17:07): This bill mirrors legislation that has already passed in New South Wales and Western Australia, and it arises out of the coronial inquiry into the Lindt cafe siege in Sydney in May 2017. It has been dubbed interstate as the 'shoot to kill bill'. The bill provides for the police commissioner or an assistant commissioner to make a declaration that an incident is a terrorism incident and that results in special protection being offered to SAPOL officers who are taking action in these situations. It protects them from criminal liability, and there are a number of exceptions built in. I note in the second paragraph of the minister's second reading speech, he says:

> This Bill is the culmination of longstanding Liberal Policy, which the former Minister for Police suggested was not necessary and not required.

It is interesting to see that the Labor opposition has now had a change of heart. I will put on the record that they were right the first time, that this bill was not necessary and not required. How have I come to that conclusion? I have come to that conclusion by reading the Coroner's report into the Lindt cafe siege. When you go to the source material and you have a look at what the Coroner said, you get a very different picture to what we are being led to believe is the pressing situation that needs law reform. In the Coroner's report, entitled 'State Coroner of New South Wales Inquest into the deaths arising from the Lindt Cafe siege findings and recommendations', dated May 2017, the Coroner says:

> 31. In my view, the relevant legal principles meant that the police (including the snipers) had lawful authority to use lethal force against Monis from an early stage of the siege. I have reached that conclusion having regard to all the circumstances, in particular Monis' wielding of the shotgun and claim to have an IED [improvised explosive device], his threats, his claimed allegiance to IS [Islamic State], his unwillingness to negotiate and the continuing unlawful deprivation of the hostages' liberty.

He goes on to say that he can understand why the police were unclear as to what their powers were. Ultimately, he says it was not the problem with the law; it was the problem with how you train the police and how you explain to them what their powers are. The Coroner goes on to quote the Johnsons, the family of one of the victims of the siege, and says:

> 33. The Johnson family submitted that police training in the use of force does not appear to align with the legal framework. They submitted that police applied a threshold much higher than is required by law.

Ultimately, I think that is the problem at the heart of this bill. The Coroner concludes:

> 44. The snipers and the police commanders believed that police did not have lawful authority to shoot...That belief was an unduly restrictive view of their powers…

In other words, the Coroner said that the police had the powers but did not understand what they were. He goes on to say that the special powers in relation to the right to use force could be more clearly defined, but that is as much a recommendation for defining that in the training provided to police officers as it is in the law. I think there is a serious problem with the bill in that it misunderstands the basis of the Coroner's findings. His number one finding in his summary of conclusions at paragraph 119 was:

> i. The police would have been lawfully justified in shooting Monis from soon after the siege commenced.

They did not need extra powers; they did not know what their powers were. They could have shot him early on. I am not for one minute making light of the awful situation the police were put in. It was a situation of life and death. They did not really know what was happening in the cafe. Their intelligence was incomplete, there were innocent hostages, and there was a person who was clearly dangerous, mad and willing to kill.

I am not for one minute making light of that awful situation; however, I think our responsibility in this parliament is to be guided by facts and a sober assessment of the evidence. We should not leap to the conclusion that the problem must be legislative—a lack of police powers—and therefore we must step in and pass new laws. I think, in some way, this plays into the hands of terrorists. As we know, creating a climate of fear in society is one of the main things they are trying to do.

When parliaments leap to pass special laws, I think it just reinforces to the community that we should be fearful and afraid, and it is inviting us to accept that our police do not have the powers they in fact already have. I do not think this legislation is necessary. I think the Labor Party's assessment last year was correct.

I do not doubt that the bill has the support of the majority of members in the chamber, and it is not something that I am going to divide over. I just want to put on the record that I would invite members to go back to primary sources, look at exactly what happened in the Lindt cafe siege and read the Coroner's report. I think you will conclude, as the Greens have done, that this legislation is not necessary. We will not be supporting it.

The Hon. C. BONAROS (17:13): I know I am not listed to speak on this, but I would just like to indicate for the record our in-principle support for the bill, or at least the second reading of the bill. In light of some of the comments made by the Hon. Mark Parnell, we may look at it further, but we will certainly be supporting the bill at the second reading stage.

The Hon. D.G.E. HOOD (17:14): I rise to indicate my support for this bill, which is yet another fulfillment of the Marshall Liberal government's election commitments to provide greater certainty for police in the use of lethal force. It is of course just one initiative that is part of its comprehensive strategy to keep our community safe from the threat of terrorism, including undertaking an audit of all major public places and events to maximise security, additional training for our police officers and security guards, developing an effective anti-terrorism communication plan and increasing the use of community constables to enhance engagement with communities identified as being at risk.

It is unfortunate that our society has evolved in such a manner that we would need to regard terrorism as a very real threat, and it is certainly something we all hope we will never be confronted with. However, we do of course have a responsibility to ensure clear protocols are in place in preparation for worst-case scenarios.

As it stands, South Australian police officers are permitted to use firearms and lethal force by a series of general orders. The state government is now seeking to afford police greater latitude to engage in lethal force in the context of an officially declared terrorist incident, similar to those introduced in New South Wales in the wake of the Lindt cafe siege.

The Commissioner of Police or, in their absence, the Deputy Commissioner of Police, would be required to make such a declaration in writing, or orally in urgent circumstances, with written confirmation to be presented as soon as practically possible. Authorised police action that is subsequently undertaken involving force, including lethal force, will not incur any criminal liability if it is deemed reasonably necessary, as a police officer perceived it to be, and neither should it.

It is important to note that these protections would not apply if the action of a police officer is in direct contravention of orders issued by the officer in charge, or if it was not done in good faith. As per SAPOL's request, there is also provision for the identity of any officers who utilise force to remain concealed, unless they provide consent or if a publication order is made by the Supreme Court.

I had the privilege of presenting an award on behalf of the Minister for Police three or four weeks ago now at the South Australia Police constable development program graduation ceremony. At the event I had the opportunity to speak to a number of the graduates, and I found it truly remarkable how these impressive, typically young men and women (although not exclusively young, most were quite young) would selflessly choose to dedicate themselves to ensuring the safety of our communities by putting their own lives at risk to protect the rest of the community.

The very least we can do as legislators is to offer whatever support we can to ensure that, when in the line of duty and running towards danger, when most would be retreating, they would never need to second-guess their trained and instinctive responses when executing what they consider to be the best course of action in the most unimaginably challenging circumstances. These are things police face on an all too regular basis, unfortunately.

I therefore trust these proposed measures receive multipartisan support. It seems that the opposition will support the legislation, which is encouraging, and I believe that to be in the best interests of all South Australians. I strongly support the bill.

Debate adjourned on motion of Hon. I.K. Hunter.

NATIONAL GAS (SOUTH AUSTRALIA) (CAPACITY TRADING AND AUCTIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 September 2018.)

The Hon. C.M. SCRIVEN (17:19): The opposition will be supporting this bill. These changes are a result of the consultation paper of October 2016 by Dr Michael Vertigan AC, which considered whether the current short-term trading market for gas was sufficient to deal with latent capacity in the pipelines that we have across Australia, including, of course, South Australia.

At the December COAG council meeting, it was agreed by ministers that South Australia's request to bring forward Dr Vertigan's recommendations should be approved. While Labor was in government, the department of state development, on behalf of the COAG Energy Council, took the lead in drafting the required amendments to the national gas law. We see the value in bringing these reforms forward, and I commend the current state government for moving quickly.

I would like to put on the record our thanks to Dr Vertigan AC for all his hard work in developing this framework. The opposition does not have any questions in committee. We are very pleased with these reforms, and I commend the bill to the chamber.

Debate adjourned on motion of Hon. T.J. Stephens.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 July 2018.)

The Hon. C. BONAROS (17:21): I rise to speak in support of the bill, or rather the remnants of the Hon. Mark Parnell's bill following subsequent amendments to the bill filed last month. At the outset, I commend the honourable member for his perseverance in pushing for reform with respect to FOI laws over many years in this place. That is certainly a measure that we have always supported in our team. That is the thing about a strong crossbench that can shed light on issues that slow burn, sometimes for years, until the public or government catches on.

That is what has happened here. This is the third time in the past four years that the bill has been introduced by the Hon. Mark Parnell. It first lapsed when parliament was prorogued. The second bill did pass the Legislative Council in November 2016, I believe, with the support of the then opposition, whereupon the bill languished, as so many private members' bills did, in the House of Assembly under the Weatherill Labor government.

The original bill proposed amendments following a number of recommendations made by the former ombudsman back in 2014. The Attorney-General, Vickie Chapman, has recently undertaken to conduct a holistic review of our FOI Act following productive consultation with Ombudsman Wayne Lines around a number of issues that require reform. This is despite the Liberals supporting the bill in full while they were in opposition.

Nevertheless, SA-Best welcomes the announcement this week, and while we appreciate that the original bill does not comprehensively address all of the deficiencies in the existing FOI Act, we fully support the approach for a complete review of that act, which will be highly anticipated, as it will lead to meaningful change with respect to FOI laws.

Consequently, the remnants of the bill focus on items that the Ombudsman thought were useful to progress now, particularly in relation to determining public interest factors and preventing improper direction or influence over FOI applications. The Ombudsman wrote to the Attorney-General on 27 July 2018, after considering the Greens' bill, and explained the reasons for proceeding with the specific amendments pending the outcome of the holistic review.

The power of FOI laws cannot be overstated. On 2 July 2018, our Centre Alliance colleague Senator Rex Patrick revealed that the federal Department of Health was forced to release the total legal costs of defending its tobacco plain packaging laws in the case brought by tobacco giant Philip Morris against the Australian government.

The cost of the investor-state dispute settlement (ISDS) litigation was just shy of a whopping $39 million. Of course, the federal government has had to defend the matter, which it did successfully, but it came at great cost to the taxpayer and highlighted the costly consequences of the ISDS clauses in trade agreements.

ISDS provisions allow corporations to sue governments when they change their laws or policies. In 2012, the High Court determined that legislation relating to plain packaging of tobacco products was constitutional. That did not deter Philip Morris from shifting some assets to Hong Kong, claiming to be a Hong Kong company, and using the ISDS provisions in an obscure agreement between the government of Hong Kong and the government of Australia for the promotion and protection of investments to try to usurp the High Court's decision.

Obtaining that vital information involved an almost two-year transparency battle with the federal government under the commonwealth FOI laws. It should not be that hard. Senator Patrick said at the time that the release of the information under FOI laws was a 'win for transparency, but the information should have been released immediately upon request in 2016'. Ultimately, the Department of Health was forced to release the information to the senator but not before flouting FOI laws to seek to delay and obfuscate the intention to provide transparency and accountability of government.

It should not have taken litigation through the Administrative Appeals Tribunal, with the assistance of counsel, to obtain the information. For these reasons, we commend the efforts of the Hon. Mark Parnell and support the bill and renewed efforts to achieve a more workable, transparent and effective FOI scheme.

The Hon. K.J. MAHER (Leader of the Opposition) (17:26): I rise today to indicate the opposition's support of this bill, as proposed to be amended by the Hon. Mark Parnell. I believe this is something like the third time the Hon. Mark Parnell has introduced a bill that is similar or indeed exactly the same. It is worth putting on the record that I think the second iteration of the bill introduced in 2016 passed the Legislative Council with the support of the Liberal Party. The Liberal Party, including the now Attorney-General, Vickie Chapman, also voted for this bill in the House of Assembly.

In his second reading response earlier, I think the Treasurer advised the government would oppose the bill on the grounds that the Ombudsman believed a full rewrite of the current legislation is required and that such a review was going to commence. I understand the Hon. Mark Parnell has had further communication with the Ombudsman, who has indicated that, while some elements of this bill may be put off until that rewrite is concluded, there are some that ought to be acted upon immediately. I commend the Hon. Mark Parnell for narrowing down, extraordinarily, those three specific areas that the Ombudsman said ought to be acted upon immediately pending a fuller outcome of the review.

Given that it has been narrowed down to those areas, the opposition will support the bill in the form it is currently in and indicates it will look at any further reforms that come either from crossbenchers or the government in relation to further reform in this matter.

The Hon. M.C. PARNELL (17:28): I will sum up the debate. I thank the Hon. Connie Bonaros and the Hon. Kyam Maher for their support. I will also put on the record that I have been in continuous discussion with the Attorney-General and her staff. I am aware that the government is not supporting the bill at this stage. I accept that it has a tougher passage in another place, but it may well have an easier passage tonight.

Other members have, I think, fairly well summarised the passage of this bill. The one thing that I would emphasise is that I resisted the temptation in this bill to put any of my own agenda. This bill was entirely the product of the 2014 Ombudsman's audit of public sector agencies and how they handled freedom of information. We know from the audit all those years ago that most agencies were

not following the law, that agencies had developed a culture of secrecy and ministers were illegally and unreasonably interfering in the assessment of freedom of information applications.

As a result, I packaged all of the Ombudsman's legislative recommendations, put them in a bill and, as other members have said, it is now the third time I have introduced it into parliament. In conversations with both the Attorney-General and the Ombudsman since then, it has become apparent that there is now an appetite for a complete review of the Freedom of Information Act. Let me say that I fully support that approach. We absolutely do need to review the act, but that does not mean that reform is a worthless exercise.

When the Ombudsman wrote to me some time ago—and I am not sure about others—he said that his preference was to do a whole rewrite of the act. I wrote back to the Ombudsman and, in part, basically my letter to him stated:

> My main concern is that by pushing all reform back until 2019 (at the earliest) we are missing the opportunity for a number of simple 'no regrets' reforms that could be instituted now and improve the operation of the FOI system pending a full review.
>
> If you think any of the reforms in the current Bill fit that description, it is an easy enough matter to put them up as stand-alone amendments. I will be guided by you, but if you think this is worth pursuing, I would be happy to meet to discuss this further. I believe the Attorney's office would be willing to work with us.

That was my approach to the Ombudsman. I met with the Ombudsman, and he told me that he had had another look at it and thought that there were some no-regrets options—some low-hanging fruit, if you like—some things that we could easily and simply fix up now that did not stand in the way of a comprehensive review.

He nominated three areas, the first being the more comprehensive definition of what public interest factors need to be taken into account in assessing freedom of information applications. The second was to put in a prohibition against improper or undue influence on those freedom of information officers who are tasked with assessing applications. Thirdly, he pointed out some anomalies, if you like, where an agency says they have looked really hard but they cannot find something or they pretend that a document does not exist, to make sure that decisions like that are reviewable. There were three things that he thought were effectively no-regrets options.

As wedded as I was to the original bill, I have swallowed hard and I have taken the red pen to the majority of the bill. Hence, people will have before them a series of amendments in my name with the words 'the clause will be opposed', 'the clause will be opposed'. It is not as if I have had a change of heart and think that what the Ombudsman said back in 2014 is now no longer relevant. I still believe all those reforms were worthwhile, but in the interest of focusing on the low-hanging fruit, I have deleted probably 80 per cent of the bill and I have confined the bill to those matters that are left.

I am delighted that we now have the Labor Party supporting the bill. People have suggested to me that the major political parties' views on these matters can change according to whether they are in government or in opposition. I will leave that for others to decide, but I certainly think this is something that we can do now. There will be no regrets because I expect I will not be the only person in this chamber who is lodging freedom of information applications before we see the government bill and before the government bill passes through both houses of parliament. That could be six months away or it could be much longer away.

I think these reforms are worth supporting now, and I am glad we have the numbers. If people really want to go through the detail of every clause in committee, of course I am willing to do that, otherwise I hope the bill has speedy passage through all of its stages today. I look forward to it reaching the lower house and to the government supporting it there as well.

Bill read a second time.

Committee Stage

Clause 1.

The Hon. R.I. LUCAS: Can I indicate that, just to repeat again information the Hon. Mr Parnell has put on the record, the government's position as advised by the Attorney-General

has accurately been described by the Hon. Mr Parnell so I do not propose to speak at length, just to indicate that there have been productive discussions, the Attorney-General informs me. There is to be this review and at some stage the government will come back with its proposition after appropriate consultation. Therefore, at this stage, our position, whilst we recognise the numbers in this chamber, we do not propose to delay the proceedings by calling for divisions during the committee stage of the debate or, indeed, at the third reading. The government's position is to oppose the third reading of the bill.

Clause passed.

Clauses 2 to 3 passed.

Clause 4.

The Hon. M.C. PARNELL: If the question was that the clause stand as printed then I will be opposing that because this is one of the clauses that I am seeking to strike out of my own bill.

Clause negatived.

Clause 5 passed.

Clause 6.

The Hon. M.C. PARNELL: I will not be insisting on this clause.

Clause negatived.

Clause 7.

The Hon. M.C. PARNELL: Same again, I will be opposing this clause.

Clause negatived.

Clause 8.

The Hon. M.C. PARNELL: This will be struck out as well.

Clause negatived.

Clause 9.

The Hon. M.C. PARNELL: I move:

Amendment No 5 [Parnell–1]—

Page 6, lines 12 to 20 [clause 9, inserted section 18A(2)]—Delete inserted subsection (2)

> A decision by an agency in respect of the nature and scope of an application for access to a document of the agency and whether a document, or information contained within a document, is or is not within the scope of the application is a determination for the purposes of this Act.

My amendment is simply to delete the inserted subsection (2).

Amendment carried.

The Hon. M.C. PARNELL: I move:

Amendment No 6 [Parnell–1]—

Page 6, after line 20 [clause 9]—After inserted section 18A insert:

18B—Nature and scope of application

> A decision by an agency in respect of the nature and scope of an application for access to a document of the agency and whether a document, or information contained within a document, is or is not within the scope of the application is a determination for the purposes of this Act.

This amendment is to insert a new section 18B into the act.

Amendment carried; clause as amended passed.

Clause 10.

The Hon. M.C. PARNELL: I move:

Amendment No 7 [Parnell–1]—

Page 6, lines 21 to 26 [clause 10]—Delete clause 10 and substitute:

10—Amendment of section 19—Determination of applications

Section 19(3)—delete subsection (3) and substitute:

(3) This section does not require an agency to determine an application for access to a document in accordance with subsection (1) if the agency has, in accordance with this Act—

(a) transferred the application to another agency; or

(b) determined that it is not possible to give access to the document because it cannot be found or never existed; or

(c) refused to deal with, or to continue to deal with, the application.

This amendment replaces the clause 10 as printed with a new version of clause 10 in the matter of the determination of applications.

Clause negatived; new clause inserted.

Clause 11.

The Hon. M.C. PARNELL: I move:

Amendment No 8 [Parnell–1]—

Page 6, lines 27 to 35 [clause 11]—Delete clause 11 and substitute:

11—Amendment of section 23—Notices of determination

(1) Section 23(1)(a)—delete paragraph (a) and substitute:

(a) of its determination of the person's application (including any determination made under section 18A); or

(2) Section 23(1)(b)—after 'not held by the agency' insert:

(other than in circumstances contemplated by section 18A)

(3) Section 23(2)—after paragraph (f) insert:

(fa) if the determination is to the effect that it is not possible to give access to a document because it cannot be found or never existed—the fact that the document cannot be found or never existed (as the case requires) and a summary of the steps taken to find the document; and

As with clause 10, I am proposing that we delete clause 11 as printed and insert a new clause 11, which is an amendment to section 23—Notices of determination.

Clause negatived; new clause inserted.

Clause 12.

The Hon. M.C. PARNELL: I am proposing that this clause be struck out.

Clause negatived.

Clause 13.

The Hon. M.C. PARNELL: In what I should say is the fastest committee stage I have ever experienced, I will not be insisting on clause 13 and will be voting that it not stand as printed.

Clause negatived.

Remaining clause (14) and title passed.

Bill reported with amendment.

Third Reading

The Hon. M.C. PARNELL (17:42): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT AND REPEAL (BUDGET MEASURES) BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

FAIR TRADING (TICKET SCALPING) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

PAYROLL TAX (EXEMPTION FOR SMALL BUSINESS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the suggested amendments without any amendment and amended the bill accordingly.

At 17:53 the council adjourned until Tuesday 23 October 2018 at 14:15.