

## LEGISLATIVE COUNCIL

Thursday, 23 July 2020

The **PRESIDENT (Hon. T.J. Stephens)** 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.

*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 and question time to be taken into consideration at 2.15pm.

Motion carried.

### *Bills*

#### FAIR TRADING (FUEL PRICING INFORMATION) AMENDMENT BILL

*Committee Stage*

In committee.

(Continued from 22 July 2020.)

Clause 1.

**The CHAIR:** When the committee last met, we were at clause 1. Are there any further contributions at clause 1?

**The Hon. F. PANGALLO:** Can the government tell me what effect their model will have on petrol price cycles? Will they be longer or will they be shorter?

**The Hon. R.I. LUCAS:** The *Hansard* record shows that I referred to the conclusions yesterday of the Productivity Commission in relation to fuel pricing, the potential impact on fuel pricing of a number of monitoring schemes, and also fuel pricing cycles. I am really not in a position to add anything else more conclusive than the independent body of the Productivity Commission, which has had a long look at fuel pricing schemes around Australia and has come to that conclusion, which I shared with the honourable member in response to a question either he or another member put to me yesterday.

**The Hon. F. PANGALLO:** I would like to refer to an ACCC report into petrol price cycles in Australia, published in December 2018. It begins with its key messages:

Price cycles (i.e. the sudden, sharp increases in the price of petrol, followed by a gradual decline) are a prominent, and longstanding, feature of retail petrol prices in Australia's five largest cities (i.e. Sydney, Melbourne, Brisbane, Adelaide and Perth). They occur among all the main grades of petrol, but not for diesel and automotive LPG prices.

Price cycles are frustrating for motorists, especially when prices increase quickly and by significant amounts. However, price cycles do provide opportunities for motorists to buy at relatively low prices towards the bottom (or trough) of the cycle. These prices are often below wholesale cost, as reflected by published terminal gate prices (TGPs). While not all motorists have discretion about the timing of their petrol purchases, many do.

The report then goes on to show a chart of what happens in Sydney. It goes on to say:

The ACCC encourages motorists to maximise their opportunities throughout the price cycle and purchase petrol at the lowest possible price. This report describes the opportunities available for motorists and highlights the potential savings they can make.

Under a heading 'Not all retail sites increase their prices at the same time', the ACCC goes on to say:

It is important to note that not all retail sites increase prices at the same time. Typically, during a price cycle, a small number of retail sites increase prices first, and others follow over several days. This provides opportunities for motorists to notice prices beginning to increase, seek out lower prices at other retail sites and fill up.

Longer cycles in the eastern capital cities (i.e. Sydney, Melbourne, Brisbane and Adelaide) in recent years have resulted in longer delays between the trough price and the peak price. It takes up to a week for prices across a market to increase from the trough price to the peak price, meaning although some retail sites increase prices first, others maintain lower prices for a number of days. This contrasts with 2009, when average prices moved from the trough price to the peak price across a market in one or two days.

This feature of price cycles provides more time for motorists to notice that prices are starting to increase, and then to seek out lower priced retail sites that are yet to increase their prices.

Analysis of the price cycle that occurred in Sydney in June 2018 indicates the time it took for retail sites across the market to reach the peak price.

Then, in this particular chart, it shows the cycle in Sydney. The daily average prices in Sydney reached a trough on Tuesday 12 June and a peak on Monday 18 June, so essentially it was six or seven days. It continues:

The chart shows that the majority of retail sites had not increased their prices to a peak price two days after 12 June (when prices started to increase at a small number of retail sites). Only around half of retail sites in Sydney had increased to a peak price after three days, and it took six days after prices started to increase for 94 per cent of retail sites to reach a peak price.

I want to move into what happens in Perth. Mr Chairman, as you know, the Perth model is the one that SA-Best and Labor favour in regard to having real-time pricing. Under the heading 'Motorists in Perth can take advantage of weekly price cycles, with prices consistently the lowest on a Monday', the report states:

In contrast to the eastern capital cities, Perth's price cycles have occurred on a weekly basis since 2011, making them highly predictable for motorists.

Prices are consistently the lowest on a Monday and usually highest on a Tuesday. The consistency of price cycles in Perth has likely been influenced by the WA FuelWatch scheme, which has been in operation since 2001.

I note that on radio this morning, the Hon. Tammy Franks seemed to mock the fact that it is 20 years old and seemed to think that it is outdated and does not use modern technology. In actual fact, it does. It has its own website, and the prices are given quite regularly either on television or radio. The report continues:

This scheme requires petrol retailers to notify the WA Government of the next day's retail price by 2 pm each day. Petrol retailers must sell petrol at this price for a 24-hour period from 6 am on the following morning. The petrol price at each retail site is publicly available on the FuelWatch website. Therefore, petrol prices in Perth can only change once per day and petrol retailers must commit to their prices a day in advance.

That is a system that many people on talkback radio seemed to prefer. It continues:

The high degree of certainty in Perth's price cycles provides motorists with a weekly opportunity to buy petrol at the lowest prices. In 2016, around one quarter of petrol sales occurred on the lowest priced day (Monday). At the same time, around 10 per cent of sales occurred on the highest priced day (Tuesday), suggesting that many motorists in Perth adjust their purchases to the cheapest day. It also suggests that...motorists in Perth could take advantage of 'cheap Mondays'.

The ACCC estimates that motorists in Perth, who fill up once a week, and always on the cheapest day of each week, could save themselves around \$520 a year, compared with always filling up on the most expensive day.

We have not even seen figures from the government about what the potential savings could be on their dud of an idea. Under the heading 'Throughout the price cycle, motorists can make significant savings by seeking out lower priced retail sites', the report states:

Not all petrol retail sites have the same prices. Motorists in the eastern capital cities can make savings across the price cycle by seeking out lower priced retail sites.

Analysis of the Sydney petrol market in the first half of 2018 shows that in addition to the considerable variation in price between retail sites as prices increase from trough to peak, there is also a degree of price dispersion between retail sites once prices have reached a peak and are decreasing.

This is consistent with conclusions in the ACCC report 'Petrol prices are not the same: petrol prices by major retailer in 2017' (released in May 2018), which showed that average petrol prices varied significantly between major retailers. This was particularly the case in Sydney.

By taking advantage of price cycles, there can be substantial savings for consumers. The report continues:

The potential savings can add up. The ACCC estimates that motorists who both time their purchases at the trough of the cycle, as well as seek out lower priced retail sites over the rest of the cycle, could potentially save around \$300 per year in Sydney and Adelaide, and around \$250 per year in Melbourne and Brisbane.

Compare that to the over \$500 figure I gave you from Perth going on their FuelWatch scheme. It continues:

Assuming that one-third of motorists fill up once a week, that similar savings are available for all petrol grades, and that all of these motorists took advantage of the above savings, the total potential savings in Sydney would be around \$260 million per year. Savings in the other eastern capital cities per year would be: around \$220 million in Melbourne, around \$105 million in Brisbane and around \$75 million in Adelaide.

The potential savings for motorists that fill up more than once a week would be greater, and motorists that fill up less frequently would save a lower amount. However, these illustrative savings indicate that motorists can use price cycles to their advantage to save money on their petrol purchases.

Furthermore:

Petrol price cycles in Australia are not driven by movements in underlying costs or wholesale prices. Price cycles are solely due to the pricing decisions made by petrol retailers, that are aiming to maximise profits.

The price increase phase of the cycle begins when prices in the market have reached their low point and an initial retailer (...the price 'leader') increases prices to improve their margins. This is generally initiated by one or two major retailers, which increase prices substantially at a small number of retail sites. As other retailers respond to this price increase with similar price increases, the increased price then spreads across the majority of retail sites within a location.

The price decrease phase involves a gradual process of retail sites following, matching or undercutting each other's prices in local areas by small amounts. This occurs as retailers have an incentive to discount or match lower prices in order to increase sales or prevent a loss of sales.

Variability in retailer's pricing strategies throughout the price cycle means prices across a location can vary significantly. Some retailers may delay increasing prices at certain retail sites to capture higher sales, and some retailers may seek to reduce prices more aggressively at particular retail sites to win sales from local competitors.

They give a case study from Geraldton in Western Australia:

Geraldton in WA provides a clear example of the influence of a single retailer's pricing behaviour on other retailers. Geraldton is one of the few regional locations in Australia that has a petrol price cycle. Price cycles in Geraldton started when Coles Express entered the market in April 2016.

Analysis of prices at each retail site in Geraldton shows that when Coles Express opened a retail site in Geraldton it adopted the same pricing strategy it had at all of its 53 retail sites in Perth. Subsequently, other retail sites in Geraldton, but not all, appear to have responded to prices at the Coles Express retail site by adjusting their pricing strategies to a broadly similar cyclical pattern. By January 2017, five retail sites in Geraldton had adopted a similar strategy. By May 2018 eight of the 11 retail sites selling petrol followed the weekly price cycle.

The report continues:

Price cycles, in and of themselves, are not illegal. Sometimes competing businesses sell goods or services at the same or similar price levels so that the price fluctuations of one petrol retailer are matched by others. In general, independent decisions by petrol retailers to adjust prices throughout price cycles reflect this process, and are not usually the result of collusive behaviour that would raise concerns under the Competition and Consumer Act 2010...

In November 2017, the CCA was amended to prohibit a person from engaging in a 'concerted practice' that substantially lessens competition. These changes broaden the net for capturing anti-competitive conduct. The concept of a 'concerted practice' involves communication or cooperative behaviour that does not require all of the elements of an 'arrangement or understanding' to be reached between parties, but does involve more than a person independently responding to market conditions. The concerted practice provisions are yet to be tested in court.

If, when setting prices, petrol retailers are doing no more than responding quickly to each other's published prices, this is likely to be parallel pricing from each petrol retailer's independent response to market conditions. The ACCC is currently of the view that this is not a concerted practice in breach of the CCA.

There may be occasions—

**The CHAIR:** The Hon. Mr Pangallo, you made a second reading speech on Tuesday. Are you heading towards a question here? Normally we give quite a bit of latitude at clause 1 but it is normally for somebody who has not made a second reading speech. Can you give us an indication of where you are heading with this?

**The Hon. F. PANGALLO:** Where I am heading is to give you an example that the government cannot give us an indication of whether their model will have an impact in any way on price cycles, compared to the model that we have put up where it is consistently at seven days that consumers do know what price they will be paying. I have asked whether the government can provide any models or any modelling they have done that petrol price cycles, by adopting their model, will either be longer or shorter and, if so, can they produce that?

**The Hon. R.I. LUCAS:** The first point I would make in response to the honourable member's speech and then finally question is that, if it was all as he portrayed then why is the RAA, the independent voice for motorists in South Australia, not supporting his scheme, or the Western Australian scheme, as opposed to the scheme the government is putting? The reason is that they have looked at the evidence and they do not agree with the assessments and conclusions the Hon. Mr Pangallo has arrived at.

If I can briefly refer to the equivalent organisation in Queensland, contrary to the claims just made by the Hon. Mr Pangallo, the equivalent organisation to the RAA in Queensland, the RACQ, issued a press release, headed 'Drivers save millions since Qld fuel price trial':

RACQ research has revealed Queenslanders have saved a massive \$122.8 million since the introduction of the Fuel Price Reporting scheme...

They go through some background which I will not take up the time with. The press release states:

'It's fantastic to see the price of ULP has fallen and real savings are being delivered to Queensland drivers. Brisbane motorists recorded the biggest overall saving, a whopping \$41.8 million dollars.'

Ms Smith said the Club's analysis revealed the average monthly price of ULP was about 2.3 cents per litre cheaper in Brisbane, since the introduction of the trial.

I will not go through all the detail of that but that paints an entirely different conclusion to the one that the Hon. Mr Pangallo has painted and I suspect that is why the RAA does not subscribe to the conclusions that he and his proponents have in relation to the Western Australian scheme. They have consulted with their own members, I assume, but they have also spoken to sister organisations in other jurisdictions, and that is the sort of conclusion they have come to.

In response to the earlier question yesterday, I think it was, in relation to impacts on prices and price cycles, I put on the record the Productivity Commission's conclusion and their conclusion was:

Regarding changes in average prices, the Commission concludes the evidence to date is inconclusive that price transparency schemes have any lasting impact on average prices in price cycles.

That is, there is differing evidence in relation to them. The commission considered that \$5 million might be a reasonable estimate of the savings. I am advised that the commission had cautiously estimated the net benefits of the preferred scheme were somewhere between \$3 million to \$8 million, and they settled on a reasonable estimate being in the middle of that band at \$5 million, which they said was highly contingent on having better information in the market place, consumers acquiring that information and acting on that particular information.

So there are estimates that the Productivity Commission has put on the record, albeit they have heavily cautioned anybody in relation to the various claims that have been made about savings from particular schemes. But the reality is that the independent bodies that speak on behalf of motoring consumers in the state—the RAA here and the RACQ in Queensland—are fearless advocates for the sort of proposal that the government has asked the parliament to consider.

In relation to fuel price cycles, even the Hon. Mr Pangallo concedes that there will continue to be fuel price cycles under whatever scheme: he just prefers the fuel price cycle that happens to exist in Western Australia, as opposed to the fuel price cycle that either exists now or will exist under this proposal as well. What this scheme is about, and what the RAA and others are strongly supportive of, is almost real-time information in relation to petrol pricing.

As an individual consumer, one of my arguments against the Western Australian scheme when it was first flagged with me (and it remains the same) is that under our current system, and under the system the government will propose, if some retailer out there goes out and drops their price by 40¢ in the litre, under the current arrangements the market adapts very quickly. Most other people, if they want to sell petrol on that particular day, drop their prices by close to the 40¢.

So it is not just the lucky consumers who happen to live in the particular suburb where that outlet has dropped the price by 40¢. The problem with the Hon. Mr Pangallo's scheme is that for 24 hours all the other punters who do not happen to be in that particular suburb will be locked into paying \$1.50 per litre, as opposed to the lucky punters in one particular suburb who are going to pay \$1.10 for 24 hours.

What the Hon. Mr Pangallo is saying is, 'Well, too bad' to all those other punters who currently get the benefit of the market operating and operating quickly, where they adapt to the \$1.10 price because they have to, otherwise they will sell no fuel on that particular day. Under the Hon. Mr Pangallo's model, for 24 hours all those retail outlets will be locked into what has been the prevailing price of \$1.50 per litre, and they will only be able to change that 24 hours later when it occurs.

So the value of real-time pricing (or as close to real-time pricing and you are going to be able to get) is that the market will be able to be best informed to say, 'Okay, the price at the moment is \$1.40.' If someone drops the price to \$1.10, and that particular retail outlet wants to drop it immediately to \$1.10, that will become apparent. If you happen to live and work in Modbury, and the fuel prices drop in Hackham, then by checking on the fuel price arrangement under this new scheme you will find that Modbury has dropped their price to \$1.10 and you will be able to go there, or, if they do not, someone a bit closer at Campbelltown or somewhere like that may have dropped their price to compete at \$1.10, and you will know which is closest to you, as opposed to driving across town to Hackham to get the cheap fuel price in that particular part of the cycle.

I think it is pretty clear where people are at the moment in relation to this. The government has a proposal, which is supported by a number of stakeholders and, we believe, a number of people in this chamber. The Hon. Mr Pangallo has a proposal, which is supported by him and the Australian Labor Party. The Hon. Mr Pangallo is not going to convince the government that his scheme is better than the government scheme, and therefore at this stage to change, and we are assuming that the government is not going to be able to convince the Hon. Mr Pangallo to change his position either.

Long dissertations from the ACCC report from December 2018, as interesting as they might be during a second reading, are really not going to be changing the position, at least of the government, in relation to the committee stage. So we are very happy to assist in trying to respond to questions, as the committee stage is designed to elicit information, but we would urge the Hon. Mr Pangallo and indeed other members to concentrate perhaps on seeking information in questions rather than prosecuting another second reading contribution.

**The Hon. K.J. MAHER:** I will have some specific questions. I am keen to tease out quite fully how the wholesaling, then the retailing, of petrol works in South Australia and how that compares to other jurisdictions; how the market works precisely, that we are seeking to put some of these systems in and around.

I will also be keen during the committee stage to look at some of the very specific findings and recommendations from the Select Committee on Petroleum Products Pricing in Western Australia, 'Getting a Fair Deal for Western Australian Motorists', the report that led to the Western Australian scheme. There are, I think, some findings that are relevant to South Australia.

One of the things that South Australia has that some of the east coast jurisdictions do not have is very large distances between regional areas, which does make us in some way more analogous to Western Australia than, say, a Victoria or an ACT or a New South Wales. So I will be keen to tease that out, referring to the Select Committee on Petroleum Products Pricing in Western Australia report that led to the institution of their scheme, which is of course close to the scheme that is being advocated by the Hon. Frank Pangallo.

I will also be very keen to seek the government's views on some of the recommendations from the Senate Standing Committees on Economics that particularly looked at a national fuel watch bill, and seek the government's precise views about some of the findings in that report and their applicability to South Australia.

I note there were two South Australian senators, I think, at the time on this: Senator Annette Hurley, who of course was a former member of this parliament, and also Senator Nick Xenophon, who was on that committee. So there were a couple of very well-regarded South Australian senators on the Senate Standing Committees on Economics, which looked at the National Fuelwatch (Empowering Consumers) Bill 2008 and the consequential amendments to that.

I think it is important we have a very clear understanding of the reasons why this scheme came about like it did in Western Australia, because the government's view is that that is not a scheme that we should be following here. I think in fact the government's view previously, or one of their views up until I think it was late last year, was quoted as being that any scheme that seeks to let consumers know could be counterproductive and could push up prices.

This is a government that previously held the view that any scheme that has prices advertised—whether it is a lock-in price, as the Hon. Frank Pangallo is advocating, or the government's app-based scheme—could disadvantage consumers. I am very keen to tease out what evidence led to that previous view that the government held and what new evidence does the government have that has changed their view.

But if I might start with a range of questions about the market for fuel in South Australia. Can the government let us know how many fuel retailers there are in total across South Australia—and a breakdown, please, of metropolitan and non-metropolitan—and how, for the purpose of fuel retailers, the delineation between metropolitan and non-metropolitan is made?

**The Hon. R.I. LUCAS:** The only information I can share with the member is that in 2018 the ACCC estimated there were 276 fuel retail sites in Adelaide. They do not actually give a figure on the number of fuel retail outlets outside Adelaide but in South Australia.

**The Hon. K.J. MAHER:** I am wondering if the Treasurer can outline for the sake of the committee that is considering this important bill how fuel retailing works; that is, the level of vertical integration between wholesalers, fuel companies? We do not have a refinery in South Australia anymore. Where do South Australian retailers buy their fuel from? For example, are fuel retailers branded BP or Caltex required to buy their fuel from the parent companies? I am wondering if the minister can outline the nature of and the integration of the fuel economy in South Australia in that respect?

**The Hon. R.I. LUCAS:** I am not in a position to provide a detailed exposition of the integration or otherwise of the fuel price market in South Australia. The ACCC has produced a number of reports. If the Leader of the Opposition was interested in these matters, he or his staff could have collected this information prior to this particular debate.

**The Hon. K.J. MAHER:** I do not agree with the Treasurer. As we saw in debates in this very chamber last night, when someone is advocating a bill, it seems entirely reasonable to be asking how the system works that they are seeking to change or regulate or require reporting on. I wonder if the Treasurer can at the very least explain for our consideration, because it may end up being difficult for this committee to consider it much further if he does not have answers to some of these very simple questions, how many wholesalers of fuel are there in South Australia from which retailers can buy?

**The Hon. R.I. LUCAS:** I am happy to take that on notice. I do not have that sort of information. All the government is seeking to do here in response to calls for change is not to change the whole system, it is actually to provide some version of real-time price monitoring. It is a relatively simple concept. I might say that over 16 years the former Labor government did nothing in this particular field, so I will take with a grain of salt any criticisms the Leader of the Opposition might make of the government in relation to the introduction of this scheme.

**The Hon. K.J. MAHER:** I am wondering if the Treasurer can outline any requirements for retailers of fuel? Is it a restricted market? Is there a licensing scheme? How does one set up a retail

operation for fuel? Can anyone set up in any location as long as they meet development requirements or is it like it has been in the past with areas like pharmacies or hotels, some requirement that there is a need for a fuel retailer? What are the market conditions to become a fuel retailer?

**The Hon. R.I. LUCAS:** I am stunned that the Leader of the Opposition has not done sufficient research to even understand the licensing arrangements in relation to this particular bill. We are very happy to comply with this attempted filibuster from the Leader of the Opposition and others but we are not going to be diverted.

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. R.I. LUCAS:** No, I am not going to be answering questions in relation to that particular issue.

**The Hon. I.K. Hunter:** Don't you have that basic information at hand?

**The CHAIR:** Order! The Hon. Mr Hunter!

**The Hon. R.I. LUCAS:** The Leader of the Opposition can ask those sorts of questions for as long as he wishes but we will respond to questions in relation to the bill. We are not going to be going into long—and I am sure, very interesting to the watchers of the *Hansard* of this particular debate—details of how the market operates, how many wholesalers and retailers there are, and whatever other questions the Leader of the Opposition might choose to try to delay consideration in committee.

**The Hon. I.K. HUNTER:** On the basis that the government cannot even answer the simplest of questions in relation to a bill they want this chamber to pass, I move:

That progress be reported.

The committee divided on the motion:

Ayes..... 9  
 Noes ..... 10  
 Majority ..... 1

AYES

Bonaros, C.	Bourke, E.S.	Hanson, J.E.
Hunter, I.K. (teller)	Maher, K.J.	Pangallo, F.
Pnevmatikos, I.	Scriven, C.M.	Wortley, R.P.

NOES

Centofanti, N.J.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Parnell, M.C.
Ridgway, D.W.		

PAIRS

Ngo, T.T.	Wade, S.G.
-----------	------------

Motion thus negatived

**The Hon. I.K. HUNTER:** My question is to the Treasurer, obviously. He may be able to assist me. In choosing one model over the other for a fuel watch measure, what consideration has the government given to the specific market conditions that apply in South Australia, markedly different from those in Brisbane and Sydney?

*The Hon. T.A. Franks interjecting:*

**The Hon. I.K. HUNTER:** I am not addressing the question to you, the Hon. Ms Franks.

**The Hon. T.A. FRANKS:** Point of order, Chair: the member just asked the government why they were choosing the FuelWatch measure, but they are not choosing the FuelWatch measure.

**The Hon. I.K. HUNTER:** I am going to go back to reading a report then to make it very plain to the chamber what I am referring to. Clause 3.3, page 27 of the commission's report on fuel pricing—

**The Hon. K.J. Maher:** It goes for a few pages.

**The Hon. I.K. HUNTER:** It does but I will just speak to a short section of it at this point in time. The Hon. Ms Franks might ask me to speak to more of it if she wishes.

**The Hon. T.A. FRANKS:** Point of order, Chair: I am not married. If you are going to call me Mrs—

**The Hon. I.K. HUNTER:** I did not, actually.

**The CHAIR:** The Hon. Mr Hunter, can you just please continue.

**The Hon. I.K. HUNTER:** Thank you, sir. Someone is getting a little bit angsty.

**The CHAIR:** The Hon. Mr Hunter, just stick to the subject, please.

**The Hon. I.K. HUNTER:** Thank you, sir. Clause 3.3 impacts on retailers. It states:

The retail market for petrol in Adelaide is more concentrated than the other four largest Australian cities—

the Hon. Ms Franks might not have read this section—

with one retailer accounting for around 37 per cent of retail outlets in 2018.

She may not be aware of that. The report continues:

It is not clear what this implies for the fuel price cycle in Adelaide compared with the other large Australian cities.

The Hon. Ms Franks might not know that either.

**The CHAIR:** The Hon. Mr Hunter, can you stop being inflammatory.

**The Hon. I.K. HUNTER:** The report continues:

Accurate and transparent retail petrol prices would on the whole add more information from independent, low cost retailers. Compared with the status quo, that provides (possibly) additional information to the larger retailers at low cost and enables them to lead prices back to the peak.

It goes on and on but my question is then: when choosing a model, what consideration has the government given to the specific market conditions that apply in South Australia that are markedly different from capital cities in the Eastern States, when there is such a high concentration of ownership in Adelaide of petrol stations or petrol retailers?

The report mentions, as I said, that in one situation one company owned approximately 37 per cent of retail outlets in 2018. If the government is preferring a model that is in operation in states where there is not such a high concentration of ownership of petrol retailers, what consideration has the government given to the distinct and different nature of the market in South Australia in choosing one model over the other?

**The Hon. R.I. LUCAS:** The government gave very close consideration to the issues that the honourable member raised, and having given very close consideration arrived at the decision to introduce the legislation that we have.

**The Hon. I.K. HUNTER:** Mr Chairman, with respect, that is an incredibly trivial response to an important question, I think. What is the thinking—

**The CHAIR:** That is a matter of opinion, the Hon. Mr Hunter.



**The Hon. I.K. HUNTER:** It is certainly disrespectful of me, I think. Can the government take me through its thinking vis-a-vis the two distinct market operating conditions—Adelaide versus Eastern States capital cities—in selecting one model over another? Or did they give no consideration whatsoever to the market conditions that are so different in Adelaide versus Brisbane, Sydney or Melbourne?

**The Hon. R.I. LUCAS:** The government gave very close consideration to the issues that were raised by the honourable member, and the government arrived at the decision to introduce the legislation in the form that he is being asked to consider.

**The Hon. I.K. HUNTER:** Let me try again: is the Treasurer saying to this chamber that he will not share with the Legislative Council the thinking of the government in response to this question raised in a report to the government, the South Australian Productivity Commission's commissioned report on fuel pricing? The government has received that report and this commentary from their own commissioned report, and the Treasurer has said that the government has given special consideration, detailed consideration, to that.

I am asking him to share how they went through that process of giving that consideration, what points they took into consideration, what weight they gave the different points—because the markets are plainly different in terms of concentration of ownership—and how they arrived at the decision to choose one model over the other.

**The Hon. R.I. LUCAS:** The government gave very close consideration to the issues that were raised by the honourable member, and we also took advice from stakeholders such as the RAA, which is the independent and fearless voice on behalf of motoring consumers in South Australia. The government also took advice from its own departments and bureaucrats and ultimately, through the cabinet process, made the decision to introduce the legislation that is before the honourable member. The member can rest assured that we read assiduously the information provided by the Productivity Commission and, indeed, other stakeholders, and that is the reason why we have introduced the legislation in this form.

**The Hon. I.K. HUNTER:** I am very pleased and reassured that the government paid close attention to the points raised in the report that they commissioned. What I am asking for is to be let into the government's thinking, into how they evaluated report and how they took into consideration the market differences that pertain between Adelaide and Eastern States capital cities. The Treasurer seems to want to just blithely pass it over, saying, 'Don't worry about it, mate. We have thought about it—trust us—and we took all that into consideration.'

Lovely, but I would like a little bit more information to assist me and, I hope, the chamber. I would like a little bit more information about the points that the government weighed up in the two differing markets and how the recommendations of this report influenced its decision to take one model over another. If the Treasurer is not able or not willing to share that information with the chamber, I think that actually throws a very dark—very dark indeed—motivation over why they are persisting with one model over another.

If the Treasurer cannot give me a reasoned argument to take into consideration market concentration and how they have either discounted it or adjusted the model to take it into consideration, then I am afraid I have a few doubts about why this model might be chosen by the government over another model that works perfectly well.

**The Hon. R.I. LUCAS:** The government took very close consideration of all the issues that have been raised by the member, and I refer the member to other parts of the Productivity Commission report and, indeed, the information and advice provided by the RAA, the fearless and independent advocate on behalf of motoring consumers in South Australia. The government listened to all of that information, gave it very close consideration, and made the judgement that it has through the normal cabinet processes.

**The Hon. I.K. HUNTER:** The Treasurer refers to advice from the RAA. What advice from the RAA on market concentration vis-a-vis capital cities in the Eastern States did the government rely on in choosing one model over another?

**The Hon. R.I. LUCAS:** The major advice from the RAA is they prefer the government's model to the Western Australian model preferred by the Labor Party.

**The Hon. I.K. HUNTER:** So is the Treasurer informing the chamber that the RAA did not give any consideration to market concentration in their arguments and submission to the inquiry and therefore did not address the issue of market concentration in their submission?

**The Hon. R.I. LUCAS:** I did not say that at all. The RAA, I am sure, gave very close consideration, as the government did, to the issues raised by the Productivity Commission and indeed everybody else in forming the judgement that they did. They then provided advice and a conclusion, which mirrors the conclusion the government made as well.

**The Hon. I.K. HUNTER:** We have no absolutely information forthcoming from the Treasurer about the thinking or the reasoning behind the choice of models being put forward in this legislation. We have absolutely no information or reasoning coming forward from the government to give us comfort that one model is preferred over the other, taking into consideration the different market conditions that pertain in Adelaide versus Eastern States capital cities.

We could take the Treasurer at his word which is always a tempting proposition. I think this chamber in consideration of such important legislation—important legislation, really, for the consuming public of South Australia—needs to have the benefit of the government's thinking and reasoning in choosing between two models, specifically because the market conditions in South Australia are different from the models the government wants us to embrace that operate in Brisbane, Sydney and potentially Melbourne, although I think all the information we have entertained so far this morning is based on Brisbane and Sydney.

I cannot understand the Treasurer's unwillingness to share information with this chamber on how they arrived at a decision of one over the other. That brings to the forefront, I think, some real criticism of the bona fides of the choice. Is there something else lurking behind this legislation the government is not telling us that makes them want to choose one model over another? If the government cannot propound to the chamber the benefits of one model other than to say, 'Oh well, we gave it thought and this is why we are doing this,' without giving us that information, why should we take them at their word?

The Treasurer has no ability today to explain to this chamber, 'We considered all these options under the market concentration proposals and the information arrived at was that for these other reasons this is the proposed model we want to put forward.' He cannot do that. He just says, 'We have given it close consideration,' and he will not share the results of that consideration with this chamber. I think that is preposterous. I do not know when a government has come before this chamber in the past and made such bold-faced claims with no backing whatsoever around legislation to be proposed that is fundamentally important to the consuming public of South Australia.

It is a gross dereliction of his duties as a minister and as Treasurer and it really pays terrible respect, I think, to the processes of legislation through this place. I will let the public judge for themselves what they think of a government that will not explain to them why they are putting one model before another. It is a basic question: why did the government prefer one position—and he cannot explain himself.

**The Hon. F. PANGALLO:** Can the Treasurer explain where the RAA actually argues against the Western Australian model, particularly when I have seen their submission to the Productivity Commission? I am sure the Treasurer has seen that. Can the Treasurer also explain if the RAA has provided the government with more comprehensive data on its survey of its membership because I note that in their submission to the Productivity Commission the RAA say it surveyed its membership on this issue:

...with 97% of respondents supporting the introduction of real-time fuel pricing, indicating there is significant demand for more comprehensive information in the market.

That is all it says. It just says, 'Yes, our members want real-time fuel pricing.' It does not say that they polled their members asking if they would like it based on the FuelWatch model from Perth. They do not say it is based on the Brisbane model. There is no data in there at all. What I also cannot see in here is abject criticism of the Western Australian model. In fact, this is what it says, firstly, on page 6

of its submission, 'Creating a 24-hour price-lock mechanism provided certainty to consumers.' That is what we are talking about here.

**The Hon. C.M. Scriven:** That's what the RAA said?

**The Hon. F. PANGALLO:** This is what the RAA said—the Western Australian model.

**The Hon. T.A. Franks:** Go on to read the next sentence.

**The Hon. F. PANGALLO:** I am going to read it.

**The CHAIR:** Order!

**The Hon. T.A. Franks:** 'Currently, with the prevalence of smart phones'—

**The Hon. F. PANGALLO:** If you do not mind—

**The Hon. T.A. Franks:** —'it is more likely that consumers will be checking technology more frequently prior to seeking to purchase fuel.'

**The CHAIR:** Order! The Hon. Ms Franks, you will have the opportunity—

**The Hon. F. PANGALLO:** I find the honourable member's stance—

**The CHAIR:** The Hon. Mr Pangallo, continue.

**The Hon. T.A. Franks:** I asked you to read the second sentence.

**The Hon. F. PANGALLO:** I was trying to do that.

**The CHAIR:** The Hon. Ms Franks, please! You will have your opportunity. The Hon. Mr Pangallo.

**The Hon. T.A. Franks:** This is ludicrous.

**The Hon. F. PANGALLO:** You were on the steps of parliament last year—

**The CHAIR:** The Hon. Mr Pangallo!

**The Hon. F. PANGALLO:** —railing against big oil and fossil fuel, and now you are happy to put a pump in retailers, because this is what the government's model does.

**The CHAIR:** The Hon. Mr Pangallo, address your remarks through me, and please stay with your topic.

*The Hon. T.A. Franks interjecting:*

**The CHAIR:** The Hon. Ms Franks, please!

**The Hon. F. PANGALLO:** Thank you, Mr Chairman. I will go back. On the Western Australian model, this is what they say. The RAA does not specifically come out arguing against the Western Australian model, as the Treasurer implies. It actually gives examples. It gives a cross-section of what is out there and gives its views on how each can be adopted. On the Western Australian model, it states:

In Western Australia, retailers are required to submit their fuel prices to Government at 2pm daily, and then charge that price the following day from 6am for 24 hours.

The system operating in Western Australia commenced in the early 2000s. This was a very different time when smart phones/apps...were not available tools for governments and consumers to disseminate information.

Creating a 24-hour price-lock mechanism provided certainty to consumers.

They go on:

Currently, with the prevalence of smart phones, it is much more likely that consumers will be checking technology more frequently prior to seeking to purchase fuel. The sharing of information in real-time and the nature of price cycles can benefit motorists in that they can take advantage of prices at their cheapest. It is likely that the Western Australian model would be met with more resistance from retailers...

'More resistance from retailers' because it actually gives more power to consumers, and is that not what this whole debate is all about? It is actually about empowering consumers, not the retailers, as

the Hon. Tammy Franks wishes to rail for—the retailers, the very people she railed against last year about drilling in the Bight. Finally, this is what they say about the Western Australian model, which we do not hear from the Treasurer:

We would recommend that if the Western Australian model is the government's preferred model that they build in a mechanism for retailers to adjust their prices down after setting them, but not up. This would enable some competitive downward pressure on prices.

My question to the Treasurer is: where is the data from the RAA that shows that consumers would be either advantaged or disadvantaged by either of the models? Where is it?

**The Hon. R.I. LUCAS:** Can I firstly say that I have never claimed, to use the phrase of the honourable member, that the RAA has made 'abject criticism' of the Western Australian scheme. What I have said is that the RAA, the fearless independent advocate of motoring consumers in South Australia, has indicated support for the government scheme.

They are aware of the two schemes that are on offer in South Australia—everyone is aware there are two competing models—and the RAA, contemporaneous to this particular debate, is saying that of the two schemes they prefer the government model. I make it quite clear that I have never claimed they have made 'abject criticism' of the Western Australian scheme. They have just indicated that, of the two models, they are advocating support for the model before us at the moment—and they can speak themselves.

In relation to the survey of members they undertake, and what information they share with the Productivity Commission, that is entirely a matter for the RAA in terms of how they conduct their business. They are completely independent of government. They occasionally agree and occasionally disagree with the views of all governments, and they can speak for themselves. I am not in a position to speak for them other than to read the information they have provided to the Productivity Commission.

**The Hon. I. PNEVMATIKOS:** In light of the objectives and functions of the Productivity Commission's report, which talks about taking into account the interests of industry, employer, employees, consumers and the community, whose interests does the government's model intend to serve?

**The Hon. R.I. LUCAS:** We are interested in the motoring consumers, as are the RAA.

**The Hon. I. PNEVMATIKOS:** On that basis, is it the case that this model will specifically benefit just the consumers? Who is it going to benefit?

**The Hon. R.I. LUCAS:** We plead guilty: we are unashamedly trying to look after the interests of the motoring consumers. If that is a criticism we will gladly wear that mantle. There will be some benefits, one would imagine, in terms of understanding a system and for those retailers that may want to compete to have information being provided in real-time. However, the interests of the RAA are unashamedly for the motoring consumers, and on this issue the interests of the government are overwhelmingly in the place of the motoring consumer.

**The Hon. I. PNEVMATIKOS:** The RAA is also a business, so is it going to benefit the RAA or any other groups?

**The Hon. R.I. LUCAS:** If the Labor Party, through the Hon. Ms Pnevmatikos, wants to launch an attack on the RAA as being a business and that in some way, by snide inference in relation to that question—

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. R.I. LUCAS:** Let the record show—

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. R.I. LUCAS:** —that I will defend the RAA against the snide inference of the Labor Party that in some way they are business. Let the record show what the question from the Hon. Ms Pnevmatikos demonstrates. As I said—

**The Hon. K.J. MAHER:** Point of order, Mr Chairman. The Treasurer is not in any way accurately representing the question he was asked to try to progress this bill, and I think he is doing great harm to the smooth passage and consideration of the bill in this chamber. He is being deliberately inflammatory for some reason to try to delay this.

**The CHAIR:** I am sure the Treasurer meant no offence and will return to the subject matter.

**The Hon. R.I. LUCAS:** On the government side we certainly reject any criticism being made of the RAA through that particular question, clearly authorised by the Leader of the Opposition as the leader of the Labor Party in this chamber.

**The Hon. K.J. MAHER:** Point of order: the Treasurer said 'clearly authorised by the Leader of the Opposition'. To attribute motives to me as the Leader of the Opposition is completely out of order.

**The CHAIR:** Clearly authorised by the Leader of the Opposition? Treasurer—

**The Hon. R.I. LUCAS:** Mr Chairman, if the Leader of the Opposition wants to distance himself from the comments made by one of his own members in the chamber we are happy for the Leader of the Opposition to seek to distance himself—

**The CHAIR:** Treasurer—

**The Hon. R.I. LUCAS:** —from the comments made by one of his own members.

**The CHAIR:** Treasurer, please return to the subject matter. The Hon. Mr Pangallo, do you have a question?

**The Hon. F. PANGALLO:** Yes, I do. Can the government give an assurance that its model will not push up prices as indicated by the Attorney-General in the other place? Also, I believe even the RAA made reference to the fact that the RAA in its submission, which I recommend that the Treasurer reads, has never claimed that the introduction of real-time fuel pricing in South Australia will guarantee fuel prices will drop here. They go on to say:

...the experience in Queensland is promising, particularly for regional cities where there has historically been less competition. The real intent of these policies, however, is transparency around information to empower motorists to buy at the best time, saving them money while also continuing to stimulate competition.

So the experience in Brisbane at the moment is that, for the last three months, the prices there under their scheme have meant that their average prices are the highest of any capital city. Can the government give an assurance that consumers in South Australia will not have to wear increases in fuel prices as a result of their scheme?

**The Hon. R.I. LUCAS:** I am happy to again place on the record the advice from the Productivity Commission. I can only repeat it again now for the third time, and they looked at all these fuel schemes:

Regarding changes in average prices, the Commission concludes the evidence to date is inconclusive that price transparency schemes have any lasting impact on average prices in price cycles.

That is all schemes—the Western Australian scheme, the Queensland scheme and, indeed, all the other schemes. That is their view. So in terms of seeking guarantees, and the Hon. Mr Pangallo can give no guarantee in relation to his proposed scheme, the Productivity Commission says no-one can give guarantees in relation to this. It is inconclusive in relation to the impacts on average price cycles and, indeed, they conclude that price cycles will persist despite the introduction of fuel price transparency schemes throughout the nation.

**The Hon. T.A. FRANKS:** I have a question of the Hon. Frank Pangallo. Can he please read the next sentence of that paragraph he just read out, otherwise I will. Alright. It states:

RACQ has been monitoring fuel pricing trends since the inception of the trial and have found Queensland motorists have saved more than \$120m since the trial's inception. They are now making the case for the trial to be permanent due to these positive results to date.

That is, \$120 million.

*The Hon. I.K. Hunter interjecting:*

**The CHAIR:** Order! The Hon. Mr Hunter, let the honourable Leader of the Opposition ask his question.

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. K.J. MAHER:** I wish to return to the market conditions of the fuel industry in South Australia. As I said before, I am keen to interrogate a little bit some of the issues that were raised after that in the Senate committee in 2008, also the committee of the Western Australian parliament in 2000. But just to flag, for the committee's benefit, seeing that the issue of the relative merits of various schemes has now been raised, I will also be keen to go through a much more recent interim report from a committee of the ACT parliament that goes through various possible schemes. I will do that a bit later and ask the government their views and why they reject in favour of their proposal different things.

In the ACT, the possible options were to do nothing, better education, creating a fuel prices oversight position or body, introduce a government-run real-time price monitoring scheme or introduce petrol companies being required to lock in fuel prices for 24 hours with mandatory reporting—those two being the essential parts of the competing schemes that I think we are talking about today—or setting a maximum margin for fuel companies. Just so the government is on notice, I will be keen to go through the various pros and cons of each of those as the ACT's recent committee report points out.

Returning to how the sale of fuel works in South Australia, the retailing and wholesaling—I am very keen. I know the Treasurer said he does not have that information, which surprises me a little bit. This is one of the greatest costs of living for most people in South Australia. The Treasurer is fond, with the Attorney-General's bills, of walking into this chamber and feigning ignorance, as he is so good at doing, and saying, 'I'm not a lawyer, I can't possibly understand how the legislation works', despite his having been here for some four decades.

This is about economics. This is about how a market works. This is about transparency and seeking to give consumers information about a market. If this is not within the direct responsibility and ability of the Treasurer to know, I do not know what is. I am very keen for the Treasurer to outline some of these things. He is not a lawyer, but these are not legal questions. I think the Treasurer said there are an estimated 276 retail outlets in Adelaide. I am hoping the Treasurer can let us know how many are in the country and what the ownership concentration is between those.

**The Hon. R.I. LUCAS:** The government gave very close consideration to a range of alternative options and, having given close consideration—

*The Hon. K.J. Maher interjecting:*

**The CHAIR:** Order! You will have your opportunity in a second.

**The Hon. R.I. LUCAS:** —to a range of options, it has proposed the particular model that we have before us today.

**The Hon. K.J. MAHER:** I am exceptionally disappointed that the Treasurer did not answer anything to do with the question I asked. I think it is showing great disrespect to members of this chamber—

**The Hon. I.K. Hunter:** And to South Australians.

**The Hon. K.J. MAHER:** —and to South Australians, quite frankly, not listening to the debate in this chamber on an important issue. The question asked had nothing to do with the relevant merits of various models, which I flagged I would get to, but I did not ask anything about that. For the benefit

of the Treasurer, I asked about the market conditions of the fuel retail market in South Australia. I will go back over what I said, because the Treasurer obviously was not listening.

It is disappointing so often that the Treasurer comes into this place with the Attorney-General's bills and claims that he is not a lawyer and could not possibly know how anything to do with legislation works. Treasurer, with all due respect, you have been in this parliament for close to half a century. I do not think your, 'I'm not a lawyer' excuse washes much anymore.

An area that is about how a particular market works, the fuel retail market, and how that can be made more transparent, surely is something a treasurer does or ought to know in quite significant depth. If the Treasurer cannot explain to this chamber, and to the people of South Australia, how it works, it is hard to know who would be able to explain it.

I will repeat the question. The Treasurer got up and answered a question from maybe three questions ago (or a question that might be asked in 10 or so questions), but the question for now relates to the fact that the Treasurer said, I think, that it might have been the ACCC—and I would be keen for him to clarify that because I have forgotten what he said. Did the ACCC estimate that there were 276 fuel retailers in Adelaide? I would be very interested to know how many fuel retailers there are outside Adelaide.

There has been some discussion, and I am sure there will be a lot more discussion, about outside the metropolitan area and how any scheme may benefit country motorists. I am keen for the Treasurer to inform the chamber, in addition to the 276 in Adelaide, how many extra there are in South Australia.

**The Hon. R.I. LUCAS:** I am advised the Productivity Commission report indicates an estimate of about 304, on the most recent analysis, in Adelaide and 357 in regional.

**The Hon. K.J. MAHER:** I appreciate that. That might be a sage lesson to the Treasurer, as before he would not reveal the true nature of it, that if he is open, transparent and up-front it might assist with the passage of this bill. The Treasurer earlier on said there were 276 in Adelaide. He is now saying there are 304 and 357. Can I confirm: is that 357 across SA, or is that an additional 357 just in country SA?

**The Hon. R.I. LUCAS:** Country.

**The Hon. K.J. MAHER:** Just for the benefit of Hansard, is that 357 in country SA, plus 304 in the metropolitan area?

**The Hon. R.I. LUCAS:** I do not intend to repeat answers to questions. It is quite clear the *Hansard* record indicates. So if the leader wants to keep asking the same question, it was 304 in Adelaide, and 357 in regional SA. It is in the Productivity Commission report. If the Leader of the Opposition had done his research and read the Productivity Commission report, he would not have to come in and ask those sorts of questions.

**The Hon. K.J. MAHER:** Again, I think the Treasurer's inflammatory and combative nature is not serving the government well in the passage of this bill. Insulting members, I think, does nothing to help us deal with things. I think, quite frankly, the good people of South Australia would be shocked at the arrogant way the Treasurer is conducting himself during this debate. Far be it from me to offer advice to the Treasurer to help him out, but it probably does the government no good with crossbenchers, having that kind of attitude, either.

For the Treasurer to attempt to lecture others on the accurate nature of the information on the number of fuel retailers, let's not forget—and we will be keen to see if that is what *Hansard* records, but as I remember it—the Treasurer first got up and said there were 276 in Adelaide and would not give any further information. Then a few minutes later the Treasurer is telling everyone off for not knowing that there are 304, and then 357 across South Australia. The shifting sands of the Treasurer's views—not just views but purported facts—do not do this debate any good at all.

Breaking down the 304 in the metropolitan area—and we can interrogate a bit more the 357 not in the metropolitan area—can the Treasurer outline for the benefit of the committee how the metropolitan area is measured for this purpose and what is the ownership concentration amongst

those 304? How many are owned by large fuel retailing companies themselves? How many are independent, and who are the different companies that own them?

**The Hon. R.I. LUCAS:** I do not have that sort of information available to me for that particular debate. There may well be information in the volumes of the Productivity Commission report.

*The Hon. K.J. Maher interjecting:*

**The Hon. R.I. LUCAS:** I do not have that sort of information available for this particular—

*The Hon. K.J. Maher interjecting:*

**The CHAIR:** Order! The honourable Leader of the Opposition, you will get your opportunity. The honourable Leader of the Opposition.

**The Hon. K.J. MAHER:** Returning to a question that I previously asked that I do not think we had a satisfactory answer to, how are fuel retailers licensed? Are they able to be set up wherever they please, or is it like other regulated industries?

**The Hon. R.I. LUCAS:** The honourable member asked that particular question about 1¼ hours ago, I suspect. I have no further information to offer other than the information I shared earlier.

**The Hon. K.J. MAHER:** I might ask it a different way. Are there limitations on the number of fuel retailing outlets that can be in particular geographical areas of South Australia?

**The Hon. R.I. LUCAS:** I am not in a position to provide advice in relation to that particular issue. It would be an issue managed by Consumer and Business Services, I assume. I am advised that the licensing is done by the ACCC.

**The Hon. K.J. MAHER:** Would the Treasurer be able to undertake for the benefit of the committee, perhaps during the lunch break, to bring back that information? If we are not finished this bill, which obviously we hope we will be, but if we are not finished by the lunch break would the Treasurer be able to bring back the answer to that question after the lunch break for the benefit of the committee?

**The Hon. R.I. LUCAS:** I suspect the answer is probably no, but I will make some inquiries. I suspect the answer is probably no.

**The Hon. F. PANGALLO:** Again, I will go to the Treasurer and ask the question: how much will its scheme actually save South Australian motorists and what is that data based upon, compared to the one in Western Australia? I have already pointed out the Treasurer always seems to refer to the RAA as being the sage of all things petrol in this state, but I also prefer the rather voluminous, detailed and comprehensive research by the ACCC. It has done that consistently for several years and has now been assigned the task by the federal government, back in December last year, to keep an eye on petrol prices in Australia. I will point again to its report of December 2018, for the benefit of the Hon. Tammy Franks who is not here, 'The ACCC estimates that motorists in Perth'—

**The CHAIR:** The Hon. Mr Pangallo, we do not normally refer to members when they are not in the chamber. It is a convention.

**The Hon. F. PANGALLO:** Okay. For the record, for what the Hon. Tammy Franks seemed to imply about savings, in Perth they save around \$520 a year, so I would like to know what the South Australian model that the government is proposing is going to save motorists. I will again go to examples of their preferred model in Brisbane as outlined in the ACCC 'Report on the Australian petroleum market', again, a very comprehensive study full of research and data and quite voluminous, which I do not really see in the RAA's submission. This is what the ACCC say on page 24 of their report for the March quarter 2020, released in July 2020:

Retail prices in Brisbane were higher than the other four largest cities in aggregate.

Retail prices in Brisbane are generally the highest among the five largest cities. In the March quarter 2020, average retail prices in Brisbane (140.7 cpl) were again the highest, and were 6.2 cpl higher than the lowest average retail prices for the quarter, observed in—



Guess where? Perth. Which is the model that we are proposing. So there you go: getting a great deal for consumers. They go on to state:

In the March quarter 2020, average retail prices in Brisbane were 3.7 cpl higher than the other four largest cities in aggregate (137.0 cpl). This was [only] 0.2 cpl lower than the differential in the December quarter 2019 (3.9 cpl).

So there really is not much movement in Brisbane under their so-called Fuel Check model. The report goes on to state:

In the year to March 2020, Brisbane retail prices were on average 3.1 cpl higher than the average across the other four largest cities. This was higher than the 2.8 cpl differential in the year to December 2019.

The ACCC released its report on the Brisbane petrol market in October 2017. It noted that petrol prices in Brisbane had been significantly higher than those in the other four largest cities in the period 2009-10 to 2016-17. Over those eight years, Brisbane motorists paid on average 3.3 cpl more for petrol than motorists in the other four largest cities.

The report found that the main factor influencing the higher prices in Brisbane was higher retail margins on petrol, which contributed to profits in Brisbane being significantly higher than the average across Australia.

We have already read in the report from the RAA that retailers were the ones that were more likely to benefit. Of course they are. That is why we have not even heard from them. I ask the government: has the sector—On The Run and all the others—submitted any information or submissions to the government about this model, because they have been pretty silent with us?

**The Hon. R.I. LUCAS:** I assume they would have made submissions to the Productivity Commission. In response to the honourable member's earliest question as part of that contribution, I have placed on the record previously the estimate of savings from the Productivity Commission, which was a band of \$3 million to \$8 million, and they settle on the reasonable estimate being \$5 million. I can continue to answer the same question two or three times; I am happy to do so.

In response to one of the earlier questions, I am minded, given I followed in the local newspapers the debate, the issue of the location of new petrol stations does have planning issues. The various planning authorities obviously have some influence about the establishment of new petrol stations because there has been a prominent ongoing dispute about the location of a petrol station on a particular site in the eastern suburbs that has had significant planning issues.

I am also advised that the EPA in recent years has had some sort of authorisation in terms of use of land, I suspect in terms of environmental consequences or significance. That is not, as I understand it, the licensing of a fuel outlet, but if you are going to be a fuel outlet there are some environmental issues that clearly need to be considered given the experiences of the last few decades.

**The Hon. F. PANGALLO:** I know we touched on this previously, but I did not quite get the answer I required, and that was in relation to the government's scheme and the effect it will have on the price cycle that motorists in South Australia experience. I want the government to give me an explanation of whether they expect that their scheme will either see a price cycle that is greater or less than, say, the one in Perth. Again, I will refer to the ACCC, which has done extensive work on just about every aspect of petrol pricing. Its report for the March quarter 2020 on page 25, under the heading 'Price cycle in the five largest cities' states:

Retail petrol prices in the five largest cities in Australia move in cycles. These price cycles do not occur in the smaller capital cities or in most regional locations. Price cycles are the result of pricing decisions made by petrol retailers aiming to maximise profits. They only occur at the retail level; wholesale prices do not exhibit similar cyclical movements.

There is a graph here, which I will go through to give you an example of what happens in our five largest capital cities when it comes to cycles per quarter. This is for the June quarter 2019 to the March quarter 2020. For June 2019, in Sydney, they experienced three price cycles; Melbourne, three; Brisbane, three; and Adelaide, four. Guess how many for Perth in that quarter: 13.

For September 2019, Sydney had three; Melbourne, four; Brisbane, three; Adelaide, five; and Perth, 13. For December 2019, Sydney had four; Melbourne, three; Brisbane, four; Adelaide, five; and Perth, 13. For March 2020, Sydney had three; Melbourne, three; Brisbane, three; Adelaide, five; and Perth, 13—consistency. You may recall that yesterday I was talking about the four Cs of

consumerism. So for the year to March 2020, the number of price cycles per quarter in Sydney were 13; in Melbourne, 13; in Brisbane, 13; in Adelaide, 19; and in Perth, 52.

In the March quarter 2020, the number of price cycles in Adelaide and Melbourne remained unchanged compared with the previous quarter while Sydney and Brisbane both had one less price cycle. Perth had the most price cycles in the March quarter 2020 with price cycles occurring on a weekly basis, as they have done since 2011.

In the past, these cycles have been highly predictable for motorists, with the lowest price occurring on a Monday and the highest occurring on a Tuesday. However, during the March quarter 2020, this changed, with the lowest price occurring on a Tuesday—I think they call it, and pardon me, cheap arse Tuesday—and the highest price occurring on a Wednesday. The consistency of price cycles in Perth may have been influenced by the Western Australian FuelWatch scheme. I will repeat that: the consistency of price cycles in Perth may have been influenced by the Western Australian FuelWatch scheme.

The ACCC released a report on petrol price cycles in December 2018. The report noted that while motorists find price cycles frustrating, they could use price cycles to their advantage to make substantial savings across the year. As I have pointed out, in Perth it is \$520 a year. What I would like from the Treasurer is how many price cycles they expect under their scheme, would it be consistent or similar to what we have seen in Brisbane, and do they expect that motorists in South Australia will save a considerable amount of money, more so than what the scheme in Perth does?

**The Hon. R.I. LUCAS:** As the honourable member indicated, he has already asked this question. I have already given an answer. I again indicate that the advice of the Productivity Commission is that the commission concludes that evidence clearly shows that price cycles persist despite the introduction of fuel price transparency schemes, but it also concurs with the view that transparency schemes reduce the cost to consumers of finding low-cost fuel, including at the low point of the fuel cycle.

**The Hon. F. PANGALLO:** On another matter, COVID-19: does the Treasurer know whether COVID-19 restrictions are having, or have had, an effect on prices and also fuel consumption?

**The Hon. R.I. LUCAS:** Certainly, it has had an effect on fuel consumption because during COVID-19 there was, for a period of time, a lot less traffic as people were required to stay at home or work from home.

**The Hon. F. PANGALLO:** Can the government tell us whether it has resulted in higher prices and whether it is likely to happen while the pandemic continues?

**The Hon. R.I. LUCAS:** I do not have any information on the impacts of the COVID-19 pandemic on retail petrol prices in metropolitan Adelaide and regional South Australia.

**The Hon. K.J. MAHER:** I have indicated that I have quite a few questions that result from the select committee in Western Australia, 'Getting a fair deal for Western Australian motorists', as well as the—

**The Hon. R.I. Lucas:** Is that the one from 20 years ago, that select committee?

**The Hon. K.J. MAHER:** It was some time ago, but it gave rise to the system and that is one of the competing systems. Again, the Treasurer thinks it is funny to continually interject and to drag this out. I do not think it is. I think it is important that we understand how this works and how this works for South Australia. The Treasurer can choose, if he wants, as is his way, to constantly interject and make it difficult for members of the chamber to understand the nature and effects of the bill.

Again, I am not usually in the business of offering free advice to our Treasurer about how to best prosecute legislation, but stopping constant interjections, in my view, would be a good way to allow this to progress. I will leave that for the Treasurer to decide how he conducts himself and perhaps to reflect on that.

As I was saying—and if he interjects again I will have to repeat myself—I will get on to asking some very specific questions about the Western Australian select committee's 'Getting a fair deal for

Western Australian motorists' report that was done before the scheme, which is one of the two competing schemes we are talking about, was introduced into Western Australia.

I also have quite an extensive list of questions about the Senate committee in 2008, but I might start with questions about the most recent committee report, that is the interim report from 2019 in the ACT about petrol pricing, 'Interim report into the inquiry into ACT fuel pricing'. This goes through a number of the different possibilities for fuel pricing and fuel pricing control, regulation or otherwise.

I do not think I will canvass the first possible recommendation, which is entitled 'Do nothing', although that is a recommendation the Liberal government seems to have adopted for the last two years. Regarding that first one, the 'Do nothing' option, I think, if I am remembering correctly, about \$70 million a year is the estimate in here of the RAA, which the Treasurer has fondly referred to a number of times. In fact, I might ask that question: Treasurer, what is the RAA estimate of how much the 'do nothing' option that your government has adopted so far has cost just Adelaide motorists each year; is it in the order of \$70 million a year?

**The Hon. R.I. LUCAS:** I do not have that figure on hand but whatever it is, you can multiply it by 16 for the 16 years the Labor government was in power.

**The Hon. K.J. MAHER:** It was a multiparty pledge before the last state election in March 2018 to do something about this. I think all of Labor, Liberal and SA-Best pledged before the last state election to do something about fuel pricing. We had the election and it was, unfortunately, by and large for the people of South Australia, the Liberal Party who won the last election, so it has been incumbent on them to do it.

Can the Treasurer take on notice what the RAA estimate is for Adelaide motorists and if there is one for the whole of South Australia? If my memory serves me correctly it is an estimate for Adelaide motorists only. What is the RAA's estimate that the 'do nothing' approach, the possible recommendation of the ACT report that the Liberal government has adopted the last two years, has cost Adelaide motorists? Will the Treasurer take on notice and undertake to bring back to the chamber what the estimate is from the RAA?

**The Hon. R.I. LUCAS:** I cannot give any undertakings but I am prepared to make some inquiries. If I get the information, I will. Whatever the number is, I suggest to the Leader of the Opposition, multiply that by 16 years for doing nothing under the former Labor government.

**The Hon. K.J. MAHER:** I thank the Treasurer for his change of heart and his decision now, which stands in stark contrast to only a few minutes ago, to be mildly helpful to this committee. We look forward to him finding that number for us and bringing it back. We had the first possible recommendation of the ACT's interim report on ACT fuel pricing, the 'do nothing' approach that has been the Liberal government's policy for the first two years of their term in government.

The other possible recommendation of the ACT report is better education. I am wondering if the Treasurer can outline what views the government has on the possibility of better education, what things the government is looking to put in place in addition to one of the two competing schemes this chamber is being asked to look at, and is the government anticipating doing anything else that would fall into the category of better education?

**The Hon. R.I. LUCAS:** The government always supports better education. I am not in a position to share what initiatives, if any, the government is looking at but certainly the RAA, I am sure, and other motoring consumer advocates would participate in providing better education to consumers. It is not just a role for government: there is clearly a role for fearless independent motoring consumer advocates like the RAA as well.

**The Hon. K.J. MAHER:** That is good. I thank the Treasurer. As he correctly points out, it is not just a role for government, but it certainly is a role for government. As the select committee on fuel pricing from the ACT points out, they considered evidence and heard consistently that there is poor community understanding of the fuel industry and its market.

I might just add that it is not just poor community understanding of the fuel industry and the market, there is very poor understanding of the fuel industry and market by the Treasurer of

South Australia. We have repeatedly asked the Treasurer to gain an idea of how the fuel market works in South Australia with simple questions like: does a fuel retailer have to be licensed by anybody to carry out that business over and above planning or environmental considerations, and the Treasurer has either been unable or unwilling—which would be even more concerning—to provide any information in relation to that.

As the ACT committee looks at better education and notes that their evidence is that there is poor community understanding of the fuel industry and market, it is very clear that the Treasurer has a poor understanding of that as well. The ACT committee writes:

A better understanding of what drives fuel prices may result in at a minimum, less community anxiety and, potentially, a change in some consumer behaviour.

The ACT committee notes in favour of better education—and this goes to the point the Treasurer made—that one of the benefits is that it would be of a low cost to government or industry. As the Treasurer pointed out, the area of better education is not necessarily something that is only the government's responsibility. As the report notes, it is 'government or industry'. So, yes, on this occasion I am happily agreeing with the Treasurer that it is both government and industry.

The ACT committee also notes in terms of better education that one of the pros is that 'the more informed the community, the greater agency they may have in making purchasing decisions'. Some of the possible downsides to better education as a standalone option canvassed by the ACT committee were 'potentially no resulting lowering of fuel prices' and 'price change is only likely to occur if consumer-led'. So my very specific question to the government is: what specifically is the government considering for better education in relation to fuel prices, in addition to any scheme that is implemented in South Australia?

**The Hon. R.I. LUCAS:** As I indicated earlier, I am not in a position to indicate the detail of that other than the government believes in it and will be providing for it, should this filibuster ever conclude and the legislation be successful. The government has provision for an education and information campaign. The details of that would essentially be up to Consumer and Business Services, I assume, in terms of better education, but it would be in concert with motoring organisations like the RAA and others as well.

**The ACTING CHAIR (Hon. D.G.E. Hood):** I point out to the chamber that we have been on clause 1 for an hour and 40 minutes now. If we can be mindful of that as we proceed, please.

**The Hon. K.J. MAHER:** Thank you, Mr Acting Chair. I take into account your guidance. This is a very important bill. The Treasurer has undertaken to take on notice and bring back a reply in relation to how much this has cost South Australian motorists. My memory is it is about \$70 million a year just for Adelaide motorists, so we are talking hundreds of millions of dollars over a number of years and well over \$100 million over the two years of inaction of the Liberal government so far just for Adelaide motorists.

I note your guidance and note just how important this is if we are talking about hundreds of millions of dollars of savings to consumers just in Adelaide, let alone the whole of South Australia. I want to turn to the next recommendation for ways to make fuel prices cheaper than the ACT considered, and that is creating a fuel prices oversight position or body. I have a series of questions to go through with the government about the merits of that and what consideration was given to that.

The ACT then specifically considers a 24-hour lock-in mechanism and next considers a real-time reporting mechanism. Seeing that they are the two competing schemes that we are considering, I will have quite detailed questions on both of those before, as I say, returning to the WA committee's findings in some detail and then the Senate report. There are then a number of other reports that I think are important that I want to ask questions about.

Returning to recommendation 3, to create a fuel prices oversight position or body, what consideration did the government give to such a proposal, either as a standalone way to try to put downward pressure on fuel prices for South Australian consumers or in conjunction with whatever model the government prefers or whatever model the parliament decides upon?

**The Hon. R.I. LUCAS:** The government gave very close consideration to a range of options and models and chose the model that is before the parliament to decide upon.

**The Hon. K.J. MAHER:** With respect, that did not actually answer the exact details of the question, so to aid the Treasurer I might go into a bit more detail about what that recommendation was from the ACT committee. The committee in the ACT was encouraged by a range of witnesses to recommend creating a fuel prices oversight position or body. They note that in Western Australia, which is something we have already talked about a fair bit in this committee and something we will be talking about a lot more as this committee deliberates:

a fuel prices commissioner exists whose role is to report daily on fuel prices and explain market trends. On the basis that, since the establishment of the select committee—

that is, the ACT select committee into fuel prices—

prices have generally been lower in the ACT.

It has been suggested in the ACT that the establishment of the standing committee tasked with monitoring prices may be a consideration. The possible benefits, the pros, that the ACT committee talked about in relation to creating a fuel prices oversight position or body are that it might assist with aiding transparency of fuel prices and be an ongoing education model. Depending on the model there would also likely be lower costs to government or industry.

One of the considerations that has worked against creating that, one of the cons, was potentially no resulting lowering of fuel prices. In the end, considerations included that the effectiveness of the role or body on lowering fuel prices may depend on how effective it is in calling out issues or trends.

Given that the Treasurer now understands, in a more detailed way, the considerations the ACT select committee took into account in relation to creating a fuel prices oversight position or body, can the Treasurer inform the committee whether the government would be prepared to look at that in conjunction with whatever other scheme the parliament decides upon?

**The Hon. R.I. LUCAS:** No; the government has given close consideration to a whole variety of alternative options and has decided on the option it is proposing in the legislation.

**The Hon. E.S. BOURKE:** On page 5 of the South Australian Productivity Commission report into fuel pricing it states that on 18 December 2019 the Premier asked the South Australian Productivity Commission to investigate and report on potential models that would increase transparency of fuel prices, having regard to the most cost-effective solution to increase transparency in fuel prices in South Australia. Is this simply the best model or the cheapest model? If it is the cheapest model, is it the cheapest model for the government, the industry or the consumer?

**The Hon. R.I. LUCAS:** The government's decision is in the best interests of the motoring consumers of South Australia. That is our prime interest. I think the Hon. Ms Pnevmatikos asked the question earlier as to who the government was trying to benefit most, and we unashamedly say that we are trying to look after the motoring consumer, as is the RAA. It is the government's intention, through its scheme, to try to benefit motoring consumers to the greatest degree possible.

**The Hon. E.S. BOURKE:** On 13 May this year, the Attorney-General, Vickie Chapman, stated that this may not reduce the overall cost of petrol. If this is to benefit the consumer and the consumer alone, how is it benefiting the consumer?

**The Hon. R.I. LUCAS:** We welcome the Hon. Ms Bourke's contribution to the debate but, as I have answered four previous questions, let me answer it for the Hon. Ms Bourke because it is the same question. This is the Productivity Commission's question: regarding changes—

**The Hon. K.J. MAHER:** Insulting members does no good, Treasurer.

**The Hon. R.I. LUCAS:** The Leader of the Opposition is interjecting again, Mr Chairman, trying to delay the proceedings.

*The Hon. K.J. Maher interjecting:*

**The ACTING CHAIR (Hon. D.G.E. Hood):** Order!

**The Hon. K.J. MAHER:** When you interject is that what you were doing?

**The ACTING CHAIR (Hon. D.G.E. Hood):** Order!

**The Hon. K.J. Maher:** When you have interjected is that what you are doing, trying to delay it?

**The ACTING CHAIR (Hon. D.G.E. Hood):** Order, Leader of the Opposition, please. Treasurer, continue.

**The Hon. R.I. LUCAS:** Let the *Hansard* record show another interjection.

**The Hon. K.J. Maher:** Don't delay.

**The ACTING CHAIR (Hon. D.G.E. Hood):** I will ask you to come to order, Leader of the Opposition. We are not getting anywhere. Treasurer, I ask you to address your comments through the Chair.

*The Hon. K.J. Maher interjecting:*

**The ACTING CHAIR (Hon. D.G.E. Hood):** Thank you. Please continue.

**The Hon. R.I. LUCAS:** The Productivity Commission concluded that:

Regarding changes in average prices, the commission concludes the evidence to date is inconclusive that price transparency schemes have any lasting impact on average prices in price cycles.

All price transparency schemes, is the conclusion of the Productivity Commission.

**The Hon. E.S. BOURKE:** Just to clarify it, is this the best model or simply the cheapest model?

**The Hon. R.I. LUCAS:** It is the best model for motoring consumers and therefore, in the government's view, will lead to the best possible result in terms of price impacts for motoring consumers in South Australia.

**The Hon. K.J. MAHER:** Just a couple more questions following on from the Hon. Emily Bourke's questions. The Treasurer keeps saying that this is the best model for consumers in South Australia. In some ways it is difficult to accept that the Treasurer is able to draw that conclusion, given the Treasurer has been wholly unable to inform the chamber of exactly how the fuel retailing system in South Australia works, even the simplest questions about what the licensing requirements are for a fuel retailer beyond mere planning or environmental considerations. But the Treasurer has undertaken to bring that back when we consider this in further detail, likely after the lunch break today.

Given what he is purporting to the committee is that this is the model that is in the best interests of consumers in South Australia—and if I know the Treasurer at all I am sure he has considered this—what are the cost differences to government in the two competing models, leaving aside what might be in the best interests of motorists? It would beggar belief that the Treasurer of South Australia, a champion of understanding the cost to government of everything, has not done any work or has not asked for any work to be done on what the costs to government are on the various models.

**The Hon. R.I. LUCAS:** The government made the decision in the best interests of motoring consumers. Whilst there will be an inevitable cost to the government and the budget, we put the interests of the motoring consumers ahead of the particular interests that I, as Treasurer, and the Treasury might have in relation to the budget considerations.

**The Hon. K.J. MAHER:** To be quite clear, is the Treasurer really trying to tell this chamber and the people of South Australia that there is a policy decision to be made about a particular model in a policy area, and the Treasurer has been completely blasé and has not even asked the question about what various proposals would cost to government? In cabinet deliberations, the Treasurer said, 'Put up whatever you want. I am not concerning myself whatsoever with what the cost is to government.' Is that really what the Treasurer is asking us to believe here?

**The Hon. R.I. LUCAS:** As I indicated, we are more interested in the interests of the motoring consumers of South Australia. They are our primary concern in relation to these issues. The issue of the cost of fuel, of course, does have an impact both on motoring consumers who might happen to

be non-public servants and it also has an impact on public servants, so there are obvious issues in relation to that.

In terms of the government, as it approved this particular scheme, it has approved a budget for the particular agency to implement the scheme. But in relation to whether we have gone off and costed what the cost to government was of implementing the Western Australian scheme, that was not our primary driver. Our primary driver is the motoring consumers of South Australia. It might be hard for the Labor Party and others to accept that but we are here trying to look after the interests of the motoring consumers, as are the RAA, and that is our primary driver, not what the impact on a \$22 billion budget might be.

**The Hon. K.J. MAHER:** I have to say that beggars believe that the Treasurer is trying to tell us—and it is absolutely our primary consideration, as I am sure it is the Hon. Frank Pangallo's, the best interests of consumers in South Australia. In fact, I think you would be hard pressed to find anyone who would deny that is the primary interest of the Hon. Frank Pangallo who has spent most of his life in one form or another standing up for consumers in South Australia.

But it does beggar belief that the Treasurer would not have asked what the costs of implementation are and what the relative costs of other schemes are. So the Treasurer has said that the government have done their numbers and know what the costs of implementation of this scheme are, so let's unpack that a little bit. What is the cost of implementation and the ongoing recurrent costs of implementing the scheme that the Treasurer prefers?

**The Hon. R.I. LUCAS:** After the lunch break, that information is available to the government. I do not have it with me at the moment. It was a modest amount of money in a \$22 billion budget. But we are happy to provide that information after the lunch break.

**The Hon. F. PANGALLO:** In her jaw-dropping commentary during the committee stage in the House of Assembly, the Attorney-General said that her scheme could push up prices, and it was in the Productivity Commission report that it was likely to push up prices. The Attorney-General said that if her preferred model did not work they would look at other models.

My question to the Treasurer is: what other models would you be looking at? Would you be looking at FuelWatch, because I cannot think of any others operating in Australia at the moment? Is the Treasurer saying that, if this does not work with the money you have outlaid to get this up and running and it does not deliver the savings for consumers, a better deal for consumers like it has in Perth, you may look at the Perth model? Is that what the Attorney-General is saying?

**The Hon. R.I. LUCAS:** I answered this question yesterday. I think the honourable member asked a question in relation to a review at the end of the two-year period. I think he was asking who was going to conduct the review. So at the end of the two years a review will be conducted.

I remind the honourable member that the independent Productivity Commission, in relation to the honourable member's favoured FuelWatch scheme, and also in relation to the Queensland and other schemes as well, concluded that the evidence to date is inconclusive that price transparency schemes have any lasting impact on average prices. Contrary to the Hon. Mr Pangallo's view of the world, the Productivity Commission does—

**The Hon. F. Pangallo:** Not mine, the ACCC.

**The Hon. R.I. LUCAS:** No, no. Well, the Productivity Commission does not subscribe—

*The Hon. F. Pangallo interjecting:*

**The ACTING CHAIR (Hon. D.G.E. Hood):** Order! The Hon. Mr Pangallo, the Treasurer has the call.

*Members interjecting:*

**The ACTING CHAIR (Hon. D.G.E. Hood):** Order! The Treasurer has the call.

**The Hon. R.I. LUCAS:** Whilst I might be interested in the views of the Hon. Mr Pangallo, the independent Productivity Commission—

*Members interjecting:*

**The ACTING CHAIR (Hon. D.G.E. Hood):** Order!

**The Hon. R.I. LUCAS:** —has put a different point of view to the view that the Hon. Mr Pangallo prefers. The Hon. Mr Pangallo can choose whatever view he wishes to support. I am supporting the view of the independent Productivity Commission in South Australia, which does not have an axe to grind in relation to this particular issue. These issues are matters of opinion. The Productivity Commission's view of the world is one to which I, on behalf of the government, subscribe.

**The Hon. K.J. MAHER:** The Treasurer has talked about what scheme he prefers, but preferring what the South Australian Productivity Commission says over the Australian ACCC. Can the Treasurer outline whether the ACCC has legislative backing and some parliamentary oversight, and whether his Productivity Commission has that?

**The Hon. R.I. LUCAS:** I do not have any knowledge of the ACCC's views or actions in relation to the issue he has raised. I am aware of the views the Hon. Mr Pangallo has put on the record in relation to the ACCC's report. I thought he said it was from 2018, but I will stand corrected if it was a different date. I am aware of the views the Leader of the Opposition has quoted from a 20-year-old Western Australian select committee report, or something.

*The Hon. K.J. Maher interjecting:*

**The Hon. R.I. LUCAS:** And an ACT report. I am aware of all the issues because they have all been raised in the two hours of filibustering we have endured.

**The Hon. C.M. SCRIVEN:** Could the Treasurer outline the impact that his proposed scheme will have on regional areas and the needs of consumers in regional areas?

**The Hon. R.I. LUCAS:** The proposal is to cover most of South Australia, including the regional areas, but evidently there is the option in the regulations to exempt certain remote areas from the requirements under the legislation. That sort of detail will be worked through. Major regional centres, about which the honourable member may have some interest in terms of the Mount Gambiers and the Naracoortes of this world, etc., would be covered by the scheme. It would only be potentially some of the remote areas of the state which may or may not be, but that will be the subject of further work.

**The Hon. C.M. SCRIVEN:** I thank the Treasurer for his answer, and I certainly do want to pursue some questions that would relate, for example, to Mount Gambier and Naracoorte. But in terms of the exemptions, have any guidelines been given at this stage? What sort of considerations would be taken into account in terms of putting such exemptions into the regulations?

**The Hon. R.I. LUCAS:** No, that sort of detail has not been worked through at this stage, other than there is the option for certain remote areas. It may well be in relation to a certain remote area where there might only be a very single, small multipurpose outlet that does a range of functions. Maybe that is a consideration, but that sort of detail has not been worked through yet.

**The Hon. C.M. SCRIVEN:** Can the Treasurer advise who has been consulted on this bill in regional areas? Obviously, the RAA has statewide coverage from one perspective, but who else in regional areas has been involved with consultation?

**The Hon. R.I. LUCAS:** This question was asked twice yesterday. The answer is on the *Hansard* record. That is, the wide consultation is listed in the Productivity Commission report as to a range of organisations and stakeholders that were consulted. The government has essentially worked from the back onwards from the Productivity Commission report and did not engage in significant further consultation, other than with the major stakeholder groups such as the RAA.

**The Hon. C.M. SCRIVEN:** Just for clarity, is the Treasurer saying that no specific groups in regional areas were consulted? Is that a correct understanding of what he has just said?

**The Hon. R.I. LUCAS:** No, what I said was that the Productivity Commission consulted a range of stakeholders. I do not have a list of those. They would be available in the Productivity Commission report. It may or may not—I would be surprised if it did not—involve representatives from regional areas, putting a point of view to the Productivity Commission. The broad consultation was undertaken by the independent Productivity Commission, and I refer the honourable member to their reports.



**The Hon. C.M. SCRIVEN:** The Treasurer is saying that the government has not made any specific consultation on a specific bill with stakeholders in regional areas; is that correct?

**The Hon. R.I. LUCAS:** Again, I answered this question yesterday.

*The Hon. C.M. Scriven interjecting:*

**The Hon. R.I. LUCAS:** If the honourable member was not here or did not read the *Hansard* transcript, I cannot help that.

*The Hon. K.J. Maher interjecting:*

**The Hon. R.I. LUCAS:** I just said 'if the honourable member'.

*The Hon. K.J. Maher interjecting:*

**The Hon. R.I. LUCAS:** I said, if the honourable member was not here or has not read the transcripts, I cannot assist the honourable member. The answers are on the *Hansard* record in relation to consultation issues. In relation to the earlier issue, I am advised that there was a budget approved \$1.1 million over two years for the implementation of the scheme.

**The Hon. C.M. SCRIVEN:** Is the Treasurer aware of the average price differential between metropolitan and regional areas in terms of petrol pricing—the difference in the prices between if you are buying petrol in Adelaide or if you are buying petrol in a regional centre, such as Mount Gambier but not limited to Mount Gambier, in general?

**The Hon. R.I. LUCAS:** I do not have that sort of information at the moment, but my experience, having come from Mount Gambier, is it can vary widely. On occasions, having travelled to regional areas, it has actually been cheaper than the prevailing price in the metropolitan area. More often, it tends to be a little more expensive, but I have no more information other than that.

**The Hon. C.M. SCRIVEN:** I think it would be a very rare occasion that it is cheaper in most regional areas. For example, in a media report earlier this year in relation to fuel prices it said that 'regional areas are not receiving the same price drop, with the price at some petrol stations more than 35¢ higher than those in Adelaide'. So that is more than 'slightly more expensive' than the metropolitan price.

**The Hon. K.J. Maher:** He is out of touch.

**The Hon. C.M. SCRIVEN:** Indeed, I am sure some people would agree with the Leader of the Opposition that the Treasurer is out of touch.

**The CHAIR:** Interjections are out of order and you should not respond to them.

**The Hon. C.M. SCRIVEN:** My apologies, Mr Chair. I shall try not to do so in future. We are looking at a price in regional areas that is 35¢ higher than in metropolitan areas, yet the Treasurer has said that this specific bill has not been consulted on in regional areas other than the RAA, and I do appreciate the RAA has coverage across the state. Could the Treasurer explain then how this is expected to be an improvement for regional residents?

**The Hon. R.I. LUCAS:** The honourable member answers her own question. The RAA is a fearless, independent advocate for all motoring consumers, and I am surprised she does not recognise their considerable coverage of country motoring consumers. If you wanted to speak to anybody who speaks on behalf of motoring consumers in regional South Australia, I would be speaking to the RAA.

**The Hon. C.M. SCRIVEN:** I will point out that I acknowledged the wide coverage of the RAA. My question was: why is the government not specifically consulting on their bill with residents in regional areas? I am happy to be corrected, but I do not believe that the Treasurer has indicated the RAA sent out the bill for that kind of consultation, because that would be a role of government and a role of government agencies rather than the role of the RAA. From what I have heard from the Treasurer, there has not been specific consultation on this particular bill with regional residents.

**The Hon. R.I. LUCAS:** The government does not propose to further delay the introduction of a fuel monitoring or transparency scheme by delaying the passage of this bill this week, as would

seem to be the wish of the Labor Party and SA-Best, in order to send it out for further consultation to individual country consumers. We are relying on the RAA to provide information to us on behalf of country and metropolitan consumers. We want to see the passage of legislation this week. It would appear from the attitude of the Hon. Ms Scriven and her leader, and the Hon. Mr Pangallo, that they are intent on trying to delay and prevent the passage of the legislation through an unashamed filibuster at clause 1.

*Members interjecting:*

**The CHAIR:** Order!

**The Hon. R.I. LUCAS:** It is now five past one, and I propose in a moment to move to report progress, but the Labor Party and SA-Best for a period of two hours now have not proceeded beyond clause 1 of this bill in an unadulterated attempt at a filibuster to delay the passage of the legislation.

Progress reported; committee to sit again.

*Sitting suspended from 13:08 to 14:15.*

*Parliamentary Procedure*

### PAPERS

By the President—

District Council of Peterborough—Report, 2018-19

By the Treasurer (Hon. R.I. Lucas)—

Public Sector Act 2009—Section 71 Ministerial Staff Report 2020

By the Minister for Human Services (Hon. J.M.A. Lensink)—

2019 Pilot Inspection of the Adelaide Youth Training Centre (Kurlana Tapa Youth Justice Centre) Report

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

South Australian Government Response to the Review of the Advance Care Directives Act 2013—dated June 2020

### ANSWERS TABLED

**The PRESIDENT:** I direct that the following written answers to questions be distributed and printed in *Hansard*.

*Ministerial Statement*

### PROVOCATION DEFENCE FOR MURDER

**The Hon. R.I. LUCAS (Treasurer) (14:17):** I table a ministerial statement made in another place today by the Hon. Vickie Chapman on the subject of the South Australian Law Reform Institute reports.

*Question Time*

### DISABILITY SERVICES

**The Hon. K.J. MAHER (Leader of the Opposition) (14:18):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding safeguarding and worker screening.

Leave granted.

**The Hon. K.J. MAHER:** In correspondence dated August 2018, the then chief executive of the Department of Human Services wrote to the NDIS Quality and Safeguards Commission about

information exchange protocols between the state government and the NDIS. In April 2020, Annie Smith tragically died while under the care of an unscreened worker who worked for an agency with dozens of unscreened workers.

On 27 May 2020, the acting chief executive of the Department of Human Services wrote to the NDIS Quality and Safeguards Commission and requested that an appropriate information exchange protocol be put in place urgently so that the South Australian screening unit can be made aware of serious matters of investigation. It is now nearly two years since the chief executive of the minister's agency wrote to the NDIS Quality and Safeguards Commission about problems with information exchange. My questions to the minister are:

1. Did the two years of inaction between information sharing between the state and federal government contribute to the death of Annie Smith?

2. When was the minister first advised that there was a problem with information exchange that was so serious it required correspondence between the heads of agencies?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:19):** I thank the honourable member for his question. Clearly, this has been a matter that my department has been seeking information protocols about with the Quality and Safeguards Commission for some time. I have actually referred to this previously in question time. I am not sure whether the drafter of the question was aware of that and had reviewed it prior to drafting a question for the Leader of the Opposition.

If I can just remind honourable members what a screening check is. It is an assessment of a relevant criminal history check. Now that we have continuous monitoring, if somebody is charged, or there is a matter that is brought to the attention of any of the databases that are continuously monitored, then that information is provided to the screening unit. Clearly, the person who was the support worker for Ann Marie Smith did not have a criminal history because she went through that process. Her employer applied for that screening check on her behalf and they were successful in gaining a screening check because there was nothing in the database.

The matter of the information that the Quality and Safeguards Commission has, which the South Australian government has been very keen to receive information on, is in relation to any care concerns. Our argument has been that matters that are of concern to the Quality and Safeguards Commission—indeed, I understand there may be matters that South Australia Police are also aware of, which information protocols we think would be beneficial for the screening unit to be aware of.

My understanding is that the Quality and Safeguards Commission has agreed with the Department of Human Services. I will double-check that that has been formalised, but clearly we have been advocating for that on a continuous basis. If the agreements have not quite been finalised, they are either finalised or they are very close to being finalised, but I will double-check as to the status of those—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** I am aware that the Quality and Safeguards Commission and the Department of Human Services have been actively communicating on this issue. My understanding is that they had been completed, but in the interests of providing the most up-to-date information, I will double-check with my acting CE and provide that information prior to the end of question time.

## DISABILITY SERVICES

**The Hon. K.J. MAHER (Leader of the Opposition) (14:22):** Supplementary question arising from the answer: in the almost two years since your chief executive wrote to the NDIS Quality and Safeguards Commission in August 2018, has there been one single change in information sharing that you are aware of—one single change?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:23):** The NDIS and all those environments are a very dynamic environment.

**The Hon. K.J. Maher:** One change?

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** I have actually explained a whole range of these matters previously, so some of what the honourable member is asking me, if the person who drafted the question on his behalf had referred to my previous answers in this place then they would be already aware of the situation. As of February 2021—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —the new NDIS worker screening situation will come into play. That was originally due to be in place, I think, by 30 June 2019. It was then going to be 30 June 2020. South Australia has been ready for the start date in advance of the new rules coming into place. Indeed, we passed the legislation in this place last year to enable the national worker screening to come into place then. So a lot of these matters have already been canvassed extensively.

What the new worker screening check for disability services provides is that a worker who applies for a screening in one jurisdiction has portability for their screening in other jurisdictions. What that requires of both the commonwealth and state systems is that those systems will be interacting so that they can share that information.

South Australia has been ready to implement that, so we have been ready to press the go-live on that in this current calendar year; unfortunately, other jurisdictions haven't been ready with that information exchange, so that will now be 2021. But we have been regularly seeking that the Quality and Safeguards Commission would also share any of its care concerns that it might have about individual workers with us and I am pleased that that has been expedited.

#### DISABILITY SERVICES

**The Hon. K.J. MAHER (Leader of the Opposition) (14:25):** Supplementary arising from the original answer: minister, in the almost two years since your chief executive wrote about information exchange, have you raised formally at the Disability Reform Council the need for information exchange; and I would also ask again: has one single thing changed under your watch in this area?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25):** As I have explained in relation to a whole lot of things in the national disability insurance space, there are a number of moving parts all the time. On any given day, the issues that we are resolving in the NDIS space are different to what they will be in another area. There is a lot of work that is going on to make sure that all of these systems are in place, that people are receiving appropriate supports. There are gaps in particular areas. Indeed, the Hon. Frank Pangallo raised specific issues. He wrote to me last year about issues in relation to what we call voluntary out-of-home care. That is one of the many issues that has been resolved through the Disability Reform Council and other processes in the last 12 months.

There are a range of matters that take place throughout the Disability Reform Council process. I have met with the quality and safeguarding commissioner when he's been here and also through Teams meetings. Mr Head reports to every Disability Reform Council meeting that we have. There is a very diverse range of ways in which we are all collectively resolving some of these matters on behalf of NDIS participants.

#### DISABILITY SERVICES

**The Hon. K.J. MAHER (Leader of the Opposition) (14:27):** Final supplementary arising from the original answer: minister, knowing what you know now and the circumstances of the death of Annie Smith, what would you have done differently over the last two years in relation to this?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:27):** That is a slightly disingenuous question on behalf of the Labor Party, given that they were the architects—

*Members interjecting:*

**The PRESIDENT:** Order! I expect to be able to hear the answer.

**The Hon. J.M.A. LENSINK:** —of the scheme. They sent the funding for the Community Visitor Scheme off to the National Disability Insurance Scheme—

*Members interjecting:*

**The PRESIDENT:** Order! Order! The Hon. Ms Bourke, the Hon. Mr Hunter!

**The Hon. K.J. Maher:** Caring in this area is 'disingenuous'—what a disgrace, what an actual disgrace.

**The PRESIDENT:** The honourable Leader of the Opposition!

**The Hon. J.M.A. LENSINK:** —they had a patchwork of messy screening systems that were slow and clunky and not particularly efficient—so #fixinglaborsmesses.

*Members interjecting:*

**The PRESIDENT:** Order!

#### **SAFEGUARDING AND WORKER SCREENING**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:28):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding safeguarding and worker screening.

Leave granted.

**The Hon. K.J. MAHER:** Even before the minister received the interim report of the disability task force, written advice was provided to the minister that:

There are clear gaps in the information exchange with the Quality Safeguards Commission that must be addressed urgently.

The written advice to the minister went on to outline four options that the state government may advocate for, all of which involved the NDIA and the commonwealth taking action, but to do nothing for the state government.

My questions to the minister are: exactly what does the minister understand by the terms 'clear gaps in the information exchange' and 'must be addressed urgently', and how is it possible, minister, that your agency can only suggest potential things to ask others to do and not take concrete action themselves?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:29):** I thank the honourable member for his question. I'm assuming that what he is referring to is that the Quality and Safeguards Commission receives complaints about quality, potential abuse and those matters, and that the concerns that they receive when they are working through those processes, the collecting of evidence, if they have formed concerns about particular workers they would inform the DHS screening unit. The line of questioning in his first set of questions goes to those matters and, as he well knows, that is something that the state of South Australia has been advocating with the Quality and Safeguards Commission and which I'm pleased has reached a resolution.

#### **SAFEGUARDING AND WORKER SCREENING**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:30):** Supplementary arising from the answer the minister has just given: what were the four options that the minister was advised to advocate for?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:30):** Clearly, the member has a piece of correspondence. I have said before that I don't have—

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Order! The honourable Leader of the Opposition, it's your question the minister is attempting to answer. Please, listen in silence.

**The Hon. J.M.A. LENSINK:** I don't have a photographic memory. If the honourable member wants to—

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** This is some silly trick that the Labor Party likes to engage in. 'We've got an FOI, we've got the document in front of us, so we can point to the things that are in it'—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —'why can't you tell what's in it?' Because you may be reading hundreds of pages a day but you need to have some instant recollection—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —know the name of the secretary of the federal department of DSS.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** I mean, it's just facile, Mr President. It's just facile the way the Labor Party operates. They think they are going to come in here with some sort of juvenile 'gotcha' moment about a particular page and options and, 'Oh, well, it wasn't 1A, it was 1C because I've got it right here, let me show it to you now—ooh.' I just don't know where they're at, Mr President. I would have thought that some serious policy issues—they have had a golden opportunity with the task force to make a submission—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —to make a submission to the task force and show—

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Ms Lee, you are not helping. The honourable Leader of the Opposition and the Hon. Mr Hunter! Minister, please continue.

**The Hon. J.M.A. LENSINK:** To show that they might be able to come up with some original ideas, to consult stakeholders, to talk to people with lived experience, to talk to people who have decades of experience in the disability sector about what are the gaps in safeguarding.

*The Hon. I.K. Hunter interjecting:*

**The PRESIDENT:** Order, the Hon. Mr Hunter!

*The Hon. J.S.L. Dawkins interjecting:*

**The PRESIDENT:** The Hon. Mr Dawkins!

**The Hon. J.M.A. LENSINK:** Instead they have a document obtained under FOI, 'Was it 1C, Was it 2D, with minus this?' It's just beyond me, Mr President.

*The Hon. I.K. Hunter interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Hunter, if you want to ask a question, stand up; otherwise be silent. The honourable Leader of the Opposition.

**DOMICILIARY CARE**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:33):** I seek leave to make a brief explanation before asking the Minister for Human Services a question regarding domiciliary care.

Leave granted.

**The Hon. K.J. MAHER:** When asked yesterday about whether around three dozen domiciliary care support workers had previously been banned from providing services, the minister said, 'Domiciliary care is not a service run by the South Australian government,' so the basis of her answer is actually factually incorrect. Domiciliary care was moved from state government service delivery to Silver Chain from 30 June 2018 at a time when this government and this minister had responsibility. The minister has written advice, and I quote:

The search of records has identified a list of approximately 30 names of contracted workers who were 'banned' from providing services to Domiciliary Care clients. The nature of allegations varied from theft of money to having a child with them whilst providing services.

The minister has also been advised that this information has been provided to the screening unit for their consideration. Minister, what is the result of this information having been provided to the screening unit?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:34):** I thank the honourable member for being a little bit clearer in his questioning than the Labor party was yesterday. I understand that he is probably referring to what may have been colloquially termed the Domiciliary Care blacklist, which existed I think from around 2013. I understand that it stayed within the records of the department and was not retrieved until more recently. The list was provided to the screening unit; they properly assessed all matters.

There was much information on the list that was incomplete; for instance, it did not include addresses, full names, dates of birth, and the like. It contained brief allegations, which I am advised appeared to have been largely untested or not investigated under the previous government, but which generally related to minor issues. The screening unit assessed all matters and determined that no action would be taken in relation to those screening checks for any of the individuals who could be properly identified.

**DOMICILIARY CARE**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:35):** Supplementary arising from the answer: so that we are clear, is the minister saying that of the list of approximately 30 names of contracted workers, where allegations varied from the theft of money to having a child with them whilst providing services, no action has been taken? Are any of those workers still providing disability services in South Australia?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36):** I have responded to this question.

**DOMICILIARY CARE**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:36):** Supplementary arising from the original answer: is any single one of those approximately 30 workers still providing services to people in South Australia living with a disability, minister?

**The PRESIDENT:** The Hon. Leader of the Opposition, is that not exactly what you just asked in the question before? Minister, I do not see it as a supplementary question.

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36):** I think this is another one of these slur-type questions.

**The PRESIDENT:** Minister for Human Services, if you wish to answer.

**The Hon. J.M.A. LENSINK:** This is one of these questions where—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —the Labor Party is trying to make all sorts of inferences.

**The Hon. K.J. Maher:** No, this is information that has been provided to you. We are not making inferences. This is your own confidential briefing—

**The PRESIDENT:** Order! The Leader of the Opposition, you have asked your question, it was listened to in silence; the minister will be heard in silence by the opposition.

**The Hon. J.M.A. LENSINK:** The advice I have received is that all the names on that list were appropriately followed up by the DHS screening unit, and that is the response. They have full powers to investigate matters on a range of things, to check criminal history records and to follow up investigations and allegations that have been made. Some of those allegations have been untested, and that is something the screening unit has to grapple with on a daily basis—that allegations may be made against certain people. If it is a single allegation, then that is something that is probably unlikely to revoke someone's screening.

If a worker has a number of allegations made against them, then they will need to do a more detailed assessment, but a single allegation against a worker is probably not likely enough to prevent them from having a screening. If the people on that list were not able to be properly identified, then clearly the screening unit isn't able to follow up those either.

#### DOMICILIARY CARE

**The Hon. K.J. MAHER (Leader of the Opposition) (14:38):** Supplementary arising from the original answer: when was the minister given the advice that approximately 30 names of contracted workers were banned from Domiciliary Care?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:38):** It would have been probably in the lead-up to the appearance of the acting CE before the Budget and Finance Committee. I think that might have been when—

**The Hon. K.J. Maher:** Triggered people's memory?

**The Hon. J.M.A. LENSINK:** No, the records were followed up. Bear in mind that these records have been with the old Domiciliary Care records for many years under the previous Labor government. That would be approximately five years, during which time they didn't do anything with them, even though screening existed on their watch.

When screening came into existence, whether in 2014 or 2015, I doubt that any of the Labor ministers who were in charge over that period of time said, 'Are there any blacklists that we need to follow up?' Clearly, this list has existed within those records for some time. I would need to double-check, but my recollection is that it was around about the time that the acting CE appeared before the Budget and Finance Committee.

#### DOMICILIARY CARE

**The Hon. K.J. MAHER (Leader of the Opposition) (14:39):** Final supplementary: minister, why does it take documents being leaked to the opposition before you come clean about what you know on these matters? Why couldn't you have informed the chamber yesterday when you were asked?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:40):** Yesterday's question was poorly constructed.

#### SUICIDE PREVENTION

**The Hon. J.S.L. DAWKINS (14:40):** My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on what the state government is doing to advocate for suicide prevention in tertiary institutions?

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:40):** I thank the honourable member for his question. Every day in Australia more than eight people die by suicide.



*Members interjecting:*

**The PRESIDENT:** Minister, sit down, please. The minister is answering a question that the Hon. Mr Dawkins has asked. I want to hear the answer to the question. The opposition benches, please listen in silence.

**The Hon. S.G. WADE:** I thank the honourable member for his question on a very important matter. Each day in Australia more than eight people die by suicide, and it is estimated that a further 200 people will attempt suicide. Mental ill health is a critical factor surrounding suicidal behaviour, often combined with personal and social factors contributing to personal difficulties and social isolation.

National suicide accounts for more than 40 per cent of all deaths amongst young people aged between 15 and 24 years. The tertiary education suicide prevention group has been established to try to prevent suicides amongst a significant cohort of young people: tertiary students. It seeks to ensure that consistent recommendations relating to suicide prevention and advocacy are being provided to all South Australian tertiary institutions.

The recommendations provided by the group will help promote general mental health and wellbeing amongst students and administrators in the tertiary sector. I recognise the fact that representatives of the University of South Australia, Carnegie Mellon University, University of Adelaide, Flinders University, Torrens University, TAFE SA, Flinders Living, Student Accommodation Association and the City of Adelaide have attended and contributed to past meetings, promoting a collaborative approach.

The fifth meeting of the South Australian tertiary education suicide prevention group was held earlier this month. The group is currently working on how support can be provided to staff and students and the best models of training for various levels of staff. The group will also collaborate with community and non-university organisations to ensure consistent recommendations and referrals are provided across all sectors.

The University Mental Health Framework, being led by Orygen and set to be released in October 2020, will act as a guide to members. Currently, the group is in the process of recruiting two student reps with lived experience to participate in the meetings and discussions. The Premier's Council on Suicide Prevention voted to adopt the tertiary education suicide prevention group's terms of reference on 15 July 2020. The next planned meeting will be held in August and be undertaken virtually. The government is keen to support tertiary institutions in their work to identify solutions to barriers and issues that are compromising the health and wellbeing of staff and students.

Again, I want to take this opportunity to acknowledge the national leadership of the Hon. John Dawkins in the area of suicide prevention and also to wish the tertiary education suicide prevention group all the best in their endeavours.

#### PARLIAMENTARY ALLOWANCES

**The Hon. M.C. PARNELL (14:43):** I seek leave to make a brief explanation before asking a question of the Treasurer in his capacity as Leader of the Government about parliamentary allowances.

Leave granted.

**The Hon. M.C. PARNELL:** Today is the final day for submissions to the Remuneration Tribunal's annual review of determinations for members of the parliament. I lodged my submission two weeks ago, calling for a reduction in certain entitlements, clarification of past rules and, most importantly, updating the rules for the future to provide greater transparency and avoid double dipping.

For example, all MPs were compensated \$13,977 last year for the loss of a parliamentary administered travel allowance, yet many MPs claim additional public funding rather than use the travel money that has already been paid to them—that's double dipping. Country members in the House of Assembly also get paid thousands more in additional electorate allowance—that's triple dipping. My questions of the Treasurer are:

1. Has the government made a submission to the Remuneration Tribunal?
2. If so, will the minister make that submission available to the parliament and to the public ahead of the Remuneration Tribunal hearing, which I have been notified will be held on Tuesday 4 August?
3. If the government has not made a submission, or if the minister does not intend to release the submission, why not?

**The Hon. R.I. LUCAS (Treasurer) (14:45):** I have made a submission on behalf of government members. I am very happy to email a copy of the submission to the honourable member. It was provided to all members of the media yesterday, so it is public. Given it has been a few years since both the honourable member and I, when I had a different role, appeared before the Remuneration Tribunal, I am not sure whether they do, as a matter of course, make submissions public or not. I would have to refresh my memory as to whether they are going to reveal the submissions.

I'll show you mine if you show me yours. I may well engage in a bartering arrangement with the honourable member, but I am very happy to show him mine if he shows me his in relation to the submission. The submission I have made does not seek to undo all that was done in a complicated process under the former Labor government, with which we agreed. I don't shy away from the complicated process of removing travel allowances because of the criticism that had been made over many years about travel allowances and the gold pass—I am going on memory now; I am sure my colleagues will correct me if I get it wrong—the bus—

**The Hon. S.G. Wade:** Metrocard.

**The Hon. R.I. LUCAS:** —Metrocard or the equivalent, whatever it was called in those days; free public transport. In addition to that, I think contrary to some earlier comments I saw from the Hon. Mr Parnell—I thought he was only talking about double dipping; I hadn't realised it was triple and quadruple dipping—when he was being critical nevertheless of other members of parliament and the extent of their alleged dipping, I think he had perhaps forgotten that, as part of that trade-off, the former Labor government removed a number of ministerial expense allowances and an expense allowance that both the Leader of the Opposition and the Leader of the Opposition in the Legislative Council had at a much lower level.

I think the Premier's allowance was much more significant. The ministers were the next level down, and the leaders of the opposition were much, much lower down. I think the Hon. Mr Parnell was trying to lead whomever he was speaking to into believing that there had been no trade-off by cabinet ministers and they were just gaining out of all this. I think that would be an unfair characterisation of what the former Labor government did in relation to that particular aspect.

Nevertheless, there was a complicated process, which led to the development of the common allowance and all these other provisions. Committee payments for members, with the exception of presiding members, were removed as well. There were a range of benefits and allowances that were removed and, in lieu thereof, the common allowance was included. The submission I have made on behalf of government members does not seek to undo that in whole or in part. If that is the intention of the Hon. Mr Parnell, he will meet trenchant opposition from myself on behalf of government members in relation to his endeavours in that area.

My submission on behalf of government members refers, not unsurprisingly given recent publicity, to what I am advocating on behalf of government members, which are changed arrangements in what is known colloquially as the country members' accommodation allowance. I think it is technically referred to as the members' accommodation allowance in the Remuneration Tribunal determinations. I will not delay the proceedings here in relation to the specific aspects of that. I am quite happy to share the intimate detail of all of that submission with the honourable member. However, I have spoken about that in press conferences yesterday and media interviews yesterday and today, so the detail of that is also public to the extent that it has been questioned by members of the media.

As well, either myself or another representative, on behalf of honourable members, have been invited to make oral submissions to the tribunal—indeed, as we did many years ago at an earlier hearing of the Remuneration Tribunal.

#### **MEMBERS, ACCOMMODATION ALLOWANCES**

**The Hon. C.M. SCRIVEN (14:50):** My question is to you, Mr President, regarding allowances. Following a question yesterday, can you advise whether you are required to incur actual expenses in relation to any of your claims for the country members' accommodation allowance?

**The PRESIDENT (14:50):** Yes.

#### **CORONAVIRUS, HEALTH ADVICE**

**The Hon. J.S. LEE (14:50):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding COVID-19.

Leave granted.

**The Hon. J.S. LEE:** The Marshall Liberal government is proud of its strong relationship with South Australian multicultural communities. Will the minister update the council on the government's engagement with these communities to ensure effective communication of public health advice?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:51):** I thank the honourable member for her question and acknowledge the significant contribution she has made, and continues to make, to multicultural communities.

From the very beginning of the pandemic the government has worked closely with health professionals with links to CALD communities to ensure that public health advice was being communicated in a clear and culturally appropriate way. Recent reporting on the situation in Victoria has highlighted the importance of people from CALD communities receiving clear, accessible advice on how to avoid the transmission of COVID-19, when and how to get tested, and what is required in the context of isolation quarantine.

As part of the ongoing work to safeguard South Australia against future outbreaks, SA Health has recently engaged with multicultural leaders and clinicians to identify any knowledge gaps and any communication strategies that would further strengthen public health messaging. On Thursday 16 July two online forums were conducted with representatives from a wide range of CALD communities. The sessions were led by Professor Nicola Spurrier supported by SA Health clinicians, a number of whom share a multicultural background.

Significant work was undertaken by Justine Kennedy, Director of Multicultural Affairs, as well as the Hon. Jing Lee in her role as Minister Assisting the Premier and as a leader of the multicultural community in her own right. The Hon. Jing Lee participated in both forums, bringing what she brings to every event: wisdom and grace. The online event consisted of presentations from the Chief Public Health Officer, Professor Nicola Spurrier, as well as small group breakouts into virtual rooms to participate in discussions and activities.

I was pleased to join with more than 40 community leaders and both Professor Spurrier and the Hon. Jing Lee to discuss issues raised in the forums. Many community members came from countries with high rates of disease, and indeed higher fatality rates than we have in Australia. It is important to note that there are culturally diverse responses to sickness within communities, such as visiting community members when they are sick or fears that receiving a test may actually increase the risk of contracting the virus.

The positive contribution from all those who participated, as well as the expressions of support for the forums, demonstrate the high regard in which both Professor Spurrier and the Hon. Jing Lee are held. SA Health has also conducted an online survey of healthcare workers who provide services to multicultural communities. Together with information gathered from the online forums, this valuable intelligence will help the government to focus its public health advice and utilise culturally appropriate channels to communicate that advice.

I would like to thank the participants who took up the invitation both to be part of the forums and to participate in the surveys. Their willingness to share cultural experiences in the interest of the

ongoing fight against the virus will help ensure that no-one is left behind when it comes to effective public health messaging.

**The PRESIDENT:** The Hon. Mr Pangallo, a supplementary question.

#### **CORONAVIRUS, HEALTH ADVICE**

**The Hon. F. PANGALLO (14:54):** I think it may well fit in. My question to the minister is in relation to COVID-19. From compliance checks that have been done by SA Health and other agencies like SAPOL, does he have any figures or is he aware of people meant to be isolating who are missing or not at the addresses where they were required to quarantine, and are there people who have provided false information?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55):** I am sure that's correct, that there would have been people who provided false information. What is becoming evident is there is quite a different level of compliance in different states and territories. I have seen some information that in other jurisdictions noncompliance with isolation requirements can be as high as 30 per cent, but the latest information I have seen from SA Police is that, in relation to compliance checks on individuals, compliance continues to be, and has been right through the pandemic, higher than 90 per cent.

I think the police commissioner has also made the point that often noncompliance isn't indicative of a lack of willingness to comply but an ignorance of complying, and that may be part of the reason for the 30 per cent as well. I happened to be listening to a news report this morning where a particular gentleman was interviewed and was making the point that he wasn't aware of the expectations of isolation. This gentleman happened to live in Victoria.

So we as health professionals—I am not a health professional; what I mean is we who have responsibility for health service delivery—need to make sure that people have the information so that they know what they are expected to do and we provide support where they need it but also, to be frank, compliance checking if they need to be reminded.

#### **CORONAVIRUS, HEALTH ADVICE**

**The Hon. F. PANGALLO (14:56):** Perhaps the minister can take this on notice. Will he be able to provide figures of people who were meant to be isolating but have gone missing or could not be found or have provided false information? If he could provide those figures.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57):** I certainly will do that. I do need to indicate that those compliance checks are primarily done by SA Police, but I will certainly ask SA Police what data they can provide.

#### **CORONAVIRUS, HEALTH ADVICE**

**The Hon. I. PNEVMATIKOS (14:57):** I have received complaints about—

**The PRESIDENT:** The Hon. Ms Pnevmatikos, are you asking a supplementary question?

**The Hon. I. PNEVMATIKOS:** Yes, I am. I have received complaints from the CALD community about translations of notices for safety and precautions for COVID that are incomprehensible, so is there any checking going on in terms of the nature of the information that is being provided to communities?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57):** Could I just clarify first the nature of the communication you are referring to? This is not general public health information; it's more like directions and things?

**The Hon. I. Pnevmatikos:** Yes.

**The Hon. S.G. WADE:** Okay.

**The Hon. I. Pnevmatikos:** They are precaution notices, so I don't know who authors them.

**The Hon. S.G. WADE:** Sure.

**The Hon. I. Pnevmatikos:** I could provide details.

**The Hon. S.G. WADE:** That would be good. In answering the honourable member's question, I don't want to become the one-man Hon. Jing Lee fan club, but I am because the Hon. Jing Lee has been extraordinarily active in supporting the translation of public health information to the CALD communities.

I certainly take the honourable member's point that it's not just the public health information, it's also the follow-up. I think I was adverting to that when in the answer I talked about not just public health information on how to stay safe but basically what's expected of you in isolation. I suppose it also goes back to the Hon. Frank Pangallo's comment in terms of compliance checks on isolations.

The honourable Premier of Victoria has highlighted that more recently the spread of the virus in Victoria has been related to workplaces, but in that very early stage of the outbreak—week 1 and week 2—if you like, the first bridge from hotel quarantine to the community transmission was significantly related to the CALD community and it was significantly culturally-related in the sense that many cultural and linguistically diverse communities are very family-oriented. They have large family gatherings.

I seem to recall that the end of Ramadan may well have coincided with this period, so there were more people getting together and that provided an unwitting bridge to community transmission. As the Premier of Victoria has said since then, it is often workplaces. Tragically, it could be a meatworks, it could be aged-care facilities and I think we have also had some fast food outlets that are associated with the link too. The Premier has made the point that more recently it is workplace related.

The point I was making in the early part of my answer to the Hon. Jing Lee's question was that SA Health is trying to learn the lessons. One of the lessons we learnt very early in the worldwide pandemic is how much aged-care facilities were at risk, and we had a major focus on that in what I would call the midpoint of the first wave. As we came out of the first wave and we started to see the beginning of the second wave in Victoria, the alarm bells were rung in relation to making sure that we had done what we could in relation to CALD communities.

As I said, the Hon. Jing Lee had already been very active right through—in fact, to be frank, from February. The first cases, as you recall, came from Wuhan. There was an impact on Chinatown activity, there was concern about the health and welfare of the Chinese community and the Hon. Jing Lee was instrumental in helping us engage that community. It is not that the events in Victoria told us about a community that wasn't already on the radar, but it did remind us we needed to make sure that we didn't just put the message out there, we also needed to make sure that we identified any knowledge gaps.

The honourable member makes a very valid point and, in terms of that CALD community consultation which, as I indicated, SA Health is engaged with at the moment, I will specifically ask them could they think about what support we can provide individuals to understand isolation requests, directions and the like. One of the challenges will be—I can't remember how many languages, I think it was about 60 languages—

**The Hon. J.S. Lee:** There are 63.

**The Hon. S.G. WADE:** —63 languages that the Hon. Jing Lee helped us to translate for the core public health messages. Translating every form into 63 languages may not be practical but perhaps if we use easily understandable English—whatever the expression is—plain English and provide access—

*The Hon. C.M. Scriven interjecting:*

**The PRESIDENT:** Order! Please let the minister finish his answer.

**The Hon. S.G. WADE:** Yes, I'm glad that I provided a moment of light relief for the Hon. Clare Scriven.

### CORONAVIRUS, HEALTH ADVICE

**The Hon. I. PNEVMATIKOS (15:02):** Supplementary: just for clarification, it wasn't in employment situations or private enterprises, it was the shop at the peak of Mount Lofty that had an incomprehensible Mandarin translation.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03):** To be frank, it will be difficult for us to make sure that private enterprise facilities are using clearly understandable language. I must admit if I was asked to provide support to an enterprise in getting the message out, I would probably turn to the commonwealth Department of Health. They have a very rich website in terms of things like posters, and in terms of social distancing and the like.

The honourable member raises a good point and perhaps in this situation—I had better be careful, I am treading into the Hon. Jing Lee's area of expertise—often it may not be the effectiveness of the translation, it might be the use of diagrams and infographics. People might be able to understand an image better than they can a translation.

### CORONAVIRUS, HEALTH ADVICE

**The Hon. T.T. NGO (15:04):** Supplementary question: could the minister tell the house, the information being gathered, what department will deal with it, in terms of: are they going to react now or are they going to wait until the, potentially, second outbreak and then they will act on it? Could the minister tell the house?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04):** I can assure you they are acting now. I have not actually seen the finalised—what is today, the 23<sup>rd</sup>? It happened seven days ago. In some of the early feedback that I heard at the forum and that I have heard since, in many ways it was not so much the knowledge gaps. Many of the multicultural communities clearly understood issues like social distancing and what have you, but one of the issues that was highlighted was misunderstandings.

For example, many members of the culturally and linguistically diverse communities in South Australia are not Australian citizens, they are not Australian permanent residents, and therefore they are not entitled, as I understand it, to Medicare. There was a misunderstanding that because they were not entitled to hospital services, if they went to a COVID clinic they would be charged, that they would have a financial penalty for doing so.

We have consistently tried to get the message out that there will be no charge. Anybody who presents for a COVID test will have it free of charge—no questions asked—if they meet the eligibility criteria. That is clearly an area where we have not been as successful as we would want to be in terms of getting the message out. At SA Health, because of the diversity of issues that are raised they will all be forwarded through in terms of the relevant teams, but that might be one message that I suspect would be particularly relevant to international students. I think they are required to have private health insurance, but we do not want anybody to hold back from getting tested for COVID-19 because of any financial impediments.

To reiterate yet again, we are all in this together. Supporting vulnerable people to stay healthy and get tested is not just in their interests and those of their family and community, it is in the interests of the whole state and of the nation.

### CORONAVIRUS RESTRICTIONS

**The Hon. J.A. DARLEY (15:06):** My question is to the Minister for Health and Wellbeing. I understand that crew members of container ships arriving at Outer Harbor are treated as essential travellers in terms of COVID-19 arrangements. As such, they are required to keep records of all people they are in close contact with for 14 days whilst in the state. Can the minister advise whether he is aware of any breaches of this arrangement and, if so, what action has been taken in respect of these breaches?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:07):** I am not aware of any breaches and, as in relation to the question from the Hon. Frank Pangallo, I am very happy to seek information on that and bring back an answer. I think it is important to appreciate the importance of maintaining essential traveller status. The freight lines of Australia are fundamental to our health and

wellbeing. We all know the disruption to the lives of many Australians earlier in the year when people seemed to think that we were about to run out of toilet paper and, for that matter, a whole series of other supplies were threatened. Governments right around Australia were trying to assure people that there was no need to hoard.

In fact, in this morning's health ministers' meeting, freight was particularly highlighted, and health ministers stressed how important it is to keep our freight lines moving. We will continue to monitor the compliance with the essential travel requirements, which we believe will protect the health and safety of the communities in which essential travellers are working, but I think it is also important to appreciate the economic importance and, to be frank, the health importance of keeping the freight lines moving. If people can't have food security, they can't have access to their normal supply of pharmaceutical products or what have you, that is not just an economic threat to the nation, it's also a threat to the health and wellbeing of the nation.

### DISABILITY SERVICES

**The Hon. E.S. BOURKE (15:09):** My question is to the Minister for Human Services regarding disability services. Is the minister aware of disability support workers being asked to sign non-disclosure agreements with the Department of Human Services and being directed not to talk about incidents because of recent media and parliamentary scrutiny? Are workers also being equally reminded of their obligation to report concerns about misconduct and of their whistleblower protections under the Public Interest Disclosure Act 2018?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:09):** I thank the honourable member for her question. I would like to reiterate what I said in previous sitting weeks in relation to the matter that was inappropriately and disgracefully brought into this chamber where somebody who was in the care of one of our services was named, under parliamentary privilege, by members of the Labor Party. It is one of the sadder and sorrier incidents that I have seen in my term as minister where somebody who was being cared for, where there had been circumstances that the department warranted investigation, but it had been deemed that police did not need to be involved and where the person in our care subsequently died.

I am deeply disturbed at the set of circumstances in which that has taken place and it is something for which I think the Labor Party deserves to apologise to a number of people in that scenario. My understanding and the advice that I have received is, particularly in relation to the actions of the member for Hurtle Vale, that people who she was talking to may not have understood who she was, that they may have been under the misapprehension that she was part of an official investigation. My knowledge from having spoken to family members is that—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. I.K. Hunter:** You are joking! You have to be joking!

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** I'm not joking, I'm not joking at all. Having spoken to the family members of the person who had been in our care, is that they had not wanted any media attention and that they were surprised—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. Maher:** Try to answer the question.

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —that their loved one was named in the media, that her photograph was in the media—

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** I have spoken to the next of kin.

**The Hon. I.K. Hunter:** Did you authorise these nondisclosure forms?

**The PRESIDENT:** Order! The Hon. Mr Hunter!

**The Hon. K.J. Maher:** Did you authorise these gag orders now?

**The PRESIDENT:** The Hon. Mr Hunter and the honourable Leader of the Opposition, please let the minister finish her answer.

**The Hon. J.M.A. LENSINK:** I have spoken to the next of kin and their advice to me was that they did not wish this matter to be in the media—

**The Hon. I.K. Hunter:** Did you authorise the gag forms?

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —and unfortunately the photograph and the name of their loved family member—

*Members interjecting:*

**The PRESIDENT:** The Hon. Mr Hunter!

**The Hon. J.M.A. LENSINK:** —is on the public record forever as a result of the actions—

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** The honourable Leader of the Opposition!

**The Hon. J.M.A. LENSINK:** —of the member for Hurtle Vale.

*Members interjecting:*

**The PRESIDENT:** Minister, sit down.

*Members interjecting:*

**The PRESIDENT:** No, the minister hasn't finished her answer but she is not going to continue while I can't hear the answer, okay? So the minister will continue and be heard in silence. The Leader of the Opposition and the Hon. Mr Hunter, you two in particular. The Hon. Ms Lensink.

**The Hon. J.M.A. LENSINK:** The member for Hurtle Vale is a nurse. She has been a registered nurse. She has worked in disability accommodation services. She knows how these things are. Her actions as a member of parliament, had she done what she had done—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. Scriven:** Can you answer the question about the gag order?

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** The actions of the member for Hurtle Vale, particularly given what the next of kin said to me, on two different occasions, considering the gross breach of this family's privacy, I think raises a lot of questions about the ethics of the Australian Labor Party and the things, the places they are prepared to go—

**The Hon. C.M. Scriven:** Are the staff told about whistleblower protections? That's the question.

**The PRESIDENT:** Order!

**The Hon. C. Bonaros:** We're trying to listen!

**The PRESIDENT:** Order!



**The Hon. J.M.A. LENSINK:** —the places they are prepared to go in obtaining a 'gotcha' moment, in dragging whomever, wherever, whenever—

**The Hon. I.K. Hunter:** Did you instruct your agency to implement a gag order, Michelle? Was that your idea?

**The PRESIDENT:** Order!

**The Hon. I.K. Hunter:** Was that your idea?

**The PRESIDENT:** Order!

**The Hon. K.J. Maher:** Whose idea was it?

**The PRESIDENT:** Order! Minister.

**The Hon. J.M.A. LENSINK:** —in the interests of getting a story in the media, in breach of the family's clear wishes. I am quite disturbed by the actions of the member for Hurtle Vale. Indeed, I suspect if she had done what she had done as a nurse practising and working for our accommodation services—

*The Hon. I.K. Hunter interjecting:*

**The PRESIDENT:** The Hon. Mr Hunter!

**The Hon. J.M.A. LENSINK:** —she may well—

*The Hon. C.M. Scriven interjecting:*

**The PRESIDENT:** The Hon. Ms Scriven!

**The Hon. J.M.A. LENSINK:** —have had questions to answer to APHRA, the Australian Prudential Health Regulation Authority.

*Members interjecting:*

**The PRESIDENT:** Order!

*An honourable member interjecting:*

**The Hon. J.M.A. LENSINK:** Yes.

*Members interjecting:*

**The PRESIDENT:** Order! Minister, please continue and finish your answer.

**The Hon. J.M.A. LENSINK:** This matter has been under investigation. A number of staff have been spoken to in the context that if there are concerns within our accommodation services that they raise them with their management that they can go to, that they have a safe place to raise any concerns that they have, because we want to ensure that the privacy of our clients is respected.

I am sure that the people who are working in accommodation services would understand—particularly in the circumstances as we have seen with this very sorry episode in the behaviour of the Labor Party—that it's important to remind people that if they have concerns there are channels where they can go to a range of places, both within accommodation services and other places, to ensure that any concerns that they may have had about particular incidents are being followed up.

#### DISABILITY SERVICES

**The Hon. C.M. SCRIVEN (15:16):** Supplementary question: minister, were the staff also reminded of their protections under the Whistleblowers Act, or is it only your gag order that they have been told about?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:16):** My department briefed me that it was their intention to—obviously, this sorry episode has caused some challenges for the staff at the site. The other thing I think that is worth advising the chamber about is that one of the television stations was parked outside that particular home for two nights in a row. If you were one of the staff—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —members working in those accommodation services, if you were a family member of a loved one visiting them, you would have said to yourself, 'What is wrong? Why is there a TV station camped out here?' The implication being clearly that there is something untoward going on. This has been a disruptive and sad episode. I think the Labor Party has a lot of questions to answer in terms of how it has behaved. It is beyond opportunistic. The member for Hurtle Vale has behaved in a reprehensible way, as a zealot, in her attempt to get media which—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —people report to me.

*The Hon. C.M. Scriven interjecting:*

**The PRESIDENT:** Order! The Hon. Ms Scriven, order!

*The Hon. I.K. Hunter interjecting:*

**The PRESIDENT:** Order! And the Hon. Mr Hunter!

**An honourable member:** Chuck him out.

**The PRESIDENT:** I'm not going to reward him by throwing him out.

**The Hon. J.M.A. LENSINK:** People report to me that they have not been particularly impressed by some of the behaviour of the Labor Party. When they raise these matters with Labor shadow ministers the answer is, 'Well, I've got these KPIs. The Leader of the Opposition expects me to do this.' It's as if they're implying that it's not their fault. 'Oh, gosh, I had to throw that family under the bus because the Leader of the Opposition makes me have KPIs.' There are a lot of questions—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** —to be answered and the Labor Party needs to answer them.

### *Bills*

## **FAIR TRADING (FUEL PRICING INFORMATION) AMENDMENT BILL**

### *Committee Stage*

In committee (resumed on motion).

Clause 1.

**The CHAIR:** Are there any further contributions at clause 1?

**The Hon. C.M. SCRIVEN:** Can the Treasurer advise whether regional retailers will be under the same requirements to log into the database as will metropolitan retailers?

**The Hon. R.I. LUCAS:** My advice prior to the lunch break is the same as my advice after the lunch break, and that is that the answer is yes, the scheme arrangements will be the same for regional areas generally, with the potential exemption of some remote areas, which we discussed prior to the lunch break.

**The Hon. C.M. SCRIVEN:** Thank you for that clarification. The proposal from the government is that there will be the reporting of the fuel prices 30 minutes in advance of changes. Given that many of us who live in regional areas are at least half a hour away from such retailers, can he outline, first, how this can benefit regional residents? I will then have a follow-up question.

**The Hon. R.I. LUCAS:** To clarify the 30-minute provision, the retailer can start charging (let us say he or she decides to discount significantly by 40¢ a litre) they can start charging the discount of 40¢ a litre straight away, as long as they within 30 minutes have advised of this new system. They

have 30 minutes to advise in relation to the operation of the charging arrangement. With some, they will have a system that does it instantaneously, but with some others it might take them longer, but they have a 30-minute window to advise under this new system the price they are charging.

**The Hon. C.M. SCRIVEN:** I thank the Treasurer for that answer. Similarly, a 40¢ increase, for example, must be advised within 30 minutes. My question remains: if one is at home and sees that, in the example given, there is discounted pricing, that can change even before a regional resident even has a chance to get to a service station, which may be 40 or 50 minutes away from their place of residence, so I ask again: how can that benefit regional residents?

**The Hon. R.I. LUCAS:** The system will apply to metropolitan and regional residents as well. Certainly, there will be some areas of the outer metropolitan regions and the Adelaide Hills where the same issues and challenges would apply.

**The Hon. C.M. SCRIVEN:** Indeed, although generally in the metropolitan area you do not have to go 30 minutes to find a service station. How does that assist those regional residents? They will not be able in many cases to take advantage of it, or are unlikely to think it worth it, given that it can easily have changed by the time they get to the service station to purchase fuel. Therefore it would appear to me that it will have no benefit whatsoever to regional residents, because they will not be able to rely on the fact that the price will be the same when they arrive at the service station as when they left home.

**The Hon. R.I. LUCAS:** No, that is not the case. Let me give the honourable member an example of a regional community: Mount Gambier. There are quite a number of petrol stations in and around Mount Gambier. As soon as the price changes, the vast majority of regional residents in and around that community, if they so choose, will be able to avail themselves of the price differentials, if they wish. There would be a significant number of other regional communities.

Yes, there will be some regional communities where their nearest petrol station might be 60 or 100 kilometres away. In many of those cases, just to inform the honourable member, they may well only fill up their fuel once a week or, in many cases, they will have on-farm supplies that are available, just to inform the Deputy Leader of the Opposition what happens in regional areas.

The reality is there is not a petrol station within 30 minutes of every consumer in regional South Australia. That is just a statement of fact. If the honourable member wants to devise a system which is going to accommodate that sort of circumstance, good luck. But the system that the government hopes to apply in South Australia applies in Queensland, where there are regional communities. The equivalent of the RAA loudly sang the praises of the benefits to both metropolitan and regional residents and consumers in Queensland, as the fearless advocate on behalf of motorists in Queensland.

**The Hon. C.M. SCRIVEN:** I think the Hon. Mr Pangallo has devised a system that would assist such residents who will not perhaps have to travel 24 hours to get to their service station, and therefore the proposal that would assist those regional residents the most would be one that allows them a reasonable amount of time to avail themselves of cheaper fuel prices, where those cheaper fuel prices exist. Can the Treasurer outline why he is refusing to entertain a system that would potentially enable far, far, far more regional residents to actually benefit from any discounting in fuel prices?

**The Hon. R.I. LUCAS:** Because the statement by the deputy leader is wrong in fact. That might be her view, but it is not a view that I share and it is not a view that the RAA shares, speaking on behalf of metropolitan and regional communities. It is not a view that the RACQ, speaking on behalf of metropolitan and regional communities in Queensland, shares.

The prospect as to why, in a community where there might be only one outlet, you would drop a petrol price for less than 30 minutes before anyone could actually come and avail themselves of the petrol price seems beyond any logic at all. If you are actually dropping your petrol price and you are the only outlet in a particular area and you are trying to attract custom, why would you actually close it off before people could actually come and purchase your petrol?

The member can claim that the vast majority of regional residents will be better off under her proposed scheme. Good luck to her. That is not a view that the government shares, it is not a view that the RAA shares and it is not a view the RACQ shares.

**The Hon. C.M. SCRIVEN:** I would have thought the reason a retailer might do that would be fairly obvious. If one can essentially advertise a discounted price, which can then encourage people to visit, without them necessarily knowing that it will not be available once they get there, once they get there they are probably not going to go home again because they probably do not have enough petrol. That would be the reason it could be used, and abused, whereas the proposal that would allow a fixed price for 24 hours, an advertised price to be valid for 24 hours, would clearly be of more benefit to those regional residents.

**The Hon. R.I. LUCAS:** Again, we will just have to agree to disagree. The problem with the scheme the honourable member is outlining is that for tens of thousands of metropolitan consumers and big regional centre consumers, in the situation where you have one outlet that might drop their petrol price and the current arrangement allows everybody else to compete and drop their petrol price by 40¢ a litre, under the system the honourable member supports, all those tens of thousands of consumers will be disadvantaged because they will be paying 40¢ a litre more for 24 hours; whereas, under the current arrangement, the competitive model allows those people to compete by dropping their prices.

The Hon. Ms Scriven wants to lock these poor consumers into having to pay 40¢ a litre extra for 24 hours because they cannot adjust their price. That just seems to be very unfair to consumers in the metropolitan area and in the big regional centres and others where there are a variety of options for consumers to be able to choose from.

**The Hon. C.M. SCRIVEN:** I think it is clear that the Treasurer is wilfully choosing one set of examples over another. For any example where it has decreased in price, surely the same applies where it has increased in price or vice versa. Can the Treasurer outline what will actually be involved in the process for retailers to register, to be able to log in to the database—or whatever the Treasurer wishes to call it—in order to record and report what that fuel price will be?

**The Hon. R.I. LUCAS:** The broad description of the process, should the bill be successful and the filibuster does not work this week, is that the government would go to tender to get what is referred to as a third-party aggregator, as I said. I think in layperson's terms it would be the organisation that would run the system. Once that system is established, the individual retail outlet would in essence log on to a website or some equivalent digitally and real-time update their changes in prices, 'real time' being that, while some systems will do it automatically, they have to have advised any change in price within a 30-minute time period.

**The Hon. C.M. SCRIVEN:** Thank you for the answer; however, that seems very vague. I am trying to get an understanding for a retailer. Again, I am particularly thinking of regional retailers. It might be, as indeed the Treasurer said earlier this morning, a single, small multipurpose facility trying to do many things at once, and fuel provision might be only one small part of its business. I am trying to get an understanding of how much work will be involved in the process of registering, getting sufficient materials to be able potentially to train staff as necessary, perhaps updating or upgrading computer systems and all those kinds of practical day-to-day things. What kind of time and investment will be necessary for fuel retailers to do that?

**The Hon. R.I. LUCAS:** I am advised it is unlikely to be extraordinarily complicated. I am advised that many evidently already provide that information to some of the currently available apps in terms of price monitoring. I suspect it will be in and of itself, in general terms, no more complicated for those that end up being lottery outlets or the like. Again, systems will be required but, in the end, as in the lotteries case, they will decide whether or not they see it as being good for their business.

**The Hon. C.M. SCRIVEN:** Can the Treasurer advise what percentage of retailers fit that description of already providing that information via apps or whatever?

**The Hon. R.I. LUCAS:** No; I am not in a position to be able to provide that information.

**The Hon. C.M. SCRIVEN:** What the Treasurer is saying is that, apart from a vague assurance that it will not be too hard, he or his department does not even know how many retailers

will have an additional administrative burden compared to the current situation. Is that what the Treasurer is telling the chamber?

**The Hon. R.I. LUCAS:** I am saying, 'I'm from the government, I'm here to help you, and you can trust me.' I am sure most of the retailers will take me at my word on behalf of the government. So no, I cannot offer any more detail than that.

*The Hon. E.S. Bourke interjecting:*

**The ACTING CHAIR (Hon. D.G.E. Hood):** Order!

**The Hon. C.M. SCRIVEN:** I note the comments of the Hon. Ms Bourke that the Treasurer does not have a great track record with engendering trust among small retailers—in fact, I suspect the opposite is the case.

**The ACTING CHAIR (Hon. D.G.E. Hood):** Order! Address the issue please, Hon. Ms. Scriven.

**The Hon. C.M. SCRIVEN:** Certainly, Mr Acting Chairman. What I am trying to establish—particularly for a small retailer and particularly, although not limited to, those in regional areas—is how much work is involved. We are being assured by the Treasurer that it is not that much, it is not that hard, but we have already heard, earlier in this debate, that the benefits to regional residents is probably not going to be that much, it is not really going to be very different.

We have a situation where, for example, it is reported that there is a 35 cent difference between the average price in regional areas and the average price in metropolitan areas, and that will not actually get much better, if better at all, under this process, yet regional retailers will have this added administrative burden. We do not know how many regional retailers will have an added burden because we do not know how many are already reporting via apps or similar processes.

We do not know how many metropolitan retailers will have an added administrative burden because we do not know how many metropolitan retailers are currently reporting using the technology to which the Treasurer refers. It seems entirely reasonable that that information should be obtained, that that information should be available to this chamber, so that an appropriate assessment can be made of whether this is something that will, in fact, have a negative impact in regional areas.

The Treasurer is always keen to talk at length about administrative burdens or business costs, yet it would appear he is going to be adding to the business costs of regional retailers—but he cannot tell us how much, he just says that it will not be that hard. He does not actually know what is involved but, 'it won't be that hard'. I would have thought it would not be that hard to tell us how many regional retailers will actually be affected by this, how many are not currently using the sort of technology to which the Treasurer is referring.

Can the Treasurer undertake to come back to the chamber with the numbers of how many retailers, who are not currently using this type of technology to which the Treasurer refers, will have this added burden?

**The Hon. R.I. LUCAS:** No; there is no requirement on a retailer at the moment to tell us what they do in relation to their private business. It is not a government mandate, if they voluntarily choose to provide that information to some of these mobile apps. The world of the Labor Party might be that you go out there and drag this information out of these people who have made their own business decisions, but they are private arrangements they have made with these mobile app companies or outlets.

I would not expect the Labor Party to have read the Productivity Commission report but if they are at all interested, as they profess to be, I refer them to page 28 of that report where some information is provided, for anyone prepared to read the report, about the design and how it operates in Queensland. In summary, it says that the Productivity Commission 'regards this reporting design is currently best practice and has incorporated it in Option 1.' I refer the honourable member, if she is willing, to take the time to read the Productivity Commission report. There is some detail there from the Productivity Commission in relation to the design of the process.

**The Hon. F. PANGALLO:** I note that the Treasurer was quite active on Twitter at lunchtime urging us to put the pedal to the metal. I just want to get back to his comments about the price dropping 40¢. How long will motorists have to buy it at that 40¢ discount in the event that they got the 30 minutes notice, and is it not correct that it will be able to jump again in say 30, 60, 90 minutes? It could actually go up and down like a yo-yo several times a day if the retailer feels like it, and if they want to have a sucker deal dropping the price to 99¢ for an hour or so they get a logjam of traffic outside their premises.

**The Hon. R.I. LUCAS:** I am sure the honourable member has experienced purchasing petrol for his own car and I will not enter into the member's arrangements as to whether or not he has a government taxpayer-funded car or whether he has his own. Putting that to the side, I am sure he goes to petrol outlets to see the price of petrol.

The general experience in metropolitan Adelaide, if we can refer to that as the best example the member may well have some familiarity with, is that someone or a number of outlets in a particular area significantly drops the price of petrol for a period of time and then, as I said, all and sundry, or most all and sundry, join in to price compete in and around about that particular level for period of time.

It is what is known as, and he referred to it earlier, a price cycle and they compete for a period of time. It is not common practice, if you live in the real world, where someone drops it and then five minutes later increases it by 40¢ and then five minutes later drops it by 40¢, etc. I would invite the honourable member, if he thinks that is the experience in the real world, to put that on the record.

My experience is that the price drops for a period of time. It might be for the remainder of the morning or the day, and sometimes it then goes back up to somewhere between the dropped price and the highest price that had been prevailing prior to the price cycle, and then eventually at some stage it gets back to the top level of the cycle again.

The answer to the question is, as occurs at the moment, people are entitled to move their prices around if they so wish and people can compete for the period of time that people are making an offer, as indeed they can with any other product, or most other products that people offer in their retail outlets.

The advantage of that system, as opposed to the honourable member's system, is that at least people for a period of time, whether it is for a period of hours or for a day or two—or at least a period of hours, at least 24 hours—will have the opportunity to avail themselves of the prevailing drop in the market.

The sad reality of the Hon. Mr Pangallo's passionate embrace of Western Australia is that for a period of 24 hours, only the people who happen to live in and around the Hackham service station, if that is where the price drop has occurred, will get the value of the price drop. The consumers the Hon. Ms Scriven was concerned about who were more than 30 minutes away from an outlet would have no capacity to get down to Hackham to take advantage of the price.

There are examples that we can put onto the public record, that attempt to support the honourable member's case, that in our view support the government's case. The reality is the choice for this chamber is pretty stark: there is a government model supported by the RAA and implicitly supported by people like the RACQ and others, and there is the Western Australian model which is supported by the Hon. Mr Pangallo and the Labor Party.

It is a pretty simple choice. All of this sort of questioning is not changing the government's position, and it is quite evident that it is not changing the Hon. Mr Pangallo's position. I am not sure what people are concerned about in having a vote on this particular clause 1 of the bill but the attempt to try to filibuster to lock in no changes in fuel pricing for at least another couple of months by Mr Pangallo and the Labor Party—if that is what they achieve, let the motorists of South Australia be aware of the reason we were unable to vote on it.

**The Hon. F. PANGALLO:** Is the Treasurer suggesting that if it does not get voted through today, or it gets voted through today, everything will be up and running within a couple of months? Is that what you are suggesting?

**The Hon. R.I. Lucas:** I am suggesting you are trying to prevent it.

**The Hon. F. PANGALLO:** No, I am not trying to prevent it.

**The Hon. R.I. Lucas:** Yes, you are.

**The Hon. F. PANGALLO:** I have an amendment to the bill. I can assure the Treasurer that I have actually lived and worked in the real world for nearly 46 years before entering this place, so I am quite familiar with the buying habits of consumers in South Australia, whether it is at supermarkets or whether it is at petrol stations. I have seen all the fluctuations that occur that drive people batty. Can I ask the Treasurer who runs the aggregation scheme in Queensland? Are you aware of that?

**The Hon. R.I. LUCAS:** I am told it is an organisation called Informed Sources. I have no knowledge of who they are or what they are and, of course, the South Australian government, as I indicated by way of an answer to an earlier question, would go out to a tender in relation to who would be the aggregator.

**The Hon. F. PANGALLO:** Will Informed Sources be involved in the scheme in South Australia?

**The Hon. R.I. LUCAS:** I repeat for the third time: it would go to tender, so I do not know whether they would tender or not.

**The Hon. F. PANGALLO:** Certainly going by their submission to the Productivity Commission, in which they seem to be pitching their services to the RAA, Informed Sources will be probably a tenderer. Can I just remind the Treasurer about Informed Sources. This is from the Australian Competition and Consumer Commission, from 20 August 2014:

The Australian Competition and Consumer Commission has instituted proceedings in the Federal Court of Australia against Informed Sources (Australia) Pty Ltd (Informed Sources) and several petrol retailers alleging that they contravened section 45 of the Competition and Consumer Act 2010 (the Act).

The ACCC alleges that the information sharing arrangements between Informed Sources and the petrol retailers, through a service provided by Informed Sources, allows those retailers to communicate with each other about their prices, and that these arrangements had the effect or likely effect of substantially lessening competition in markets for the sale of petrol in Melbourne.

Subscribers to the Informed Sources service provide pricing data to Informed Sources at frequent, regular intervals and in return receive from it collated data from the other subscribers, and various reports containing pricing information across particular regions.

Quite clearly, Informed Sources was the subject of an ACCC legal action back then.

Can I just go back to the apps. Under the Queensland scheme, fuel data is accessible via private apps, and these apps include EzySt, Fuelify, Fuel Map, Pumped, Fuel Price Australia, ServoTrack, Simple Fuel, MotorMouth, RACQ, Petrol Spy and Vroom Fuel Price Compare. These apps are provided for subscription, by advertisement or in association with other commercial matters. Will that be the case under this scheme?

**The Hon. R.I. LUCAS:** I am advised we are making it mandatory for the information to be provided but it will be open to anyone.

**The Hon. F. PANGALLO:** That information will be provided by the government?

**The Hon. R.I. LUCAS:** It will be provided to the government by the third-party aggregator, but it will be made available by the government to anyone.

**The Hon. F. PANGALLO:** Through apps that they are able to—

**The Hon. R.I. LUCAS:** Yes.

**The Hon. F. PANGALLO:** Will members of the public be charged for using the apps?

**The Hon. R.I. LUCAS:** I would imagine that would be an issue for the app companies. Of course, if one particular app supplier provided it for free, it would make it very hard for somebody to be charging for the information. Anyway, I am not sure what the situation is in Queensland. My advice is, by shake of head, that there are no charges in Queensland by that range of app providers.

**The Hon. F. PANGALLO:** Can you actually provide evidence of that, Treasurer, because it is my understanding that people actually are charged for those apps to access the information?

**The Hon. R.I. LUCAS:** No, I cannot provide evidence; I just had a shake of the head from an adviser. The issue is they could charge if they wanted to in relation to South Australia. Let's talk about South Australia. The advice is they could charge if they wanted to; however, if one app developer or company provides it for nothing, it would make it difficult, I would imagine, to get many customers if somebody else that was a competitor was charging for it. But that will be an option for them as private sector operators in terms of providing the information.

I suspect the information which is provided currently—again, my understanding, and I do not profess to have direct knowledge of this, is the current arrangement where we do have some fuel apps available, people are not charged for that in South Australia at the moment. Again, the Hon. Mr Pangallo might have more familiarity with some of the existing ones. I think he spoke about them in the second reading contribution (or someone did), but my advice is they do not charge for the information at the moment.

**The Hon. F. PANGALLO:** I might enlighten the Treasurer on the real world of apps. Yes, there are some that do charge. There are those that do not, and that is because they use their app as a magnet to be able to get the person's data, so in the end consumers will still have to release information to them. So the Treasurer cannot confirm or deny whether consumers will have to pay to access that information off the South Australian website or off an app? You cannot confirm that?

**The Hon. R.I. LUCAS:** I can only answer the same question the same way three times. As I said, if you want a different answer I can give you a different answer, but the answer that I have given you twice I will give you a third time, and that is that the people with the apps will have the option to do so. The advice I have at the moment is that the current ones in South Australia do not. The member is probably right and that is they do not charge for it because they see other values from them.

He referred to the issue of collecting data. I suspect they also may well perhaps be vehicles for advertising. That is, if you have a large number of people coming to your particular app for information, you may well advertise to those particular customers or consumers, etc. But I cannot answer the question differently the third time around. I just have to give the same answer each time. I know you want to delay the proceedings, but I can only give the same answer the same time to three questions.

**The Hon. C.M. SCRIVEN:** Earlier in the committee stage I asked the Treasurer questions in regard to consultation with regional stakeholders. He referred me to the South Australian Productivity Commission list of stakeholders, which I have here. In terms of stakeholder submissions and consultations, it included:

- Australasian Convenience and Petroleum Marketers Association;
- Australian Institute of Petroleum;
- Caltex Australia;
- member for Florey;
- informed sources; and
- Royal Automobile Association.

There was then another table, but before I move on to that, could the Treasurer just explain what is meant by 'informed sources' in that context?

**The Hon. R.I. LUCAS:** I refer the honourable member to a series of six questions that the Hon. Mr Pangallo just asked about that particular company. It is a third-party aggregator that runs the scheme in Queensland. Again, if this is just an endeavour to stretch out the proceedings, those who are watching these proceedings are going to be shaking their head, and those who read the proceedings will be shaking their head. We have just had half a dozen questions in relation to informed sources.



**The Hon. C.M. SCRIVEN:** Thank you for the clarification. The next table, again on submissions and consultations, lists the following:

- Attorney-General's Department
- Australasian Convenience and Petroleum Marketers Association;
- Australian Competition and Consumer Commission;
- Australian Institute of Petroleum;
- Business SA;
- Caltex Australia;
- Department of Economics, University of Melbourne;
- Department of Planning, Transport and Infrastructure;
- EG Group;
- Environment Protection Authority;
- FuelTrack;
- informed sources—again;
- Liberty Oil;
- Motor Trade Association of South Australia;
- Peregrine Corporation;
- Royal Automobile Association of Australia;
- Royal Automobile Club of Queensland;
- state member for Florey;
- Commissioner for Consumer and Business Services from the Attorney-General's Department;
- Viva Energy Australia; and
- X Convenience.

Looking at that list, it appears that there have not been consultations with organisations such as the small retailers association or other bodies representing small retailers or those particularly in regional areas. Can the Treasurer comment on that?

**The Hon. R.I. LUCAS:** I do not know how well the honourable member knows some of those organisations but the Motor Trade Association, for example, represents motor dealers both metropolitan and regional. They have a very strong presence through regional areas of South Australia. I am surprised the member is unaware of that. Business SA proclaims that it represents a significant number of businesses in regional communities, as well as the metropolitan area.

The long-sounding name of Australasian petroleum and whatever it is, is an organisation I have had dealings with recently and they proclaim to represent outlets of that particular nature in both metropolitan and regional areas. So a number of the organisations to which the honourable member has referred, represent regional businesses as well as metropolitan businesses.

**The Hon. C.M. SCRIVEN:** Whilst I do not disagree with what the Treasurer says, in that some of those organisations have representation in regional areas, I guess what I was hoping to find was that there had been some active and specific engagement with stakeholders in regional areas rather than simply under the umbrella of those who are going to represent many different and, therefore, potentially competing needs. Those organisations representing both big and small retailers

are perhaps less likely to state as strongly some of those issues that might be specific to regional areas.

Earlier in the debate the Treasurer outlined where there might be exemptions, and I asked whether all regional retailers would be under the same requirements in terms of the reporting. He said there might be some exemptions for remote areas; however, I see in the Productivity Commission's report at page 29 that there is the possibility of exempting remote or selected rural areas.

I think exemption of remote areas is probably reasonably self-explanatory in the sense that it is probably quite obvious why some of those might be in very different circumstances to the metropolitan areas. However, selected rural areas is perhaps less obvious as to why they would be exempt if this is supposed to be a scheme that will assist consumers, including those in regional areas, notwithstanding the fact that the Treasurer, I think, has basically indicated there will not be much benefit whatsoever to regional areas.

Why would selected rural areas be exempt? What kind of criteria will be used to assess that, and what would he see as the benefits for those areas?

**The Hon. R.I. LUCAS:** My advice is that, in terms of 'select', the Productivity Commission might be referring, for example, to a regional location that might not normally be deemed to be remote, but the petrol outlet might be the only petrol outlet for many kilometres around it and therefore the notion of competition and price competition might not make much sense, but they might not be deemed to be remote.

I am trying to think of my experience on the Lower Eyre Peninsula, but I will not put a name on the public record. I am advised that 'select' is intended to look at it that way, that is, that it might not be what we would understand to be a remote area but it may be quite isolated and in a regional area.

**The Hon. C.M. SCRIVEN:** Would the number of outlets within a defined geographical area be the sole criteria used to consider an exemption?

**The Hon. R.I. LUCAS:** I am not professing to say that is definitively what it is, that is what the Productivity Commission has recommended. The government, in its consultation on regulations, will work through with stakeholders, I would imagine, and others the detail of that. When the member asked what might the Productivity Commission have meant, then I am advised that that is what they might have meant.

However, the government ultimately will be responsible for the regulations and the detail and they will consult with stakeholders to provide some clarity as to whether or not they pick up that option or just leave it as remote areas. There is no final decision from the government on that particular issue yet. As always with the government, we will be quite transparent and accountable, we will consult widely and people will have an opportunity to put a point of view.

**The Hon. C.M. SCRIVEN:** Thank you, Treasurer, for that answer. I appreciate that there is no final decision from the government, but is the Treasurer saying that at this stage the only criteria he is aware of would be the number of outlets within a defined geographical area, or are there other criteria that comes to his mind that might be appropriate to consider in terms of working out exemptions?

**The Hon. R.I. LUCAS:** I can only repeat the answer I have just given to the same question previously, and that is that the advice at this stage is that discussions are to go on in relation to the drafting of the regulations. 'Remote' is the most obvious example. In relation to the selected area, we have not even confirmed that it would be the example I have given. I have just said that my advice is that that might be one of the things the Productivity Commission was recommending.

However, it is the government that has to draft the final regulation. If that is what the Productivity Commission was recommending, it will be up to the government to decide after consultation whether or not it agrees with that, or whether someone raises some other area where it might not make sense to require someone to be part of the scheme.

The government will leave open those options. There will be regulations that will be subject to disallowance, so the Hon. Ms Scriven, the Hon. Mr Pangallo and others, if they are unhappy with the landing the government comes to in relation to the exemptions, will have the capacity, should their numbers prevail, to disallow them.

**The Hon. C.M. SCRIVEN:** Would the government consider enabling some retailers, particularly in regional areas, to apply to opt out of this system?

**The Hon. R.I. LUCAS:** No, that is not the government's contemplation.

**The Hon. C.M. SCRIVEN:** Even if they were in regional areas and could put forward a case that would potentially justify opting out or, indeed, to use the terminology used by the Productivity Commission, applying to be one of those exempt areas, is the Treasurer saying that that would not be contemplated?

**The Hon. R.I. LUCAS:** In relation to the issue of what would be an exempt area or not, there will be discussion, so there will be a discussion at that stage. But if the member is talking about opting out—that is, we have a scheme which purports to cover all of these regional areas, they are not exempt, and the metropolitan area—we are not proposing a scheme where someone within that particular area, after the scheme has been established, is able to opt out.

**The Hon. F. PANGALLO:** Just for the record in relation to Informed Sources Pty Ltd, on 23 December 2015, Informed Sources, along with BP Australia, Caltex Australia, Woolworths and 7-Eleven stores, were required to give undertakings to the ACCC in relation to those allegations of price collusion. Informed Sources and the petrol retailers gave the undertaking that they would make pricing information available to consumers at the same time that they receive it. This would assist consumers in making better and more informed decisions about where and when to buy petrol by helping them identify the best time to buy and the sites. At this point, Mr Acting Chairman, I am seeking a point of order and a ruling.

**The ACTING CHAIR (Hon. D.G.E. Hood):** On what, the Hon. Mr Pangallo?

**The Hon. F. PANGALLO:** I am referring to standing orders 124 and 159, and I will ask for a ruling. Standing order 124 states:

No question shall be proposed which is the same in substance as any question or amendment which during the same Session has been resolved in the affirmative or negative, unless the resolution of the Council on such question or amendment shall have been first read and rescinded. This Standing Order shall not be suspended.

I further refer to standing order 159, which states:

A Resolution of the Council may be read and rescinded; but no such Resolution may be rescinded during the same Session, except with the concurrence of an absolute majority of the whole number of Members of the Council upon Motion after at least seven days' Notice: Provided that to correct irregularities or mistakes one day's Notice only shall be sufficient.

In the last sitting week this chamber passed, unamended and without division, the Fuel Watch Bill 2020 and sent that bill to the other place. The bill set out a scheme for fuel price regulation, including a real-time monitoring scheme and a 24-hour price guarantee in fuel watch areas, which includes metropolitan Adelaide. Subsequently to this, the chamber received a message from the House of Assembly in relation to this bill, and the bill was then introduced. No ruling was given by the President as to the orderliness or otherwise of this bill.

Mr Acting President, as you have heard repeatedly stated, there are two models under consideration by this parliament. They are not the same and they are mutually exclusive. This chamber has already resolved in favour of the Fuel Watch Bill and sent that bill to the other place. In my submission, this council cannot now pass another bill which would contradict the terms of the bill we have already passed. We have these rules, long established, for good reason. It is to prevent manipulation by the executive of the parliament.

There are previous examples of bills which have been ruled out of order for similar reasons. It has been drawn to my attention that the Clerk may have given some informal advice on this bill at an earlier stage. However, given the standing orders have the force of law and the need for any legislation passed by this parliament to be lawfully sound in every particular, I ask for a formal ruling

from you, the Acting President, or the President, having regard to the privileges and customs of the Westminster parliament system. Given the importance of this, I suggest this bill now be adjourned until such a time as a formal ruling and explanation in writing, referencing relevant precedent, can be supplied for consideration by the council.

**The ACTING CHAIR (Hon. D.G.E. Hood):** I have taken some very brief initial advice, and my understanding at this point is that both bills are allowed because they are different in content. That said, you have specifically requested a written response. In that case, I think it would be inappropriate for me as Acting President to provide that. It is really a matter for the President when he returns, and I imagine that may take a number of days, with the assistance of the Clerk. However, my ruling at this point is that, as those bills are different, this bill is able to proceed. I understand the Clerk has provided advice to that effect in the past. So we will continue, and I imagine it is a matter the President can deal with through the winter break.

**The Hon. J.E. HANSON:** On that basis, I move:

That progress be reported.

The committee divided on the motion:

Ayes ..... 10  
Noes ..... 11  
Majority ..... 1

AYES

Bonaros, C.  
Hunter, I.K.  
Pangallo, F.  
Wortley, R.P.

Bourke, E.S.  
Maher, K.J.  
Pnevmatikos, I.

Hanson, J.E. (teller)  
Ngo, T.T.  
Scriven, C.M.

NOES

Centofanti, N.J.  
Franks, T.A.  
Lensink, J.M.A.  
Ridgway, D.W.

Darley, J.A.  
Hood, D.G.E.  
Lucas, R.I. (teller)  
Wade, S.G.

Dawkins, J.S.L.  
Lee, J.S.  
Parnell, M.C.

Motion thus negatived.

Clause passed.

Clause 2 passed.

Clause 3.

**The CHAIR:** There are amendments in the name of the Hon. Mr Pangallo as well as the Treasurer, the first one being in the name of the Hon. Mr Pangallo. Treasurer, your amendment overlaps with that of the Hon. Mr Pangallo, so there might be a bit of backwards and forwards with this.

**The Hon. F. PANGALLO:** I move:

Amendment No 1 [Pangallo–1]—

Page 2, line 12 to page 3, line 34 [clause 3, inserted Part 6B]—Delete inserted Part 6B and substitute:

Part 6B—Fuel watch scheme

45F—Interpretation

In this Part, unless the contrary intention appears—

*biodiesel* means a diesel fuel obtained by esterification of oil derived from plants or animals;

*discounted fuel price*, in relation to a type of fuel, means the price per litre at which fuel of that type is available to consumers after any discount (whether by a voucher, discount rate, reward scheme or any other means) is applied;

*fuel* means any of the following:

- (a) a petroleum product within the meaning of the *Petroleum Products Regulation Act 1995*;
- (b) biodiesel;
- (c) compressed gas;
- (d) liquefied natural gas;

*fuel pump display* means the numerical display of the normal fuel price appearing on a metered fuel pump at a service station;

*fuel retailer* means a person or body who carries on the business of supplying fuel for retail sale;

*fuel watch area* means—

- (a) Metropolitan Adelaide; and
- (b) any area declared to be a fuel watch area by the Minister under section 45H,

but does not include any area declared not to be a fuel watch area by the Minister under section 45H;

*fuel watch website*—see section 45J;

*fuel wholesaler* means a person or body who carries on the business of supplying fuel for wholesale;

*Metropolitan Adelaide* means Metropolitan Adelaide as defined by GRO Plan 639/93;

*normal fuel price*, in relation to a type of fuel, means the price in cents per litre at which fuel of that type is available to consumers without any discount (whether by a voucher, discount rate, reward scheme or any other means) applying;

*price board* means a board, sign or notice at a service station that displays the price in cents per litre of each type of fuel available for retail sale at that service station;

*retail sale* means a sale in retail quantity for the purposes of use or consumption;

*service station* means a building, place or premises where fuel is offered and supplied for retail sale, but does not include a building, place or premises where the primary business is the hiring, leasing or sale of motor vehicles;

*wholesale* means a sale other than a retail sale.

#### 45G—Objects

The objects of this Part are—

- (a) to ensure that consumers are provided with up to date accurate information regarding the price and availability of fuel; and
- (b) to promote fair, competitive and transparent fuel pricing practices; and
- (c) to mitigate negative impacts on consumers and the economy of the State as a result of fluctuating fuel prices; and
- (d) to ensure that fuel prices for retail sale and wholesale are made available to the public for ease of comparison.

#### 45H—Minister may declare fuel watch areas

(1) The Minister may, by notice in the Gazette—

- (a) declare an area of the State to be a fuel watch area for the purposes of this Part; or
- (b) declare that the whole or a part of Metropolitan Adelaide is not a fuel watch area for the purposes of this Part.

(2) The Minister must, before making a declaration under this section, seek the advice of the Commissioner for Consumer Affairs.

- (3) In making a declaration under this section, the Minister must have regard to the objects of this Part.
- (4) The Minister may, by subsequent notice in the Gazette, vary or revoke a declaration under this section.
- (5) Sections 10, 10AA and 10A of the *Subordinate Legislation Act 1978* apply to a notice made under this section as if it were a regulation within the meaning of that Act.

45I—Provision of information to Commissioner on price and availability of fuel and restrictions on change of fuel price etc

- (1) A fuel retailer offering fuel for retail sale outside a fuel watch area must, at the prescribed time, provide the following information to the Commissioner for Consumer Affairs:
  - (a) the name, address and contact details of the fuel retailer;
  - (b) the address of the service station at which fuel is available for sale by that fuel retailer;
  - (c) the price in cents per litre of each type of fuel available for retail sale at that service station.

Maximum penalty: \$7,500.

Expiation fee: \$1,000.

- (2) A fuel retailer offering fuel for retail sale within a fuel watch area—
  - (a) must not increase or decrease the price at which fuel is offered for retail sale at any time during a day unless notice of the increased or decreased price has been given to the Commissioner for Consumer Affairs before 2 am on the preceding day; and
  - (b) must, in the notice referred to in paragraph (a), provide the following information to the Commissioner for Consumer Affairs:
    - (i) the name, address and contact details of the fuel retailer;
    - (ii) the address of the service station at which fuel is available for sale by that fuel retailer;
    - (iii) the price in cents per litre of each type of fuel available for retail sale at that service station.

Maximum penalty: \$20,000.

Expiation fee: \$2,000.

- (3) A fuel wholesaler must, at the prescribed time, provide the following information to the Commissioner for Consumer Affairs:
  - (a) the name, address and contact details of the fuel wholesaler;
  - (b) the address at which fuel is available for sale by that fuel wholesaler;
  - (c) the price in cents per litre of each type of fuel available for wholesale by the fuel wholesaler.

Maximum penalty: \$7,500.

Expiation fee: \$1,000.

- (4) A fuel retailer or a fuel wholesaler must, not less than 30 minutes after becoming aware of the fact that fuel will be unavailable for sale by the fuel retailer or fuel wholesaler (as the case may be), provide that information to the Commissioner for Consumer Affairs.

Maximum penalty: \$7,500.

Expiation fee: \$1,000.

- (5) It is a defence to a charge of an offence against this section for the defendant to prove that—
  - (a) the defendant did not comply with the requirement due to an emergency; or
  - (b) it was unreasonable in the circumstances for the defendant to comply with the requirement.

- (6) Information required to be provided to the Commissioner for Consumer Affairs under this section must be provided to the Commissioner in a manner and form determined by the Commissioner.
- (7) In determining the manner and form for the purposes of subsection (6), the Commissioner for Consumer Affairs must have regard to—
  - (a) the need to minimise the costs of the fuel watch scheme for fuel retailers and wholesalers; and
  - (b) any other existing price monitoring or aggregation systems.
- (8) The Commissioner for Consumer Affairs must ensure that information provided to the Commissioner under this section is easily accessible to the public on the fuel watch website and in any other manner the Commissioner thinks fit.
- (9) In this section—

*day* means a period of 24 hours beginning immediately after 6 am;

*prescribed time* means within 30 minutes of increasing or decreasing the price at which fuel is offered for sale.
- (10) For the avoidance of doubt, information need only be provided under this section in relation to days on which a fuel retailer or a fuel wholesaler is open for business.

#### 45J—Fuel watch website

The Commissioner for Consumer Affairs must maintain a website (the *fuel watch website*) for the purposes of informing consumers of the price and availability of fuel in the State containing—

- (a) information provided to the Commissioner under section 45I; and
- (b) any other information that the Commissioner thinks relevant.

#### 45K—Offences relating to display of fuel price

- (1) If a fuel retailer increases the normal fuel price for a type of fuel, the retailer must change the price displayed on any price board to reflect the increase in price before, or at the same time as, changing the price displayed on any fuel pump display for that type of fuel.

Maximum penalty: \$7,500.  
Expiation fee: \$1,000.
- (2) A fuel retailer must not display a discounted fuel price on any price board or fuel pump display.

Maximum penalty: \$7,500.  
Expiation fee: \$1,000.
- (3) A fuel retailer or a fuel wholesaler must specify the normal fuel price for a type of fuel separately from the price of any other type of fuel or any other goods or services offered for sale by the fuel retailer or fuel wholesaler (as the case may be).

Maximum penalty: \$7,500.  
Expiation fee: \$1,000.
- (4) The regulations may provide for the manner and form in which a fuel retailer must display the normal fuel prices for types of fuel, or a type of fuel of a particular class or kind, on any price board or fuel pump display.

#### 45L—Offences relating to sale of fuel

- (1) A fuel retailer must not refuse or fail to sell fuel on demand for the price provided to the Commissioner for Consumer Affairs in accordance with this Part.

Maximum penalty: \$20,000.  
Expiation fee: \$2,000.
- (2) A fuel wholesaler must not refuse or fail to sell fuel on demand for the price provided to the Commissioner for Consumer Affairs in accordance with this Part.

Maximum penalty: \$20,000.  
Expiation fee: \$2,000.

- (3) It is a defence to a charge against subsection (1) or (2) if the defendant proves that—
- (a) they sold a reasonable quantity of the fuel demanded; or
  - (b) they did not have a sufficient quantity of fuel to supply the quantity demanded in addition to the quantity required to satisfy—
    - (i) all other existing arrangements under which they were obliged to supply quantities of fuel for consumption or use; and
    - (ii) the ordinary requirements of their business.
- (4) A fuel retailer or fuel wholesaler must not make the sale of fuel to a person conditional on the sale of any other goods or services.
- Maximum penalty: \$20,000.
- Expiation fee: \$2,000.
- (5) A fuel wholesaler must, on request from a person, provide to the person in writing, an itemised list of the cost of any of the following components of the normal fuel price:
- (a) delivery of the fuel;
  - (b) use of a brand in relation to the type of fuel;
  - (c) use of a credit or payment facility.
- Maximum penalty: \$20,000.
- Expiation fee: \$2,000.

#### 45M—Power to report to Essential Services Commission

If the Commissioner for Consumer Affairs considers that there is price gouging or market inefficiency in retail fuel pricing for any area of the State, the Commissioner may, with the consent of the Minister, refer the matter to the Essential Services Commission and, in such a case—

- (a) the *Essential Services Commission Act 2002* applies as if the provision of fuel were an essential service within the meaning of that Act; and
- (b) the activities of fuel retailing and fuel wholesaling are declared to constitute a regulated industry for the purposes of that Act.

#### 45N—Review of Part

- (1) The Minister must cause a review of the operation of this Part to be conducted and a report on the review to be prepared and submitted to the Minister.
- (2) The review and the report must be completed after the second, but before the third, anniversary of the commencement of this section.
- (3) The Minister must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

This amendment would insert the provision of my Fuel Watch Bill, which passed this chamber on 1 July, into the government's proposal. Put simply, the FuelWatch model that forms part of my bill, and which is derived from a bill moved in the other place by the member for Florey, is far superior to the model the government proposes in this bill. Why? It is a very simple reason: you need enough time to take advantage of the price when it is at its cheapest and, quite frankly, 30 minutes is not enough time.

The government's approach is based upon nothing more than wishful thinking. It will not change collusive pricing behaviour, which is commonplace in the retail fuel market today. I remind the council, as was said in the earlier debate on the Fuel Watch Bill, that in Brisbane average fuel prices are the highest of the capital cities while in Perth motorists have the cheapest take-home price for fuel. Why would we not adopt the proven Western Australian model rather than the clearly failed Queensland approach still in the works?

I highlight that, in a concession to matters raised by the government, my amendments today include a number of minor variations. I have done this in this bill so that if the chamber is minded to support the amendments we can avoid a deadlock should the government change its mind—which I doubt—and accept the amendments in the other place.



These minor changes are as follows. Firstly, we have included a two-year review of the scheme. This reflects the government's stated intention that the scheme should be operated on a two-year pilot basis. Secondly, I have incorporated an expiation for each offence, which was an issue the Attorney raised on her bill in the other place. However, the expiations proposed under this bill are substantially higher and I have, on advice from parliamentary counsel, also adjusted the upper bound of penalties accordingly.

Thirdly, in relation to the referral to ESCOSA, I now suggest that this should be subject to the approval of the minister. This clarifies that the Commissioner for Consumer Affairs is not able to refer matters for investigation that the executive does not support. Lastly, I have addressed apparent confusion about the 24-hour time period in the FuelWatch scheme. This technical alteration makes it clear that the 24-hour period runs from 6am to 6am.

Of course, the fuel subsidy scheme clause that the council deleted from the Fuel Watch Bill is not included in the amendment either. For clarity, I should say that the member for Frome proceeded with this amendment in the other place but it was not supported, and that is why I chose to remove it from the Fuel Watch Bill and from this amendment.

I note in debate on the Fuel Watch Bill that the Treasurer queried if this clause would have constituted a money clause. For the chamber's benefit I indicate that parliamentary counsel had drafted this clause to avoid that imputation by excluding an appropriation—but the matter is moot in any event, as the clause was deleted.

I could go on but this issue has been well and truly debated. We just need to get to a vote now and put the pedal to the metal. I recognise, as I think all in this council do, that timing is vital. I know the RAA is very keen to see a real-time fuel pricing scheme in place as soon as possible. They have been clear that the model is a secondary consideration, and fair enough too. With fuel prices spiking at \$1.46 only a week or so ago, it is clear that action is needed now. I commend the amendment to the council.

**The CHAIR:** The Treasurer's amendment is basically a competing amendment. I will get the Treasurer to move his amendment now.

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

Amendment No 1 [Treasurer–1]—

Page 3, line 22 [clause 3, inserted section 45F(3)]—Delete '\$315' and substitute '\$550'

This amendment is pretty simple. It just increases the penalties. In speaking to my amendment, I will also address the honourable member's amendment. I had a very persuasive page and a half of notes to argue against the honourable member's amendment but given we have been talking about this issue for four hours, all of my good stuff has been used up already. It is on the public record in terms of why we are trenchantly opposed to the honourable member's position. The honourable member summarised it very aptly: let's put the pedal to the metal.

**The Hon. F. Pangallo:** As they say in the real world.

**The Hon. R.I. LUCAS:** In the real world. I think everyone knows the two options. I think we should just proceed to a vote and determine the will of the parliament.

**The CHAIR:** The question is that all words down to but including '\$315' on page 3, line 22 stand as printed. To support the Treasurer, you will vote yes. If you want to support the Hon Mr Pangallo you will vote no.

The committee divided on the question:

Ayes ..... 11  
Noes ..... 10  
Majority ..... 1

AYES

Centofanti, N.J.  
Franks, T.A.

Darley, J.A.  
Hood, D.G.E.

Dawkins, J.S.L.  
Lee, J.S.

## AYES

Lensink, J.M.A.  
Ridgway, D.W.

Lucas, R.I. (teller)  
Wade, S.G.

Parnell, M.C.

## NOES

Bonaros, C.  
Hunter, I.K.  
Pangallo, F. (teller)  
Wortley, R.P.

Bourke, E.S.  
Maher, K.J.  
Pnevmatikos, I.

Hanson, J.E.  
Ngo, T.T.  
Scriven, C.M.

Question thus carried.

**The CHAIR:** Regarding the amendment moved by the honourable Treasurer, the question is that that amendment be agreed to.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

*Third Reading*

**The Hon. R.I. LUCAS (Treasurer) (16:26):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**EMERGENCY MANAGEMENT (QUARANTINE FEES AND PENALTY) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 22 July 2020.)

**The Hon. K.J. MAHER (Leader of the Opposition) (16:28):** I rise to speak to this bill and indicate that I will be the lead speaker for the opposition. In simple terms, this bill seeks to achieve two things. Firstly, it allows fees to be charged for people who must quarantine in hotels and, secondly, to add up to two years' imprisonment to the maximum penalty for breaches of directions by the State Coordinator.

As we debate this seventh or eighth piece of emergency COVID-19 legislation, I am reminded of the government trying to have parliament sit for just one day per month during this period. That was not the will of the chamber. The crossbench and the opposition insisted that we sit according to our normal schedule, just as the people of South Australia expected during this time, and obviously it was fortuitous that we did so. In doing so, we have made sure that we are here to pass legislation as and when the need arises.

We have had other bits of legislation, though, come up that the government has not passed. The opposition and the Greens both introduced similar bills to extend presumptive workers compensation for people who contract COVID-19. The same desire to protect South Australians and South Australian workers, in the case of those private members' bills, was not met with the same relish by the government as for other bills that have come to this place.

The Labor Party has supported the government on all of its COVID measures. Amongst others, we supported changes to the Coroner's Act, the Emergency Management Act, the Public Health Act, commercial and residential leases, and even to a \$15.3 billion Appropriation Bill with no clear budget. We have been constructive, we have put forward suggestions and we are here to ensure that we do what we can from opposition to pursue the safety and health of South Australians.

The government has—and quite rightly—repeatedly talked about the unprecedented nature of the emergency we face, but this does not seem to extend to managing legislation. Throughout many of the COVID-19 legislative changes, the opposition and the crossbench have been provided with bills only on the day before or even on the day of being required to vote on them. The Attorney-General made a public announcement about this bill on Monday of last week. The opposition asked for copies of the legislation in writing on three occasions before then and at the end of that week, that is, Friday of last week.

The opposition was sent a bill—but not this bill—on Monday this week at 2.40pm. No briefing was offered or received on that particular bill. The only information provided to the opposition before the bill arrived in the House of Assembly was as follows:

The Emergency Management (Quarantine Fees) Amendment Bill 2020 will amend the Emergency Management Act 2004 to allow for the charging of a fee to recover costs associated with providing quarantine services in relation to an emergency declared under that Act.

Under the amendments, this power to determine a fee will be vested with the State Coordinator for the emergency management or delegated to an Assistant State Coordinator. The bill provides for flexibility for who the fee will apply to and this will be determined by the State Coordinator.

The fees will apply for any international arrival who has entered a hotel quarantine from 12.01am on Saturday 18 July 2020. This will not apply to travellers who purchased their ticket before 12.00pm on 13 July 2020.

Waiver arrangements will be available for people currently in quarantine and for people experiencing financial hardship or vulnerability, and payment plans will be made available.

Information, including fees, is also available here—  
and it lists the SA government COVID-19 website.

The information that was provided to the opposition—not the bill but the information that was provided to the opposition—did not even have the correct name for the bill. The information from the Attorney-General's office does not mention any penalty changes. That is because the bill we were given and the information about it did not include them. The bill we are debating here today, we understand, was still being drafted on the morning that it was to be introduced to parliament.

The opposition finally received a copy of the bill we are now faced with 15 minutes before parliament began sitting for the week and a mere 20 minutes before debate began on the bill. We have spoken a number of times about the inadequacy of how the government treats the opposition and the crossbench, particularly when it comes to emergency bills in this place. Unfortunately, the Attorney-General's pride appears to outrank good process and efficiency. The government seems completely incapable of going through good processes to get the desired outcome.

The opposition announced more than a week ago it would seek to amend the Emergency Management Act to allow for terms of imprisonment amongst the maximum penalties for breaching directions from the State Coordinator. We spoke about our proposal in detail because the public ought to know and we should be debating our ideas in public.

On radio last Friday, the Attorney-General specifically rebutted and ruled out Labor's proposal to add up to two years' prison for breaches of directions. The State Coordinator later spoke on radio and supported the idea of having a gaol term as part of the sanctions for a breach of directions.

The opposition provided a copy of its bill to introduce up to two years' prison time for a breach of directions to the government on Monday of this week before we were provided with the bill that did not have that in there. The opposition also offered to brief the Attorney or her office on our bill. The offer was not accepted.

The opposition drafted its bill when a magistrate was left with no option for imprisonment when dealing with four offenders who stowed away on a train. That case was widely reported. If the changes the Labor opposition were proposing had been in place, the magistrate could have ordered a period of detention of anywhere from one day to two years. The Attorney-General announced on radio this week a completely opposite position, and that she would introduce prison terms but could not explain exactly how or when. That only happened on Tuesday of this week.

The Attorney-General could have delivered all the outcomes of this bill faster if they had simply progressed their original bill on quarantine fees and supported the opposition bill on penalties. In addition to charging for quarantine fees, this bill now proposes to amend section 28 of the Emergency Management Act to add the words 'or imprisonment for two years' on top of the existing maximum penalty.

Despite this wording being exactly identical to the Labor bill, the Attorney continued to claim that there were differences between the two proposals. The Attorney is right, there were differences between the two proposals. One was drafted and introduced by Labor while the other was drafted and introduced by the Liberals—that is the difference. I am not sure there could be a more simple and clear-cut case of playing politics with public safety.

Having said that, the opposition is glad that this bill now includes a change to the possible maximum penalty for breaching directions of the State Coordinator, but it did not have to come to it as it did, and it should not have come to it as it did. With that, I indicate that we support the intent of the bill. We support the possibility of being able to charge for quarantine and, of course, we support the introduction of the possibility of a prison term because that is the bill we had before parliament earlier this week.

**The Hon. T.A. FRANKS (16:37):** I rise on behalf of the Greens to support this bill, acknowledging that again we are having to deal with quite extraordinary circumstances and address them in a very rushed manner that would not normally be the due process of any parliament. However, we are ready, willing and able to again cooperate to ensure public health and public safety, but note with some caveats that talk of locking people up because they stowed away on a freight train—where a magistrate has decided that they do not have the money to pay the fine—would actually result in a very significant bill to the state to imprison those people rather than simply send them back from whence they came.

In terms of the public health emergency, I get that people are scared and I get that this is an incredibly frightening time, but the idea of putting people in prison and demanding that the magistrate—who was the one who had all the information, who knew the situation that they were dealing with—lock people up has been incredibly disappointing. I think it is more borne of that fear rather than the educated and calm approach that will get us through this public health emergency.

In my briefing with the government I have requested them to outline the situation for people who are overseas who have not been able to return to date. Contrary to claims at a federal level by no less than the Prime Minister, there are many Australians overseas who have had flights cancelled, who have faced the choice of travelling with increasingly exorbitant prices being charged for the few flights that are available and who, through no fault of their own, have been kept away from the safety, relatively and comparatively, that Australia is able to provide them.

They are Australian citizens and at some stage they will start to return. Will they be punished because they were unable to return? If they can show that they made every effort, for example, that their flights were cancelled and so on, will they be able to take advantage of the waivers on these quarantine fees is my simple question of the government today. With that, we look forward to the committee stage of the bill.

**The Hon. C. BONAROS (16:40):** I rise to speak in support of the Emergency Management (Quarantine Fees) Amendment Bill 2020, and also acknowledge the willingness of the crossbench to deal with two bills this week with very little time for considered debate. The bill, as we know, makes provision for the State Coordinator to impose a fee on designated arrivals—new arrivals into South Australia—who are obliged to quarantine in a hotel. It is in response to a national cabinet agreement that all states will move to a user-pays model.

I understand that Queensland, New South Wales, the Northern Territory and Western Australia have already implemented their schemes. Current costs for individuals range between \$2,500 in the NT and \$3,000 in New South Wales. I think we are looking at the higher end of the scale in SA, so a family of four should expect to pay around \$5,000 for their time in quarantine. We have already footed a bill of around \$3.5 million, as I understand it, for those individuals who have returned to date.

The intention of this is to alleviate the financial burden on South Australians on the basis that they should not be expected to foot the bill for all returning travellers, especially those who can afford it and have been given ample notice to return home. As we know, and as the Hon. Tammy Franks has just pointed out, many individuals through no fault of their own have not been able to return home, despite quite desperate attempts to do so, and the cost of actually returning home has been extraordinarily high for those individuals.

The imposition of a fee in this bill is retrospective, it is to operate retrospectively from 18 July. My preference would have been for the bill not to apply retrospectively, although I do note that it is a very short time frame we are talking about, but that is something we can discuss further in the committee stage. We have not had the opportunity to be briefed in full on this matter, so that is something I would like to ask the minister.

Some of the questions we will put are: are there people currently in quarantine to whom this will apply? Is the haste due to any anticipated mass influx of returning international students or anybody else? There are myriad questions, to which the minister should be in a position to provide responses. I understand that the fee does not apply to travellers who have purchased the tickets before 13 July, the day on which the government made the media announcement, which is of some comfort.

Most importantly, the State Coordinator will have the power, as I understand it, to issue waivers in cases of financial hardship or cases deemed appropriate. I would certainly be grateful for further details on how this will work. I understand there are grounds for exemption and waivers as well, but if we could get some clarification about what an individual or family would have to do to establish that they cannot afford those fees, and how and in what circumstances they will have access to a waiver, an exemption or even a payment plan of some form if they are unable to pay those fees, that would be appreciated.

My understanding (and I wish to get clarification on this also) is that you will go into quarantine and the matter of how the bill will be paid will then be dealt with subsequent to your quarantine, so we are not requesting people pay up-front—I certainly hope not. I would like clarification from the government in relation to those aspects of the proposal. That is the saving grace of this bill and the basis upon which many of us will support it.

I do wonder whether the government has considered imposing any further fees. I believe the Northern Territory has imposed a further period of quarantine for those individuals who refuse to be tested for COVID-19 upon the completion of their 14-day hotel stay. They are made to quarantine for a further 10 days and are required to foot the bill for that, too. That specifically is for those individuals who, for whatever reason, are refusing to actually undertake a COVID test at the end of their quarantine period. If we could get some answers to those questions, I will feel a lot more comfortable about the swift passage of this bill through this parliament. With those words, I look forward to the next stage of the bill.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:45):** I thank the chamber for its patience. I thank the honourable members who have spoken at the second reading, and I look forward to working through the issues as we progress through the bill.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The Hon. T.A. FRANKS:** Members in their second reading contributions asked for more clarity on the way the system will work in terms of the eligibility for a waiver of the provisions, what the arrangements are for the repayment schedules and so on. How will that information be made available once it is determined?

**The Hon. S.G. WADE:** The Department for Health and Wellbeing has already needed to engage with the issue of financial hardship in the context of cross-border travel. Some people who have been coming across the border and are required to self-isolate may not have suitable

accommodation. In assessing financial hardship, we have been working with the Department of Human Services, which has a significant expertise in the assessment of financial hardship. To be honest, I do not know the details of those processes.

At this stage, SA Health does not have financial hardship assessment criteria, and it is not our immediate intention to develop such criteria. We have been using our partnership with DHS to make that assessment. We are not the first jurisdiction to introduce mandatory hotel quarantine for international travellers; in fact, the national cabinet recently decided that it supported such an approach. Queensland and New South Wales already have schemes. To be frank, ours is substantially modelled on New South Wales.

As this progresses it may well be that, in discussions with other jurisdictions, there might be a benefit in developing a formal policy, but like Queensland and New South Wales, I expect that South Australia will develop detailed FAQs. Certainly, both those jurisdictions have detailed FAQs on issues like financial hardship. The fee waivers, the management plans for payment, the decisions for part payment, etc., will be made on a case-by-case basis.

**The Hon. C. BONAROS:** For the benefit of the member, I have raised some concerns about when a waiver will be imposed, as opposed to some sort of payment option. Can we clarify firstly, as I understand it, that payment will be post-quarantine so that nobody is required to pay before they stay? Secondly, if they are not in a position to be able to afford those payments and they are not granted an exemption or a waiver, will they have the option of some sort of payment plan?

Certainly, it is my understanding from discussions with the Attorney's office—and this may be wrong because I understand it is your portfolio—that those payments would be administered through the Courts Administration Authority. If I am incorrect in my understanding, if it is DHS or the Courts Administration Authority, I would like some clarification on that, and I would like to know how somebody would qualify for a payment option.

My concern is that, if somebody is not able to meet those payments for whatever reasons, then there are obviously flow-on impacts in terms of going through the Courts Administration Authority. If you miss payments or do not make payments, we know that there are all sorts of repercussions that can occur, so I would like some clarification on the minister's understanding of how that will work.

**The CHAIR:** Minister, before you start, I have had a message from one of the MPs in their office watching. Could you make sure that you are closer to the microphone when you are giving your answer? Thank you, minister.

**The Hon. S.G. WADE:** Sorry. It might be useful to make a general point here. In relation to international arrivals, it will be the norm that a charge will be levied. Exceptions will be rare. In relation to domestic travellers and South Australian residents, these decisions will be made on a case-by-case basis and will be quite rare.

In relation to international travellers, this government does not want people to, if you like, be caught mid-air by an unexpected charge. First and foremost, it is not our intention to apply a charge for international arrivals if they bought their ticket before the specified date—

**The Hon. C. Bonaros:** 13 July.

**The Hon. S.G. WADE:** Yes, 13 July; very good. Likewise, once they do arrive, in relation to international arrivals, people should not be surprised. They have already bought the ticket, they have flown with that knowledge. I think it is one of the main reasons national cabinet wanted all of us to move together, so that there would not be unfortunate surprises when people do get back.

In relation to the fines enforcement aspect, I will add to my previous answer in two respects. First, most of the international arrivals coming to Adelaide come in on charter flights, and it is made clear to the operators of the charter flights that they should be providing information to travellers about the charge for the accommodation.

In relation to collection, it is our current expectation that the invoices will be managed by RevenueSA. I am not clear whether RevenueSA outstanding debts are pursued by the fines enforcement authority, but that is our current understanding.

**The Hon. C. BONAROS:** Do you need to be an Australian citizen or resident to take advantage of a waiver under the proposal?

**The Hon. S.G. WADE:** You need to be an Australian citizen or resident to be able to be an international arrival at this time.

**The Hon. C. BONAROS:** I understand this is part of the national cabinet agreement, and also understand that Queensland, New South Wales, the Northern Territory and Western Australia have already implemented their schemes. Queensland has a specific provision in its scheme that talks about people who are vulnerable. It allows them to apply for a waiver, and vulnerability will be assessed on a case-by-case basis.

It may include things like people with a chronic illness, people who are not able to take care of themselves and protect themselves against harm or exploitation by reason of age, illness, trauma or disability, refugees, or for humanitarian reasons. There is a range of other issues, including domestic, family or sexual violence.

These are issues that have been listed in terms of those individuals who are particularly vulnerable. Does the minister consider we would have a very similar waiver for individuals in those categories as well?

**The Hon. S.G. WADE:** It is my expectation that all the categories the honourable member indicated are good grounds to seek a waiver, or, for that matter, part payment or whatever it might be.

**The Hon. C. BONAROS:** If someone stays in quarantine in a hotel, at some point they will receive an invoice. What is the time lapse between the stay in the hotel and when they will receive an invoice? More specifically, what are the payment terms for that invoice?

**The Hon. S.G. WADE:** My understanding is that they would receive the invoice as they leave, and that the normal terms, subject to other arrangements made during their stay, would be for payment within 30 days.

**The Hon. C. BONAROS:** Thirty?

**The Hon. S.G. WADE:** Yes. A slight bit to add to the answer: so that our accommodation partner is not at risk, the expectation is that SA Health would pay the bill as the client leaves. SA Health would then invoice the client to try to recover the money that they have already provided to the accommodation provider.

**The Hon. C. BONAROS:** I assume, based on that model then, if SA Health is unable to reclaim the amount and a waiver has not been granted, that will result in a debt which may have some enforcement actions becoming payable to the state government.

**The Hon. S.G. WADE:** That is certainly the case and I certainly expect that there will be bad debts. Let's go back to the point I was making about domestic travellers and South Australian residents. I am glad the Treasurer is not in the room but I regard the fact that we have invested a lot of money in managing hotel isolation, and we are envisaging that we may well need to do a lot more going forward, to me that is an investment in public health.

One of the cautious elements of this program, particularly with domestic travellers and South Australian residents is that the last thing we want to do is discourage people from getting tested or isolating if they feel they are at risk of a hotel bill, so we are going to continue to invest in isolation and quarantine.

In that regard, to show the bona fides of this, this is not full tote odds. These charges, I am advised, do not even fully cover food and accommodation. Certainly, they do not cover food and accommodation if you have more than just a single traveller, and there are certainly many costs beyond. We are asking people, particularly international arrivals, 'Now that you have had a good few months to come home, we would like you to share the cost.'

**The Hon. C. BONAROS:** I acknowledge what the minister has just said. In relation to the current cost, my understanding is that they currently range between about \$2,500 and \$3,000 depending on which jurisdiction you are looking at: New South Wales is around the three,

ours are at the higher end of the scale. A family of four, as I said during my second reading, would cost about \$5,000. The Northern Territory, in particular, has reduced fees for low income earners so they have a threshold that applies. People earning over a certain amount pay one fee and people earning under pay another. Has thought been given to any such thresholds here?

**The Hon. S.G. WADE:** My understanding is that our fees are almost identical, if not identical to New South Wales. We certainly could look at differential schedules if you like for hotel rates, but at this stage it is more likely that we will do part payments and waivers rather than a second set of rates. I suppose in that sense it gives us more flexibility.

**The Hon. C. BONAROS:** I understand that. That question may have come about more as a consideration of no payment under a waiver as opposed to some payment albeit reduced so we get something back instead of nothing—a full waiver.

If I can just move on, can the minister confirm what are the repercussions in South Australia if somebody at the end of a hotel quarantine period refuses to undergo a COVID test? Has any consideration been given to the Northern Territory model, which requires them to serve a further 10 days at their own cost if they refuse to undergo a test at the end of their 14-day quarantine?

**The Hon. S.G. WADE:** I am advised the South Australian practice accords with the Northern Territory practice.

**The Hon. C. BONAROS:** So somebody here could refuse a test at the end of the 14 days? If they do refuse a test, will they be required to stay for a further 10 days and incur those costs?

**The Hon. S.G. WADE:** I am advised that is the intention, but let's be clear: we have also indicated that they may well be subject to an individual order under the Public Health Act, and I think breach of an order under the emergency management acts is \$20,000. I do not recall what the penalty would be, but they would be liable to an extended stay, in my advice, the advice I have been given, and they would also be liable to enforcement action under the relevant acts.

**The Hon. C. BONAROS:** Just—

**The Hon. S.G. WADE:** Sorry, if I could just make the point too that, considering the discussions in Victoria in particular, we have had about 1,600 people coming to South Australia under isolation or quarantine and we have not had a case of a refusal.

**The Hon. T.A. FRANKS:** Just to clarify, residents and citizens are told that if they purchased their ticket before 12pm Australian Central Standard Time on 13 July 2020, these fees will not apply. Does that mean that if they booked in February, had their flight cancelled in March, as all the flights were cancelled, and are waiting to rebook, the waiver applies?

**The Hon. S.G. WADE:** It is probably a good illustration of why it is good not to develop overly stringent policies and guidelines. I am advised that circumstances such as that would be good grounds for an application for a waiver.

**The Hon. T.A. FRANKS:** While they might be good grounds to, my question to the minister is would they get a waiver?

**The Hon. S.G. WADE:** This bill does not seek to specify the grounds for waivers, reductions, refunds, management plans or part payments.

**The Hon. T.A. FRANKS:** I will phrase it a different way. Could the minister describe if purchasing a ticket is defined as having booked a ticket that is then cancelled? For the sake of fullness, does it only apply to the ticket that they eventually arrive on?

**The Hon. S.G. WADE:** I do not think the legislation itself uses the booking reference. Certainly, in public statements we have made it clear that for a booking pre-dating 13 July it is not intended that the fee apply. I certainly do not want to put myself in the situation where I am starting to make decisions that are appropriately made by officers with all the facts in front of them. All I can say is that they are the sorts of circumstances that one would expect that the decision-makers would properly consider.

**The Hon. C. BONAROS:** There were two other questions that I asked during the second reading, and they were in relation to the retrospective nature of the legislation. I understand that it is



the government's intention that this should apply from 18 July, which is when the announcement was made—or is it the 13<sup>th</sup>? I do not know. Which one? I think it is the 18<sup>th</sup>. I have some concerns about the retrospective nature, so I would like to get some clarity. From which date is it that individuals are being told this will apply to them, and why the retrospective nature?

**The Hon. S.G. WADE:** I would make a couple of points: first of all, I would not describe it as retrospective because the announcement was made in relation to international travellers, I think on 13 July, which is the Monday. My recollection is, the announcement in relation to domestic arrivals and South Australian residents was made on Thursday 16 July and that it only applied to people who arrived from the 18<sup>th</sup> onwards and did not apply if somebody had the ticket purchased on the 13<sup>th</sup>.

I would call that very prospective. Now that the Treasurer is in the room, it is not dissimilar to when treasurers announce that a tax is going to apply and the legislation is still to come into the parliament, but everyone is on notice. That is exactly what we are doing here: we are asking parliament to endorse a decision of government. We have already let the public know that they will be liable for an invoice, but there are elements here to make sure that there is not a retrospective element to it.

**The Hon. C. BONAROS:** Finally, the other two questions that I put during my second reading were: I imagine that there would now be individuals in quarantine who would be subject to paying fees and, if so, can we confirm that? Is there any anticipated influx that the government is aware of of individuals due to arrive at any point in time shortly that this will also apply to?

**The Hon. S.G. WADE:** If you don't mind I might put aside individual travellers because there are the odd ones, but in relation to groups I am advised that there was a flight that arrived on Tuesday of about 50 people and that they are the first international arrivals who will be subject to this charge, and that there is a second group of 60 people who are expected to arrive this evening. Also, in the next three weeks or so we are expecting around 600 arrivals.

**The Hon. T.A. FRANKS:** This is my final question, which I did ask in the phone briefing that I had as well. Will the hotel accommodation have access to fresh air?

**The Hon. S.G. WADE:** The two accommodation facilities that we particularly use are the Pullman and the Playford. One of the reasons why we use those is because they do have balconies. In terms of the placement of clients within the facility, if we had any awareness of a particular vulnerability such as a mental health issue that would mean that a balcony room would be particularly appropriate, then we would certainly respond to that.

I also make the point that I am very proud of the fact that this jurisdiction has led the nation in being alert to the mental health risks of isolation and detention. I would like to pay tribute not only to the high-quality nursing team that has been providing medical and nursing support to people in quarantine but also to the Chief Psychiatrist, John Brayley, and, to be frank, a network of mental health organisations, particularly Lifeline, which makes inreach telephone calls to people during their time in hotel isolation and through the work with the nursing and medical teams providing support to residents.

We are very aware of our duty of care to these people. First of all, they are humans and, secondly, they are Australian citizens and permanent residents coming home. We want their return to be as less traumatic return as possible. I think the work of Dr Brayley and Lifeline has actually highlighted perhaps something that we were not aware of when we embarked on this journey.

A lot of these people have come back from very traumatic situations. A significant number of people have come back from India. Before returning to Australia and facing the prospect of two weeks in isolation or quarantine, they had already gone through a hard lockdown in India which I think lasted significantly longer than that. The mental health assessments and the support being provided by the virtual support network highlighted that there were significant mental health issues or mental stress being experienced by our clients.

Clause passed.

Remaining clauses (2 to 6) and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:17):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**CORRECTIONAL SERVICES (ACCOUNTABILITY AND OTHER MEASURES) AMENDMENT  
BILL**

*Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (17:20):** I move:

That this bill be now read a second time.

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

Leave granted.

The Correctional Services (Accountability and Other Measures) Amendment Bill 2020 (the Bill) will enable the Department for Correctional Services (DCS) to continue to provide the highest level of prisoner and offender management, whilst building a strong rehabilitative culture.

The Bill proposes various amendments to the *Correctional Services Act 1982* (the Corrections Act). Targeted consultation was undertaken on the proposed amendments and I would like to thank all of the stakeholders that provided feedback; a number of changes have been made to the Bill as a result of the consultation.

In particular, I would like to thank the Commissioner for Victims' Rights for her contribution during the consultation phase. The Commissioner always has the interests of victims at the forefront of her mind and has added to the Bill in a number of ways, not least of all by increasing opportunities for the impact on victims to be considered when parole related decisions are being made.

It is no surprise the Presiding Member of the Parole Board was also integral to the consultation phase. She is always available to consider the Government's views on how we can improve our justice system and her experience and knowledge in this area is invaluable.

This Bill, or at least the early version, has had somewhat of a long life. I know those on the other side attempted to get some of these changes made during their last period of Government but never managed to get the bill through.

I am proud that our government will deliver this important reform. We have taken some of the early work done by those opposite and significantly beefed the bill up, giving more weight to victims, changing the process for re-release on parole of life sentenced prisoners and expanding on the powers of the Chief Executive of the Department.

Of fundamental importance is the insertion of a new Section at the beginning of the Corrections Act which introduces for the first time, 'Objects and Guiding Principles'.

The objectives of the Correctional Services Act reflect best practice for achieving a balance between the requirement to safely and securely manage prisoners, whilst promoting the rehabilitative and reintegration needs of prisoners and offenders. It also acknowledges the importance of respecting the rights of victims of crime and promotion of community safety.

Effective end to end case management is critical in order to provide prisoners and offenders with the tools to develop pro-social supports and reintegrate to the community through access to appropriate support, programs and services. Improving case management has been a particular focus of this government when it comes to corrections, and we have invested significantly in both infrastructure and information technology to support these functions.

For the first time staff management will form a key part of the Corrections Act. The Bill contains new provisions allowing the Chief Executive (CE) to compel staff to participate fully in post incident reviews and investigation processes. It also provides a power for the CE to remove and reassign duties to an officer or employee working in a correctional facility in cases where the CE does not have confidence in an officer or employee's integrity, honesty or conduct.

Importantly, the Bill will ensure that South Australia complies with the inspection requirements of places of detention under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and the associated Optional Protocol to the Convention Against Torture (OPCAT), which the Commonwealth Government ratified on 21 December 2017.

Significant amendments have been made to the provisions relating to the inspection of prisons. The current Corrections Act has very basic provisions enabling the appointment and visiting functions of independent Inspectors to visit prisons. The Bill proposes to introduce an 'Official Visitors' scheme, establishing a group of independent,

appropriately skilled visitors that meet OPCAT while also meeting the contemporary needs of a prisoner population, including specialists in mental health and wellbeing and Aboriginal representatives. The Bill provides detail on the role, function and reporting obligations of the new official visitors scheme.

In keeping with the principle of rehabilitation, and recognising the Government's commitment to 10 by 20, the Bill proposes to provide greater access to rehabilitation and vocational training for people on remand. Importantly the Bill will require Parole Board to consider a structured day in setting conditions of release on parole. The Parole Board must consider imposing a condition of Community Service on a prisoner who does not have any employment or study obligations upon the commencement of the parole period.

As I mentioned earlier, in reforming the Corrections Act we have considered the views, expectations and impact of decisions on victims. A number of important changes have been made to ensure victim impact, and the impact on a victim's family is taken into consideration, particularly with respect to parole board decisions.

To further protect and promote the needs of victims of crime, prisoner mail will be limited in certain circumstances to prevent prisoners from contacting directly or indirectly any victim, alleged victim or persons associated with their offending.

We have also tightened the provisions around the release of victims' details, protecting the release of details to prisoners by the Parole Board in its obligation to provide information when making decisions that are reviewable by the Parole Administrative Review Commissioner.

The Commissioner for Victims' Rights will be automatically advised when an award of damages is paid to a prisoner and subsequently quarantined for victims (and certain others) to make claim under Part 7 of the Corrections Act. Should no specific victim make a claim against the compensation funds, fifty percent of the remaining funds will be credited to the Victims of Crime Fund, with the remaining fifty percent to be used by the prisoner for rehabilitation and reintegration at the conclusion of their sentence.

This change acknowledges that in many instances there are multiple victims associated with a prisoners offending (i.e. drug trafficking offences) and the receipt of substantial compensation by a prisoner would be contrary to community expectations.

We are bringing the Bill in line with current technological advances as well as addressing future use of technology within our prisons by ensuring that monitored and recorded communications can be used in court, for intelligence, investigative or for evidentiary purposes by certain bodies.

This is an important change that will enhance community safety, allowing justice agencies greater ability to gather evidence and work together to prevent future offending. This includes recordings by correctional officers with body worn cameras. Body worn cameras have been trialled in other States' corrective services and are used by South Australia Police.

The Bill will introduce 'prison buffer zones' for the purpose of possession of drugs under the *Controlled Substances Act 1984*. Penalties will also be increased for possession of unauthorised mobile telephones within a prison buffer zone. The intention is for these zones to be similar to school zones, in which the sale, supply or administration of a controlled drug is prohibited.

Other important reform includes preventing prisoners who are sentenced for offences of dealing or trafficking drugs from receiving automatic parole. Currently, prisoners who are sentenced to less than five years imprisonment for these offences are eligible for automatic parole at the end of their non-parole period. Requiring these offenders to apply for parole will require their appearance before the Parole Board who can then consider factors including their program participation while in custody and the safety of the community before granting release.

We will also expand the type of offences that are subject to review by the Parole Administrative Review Commissioner in relation to decisions for release on parole. Currently only parole decisions for life sentenced prisoners are subject to this review; the Bill proposes to introduce a prescribed class of prisoner to capture those offences including conspiring, assisting or soliciting to commit murder, as well as offences of impeding investigation of offences or assisting offenders when the offence established by the principal offender is the offence of murder. This amendment will capture serious offenders including Snowtown accomplice Mark Haydon who was charged with seven counts of assisting with the disposal of the Snowtown bodies.

The Bill proposes an additional review mechanism for the re-release to parole of those prescribed class of prisoners who have been returned to custody on an alleged parole breach. In deciding whether to re-release an offender onto parole the Parole Board will be required to consider any submissions from the Attorney-General, the Commissioner of Police or the Commissioner for Victims' Rights. This additional requirement will give victims of life sentenced prisoners an added voice as well as allow the Attorney General or Police Commissioner to raise concerns they may have on behalf of the community about a life sentenced prisoner being re-released onto parole.

Other amendments to enhance the efficiency of parole processes include:

- Increasing the membership of the Parole Board from nine members to 11 members;

- Enabling a suitable person appointed to be the deputy of any member of the Board (other than the presiding member or either of the deputy presiding members) to act as any member of the Board, where a member is absent or unable to act;
- Giving the Parole Board the ability to set the timeline to assess the progress of life sentenced prisoners or prisoners serving an indeterminate sentence whilst in custody;
- Enabling prisoners to appear before the Parole Board via Audio-Visual Link if possible and appropriate;
- Allowing for swift and certain community-based sanctions that will see a finite suspension of parole for technical breaches; this will allow a short sanction either in custody or at a place including premises declared to be a probation and parole hostel (if these were to be established in the future);

An emerging security issue is the use of Remotely Piloted Aircraft (RPAs) also referred to as unmanned aircraft or drones. As technology advances and RPAs become more sophisticated, their accessibility to the public is also increasing. While the Commonwealth regulates airspace, it is a matter for each State to decide how to deal with RPAs in relation to prison security. Already we have seen several cases interstate where RPAs have been flown over prisons.

RPAs present a significant risk to correctional institutions, particularly if they are used to introduce contraband into prisons. This Bill therefore contains new provisions to safeguard prisons from the potential risks associated with RPAs and other forms of aircraft to maintain the integrity of prison operations.

Other important changes in the Bill include providing for the circumstances in which restraints may be applied to prisoners, introducing a new provision prohibiting prisoners to be involved in disrupting security or order of a prison by participating in a riot and / or unlawful assembly.

There are new provisions for the protection of biometric data from misuse. Biometric data is used as a security measure to control access to some of the State's prisons and this is to ensure the proper safeguards are in place to maintain privacy and protect individuals.

I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Correctional Services Act 1982*

###### 4—Amendment of long title

The words 'to provide for certain powers relating to the management of correctional services officers and employees' are inserted into the long title.

###### 5—Insertion of section 3

Proposed new section 3 sets out objects and guiding principles for the purposes of the Act.

###### 3—Objects and guiding principles

The objects and guiding principles of the Act are set out.

###### 6—Amendment of section 4—Interpretation

Definitions are inserted and amended for the purposes of the measure.

###### 7—Amendment of section 6—Criminal intelligence

Amendments are made to the criminal intelligence provisions in connection with proposed new section 85CB (which allows the CE to obtain certain information (which may include information in the nature of criminal intelligence) from the Commissioner of Police).

###### 8—Amendment of section 7—Power of Minister and CE to delegate

One amendment allows for delegations by the CE without the Minister's approval. The other amendment adds the words 'officer or' before 'employee of the Department'.

###### 9—Substitution of Part 3 Division 2

The existing provision relating to inspectors of correctional institutions is substituted with a new Division relating to official visitors:

## Division 2—Official visitors

## 20—Official visitors

The Governor will appoint official visitors.

## 20A—Independence

Provision is made in relation to the independence of official visitors.

## 20B—Remuneration

Provision is made in relation to the remuneration of official visitors.

## 20C—Staff and resources

The Minister will provide official visitors with necessary resources.

## 20D—Functions of official visitors

The functions of official visitors are set out.

## 20E—Provision of information to official visitor

Certain powers to use and obtain information are set out for official visitors.

## 20F—Requests to contact official visitor

Provision is made in relation to prisoners contacting official visitors.

## 20G—Reporting obligations of official visitor

The reporting obligations of official visitors are set out.

## 20H—Confidentiality of information

The provision provides that information about individual cases disclosed to an official visitor is to be kept confidential and is not liable to disclosure under the *Freedom of Information Act 1991*.

## 10—Amendment of section 29—Work by prisoners

Distinctions in the current Act between remand prisoners and other prisoners relating to work are removed.

## 11—Amendment of section 33—Prisoners' mail

One amendment proposes that the regulations and the CE can prescribe that material is prohibited material for the purposes of the provisions relating to prisoners' mail.

Another amendment makes provision in relation to letters from prisoners to victims being in contravention of the section.

Other amendments are consequential on the new Division relating to official visitors.

Other amendments relate to prisoners nominating legal practitioners for the purposes of the provisions relating to prisoners' mail.

## 12—Amendment of section 35A—Power to monitor or record prisoner communication

Section 35A(2) is amended so that a party to a communication that may be monitored or recorded is not required to be informed of the fact that the communication may be monitored or recorded, unless the communication occurs in circumstances prescribed by the regulations.

The Independent Commissioner Against Corruption is added to the list of persons whose communications with prisoners cannot be recorded.

Another amendment is consequential on the new Division relating to official visitors.

A new subsection is inserted to authorised the provision of a communication recorded or monitored (or evidence or information revealed by such a communication) to law enforcement agencies, prosecution authorities, any other agencies prescribed by the regulations, as well as the ICAC and the OPI for certain purposes set out in the provision.

## 13—Amendment of section 36—Power to keep prisoner apart from other prisoners

Extensions to directions under section 36(2) are provided for.

## 14—Insertion of section 36A

Proposed new section 36A relates to the use of restraints:

36A—Restraints to be used on prisoners in certain circumstances

Officers and employees of the Department are authorised to use restraints in certain circumstances, provided that the CE's requirements are complied with

15—Amendment of section 37A—Release on home detention

This amendment is consequential.

16—Amendment of section 42A—Minor breach of prison regulations

17—Amendment of section 45—Procedure at inquiry

These amendments add the words 'officer or' before 'employee'.

18—Insertion of Part 5 Division 3

New offence provisions are proposed to be inserted:

Division 3—Criminal offences

49—Disrupting security or order

Offences relating to a prisoner taking part in an unlawful assembly, riot or mutiny are prescribed.

49A—Possession of certain items by prisoners

A prisoner commits an offence if the prisoner has possession of a controlled drug or a prohibited item in a correctional institution without the CE's permission.

19—Amendment of section 51—Offences by persons other than prisoners

Amendments are made to provide for an offence for persons to have possession of a prohibited item (which includes a controlled drug) in a correctional institution without the CE's permission. In addition, a similar offence is provided for in a correctional institution buffer zone. The latter offence is not committed if the person has a lawful excuse.

20—Amendment of section 52—Power of arrest

This amendment provides that an officer or employee of the Department or a police officer may, without warrant, apprehend a person who is subject to an order of a court or a warrant of commitment authorising their detention in custody and who the officer or employee of the Department or police officer suspects on reasonable grounds has been released from custody in error.

21—Amendment of section 55—Continuation of Parole Board

The number of members of the Parole Board is increased from 9 to 11.

The other amendment is consequential.

22—Amendment of section 57—Allowances and expenses

The allowances and expenses of members of the Parole Board will be determined by the Remuneration Tribunal (currently, the Governor determines these).

23—Amendment of section 59—Deputies

Currently, a deputy may be appointed in respect of a particular member of the Board to act in that member's absence. The amendment would allow for a deputy to be appointed in respect of any member so that, in the absence of any member, the deputy could act.

24—Amendment of section 60—Proceedings of the Board

These amendments relate to the constitution of the Parole Board and the sitting of the Board in divisions.

25—Amendment of section 64—Reports by Board

The time period within which the Board must report on the progress of life prisoners is amended from 1 year to the period of time designated by the presiding member.

26—Amendment of section 66—Automatic release on parole for certain prisoners

Section 66(1) is amended so that the Board is to order that prisoners entitled to automatic release on parole are released on the day on which their non parole period expires.

Another amendment adds serious drug offenders to the list of those not entitled to automatic release on parole.

The other amendment is consequential.

#### 27—Amendment of section 67—Release on parole by application to Board

The amendments relating to *prisoners of a prescribed class* are consequential on the amendments to Part 6 Division 4 (relating to reviews of the release on parole of certain prisoners).

The amendment to section 67(7ab) protects information relating to a victim (or a member of their family) of an offence of a prisoner from disclosure.

Another amendment expressly includes the impact of release of a prisoner on parole on any victim and their family as a matter that the Parole Board must take into account in determining an application for release.

Another amendment relates to inserting the words 'officer or' before 'employee'.

#### 28—Amendment of section 68—Conditions of release on parole

Section 68(1aa)(b) is amended to provide that the release of a prisoner on parole automatically under section 66 is subject to the prescribed conditions (being conditions determined by the presiding member of the Board).

The deletion of section 68(2a) is technical.

Proposed new subsections (1ab) and (1ac) relate to the Board being required to consider imposing a condition on a prisoner's release on parole that the prisoner perform community service if the Board is satisfied that the prisoner will not (on their release on parole) be undertaking remunerative or voluntary work or a course of education, training or instruction.

Another amendment expressly includes the impact of release of a prisoner on parole on any victim and their family as a matter that the Parole Board must take into account in determining the conditions of release of a prisoner on parole.

Other amendments relate to the CE being given power to accept conditions of parole on behalf of a prisoner in certain circumstances.

#### 29—Amendment of section 74—Board may take action for breach of parole conditions

This amendment is related to the insertion of new section 74AAA. It limits section 74 to breaches by persons released on parole who are serving sentences of life imprisonment and (for all other persons on parole) breaches involving offences or serious parole breaches. Other technical amendments are made relating to provisions that have had effect.

#### 30—Insertion of section 74AAA

New section 74AAA is inserted:

74AAA—Board may suspend release on parole or take other action for certain breaches of parole conditions

The Board is empowered to make certain orders (including directing that a person serve a period of time in prison) where satisfied that the person (other than a person serving a sentence of life imprisonment) has breached a condition of their parole (other than a breach that is to be dealt with under section 74).

#### 31—Amendment of section 74AA—Board may impose community service for breach of conditions

This amendment is consequential.

#### 32—Amendment of section 76—Apprehension etc of parolees on Board warrant

These amendments allow the presiding member or deputy presiding member of the Board to issue a warrant for the arrest (or the arrest and return to prison) of a person whose release on parole has been cancelled (currently, only a magistrate may exercise this power).

#### 33—Amendment of section 77—Proceedings before the Board

The provisions relating to proceedings before the Board are amended to provide that a prisoner is not entitled to be physically present in proceedings before the Board and that the Board can receive evidence or submissions from a prisoner not physically present by means of audio or visual link (or allow the prisoner to appear or be physically present before the Board).

Also, currently a registered victim may make submissions to the Board in proceedings. An amendment proposes that other victims also be empowered to do so.

Provision is made for the Attorney-General, Commissioner of Police and the Commissioner for Victims' Rights to be given notice of proceedings relating to an alleged breach of a parole condition by a person released on parole who is serving a sentence of life imprisonment and for the Board to take into account any submissions made by a person given notice of the proceedings.

Another amendment relates to inserting the words 'officer or' before 'employee'.

## 34—Amendment of heading to Part 6 Division 4

This amendment is consequential on the amendments relating to *prisoners of a prescribed class*.

## 35—Amendment of section 77A—Interpretation

Certain decisions of the Parole Board are reviewable by the Parole Administrative Review Commissioner. The current situation under section 77A is that the following decisions of the Board in relation to a prisoner serving a sentence of life imprisonment are reviewable decisions:

- a decision to order the release of the prisoner on parole;
- a decision as to the conditions to be imposed on the parole by the Board;
- a decision to vary or revoke a condition to which the parole is subject.

A *prisoner of a prescribed class* is defined to mean—

- a prisoner who is serving a sentence of life imprisonment for an offence; or
- a prisoner who is serving a sentence of imprisonment for an offence against section 12 of the *Criminal Law Consolidation Act 1935* (Conspiring or soliciting to commit murder); or
- a prisoner who is serving a sentence of imprisonment for an offence against section 241(1) of the *Criminal Law Consolidation Act 1935* (Impeding investigation of offences or assisting offenders) as an accessory if the offence established as having been committed by the principal offender is the offence of murder.

*Accessory* and *principal offender* are defined as having the same meanings as in section 241(1) of the *Criminal Law Consolidation Act 1935*.

For the purposes of Part 6 Division 4, a reference to an *offence of murder* includes—

- an offence of conspiracy to murder; and
- an offence of aiding, abetting, counselling or procuring the commission of murder.

## 36—Insertion of Part 6A

A new Part is inserted relating to the management of officers and employees of Department:

Part 6A—Management of officers, employees of Department etc

77Q—Preliminary

Part 6A applies in addition to, and does not limit the operation of, the *Public Sector Act 2009*.

77R—Investigative powers of CE

The CE is given investigative powers in relation to officers and employees of the Department

77S—Removal and reassignment of duties of officer or employee working in correctional institution

This proposed section provides that if the CE does not have confidence in the suitability of a prescribed employee to continue working in a correctional institution, having regard to the prescribed employee's integrity, honesty or conduct, the CE may cause the prescribed employee to be immediately removed from the correctional institution (if necessary) and assign other duties to the prescribed employee and determine the place or places at which the duties are to be performed.

## 37—Amendment of section 81E—Notice to victims to be published

This amendment requires the CE to forward a copy of a notice under the section to the Commissioner for Victims' Rights.

## 38—Amendment of section 81L—Payments out of fund where legal proceedings notified

This amendment provides that the remainder of any prisoner compensation quarantine fund (after payments in accordance with the scheme) are to be divided equally between the Victims of Crime Fund and the prisoner.

## 39—Amendment of section 81M—Payments out of fund where notice from creditor received

This amendment is substantially similar to the amendment to section 81L.

## 40—Amendment of section 81O—Payments out of fund where no notice given

This amendment is substantially similar to the amendment to section 81L.

## 41—Amendment of section 81T—Drug and alcohol testing of officers and employees

This amendment is technical.



## 42—Amendment of section 85C—Confidentiality

New subsections (a1) and (a2) provide that certain information must not be disclosed except with the authorisation of the CE. Other amendments relate to these new subsections.

## 43—Insertion of section 85CB

New section 85CB is proposed to be inserted:

## 85CB—Disclosure of information relating to criminal history

The CE may request the Commissioner of Police to provide certain information about relevant persons (who are defined). The CE may refuse certain applications relating to employment based on information provided under the section (without providing grounds or reasons for the refusal).

## 44—Amendment of section 85D—Release of information to eligible persons

The need for a written application for release of information is deleted. Another amendment changes the reference from [a prisoner's] 'family or a close associate of a prisoner' to [a prisoner's] 'immediate family' (which is a defined term).

## 45—Insertion of section 85E

A new section is inserted relating to biometric data:

## 85E—Confidentiality of biometric data

Provision is made relating to the use and disclosure of biometric data obtained from visitors to prisons.

## 46—Amendment of section 86B—Use of correctional services dogs

The provision clarifies that correctional services dogs may be used to search an officer or employee of the Department at a correctional institution or probation and parole hostel.

## 47—Insertion of sections 87A and 87B

New sections are inserted relating to the operation of unmanned aircraft around correctional institutions

## 87A—Operation of remotely piloted aircraft

It is an offence to operate an unmanned aircraft within 100 metres of a correctional institution without the permission of the CE.

## 87B—Remotely piloted aircraft—special powers

The CE is given powers relating to the seizure of unmanned aircraft in certain circumstances.

## Schedule 1—Related amendment and transitional provisions

Part 1—Amendment of *Public Sector Act 2009*

## 1—Amendment of section 59—Right of review

A decision by the CE under the *Correctional Services Act 1982* (relating to refusing an application to which the Commissioner of Police has objected) is prescribed as a decision not subject to review for the purposes of section 59 of the *Public Sector Act 2009*.

## Part 2—Transitional provisions

## 2—Visiting inspectors

Existing visiting inspectors cease to hold office on the commencement of the new Part relating to official visitors.

## 3—Allowances and expenses of members of Parole Board to continue

The determination of the Governor relating to the allowances and expenses of members of the Parole Board continues until the Remuneration Tribunal has made a determination under the section as amended.

## 4—Review of release on parole relating to prisoners of a prescribed class

The amendments to the *Correctional Services Act 1982* in this measure relating to the review of the release on parole of *prisoners of a prescribed class* do not apply to a *prisoner of a prescribed class* if, prior to the commencement of this clause, the prisoner has been released on parole. However, if, after the commencement of this clause, the release on parole of a *prisoner of a prescribed class* is cancelled, the relevant amendments to the *Correctional Services Act 1982* made by this measure will apply to the prisoner (including any application for release on parole made by the prisoner after that commencement).

## 5—General

This is a general transitional provision relating to amendments to the Act effected by the measure.

## 6—Other matters

This provision relates to proposed new sections dealing with the management of officers and employees of Department.

Debate adjourned on motion of Hon. T.T. Ngo.

**FAIR TRADING (REPEAL OF PART 6A - GIFT CARDS) AMENDMENT BILL***Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (17:21):** I move:

That this bill be now read a second time.

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

Leave granted.

The Fair Trading (Repeal of Part 6A – Gift Cards) Amendment Bill 2020 seeks to amend the Fair Trading Act 1987 to repeal provisions relating to the regulation of gift cards.

I remind Members that the Marshall Liberal Government introduced gift card regulation in 2018 to mandate a minimum three year expiry date and to prohibit extra charges after a gift card was supplied. The fulfilment of this election commitment provided South Australian consumers greater protection from unreasonable timeframes and conditions when redeeming gift cards.

Since this time, the Commonwealth implemented a national scheme through the Australian Consumer Law (or commonly referred to as the ACL). No doubt our legislation, and New South Wales' own equivalent, helped persuade the Commonwealth of reform in this area. Consequently, all consumers across Australia can expect a minimum three year expiry on gift cards. This national approach also assists retailers by providing clarity as to their responsibilities with just one set of rules in the future.

Mr President, we were quick to implement this important consumer protection, but now it is time to let the national scheme apply without any complications that arise from the duplication of the State based gift card regulation.

Like the State based gift card regulations, the Commonwealth Government is able to exempt certain gift cards, persons, and gift cards supplied in particular circumstances from all or some of the requirements. The exemptions in place under the *Competition and Consumer Regulations 2010* are broadly similar to what we have in place in SA.

The national scheme also goes further to require that the expiry date must be prominently displayed on the gift card, making the expiry information more accessible for consumers.

The penalties under the ACL offer a strong deterrent against non-compliance. A breach of the requirements relating to the three-year expiry, display of the expiry date and post-supply fees carries a maximum penalty of \$30,000 for a body corporate and \$6,000 for other persons.

Furthermore, Compliance Officers from Consumer and Business Services will continue to be responsible for enforcing these requirements under the ACL, in addition to the Australian Competition and Consumer Commission.

While the introduction of these laws was welcomed as a positive measure by the Opposition at the time, including the former Attorney, the repeal of these laws addresses Mr Rau's specific concern about enforceability when consumer protection regulation is fragmented between the Commonwealth and the States. I agree with the former Attorney that national approaches to consumer protection are, in theory, optimum for this very reason, but I again repeat to the House his observation that glaciers and the National Consumer Affairs Forum have much in common.

Nevertheless, I am pleased that these laws have finally been implemented at a national level, giving all Australians the same level of protections and consistency for retailers – especially in circumstances where retailers operate across jurisdictions or where the purchaser of a gift card lives in another State.

The Government does not wish to complicate the regulation of gift cards now that Commonwealth provision are in place, which is why we seek to repeal the State provisions under the *Fair Trading Act 1987*.

Mr President, I commend this Bill to the House and seek leave to insert the explanation of clauses into *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 *Fair Trading Act 1987*

4—Repeal of Part 6A

This clause repeals Part 6A of the Act.

Debate adjourned on motion of Hon. T.T. Ngo.

## **STATUTES AMENDMENT (ELECTRICITY AND GAS) (ENERGY PRODUCTIVITY) BILL**

### *Second Reading*

Adjourned debate on second reading.

(Continued from 21 July 2020.)

**The Hon. C.M. SCRIVEN (17:22):** I indicate that I will be the lead speaker on this bill, and the opposition will be supporting this measure. The origin of this bill is that the Retailer Energy Efficiency Scheme was a scheme that started around 10 years ago. There was a scheduled 10-year review, and that review was tabled in this parliament last December. The report, 'The Review into the South Australian Retail Energy Efficiency Scheme, December 2019', explains that the Retailer Energy Efficiency Scheme (REES) commenced in 2009 under two acts: the Electricity Act and the Gas Act.

It is governed by part 4 of the Electricity (General) Regulations of 2012 and the gas regulations of 2012. The threshold consideration that the review was looking at was whether the scheme should continue beyond 2020. The review recommended that the REES should apply, should continue through to 2030, and that it should apply from 1 January 2021, and also that it should have the following key features: a 10-year continuation, with two five-yearly target resets and a review to be conducted in 2029. Retailers will be obligated to deliver the scheme. We are maintaining that obligation on the retailers.

The report continues that the scheme's objectives will be to improve energy productivity for households, businesses and the broader energy system, with a focus on low income households. This will reduce energy costs and greenhouse gas emissions, whilst improving human health. The opposition is pleased that low income households are specifically mentioned in the report. It is a very important initiative for low income households in particular and, given that that focus is remaining, the opposition is broadly supportive of this measure.

**The Hon. F. PANGALLO (17:24):** I rise to speak in support of the Statutes Amendment (Electricity and Gas) (Energy Productivity) Bill 2020, which amends the Electricity Act 1996 and the Gas Act 1997. As far as I can tell, this simple bill is to enable implementation of a new Retailer Energy Productivity Scheme (REPS) to replace the Retailer Energy Efficiency Scheme (REES), which has been in place for 10 years. I say 'as far as I can tell' because the bill itself is very scant, leaving the detail to regulations, which, of course, we have not seen.

An independent review into the South Australian Retailer Energy Efficiency Scheme, completed by Common Capital and provided to the government in December 2019, found the REES has been an effective policy tool. The Common Capital evaluation found the REES was effective at delivering its objectives. It was efficient by delivering a net economic benefit while meeting those objectives. It was equitable by delivering benefits to households and low income households across the state and was administratively simple, keeping costs in line with similar schemes.

The review found the scheme, as it is, works. It has reportedly saved businesses \$750 million in five years, and households over \$150 million over the same period. The review made a number of recommendations, including that we continue to have a form of REES to December 2030. In fact it recommended that the REES itself continue from 2021. The review of the REES made a series of recommendations, which I will not list here but note most are not actually included in this bill.

Indeed, what is more noticeable about this bill is what it does not include. There is no mention of low income households, but I understand the intention is they be included. There is no mention of a new requirement for a customer co-payment. There is no detail about whether these measures are means tested or not. There are no details of proposed new energy demand management and energy demand response activities. There are no details about the incentives for demand response activities or energy savings in the commercial and residential sectors. There are no details about what would be very welcome new commercial and industrial activity such as upgrades of vans, pumps and motors.

A REPS is apparently intended to include a priority target, comprising the current scheme priority groups as well as rental households, but we have no detail of this. I understand there will be a regional obligation if the target falls short in that year for regional communities, which would be very welcome, but I do not see these details in the bill before us. This bill seems to merely remove the term 'efficiency' and substitute it with 'productivity'. It deletes 'energy efficiency shortfall' and replaces it with 'energy productivity shortfall'. It deletes 'REES' and deletes 'efficiency' and leaves the rest to the regulations. The final REPS design will be contained within regulations.

Leaving the details to the regulations is high risk. I have many times in this place stated my strong preference that the detail be in the legislation to the maximum extent possible. I am not alone in this concern. My concern at leaving the bulk of the provisions to regulations is shared by the Minister for Energy and Mining, Dan van Holst Pellekaan. He himself admits he is not generally in favour of leaving an enormous number of the provisions to regulations as this bill does. Let me quote directly the minister in the House of Assembly on 1 July 2020:

Yes, he—

Tom Koutsantonis—

is quite right: there is an enormous amount in the regulations. That is not new or different, but it is frustrating, though.

I remember sitting through this process as a shadow minister comfortable with the principles of some bills but understanding that the devil was in the detail. If the regs went one way, then happy days; if the regs went another way, it would be a disaster.

He went on to say:

It is a pretty straightforward bill but, yes, the regulations are very important.

As we continue to experience a very cold South Australian winter, we also know we will very quickly begin to experience our climatic extremes of very hot summers as we did in 2019-20. Both of these extreme seasons bring enormous demand not only on the power supply systems but also on households and businesses who have no other option but to use the power they can often ill afford, especially during these times of high unemployment, business downturn and collapse and recession due to COVID-19.

I personally know there are rental property households who are dangerously burning candles at night and having to rug up as they cannot afford lighting or heating. I know there are households who will not use the oven because it uses too much power. Sadly, I know a lot of elderly people who go to bed early rather than use power for heating or cooling. I strongly recognise and support the need for improved energy efficiency and productivity schemes that levy households to fund efficiency measures to alleviate this kind of power and utilities stress on households.

Similarly, I know many businesses have had to cease trading or have had to downsize because of crippling energy costs. Many have been able to move to solar, which is a considerable capital investment that does reduce their power costs, but for some their reliance on the grid is still a big expense to their business. Of course, I welcome any legislation aimed at reducing greenhouse gases, increasing our access to renewables and reducing our reliance on other states for power, especially during periods of peak demand.

The government went to the election promising a reduction in power prices of \$302 per annum per household and has recently restated this in government advertising. It is now time to deliver on this promise. I am not convinced this bill will, in itself, do this. I will be interested in a year's time to see if households and businesses have enjoyed the predicted savings.

The fact is that, in South Australia, privately owned SA Power Networks (SAPN) has a stranglehold on the power distribution network business thanks to the Olsen Liberal government's decision to privatise the former government-owned ETSA business in the late 1990s to give SA Power Networks a 200-year monopoly where South Australia kept most of the risk and SA Power Networks made all of the money. In fact, it pays very little tax.

I am old enough to remember the days when all our critical utilities—gas, electricity and water—were in public ownership, with profits invested in infrastructure and lower power prices for the greater good of the South Australian public, not the share prices or the profit margins of large multinational companies. To date, privatising ETSA to SA Power Networks has not produced savings for the average consumer, energy customer or household, but it has been great for SA Power Networks' Hong Kong-based owners.

I sincerely hope this bill does deliver on its stated objectives for South Australian households and businesses. As the minister himself has acknowledged, that support is a leap of faith because this bill really leaves most of the work to subordinate legislation via regulations, and we all know the sleight of hand this government is capable of via regulations. I will be asking more questions as the bill progresses through the Legislative Council. With those comments, I conclude my remarks.

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (17:34):** I thank the Hon. Clare Scriven and the Hon. Frank Pangallo for their contributions on this important Statutes Amendment (Electricity and Gas) (Energy Productivity) Bill.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**The Hon. C.M. SCRIVEN:** We were told in the briefings and elsewhere that there was a focus on low income households continuing in this bill. Could the minister outline how that is occurring?

**The Hon. D.W. RIDGWAY:** I am advised there will be a priority target for households; when the scheme is implemented it will certainly have a priority target for households.

**The Hon. C.M. SCRIVEN:** Could the minister explain a bit more about what that means?

**The Hon. D.W. RIDGWAY:** It would be a priority group of consumers, like low income households and low income people. My understanding is that the priority target is a cohort of people we will be looking to try to support.

**The Hon. C.M. SCRIVEN:** I thank the minister for his answer. Will that mean there is an exemption for those households from any consumer co-payment?

**The Hon. D.W. RIDGWAY:** The scheme is still being devised and constructed, but the advice is that those people should not have to co-contribute. In fact, they would not have to pay any extra, that priority cohort we are talking about.

**The Hon. C.M. SCRIVEN:** I appreciate that a lot of this will be worked out in the regulations, but is the minister able to give some indication of what the likely threshold will be, how people will show they are low income households? Will it be people who are, for example, on a concession card or some other mechanism? What sort of things are envisaged by the government?

**The Hon. D.W. RIDGWAY:** Under the current electricity concession scheme there is a list of eligible people, people in situations where they are eligible. I am advised we will add renters to that list as well. It is already available, and I assume it is available in the Electricity (General) Regulations, and that group of people is listed.

**The Hon. C.M. SCRIVEN:** When the minister says that renters will be added, presumably that is not everyone who is renting. There are plenty of households that are renting that are not low income, so how will that be assessed?

**The Hon. D.W. RIDGWAY:** The government is consulting on that at the moment. You are absolutely right, Hon. Ms Scriven, that there are renters who will not be facing any hardship, who just rent because they choose to rent. That is what the consultation is really about at the moment, to work out how we can find something that is fair and equitable so that those who cannot afford it are not charged, if you like, but also to make sure that those who can afford to pay continue to pay. We are still consulting on that. It will be worked out the next few months.

**The Hon. C.M. SCRIVEN:** The review refers to a regional obligation on retailers. Will that be included, because obviously that is not specifically in the bill as it stands? What will that involve, and how will it differ from the current situation?

**The Hon. D.W. RIDGWAY:** I am advised that what we are consulting on at the moment is, if there is not enough activity in a region and it falls below the target, then we would set a target in the region. We really want to consult to make sure that we get the target right in the region.

**The Hon. C.M. SCRIVEN:** Can the minister explain what he means by 'get the target right'? I am sorry, it is not clear to me and possibly others in the chamber how that is a regional obligation on retailers and what it actually means.

**The Hon. D.W. RIDGWAY:** I am advised that we would let the market determine what activity would happen in a region but that they would be required to deliver some of the benefits that are outlined in this bill and the regulations and, if they do not, the following year you would set a target for them that they would have to achieve.

**The Hon. C.M. SCRIVEN:** Would failure to achieve that target involve penalties to that retailer?

**The Hon. D.W. RIDGWAY:** I am advised that the way the scheme works, if they do not deliver on it, there would be penalties.

**The Hon. C.M. SCRIVEN:** Are there any recommendations that were contained in the review that the government does not intend to include in the regulations? The reason I ask, as the Hon. Frank Pangallo has also indicated, is that the bill itself is very light on and we are told that all of the matters that are in the review, virtually it seems apart from the change in wording, will be in the regulations. My question is: are there any recommendations that the government does not intend to adopt?

**The Hon. D.W. RIDGWAY:** I am advised that substantially, yes, they will all be in the regs but we are still consulting with all of the stakeholders to fine-tune it, as we said earlier. As you rightly point out, the legislation is light on; it is all in the regulations and we are still consulting.

**The Hon. C.M. SCRIVEN:** Just for clarity, is the minister saying that the intention of the government is to include all recommendations, unless there is just some tweaking around the edges based on feedback, but that might be not to just throw out any of the recommendations holus bolus but simply to make perhaps some slight changes in terms of the amount or something like that?

**The Hon. D.W. RIDGWAY:** That is my understanding. The advice is, yes, we are going to try to include all the recommendations but, as I am sure members are aware, when you finally deliver these programs and activities, sometimes you need to tweak them a little bit to make them work. The intention of the government is to include all of the recommendations at this stage but it will involve some tweaking.

**The Hon. C.M. SCRIVEN:** Can the minister advise who that consultation is currently being done with? Who is being consulted?

**The Hon. D.W. RIDGWAY:** The Department for Energy and Mining is doing all of that consultation and it is wide public consultation. I do not have the list of the stakeholders that we are engaging with with me today, but my advice is it is particularly broad consultation.

**The Hon. C.M. SCRIVEN:** In terms of that consultation, it is with stakeholders but, given the general public is one of those stakeholders, it certainly sounds from what the minister is saying that the intention is that it is with the general public as well. Is that being done through advertisements in newspapers, online or other methods to try to engage people who might have an interest in this?

**The Hon. D.W. RIDGWAY:** I am advised that it is all being done through the department's website.

**The Hon. M.C. PARNELL:** I want to ask a little bit about the practical difference between energy efficiency and energy productivity, because really the thrust of this bill, the main thing it does, is it changes the word 'efficiency' for 'productivity'. The minister's second reading explanation is fairly thin, but it does make the point that energy efficiency is a subset of energy productivity and there are some extra things that retailers can do to satisfy their obligations that fall within the definition of productivity but might not fall within the definition of efficiency. The minister in the second reading says:

Energy productivity activities include energy efficiency—  
so that is a subset—  
and other activities that shift the periods when energy is being used.

He goes on to say:

Activities that shift when energy is used do not necessarily reduce the total amount of energy being consumed. They may result in an overall increase in energy consumption but a lower energy bill.

This follows from the Hon. Clare Scriven's questions. It is pretty easy to understand a retailer going around to, for example, low income households and replacing inefficient light globes with more efficient light globes—that is really easy—or helping them with the fridge.

**The Hon. C.M. Scriven:** Door snakes.

**The Hon. M.C. PARNELL:** Door snakes. I still remember the classic case of the beer fridge in the shed, where the door had broken and a cardboard sheet had been sticky taped over the freezer compartment, so I can sort of get that, but what I am trying to work out is, when an energy retailer is dealing with a low income household—say a rental household—what can they actually do to shift the time of consumption of energy, because we do not have smart meters, we do not have time-of-use charging. How is this going to manifest itself in practice? How are you going to help low income people use energy at different times?

**The Hon. D.W. RIDGWAY:** I am advised that there will be a whole range of opportunities for different tariffs that reward you for using electricity at different times, and one of those could easily be shifting your hot water, if you have electric hot water, to the middle of the day when you are not home and the rooftop solar is going gangbusters. Instead of having your hot water heating in the morning or at night, you can actually have it when there is plenty of energy available. Also, we expect that over time there will be a whole range of new products coming to the market that are designed to maximise the opportunity to use the cheap supply of electricity.

**The Hon. M.C. PARNELL:** I thank the minister for that answer. I absolutely understand how the electricity system has changed. It used to be that the best thing you could do was use your electricity at night time, because the gas-fired or the coal-fired power station was chugging away at night, which is why many of us—I do not anymore—still had the old J tariff. In other words, if you heated your water at night, you paid less for your electricity. Your water heater would kick on at midnight or whatever, and you would be using that cheap off-peak electricity.

It has now changed, so with solar panels on a third of houses, or whatever the number is now, we have this peak of electricity during the day, and it actually makes sense to use more power during the day when the electricity is being generated by the sun. What I am struggling with a little bit is that the minister said that it will be possible to have these time-of-day tariffs. Are any such tariffs currently available to households, and would households have to pay for expensive new meters before they could take advantage of time-of-day pricing?

**The Hon. D.W. RIDGWAY:** SA Power Networks has what they call a 'time-of-use tariff' in the middle of the day. I think the term for it now is a 'solar sponge', so it is actually a tariff that is available in the middle of the day and the challenge then is for the retailers that then pick up on it, obviously because of SA Power Networks. They are doing a separate consultation around that in particular, requiring them to have a standing offer, which is the time-of-use tariff during the day.

I remind the honourable member of the J tariff meter. If you look at the old little clock thing that came on at 4am and turned off at 8am, I am sure it would not be very hard to actually turn the little clock back, if you are the appropriate authority, and have it coming on in the middle of the day. That is a very simple thing to do to actually make the J tariff work at a time of the day when there is plenty of electricity around.

There are some things happening; some very simple, some a little bit more complicated, but there is a separate consultation going on with the retailers to make sure they can have a standing offer on that time-of-use tariff for the middle of the day.

**The Hon. M.C. PARNELL:** I do understand the validity of the solar sponge argument, but just so I fully understand it, is it a question of chicken and egg? Is it that the retailers are not offering households this time-of-day pricing because there is no incentive for them to do it because energy productivity is not yet recognised as the same as energy efficiency? I am just trying to work out: you are saying that it is possible to have this, but I just do not know of anywhere where it happens.

**The Hon. D.W. RIDGWAY:** The tariff only started only 23 days ago, so it is a relatively new product, and I think the honourable member can give us a little bit of time to actually prove that up, please.

**The Hon. M.C. PARNELL:** I thank the minister. This is all valuable information for the public to understand what it is that is actually changing. The Hon. Clare Scriven talked about low income households. You have some households that are not low income that can still make a contribution to helping the electricity system by using energy at different times. I do not own a plug-in electric car—I aspire to one but I do not own one. The owners of electric cars used to complain that they were not allowed to plug in at midnight and get the cheap electricity. They said, 'I can heat my water at midnight with cheap electricity, but I am not allowed to plug my car in at midnight.'

Electric cars would be the same as any other appliance and the peak time to be charging is probably now, in the middle of the day. Is there any scope; are there any retailers who are going to be able to offer electric car charging in the middle of the day both to benefit the consumer but also to satisfy their obligations under this new energy productivity scheme?

**The Hon. D.W. RIDGWAY:** I am advised that exactly what SA Power Networks are trying to achieve with their solar sponge is to actually have that energy available and under that tariff during the middle of the day, for exactly what you are saying, so that you can charge—in your retirement—your beautiful new Tesla. You can charge that up during the middle of the day.

**The Hon. M.C. PARNELL:** I thank the minister. I think he has agreed on the record that he is giving me a Tesla, I think I heard him say, which is a very generous parting gift from the minister. I do not want to persevere too much with this but, again, coming back to low income people—the ones the Hon. Clare Scriven was asking about—my recollection is that welfare groups like SACOSS, for example, in the past have been fairly hostile to smart meters that allow time-of-day pricing of electricity.

My question is: has the government been able to negotiate to the satisfaction of the welfare sector that this is in fact a good direction to be heading in, smart meters, time-of-day pricing? My recollection is that they were fairly hostile at least a couple of years ago.

**The Hon. D.W. RIDGWAY:** The national framework that has been agreed, I think, for new meters especially is that once your meter breaks or you need to install a new meter, you actually have one that does time-of-day metering. From SACOSS's point of view, I do not believe we have had any pushback on that at all—no.

Clause passed.

Remaining clauses (2 to 7) and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment) (17:56):** I move:

That this bill be now read a third time.



Bill read a third time and passed.

*Resolutions*

**STATUTES AMENDMENT (ANIMAL WELFARE REFORMS) BILL**

The House of Assembly concurs with the resolution of the Legislative Council contained in message No. 43 for the appointment of a joint committee on the Statutes Amendment (Animal Welfare Reforms) Bill 2020 and will be represented on the committee by two members, who shall also form the quorum necessary to be present at all sittings of the committee. Members of the joint committee to represent the House of Assembly will be Dr Close and Dr Harvey.

The House of Assembly also concurs with the Legislative Council's resolution to suspend standing order 396 to enable strangers to be admitted when the joint committee is examining witnesses unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.

**The Hon. T.A. FRANKS (18:00):** I move:

That the members of the council on the joint committee be the Hon. T.A. Franks and the Hon. N.J. Centofanti.

Motion carried.

**ONLINE GAMBLING**

The House of Assembly passed the following resolution and desires the concurrence of the Legislative Council:

1. That, in the opinion of this house, a joint committee be appointed to investigate and report on online gambling, having regard to:

- (a) The prevalence of online gambling and sports betting in South Australia;
- (b) The social and economic impacts of online gambling and sports betting in South Australia;
- (c) The impact of online gambling and sports betting on South Australian gambling licences, licensed venues and racing industry;
- (d) The regulation of online gambling and sports betting in South Australia;
- (e) Mechanisms available to control or prevent access to online gambling by vulnerable gamblers in South Australia;
- (f) Mechanisms available to prevent access to online gambling and sports betting by minors including any barriers to achieving robust age verification requirements;
- (g) The prevalence and impacts of online betting agencies advertising across different media platforms;
- (h) The regulation of advertising by online gambling and sports betting agencies in Australia and South Australia;
- (i) Gambling markets on local sporting fixtures in South Australia, particularly amateur and semiprofessional matches;
- (j) Online markets in local sport and its relationship with potential match fixing;
- (k) Marketing and inducement schemes provided by online betting agencies;
- (l) What legislative or regulatory changes may be required to control or restrict access to online gambling and sports betting in South Australia; and
- (m) Any other matter.

2. That, in the event of a joint committee being appointed, the House of Assembly be represented thereon by three members, of whom two shall form a quorum of assembly members necessary to be present at all sittings of the committee.

*Bills***SINGLE-USE AND OTHER PLASTIC PRODUCTS (WASTE AVOIDANCE) BILL***Committee Stage*

In committee.

Clause 1.

**The Hon. M.C. PARNELL:** I have a number of questions to ask at clause 1. The headline item of this bill is that certain single-use throwaway plastic items are going to be banned from sale, banned from distribution—you cannot even give them away. Much of the discussion in the community has been around what should those items be. In simplest terms, that is the framework.

The one that received, I think, the most attention was probably plastic straws. It was a big part of the debate because, whilst most people realise that they are an unnecessary and a wasteful product that either ends up in landfill or, problematically, ends up in the marine environment, I think there was a fair bit of agreement on plastic straws once it was recognised that people with special needs and people with certain disabilities would be able to access straws that suited their needs. I think straws was low-hanging fruit. That was an easy one to pass.

As we worked down the list of items that the government consulted on, we find that, when you look at the bill, the number of items that have appeared in the bill are certainly a lot smaller than the ones that were consulted on. In addition, there were from memory 3,500 public submissions, a great many of which had their own suggestions of things that should also be banned and put on the banned list, and yet in clause 6 of the bill the list of prohibited products is really quite small.

What I would like the minister to do first, if she is able to, is to explain why it is that this very small number of items was added to the list, yet the much greater number of items that were consulted on and that members of the community suggested be added were not added. What was the test? What factors did the government take into account in judging, 'We will put straws on the list and we will put single-use plastic cutlery on the list,' but the single-use plastic cutlery comes with a single-use plastic bowl or a single-use plastic plate. Why was it that the plastic knife and fork and spoon made it to the banned list, but the plastic bowl that contains the food, did not make it to the list? What was that process?

**The Hon. J.M.A. LENSINK:** I thank the honourable member for his question, which I understand goes to the rationale of one of his amendments. The products listed in the bill, as introduced to parliament, have undergone significant consultation. They were canvassed in the discussion paper, 'Turning the tide on single-use products', discussed through the single-use plastics stakeholder task force and consulted on through the draft legislation.

The products listed in the bill were selected due to their readily available alternatives and the ability for businesses to transition to other products relatively quickly. The 'Turning the tide' discussion paper referred to other types of single-use plastic products, and feedback from the community also suggested other items for government intervention.

The government decided to focus on the initial products listed in the bill to ensure implementation of the legislation. It not only recognised the community interests but was also mindful of reducing disruption to businesses, noting that some are already transitioning away from those products. Recognising the community support for including other products, the government's focus was also in ensuring that the legislation comprises a framework for adding other products into the future.

The government has announced that takeaway coffee cups, plastic bags and other takeaway food service items will be some of the first products to be considered for inclusion in the legislation. The bill at clause 6(2) comprises the framework for adding other products. This process will ensure that impacts, including those to industry and businesses, are adequately understood and considered prior to the items being added to the legislation. Adding the products in the member's amendment without undergoing a consultation process is at odds with this part of the legislation.

Even though some of these products were mentioned in the 'Turning the tide' discussion paper, none were included in the draft bill that was released for consultation. The stakeholder task

force has focused its deliberations on the products that are listed in the bill and is of the understanding that further consultation will occur prior to including other products.

Industry and businesses have been constructive in supporting South Australia's approach to single-use plastic products. The government does not want to undo this positive working relationship by hastily adding other products in the absence of appropriate engagement.

Several of the areas yet to be considered with these additional products include: what alternatives are available and how long is required for businesses to transition to these; are they able to be recycled through widely available collection systems and therefore support the principles of a circular economy even though they are single use; what exemptions are required, including for products that are manufactured or packaged together with another product; and what are the social and economic impacts of prohibiting these products?

The government will be supporting another of the member's amendments, filed amendment No. 1 [Parnell-3], which will insert a new clause 13A requiring an annual report by the minister. The initial report will include information regarding the consideration given to the inclusion of the products listed in the member's amendment as prohibited plastic products.

**The Hon. M.C. PARNELL:** I thank the minister for that answer. It goes some way to explaining the process the government has gone through, but I think it does trip up a little bit on a real-life test. The example I would use is that I go to a few music festivals, WOMAD and things like that, and I have never been offered a plate of dahl from the Indian caravan that has, for example, a bamboo spoon yet is served on a plastic plate. I have just never seen that.

The minister mentioned that there are some businesses that are already embracing these alternative products. There are alternatives, absolutely, to the single-use plastic cutlery in the bill, but my experience has been that I have never seen alternatives to single-use plastic cutlery offered with plastic plates. What I am saying is that they go together. A business, such as a caravan making Indian food for a music festival, is either going to give you a plastic plate and a plastic spoon or it is going to give you a cardboard plate and a bamboo spoon. That is just how it works. I have never experienced businesses that mix, for example, a compostable product with a single-use plastic product.

My question is: why has the government seen fit to differentiate between a plastic plate and a plastic spoon? They often go together. They both have exactly the same propensity, in my view, to end up inappropriately in the waste stream, yet one is in the bill and the other has been kicked down the road for some future time and future consideration. I do not quite accept that the consultation around plastic spoons did not also involve consultation around plastic plates. Surely the same conversation was had, or do I have that wrong? Why spoons and not plates?

**The Hon. J.M.A. LENSINK:** Notwithstanding that the honourable member obviously attends enlightened places that are ahead of the curve on these things, the advice I have received is that the list the government was able to reach was a matter of including those on which we believed we could get initial agreement with those parameters, which have been outlined. That is not to preclude that other things will also be included, and that is certainly the intention. It was really as a means to facilitate ensuring that we could have a starting point, if you like. The government believes that to have added additional products into the list through the bill will slow down the process, and we are very keen to crack on.

**The Hon. M.C. PARNELL:** I thank the minister for the answer. I do understand that the process has been one of trying, if you like, to settle on the lowest of the low hanging fruit and that things in the trickier basket will be dealt with later.

However, one thing that struck me as odd—I will not put it in a pejorative term—is that the government's own discussion paper, the government's own 'Turning the Tide' document, has, on its front cover, an image of a plastic cup that is half submerged in sand. It is on the waterline there, and there is a bit of froth and bubbles. A lot of the government's literature has used this image.

People would look at this and think, 'We're banning single-use plastics,' and the picture on the front cover is a plastic cup that has clearly been inappropriately disposed of—it is in the sea, it is probably going to get eaten by a turtle, it is going to cause all sorts of harm. Yet when they read the

detail they find that plastic cups are not included in the bill. I do not know whether the minister can add anything further to what she said, but it strikes me that this is an area where we absolutely have the community on side. There are so few public processes that get three and a half thousand submissions; there is an incredible amount of goodwill in the community.

We will get to amendments later, but the nervousness is that, having settled on single-use cutlery but not settled on plates and bowls and cups—and the framework the minister talks about in the bill has no time frames—there is no guarantee that any particular government would ever act any further than the initial list. That is what makes people nervous.

I will just ask, one more time: that one example, the cup in the sea, why was that, at least, not included on the list? Even if bowls and plates are too hard, why was the 100 per cent plastic cup, as depicted on the government's own document, not included?

**The Hon. J.M.A. LENSINK:** We are happy to be held to account for plastic cups through the amendment of the honourable member, that the government is agreeing to support, to report on these items in our first annual report. We are as keen as he is to see reform.

The issue, though, is that you can have the carrot and stick approach, but what the government has tried to do is work constructively with business. We think that is the best approach, in the first instance, to get all stakeholders on board so that we can start the journey in terms of eliminating these products from the waste stream. I am advised that the slackers in the House of Assembly have gone home—

**The CHAIR:** Order! The members of the other place.

**The Hon. J.M.A. LENSINK:** Sorry; I withdraw that pejorative statement. Is it appropriate at this point that I report progress?

Progress reported; committee to sit again.

#### **COVID-19 EMERGENCY RESPONSE (FURTHER MEASURES) (NO. 2) AMENDMENT BILL**

*Final Stages*

The House of Assembly agreed to the bill without any amendment.

#### **FAIR TRADING (FUEL PRICING INFORMATION) AMENDMENT BILL**

*Final Stages*

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

At 18:20 the council adjourned until Tuesday 8 September 2020 at 14:15.

*Answers to Questions***MEMBERS, ACCOMMODATION ALLOWANCES**

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (1 July 2020).

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment):**

The Clerk has advised that country members' accommodation allowance claim forms pre-dating 2010 are no longer held by the Legislative Council.

**INTERNATIONAL STUDENTS**

In reply to **the Hon. T.A. FRANKS** (2 July 2020).

**The Hon. D.W. RIDGWAY (Minister for Trade and Investment):** I have been advised the following:

There are currently 1,642 students from Hong Kong enrolled in South Australian educational institutions across all sectors of which 277 are currently outside Australia and potentially attempting to return.

The Department for Trade and Investment has been leading work with SA Health, SA Police and a range of stakeholders to develop a pilot program for the safe and responsible return of international students from many markets including Hong Kong.

Any pilot program will follow the guidelines set down by the Australian government, SA Health and SA Police to ensure the health, safety and wellbeing of the arriving students and the South Australian community.

Such a pilot program would be dependent on our federal colleagues for border and visa access and controls and a commitment from our education institutions to ensure they and their students will strictly adhere to the conditions of the pilot.

**COMMUNITY VOLUNTEERS**

In reply to **the Hon. M.C. PARNELL** (2 July 2020).

**The Hon. J.M.A. LENSINK (Minister for Human Services):** The Minister for Environment and Water has provided the following advice:

The Marshall Liberal government's Landscape SA reform is about delivering a more effective, decentralised, back-to-basics system that gives local communities a greater voice in natural resources management and puts more resources 'on-the-ground' in our regions.

Landscape boards will continue to support off-park volunteer groups in their region through dedicated staff. Further, the National Parks and Wildlife Service South Australia continues to work closely with volunteer groups operating on-park by offering both statewide support and advice and regionally on the ground through park rangers.

Grant funding will continue to be available to volunteer groups through the landscape boards' administered \$2 million Grassroots Grants program and the National Parks and Wildlife Service South Australia Volunteer Support Grants.

From mid-July local volunteer groups, whether they are working in our national parks or elsewhere in the landscape, will be able to apply for funding from the Grassroots Grants program. The next round of National Parks and Wildlife Service South Australia Volunteer Support Grants will be available later this year.

I am advised that the Minister for Environment and Water has written to volunteers and volunteer groups, as well as landscape board chairs reiterating this commitment.