HOUSE OF ASSEMBLY

Thursday, 25 October 2018

The SPEAKER (Hon. V.A. Tarzia) took the chair at 11:00 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which the parliament is assembled and the custodians of the sacred lands of our state.

Motions

CAMPING AND MOORING, MID MURRAY COUNCIL

Private Members Business, Notices of Motion, No. 1: Mr Teague to move:

That the by-laws made under the Local Government Act 1999, entitled Camping and Mooring for the Mid Murray Council, made on 13 March 2018 and laid on the table of this house on 3 May 2018, be disallowed.

The SPEAKER: The member for Heysen, having recovered from his cow kick.

Mr TEAGUE (Heysen) (11:01): Almost, Mr Speaker. I thank you for your interest and I will keep the house apprised of how my recovery is progressing. It is reported, I am pleased to say, on the front page of *The Courier* newspaper this week and there will be more to come. I move:

That the debate be postponed.

Motion carried.

TRANSFORMING HEALTH

Adjourned debate on motion of Ms Bedford:

That this house establish a select committee to inquire into and report on the benefits, costs and impacts of Transforming Health and in particular—

(a) the scope of policy issues that Transforming Health was designed to address (including federal healthcare funding cuts) and whether they were addressed adequately;

(b) what other issues Transforming Health should have addressed;

(c) the adequacy of the model of care proposed by Transforming Health, based around three tertiary hospitals and 'centres of excellence' supported by ambulance transfers;

(d) the adequacy of consultation with clinicians and the community on Transforming Health and alternative models for consultation and engagement;

(e) the degree to which a focus on primary health care could improve the overall effectiveness of the healthcare system;

(f) the degree of difference between public expectations and the capacity of the healthcare system, as currently resourced, to meet them;

(g) whether, having regard to its revenue base, the federal government is funding an appropriate share of the state's healthcare budget (and what the state should be doing to address this); and

(h) any other relevant matter.

(Continued from 26 July 2018.)

Mr PEDERICK (Hammond) (11:02): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 23
Noes 2
Majority 21

AYES

Basham, D.K.B.	Bignell, L.W.K.	Brown, M.E.
Chapman, V.A.	Cowdrey, M.J.	Cregan, D.
Ellis, F.J.	Gardner, J.A.W.	Knoll, S.K.
Luethen, P.	McBride, N. (teller)	Murray, S.
Patterson, S.J.R.	Pederick, A.S.	Picton, C.J.
Pisoni, D.G.	Power, C.	Sanderson, R.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

NOES

Bedford, F.E. (teller)	Brock, G.G.

Motion thus carried; order of the day postponed.

Bills

RESIDENTIAL PARKS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 September 2018.)

Mr BASHAM (Finniss) (11:10): I rise to speak in support of the Residential Parks (Miscellaneous) Amendment Bill 2018. A lot has changed since the Residential Parks Act 2007 came into effect. Following much consultation with park owners and residents, the Marshall government has taken their concerns and issues on board in the development of the legislation.

A primary aim of this legislation is to address the concerns about security of tenure in residential park agreements. This bill introduces new statutory requirements to protect residents. In my seat of Finniss, there are many large residential parks, such as Rosetta Village, which is in Victor Harbor, Seachange Village in Goolwa and Lakeside in Goolwa. There is some confusion, though. They are not retirement villages as covered by the Retirement Villages Regulations 2017 under the Retirement Villages Act 2016: they are part of this residential parks legislation. They do not have the same rights and expectations as those retirement villages under the Retirement Villages Act.

There are some very substantial differences and also very different costing structures in going into it, and I very much encourage all those who go into retirement living of some sort to investigate the different options and understand what they mean. Just because a name has the word 'village' in it does not mean it is covered by the Retirement Villages Act.

Fortunately, though, some of the concerns relating to residential parks as retirement living are being addressed in this bill. The proposed amendments aim to strike a fair balance between protecting the rights of residents and the interests of park owners, recognising the investment many residents have made in their homes. In a residential park, the residents actually own the bricks and mortar of the building that actually sits on the land. They do not own the land it sits on, but they do own the building itself.

In Victor Harbor, in particular, these buildings are bricks and mortar, so they are not very transportable. They cannot easily take them with them if they leave, so there are some very important things we need to look at. It is also becoming a very popular retirement living option because of the reduced costs associated with the retirement village options. We have seen this growth particularly in Queensland, but it is now very much occurring in South Australia and certainly in the electorate of Finniss.

The proposed amendments also provide for the increased disclosure of information to prospective purchasers and current residents, making sure that they know what is involved in the arrangements under their agreement. This is so important yet so simple. Much misunderstanding

and dispute can be prevented with the provision of and search for basic information at the beginning of the process. It is good practice for vendors to ensure full disclosure; however, buyers cannot abrogate all their responsibilities either.

When considering such a significant purchase, often involving financing, it is just plain common sense to ensure you are completely aware of your rights and responsibilities; any conditions on the purchase or property and everything else which is pertinent, including that the property is not in an area prone to natural disasters like flooding, frequent storms or bushfires; that the property is not in an area frequented by heavy moving vehicles, that the property is not near a mine or a farm or other business operations which may result in noise or dust, if that is an issue for those wanting to move in.

Will the local council development plans allow you to carry out any ideas you have to renovate or otherwise alter the condition of the property? You need to give thought to all these. Is the rubbish collection schedule suitable? Does the property have a septic or is it connected to the main sewerage system? These are all things potential purchasers should consider. I raise these issues because my office has experienced many complaints from constituents who have purchased properties without looking into these details first. The expectations of people looking for a sea change or tree change are not always met. That is why it is so important to do the research before the decision is made.

Looking at the proposed changes themselves, under the current laws residential site agreements for a fixed term may be terminated at the end of the agreement with only 28 days' notice. It is proposed that residential site agreements for a fixed term will no longer be able to be terminated at the end of the agreement, for those agreements of more than five years, or if the resident has been a resident of the park for more than five years. Another change is that at the end of the fixed-term agreement residents are placed on periodic tenancy agreements, which can be terminated on no specific grounds with 90 days' notice.

It is proposed that for residents of more than five years, agreements will only be able to be terminated on statutory grounds and must be reviewed and reissued on the same terms and conditions, or new agreed conditions, with a further review date. If the owner proposes to change the terms of the agreement, 90 days' notice will be required prior to the expiry of an agreement. Penalties are proposed to ensure agreements comply with the act. It is proposed to expand the available statutory grounds for termination of the agreements to include a breach of the park rules which would form part of all site agreements or if the agreement closes or intends to be redeveloped.

If the park owner intends to redevelop the site, it is proposed that homes may be relocated to another site in the park or in a park owned by the same owner, if the resident agrees. The park owner may also offer to buy a home for an agreed price. If the resident and the owner are not able to reach an agreement, the resident or the owner may apply to the tribunal for resolution of the dispute. The bill proposes to introduce a waiver to this section if the resident and the owner agree.

As to the existing laws, if the residential park is sold, the new owner may terminate a residential park site agreement without specifying a ground for termination. It is proposed that this no longer be a ground for termination if the residential park is sold or otherwise transferred to a new owner. Another proposed change is for agreements to be terminated if a mortgagee takes possession of the residential park. Under the proposed reforms, if an owner becomes insolvent it is proposed that the mortgagee takes on the obligations as if they were park owner.

Currently, following the death of a resident the agreement is assigned with the park owner's consent. This is an important issue; we are talking about people who are retiring and who are in their later years of life, so it is something that occurs quite often in residential parks, particularly retirement parks, the variety we are talking about. This bill proposes that if the dwelling is to be sold by the estate, park owners will be given the first option to purchase the dwelling for an agreed amount but that the estate does not have to accept that offer. That gives people managing the estate of a deceased, a loved one, the opportunity of selling elsewhere and not necessarily just back to the park owners.

Residential parks laws currently provide that existing residents be given a Form J and a copy of any park rules, if in writing. This may happen only at the time of signing the agreement. The reform

proposes that the current requirement to deliver that form at the beginning of the agreement is met, but it is also proposed that detailed disclosure statements and a site condition report, in a form approved by the commissioner, together with new education publications, be given to all prospective residents before signing new agreements or taking over any existing agreements. This is very much about making sure that everyone is informed on the agreement they are entering into and that they understand exactly what it covers.

Under existing laws, there is no cooling-off period. I believe it is extremely important that, with this legislation, we are proposing a 14-day cooling-off period. This will ensure prospective residents are not pressured and that they can seek advice to make sure they understand the agreement they are entering into. Often, moving into a retirement village or a residential park is a very stressful time; people are often moving from long-term family homes, and it is a very big decision for them. They need to make sure that they are happy with their decision and that they investigate it fully to ensure it is the right option for them.

At the moment, there is no requirement for park rules to be in writing or for residents to be notified of any change when they are amended. Another change proposed in this bill is that if there are any park rules in place, they will need to be in writing and form part of any agreement. Residents will also be advised of any changes to park rules. It is very important that people understand the environment they live in and what is required of them so that they can, first, meet the rules and also be happy with the rules governing where they are living. If the rules change and impinge on what they want to see in their park they may choose to relocate, so it is very important that they understand what the rules are.

Under the current act there is no requirement for a written plan for safety evacuations of the park, and the proposed change to this is very important. It is proposed that there will be a measure to ensure there is a safety evacuation plan and that that plan is reviewed every year. Many of the residential parks, particularly those in Finniss, have very narrow streets between homes and it is very easy for cars, etc., to block the access roads out of the parks.

It is very important that all the residents of these residential parks understand how they can negotiate a safe passage out during an emergency, that the evacuation plan is very clear and easily understood, and also that they understand there is an assembly point, so people can work out whether all the residents are safely out of these residential parks. Many of the residents are frail and may not have easy access out. If there is an evacuation occurring, we need to know whether there are people still inside. It is very important that they understand that and make sure the plans are reviewed on a regular basis.

Residents committees may be formed under the provisions of the current laws, but under the proposed reforms residents committees will be mandatory in all parks where there are more than 20 long-term residents. This is very important because many of the complaints that come into my office are about lack of communication and lack of understanding. If there were a residents committee mandated in all parks—there are some in my electorate that work well with the voluntary version—so there is a communication network available to the residents to communicate with the owners of the park to voice their concerns about issues, many of the minor concerns could be easily fixed. It is really important that this provision be in the bill.

Residential parks are very much a community. The people who reside in them develop strong bonds and friendships with each other. They are a very important part of the retirement options, particularly in the seat of Finniss, to allow people to settle into an environment where they feel safe and protected. We also need to make sure that the regulations and laws around residential parks allow people to feel safe and protected.

There is an enormous growth in this area, with many more of these parks being developed. We are certainly seeing many people enjoying that life. These parks, particularly in Finniss, are all of a very similar age and over time they are going to age more and will require maintenance and care to keep them upgraded to a standard where people want to reside in them. We need to make sure that the residents committee can have conversations about these concerns to make sure that everything is kept up to a standard where people feel like it is the place they want to be.

I thank very much the minister for bringing the bill to the house. It is very important to the area of Finniss. However, it does not apply only to these retirement homes; it also applies to caravan parks, etc., that have permanent residents, which also need to be covered by the bill. I think it has gone a long way to getting the balance right. I have certainly had conversations with representatives from the residential park owners of Finniss, and they are very supportive of these changes. They think they go pretty well to all points of where they need them to go and have very much appreciated the bill being brought before the house. I would like to commend the bill to house.

Debate adjourned on motion of Mr Pederick.

OFFICE FOR THE AGEING (ADULT SAFEGUARDING) AMENDMENT BILL

Second Reading

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (11:30): I move:

That this bill be now read a second time.

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

Leave granted.

The topic of the abuse of vulnerable adults, and in particular elder abuse, has been prominent in the media and public consciousness in recent years, and has also been the focus of a number of national and state enquires.

Sadly, one in 20 older Australians experience some form of abuse, often by someone they know and trust, and usually a family member. Elder abuse can be physical, financial, sexual, chemical, neglect or emotional, with financial and emotional abuse occurring most frequently and often together. For every one report, it is likely that another five remain hidden. The cost to the individual, families, society and government is significant.

Legislative reform in relation to adult safeguarding was first raised in 2011, with the findings of the *Closing the Gaps* Report. More recently, the recommendations of the Australian Law Reform Commission's inquiring into *Protecting the Rights of Older Australians from Abuse* and the *Final Report of the Joint Committee on Matters Relating to Elder Abuse* have all called on the Government to develop adult safeguarding legislation, including the establishment of a Unit focused on the prevention of elder abuse.

But we know that age alone does not make a person vulnerable to abuse, neglect or harm. It is the combination of age – whether advanced age or the fact that child protection laws no longer apply – combined with other factors, which make a person vulnerable. This may be ill-health, disability, cognitive dysfunction or dementia, dependence on others for one's care, mobility or day to day lifestyle challenges or even social isolation. Age, combined with one of these factors, is what makes an adult potentially vulnerable to abuse or harm. All vulnerable adults deserve to have their rights safeguarded and to live a life of dignity and autonomy as far as is possible or practical.

That is why, in the lead up to the state election in March, the Liberal Party made a commitment to progressing reform in this area by introducing legislation into the Parliament within our first 100 days of forming government to safeguard the rights of all vulnerable adults.

Professor Wendy Lacey, Dean and Head of the School of Law at the University of South Australia, has worked closely with the Government to develop the *Office for the Ageing (Adult Safeguarding) Amendment Bill 2018*, which is the first of its kind in Australia and seeks to fill the gaps reported in our current system – in particular the lack of a single government agency with a clear statutory role for safeguarding vulnerable adults who, despite having full decision-making capacity, are experiencing abuse or neglect and are left to navigate complex systems alone. Events relating to the Oakden Older Persons Mental Health Service highlighted the need for safeguarding legislation and this Bill meets the Government's election commitment to respond to this need.

This Bill establishes a new Adult Safeguarding Unit, which will be located in the Office for Ageing Well within the Department for Health and Wellbeing. Previously known as the Office for the Ageing, Part 2 of the Bill provides for the name of this office to be changed to the Office for Ageing Well, reflecting this Government's commitment to combatting ageism by challenging the way ageing is framed in the language and structure of the services our government delivers.

Underpinned by guiding principles that ensure that any actions are premised on respecting a vulnerable person's right to autonomy, dignity and self-determination, the new Adult Safeguarding Unit will complement the role of the police and other government and non-government agencies by providing the South Australian community with an approachable, empowered body, with statutory responsibility and accountability for responding to reports of abuse or neglect of vulnerable adults.

The functions of the Adult Safeguarding Unit are set out in section 15 of the Bill. A key focus of the Unit will be on the prevention of abuse through awareness raising and community education. However, where reports of alleged or suspected abuse are received, the Unit will be responsible for assessing and investigating these reports, and then

either referring them on to appropriate persons or bodies, or working in collaboration with other agencies to co-ordinate a multi-agency and multi-disciplinary approach to responding to concerns in a way that puts the rights of the vulnerable adult at the centre.

Part 4 of the Bill provides for the voluntary reporting but mandatory response to a report of abuse or suspected abuse of a vulnerable adult. Mandatory reporting is not an approach that is supported in responding to adults with decision making capabilities.

On receipt of a report, the Director of the Adult Safeguarding Unit must assess the report and then make a decision as to whether to carry out an investigation into the matter, refer the matter to an appropriate State authority or other person or body, or decline to take further action.

Sections 18 and 19 of the Bill empower Authorised Officers, who include the Director and certain employees of the Adult Safeguarding Unit, with a range of coercive information-gathering powers to enable them to investigate reports of serious abuse effectively, such as the power to require a person to answer questions and produce documents.

Part 4, Division 6 of the Bill also provides for the Director of the Adult Safeguarding Unit to apply to the Court for an order in certain circumstances when the Director reasonability suspects that a vulnerable adult is at risk of abuse, including interim orders. Such orders include authorising or requiring that a vulnerable adult undergo an examination or assessment; or requiring a person to do or refrain from doing something in relation to a vulnerable adult.

To support transparency and accountability of decision making, a person who is aggrieved by a decision of the Adult Safeguarding Unit or the Director made in relation to the safeguarding of a vulnerable adult may have this decision reviewed under Part 5. This review will be undertaken by the Chief Executive in the first instance, with the option of an external review by the Ombudsman available as a secondary step in cases relating to serious abuse.

The Adult Safeguarding Unit will be expected to work closely with other relevant agencies, not duplicating effort but supporting the referral of clients between agencies and services where needed, and coordinating multi-agency responses to facilitate the reduction or management of a particular risk of abuse that has been reported in respect of a vulnerable adult. Information sharing will be a key factor in the ability of the Unit to perform its functions and is provided for in Part 6 of the Bill, which also includes circumstances where Authorised Officers may compel information from others.

It important to note, however, that the consent of the vulnerable adult must be sought as a matter of principle before any action by the Unit is taken, and a person with decision-making capacity experiencing abuse or neglect has the right to decline support in cases where no immediate harm is posed to either their life or that of others; to make decisions for themselves, even if these decisions are considered by others to be wrong, inappropriate or that pose a risk to the person.

The legislation and operation of the Unit will be further supported by a Charter of the Rights and Freedoms of Vulnerable Adults, which will be developed in consultation with vulnerable adults, their carers and families. Regulations and a comprehensive Code of Practice will also be developed, which will outline in a detailed and practical way how the Act is to be implemented and, in particular, how prescribed agencies will work together to fulfil their obligations.

Finally, section 53 of the Bill provides for an independent review of the Act to be undertaken within its first three years of operation to ensure that the legislation is meeting the needs and expectations of the South Australian community.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Office for the Ageing Act 1995*

4—Amendment of section 1—Short title

This clause amends the short title of the principal Act to reflect the change in name from the Office for the Ageing to the Office for Ageing Well.

5—Insertion of sections 2 to 6

This clause substitutes or inserts new sections 2 to 6 as follows:

2—Interpretation

This clause defines terms and phrases used in the principal Act.

3—Meaning of *vulnerable adult*

This clause defines persons who are vulnerable adults for the purposes of the measure.

4—Meaning of *abuse*

This clause defines the meaning of abuse for the purposes of the measure.

5—Decision-making capacity

This clause defines the way the question of whether or not a person has decision-making capacity is to be determined for the purposes of the measure.

6—Interaction with *Independent Commissioner Against Corruption Act 2012*

This clause clarifies that this measure does not limit the operation of the *Independent Commissioner Against Corruption Act 2012*.

6—Substitution of Part 2

This clause substitutes Part 2 of the principal Act, and inserts new Parts 3 to 7 into that Act, as follows:

Part 2—Office for Ageing Well

7—Office for Ageing Well

8—Objectives of Office for Ageing Well

9—Functions of Office for Ageing Well

10—Delegation

11—Annual report

This Part continues the Office for the Ageing established previously as the Office for Aging Well, and makes minor amendment to reflect the inclusion of the safeguarding functions under this measure.

Part 3—Adult Safeguarding Unit

Division 1—Principles

12—Principles

This clause sets out a number of principles that are to apply in relation to the operation of this Act as it relates to safeguarding vulnerable adults.

Division 2—Adult Safeguarding Unit

13—Separate Adult Safeguarding Unit to be established

This clause requires the CE of the Department to establish a separate Adult Safeguarding Unit within the Department, and sets out procedural matters relating to the Unit.

14—Composition of Adult Safeguarding Unit

This clause provides that the Adult Safeguarding Unit will consist of the Director of the Office for Aging Well and such other Public Service employees assigned or appointed to assist the Director.

15—Functions of Adult Safeguarding Unit

This clause sets out the functions of the Adult Safeguarding Unit under the Act.

16—Delegation

This clause is a standard power of delegation.

17—Annual report

This clause sets out the annual reporting requirements of the Adult Safeguarding Unit.

Division 3—Authorised officers

18—Authorised officers

This clause provides for the authorisation of authorised officers under the measure. The Director is automatically an authorised officer, with the remainder to be members of the Adult Safeguarding Unit authorised by the Director to so act.

19—Powers of authorised officers

This clause sets out the powers that an authorised officer may exercise when investigating matters involving a risk of serious abuse under section 26 of the Act.

Certain powers, such as using force to enter premises, can only be exercised pursuant to a warrant, or in exigent circumstances where the Director has approved the use of the powers.

Part 4—Safeguarding vulnerable adults

Division 1—Charter of the Rights and Freedoms of Vulnerable Adults

20—Charter of the Rights and Freedoms of Vulnerable Adults

This clause requires the Minister, with the support of the Office for Aging Well, to prepare and publish a *Charter of the Rights and Freedoms of Vulnerable Adults*.

Prescribed State authorities must, in carrying out functions or exercising powers under the Act, have regard to, and seek to give effect to, the Charter.

Division 2—Code of practice

21—Minister may publish codes of practice

This clause provides that the Minister may, by notice in the Gazette, publish codes of practice for the purposes of the Act.

Each prescribed State Authority engaged in the administration, operation or enforcement of the Act must, to the extent that it is reasonably practicable to do so, comply with any relevant code of practice.

Division 3—Reporting suspected risk of abuse of vulnerable adults

22—Reporting suspected risk of abuse of vulnerable adults

This clause provides a mechanism for people to report their suspicions that a particular vulnerable adult has been abused, and remains at risk of abuse or further abuse, or simply is at risk of abuse.

These reports - defined as being reports under the Act - lead to mandatory assessment and require the Director to take certain specified action having assessed the report.

Division 4—Assessment and investigation of reports

23—Assessment

This clause requires the Director to cause each report made under the Act to be assessed. Upon assessment, the Director must then cause at least 1 of the steps set out in proposed subsection (3) to be taken in relation to the report, namely that it be the subject of an investigation, referred to another more appropriate agency or, in limited circumstances, to take no further action.

Records of assessments and actions must be kept, and the clause enables the Director to require a specified person or body to produce a written statement or answer questions in relation to an assessment.

24—Consent of vulnerable adult should be obtained before certain action taken

This clause sets out a key feature of the measure, namely that (except in specified instances such as where there is an immediate threat to life or limb) action should only be taken under this proposed Part where the vulnerable adult consents to the action.

25—Director may refer matter

This clause enables the Director, having assessed a report as required by proposed section 23, to refer the whole or part of the matter to another person or body that the Director considers more appropriately placed to deal with the matter. Matters so referred are required to be dealt with expeditiously.

26—Director may cause circumstances of vulnerable adult to be investigated

This clause enables the Director to cause an investigation of the circumstances of a vulnerable adult to be carried out following an assessment of a report, or in any other circumstances the Director thinks appropriate.

Division 5—Further referral of matters

27—Director may report certain matters to appropriate professional body

This clause provides that the Director may refer instances of profession misconduct or unprofessional conduct uncovered in the course of performing functions under the measure to the appropriated regulatory body.

28—Director may make complaints to Ombudsman

This clause enables the Director to make complaints to the Ombudsman in respect of administrative acts and for those complaints to be dealt with as complaints under the *Ombudsman Act 1972*.

29—Director may make complaints to Health and Community Services Complaints Commissioner

This clause enables the Director to make complaints to the Health and Community Services Complaints Commissioner on behalf of a vulnerable adult, or a class of vulnerable adults, and for those complaints to be dealt with as complaints under the *Health and Community Services Complaints Act 2004*.

30—Referral of matters to inquiry agencies etc not affected

This clause clarifies that nothing in this measure prevents a matter from being referred to an appropriate person or body at any time, nor does the referral of a matter of itself prevent the Adult Safeguarding Unit or Director from acting in respect of the matter under this measure.

Division 6—Court orders

31—Director may apply for Court orders

This clause provides that only the Director may apply for an order of the Court under this proposed Division, and when such application can be made.

32—Parties to proceedings

This clause sets out that the parties to an application for orders under the proposed Division are the Director and the vulnerable adult to whom the orders would relate. However, the Court may join other parties to the application in the specified circumstances.

33—Orders that may be made

This clause sets out the kinds of orders that may be made by the Court on application under the proposed Division.

34—Court not bound by rules of evidence

This clause sets out that the Court is not bound by the rules of evidence in respect of proceedings under the proposed Division.

35—Views of vulnerable adult to be heard

This clause endeavours to ensure that the views of the vulnerable adult to whom proceedings relate are heard by the Court.

36—Right of other interested persons to be heard

This clause allows the Court to hear submissions made by certain other people in respect of the vulnerable adult to whom proceedings relate despite those people not otherwise having standing in the proceedings.

37—Contravention of Court order

This clause creates an offence of contravening a term of a Court order imposed under the proposed Division.

Part 5—Reviews of certain decisions

Division 1—Internal review

38—Internal review

This clause provides that an aggrieved person in respect of a decision of the Adult Safeguarding Unit or the Director under Part 4 of this measure may seek review of the decision by the Chief Executive, and makes related procedural provisions.

39—Delegation

This is a standard power of delegation.

Division 2—External review by Ombudsman

40—External review by Ombudsman

This clause provides for an external review by the Ombudsman where a person is dissatisfied on an internal review under proposed section 38. However, a review under this section may only be conducted where the vulnerable adult to whom the relevant decision relates is, or is suspected of being, at risk of serious abuse.

The clause makes procedural provision in respect of reviews, including the ability to explore the possibility of settling the matter, and also provides the Ombudsman with the ability to make reports and recommendations following a review.

41—Views of vulnerable adult to be heard

This clause requires a vulnerable adult to whom a review under proposed section 40 relates to be given a reasonable opportunity to personally present their views in relation to the review to the Ombudsman (unless the Ombudsman is satisfied that the vulnerable adult is not capable of doing so).

Part 6—Information gathering

42—Authorised officer may require information

This clause enables an authorised officer (by notice in writing) to require a specified person to provide to them such information, or such documents, as may be specified in the notice. The information or documents must be information or documents in the possession of the person that the authorised officer reasonably requires for the performance of functions under the measure, and the requirement can be made regardless of whether or not the person is a State authority.

43—Sharing of information between certain persons and bodies

This clause provides that the persons and bodies specified in proposed subsection (1) can share certain information and documents with each other in the performance of official functions relating to vulnerable adults.

44—No obligation to maintain secrecy

This clause provides that no obligation to maintain secrecy imposed on a person prevents the person from disclosing the information under the measure (however this section does not of itself displace the privileges and immunities contemplated by proposed section 53).

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

This clause provides that nothing in this proposed Part affects the operation of the *Public Sector (Data Sharing) Act 2016*.

Part 7—Miscellaneous

46—Obstruction of person reporting suspected abuse of vulnerable adults

This clause creates an offence for a person to prevent another from making a report under the Act, or hinder or obstruct them when doing so.

47—Obstruction of Director etc

This clause creates an offence for a person to hinder or obstruct the Director in the performance of their functions under the Act.

48—False or misleading statements

This clause creates an offence for a person to knowingly make a false or misleading statement in information provided under the Act.

49—Confidentiality

This clause creates an offence for a person engaged or formerly engaged in the administration of the Act to divulge or communicate personal information in the course of official duties, except in the circumstances specified.

50—Victimisation

This clause creates an offence for a person to victimise another on the ground, or substantially on the ground, that the other person or a third person has provided, or intends to provide, information under the Act.

51—Protections, privileges and immunities

This clause sets out protections, privileges and immunities enjoyed by persons in respect of the measure.

52—Service

This clause is a standard service provision.

53—Review of Act

This clause requires the Minister to cause an independent review of the operation of the Act to be conducted within 3 years of the commencement of this clause, and for a report of the review to be prepared and laid before Parliament.

54—Regulations

This clause is a standard regulation making power.

7—Amendment of long title

This clause amends the long title of the principal Act to reflect the changes made by this measure.

Schedule 1—Transitional provision

1—Application of certain provisions of Act limited during first 3 years of operation

This clause provides that the specified provisions of the principal Act, as amended by this measure, will only apply to vulnerable adults who are 65 or more years of age (or 50 or more years in the case of vulnerable adults who are Aboriginal or Torres Strait Islander people), or a vulnerable adult, or vulnerable adult of a class, declared by the Minister by notice in the Gazette.

Debate adjourned on motion of Mr Brown.

RESIDENTIAL PARKS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. Z.L. BETTISON (Ramsay) (11:31): I rise today to indicate that Labor is generally supportive of the bill but that we will continue to consult on the measures contained within it. I also indicate to the house that I will be the lead speaker for the bill. The bill was introduced by the former Labor government on 28 September 2017 and reached the Legislative Council on 1 November 2017; however, it did not pass the Legislative Council before parliament was prorogued.

The bill had an extensive history of consultation with the community, including a discussion paper, several community forums and lengthy consultation between residential park owners and Consumer and Business Services. The bill sought to find a balance between the interests of residential park owners and residents, but ultimately the extra protections afforded to residents meant that the park owners were not completely satisfied with the bill.

I congratulate the Attorney-General on bringing this bill back to parliament. However, there appear to be differences, and there are differences, between the Labor bill and the bill the Attorney-General has introduced. I am advised that clause 7, parts of clause 12, clause 13, parts of clause 18 and parts of clause 25 insert new sections that did not appear in the Labor bill or in amendments filed in the Legislative Council. We are concerned that there may be provisions that give additional powers to park owners rather than to residents, so we will continue consulting with residents on the bill. We intend to unpack this amendment during the committee stage.

I also understand that the member for Taylor, Jon Gee, has raised a series of concerns with the Attorney-General, but at this time I do not believe that a response has been received. I want to talk a little bit about residential parks. I come to it from the position of being the former minister for ageing during a time when we introduced reform to the Retirement Villages Act. At that point, many people thought I also had responsibility for residential parks, which I did not: it was always under the Attorney.

They are quite different propositions; nonetheless, what they offer is a diversity of housing. One of the things I want to talk about in regard to residential parks is how important that balance is. When we amend this bill, as we intend to do, we need to consider how we get that balance right. When we think about affordable housing, that is one of the elements that might attract someone to residential parks.

As much as it is about affordable housing, it is also about a sense of community. When I had the opportunity in the past to visit residential parks in the member for Taylor's electorate, there was a keen sense of connectedness and community and that it was a choice people had made. Something I think we should remember when we debate this bill is that this has been a choice that people have made because it is right for them.

However, there continue to be key issues, when we consider residential parks, around the insecurity of tenure and making sure that there is an adequate disclosure of information prior to purchase. One of the key things I think people must realise is that, because it is a lease arrangement, they do not own the land. That is quite different from other experiences people generally have in life whether they have been a renter of a property or an owner of a property. It is a different model.

Although different, it was a similar situation in the retirement villages space, where people did not always understand the arrangements or the financial arrangements that were there. When we reformed that act, we spent a lot of time making clear to people what they were signing up to when they made this commitment. One thing I would encourage, as we go forward in the debate on the bill, is making sure that we have clarity for people prior to purchase and that they know absolutely what it is that they are agreeing to because it is quite a substantial financial agreement.

Often for people it is their final major financial investment of their life. For many of the people I met with, they were very satisfied with the arrangement. They enjoyed the sense of community and expected that they would be there for the rest of their life if their health was able to be maintained, which was great.

Because of the situation, another thing I think we need to understand is the balance and competing interests they have with the park owners. Often, particularly interstate, we are seeing a lot of pressure where suddenly the residential park becomes more attractive to turn into short-term tourism accommodation, or sold for development where there is pressure on the land value. So it is really important to us that we have clear lease arrangements and that people are aware of what their rights are.

Another concern that was brought to me was understanding shifting if their lease comes to an end, which is what they are entitled to do because they do not own the land. We must consider that access and the costs of relocating are quite considerable. When people choose this type of housing, we need to make sure that is laid out clearly. As residential parks develop, we need to make sure people can actually relocate. Some of the concerns I have read are that, because of the built-up areas now, with the residential parks increase, it is actually going to be very, very costly to move house, so that is something to take into consideration.

I am very pleased to see that there is a focus on residents committees because some of the conversation is about the balance of power and control of the park owner. What has been raised with me in the past is the role of the park manager and how he or she interacts with the residential park people. Sometimes they have not always felt that they have been respected or listened to, and I think that is an area where we need to have very, very clear rights and responsibilities.

I was pleased to see that there was a focus on safety evacuation, as the member for Finniss talked about, as people sometimes have mobility issues. I think one of the challenges, going back into the realm of the residential parks, was access for ambulances to come in. It was a balance between the security of having a PIN to get through and into the park and having the ambulance not obstructed at all. We must prioritise that, and I think that has been supported in the bill.

What we see when we look at this type of housing is that not one size fits all. For most people, the great Australian dream was to buy your own property, but sometimes, with the cost of living or the breakdown of relationships, people have to make different decisions. I know that the ability to rent the land in residential parks but own the property on top of it gives people diversity of options.

I spoke to many women, many of whom had been widowed and lost their partner, who said that in their previous place, which they usually owned, they felt a lack of safety. More importantly, a challenge for them was the loneliness they felt and not being connected to other people in their street. In the past, particularly for those who had lived in their own street for decades, they used to know everyone, but people had moved away and they were the last one standing, so they made the choice to move to a residential park to have that connectivity with others.

When we look at this, we have traditionally thought about people who own their own home or traditional renting arrangements, but these other kinds of arrangements give people a variety of options. With those brief words, I once again indicate that the Labor Party is generally supportive of the bill, but we will continue to consult.

Mr ELLIS (Narungga) (11:41): I also rise today in support of the Residential Parks (Miscellaneous) Amendment Bill because I believe that the proposed reforms within it offer some increased protection and improved security of tenure for people who choose to live on permanent van sites in residential parks due to the affordable housing such parks can provide to those people.

Since the commencement of the act, there have been significant changes in the nature of the terms of the type and constitution of residential parks now operating in South Australia. Therefore, we will put forward these amendments, which are in practice similar to the ones put through this chamber during the last parliament, which we, and hopefully those opposite, will support. It is pleasing to hear that they will support most of this bill, if not all of it.

We on this side of the chamber argue that these proposed amendments strike a fair balance between residents and park owners and managers. I am led to believe that this legislation has the broad support of the South Australian Residential Parks Residents Association, SA Parks, state government agencies and park residents, which shows me that this is indeed a good thing. The Marshall Liberal government recognises the concern many residents have over the insecurity built into residential park agreements.

I myself have had multiple constituents contact me with concerns about the lack of long-term security in residential parks under the current Residential Parks Act 2007. I particularly welcome the increased protection for long-term residents who have been living in their park for more than five years. Many of these constituents have invested significant money into their homes and they deserve a greater level of security than is afforded them under the current act.

The stories I have heard from such people who are evicted suddenly from a local caravan park for seemingly no reason at all are harrowing, with all the upset, upheaval and financial loss that such decisions naturally bring. Today, I will take the opportunity to share with the house some of those experiences from residents of the Narungga electorate to highlight the impact this act can have on the daily quality of life of people in such residential parks.

It is estimated that less than 3,000 people live on such sites, many of them in rural and coastal locations, and for them the experience is very real; any increased protections we can provide in this amendment bill will be welcomed reform indeed. Within the Narungga electorate, there are 20 such sites at the Kadina Caravan Park, with others available at Pine Point and Ardrossan.

What a wonderful place to choose to live, at either the Ardrossan Caravan Park or the Pine Point Caravan Park. I note that Bourne Engineers recently built quite a large shed, which seems to me to impede the view of the Pine Point Caravan Park out over the ocean, so that may well detract from the living amenity that those who have chosen to live there have enjoyed for so long. Perhaps the Hon. Emily Bourke from the other place might have a word to the proprietor of Bourne Engineers to have that shifted. Anyhow, I digress.

Those who choose to live at such sites do so mostly in solid non-transportable structures, given the expectation that they will live in them for many years. They are mostly low-income, older residents, often single, who see it as a good option as opposed to living in a Housing Trust unit. I am led to believe that weekly lease fees can range from $113 per week to $160 per week. As has already been discussed, for that fee they get the van and the water supply, not necessarily the patch of land underneath it. That should be made clear to them upon their new agreement.

For park management, it is a good, reliable, long-term income stream and allows them to continue to operate the park effectively. One would think it would be in management's best interest to keep law-abiding, good, quiet tenants happy for everyone's sake, and for harmonious park living. Yet, the stories that have come to me include management stipulating which visitors could come and go, discouraging grandchildren because they were too loud, forbidding certain tenants from visiting other tenants, refusing tenancies for unemployed people because they could be lazy, and keeping people with disabilities out of sight because they did not want to see them.

These truly disgusting stories have already come through my office. There have been other stories of retaliatory termination notices being issued after park residents raised concerns about tenancy matters, and of managers entering rented properties without authorisation, sifting through

residents' rubbish to see if residents were drinking too much and bullying, threatening and even roughing up elderly tenants who then have to call the police for help.

Perhaps worst of all is hearing about how permanent residents shut themselves away and are too frightened to complain about anything for fear of sudden eviction. Another elderly gentleman told me that after many years of living within his solid-structure van and annexe, which he purchased when he came to live at a residential park some years ago, he received an eviction notice stating that he had 90 days to leave. No reason was given, and no reason was required to be given. The gentleman sought advice and had a hearing with SACAT to try to stay, but he lost the hearing. After all, when there is no reason given for eviction, it makes it awfully difficult to appeal that eviction.

This gentleman then had four weeks to sell his site and van, which were valued at $20,000. It did not sell, so he was forced to dismantle what he could, smash down the rest and clear the site to make way for the next tenant. Luckily, he managed to find emergency housing, but many do not. As you can imagine, the whole experience carries considerable emotional distress and impacts upon health. He advised me that a lot of people around the state are in the same boat and, whilst he is now okay in a Housing Trust unit, what happened to him is on his mind every day.

There is a feeling of hopelessness and a lack of help and support, and residents feel like they are second-class citizens. This gentleman related to me that a blind man had to leave the site despite having broken no rules. Even with letters of support and character references from community and charity leaders (including his local minister) all imploring a change of mind by the park lessors, he still lost the appeal and had to move. It is clear that amendments to the Residential Parks Act 2007 are required in order to improve support services for residents and management.

I am pleased that this bill means that tenancies of long-term residents of more than five years cannot be terminated without specific grounds and with merely 90 days' notice. There will have to be statutory grounds to do so—for example, misbehaviour. I am also pleased that Consumer and Business Services will provide advice and conciliation services, and that a clear set of rules will be part of the agreement sign-up process, thus eliminating confusion and offering better balance of rights between the park owner and permanent resident.

Currently, under the Residential Parks Act 2007, there is no requirement for park rules to be in writing or that residents are to be notified of any rule changes should they be made. This new bill provides vast improvements in that area, with all rules required to be in writing and presented as part of the agreement within the park management and residents when they commence tenancy. Support for residents facing eviction is also vastly improved by the bill. It is a requirement that parks with more than 20 long-term residents will be required to have a residents' representative committee as liaison between residents and management. Any matters of concern can be discussed with the committee and brought to the attention of the park owner, who will be required to respond in writing within a month.

There have also been instances in the past relayed to me of park managers allegedly falsely accusing park residents of noncompliance of the site conditions and similar. It is proposed under the new bill that a detailed disclosure statement and site condition report, approved by the commissioner, will need to be presented to anyone entering a new agreement in the interests of full transparency. The Marshall Liberal government wholeheartedly supports full transparency.

There has also been in the past uncertainty of tenure when a park is to be sold or change hands, or if it is facing liquidation or is to be redeveloped. Currently, if a residential park is sold, the new owner may terminate a residential park site agreement without specifying a ground of termination. Agreement can also be terminated if a mortgagee takes possession of the residential park. These are unfair outcomes that are unfairly balanced in favour of the park owner.

Under the amendments proposed, it will no longer be a ground for termination if a residential park is sold or transferred to new owners. If an owner becomes insolvent, the long-term residents do not have to leave, as they do now. It is proposed that the mortgagee takes on the obligation as if they are the park owner. It is also proposed that if the dwelling is to be sold by the estate, park owners will be given first option to purchase a dwelling for an agreed amount, but the estate does not have to accept that offer.

Under the Residential Parks (Miscellaneous) Amendment Bill 2018, if the park owner intends to redevelop a site, it is proposed that homes may be relocated to perhaps another site in the park or in a park owned by the same owner if the residents agree. The park owner may also offer to buy a home for an agreed price and, if the resident and owner are not able to reach an agreement, the resident or owner may apply to the tribunal for a resolution of the dispute.

While this amendment bill does take into account the resident, and evens the balance between park management and resident, it is important that there still is the ability for park management to continue to offer these tenancies and that they continue to be a viable source of income for them. In the case of the Ardrossan Caravan Park, which is the holder of such sites, the progress association owns and operates that caravan park and benefits greatly from the income stream that that provides.

The work that the Ardrossan Progress Association is doing in the town of Ardrossan is tremendous. It truly is a shining light in terms of progress associations. There is a full-time executive officer, Margie Gaisford, who does a great job in writing grant applications and developing ideas for its next project. One of the more recent ones was a new information tourist outlet that I was fortunate to open recently. It sits right next door to the Ardrossan museum, which is now experiencing increased patronage as well. It is a mutually beneficial arrangement that was essentially born out of the Ardrossan Caravan Park and the progress association's ability to derive income from that caravan park.

A lot of these amendments are evening the balance, which is wonderful and much needed, but it is important that we to continue to make owners and operators of these caravan parks able to offer permanent residency because, as touched on by a number of different speakers, this is the preferred option for people. People make a conscious choice to move into these caravan parks as a preferred mode of living. For some, it is for the cost; for some, it is the lifestyle.

As touched on earlier, it would be wonderful to live on the foreshore of Pine Point, Ardrossan or in the seat of Morphett, where I am sure there are some tremendous site vacancies and hotly contested vacancies when they do become available. It is important that we continue to afford people the opportunity to live in these caravan parks for a variety of different reasons and that the balance does not get skewed too far one way or another.

To briefly summarise, the bill makes it an obligation to disclose information in the establishment of a residential parks agreement. This will include requiring an agreement to be in writing and providing a signed copy of the agreement and the written park rules to the resident. In addition, it will apply punitive measures to discourage those contemplating disobeying those measures. It is very important that we set the parameters early so that the resident and the park owner both know exactly what they are getting themselves into, which should reduce moments of controversy and make it a more amicable agreement between both owner and resident.

We are also introducing a 14-day cooling-off period to ensure that prospective residents have sufficient time to properly consider an agreement and obtain legal advice. Importantly, we are providing greater security of tenure at the end of a fixed-term agreement. Residents of more than five years are entitled to have their agreement reissued at expiration unless there are statutory grounds to do so. Park owners also have to give 90 days' notice prior to the expiry of the site agreement of any changes to the terms of agreement so that the residents are fully informed of all happenings in the park.

We have mandated residents committees for parks with more than 20 long-term residents and obligations on the park owner to facilitate meetings and respond to issues raised in a timely and formal manner. We have improved the safety measures, including mandating a safety evacuation plan, copies of which will be and have to be provided to residents and reviewed annually.

Finally, we are ensuring that Consumer and Business Services will be equipped to provide conciliation services and advice. They have undertaken to update material for both parties, which will be made available on the CBS website, including providing best practice park agreements. They will also do a direct mailout to residents and host several stakeholder forums. Overall, this new bill offers improved transparency and fairness to the residential park agreement process, which should

result in fewer disputes and increased harmonious living for permanent, rule-abiding residents in residential parks.

In my opinion these reforms are well overdue. The stories that have come through my office already in my seven months as the member for Narungga have truly been harrowing, with particular focus on the one gentleman whom I referenced earlier in my speech. He was evicted, he believes, for no reason other than just a disagreement with the park manager and then was made to sell his caravan within a fixed time, which he was unable to do such is the nature of the asset he was trying to sell. He was then made to remove it, causing him great financial distress.

With all due respect to this gentleman, he was not a man of great means and this caravan park was his home not only by choice but by necessity, and this great financial distress that was caused to him by the rules that are currently in place resulted in, perhaps, more impact on him than it may well have on other people in a better position.

It was truly a harrowing story, and I am pleased to see this reform go through. It was one of the first things that came across my desk and one of the things that I have been really eager to see happen. It is pleasing to see not only that the previous government was already onto it in the last parliament and able to get these reforms started but that we picked up where they left off. There seems to be bipartisan support for getting these reforms through.

I would like to applaud the work undertaken by the South Australian Residential Parks Residents Association, by SA Parks, government agencies and, importantly, by park residents having their say in helping form the Residential Parks (Miscellaneous) Amendment Bill. I would like to commend this bill to the house, and I look forward to seeing its speedy and timely passage through both houses.

Mr GEE (Taylor) (11:58): I rise today to talk about the Residential Parks (Miscellaneous) Amendment Bill 2018, an important piece of legislation that will make significant change for people living in or owning residences in residential parks. The Residential Parks Act and its regulations were last assented to on 14 June 2007. The act was subsequently proclaimed on 5 November 2007. However, house owners and residents at that time felt that they had very little time or opportunity to have input and consultation in crafting the act and its regulations.

So a group of concerned residents from these dedicated residential parks in and around Adelaide got together quickly to form an association, and the South Australian Residential Parks Residents Association (SARPRA) was incorporated. It had formal incorporation status on 8 December 2007 and its chief goal was and still is to represent the interests of house owners in residential parks.

Such parks provide an affordable lifestyle and secure environment for those people aged over 50. Every residential park uses transportable or manufactured or relocatable or build-on-site types of homes which structurally are not meant or designed to be moved after being placed on site. They look like many well-presented other homes, if you have visited these residential parks. Ownership of the house remains with the resident and only the house site is rented from the owners by the residents in the park. There are currently around 2,500 people or residents or home owners affected by this legislation. These parks provide the residents with an opportunity or an alternative option to spend their lives in a safe and quality environment over the age of 50.

I have a special interest in this bill because the president of SARPRA, Mr Chris Sloper, is a resident of The Palms Residential Village in the electorate of Taylor. Mrs Chris Caraille-Allen is the vice-president of SARPRA and Margaret Wudtke is the secretary of SARPRA, and they are both located in the Northern Community Residential Village in the electorate of Taylor. They have become good friends of Taylor. They are often in our office and I spend time in their homes. I would probably be in trouble if I did not mention Margaret's cooking skills with her scones and different things that she puts together when I have been able to visit the park.

Membership of SARPRA is available to any person who is a permanent resident of a residential park who accepts the objectives and rules of the association. Membership ceases if a resident leaves the park. Since 2007, the elected committee has worked hard to establish recognition of the lifestyle. Many meetings have been held with relevant members of parliament, the Residential

Tenancies Tribunal, the Council on the Ageing (COTA) and other bodies involved in developing affordable housing for seniors.

One of the important things about SARPRA is that this amendment bill goes a long way to their achieving their long-term goals. SARPRA is connected to similar bodies interstate. With such colleagues, SARPRA supported the foundation of a national body following a meeting in April 2013 in Sydney. The National Alliance of Residential Parks and Communities (NARPAC) is developing as an organisation and gathering more knowledge about how all residential parks are growing into well-managed operations, obviously with satisfied home owners. The objective from SARPRA is that it expects that NARPAC will unify the various state organisations to give weight to address their concerns and increase their lobbying power.

The overall objective for SARPRA is to have a set of rules and a set of legislation that will apply to residential parks across Australia. Overall, that is the objective. Following the recent reintroduction of the bill to the parliament, Mr Sloper and Mrs Cairalle-Allen outlined several changes they wished to see made to the bill to strengthen rights and protections for residents. In new section 50A, they wanted to add 'market value' after 'purchasing the dwelling' so that it would provide:

> the personal representative or other person must inform the park owner, in writing, of the intention to offer the dwelling for sale and give the park owner a first option to purchase the dwelling for market value.

That is a really important change. On this side, we are supportive of these amendments and I understand, as is normal, there are negotiations that go on between here and the other place which are yet to come.

SARPRA wants to see section 7 amended to ensure that the residents committees are elected by the residents of the relevant park and are not appointed by the park owners. In relation to agreements between park owners and residents, they want to see a basic standard agreement across all parks, one agreement as a base standard across all parks, so that people considering moving into a residential park have a standard set of rights and expectations.

Residents want to see the end of embedded networks. I am not sure if members know what embedded networks are, but they are one of the things that really annoy residents. They have been there for a long time and are probably left over from when of a lot of these places were actually caravan parks. It is where utilities such as electricity are provided to the park and individual bills are then distributed to the residents, with each resident having to pay an amount or fee to the park owner for him passing on that bill to them. That is what embedded networks are and, hopefully, this bill will address that—or, through negotiation, will see that addressed.

In relation to new section 138A, they want to see safety evacuation plans developed in consultation with the residents committee at each park, each park having a committee. They want to include the provision of an emergency warning system and evacuation plans. Currently, at a lot of these parks a resident will just drive around beeping their horn if there is a problem, and residents are not even sure what the emergency is. They really have to get on top of that; people want that safety. The changes provided in this bill are about cutting residents cost of living, strengthening their rights and improving their safety.

A lot of people do not understand the difference between residential parks and retirement villages, and it is important that people do understand the difference—especially if they are considering that sort of environment as a new change. In a residential park, you own your own house but you do not own the land. There are no entry or exit fees, other than real estate agent fees, and there are concessions for rent assistance. You can sell your house to anyone who meets the criteria and you can keep the profit.

With a retirement village, you do not own anything; it is just an agreement to live. Entry and exit fees apply, there are no concessions for rent assistance and you pretty much have to sell back to the owner at the end of it. So there is quite a bit of difference between residential parks and retirement villages. One issue we had at one of the parks at Waterloo Corner was a significant fire. Jeffries soils has a massive compound where they receive all sorts of organic material that over a long period of time breaks down. A fire started underground or in amongst this organic material, which resulted in smoke and a particulate kind of ash that floated over the residential park for probably a week.

The fire department could not get on top of the fire because it was so deeply embedded in this material. In that particular village, we were able to set up a roundtable meeting with the EPA, council, government representatives and the company to see what sort of communication we could set up in relation to early warning systems. I think now there is a quarterly meeting between those parties to make sure that the community around that area is consulted.

We helped both those parks, their presidents and the people they represent, with their newsletters. At the end of last year, along with the member for Ramsay in her previous role as a minister, we organised a seniors forum in the park that several hundred people attended to talk about all the current issues they were facing. One of the biggest issues with both these parks, and it is a feature in the Playford council area—and I hope not everywhere—is illegal dumping on all the roads. Probably 50 per cent of Taylor is rural, and we see cars, beds, tyres, you name it, dumped alongside and outside these parks.

The residents have worked a long time for this legislation. They put their committee together in 2007,11 years ago. They are going to welcome these changes, getting a standard agreement with their interstate colleagues and eventually getting a national standard agreement so that people do not have to worry about moving from one residential park to a residential park somewhere else in Adelaide, maybe in the seat of Narungga or wherever. People who do not want to be messed around at this stage in their life can move interstate knowing that they have a set of arrangements that will be very similar to or the same as those they have been used to.

I thank the president, the vice president and secretary of SARPRA for their hard and lengthy work to bring this about. I commend the amended bill to the house.

Mr PATTERSON (Morphett) (12:13): I rise today to speak to the Residential Parks (Miscellaneous) Amendment Bill, which amends the Residential Parks Act 2007. The existing act regulates the relationship between park residents and owners of parks within South Australia. Tenants regulated by this act include those living in caravans and other demountable or movable structures, which are the forms of accommodation first envisaged under the act. Additional accommodation options are now more often used, including fixed annexes attached to caravans and even manufactured homes.

These options are quite immobile to the point where the caravans are put up on blocks, with wheels and axles becoming rusted and in no state to be moved easily. Residents of these parks essentially pay for the lease of the site on which the structures reside and therefore the residents do not incur any other ongoing fees, unlike retirement villages. Hence, the park resident can live in affordable accommodation in often scenic locations, depending on where the caravan park is located, with many caravan parks being in rural and coastal locations and offering a relaxed lifestyle.

The site, including the accommodation structure, can be transferred or assigned to another party. In effect, the purchaser is being assigned the remaining lease and the structure. Depending on the period left in the lease, it may be for a fixed term or, in fact, be periodic with no agreement in place. In either circumstance, security of tenancy is an issue. The purchasers might expect that they are able to reside on site, under their time frames, for as long as they wish, which is contrary to the terms of the site arrangements, which do not include provisions for this perceived tenancy security.

While part of the consideration paid is for the accommodation structure, the purchaser may not place a priority on the ability of that structure to be able to be located elsewhere at the end of a fixed or periodic term should it need to be moved, as the visual nature of that structure suggests permanency, meaning the temptation for the purchaser to treat any assignment and consideration paid is more akin to a house purchase, and the security of tenure and price multiplier that come with that, when really it should be treated as assigning a less secure residential park site agreement.

This perception leads to inflated prices being paid for the structure because it factors in location and scenery. This is where information, as with all significant purchases, is so important and the 14-day cooling-off period also assists. The introduction of the bill comes at a time when the appeal of residential park living is steadily growing due to its affordability and relaxed lifestyle. The current act does provide owners with the ability to offer long-term site arrangements, but there is no legal obligation to do so and therefore residential parks often choose not to offer longer leases and opt for fixed terms of 12 months.

Agreements can be negotiated between the two parties to reach a mutually acceptable decision; however, it is also the case that there are instances where no agreements or periodic short-term agreements are in place, affording little to no protection for residents' interests and long-term security. It is important to reach the right balance with these tenancy agreements in residential parks by protecting both the rights and interests of park owners to have a competitive business and develop the park where necessary and make a profit, as well as the residents' rights to have long-term security for their accommodation plans.

Currently, within the existing act, a fixed-term residential site agreement can be terminated at the end of an agreement with only 28 days' notice. However, the bill proposes that residential site agreements for a fixed term will no longer be able to be terminated at the end of the agreement for those agreements of more than five years or, in fact, if the resident has been a resident of the park for more than five years. The existing act also fails to provide residents with protections from periodic tenancy agreements, which begin at the end of a fixed-term agreement if a new fixed-term agreement is not entered into.

These current periodic tenancy agreements can be terminated on a 'no specific grounds' basis with 90 days' notice. The bill proposes that long-term residents' agreements of more than five years can be terminated only under statutory grounds and must be reviewed and reissued on the same terms and conditions or new negotiated conditions agreed by both parties. The statutory grounds for termination of agreements include a breach of the park rules, which would form part of all the site agreements, or if the park closes or intends to be redeveloped.

Park owners also have to give 90 days' notice, prior to the expiry of the site agreement, of any changes to the terms of the agreement. This provides for the residential security of long-term tenants, but does ensure that there is a mechanism for negotiations to be held to reach an agreement that both parties will benefit from. The bill proposes to introduce a waiver to this section if the resident and owner agree.

Under the existing act, if the residential park is sold, the new owner may terminate a residential park site agreement without specifying a ground for termination. Similarly, if a mortgagee takes possession of the residential park, the agreements terminate. The new bill proposes in these circumstances that the new owner or mortgagee takes on the obligations of the previous park owner in regard to site agreements.

Importantly, there is an obligation to disclose information in the establishment of residential park agreements. This includes requiring an agreement to be in writing and providing a signed copy of that agreement and the written park rules to the resident, with penalties applying for failing to do so. Additionally, the bill introduces a 14-day cooling-off period to ensure that prospective residents have sufficient time to properly consider an agreement and obtain legal advice to really understand the implications and security of tenure of that agreement and therefore the price they are paying.

There will be mandated residents committees for parks with more than 20 long-term residents and obligations on the park owner to facilitate meetings and respond to issues raised. This will serve as a forum for owners and residents to resolve issues or disputes in a consistent manner and to understand upcoming issues, therefore improving the understanding of each other's rights and obligations. Consumer and Business Services will advise and provide conciliation services. They have undertaken to update material for both parties and for it to be made available on their Consumer and Business Services website, including providing best practice park agreements, a direct mailout to residents and hosting several stakeholder forums.

The bill also provides for improved safety measures, including mandating a safety evacuation plan, copies of which are to be provided to residents and reviewed annually, because in some residential parks caravans are in close proximity to gas bottles at the next site. Should a fire break out, for example, it could quickly take hold and destroy or damage caravans quickly leading to loss of life.

A similar bill to this one was introduced to parliament by the previous government in September 2017. The bill before us today improves on the 2017 version by providing more clarity around termination of agreements for redevelopment, providing increased disclosure for any new resident and making several minor administrative amendments. The proposed bill has been

developed in consultation with key stakeholders, including SARPRA, SA Parks, state government agencies and park residents.

In her second reaching explanation, the Attorney-General mentioned recent cases that highlighted the need for clarity around the rights and obligations of owners and residents, including Brighton Caravan Park. In relation to Brighton Caravan Park, I was deputy mayor at the time and saw firsthand the sensitivities around residential parks and site agreements in action. The Holdfast Bay council owned the prime land at Kingston Park that fronted directly onto the beach and had as its backdrop the picturesque Kingston Park cliff face.

The caravan park was leased to, managed and operated by a third party and a portion of the caravan park was made available to renters on annual fixed-term residential park site agreements. For years prior to the actual redevelopment, the park had minimal improvements and was in need of redevelopment. To that end, plans were put out for discussion with the community and it was known that at some point the caravan park would be redeveloped.

In addition, the entire area was part of a wider strategic plan to improve Kingston Park for the benefit of the wider community. A master plan was developed that consisted of seven stages. One of the stages was the upgrading of the caravan park. In addition, the plan included the extension of the coast park from the Seacliff Surf Life Saving Club to Burnham Road. Another stage returned and revegetated the Kingston Park cliff face to the indigenous plantings of pre-European settlement, making it the first cliff face in metropolitan Adelaide to be returned to pre-European plantings.

To promote this, the walking paths through the cliff face were upgraded and re-fencing was undertaken. The nearby Tjilbruke Spring is a very important cultural site, and the stairs leading to the Tjilbruke monument were upgraded, as were parts of the coastal foreshore surrounding Tjilbruke Spring. There are also plans for further indigenous work around there, in consultation with the local Indigenous community.

The caravan park itself was suffering from declining revenues, dropping to $550,000 per annum. The Holdfast Bay council was looking to make use of the fantastic location and develop the entire caravan park and surrounding area as a premier seaside holiday destination and fully realise its role as a community asset, which in turn would revitalise the area, provide many benefits for the broader community and boost the local economy.

To that end, in January 2013 the council made a decision to upgrade the caravan park and initially gave the renters notice that the agreements would not be renewed after 30 June 2013 to facilitate the redevelopment. As previously stated, the council had been discussing the redevelopment for a number of years prior to the decision being taken. Following that announcement, the council sought to communicate with the people who were renting sites under annual agreements at the park, and to support and assist them with their relocation and find new accommodation, as they were understandably disappointed. Housing SA and other agencies also worked with them.

Some people accepted this assistance and some did not. Subsequently, the council agreed to give them further time to relocate, extending the time for them to relocate to November 2013. The council also offered generous financial assistance of $8,000 to assist people to either relocate their caravans or find alternative accommodation. Ten people took advantage of this assistance. Unfortunately, the then federal senator Nick Xenophon had by this time inserted himself into the matter, without any knowledge of council's overall strategic plan and the benefits it would have for the broader community.

Even knowing that Holdfast Bay council owned the land and had acted fairly and appropriately in trying to redevelop the caravan park, stunts were held comparing the situation to the movie *The Castle* to try to make council reverse its decision. The council, as the landowner, rightly did not relent. Rather than take the compensation package, some of the renters were advised to pursue court action, which the council sought to avoid but which unfortunately occurred in November 2013. In December of that year, the judge granted an injunction until the case could be heard in full at a later date.

A condition of this injunction was that the 16 plaintiffs gave undertakings as to damages to the court to protect the council from any damage it might suffer as a result of the injunction in the event the court ultimately found that the injunction was unnecessary. The trial commenced on 7 April

2014. It is worth noting that Nick Xenophon withdrew from representing the plaintiffs and the case was soon exposed as without basis.

Renter after renter was exposed as having been aware that they were in fixed-term rental agreements. Most admitted in court that they did not hold the assumptions alleged in their claim. After hearing from nine of the renters, they were forced to settle. Had they not settled, they would have been liable for the council's significant legal costs. As part of the settlement, judgement was entered in Holdfast Bay council's favour and the 16 people agreed to abide by the termination notices they had lawfully received to vacate the park by 30 June 2014.

The council provided an additional month free of rental charges for people to move to new accommodation. Tellingly, all renters lawfully complied and vacated by the due date. The appellants received no monetary compensation, no legal costs, and did not receive the rental assistance package paid to other renters who did not pursue legal action. This shows that there was no legal merit to the case. The council did not seek legal costs from the 16 plaintiffs; rather, each party bore their own costs. Holdfast Bay's legal costs were met by the local government's mutual liability scheme. As such, the council's costs were met by the insurers and not by the ratepayers of Holdfast Bay.

Since this time, the caravan park has had a $3 million upgrade, including where the renters previously resided, and the entire park is available to the broad community and tourists. The income from the park has increased to $850,000, which helps to keep down the rates burden for all Holdfast Bay ratepayers year on year. The income is projected to continue to increase, as well as additionally boost the local economy because of an increase in visitation to the area. Income-producing assets such as this are a mechanisms which allow councils to be able to continue to provide services is a cost-effective manner.

The council is also looking to commit a further $1 million for an upgrade of the coast park to create further benefit for the broad community. Nick Xenophon, without knowledge of council's overall strategic plan, sought to identify an issue for political means and create a stunt around it at the expense of the broader Holdfast Bay community when it was proven there was no legal basis. He then walked away once he had extracted political mileage and then lost the rental assistance package for all those who went to court on his advice.

The good people of Kingston Park and Seacliff—who are in the electorate of Black; Brighton and Hove in Gibson; Somerton Park, Glenelg South, Glenelg and Glenelg East in Morphett; and Glenelg North in Colton—remember this all too well. I say on their behalf that they wanted substance over stunts in 2014 and they still want it in 2018. That is exactly what they voted for in March of this year, and it is what they will get with Liberal government members along the coast in Colton, Black, Morphett and Gibson, and more generally throughout the state. This bill is about substance and it strikes a fair balance between protecting the rights of resident and the interests of park owners to support the growth of their parks.

The Hon. A. PICCOLO (Light) (12:32): I will make a few comments on this bill and indicate the Labor Party's support. I do so because approximately 450 to 500 people live in Hillier Park, which is a major residential park in my area. I have a couple of other smaller parks in my area that would also be impacted by this bill. Firstly, I would like to thank the staff from Consumer and Business Services who, as I recall, came out last year to talk to residents about the former draft bill proposed by the then Labor government.

The issues the residents raised with me at the time are still important to them today. These include the security of tenure, which is addressed in this bill; the disclosure of information prior to purchase, as it is very important that people actually understand what they are buying; the safety of the parks; and payment of compensation when a resident exits the park. The residents were keen to know about what happens upon exiting the park, particularly in the case of an unplanned exit—for example, when a resident passes away.

The residents raised a few other issues with me as well. Some of these issues do not need to be addressed by this bill, but I think it is still important to mention them. For instance, residents are concerned about the structure of ongoing fees, and how fees are regulated, in order to ensure they are maintained at a reasonable level. Another more recent issue is the provision of energy and power

to individual zones. I think the member for Taylor touched upon that. Hillier Park has grown over the years.

The older part has one meter for around 80 units, so those residents buy their power through the park and do not have a choice of retailer. As such, they often do not get the benefits or opportunities of independent consumers. We are seeking to address that, and we are working closely now with SA Power Networks. I hope to have a discussion with the Minister for Energy and Mining to see whether we can use the virtual power plant concept to assist those residents, which would be a good way to reduce power costs for those residents in parks.

We have to remember that, in the main, people who come to residential parks are generally on the age pension or some sort of pension. They are generally people who have less wealth. They pick the parks because they provide security, which is important in terms of personal safety, and they also provide a sense of community. I do quite a bit of work with the park committee and residents to ensure that their wellbeing is maintained. I should also mention that I have an excellent working relationship with the park managers and park owners. Martin Banham does a really good job in what can be a difficult market as, on the one hand, parks need to get a reasonable return on their investment but, on the other hand, you need to make sure you protect the rights of tenants on that site.

In March 2016, the previous government released a discussion paper in regard to this and progressed the bill through parliament in September last year. It then elapsed when parliament prorogued. On my understanding, about 2,600 residents across the state were impacted by the proposal. As I understand it, stakeholders consulted included the South Australian Residential Parks Residents Association, SA Parks, state government agencies—particularly Consumer and Business Services—and residents themselves.

Comparing this bill with the one proposed by the previous Labor government, there are some differences at clause 7, and parts of clause 12, clause 13, parts of 18 and parts of 25, and there are new sections that did not appear in the Labor proposal or in the amendments filed in the Legislative Council. We will work through those changes. We will certainly analyse them during the committee stage to make sure that they do not dilute in any way—and I am not suggesting they do—those protections we seek to provide to residents in those parks. I am sure that my colleague the member for Ramsay will address those issues during the committee stage.

The bill improves things, and we clearly want to support that. One thing we also need to mention, though—and it is something I had cause to reflect on when we were in government—is that we often forget this group of residents in a whole range of other programs. For example, we have a number of programs to deal with people downsizing, etc., and there are a whole range of programs across government, but we seem to forget this group. This group is probably one of the more vulnerable age groups in our community because, generally speaking, they have less personal financial wealth and also need some support. With those few comments, I indicate my support for the bill, subject to any changes we may wish to make during the committee stage.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:38): I thank all members for their contribution to the debate in considering the Residential Parks (Miscellaneous) Amendment Bill 2018. Particularly, as the contributions have identified some areas of concern, I will traverse a number of these in the contribution I am about to make.

Whether those matters raised reflect a mistaken understanding of what is before the parliament, and what has been before the parliament previously, or whether there is some mischievous intent, I do not know. But I will try as best I can to deal with a number of them. The legislation is important. It is essentially to amend 2007 statutory law that was established to protect the interests and define the entitlements of both the occupiers and owners of property in this form of accommodation.

Residential parks, put simply—and this has been much more eruditely identified in previous contributions, especially by the member for Morphett, who was the former mayor of Holdfast Bay, and what a spectacular mayor he was—relate to people who live in their own dwelling on someone else's land. They are quite distinctive as a type of accommodation arrangement. They are probably best described as an affordable option of housing arrangement, particularly more accessible because

generally they are cheaper than a number of others for those who are in limited financial circumstances.

However, if one looks at where the residential parks are around South Australia, they enjoy an opportunity to reside often in lovely rural and/or coastal locations, which means they have an amenity of looking at scenery which is often idyllic and which in itself, I am sure, has a therapeutic value if nothing else. This is where, I suppose, it is a type of accommodation which, because of this combination, attracts some interesting dynamics; that is, the dwelling itself may be seen as relatively basic, some might even argue substandard, but in a circumstance where it is utilitarian and where the caravan or transportable is the more common example of the type of dwelling that is on these parks.

In the contributions in debate, we heard that they can go across to a three-bedroom brick home, as applies in some of the facilities explained by the member for Finniss in his electorate, and have the look and feel more of retirement village rather than a residential park. So the observation of these arrangements, together with how they apply and what agreements and licensing or permit arrangements sit behind them, is quite diverse. However, I think it is fair to say that on balance they are modest accommodation in great locations for an affordable price.

As I say, the complication comes with these because sometimes the transfer of ownership of the entitlement enjoyed by the owner at any one time to a new owner may in fact reflect a higher value than one might expect for the value of the dwelling itself; that is, the caravan might, if sold on its own, attract a value of $2,000 but, because it is already in situ in a residential park, in a desirable location, the price that is paid for that in consideration of the transfer of the interest in the residential park to a new owner maybe we would see as inflated relative to the value of the dwelling that one would otherwise receive.

This is where it starts to unravel when we start to look at some of the recommendations put by the member for Taylor, for example, who wants us to add in 'market value' to the bill. Anyway, let's just go to the bill itself.

The residential park laws that are being changed largely are as follows, and there are only a few of them, so I want to recount them for when we look at how they were to be amended under the previous bill. Firstly, under the current law, we have residential site agreements for a fixed term that can be terminated at the end of an agreement with only 28 days' notice. These new reforms will ensure that residential site agreements for a fixed term will no longer be able to be terminated at the end of the agreement, if those agreements had been for more than five years or if the resident had been a resident of the park for more than five years. That is a major change in relation to security of occupancy.

Under the current law, at the end of a fixed-term agreement, residents are placed on a periodic tenancy agreement which can be terminated on no specific grounds with 90 days' notice. To some degree, it is a little bit like residential tenancy arrangements for tenants otherwise under different forms. This new reform proposes that for residents of more than five years, agreements will only be able to be terminated under statutory grounds and must be reviewed and reissued on the same terms and conditions, or new agreed conditions if they seek to, with a further review date.

If the owner proposes to change the terms of agreement, 90 days' notice will be required prior to the expiry of the agreement. Penalties are proposed to ensure the agreements comply with the act. It is proposed under this bill to expand the available statutory grounds for termination of agreements to include a breach of the park rules, which would form part of all site agreements, or if the park closes or intends to be redeveloped.

If the park owner intends to redevelop a site, it is proposed that homes may be relocated to another site in the park or in a park owned by the same owner, if the resident agrees. The park owner may also offer to buy a home for an agreed price. If the resident and owner are not able to reach an agreement, the resident or owner may apply to the tribunal for resolution of the dispute. Of course, the bill proposes to introduce a waiver to this section if the resident and owner agree. So this is a major area of reform, providing for a substantial rewrite in favour of the security of the tenant.

Thirdly, under the current law, if the residential park is sold the new owner may terminate a residential park site agreement without specifying a ground of termination. Under this new law, it will no longer be a ground for termination if a residential park is sold or otherwise transferred to new owners. Similarly, agreements are terminated under current law, if the mortgagee takes possession of the residential park. Under the new law, the mortgagee takes on the obligations as if they were the park owner. Again, I think they are two very important initiatives in favour of the tenancy.

Following the death of a resident, the agreement is assigned with the park owner's consent under current law. Under the new law, it is proposed that if the dwelling is to be sold by the estate the park owners will be given the first option to purchase the dwelling for an agreed amount. The estate does not have to accept the offer. Next, under current law, prospective residents are given a Form J and a copy of any park rules, if in writing, and this may only happen at the time of signing the agreement. The new strict obligations that are going to be under this new law require a detailed disclosure statement and site condition report in the form approved by the commissioner together with the new education publications to be given to all prospective residents before signing a new agreement or taking over an existing agreement.

Again, this is very much modelled on the consumer protection laws that were established way back under the Residential Tenancies Act, which has had a number of iterations since which require absolute full disclosure—identification of what is there, what is damaged, what is not, who owns what—and a very clear notice in that regard. At present, there is no cooling-off period. The new law provides for a 14-day cooling-off period, proposed to ensure prospective residents are not pressured and can seek advice.

Currently, there is no requirement for park rules to be in writing or residents to be notified of any changes when they are amended. Under the new regime, if there are any park rules in place, they need to be in writing, they have to form part of the agreement and residents will be advised of any changes to the park rules. Two other important initiatives are that at present there is no requirement for a written plan regarding the safety evacuation of the park under the act, as has been pointed out by a number of the contributors to this debate. That produces major problems, especially if someone is frail or aged, in the event of an evacuation or other emergency. The provision in this bill is to introduce measures to ensure a safety evacuation is in place and reviewed once a year.

At present, residents committees may be formed under the current provision. Under the new rules, there will be amendments to mandate residents committees in all parks where there are more than 20 long-term residents, and it is proposed that any matter raised through a committee and brought to the attention of the owner will need to be considered and responded to by the owner in writing within one month. There are penalties that apply to all these, and I urge members to view them.

Let's quickly consider what happened with this bill, and why I am a little puzzled about why some of these issues have been raised late by members of the opposition. First, this bill combines the previous 2017 bill that the former Labor government introduced to the parliament last year, which did not pass the upper house before the conclusion of the parliament and caretaker mode commenced. Amendments to that bill, which are in this bill, consistent with the then Liberal opposition's position and which have been added back in, do four things:

1. They redraft section 70A to make the provision clearer to understand regarding options to be offered by the owner and the right of either party to make an application to SACAT if agreement cannot be reached.

2. They insert section 14(1b) to allow for an exemption from providing a resident with the disclosure documents within the 14-day cooling-off period if the agreement is for a short term and, due to unforeseen circumstances, a resident may need to move in immediately.

3. They insert section 17B(3a), that a party to an agreement subject to review does not withhold consent to a variation in terms unreasonably, and if one of the parties thinks consent has been unreasonably withheld they may make application for an order from SACAT.

4. They make some other minor administrative changes.

Even then, since the change of government and the further consultation with park owners and residents in respect of the current bill, there are three more amendments. One is for a provision of sections 17B(8) and (9), which allows a resident who would prefer to have or remain on a periodical agreement to later change their mind and enter into a fixed-term agreement. A waiver in accordance with section 17B(7) will also no longer apply to an agreement assigned to a new resident.

Secondly, new sections 48(12) to (15) have been inserted to ensure that a prospective purchaser of a dwelling is advised to contact the park owner to request the disclosure information. Thirdly, section 70A(4) has been inserted regarding terminating an agreement for redevelopment to ensure that a resident does not unreasonably refuse an offer made by the park owner.

This is a bill that had its birth and gestation in the era of the Labor administration. There are changes in it that reflect what the then opposition proposed to support if the then government had progressed this bill with any diligence at the time. They did not; for whatever reason they saw fit, this was not important enough and they let it lapse. Bear in mind the last day of the 2017 legislative agenda, when we spent almost the entire day arguing about whether or not we had the fairness clause in relation to electoral boundaries. That was the priority of the then government.

This was legislation that we had largely agreed on, largely supported back in 2007, and the amendment of which we supported. We were happy to move it on, but the former government did not. That is why I find it a bit—

The Hon. Z.L. BETTISON: Point of order: how is this relevant to the bill at hand?

The DEPUTY SPEAKER: I bring the Attorney back to the bill.

The Hon. V.A. CHAPMAN: I am now responding to the submissions made. That is why I find it rather galling to find circumstances before us, presented again here today, that suggest that in some way there needs to be further protection or that it is a situation where people are left vulnerable because of our not progressing this bill.

We have not only progressed the bill but have done everything responsible that the previous government failed to do. To give the best example of that, I found it laughable when I read the member for Kaurna's comments in the local paper just before the state election in relation to a local residential park in his electorate, the Moana caravan park, where the permanent residents were worried about their continued occupancy entitlement immediately prior to the election.

The situation is that it is a residential park, obviously it is a caravan park as well, in the member for Kaurna's electorate, but there were residents who had been residents for some time and who were going to be offered a two-year continuation of tenancy agreement to enable them to continue to occupy. According to media reports, they apparently went off to the member for Kaurna to get some advice about this because they were worried about their long-term occupancy. Some of them had been there for many years. Quite reasonably, they go to their local member.

He does not say, 'I am terribly sorry. We didn't give this much priority when we were in government. We sort of let it lapse. I sat in the cabinet and this was such a big deal and so important to you that we do it.' No. According to the local paper at the time, he talks to them about the council's agenda and what they might be doing and makes the point:

> We've been in the process of introducing new legislation of these parks to provide greater rights for residents so when their contracts come to an end, there will be automatic renewal of their contracts.

This is what he told the people in his electorate via the media in March 2018, minutes before the election. This is after they have dumped it the year before. How obscene. That is not what he had done. He had sat in a government that had sat on its hands that did bugger-all for these people and failed to give them the protection—

Mr PICTON: Point of order: reflecting on a member. We have heard some diatribe from the Attorney-General in terms of this. The previous government did pass this through this chamber and was trying to progress it through the other place. My comments were absolutely accurate. I ask her to withdraw her comments and get on with debating the bill.

The DEPUTY SPEAKER: The point of order is?

Mr PICTON: Reflecting on a member.

The DEPUTY SPEAKER: I do not know that it was too seriously, honestly, member for Kaurna. Have you taken offence at what the Attorney said?

Mr PICTON: Yes.

The DEPUTY SPEAKER: What did the Attorney say?

The Hon. V.A. CHAPMAN: I was quoting what was reported in the local paper as to what Mr Picton said. If he wants to give a personal explanation to say that he was misquoted in some way, he is welcome to.

Mr Picton: Wait for the Speaker to make his ruling.

The Hon. V.A. CHAPMAN: He asked me a question. Did you not hear that bit?

The DEPUTY SPEAKER: What I might suggest is that in the interests of this debate—it is two minutes to one—the Attorney, for the sake of the decorum of the house, withdraw her comment and continue until 1 o'clock and then adjourn the debate. Please, Attorney.

The Hon. V.A. CHAPMAN: I am not sure what I am actually withdrawing. I read the quote out, 'We've been in the process—

The DEPUTY SPEAKER: The point of order was a personal reflection on the member.

The Hon. V.A. CHAPMAN: I am happy to withdraw that—

The DEPUTY SPEAKER: Thank you, Attorney.

The Hon. V.A. CHAPMAN: —because it gets better. The member presents publicly and to his electorate as though in some way he is progressing the support for these people. If his government had progressed this through the parliament, this would have been law and these people in March 2018 would have been protected.

The Hon. Z.L. BETTISON: Point of order: my concern is relevance, given that this bill in its previous form did pass this house. I think the comments are inaccurate.

Mr Picton: I voted for the legislation.

The DEPUTY SPEAKER: Member for Kaurna, order! Attorney, I will just deal with this point of order. Member for Ramsay, what is your point of order?

The Hon. Z.L. BETTISON: It is relevance to the debate. I would like the Attorney to wrap up.

The DEPUTY SPEAKER: I do not accept that point of order. The Attorney-General's contribution is relevant.

The Hon. V.A. CHAPMAN: And, for the benefit of the member, remember that the parliament does comprise two houses of parliament and legislation also requires the approval of Executive Council. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Petitions

SERVICE SA MODBURY

Ms BEDFORD (Florey): Presented a petition signed by 202 residents of South Australia requesting the house to urge the government not to proceed with the proposed closure of the Service SA Modbury Branch announced as a cost-saving measure in the 2018-19 state budget.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Deputy Premier (Hon. V.A. Chapman) on behalf of the Premier (Hon. S.S. Marshall)—

Construction Industry Long Service Board—Actuarial Report 30 June 2018
Construction Industry Long Service Leave Board—Annual Report 2017-18
Multicultural and Ethnic Affairs Commission, South Australian—Annual Report 2017-18
Parliamentary Superannuation Board, South Australian—Annual Report 2017-18
SuperSA—Annual Report 2017-18

By the Deputy Premier (Hon. V.A. Chapman)—

Principal Community Visitor—Disability Services Annual Report 2017-18
Training Centre Visitor—Annual Report 2017-18

By the Minister for Energy and Mining (Hon. D.C. van Holst Pellekaan)—

Health and Community Services Complaints Commissioner—Annual Report 2017-18
Health and Wellbeing, Department for—Annual Report 2017-18
Principal Community Visitor—South Australian Community Visitor Scheme Annual Report 2017-18

By the Minister for Transport, Infrastructure and Local Government (Hon. S.K. Knoll)—

Planning, Transport and Infrastructure, Department of—Annual Report 2017-18

By the Minister for Planning (Hon. S.K. Knoll)—

Commissioner for Kangaroo Island, Office of the—Annual Report 2017-18
Development Act 1993, Administration of the—Annual Report 2017-18
State Planning Commission—Annual Report 2017-18

Ministerial Statement

NATIONAL DROUGHT SUMMIT

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. T.J. WHETSTONE: Tomorrow, the Deputy Premier, in her capacity as the first minister, and I, in my capacity as Minister for Primary Industries and Regional Development, will represent the people of South Australia by attending the National Drought Summit, which has been convened by the Prime Minister. The Drought Summit will be held at Old Parliament House in Canberra and bring together representatives from governments from all levels, the farming and agribusiness sector, banking, finance services, community, charitable organisations and other relative experts.

The purpose of the Drought Summit is to discuss the drought response to date across Australia, to discuss the challenges ahead and seek to agree on ways to further coordinate efforts into the future. The South Australian government congratulates the Prime Minister on this initiative. In a nation that is highly urbanised with a population heavily concentrated in capital cities located on our coastlines, it is vital to recognise the reality that our primary industries continue to underpin the economy. It is therefore important to recognise that there are large parts of the land suitable for agricultural production that are in drought, and that is a very serious issue for the nation.

In South Australia, the agriculture, food, wine, and forestry industries generate $22.5 billion in revenue and in 2017-18 accounted for 52 per cent of the state's merchandise exports. In the 2017-18 year, our overseas goods exports were dominated by agriculture. Field crops, including grain, hay, feed and seeds, were our most valuable merchandise exports, at $2.38 billion; followed by wine, valued at $1.85 billion; and livestock products, at $1.38 billion.

Areas of South Australia are experiencing drought conditions, and forecasts indicate that the state will continue to receive below average rainfall during the remainder of this year's crop and pasture growing season. The areas considered to be drought affected include eastern and western Eyre Peninsula, Murray Mallee, Upper Yorke Peninsula, Mid North and northern pastoral areas. Despite some recent rainfall events, these areas have had minimal rainfall over the past two seasons, resulting in poor crop and pasture growth.

Despite their best efforts to manage the land and their stock, some farmers are experiencing low levels of pasture and stubble feed and also soil erosion in some areas. The South Australian crop estimate for the season has fallen to 4.9 million tonnes, which is well below the long-term average of 7.9 million tonnes. The implications of a smaller crop are that grain exports will be down and that the economy generated from those exports will be smaller. There will be less work for off-farm workers, contractors and businesses reliant on a large crop, less money circulating in our country towns in cropping districts and farmers' finances will be impacted.

A challenging aspect of drought is that it is impossible to tell when it will end. The Drought Summit will receive a presentation from the Bureau of Meteorology on projected seasonal conditions. While farmers are ever optimistic for a good autumn break, farmers, governments and communities need to plan for circumstances where the dry continues. South Australian farmers are incredibly resilient, and I have spoken with many of those farmers who have planned for a difficult year. They have managed their stock numbers, invested in water storage and fodder storage sheds and responded to the seasonal conditions that have turned unfavourable.

However, the effects of drought are not uniform and impact on different farmers in different ways, and that is why state, territory and commonwealth governments have agreed to pursue policies that encourage resilience to drought and unfavourable conditions. Governments have moved away from policies of 'lines on maps' drought declarations followed by assistance to policies where assistance is available to help farmers manage through temporary periods of hardship towards more resilient and financially robust businesses.

The South Australian government has partnered with the commonwealth to fund the Rural Financial Counselling Service, which is delivered by Rural Business Support. This service helps people who are very good farmers get a better handle on finances. Currently, Primary Industries and Regions South Australia, working with other industry and government organisations, is providing technical advice to farmers on livestock management and welfare and strategies to protect pastures and farming soils.

The government has also invested in eight Family and Business Support Mentors to help farmers obtain the assistance they need. While it is important to make assistance available to people enduring tough times, South Australian farmers have proven to be resilient and resourceful. Data released by the commonwealth indicates that, of an estimated 3,400 South Australian farmers eligible for the Farm Household Allowance, only 238 are currently taking advantage of that scheme, and many of the remaining farmers will be implementing their own strategies to work through the drought.

South Australian farmers have been impacted by decisions in other jurisdictions to offer transport subsidies that have distorted the fodder market. The South Australian government believes that there should be a consistent approach to drought assistance nationally and that drought-affected councils in South Australia should be able to access the Drought Communities Program. The government will continue to stand alongside South Australian farmers during these tough times.

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Mr CREGAN (Kavel) (14:09): I bring up the seventh report of the committee, entitled 'Bolivar dissolved air flotation and filtration plant controls upgrade project'.

Report received and ordered to be published.

Question Time

FEMALE FACILITIES PROGRAM

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:10): My question is to the Minister for Recreation, Sport and Racing. Did the minister or anyone from his office ask the SANFL to direct its clubs not to attend yesterday's protest on the axing of the dedicated fund for female facilities?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:10): I thank the member for the question and note that she is referring to an email that was talked about in the newspaper today. I have not seen the email, but I have not requested the SANFL to do anything of the sort. The SANFL, an independent body, make their own decisions and, as far as I am aware, none of my staff have made any requests either.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is called to order.

Members interjecting:

The SPEAKER: Minister for Industry, I will not shut up. The acting leader.

FEMALE FACILITIES PROGRAM

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:10): My question is to the Minister for Recreation, Sport and Racing. Did the minister or anyone in his office see the email from the SANFL, directing clubs not to attend yesterday's protest, before it was sent to clubs?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:11): Thank you very much, and I did just answer that question. I said, no, I haven't seen the email and, as far as I am aware, none of my staff have seen the email—

Members interjecting:

The Hon. C.L. WINGARD: —so I don't know what is actually even in the email. So the answer is no.

The SPEAKER: I call to order the member for Lee, the member for Badcoe and the Minister for Primary Industries.

Members interjecting:

The SPEAKER: The member for Lee has been called to order. I am attempting to give the acting leader the call. She has the call.

FEMALE FACILITIES PROGRAM

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:11): My question is to the Minister for Recreation, Sport and Racing. Prior to yesterday's protest, did the minister or anyone from his office discuss with the SANFL directing clubs not to attend yesterday's protest?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:11): Thank you very much. I think that is the same question, so I will give the same answer: no.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: No, I did not contact the SANFL. I know you are referring to the email that is allegedly around. I have not seen the email. I did not ask the SANFL to send an email. I very much believe in free speech and encourage everyone to do the same. As far as I am aware, no-one in my staff has seen the email or instructed the SANFL on any email.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:12): My question is to the Minister for Recreation, Sport and Racing. When did the minister or his office first become aware that the SANFL would be emailing clubs, directing them not to attend yesterday's protest?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:12): Yet again a similar question, different line—a very, very similar question. I first became aware of that, as did my office staff, from having conversations with them today when the newspaper story appeared. I think it might have been online last night.

ANTI-TERRORISM LEGISLATION

Mr COWDREY (Colton) (14:12): My question is to the Acting Premier. Can the Acting Premier inform the house on recent legislation that parliament has passed to help keep South Australians safe?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:13): I thank the member for Colton for his question and his considerable interest in this matter, and I acknowledge the work of the parliament in passing this very important anti-terror legislation this week. It is significant, of course, because it will give South Australian police the confidence to use whatever force they deem necessary in a terrorist incident.

I think most members in this house could remember nearly 25 years ago, when we had the shameful bombing in the city of Adelaide. Detective Geoffrey Bowen was a victim, when he died in relation to that bombing, and a lawyer was seriously injured. That's probably the most significant terrorist act that we have had in recent decades in South Australia, here in Adelaide. It's not entirely new—throughout history it has occurred—but it has been rare in Australia and even rarer here. We have to be alert and ready for the fact that this may again come to our state.

Under the laws, the Commissioner of Police will now have the power to declare an incident a terrorist incident when satisfied that such incident is likely to be a terrorist attack that requires a planned and coordinated police action. I am sure that everyone in this house agrees, and we hope that the police will never need to use these powers; however, they will ensure that police officers have the confidence to do their job and protect the public should the unthinkable occur.

These laws reflect changes introduced in New South Wales following concerns raised by that state's Coroner that, in particular, police officers were reluctant to use lethal force during the Lindt cafe siege because they couldn't reasonably determine that the risk of death or serious injury to hostages was imminent. This will address this situation. It removes the ambiguity for police in a terrorist incident and will ensure that any police officers who need to use force in that terrorist incident will be protected from criminal liability unless the action was in breach of an order from the officer in charge.

These anti-terror laws are in addition to a suite of measures by the new Liberal government that have been developed to protect South Australians. Last month, the government completed the installation of 125 bollards around the Adelaide Oval precinct, which will protect millions of South Australians who pass through the gates of the Adelaide Oval for football, cricket and entertainment events—some major ones, of course, we are about to host.

Beyond the CBD, I thank the member for Colton for his commitment in this area. He made a great commitment for his local area to seek and ultimately fund the installation of bollards at Henley Square—a safer area for a magnificent place of entertainment in that precinct. I would like to thank today all members of parliament across all political persuasions for their support on this legislation and this important reform, which will soon become law. The most important role for any government is to keep its citizens safe, and that is exactly what we are doing.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:16): My question is to the Minister for Recreation, Sport and Racing. Did the minister or his staff discuss with the SANFL CEO or president at any time the fact that the opposition was holding an event to protest the axing of the female facilities dedicated fund?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:17): I thank the member for the same question, so I will refer her to my previous answers.

Members interjecting:

The SPEAKER: Before I call the member for Reynell—

Members interjecting:

The SPEAKER: I am trying to give the member for Reynell the call, but her colleagues are interjecting, namely, the member for Kaurna, the member for Lee, the member for Badcoe, and I also call to order the Acting Premier. The member for Reynell.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:17): My question is to the Minister for Recreation, Sport and Racing. What message is being sent to female football players across the state when they are directed by the SANFL not to participate in a protest against the axing of a dedicated fund for female facilities?

The SPEAKER: Member for Reynell, that is a rhetorical question. I am going to give you one opportunity to amend the question or to find another question and, if not, I will move on to the other side. The member for Reynell has the call.

Ms HILDYARD: Thank you, Mr Speaker. My question is to the Minister for Recreation, Sport and Racing. What message is being sent to female football players across the state when they are directed by the SANFL not to participate in the event held yesterday?

Members interjecting:

Ms HILDYARD: It's not; it's a different question.

The SPEAKER: That is a rhetorical question.

Ms HILDYARD: I reframed it.

The SPEAKER: I am moving to the—

Members interjecting:

Ms HILDYARD: I just changed it.

The SPEAKER: Minister.

The Hon. J.A.W. GARDNER: I was going to make the point of order that we are not responsible for the SANFL.

The SPEAKER: That is also the case. I am moving to the member for King. I will come back to you, member for Reynell.

LOT FOURTEEN

Ms LUETHEN (King) (14:18): My question is to the Minister for Planning. Can the minister update the house on the contract awarded for the stage 2B demolition works at Lot Fourteen?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:19): I rise with great pleasure to answer this question from the member for King, and to really put to bed some of the slurs that were questioned in this house yesterday by members of the opposition in relation to the conduct of Renewal SA and, in doing so, make it very apparent that this is a government that is open and transparent—

Members interjecting:

The SPEAKER: Minister, please do not provoke the opposition.

The Hon. S.K. KNOLL: —and willing to give the information to the people of South Australia.

Members interjecting:

The SPEAKER: Minister, please do not provoke the opposition.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens!

The Hon. S.K. KNOLL: To that end, I would like to give some information to the house in relation to the stage 2B demolition works down at Lot Fourteen and to say this. The scale of the demolition program means that Renewal SA is determined to undertake the demolition work across four stages to release to the market over a two-year period.

Stage 1 commenced in November last year, and the fourth and final stage is due to be completed in mid-2021, comprising of the East, Cobalt and Hone wings. This is actually nearing completion in November this year. Stage 2B is the largest and most complex package of works for the project and was essentially tendered on the basis that it includes a demolition and remediation of the emergency outpatient and theatre block buildings, including surrounding lower level secondary link buildings.

In terms of the procurement process, Renewal SA advertised the Lot Fourteen stage 2B request for tender through an open public tender process on the SA Tenders and Contracts website on 10 May this year. Full-day, self-guided inspections were provided to all parties that asked for it, and the tender closed on 27 June 2018.

Essentially, the evaluation matrix used a pre-approved 25 per cent weighting for price for the overall assessment, with non-price criteria made up of 75 per cent of the evaluation criteria. This reflects the fact that this is a very complex project and that the methodology program, resourcing and safety in relation to these works were paramount in ensuring that we got a good outcome on a very important site here in South Australia.

The tender evaluation panel consisted of four experienced Renewal SA employees. The panel was also supported by third-party advisers. Engineering consultancy firm WSP provided technical review. Rider Levett Bucknall provided cost and technical review, as well as using BDO consulting as an external probity adviser. The probity adviser's report confirmed that there were no issues observed and essentially that the process was run with full probity being ticked off.

Yes, it is correct to say that McMahon Services were not the cheapest bidder, but price is not always the determining factor. McMahon Services did come in well under Renewal SA's own cost estimate, but—

Members interjecting:

The Hon. S.K. KNOLL: —that's what I'm saying—we also need to have regard to non-price factors. These include making sure that we have jobs for South Australians here in South Australia, making sure that we also pick a company that demonstrates a methodology that actually makes us think that they are going to be able to deliver the project on time and on budget.

Certainly this is a government that takes risk extremely responsibly and seriously. It's why Renewal SA has undertaken a process which the government fully agrees with around making sure that we tender for and contract a supplier who is going to deliver. The reason why this is important is that for 10 years this project sat dormant when members of the opposition did nothing, absolutely nothing, in getting this thing organised. What this government has done is make sure that we do everything we can to get Lot Fourteen moving as soon as possible, delivering it on time and on budget and making sure for all of those traders in the East End who have been suffering because of a lack of—

The SPEAKER: The minister's time has expired. I call to order the member for Mawson and the member for Kaurna as well as the member for Badcoe, who I warn for a first time. The member for Reynell has the call.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:23): My question is to the Minister for Recreation, Sport and Racing. Did the minister discuss yesterday's protest when he met with the SANFL CEO for their press conference yesterday?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:23): No.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:23): My question is to the Minister for Recreation, Sport and Racing. Has the minister asked the SANFL to issue an apology for directing clubs not to exercise—

Members interjecting:

The SPEAKER: The Minister for Education is called to order.

Members interjecting:

The SPEAKER: The member for Flinders is not interjecting, is he? He is called to order. Could I please hear the question again. Members on my right, please be quiet.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is warned.

Ms HILDYARD: My question is to the Minister for Recreation, Sport and Racing. Has the minister asked the SANFL to issue an apology for directing clubs not to exercise their democratic right to protest?

The Hon. D.C. van Holst Pellekaan: If they didn't want to come to your meeting, they didn't want to come to your meeting. It's as simple as that.

The SPEAKER: The Minister for Energy and Mining is called to order. Minister, do you have that question?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:24): Yes, thank you, Mr Speaker. I thank the member for her question and inform her that I am not responsible for the SANFL.

The SPEAKER: Member for Reynell.

Dr Close interjecting:

The SPEAKER: The acting leader is warned.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:24): Supplementary: why won't the minister ask the SANFL to issue an apology for directing clubs not to exercise their democratic right to attend a protest?

Members interjecting:

The SPEAKER: The member for Hammond is called to order. Minister.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:24): Again, I am not responsible for the SANFL.

LOT FOURTEEN

Mr TEAGUE (Heysen) (14:25): My question is to the Minister for Planning.

Dr Close interjecting:

The SPEAKER: Acting leader, please!

Mr TEAGUE: Can the minister inform the house on the leasing strategy for Lot Fourteen?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:25): I can, and again I thank the member for Heysen for this question so I can again make sure that the reputation of Renewal SA is kept intact in the face of awful slurs by members of the opposition.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens will not ask the minister where his CE is. Minister, please continue.

The Hon. S.K. KNOLL: The Lot Fourteen leasing strategy has been in place for some time; in fact, it was started under the former government. The inaugural tenant was announced in December last year, that being Australia's first Institute for Machine Learning. It will be established by the University of Adelaide in a former women's health centre on the corner of Frome Road and North Terrace. The institute will be home to creative thinkers, researchers and start-ups helping to deliver what is known as the Fourth Industrial Revolution.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens! For that comment relating to 10 years, you are on two warnings.

The Hon. S.K. KNOLL: Separately, what has happened is that there have been some governance arrangements that have been put in place to make sure that the procurement of tenants for Lot Fourteen is done according to structure and strategy, making sure that we have regard to the Office of the Chief Entrepreneur, making sure that they have input and making sure that we curate an appropriate mix of tenants for the start-up hub. This strategy is in place in accordance with Renewal's lease policy and new lease procedure, something that is now part of proper and standard practice.

The Lot Fourteen project team uses a two-phase assessment process to help guide the selection of the most appropriate tenants for the entrepreneurial ecosystem to be established. This tool determines the primary business activity of the proposed tenant in line with the creation and innovation neighbourhood's focus on sectors in defence and space, cyber security, food and wine, health and medical technology, artificial intelligence and robotics, creative industries, digital technology, as well as their role within the entrepreneurial ecosystem. Renewal SA has also appointed Colliers International as the leasing agent. That situation has been in place for some months already.

In terms of tenant selection, the appropriate Renewal SA officer must assess tenant applications against the tenant suitability and assessment tools and guidelines. Only prospective tenants who comply with the mandatory elements of the suitability assessment will be considered for available tenancies. There are also contract approval delegations that are in place that essentially provide for the normal and usual delegations that Renewal SA operate in when it comes to which level of the organisation or minister or cabinet needs to sign off on those contract situations.

The reason that I bring this information to the house is so that South Australians can take comfort from the fact that what is happening down at Lot Fourteen has a rigour and a structure around it. It has been designed with best practice principles in mind to make sure that we are getting the right businesses down on that site, the right businesses who want to grow, who want to innovate, who want to work together with other businesses to create an ecosystem and a culture here in South Australia where business says yes and where government helps business to say yes, where we can actually help to keep our young people here by providing them with an ecosystem and a hub that attracts them to stay in this state and to work for businesses who are providing meaningful, interesting and challenging work as we seek to build the economy of the 21st century.

I am sick and tired of members opposite trying to slur a good organisation, who use this chamber as a way to be able to try to create—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —and insinuate innuendo. We on this side of the chamber will continue to be a responsible, grown-up government and to provide open and transparent information to the people of South Australia.

The SPEAKER: The minister's time has expired.

Ms Cook interjecting:

The SPEAKER: The member for Hurtle Vale is called to order.

Ms Cook: Thank you, sir.

The SPEAKER: You're welcome. Member for Reynell.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:29): My question is to the Minister for Recreation, Sport and Racing. Is the minister aware of whether the SANFL will punish clubs, officials or players that attended yesterday's protest about the dedicated female facilities program?

The Hon. D.G. Pisoni: They're not the union movement.

The SPEAKER: The Minister for Industry is called to order.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:29): I thank the member for the question and reiterate the point that I do not control the SANFL. What I would like to say is that it is great to be partnering with the SANFL. I want to let those opposite know because I think they have missed the point here. I think they aren't quite aware of the growth in female participation in football. I would like to think that they are aware, but clearly they are not.

Members interjecting:

The SPEAKER: The acting leader and member for Kaurna are warned.

The Hon. C.L. WINGARD: Working with the key stakeholders of the sports, being the SANFL, the SACA and Netball SA, what we noticed was a real big growth in women's football. It may be missed on that side. They may be missing the message, but there is a big growth.

Members interjecting:

The Hon. C.L. WINGARD: I hear them protest, so I presume they realise that there is a big growth in women's football.

The Hon. A. KOUTSANTONIS: Point of order.

The SPEAKER: There is a point of order. Before I call the member for West Torrens, the member for Mawson is warned.

The Hon. A. KOUTSANTONIS: Relevance to the debate, sir. The question was very specific.

The SPEAKER: I have the question. That is a fair point of order but, in defence of the minister, there were some interjections during his answer.

An honourable member: Just from this side?

The SPEAKER: No, not just from that side—from both sides. I will allow the minister to come back to the substance of the question. I will be listening very carefully to his answer.

The Hon. C.L. WINGARD: The substance of the question was the SANFL. The SANFL are committed, because of the growth in women's football, to developing this program with us. So is the SACA because—again, they may not be aware on that side—women's cricket is growing as well and so is netball. That's why we have put this program in place. In fact, the SANFL and the SACA were so engaged with this project that they put a million dollars in as well.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: On this side of the house, we are very focused on delivering a growth in participation for athletes in our state.

Dr Close interjecting:

The SPEAKER: Acting leader!

The Hon. C.L. WINGARD: We want to grow community participation. We want more people playing sport, and we have identified that women's football and women's cricket are big growth areas for South Australia and so is netball. We are investing in that, and we are going to get good returns for South Australia. We are very happy to be rolling out this program and very proud to be delivering this program for the people of South Australia.

Dr Close interjecting:

The SPEAKER: The acting leader will not interject.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:32): My question is to the Minister for Recreation, Sport and Racing. When did the minister first become aware of yesterday's event on the steps of parliament about female change rooms?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:32): I would have to check my diary, but—

Ms Stinson interjecting:

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

The Hon. C.L. WINGARD: —it was a number of days, maybe a week or so ago. I would have to check. I can't remember when I actually saw it.

The Hon. S.C. Mullighan interjecting:

The SPEAKER: Member for Lee!

The Hon. C.L. WINGARD: I think it was on Facebook that it came to my attention. I would have to go back and check the exact date.

HOME BATTERY SCHEME

Mr MURRAY (Davenport) (14:32): My question—

Ms Hildyard: How are Happy Valley's change rooms going?

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

Mr MURRAY: They're going as well as Flagstaff Community Centre.

The Hon. C.L. Wingard interjecting:

The SPEAKER: The Minister for Sport is called to order.

Mr MURRAY: They have done very well from us—thanks for asking.

The SPEAKER: Member for Davenport!

Mr MURRAY: I do apologise, Mr Speaker. I got momentarily distracted.

The SPEAKER: Member for Davenport, just one moment. Continue.

Mr MURRAY: Thank you. My question is to the Minister for Energy and Mining. Can the minister please update the house on the partners who will help deliver the home battery program?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:33): Yes, I can. I appreciate very much from the member for Davenport that clear, articulate, direct and within standing orders question. While I'm on my feet, can I also thank the Minister for Recreation and Sport for the female change rooms he has recently funded at Booleroo in my electorate. To the question at hand: yes, I can.

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee is warned for a second and final time.

The Hon. D.C. VAN HOLST PELLEKAAN: Yes, I can share the partners. There are some I have already spoken about. Of course, 40,000 South Australian households will be very important partners for us in our Home Battery Scheme. I have already mentioned the Clean Energy Finance Corporation, a federal government organisation, which is partnering with us to provide $100 million of low-interest loans so that people not only can have a subsidy for a big chunk of the purchase price of the battery but also borrow money for the remainder of the purchase price of the battery plus solar panels if they would like to.

I have advised the house of Sonnen, a fantastic German company, which is starting a manufacturing hub here in South Australia. They embarked upon the negotiations to do that with the previous state government but drew a blank. Those negotiations went nowhere and they were about to withdraw, but we managed to save that and we are very glad to partner with them. But there is a partner I have not discussed in this chamber yet, which I am happy to share with the member for Davenport and others, and that is RateSetter, an organisation—a financial platform, essentially—

Mr Brown interjecting:

The SPEAKER: The member for Playford is warned.

The Hon. D.C. VAN HOLST PELLEKAAN: —which the Clean Energy Finance Corporation has partnered with in other projects. RateSetter is going to open a new office here in Adelaide. They are a very well-respected, well-known and productive organisation. Their involvement in this scheme has been sanctioned by Procurement SA, which of course is very important, and they will manage the applications for loans and the delivery of the subsidy.

We will make this process as easy as possible for South Australian households and also other important partners in the scheme, the providers of the batteries, the providers of the installation service. What will happen is that households will be able to get quotes. They will then be able to engage electronically, or on the phone if that suits them better, with RateSetter to be able to supply the quote, make sure that the quote comes from an organisation and installer which will supply the battery or a battery supplier which will also take responsibility for installation.

The household is engaging with an organisation which has met the important quality criteria which have been established here. They will enter their quote into the system. They can also apply for a loan online. They will be able to get an indicative response to their loan application online. If that response is positive, they will still have to provide proof of the information that they have supplied online to do with their creditworthiness, etc.

We will make this as easy as possible for households to participate in and RateSetter will be a very important partner for us, along with the other ones that I have mentioned, to make sure that this is a really positive program. We want South Australians to benefit from this program. We want it to be as easy as possible, we want suppliers to benefit, we want to get these batteries out so that these households and every other electricity consumer in the state can benefit. We also want to push down the price of these batteries over time so that this can be a program that lasts for decades and decades to come.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:37): My question is to the Minister for Recreation, Sport and Racing. Given the minister has now said he was aware of yesterday's event several days ago, has he at any point discussed that event with any SANFL representative?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:37): I am the Minister for Recreation, Sport and Racing; I am not the minister for fishing. That's handled by the Minister for Primary Industries—and this is clearly a fishing expedition. I have been asked that question a number of times—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —but the member has forgotten to rebait the hook, so I refer the member to my previous answers.

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

The SPEAKER: The Minister for Education is called to order.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:38): My question is to the Minister for Recreation, Sport and Racing. Is the minister aware of whether the SANFL will punish clubs, officials or players who support the campaign about the dedicated Female Facilities Program on social media?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:38): Again, to the member for Reynell: put a worm on the hook. If you're going to keep fishing, please give yourself a chance. I am not responsible for the SANFL.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:38): My question is to the Minister for Recreation, Sport and Racing. Has the minister sought assurances from the SANFL that no club, official or player will be punished for attending yesterday's event or sharing content on social media?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:39): I can't speak for the SANFL, but what I do say—

Mr Picton interjecting:

The SPEAKER: The member for Kaurna is warned.

The Hon. C.L. WINGARD: But what I do say to anyone who is excited about our programs, anyone who is involved in football, cricket and netball—

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: The member for Mawson is warned for a second and final time.

The Hon. C.L. WINGARD: —they are more than welcome to apply. We would love to work with them—

Dr Close interjecting:

The SPEAKER: The acting leader is warned.

The Hon. C.L. WINGARD: —and deliver more facilities for our local communities. Our focus is on growing participation in sport. We have an excellent program out there in collaboration with football, cricket and netball. We very much enjoy working with them, and we look forward to delivering for the community.

The SPEAKER: Point of order. I think the minister has finished his answer. He is finished his answer, member for West Torrens.

SKILLING SOUTH AUSTRALIA

Mr ELLIS (Narungga) (14:40): My question is to the Minister for Industry and Skills. Can the minister update the house on the response from industry and the training sector to the state government's Skilling South Australia initiative?

The Hon. D.G. PISONI (Unley—Minister for Industry and Skills) (14:40): I thank the member for his answer—for his question, rather, because he knows the answer because he has been told by industry time and time again. He knows what industry is saying. What industry is saying is, 'Finally, a government that gets it.' Finally, a government understands that industry needs the tools to grow here in South Australia, and what those tools are is a trained workforce, a workforce that has the skills that South Australia needs.

Remember what those opposite left over a five-year period: a drop-off in apprenticeships and trainees in South Australia of 66 per cent and a TAFE sector in disarray. We are fixing that. We are fixing the non-government provider sector here in South Australia and we are fixing TAFE here in South Australia because we need both to be at their fullest in order to deliver the skills that we need here in South Australia.

One of the first things I did as the minister was go out to regional South Australia because we know that fewer and fewer opportunities have been there for young people in South Australia's regions. We spoke to employers and we spoke to industry about what we can do as a government to encourage more apprentices and more trainees in the regions. One of the key issues is the significant cost to training in regional South Australia.

I was surprised to learn that for decades the overnight per diem that employers were compensated for when they needed to send an apprentice to Adelaide, because there wasn't a local off-the-job training provider, was $24 for overnight accommodation. I don't think you could get a place in a backpackers for that, so we have lifted that to $60.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Member for West Torrens, you can leave, sir, for half an hour under 137A for interjecting. You have been on two warnings for an extended period of time. You will leave for half an hour, please, under 137A. Minister, one moment.

The honourable member for West Torrens having withdrawn from the chamber:

The Hon. J.R. Rau interjecting:

The SPEAKER: The member for Enfield is indicating that he would like to join him—surely not. The minister has the call.

The Hon. D.G. PISONI: Thank you, Mr Speaker. Of course, we are not stopping there. That is a stopgap measure to ensure that employers have the ability to get their apprentices trained, but we are working with industry in regional South Australia so that we can have more of the off-the-job training done in regional South Australia and so that those living in the regions can work in the regions and learn in the regions.

It is important that we support our regions, and there are so many ways that we can do that. Providing the skills that our regional employers need, whether it be in tourism, whether it be in engineering—those key areas that are delivering jobs in regional South Australia—it is important that those businesses have the skills. We are spending $203 million over four years; that is around about $1 million per week of extra money into the South Australian budget to help employers remove barriers that are there for training and employees who may come across some barriers for training.

Let's not forget what a great deal an apprenticeship is: you are paid while you learn and no HECS debt. By the time you have finished your apprenticeship, you are earning salaries of $60,000, $80,000 to $100,000 a year. It is a terrific start to a career.

The Hon. S.K. Knoll interjecting:

The SPEAKER: Is the Minister for Transport okay?

The Hon. S.K. Knoll: I will be, sir.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:44): My question is to the Minister for Recreation, Sport and Racing. Has the minister or anyone in his office been in contact with Liberal Party president and SANFL president, John Olsen, since the email directing clubs not to attend yesterday's event became public?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:44): I thank the member for the question. No, I have not been in contact with the Liberal Party president and, as far as I am aware, no-one in my office has either. I think I heard on radio this morning that he is overseas.

MINISTER FOR RECREATION, SPORT AND RACING

Ms HILDYARD (Reynell) (14:44): My question is to the Minister for Recreation, Sport and Racing. How many times has the minister met with Liberal president and SANFL president, John Olsen, since becoming minister?

Ms Bedford interjecting:

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

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:45): The answer is not none, as the member for Florey calls out. I cannot give you a definitive answer. I have not got a running tally of how many times I have bumped into him over the time since becoming a minister. It has been eight months now, I think it is. I will have to take that on notice, and if I can go back through my diary and count up the times or actually even recollect how many times I have bumped into him, I will let the member know, if that's appropriate.

PRISON INFRASTRUCTURE

Mr CREGAN (Kavel) (14:45): My question is to the Minister for Police, Emergency Services and Correctional Services. Can the minister outline how the Marshall government is investing in infrastructure to improve the security of South Australian prisons?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:46): I thank the honourable member for a very good question. It is good to get one today—thank you very much. I appreciate his interest in the security of our prisons. The government is investing in prison infrastructure here in South Australia. Our public prisons were neglected for far too long under the previous government.

In fact, when I came into this job, I was speaking with the department and asked, 'How is our prison system tracking?' They said, 'We are going to have more prisoners than beds by 2020.' I said, 'What plan did the previous government have in place?' They said, 'Absolutely nothing.' They were just going to turn prisoners away and put up a no-vacancy sign, is all we can presume.

The Marshall government is committed to enhancing the security of our prison system and that's why we are delivering the Better Prisons program. The Marshall government is investing $149 million in the Yatala Labour Prison for the construction of 270 high-security beds. This project includes a new prison admission centre and a high-security visits facility. The additional infrastructure will support prison staff to deliver best practice high-security correctional services in a high-risk, complex prison cohort. Additionally, the Marshall government is investing $20 million to construct 40 new beds at the Adelaide Women's Prison. These are secure beds and will deliver much needed additional capacity—

The SPEAKER: There is a point of order, minister, one moment. Member for Elizabeth.

Mr ODENWALDER: Point of order: all this information is on the public record, as well—

The SPEAKER: Publicly available? Member for Elizabeth, if it is, could you please text or email it to me and I will have a look at it and I will ask the minister—

Members interjecting:

The SPEAKER: Members on my right, be quiet. Minister, could you please also add to any information that may be publicly available. If the member for Elizabeth has that information, please circulate it to me immediately.

The Hon. C.L. WINGARD: Certainly, Mr Speaker. I am sure Google boy on that side will get to work. These secure new beds will deliver much-needed additional capacity to accommodate projected growth in the number of female prisoners. Furthermore, the government's investment will strengthen security, preventing drugs and other contraband from entering the prisons through the construction of a new gatehouse and high-security visitor centre.

Additionally, the Marshall government is investing $9 million to upgrade the existing analog security systems at the Northfield site, including Yatala Labour Prison, Adelaide Women's Prison and the Adelaide Pre-Release Centre, to make them digital. Whilst the member for Elizabeth is having a look, he can have a look and see how long the analog system has been in place and how degraded it was under his government because it really, really did run down towards the end. In fact, as they were decommissioning other prisons' analog systems, they would have to salvage parts to put back into the Northfield site. I am sure he will find that online.

The security of our prisons is paramount and these infrastructure investments are complemented by the actions the government is taking to stamp out drugs in prisons, prohibiting motorcycle gangs and organised crime groups from visiting prisons and conducting a pilot program to jam contraband mobile phones to reduce the possibilities of prisoners being able to commit further crimes within the system, including the flow of drugs and other contraband. This government is committed to ensuring our prisons have the ability to meet further demand and operate safely.

I would also like to take this opportunity to congratulate Vanessa Swan, the Executive Director of Offender Development at the Department for Correctional Services, who has just been awarded two awards at the International Corrections and Prisons Association Conference in Montreal, Canada. Have you found that one? No. Vanessa was the proud recipient of the 2018 Management and Staff Training Award and the 2018 Community Corrections Award.

The awards are chosen from nominations across the globe and are determined by the board of the International Corrections and Prisons Association. A heartfelt congratulations to Vanessa and her team. We have some outstanding people in our corrections system and she is just one of them. To be recognised on that stage should be truly applauded, in particular, in this place.

HEAVY VEHICLE INSPECTION SCHEME

The Hon. G.G. BROCK (Frome) (14:50): My question is to the Minister for Infrastructure and Local Government. Can the minister please update the house on the current situation regarding the procurement and tender for stage 2 of the Heavy Vehicle Inspection Scheme?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:50): I thank the member for Frome for his question, noting very much his continued interest in this. I can say that we are still going through the tender phase to procure the head organisation that is going to run the HVIS but, as I have said previously and will continue to say, I want to make sure that this scheme is put in place at a time when we fully understand and can fully realise what capacity is needed within the regions to be able to provide this inspection service in a manner that is convenient for regional people.

Members on this side of the house have raised concerns with me—and I have heard them and understand them completely—that what we don't want to have through the introduction of stage 2 of the HVIS is a situation where farmers and contractors have to drive for hours and hours on end to get to an inspection service. That is why we are taking our time with this. It is why we are going to make sure that we don't punish regional South Australian businesses through an undue red-tape burden and why we are going to make sure that we get this in place because we need to from a safety perspective.

We know that heavy vehicles provide a much greater risk on our roads. It is certainly why we have supported stage 2 of the HVIS, but we want to make sure that it is done in such a way that local regional businesses can get access to inspections at a time and place that is convenient for them.

SPORTS FUNDING

Ms HILDYARD (Reynell) (14:51): My question is to the Minister for Recreation, Sport and Racing. When did the minister first inform Liberal Party president and SANFL president, John Olsen, of plans to hypothecate state government funding to football, cricket and netball?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:52): To my recollection, I did not have a conversation about that with the president of the SANFL.

SPORTS FUNDING

Ms HILDYARD (Reynell) (14:52): My question is to the Minister for Recreation, Sport and Racing. What role did Liberal Party president and SANFL president, John Olsen, and the SANFL have in the formulation of a plan or policy to hypothecate state government funding for football, cricket and netball that the government had recently announced?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:52): I thank the member for the question and refer to my last answer in the fact that, to my recollection, I do not remember speaking to the president of the SANFL about that, but I have outlined in detail the work we did with the SANFL, the SACA and Netball SA to deliver this wonderful program for South Australia in the lead-up to the budget.

FOOD WASTE

Mr PEDERICK (Hammond) (14:53): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on how the state government is fighting food waste in South Australia?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:53): I certainly can, and I thank the member for Hammond for his question. I know that he does not like to waste any food ever.

The SPEAKER: Definitely not.

The Hon. T.J. WHETSTONE: It is a very important question. He always leaves a clean plate. Last night, I officially launched the $133 million 10-year Fight Food Waste Cooperative Research Centre, which will be headquartered at the University of Adelaide's Waite Campus. More than 100 people were in attendance, ranging from key stakeholders who were instrumental in this coming to fruition, such as the CEO, Dr Steven Lapidge, and the independent chair, John Webster, to the businesses who are participating in this outstanding program.

The CRC is a game-changer in tackling the growing international problem of food waste. The successful bid for the 10-year research centre was led by the Department of Primary Industries and Regions SA, and funding was signed off by the state government under Premier Marshall. The Fight Food Waste CRC directly supports the federal government's National Food Waste Strategy, as well as its science and research priorities in food, advanced manufacturing and health. South Australia is already recognised as a leader in food and wine research, and the CRC will greatly enhance food waste research capabilities in the state, as well as our industry sustainability credentials.

It is estimated that by transforming waste into a resource and adopting circular economy principles, the Fight Food Waste CRC has the potential to create 25,000 jobs here in South Australia. The CRC involves approximately 60 industry participants and 10 research partners. Projects earmarked by the state government's primary industry researchers at SARDI, in collaboration with the CRC's participants, include developing innovative solutions, including cosmeceuticals from almond, grape and olive waste, functional food and—

Members interjecting:

The SPEAKER: Order!

The Hon. T.J. WHETSTONE: —functional food products from both mushroom waste and higher value products from the seafood industry. Food waste costs Australia $20 billion each year, and every year an average of $3,800 per household per annum. That is a cost per annum of $3,800 in your household and the household of every person in this chamber. An estimated 40 per cent of all food is wasted throughout the value chain—

Mr Brown interjecting:

The SPEAKER: The member for Playford is warned.

The Hon. T.J. WHETSTONE: —on farms, in transit and at retail by our consumers. Food waste here in South Australia is estimated to be at the same rate as the national average. The

government is focused on supporting our food producers and the Fight Food Waste CRC is another string in our bow—hashtag #RegionsMatter.

The SPEAKER: I thought that was coming. The member for Reynell.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:56): My question is to the Minister for Recreation, Sport and Racing. Was anyone from the minister's office present at yesterday's protest?

The Hon. V.A. Chapman: There were plenty from your office.

The SPEAKER: The Acting Premier is warned.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:56): Was anyone present? The Acting Premier does make a very good point because there were plenty from your office, I am aware of that.

The Hon. R. Sanderson: A taxpayer-funded protest.

The Hon. C.L. WINGARD: Was anyone present? I'm not sure whether she means actually standing on the steps—

The SPEAKER: The Minister for Child Protection is called to order.

The Hon. C.L. WINGARD: —walking past to get a coffee or in the local area of the train station. There could well have been someone from my office out the front of Parliament House getting a coffee at the time of the protest.

Members interjecting:

The Hon. C.L. WINGARD: I will have to double-check.

The SPEAKER: Order!

The Hon. T.J. Whetstone: You can't have lunch.

The Hon. C.L. WINGARD: The Minister for Primary Industries does make a good point. Yes, my staff shouldn't be getting lunch. I will have words with them. That's a very, very good point.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: Was there someone outside at the time of the protest? I don't want to say no in case they were outside, so I won't say no.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (14:57): My question is to the Minister for Recreation, Sport and Racing. Did anyone in the minister's office make note of or compile a list of clubs that were present at yesterday's protest?

The Hon. V.A. Chapman interjecting:

The SPEAKER: The Acting Premier is called to order.

Members interjecting:

The SPEAKER: Members on my left! Members on my left, I would like to hear this answer, please.

The Hon. J.R. Rau interjecting:

The SPEAKER: The member for Enfield, if he continues to interject, will be leaving the chamber as well. The Minister for Sport has the call.

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:58): The answer is no.

COUNTRY ROAD SPEED LIMITS

Mr BELL (Mount Gambier) (14:58): My question is to the Minister for Transport. Given that it is now 222 days since the state election, can the minister inform the residents of Mount Gambier when the Port MacDonnell and Carpenter Rocks road speed limits will be increased?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:58): I refer the member to yesterday's answer to the same question.

INDUSTRIAL HEMP

Mr McBRIDE (MacKillop) (14:58): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on the burgeoning industrial hemp industry in South Australia?

The Hon. S.C. MULLIGHAN: Point of order, Mr Speaker: that question contains debate.

The SPEAKER: The argument that 'burgeoning' is—

Members interjecting:

The SPEAKER: That is a fair point of order. Since I have allowed members on my left to correct their questions in recent memory, I will allow the member for MacKillop to do the same.

Mr McBRIDE: Thank you, Mr Speaker, I will start again. My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on the industrial hemp industry in South Australia?

The SPEAKER: That's better. Member for Lee, happy with that one? Yes. The minister has the call.

Members interjecting:

The SPEAKER: Thank you. Let's hear it.

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:59): Thank you sir, and, yes, I can. I thank the member for MacKillop for his very important question, and I thank him for his hospitality on the number of occasions I have been down to his electorate and visited one of the trial sites with the industrial hemp production that has been undertaken by SARDI over the recent season.

One of the state's trial sites, as I have said, was in the member for MacKillop's electorate, but the other trial site was in my electorate, in Chaffey. The trial sites highlighted different soil types, using different styles of water. One site was using highly saline water and the other site was using the magnificent water from the River Murray.

What these trials were able to highlight was that the industrial hemp industry is at the forefront of greatness. Here in South Australia, I can say that we now have 10 approvals for licences to grow industrial hemp. It is really important to understand that what this will now do is give a capacity to our farmers, to the primary sector, to further diversify their business model, to be able to look at parcels of land that may be off season, or whether they are a parcel of land that they are looking to rest and they can plant a hemp crop.

It is also important to note that that there are predictions that this emerging industry has the potential to go on to make millions of dollars for South Australia's economy. It is forecast that over the next five years it could start off at a $3 million return point, and I think that is really important because not only does this diverse product have many, many uses but it is also now being used in beer manufacture, beer brewing. It is used in food products. It is used in cosmetics, pharmaceuticals. The diversity within industrial hemp, sir—

Members interjecting:

The SPEAKER: The member for Lee and the Minister for Education, this is not Pulteney Grammar. Please, stop this. Minister, please continue.

The Hon. S.K. Knoll: He's called a one-trick pony.

The SPEAKER: The Minister for Transport is warned.

The Hon. T.J. WHETSTONE: What it has done is highlight the diversity of this product. As well as food, pharmaceuticals and cosmetics, it can also be used for building products. I think it really has a large amount of diversity but, again, it is highlighting the ability of a product as an emerging industry and what it can actually mean for South Australia's economy.

With respect to my visit to the South-East, I touch on the great work of SARDI's Mark Skewes—who is a constituent of mine in the electorate Chaffey—and his dedication to the trial, which highlighted just exactly what farmers have been looking for, the questions to be answered, the different varieties and, as I said, the soil types and the water types.

It is also about how the different varieties will fit in with some of the weather patterns and just exactly how successful it will be for different reasons. Some of the hemp varieties have a very, very high oil content, and so they will be very valuable in food production, in beer brewing. Some of the other varieties that have a very high fibre content will be used for building products. What I will say is that the Department of Primary Industries and Regions in South Australia is responsible for issuing the licences to authorise possession, cultivation and possessing and supplying of the industrial hemp here in South Australia.

The act prevents anyone from disclosing where the trial sites are exactly and also who the licences are written to. I wish those participants who now have approved licences all the best for the future.

The SPEAKER: The minister's time has expired. The member for Reynell has the call.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (15:03): Thank you, Mr Speaker. My question is to the Minister for Recreation, Sport and Racing. Has the minister been briefed or informed about which sporting clubs attended yesterday's protest?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:03): No.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (15:03): My question is to the Minister for Recreation, Sport and Racing. Can the minister assure the house that no club that attended yesterday's protest will negatively impact in terms of government grants?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:04): Yes.

SPORTS FUNDING

Mr PATTERSON (Morphett) (15:04): My question is also to the Minister for Recreation, Sport and Racing just to help him out with maybe a different type of questioning. Can the minister inform the house of the government's—

Members interjecting:

The SPEAKER: Member for Morphett, I will hear the question, please.

Members interjecting:

The SPEAKER: Members on my right will behave.

Mr PATTERSON: Can the minister inform the house of the government's investments in sports other than football, netball and cricket?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:04): I thank the member for his question and note it is very different. It is a good one. I know and acknowledge his passion for

sport as well—his playing prowess, his history but also his involvement in community sport, as we speak. He is a great local member and a great man in his community.

I am pleased to have the opportunity to answer this question today and think that the message may have been lost on some of those members opposite. The Marshall government is committed to recreation, sport and racing. Our election commitments speak for that. We committed more than $7 million to invest in recreation and sport infrastructure in South Australia, and a lot of that was outlined in the budget, but I think, again, it has been lost on those opposite.

Flagstaff Hill Community Centre is one of those venues that was overlooked by the previous government that we have supported to the tune of half a million dollars. Hewett Reserve, again, was overlooked by those opposite for 16 years, but we have helped out there again with an investment of half a million dollars. The Cove sports and community centre—again more investment from this government when it has been overlooked by those opposite.

The Edwardstown memorial oval, too, we have supported with some solar panels as well. The Plympton Sports and Recreation Club in the member for Morphett's electorate—a big advocate for the mighty Bulldogs—again, the investment there was $100,000 to improve drainage to allow more young people, and older people for that matter, to get on the park. Footy, soccer, cricket—they can get on the park. More female teams, as the member for Morphett points out, too, with the growing numbers there. That is the sort of investment that the Marshall Liberal government is passionate about.

At the Willunga Recreation Park as well, in the member for Mawson's electorate, there is more investment there. The Campbelltown soccer club, Mr Speaker, in your electorate—again more investment there—

The SPEAKER: National champions.

The Hon. C.L. WINGARD: —to grow more female participation as well. The Henley Football Club in the member for Colton's electorate—again, another half a million dollar investment to grow participation there. The Western Strikers Soccer Club—the member for Lee should be over the moon—we are investing in that club as well to expand clubrooms and to grow participation in sport as well. The Hectorville Hounds, Mr Speaker—gee, you've done exceptionally well here, Mr Speaker—

The SPEAKER: Excellent club.

The Hon. C.L. WINGARD: —they were in parliament during the week, I think—

The SPEAKER: It's about time.

The Hon. C.L. WINGARD: —having a chat to you as well. The Lakes Sports and Community Club and the Blackwood Bowling Club—that's not all; that is just a slice of the pie—are all clubs under the previous government that were ignored that we are investing in because we know it's important to grow participation in community sports here in the state. That is why we are rolling out the policies we are.

The other investments include, of course, $19 million into a new state sports infrastructure park at Gepps Cross for soccer. That is what the FFSA were very keen on, and we are very happy to be delivering the funds for that project as well. Cycling is another one. We have committed $7.1 million towards the construction of the wind tunnel at the Super-Drome.

The Hon. L.W.K. Bignell interjecting:

The Hon. C.L. WINGARD: Yes, we have. If you check the budget—

The SPEAKER: The member for Mawson is on two warnings.

The Hon. C.L. WINGARD: —it was in the most recent budget delivered by this government. Those on the other side talked about it; we delivered it. There is $1.3 million for the Sam Willoughby international BMX track as well, and also the members for Elder, Davenport and Waite have worked incredibly hard to pull together $8 million.

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: The member for Mawson, you can withdraw that statement about misleading the house lease.

The Hon. L.W.K. BIGNELL: I withdraw.

The SPEAKER: Thank you, sir.

The Hon. C.L. WINGARD: I will continue because I was talking about the Women's Memorial Playing Fields, which are going to benefit lacrosse, hockey and also women's soccer—another great investment. Again, Labor talked about it; we delivered it. That is the difference—16 years, not one cent in this project; we come into government, $8 million all in the budget. This government is delivering for communities.

Time expired.

The SPEAKER: I am trying to give the member for Reynell the call.

Members interjecting:

The SPEAKER: The member for Badcoe can leave for half an hour under 137A.

The honourable member for Badcoe having withdrawn from the chamber.

MINISTER FOR RECREATION, SPORT AND RACING

Ms HILDYARD (Reynell) (15:09): What hospitality has the minister received from the SANFL or the SACA?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:09): I thank the member for the question. I was just trying to think whether I was—no, I was with the member for West Torrens at a soccer function on the weekend. I know I have bumped into—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —I am pretty sure it was the Leader of the Opposition at a cricket function. I am sure that would have been one.

Mr Brown interjecting:

The SPEAKER: The member for Playford!

The Hon. C.L. WINGARD: My wife sat next to you at the Magarey Medal night for the SANFL.

The SPEAKER: Where was my invite, minister?

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: So the Magarey Medal would be one. I am sure I sat with you at the SANFL grand final as well.

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. C.L. WINGARD: There are a number and they are probably all in your diary, too.

Grievance Debate

CALISTHENICS ASSOCIATION

Ms BEDFORD (Florey) (15:10): On Friday 14 September, I was privileged to attend the South Australian Calisthenics Association's 90th year gala dinner. At the outset, I congratulate all involved on organising such a fitting celebration for the sport I have come to admire and enjoy so much. I am sure everyone in the room that night was or had been a participant, family member,

coach, official or volunteer club secretary, treasurer, wardrobe mistress, prop maker and so on. I pay tribute to you all and thank you for your involvement. Whether it be past or current, calisthenics will need you all in the future.

I have spoken many times on cali, but I have some new information I would like to put on record today, particularly fitting because so much has been said about female participation in sport and the funding needed to address the appalling conditions women and girls have had to endure for so many years—a contributing factor to them even being involved in physical activities.

CASA worked hard to purchase their own building in 1987 and now pays the price for not being eligible for funding to keep the building in good repair, let alone update internal facilities. With amazing numbers involved in their heyday, they maintain a steady membership rate and compete against the stronger mainstream dual gender sports for the limited dollars on offer. Another problem for cali is that they do not have a national body, as New South Wales promotes physical culture and there is limited participation in Tasmania.

Calisthenics covers so many important developmental aspects: physical strength and ability, discipline and team spirit, stagecraft, design—in both costumes and sets, music and choreography—all with the bonus of the lifelong friendships forged by many girls who go on to participate and compete from Tinies to Masters.

The word 'calisthenics' comes from the Greek 'kallos' for beauty and 'sthenos' for strength. Calisthenics had its roots in England and Europe and was first pioneered in Australia in the 1890s during the Victorian gold rush as a means to keep citizens fit and healthy. Called 'physical culture' at that time, these exercises were often combined with apparatus to keep the wrists, elbows and shoulders supple. Large, heavy Indian clubs and iron dumbbells were used by the men to promote strength, and pretty scarf drills were used by the ladies. As physical culture slowly moved from exercise to performance art, musical accompaniment began to enhance performances and gradually became an integral part of the art form.

In 1920, Mr Noel Hubble opened the Central College of Physical Culture, with one of his participants being Eileen Le Cornu. One of his administrators was Eileen Hogarth, who was the coach for various clubs, as well as her own club, the North Adelaide Baptist club. Mr Hubble started out with 26 members and had up to 2,000 by 1924.

Calisthenics in South Australia really began in 1928, when Mr Black MBE organised a committee to form a Combined Congregational Church Clubs' Association (the CCCA). That year, 14 clubs affiliated and later, when other churches became interested, the constitution was altered to include every denomination. As president of the association, Mr Black remained an influential advocate for calisthenics in South Australia right up to his retirement in 1954. Due to its popularity, calisthenics clubs spread rapidly, mostly in Victoria and South Australia.

Up until the 1940s, calisthenics featured both male and female teams, and then male involvement died out as females took over the art. In 1938, the 11th annual physical culture competitions were held here, in Trades Hall on Grote Street, West Theatre on Hindley Street and the Australia Hall on Angas Street, now fondly known as the Royalty Theatre, which is CASA HQ. This was also the very first time an interstate adjudicator was invited. During World War II, calisthenics competitions were suspended for four years. In 1956, the name of the association changed to the Combined Clubs Physical Culture Association Incorporation. In 1969, the name changed again to what we now know as the Calisthenics Association of South Australia.

Over the decades, calisthenics was introduced across the nation and it reached its peak in South Australia in the 1970s, with 6,000 participants. By 1979, there were approximately 100 clubs and numbers reaching an outstanding 10,000 in state competitions. In 1983, the Australian Society of Calisthenics was established, primarily to organise club competitions between the states. This body was later replaced by the Australian Calisthenics Federation. Calisthenics has evolved in a distinctive direction and remains a uniquely Australian sport. It is my great honour to be both national and state patron of calisthenics and a life member of CASA, although my contribution is dwarfed beside that of many others.

Mrs Esme Dobson OAM holds the longest voluntary position in CASA, being secretary for 58 years. In 1926, a 12-year-old Esme joined the Parkside Girls Club, and her involvement continued

in a line of unbroken service. She would devote her voluntary time, at least eight hours a day and often 16 hours on the busy weekends, to the administration of calisthenics. She retired in March 1995 at the age of 80. It was a real privilege to meet and get to know Esme before her death, her funeral being one of the most moving I have ever attended. I was thrilled to meet her family at the gala dinner.

There is so much more to share about the history of calisthenics, supplied to me by Kelly Drake-Brockman, but that will have to wait for another day. To everyone in calisthenics, I say thank you for making me so welcome from the first day I was elected, as my first duty was presenting a cheque to the Ridgehaven Calisthenics Club. I will always do my best to represent you and promote the sport we all love.

COOBER PEDY DISTRICT COUNCIL

Mr HUGHES (Giles) (15:15): I rise today to talk about the Coober Pedy council. Part way through last year, I went on the public record on the ABC and made a call for the dismissal of the Coober Pedy council. At the time, it could not be dismissed because the necessary triggers were not in place, and the Auditor-General had been asked to investigate the Coober Pedy council. As far as I am aware, the Auditor-General still has not handed down his report. If he has, it is with the minister and, at this stage, is not public.

At the time, the Ombudsman was carrying out an investigation into the Coober Pedy council in relation to the power purchase agreement between the council and EDL. The Ombudsman's report became available just recently. The Ombudsman found that there was serious maladministration. As a result, the minister wrote to the Coober Pedy council seeking their response giving cause as to why the council should not be dismissed.

The council provided a fairly detailed submission. I have to say that the Ombudsman's report was very detailed, very much a step-by-step analysis of what went on in the move to enter into the power purchase agreement between the council and EDL. There was a covering letter with the response provided by the Coober Pedy council, signed off by Colin Pitman, the acting CEO. In that letter, the council had this to say:

> …to assist in addressing the councils financial sustainability request you give consideration to enacting sec 273 of the Local Government Act and urgently appoint an administrator to assist in the serious issues identified in this attached response.

Most of the response was about the energy deal, but there was also a very worthwhile summary of the broad context that the Coober Pedy council found itself in and the particular challenges that it faced. When I asked for the council's dismissal and supported the council's dismissal on radio, approximately two weeks later, I had a meeting with the council in Coober Pedy. It was a long meeting and, despite my calling for their dismissal, it was a very civil meeting. As you can imagine, there was a robust exchange of views.

I left with a significant degree of sympathy for the council and its predicament, notwithstanding the problems they got into through the power purchase agreement. In the response to the minister, the council spelled out a number of the broader issues having an impact. I have to express a little bit of disappointment. The minister did not urgently pick up on the request of the council to go into administration and then, of course, we were in an election and the minister had given the incoming council an opportunity to put in a submission.

Nothing is going to change. The structural issues that the Coober Pedy council faces are still going to be there. They are many and varied, not the least of which is the significant amount of debt that the council is in. When we were still in government in February, I wrote suggesting a solution to part of the problem faced by the Coober Pedy council, and that was to outsource a number of the essential services that they provide that no other council in this state provides. It is a small council with a small rate base in an isolated community that has had revolving door mayors, revolving door senior officers, revolving door CEOs, so they have had some real difficulties. It needs to go into administration as soon as possible.

Time expired.

ROAD UPGRADES

Mr ELLIS (Narungga) (15:20): I rise today to speak about the depth of feeling within the Narungga electorate regarding the condition of local roads and the impact of decision-making by tiers of government around where and when investment in maintenance and upgrades is to occur. Such decisions are often made by individuals who do not live within the electorate and who do not experience daily the conditions and perceived hazards of roads which are being advocated by many communities as blackspots requiring investment.

Today, I specifically commend the efforts of the Hardwicke Bay Progress Association, which has presented to me and the Minister for Transport and Infrastructure, the Hon. Stephan Knoll, a petition of 143 signatures from ratepayers, residents and visitors to Hardwicke Bay concerning a dangerous intersection on the entry to that township. The call to action of the petition is the following:

> The intersection of Yorke Highway and Beach Road is extremely dangerous and requires a slip lane and appropriate lighting to be installed urgently and we, the Hardwicke Bay Progress Association demand that the government hear our request so as a serious accident and possible fatality can be avoided.

Unfortunately, the preamble to the petition did not meet the strict criteria for the formal tabling of this petition to parliament. Today, I formally support its intent and acknowledge that its non-tabling does not diminish the strength of the call to action or the voice of the people who took the time to develop this petition and collect the signatures for it.

I first met with the Hardwicke Bay Progress Association members at the site of the intersection in question prior to the election and I believe that their concerns are valid. I confirm that I have corresponded a number of times with the new Minister for Transport and Infrastructure about this issue, and I am also aware that my predecessor, Mr Steven Griffiths, also highlighted the issue with the past minister for transport and infrastructure within the previous Labor government.

The Hardwicke Bay Progress Association has been lobbying for some time for a slip lane to be constructed to improve safety at this town entrance such is the conviction that a fatal accident will inevitably occur. I also note the former government sent a department representative to investigate the intersection a couple of years ago. They were able to identify a cheap solution but investment was declined. We await that fix to this day.

As indicated to the community-minded members of the Hardwicke Bay Progress Association, it is my intention to continue to fight for a solution as a part of the Regional Roads and Infrastructure Fund that this new government has set up to improve the condition of country roads in South Australia. I commend the group for their commitment to securing improvements at the intersection, as evidenced by their continued lobbying over the past few years. Roads, and the extensive backlog of maintenance, are a major topic constituents bring regularly to me and I encourage them to continue to do so. I am happy to take as many calls as I can possibly manage on the health of our regional roads.

I have spoken in this place before about the experiences of travelling on undulating roads in the back of an ambulance, of time lost and hazards experienced by our busy primary producers and truck drivers navigating too narrow roads without appropriate shoulders, of locals and tourists forced off the road to allow B-doubles to pass, of frustrations that crash statistics appear to have to be tallied in order to warrant investment in solutions and that tourism thoroughfares are not upgraded in a timely manner to ensure they meet the demand of welcome increased tourism visitation that is currently being experienced.

That is no more evident than on North Coast Road on Southern Yorke Peninsula, which is a major tourism hot spot. It has not had the appropriate investment by the local council for some time, and I will continue to advocate that that be the subject of a co-contribution by the state government as part of the Regional Roads and Infrastructure Fund as well. I would like to commend the action group that gets together to organise and advocate for a solution for that part of the road. The feedback I receive from constituents is very valuable, as I am able to ensure decision-makers are armed with up-to-date information as they plan and prioritise future spending.

I would like to thank the Hardwicke Bay Progress Association and outgoing president, Geoff Hampel, and all like-minded community members across the Narungga electorate who care for their communities and continue to advocate for improvements to be made. I say to them: your

efforts serve to improve the lives of locals and the increasing number of tourists to the Yorke region and the Lower Mid North and improve transport efficiencies for the primary producers and local industry who are the backbone of this state's economy and our local economy in the electorate of Narungga. Thank you very much to the Hardwicke Bay Progress Association for the petition they put together.

SERVICE SA

Ms WORTLEY (Torrens) (15:25): Closure of at least three Service SA centres that we know about is causing great concern in our community. The Service SA centres at Modbury, Prospect and Mitcham have been marked as part of the government's budget, a budget of cuts, closures and privatisation. Wherever I go—shopping centres, the Dernancourt Uniting Church annual fair that I attended on the weekend, street corner meetings, school award ceremonies, sports presentation nights or visiting my 85-year-old father—the issue of the closure of Service SA centres is raised and, may I add, opposed.

Today, I had Torrens residents Ray, Helen, Kay, Ros, Beryl, Linda, Richard, Robert, Ian and Amy in for a tour of Parliament House, and it was raised as an issue of concern among them as well. It is even more worrying that the government is considering closing more Service SA centres across Adelaide, in addition to the three already marked for closure. During budget estimates, in response to the shadow minister's question, 'Can the minister guarantee that he will close no other Service SA centres?' the minister responded:

> There is still a broader reform piece that needs to be undertaken. At this stage, there is still some more work we need to do, and I want to wait to see that final work and then I will be able to communicate what that looks like.

We now know that the government is closing three Service SA centres and that there are legitimate fears more centres could be closed. Most South Australians rely on Service SA centres to access essential services, such as change of address for vehicle registration or driver's licences, renewing a driver's licence, replacing a licence or renewing a learner's permit, applying for a learner's permit, applying for a South Australian licence, transferring an interstate licence, ordering motor vehicle special plates and replacing them or cancelling and transferring vehicle registration. There is also recreational boating licence registrations and, of course, the list goes on.

Closing Service SA centres will only make life harder for everyday South Australians, particularly for the more senior members of our community. We know that, currently, some of these licence-related processes can only be done in person, while others are able to be done online or by phone, but at the moment there is an option. However, there are many in our community, particularly those who are more senior, who have not been carried along with the digital revolution, who are not computer literate and many do not even own a computer.

For many, using a credit card or a savings card to make an online payment is not a consideration for them. The impact on these members of our community will be significant if the government continues to ignore the issues that they raise about the closure of the three centres and chooses to go ahead with them. I have been contacted by many residents and, along with them, I question the lack of planning that has gone into this decision, given that both the Prospect and Modbury centres are the third and fourth busiest centres in the state, and Mitcham is not far behind.

At the Prospect centre, the number of customers served in the 2017-18 year was 105,000; Modbury, 104,000; and Mitcham, 83,000. It is time and it is cost, whether it be fuel or the cost of public transport and car parking. For residents wanting to visit a Service SA centre following the closure of the Modbury centre and travelling to Regency Park, it is a 21-minute drive. It is 14 kilometres one way and it is 41 minutes on average on public transport. Prospect to Regency Park is eight minutes, five kilometres one way or 30 to 40 minutes on public transport. Those having to attend the Adelaide Service SA centre will also have the added cost of car parking if they drive.

We all know the waiting times at some Service SA centres are long enough already. Now, according to those I have spoken to, waiting times can be over an hour and even the member for Adelaide makes reference to 40 minutes and not the five minutes the minister referred to in a recent radio interview. With more than 192,000 customers served in the 2017-18 year at the three Service SA centres targeted for closure at this stage, there will be many who will not, for reasons already outlined, change to online payments.

Closures of the Modbury, Prospect and Mitcham centres will mean longer travel times, longer queues at the remaining centres and poorer services for everyday South Australians, as well as additional costs of fuel, public transport fares, car parking and time, which of course you cannot put a price on.

CHILDREN'S WEEK

Mrs POWER (Elder) (15:30): I rise today to talk about Children's Week, which is occurring this week, and the wonderful launch event I attended last Friday, hosted by Colonel Light Gardens Primary School. It was an absolute honour to attend the Children's Week launch, representing the Minister for Education.

I would like to take this opportunity in the house to acknowledge and thank the Children's Week organisers and Colonel Light Gardens Primary School on bringing us together to celebrate the launch. I would also like to acknowledge the distinguished guests, the principal, Simone, the governing council, school staff, parents and, most importantly, the children and young people in attendance, including students from Colonel Light Gardens Primary School and children from the Margaret Lohmeyer Kindergarten.

Children's Week is important, as it reminds us all to celebrate the right of children to enjoy childhood, to be nurtured and cared for and to be loved and protected. Children's Week reminds everyone that every child and young person in South Australia and around the world is important and essential to our community. It is absolutely essential that every child is given the best possible chance to fulfil their dreams and aspirations.

The theme of Children's Week this year is that children have the right to give their opinion and for adults to listen and take it seriously. This reminds us that giving children a voice, really listening to what they have to say and taking it on board, is a powerful message to children about their value. For teachers, parents, grandparents, carers, families and those serving the public, including those who serve in this parliament, listening to the voice of children empowers them to keep themselves and others safe, express their views, ask questions and think deeply, as well as develop the confidence to take an active role in their community with long-term benefits for society as a whole.

It was so special to be back at Colonel Light Gardens Primary School for the launch of Children's Week. Colonel Light Gardens Primary School sits in the centre of the seat of Elder and is a well-loved and well-respected local school. I am always impressed by the students, the staff and leadership within the school and feel fortunate enough to represent them here in parliament. The students who MC'd the Children's Week launch and the students who provided us with entertainment on the day did an amazing job.

Jas, Chloe and Braydon began the launch with a beautiful acknowledgement of country. Nathan and Lily spoke about the importance of listening to children and giving them a say, allowing their voices to be heard, giving a great example of the roles of SRCs in the school community. They spoke to us about how kids can have great ideas, too, and how we as adults can learn from them and harness their enthusiasm to help improve our community. They also shared an inspirational poem about Children's Week.

The boys choir did a remarkable job performing *Eye of the Tiger* with some very spirited choreography. The young students from Margaret Lohmeyer Kindergarten who performed *Head and Shoulders* in Kaurna, along with *We are One* in sign language, impressed everybody. The MCs for the event—Jacob, Nathan, Paige, Gracie, Arianna, Ella and Lil—were articulate and confident. Congratulations to all the students at the school and the kindergarten who were involved in the launch and those who sat with discipline and attention throughout the event. A very special acknowledgement goes to the magnificent principal, Mr Rick Bennallack, the governing council, Simone and other staff at the school.

All of us, as adults, policymakers, teachers, community leaders, parents or carers, need to make the conscious effort to ensure that we give children the right to have their opinion, to listen to it and to take it seriously. There is a growing body of evidence that shows that routinely taking children's views and experiences into account within the family, at school and in other settings helps to develop their self-esteem, cognitive abilities, social skills and respect for others.

Through participation, children acquire skills, build confidence, extend aspirations and gain confidence. The more children participate, the more effective their contributions and the greater the positive impact on their development. We need to build environments in which children are recognised as active citizens, contributing to the decisions that affect their own lives as well as to their communities and the wider society.

FEMALE FACILITIES PROGRAM

Ms HILDYARD (Reynell) (15:35): I rise to speak about yesterday's launch of our female facilities campaign—the beginning of our fight for those opposite to reverse their cruel axing of the dedicated $24 million Female Facilities Program. Thank you to the many incredible athletes, administrators, coaches, volunteers and supporters from clubs across our state who attended. Thank you for your voice, for being willing to fight for equality in sport, for those who currently play the sport they love and for the generations of girls and women to come who wish to follow their sporting dreams.

South Australian girls and women are taking to traditionally male-dominated sport in droves. They are taking their rightful place on ovals, courts, pools, pitches, diamonds, coaches boxes and umpires rooms. They are at the centre of teams, leagues and clubs. Those clubs that have positively welcomed them to equally and actively participate are growing, changing their culture and thriving. Despite this incredible progress, there are some things that for too long have not changed.

The gender pay gap in sport means that girls and women are paid at least 50 per cent less than men across all codes, coverage of women's sport still sits at around 9 per cent, female board membership is far too low and their facilities are far inferior to those of male athletes. These are unacceptable statistics, completely at odds with unprecedented participation, and that is why we need positive, dedicated programs that accelerate change that support women's role in every sport.

That is why our former Labor government made a dedicated investment of $24 million into female facilities so that clubs everywhere could build or upgrade change rooms so that when girls and women were at their clubs they knew that they were equally welcome to be there and that they were valued. That is why we set up our South Australian Women in Sport Taskforce, which I had the privilege of chairing and driving, and our female participation grants scheme. We needed to positively focus on making change.

We as a government, alongside many clubs, rightly and emphatically refused to accept that it was okay for women to get changed in a change room with a urinal, one toilet without a sanitary disposal unit or have no access to appropriate facilities, forcing girls and women to change in a car, bar or anywhere in between. We set up our $24 million dedicated Female Facilities Program because in 2018 having such inequality is utterly unacceptable.

We relentlessly focused, through our task force packed with leading South Australians, on attacking gender inequality in sport. Yesterday, the Minister for Recreation, Sport and Racing bizarrely spoke about my not filling in his survey about our task force. Why on earth would I complete a survey about something that I set up, chaired and was deeply passionate about when that survey was clearly the precursor to his cruelly cutting the task force—a task force that was spoken about in their cruel cutting budget as having met all its objectives? The phrase' clutching at straws' comes to mind in relation to this minister, given his clear disregard for the inclusion of women and girls at every level of every sport.

We focused our energy on investing in positive programs to address inequality because that is absolutely what it takes to make change if you truly care about achieving equality. Our $24 million dedicated program was hugely popular, oversubscribed in every round, and it transformed clubs across our state in a way that said to girls and women, 'You are equally valued and you are welcome here.' But that program, together with our task force and our female participation grants, has been cruelly cut.

The $10 million final round of our $24 million program has simply disappeared, leaving volunteers devastated who worked so hard to put in their applications. This government's budget has now cut the $24 million program altogether. They have committed to a $5 million per year program not specifically for women's facilities, contingent on council and club funding and only available to

those clubs that can match money and convince council, and it is only available to football, cricket and netball.

When asked about this cut in question time yesterday, minister Wingard said that his government's grants focus on women, families and all South Australians. He clearly does not entirely grasp the meaning of the word 'focus' or what it takes to achieve equality to address inequity. For equality to be achieved in any area, additional support is required to help the disadvantaged group up to the level of others—a concept the minister does not understand. We will fight this cut because our South Australian girls and women deserve better because they matter, because our local clubs matter and because equality matters.

Bills

EDUCATION AND CHILDREN'S SERVICES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 October 2018.)

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:41): I am very pleased to rise to close the second reading on the Education and Children's Services Bill. It has been some time coming for this bill to have passage through the parliament. It has in a fairly different form, but with significant similarities, passed the parliament before. Of course, the bill has been in one form or another considered for some significant time.

I believe that there was a parliamentary committee that might have involved the former member for MacKillop, Mitch Williams, who talked about it and who reviewed educational legislation during the previous period of the Olsen, Kerin and Brown governments, when Malcolm Buckby was the education minister. Jane Lomax-Smith, who is now helping the people of South Australia as the chair of the Teachers Registration Board, was minister in 2009 when there were proposed legislative changes. Indeed, the member for Bragg, the Attorney-General and Acting Premier, as shadow minister for education after the 2002 election put forward some private members' bills that were in response to the review that was taking place under the Buckby ministry.

Most recently, in the last year of the former government, the member for Port Adelaide as the minister did a substantial body of further work and actually got us closer to having some revised legislation than had any of her predecessors in the 16-year period of the Labor government. I commend her for taking that on. Indeed, if it had been taken on earlier in that period—perhaps if the member for Port Adelaide had been the minister earlier in the period—they might have had a better chance to have a go at it.

I remark briefly on this because there was some commentary in the second reading debate about the timing of the bill, and I advised the house that the member for Port Adelaide was correct when she advised:

> The bill went through this house before the last election, but the election intervened before it could be considered in the upper house.

She advised that at the end of the previous parliament there was a big legislative agenda, and she said that the then opposition spokesperson, and now minister—and that would be me—shared her disappointment that that was the case, that the legislative agenda backlog got in the way. She also said:

> There was no blame thrown at any political party. It was a circumstance that we lamented but accepted.

I place on the record that that was an accurate reflection. There were, I think, about 14 or 15 bills listed in the Legislative Council in the last sitting week last year. The previous version of this bill was indeed one of them, and probably about half a dozen of them were substantial bills that would have taken significant time in the Legislative Council. I understand that the government, as it was then, prioritised a couple of the others but, obviously, if the previous government in its earlier years had had more than a year to look at this, they might have got there but they did not, so here we are.

I thank the member for Port Adelaide for the speech that she gave and, indeed, I thank all members for their contributions: the members for King, Hurtle Vale, Hammond, Wright, Bragg, Torrens, Finniss, Heysen, Mount Gambier, Light, Colton, Elder and Newland. I thank them all for their contributions, which I have taken the opportunity to reflect on in the last couple of days. I will respond to some of the comments raised, particularly the member for Port Adelaide's contribution as the shadow minister; obviously she raised a number.

Starting with the conversation we had at the end of last year when the bill was not able to be progressed, at that stage I think I informed the member for Port Adelaide that, should the Liberal Party win the election, we would be bringing the bill back. I believe I suggested that we would obviously be including in a Liberal bill the amendments that we had moved unsuccessfully in the House of Assembly during the debate. I do not think that would be of any surprise to anybody in the Liberal Party who reflected on those amendments in the lead-up to the election, and in many of those cases they were explicit election promises identified in other documents. It was no surprise, of course, when we brought the bill back that those amendments should be included in the bill itself.

I will start by addressing some of the issues raised by the member for Port Adelaide in her remarks. She particularly asked about consultation on changes that were in place between now and when the bill was here previously. To be clear, the amendments which were moved in parliament last year were consulted on prior to the debate in 2017. The member for Port Adelaide as minister introduced the bill. I think, from memory, she in fact released it for public consultation on the YourSAy website in the Christmas break prior to the 2017 sitting year commencing.

The opposition took the opportunity at that stage to consult widely as well. We did that. We spoke to a wide range of stakeholders, and the wide range of stakeholders had an opportunity to talk to us in opposition. Of course, that consultation taken from opposition when I was the shadow minister, a long time before I took on ministerial responsibilities, informed the amendments that we moved. There was further consultation on the fact that there was an election. Indeed, the people of South Australia were well aware of the Liberal Party's position on these amendments.

I am 100 per cent certain that members of the South Australian community who were particularly interested in these amendments were pretty strongly aware of our position. I am familiar with campaign materials that were circulated encouraging people to contact the Liberal Party to try to get us to change our position on some of them, particularly related to what I believe the shadow minister is going to be moving amendments on later, and the Liberal Party was able to respond to them prior to the election to advise what our position was.

There have been refinements made to some clauses of the bill that are additional to those foreshadowed by the amendments I moved in parliament during debate on the former Labor government's bill. These are technical amendments identified by parliamentary counsel, all based on legal advice provided by the Crown Solicitor's Office in the reconsideration of particular clauses, and there are one or two other changes which I will touch on. Consistent with amendments that I moved during debate in 2017, key changes to the bill are:

- removal of the privileged position of the Australian Education Union from selection or panels for promotional level teacher positions and from review committees considering the amalgamation or closure of schools, and instead providing for all staff to have the opportunity to participate in the process;
- amendment of references in clause 82 to intercultural and/or religious instruction to religious and cultural activities, and provision for an exemption from participation for students rather than an opt-in scheme. The naming I will get to in a separate explanation. I know that was an issue the shadow minister raised;
- removal of regulation-making powers to set expiation fees for offences relating to non-attendance of a child at school and offences relating to the employment of a child at school during school hours or to the extent that they are unfit or unable to attend at school or their approved learning program;
- deletion of exceptions to the general rule that parents must form the majority of members appointed to a school governing council;

- removal of ministerial powers to direct governing councils to take action in certain circumstances and to suspend or dissolve a governing council in specified disciplinary circumstances. We were also very specific in our commitments about the fund that will be available for members of governing council in dispute with the department in relation to the Debelle recommendations;
- additional changes made on the basis of the advice of the Crown Solicitor's Office or parliamentary counsel proposed to include a power for the chief executive to terminate the employment of a member of the teaching service if they are not a registered teacher within the meaning of the Teachers Registration and Standards Act 2004 or they are a prohibited person within the meaning of the Child Safety (Prohibited Persons) Act 2016;
- to achieve greater consistency and governance arrangements for stand-alone preschools and children's services centres and those for schools, including the requirement that parents form a majority of members of governing councils, arrangements for the resolution of disputes between a governing council and the department, provision for a code of practice for members of a governing council and removal of ministerial discretion and suspension of councils;
- clarify that the term 'misconduct', where it forms grounds for a removal of a member of a governing council of a school, stand-alone preschool or a children's services centre, includes any breach of the code of practice applying to the member;
- make a technical minor change to protections for teachers, staff and students to distinguish between prescribed persons and designated persons in relation to the issuing of barring notices; and
- inclusion of specific regulation-making powers in respect of suspension, exclusion and expulsion of a student.

I said before that I would talk a little more about the phrase 'cultural and religious activities'. The member for Port Adelaide indicated the opposition will be giving further thought between the houses to clause 82 of the bill, which provides schools with the opportunity to set aside time for religious and cultural activities delivered by prescribed third parties. She also noted there was a difference between the terms used for clause 82 in the government's bill and the bill brought forward by the former Labor government last year.

Under the bill put forward by the previous Labor government, clause 82 made reference to intercultural and/or religious instruction. I note that 'intercultural understanding' is a term used in the Australian Curriculum to mean the way students learn to value their own cultures, languages and beliefs and those of others. The purpose of clause 82 is to permit a school to set aside time for a religious or cultural activity that is provided during school hours by a prescribed third party in relation to a particular religious or cultural practice or belief. This could be, for example, through a play or musical performance or other activity organised by a particular religious or cultural group focused on their particular religious or cultural belief.

The clause is not intended to apply to general intercultural or religious activities organised by teachers of the school as part of the curriculum. Clause 82 refers to religious and cultural activities to further differentiate between the third-party activities facilitated by individuals under the clause who are not registered teachers and the teaching of intercultural and religious matters delivered as part of the school curriculum. The other main difference between the government's proposals and the previous proposal of those opposite is that clause 82 provides that parents must be notified when such activities are to be held by the school and be given an opportunity to request an exemption for their child from participation in the activity.

In relation to the AEU, the role and function of the committee and, in particular, how the choice of staff member will operate, there are a couple of committees here. In respect of representation of the Australian Education Union on panels for promotional positions and committees considering closure or amalgamations of schools, it is the government's position that, while representation of staff in these matters is tremendously important, the very fact of somebody's

membership or otherwise of an individual body should not determine their eligibility to represent their fellow staff members.

The government's bill is different from the previous bill. Clause 54(2) in respect of school review committees and clause 106(2) in respect of selection panels for promotional level teaching positions remove this automatic union representation and replace it with an officer of the teaching service selected or nominated by other officers of the teaching service in accordance with regulations.

Under clause 53 of the bill, the minister may commission a review to address the question of whether each government school within a particular area continues to be required and, if not, whether one or more of the schools should be amalgamated or closed. This clause also sets out procedural processes in relation to the conduct of a review to ensure the committee considers all relevant information before making the recommendations.

Clause 54 provides that a school review committee will consist of a number of members appointed by the minister, one of whom will be a person representing the staff of each school to which the review relates, elected or nominated by the staff of each such school in accordance with the regulations. This clause no longer provides for the AEU to nominate a person to be a member of such a committee. However, it should be noted that there is nothing to preclude an Australian Education Union member from being elected or nominated by other staff of the relevant schools to represent them on a school review committee.

The department has advised that there is no practical barrier to implementing the removal of automatic AEU representation on a review committee. A straightforward process will be set out in the regulations for school staff of relevant schools to elect or nominate a staff nominee to participate on such a committee. It is envisaged that this process would include calling for nominations from the whole staff, followed by a ballot at the site. Alternatively, the nominations could go to the office of the education director and an officer in that office could manage the ballot.

Work to develop those regulations that will underpin the operation of the new legislation will commence following the passage of the bill and, of course, consultation will occur in the drafting of the new regulations with all relevant stakeholders. The government does not foresee that there will be any issues with a staff representative who is not a member of the Australian Education Union being able to appropriately participate and contribute to the deliberations of the committee.

The review process set out in clause 53 is a robust one and the staff representative is one of a number of committee members, which also includes the principal of each school in the review area, who will be considering the question of whether a school or schools are required. The presiding member of a review committee will be a senior officer with extensive experience in education and will provide any necessary guidance to the review committee throughout the process.

From my own experience as a local member of parliament, I reflect on the reviews that took place at Stradbroke School and Athelstone School, which were previously primary and junior primary schools. A review process was set up by the former Labor government when they wanted to close them. Indeed, the review committee itself, at Stradbroke in particular as I recall, reported that the schools did not want to close and did not need to be closed and would not necessarily benefit from it.

The process in the current act enables the government to proceed with the decision. The suggestion made by some of those opposite during the debate that this was a matter that would significantly make the government's opportunity to close schools more flexible, I think is put paid to by the experience in that 2010-11 period. At any rate, the process is still robust.

Additionally, in response to the member for Port Adelaide's comments about teachers on such committees having a view about their own future and what school they would like to go to, I am further advised that the placement of staff who may be affected by the closure or amalgamation of a school or schools would not be considered as part of the review committee discussion. There are established processes for staff placement in these circumstances. The review committee and the individual members would have no input into this.

Clause 106 of the bill, in relation to the promotional level committees, provides for the chief executive to appoint officers of the teaching service to promotional level teaching positions. Where an application for a promotional level position is submitted to a committee established by the chief executive, this committee must include members appointed by the chief executive, at least one of whom must be an officer of the teaching service elected or nominated by other offices of the teaching service to represent them on such committees and in accordance with the regulations. This clause removes the right for a nominee of the AEU to participate in selection committees for promotional level teaching positions, as a nominee of the AEU.

Teachers who have not chosen to be a member of the Australian Education Union should not be excluded from participating on a selection committee in this way. As clarified in my comments about review committees for school closures and amalgamations as drafted, these clauses in no way preclude an Australian Education Union member from being elected or nominated by other teachers within the school or preschool to represent them on a selection committee.

Again, the department has advised that there is no practical barrier to implementing the removal of automatic AEU representation on selection committees. A process will be set out in regulations for officers of the teaching service to elect or nominate another teacher to represent them on such committees. This process already occurs at the site level for short-term promotional selection panels. It is envisaged that this process would include calling for nominations from the whole staff followed by a ballot at the site. As just mentioned, in relation to the placement of teachers on review committees, consultation will occur during the drafting of the new regulations.

It is important to note that selection committees will continue to be conducted in a fair and equitable manner. Merit selection training is mandatory for any departmental employee, including AEU representatives, participating on a selection committee. Currently, the department's merit selection training for Education Act positions is a six-hour face-to-face training session conducted by the department's Ethical Conduct Unit in conjunction with the AEU. This is a longstanding practice. The department will continue to provide merit selection training to ensure that all panel members are appropriately trained.

I have filed government amendments to this bill, which will be considered in the committee stage. They amend the objects and principles in clause 7 to include specific references to children and students. They update clauses 7(4)(e) and 7(4)(f) to clarify that children and students should be involved in the promotion of their education and development and that they should be consulted in respect of decisions under the act that may affect them. These amendments were drafted at the suggestion of the Commissioner for Children and Young People, and I thank her for that.

Government amendments also expand the list of exceptions to the general prohibition of disclosure of personal information received under clauses 14, 67 and 137. These clauses respectively provide for the sharing of information between particular persons and bodies, require the transfer of information between the principal of the school at which a child is enrolling and the principal of their previous school and set out confidentiality arrangements for people engaged in the administration of the act.

On the recommendation of the Crown Solicitor's Office, the circumstances under which information can be disclosed will be broadened to bring them in line with the Information Privacy Principles and the Information Sharing Guidelines. The amendments to each of these clauses will allow the disclosure of information to lessen or prevent a serious threat to the life, health or safety of a child or other person; the disclosure of information required by an order of a court or tribunal; and the disclosure of information with the consent of the person to whom it relates.

The amendments to these clauses also clarify that information disclosed under the clause can be used for purposes related to the health, safety, welfare or wellbeing of a child or class of children. A regulation-making power will also be added to each clause, providing for regulations to be made to prescribe additional circumstances under which the information may be used for a purpose other than that for which it was disclosed.

An additional amendment to clause 67 directly supports recommendations 8.13 and 8.14 of the Royal Commission into Institutional Responses to Child Sexual Abuse. It allows the principal of the school in which a child is to be enrolled to require information from the principal of the child's

previous school which relates to the safety and wellbeing of that child or which may be relevant to the safety and wellbeing of other children or persons at the school.

I think that covers all the proposed amendments. With the indulgence of the house, when we get to the committee stage where those amendments are to be moved, I might refrain from reading all that again. Consider the argument for those amendments as read. This is a very important bill. This is the most substantial reform of education legislation in this state since 1972. It has been in the parliament for a little while. As it has turned out, I think that some useful amendments have been put forward by the children's commissioner and by the Crown Solicitor's Office, so it is good that we have had a couple of months to consider the bill since it was introduced earlier this year.

I am very excited that the bill looks headed towards passage during this term of government, where previously we have not been able to achieve what we are looking to achieve today. Whether or not we finish the debate in the House of Assembly today, we will see, but I very much hope that the passage of the bill will be swift through the Legislative Council once it reaches that venue. I look forward to seeing the debate progress, and I look forward to the committee stage of the debate. I commend the bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Dr CLOSE: I appreciate what was said in the closing second reading speech. However, I would like some more clarification on whether any consultation occurred with any stakeholder groups on the changes between last year's bill and this. Specifically, I am interested in any discussions that may have been held with the union about the changes in their role and also with the two principals' associations on general changes that have been made to the governing councils, the role of the union and also the religious activities from instruction to activities.

The Hon. J.A.W. GARDNER: There were a couple of questions in there, so if I miss any of the specifics, then I am happy to come back to them. The first point I would make is that the bodies the member has asked about were all consulted prior to the amendments being drafted last year when I was the shadow minister prior to their first public ventilation, if you like. Of course, they were amendments that were moved by the then opposition.

It was our commitment in many public fora before the election that we would be reintroducing the bill, and I indicated in a number of those speeches at events that the member for Port Adelaide and I enjoyed attending during the election period that we would be introducing the bill with such amendments. So the opportunity for people to be aware that the opposition would be reintroducing this bill in the amended form as identified was very clear before the election and the election itself is of course the ultimate form of consultation.

The member specifically asks about the period since the election—or that was what I took from the question—particularly in relation to certain organisations. I can indicate to the member that the Australian Education Union and representatives and I have met on several occasions since the election and we have discussed this matter. I think it would be fair to characterise their position as being against the changes having been made and I think that is a point they have made publicly and in emails to their members and in emails to members of the government. That is a difference of opinion that we have agreed that we will have. It is a principled difference of opinion. The AEU believes they should have a privileged position in the act on these positions and the government does not share that view, and we can have a vote on those amendments later if the member would like.

In relation to the principals' organisations, I have certainly met with SASPA and SAPPA, which I assume are the two that the member was referring to when she identified two. I have certainly advised them either in those meetings or when I have met them at events, and I have spoken at both of their conferences recently and met with their presidents at different times. We have certainly advised them that the bill was coming back, and it would not have been any surprise to them that the

government was amending it in the way proposed. I believe that we further indicated to the stakeholder groups when the bill was reintroduced, letting them know the form the bill was taking, but I will double-check on that.

At the very least, certainly, we have promoted publicly that the bill was being reintroduced. Prior to the bill's reintroduction, I do not know that there was any specific consultation between the election and the bill's reintroduction on the form in which the specific clause is taken. The reason is as I have outlined: that they were exactly in the form that the Liberal Party committed to reintroducing the bill prior to the election, so we were delivering on an election commitment, and of course the election is the ultimate form of consultation.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. J.A.W. GARDNER: I move:

Amendment No 1 [Education–1]—

Page 14, line 26 [clause 7(4)(e)]—After 'involvement of' insert 'children, students,'

Amendment No 2 [Education–1]—

Page 14, line 29 [clause 7(4)(f)]—Before 'stakeholders' insert 'children, students,'

Dr CLOSE: I would like the minister to place on record the reasons for the amendments.

The Hon. J.A.W. GARDNER: I am very happy to. Clause 7 is in relation to the objects and principles of the act. We are talking about subclause (4), which provides:

> (4) The following principles must be taken into account in relation to the operation, administration and enforcement of the act:

Paragraph (e) currently provides:

> (e) the involvement of parents, persons other than parents who are responsible for children and other members of the community in relation to the education and development of children and students should be promoted;

The Commissioner for Children and Young People suggested to the government that it would be useful to be explicit that the involvement of children and students should be identified specifically. The government took the view that that was a reasonable suggestion.

Of course, the member for Elder, in her speech that we had the opportunity to hear immediately prior to resuming debate on the education bill, I think argued this point extremely well, although she was talking about another matter, when she said that the voice of children and young people, when it is heard within families, when it is heard within school environments and when it is heard within communities leads to better outcomes for those children and young people.

Last Friday, I was at Stradbroke primary school—or Stradbroke School, as the former government had us rename it when they forced them to merge with Stradbroke junior primary school—and I was talking to the combined year 5 students at Stradbroke School for half an hour. It was an absolutely delightful session. They were kind enough to paint a picture of me, which they presented to me and now forms my Facebook profile picture.

The CHAIR: Flattering, I am sure, minister.

The Hon. J.A.W. GARDNER: People are welcome to have a look. The Stradbroke students spoke to me for half an hour, raising a number of questions, and one of their questions was, 'When you were at school, did you have student voice?' Of course, when I was at school—as the member for Lee would remember—we did not really have student voice. It was not that long ago; it was only about 50 or 70 years ago. We did not have student voice.

We had an innovation in my last year at school where it was not just teachers who chose prefects but the student body got a vote in that, and it was weighted 3:1 in favour of the teachers. That was a reasonably new innovation at that time. Student voice is important and it is something

that has not always been taken that seriously. It is taken seriously now, so having student voice specifically referenced in the objects of a bill such as this is relevant. The other amendment is to subclause (4)(f), which currently provides:

(4) The following principles must be taken into account in relation to the operation, administration and enforcement of this Act…

(f) stakeholders and communities should be consulted in respect of decisions 30 under this Act that may affect them;

'Stakeholders and communities' does include children and students, yet when the children's commissioner suggested that children and students should be explicitly identified here for the same reason as in with (e) the government took the view that, yes, that was a wise a suggestion and a suggestion that we have taken. I therefore commend the amendments to the house.

Amendments carried; clause as amended passed.

Clauses 8 to 13 passed.

Clause 14.

The Hon. J.A.W. GARDNER: I move:

Amendment No 3 [Education–1]—

Page 19, after line 4 [clause 14(6)]—After paragraph (b) insert:

(ba) is reasonably required to lessen or prevent a serious threat to the life, health or safety of a child or other persons; or

This deals with the section of the clause that deals with:

A person or body who receives information or documents under this section must not (unless the information or documents are otherwise provided to a person or body to which this section applies under this section) disclose or communicate the information or documents to another person or body except where the disclosure or communication—

Then it goes on with some subclauses and they are, indeed, the exceptions. The Crown Solicitor's Office has pointed out that it would be useful here to have an exception in a case where the disclosure is reasonably required to lessen or prevent a serious threat to the life, health or safety of a child or other persons, so we thought we would add that, at the suggestion of the Crown Solicitor, as I described earlier.

Amendment carried.

The Hon. J.A.W. GARDNER: I move:

Amendment No 4 [Education–1]—

Page 19, after line 5 [clause 14(6)]—After paragraph (c) insert:

(ca) is required or authorised by an order of a court or tribunal; or

This amendment describes, as described previously, an increase to the disclosure subcategories in the circumstance where the disclosure is required or authorised by an order of a court or tribunal. This was suggested by the Crown Solicitor's Office. We thought this was a sensible suggestion. Effectively, what these amendments are doing is ensuring that the existing practice and policy that has been in place I think for a couple of years—I am sure the member for Enfield will advise me if I am wrong—continues and is consistent and is not confused by the operation of the new act.

Amendment carried.

The Hon. J.A.W. GARDNER: I move:

Amendment No 5 [Education–1]—

Page 19, lines 6 and 7 [clause 14(6)(d)]—Delete paragraph (d) and substitute:

(d) is with the consent of—

(i) in the case of information or documents that relate to a child—a person responsible for the child to whom it relates; or

(ii) in any other case—the person to whom the information or documents relate; or

This adds further along the same theme, but we have in fact a deletion and an increase. We are deleting paragraph (d) which is 'with the consent of a person responsible for the child to whom the information relates', and we are replacing it with a new and improved paragraph (d), which states with the consent of either (d)(i), 'in the case of information or documents that relate to a child—a person responsible for the child to whom it relates', or (ii) 'in any other case—the person to whom the information or documents relate'. I commend the amendment to the house.

Amendment carried.

The Hon. J.A.W. GARDNER: I move:

Amendment No 6 [Education–1]—

Page 19, after line 16 [clause 14(7)]—After line 16 insert:

unless—

(c) it relates to the health, safety, welfare or wellbeing of a child or class of children; or

(d) it is in circumstances or for a purpose prescribed by the regulations.

Amendment No. 6 amends clause 14(7) to permit information disclosed under the clause to be used for a purpose other than the purpose for which it was disclosed where that secondary purpose relates to the health, safety, the welfare or indeed the wellbeing of a child or a class of children.

The amendment also provides for regulations to be made to prescribe additional circumstances under which the information may be used for a purpose other than that for which it was disclosed. I should say that this series of amendments ensures clarity, as I said before, but also ensures consistency with other government policies such as the Information Privacy Principles Instruction and the Information Sharing Guidelines. Take those comments as read for the past four amendments and the next bunch as well.

Amendment carried; clause as amended passed.

Clauses 15 to 19 passed.

Clause 20.

Dr CLOSE: I am operating from a version that contrasts the bill that I brought in with the current one. I appreciate that the minister may or may not have access to that kind of version. This clause relates to the composition of governing councils of stand-alone preschools and children's centres. I think there is a mirrored alteration for schools later on. I appreciate that there is different wording, but I am unable to see what the different import is. Could the minister explain the intent of this clause and, if possible—and I appreciate that it may be an unreasonable question—explain how it differs from what had been brought forward in the previous version?

The Hon. J.A.W. GARDNER: I thank the member for the question. My officer, who is sitting with me, is extremely well prepared, as are my staff, who enabled us to have a copy of the old bill also, so we may be able to deal with some of these things here in the chamber rather than taking too much on notice.

The short answer is that the member would be very familiar with amendments that we moved last year and have incorporated into this bill this year in relation to school governing councils. Last year, the preschool governing council clauses mirrored the previous government's version of the school governing councils. Similarly, we have updated the preschool governing council clauses here to mirror the changes that we have spoken about in debate and in amendments last year with the school governing councils.

Last year, I do not believe that we moved amendments to the nature of preschool governing councils. We focused on talking about school governing councils. Obviously, the changes to school governing councils were well ventilated, but part of the purpose of the bill is to bring consistency in the application for preschools and schools, so it seemed very sensible to update the issues with the preschool governing councils as well.

Dr CLOSE: Nonetheless, I can see that the previous version and this version deal with the challenge that besets a preschool—or children's centre governing council in this case, but later it will be the school council—when there is no-one who wants to be the presiding member or there are not enough people who want to be on it. The only change that I can see of significance is that it seems that the minister must conduct at least one supplementary election, instead of just one. Is there a particular reason why conducting two, three or four is seen to be an appropriate use of resources? This refers, for instance, to 20(4)(a) in the new bill.

The Hon. J.A.W. GARDNER: The 2017 bill said that the minister may, at the minister's discretion, conduct a supplementary election. The 2018 bill says that, in these circumstances where there are not enough people or whatever it might be, the minister must conduct at least one supplementary election. This is reflective of the point of principal difference that we were arguing about last year. Potentially, the member may or may not argue that it is more relevant in the case of a school. It is up to her.

In the Liberal Party, we felt that it was critical that governing council bodies gave every opportunity for parents to be the voice on the governing council, in addition to staff who were working there, and that parents were preferably filling those positions made available for parents. Sometimes, people cannot make it to a meeting to be there to volunteer and we felt that it was reasonable that they be given at least one opportunity to do so.

The previous version of the bill said that the minister 'might' conduct a supplementary election. We believe that it was important to say that the minister 'must' conduct a supplementary election. In relation to 'at least one', I would not imagine that there would be too many occasions when there would be more than one, but I also did not see any reason why that opportunity to have more than one should be declined.

I did not think that we should limit it to just one necessarily in the circumstance where somebody might potentially want to have a second go at having a supplementary election. An example might be if the chair had an indication from somebody. Having had the AGM and having had a supplementary election, there might later be a parent who indicates, 'Yes, I would have a crack at that, too.'

Dr CLOSE: I will ask this in this section, but it is just as relevant for the other one. It just means that we only have to do it once. So, with your forbearance in the way in which you answer, has the minister had any discussions since the election with the two principals' associations and the Preschool Directors Association about whether they are comfortable with this specific change that slightly alters the way in which they would have to manage their governing councils in the event that there is no-one willing to be a presiding member?

The Hon. J.A.W. GARDNER: I met with the Preschool Directors Association. I do not recall this being a topic of conversation, other than that I am fairly sure it was raised with them. The bill had either just been or was about to be reintroduced to the house, and we have not had an in-depth discussion about it.

In relation to SASPA and SAPPA, meetings have taken place. I have spoken to people informally as well, but not in relation to the detail of this measure of the bill. Obviously, the member has asked about it in relation to this clause and also the later clause, which is more relevant to schools. Clearly, the change in the schools clause was moved before the last election, when we last discussed the previous version of this bill in the House of Assembly.

The election period provided many opportunities for people to reflect on this. I note that there were organisations, and certainly the parents' group SAASSO were very enthusiastic about ensuring that parents had the opportunity to continue in their position on governing councils. There are certain other amendments that we moved last year that they were very encouraging of. In relation to ensuring that parents have every opportunity to participate in governing councils, that is the position that the Liberal Party unapologetically supports.

Clause passed.

Clauses 21 to 26 passed.

Clause 27.

Dr CLOSE: As I understand this—and, again, I believe we are still in the world of early childhood but identical changes are made at school level—the title for division 4, which is the heading going into clause 27, had been 'The direction, suspension and dissolving of governing councils' and it is now simply 'Removal of members of governing councils'. Can I clarify that this will mean, should this become law, that it will be impossible for the minister to dissolve a governing council? It is a question: will it be the case, if this goes through, that all that can be done is that individual members are removed but not that a governing council itself for any reason could be dissolved?

The Hon. J.A.W. GARDNER: Again, I will answer the question in relation to its application in both preschools and in schools. It is notable that there is much less in the existing legislation to do with the Children's Services Act than there is in the existing Education Act in relation to the governance arrangements for preschools. One of the virtues of the bill, as it was last year and indeed this year, is to modernise governance of those preschools. Again, this is one that is reflective of the intent of the similar change in relation to school governing councils, and that is why it reflects.

The former government moved a bill that talked about being able to dissolve governing councils, and the Liberal opposition as we were then, and the government as we are now, moved amendments last year, committed in the election and introduced into this bill a version that is more similar to the current arrangements, as I understand it, where you can remove somebody if there is misconduct for failure or incapacity to carry out duties or for any other reasonable cause, and that can be done in relation to an individual member of the governing council.

That was the position which we argued previously and to which we have moved amendments, and that is now the proposition in the bill.

Dr CLOSE: So, predictably, given the pattern of my questions to date, has the minister had specific conversations with SAPPA, SASPA and the Preschool Directors Association on whether they are happy to not be able to have a dissolution mechanism within the legislation?

The Hon. J.A.W. GARDNER: I do not wish to be glib, and I am not intending any reflection on the question, but perhaps the easiest thing is to say that the answer to the previous similar question could word for word I think be reflected here. There have been general discussions but not the specific.

Clause passed.

Clauses 28 to 45 passed.

Clause 46.

Dr CLOSE: The minister talked, I think in the opening address and certainly in his closing second reading speech, about the different construction of the governing council's legal fund. I have no objection to its being constructed this way. It had a version previously. My question is: has there been any evidence that the minister has come across that it is necessary that this construction take place, that there was some deficiency in the actual operation of the previous model, as opposed to an in-principled view and, with that, a question of whether there had been Crown advice that this was a preferable model?

The Hon. J.A.W. GARDNER: Sorry, can I clarify the question. You are asking about this model as opposed to the model proposed in amendments last year, or this model as opposed to the, what I would call, theoretical fund that was operating under the previous government? The second version?

I guess there are two or possibly three—we will see whether I remember the first when I am going through it. The first point is that it was after a specific Debelle recommendation that there be a fund. The former government argued that it had the capacity, on application to the education department, from recollection, for moneys to be paid from the general account to a governing council, if deemed suitable. That was in the administrative instructions and guidelines approved by the attorney-general as the member for Enfield. It was, if you like, a theoretical fund.

My recollection and the advice is it was never drawn upon. I am not sure anyone was ever told about the theoretical fund's existence in terms of being encouraged to seek it. Hopefully, there

are not too many examples where people would want to. The principle that was argued by the opposition last year—I think it was me who argued it—was that, if you are in dispute with the department and applying to that same department for legal assistance, it might not occur to most people as the first place they would go, especially if they had not heard about such a fund or a theoretical fund.

The idea that they are seeking legal advice suggests that there is a certain breakdown in trust to start with. Debelle recommended that this be separate. The opposition committed to it being separate. On coming to government, we took advice as to the best construction of that. Parliamentary counsel, as I recollect, gave suggestions when we were in opposition to how we might construct that, and on Crown Solicitor's advice we particularly added in subclause (3):

> (3) The Crown Solicitor may refer an application by a governing council under subsection (2) for determination by such other person as is nominated by the Crown Solicitor…

I believe that is all the relevant information I have, but I am happy to go into further detail, if needed.

Dr CLOSE: The fund appears to be something that will be established with money in it that may then be invested by Treasury. How much money is being allocated to it?

The Hon. J.A.W. GARDNER: The sum of money, I am advised and it meets with my recollection, is $10,000 to start with. Whether that transfer has happened I would imagine is unlikely until after the bill hopefully passes the parliament, hopefully with this in it. But provision has been made for that sum as a starting point and we will see how it goes. Obviously, it will sit within an account elsewhere within government, so the effect on the state's bottom line in the event that it is not drawn upon would be insignificant.

Clause passed.

Clauses 47 to 53 passed.

Clause 54.

Dr CLOSE: I move:

Amendment No 1 [Close–1]—

Page 39, lines 38 to 40 [clause 54(2)(d)]—Delete paragraph (d) and substitute:

> (d) a person (not being a teacher at a school that is subject to the review) nominated by the Australian Education Union (SA Branch);

This amendment restores the role of the Education Union and specifically that that person not be a member of the school.

The Hon. J.A.W. GARDNER: The member has discussed this amendment in second reading debate in principle and will not be supporting it.

Amendment negatived; clause passed.

Clauses 55 to 66 passed.

Clause 67.

The Hon. J.A.W. GARDNER: I move:

Amendment No 7 [Education–1]—

Page 45, after line 39 [clause 67(2)(a)]—After subparagraph (ii) insert:

> (iia) information that relates to the safety or wellbeing of the specified child or that may be relevant to the safety or wellbeing of other children or persons at the school or the premises at which an approved learning program is conducted;

Amendment No 8 [Education–1]—

Page 46, lines 18 and 19 [clause 67(5)(b)]—Delete paragraph (b) and substitute:

> (b) is with the consent of—

(i) in the case of information that relates to a child—a person responsible for the child to whom it relates; or

(ii) in any other case—the person to whom the information relates; or

Amendment No 9 [Education–1]—

Page 46, after line 19 [clause 67(5)]—After paragraph (b) insert:

(ba) is reasonably required to lessen or prevent a serious threat to the life, health, or safety of a child or other persons; or

Amendment No 10 [Education–1]—

Page 46, after line 20 [clause 67(5)]—After paragraph (c) insert:

(ca) is required or authorised by an order of a court or tribunal; or

Amendment No 11 [Education–1]—

Page 46, after line 27 [clause 67(6)]—After line 27 insert:

unless—

(c) it relates to the health, safety, welfare or wellbeing of a child or class of children; or

(d) it is in circumstances or for a purpose prescribed by the regulations.

My explanation matches my explanation of earlier amendments, other than clause 67 relates to the clause where a principal is required to provide other principals with reports in respect of specified children in certain circumstances. These amendments ensure that there is clarity and no inconsistency with the government's privacy guidelines, as previously ascribed. Specifically, this amendment also directly supports recommendations 8.13 and 8.14 of the Royal Commission into Institutional Responses to Child Sexual Abuse.

Amendments carried; clause as amended passed.

Clause 68.

Mr BELL: Clause 68—Child of compulsory school age must attend school, which I think, in principle, we all agree with. Minister, what interplay is there before the maximum penalty of $5,000 is applied to each person responsible? I assume there you are talking about a traditional family, a father and a mother who might be separated. Is that the intent, that both parents in a divorce situation would be liable for the $5,000?

The Hon. J.A.W. GARDNER: It is a matter of prosecutorial discretion as to who might be prosecuted for an offence. There is a recent case where there is some familiarity through the media, where a parent was identified as being responsible for the child's non-attendance at school. I think there were about 10 convictions in relation to the same child. The bill, in this form, and in the form introduced last year, significantly increases the maximum penalty. This is where the question of expiation notices also comes in.

There were questions raised in some members' speeches about expiation notices. I am not wanting to be political here; I just want to make it clear that the principal reason why the government was not attracted to expiation notices was that this fine should not be a first step. This fine is a last resort. Any prosecution is a last resort, where the family has been unwilling to engage, and I think the shadow minister's second reading speech used an example about the need for a prosecution in certain circumstances: if a family is unwilling to engage, you may face this situation where a prosecution can be launched. If a child is not attending, I think an expiation notice is too easy a solution in many circumstances.

I think the example raised by the member for Mount Gambier in his second reading speech of when he was an attendance officer would be an example of where, if the attendance officer did not take the trouble that the member for Mount Gambier took, to go to that house and pick up those children and take them to school, if the children had just not attended school a circumstance could arise when somebody could decide, 'These people are in breach, so we are going to issue them with an expiation notice,' which would be of no benefit to improving that child's welfare.

There are many circumstances where that first step of an expiation notice being issued could be implied. By keeping it to the main offence, our proposition is that you will first go through the measures envisaged in clauses 70, 71, 72 and 73 relating to family conferences, where the rubber can hit the road more effectively in achieving a better outcome for the child.

If a family is not engaging in them, then the opportunity is there potentially to look at prosecutions. To specifically answer the member's question, at that stage, it would be up to prosecutorial discretion. To be clear, I do not think that there is any suggestion that anyone thinks it would be in the interests of the prosecutor or the department to prosecute a parent in the circumstance that the member for Mount Gambier has raised, where the parent is clearly trying to engage with the department and school and is clearly trying to get their child back to school.

The Hon. J.R. RAU: I have a quick question. I know that the minister is concerned about this as much as all of us on this side. Non-attendance is a very serious issue. I understand why the minister is doing what he is doing, but I wonder if he can perhaps comment on these reflections in the context of the particular provision that he is talking about.

A combination of the carrot and the stick would appear to be better than simply the stick. In terms of the carrot aspect of things, for what it is worth my observation is that, if you can actually get families engaged with a school as a hub for all a family's requirements—the school is not seen as just a place where they have to take kids to go to school—that perhaps offers something. I would be interested to know what, if anything, the minister thinks about that.

The second question is: are you concerned that the mere fact of this being on the statute book might mean that some of these very highly mobile families, who feel the education department breathing down their necks, may vanish off the radar screen, which they are capable of doing? They may pop up somewhere else, perhaps interstate, by which time you have lost track of the kids. There are issues about that.

Given the cohort of people we are possibly talking about here, the final question is: do you have much confidence that the threat of prosecution is particularly worrying? It would worry me and I am sure that it would worry the minister, but I wonder how effective that is as a tool. None of the questions I am asking are to suggest that I do not entirely agree with what the minister is attempting to do.

The CHAIR: Minister, you have three questions there. Are you happy to take them?

The Hon. J.A.W. GARDNER: Yes. I will be brief but, if the member wants to have a longer chat about any of these things, I am happy to do so in other forums. I think they are probably more policy questions in some ways. In relation to families engaging in schools as hubs, it is obviously a desirable activity. I think that the education department and our schools endeavour to do that to varying extents.

Of course, you are talking about carrots and sticks. Encouraging our families to understand—and almost all do—that the education of their child is going to be an extraordinary determinant factor in their child's future success is a pretty reasonable carrot to start with, but we are talking about those families who have not necessarily identified that carrot, so this stick is available.

I will go to the third question: is the threat of prosecution necessarily a stick that will concern those families? If they are unwilling to engage in a family conference, if they are unwilling to do whatever they can to help get their child to school, then I think that there are all manner of coronial inquiries and other examples of these situations where it is quite clear that some engagement from authorities in addressing such poor behaviours is better than none.

I think that the most profound impact of the two prosecutions that were successful last year was not the fairly trifling fine received by the government, which in no way would have offset the costs of launching those prosecutions. The value of those prosecutions is that those children are now attending school on a far more regular basis than they were prior to the prosecutions being launched. The understanding of those prosecutions having been launched, I would hope at the very least is encouraging other families in a similar situation to understand that if they do not engage with the school, if they do not engage with the department and they do not do all they can to get their kids to school, then that is something that could happen to them as well.

In relation to people disappearing from the system, I think the member for Mount Gambier's second reading speech is worth a 15-minute read of the member for Enfield's time in which he outlined a distinct situation such as this. Yes, that is a concern and it is a concern not just for the education department but for the child protection department and the whole of government. It is something that, again, coronial inquiries and royal commissions have expressed some concern about.

I indicate to the attorney—old habits! We are going to start talking about *Star Wars* movies and French opera any time soon. Usually on a Thursday afternoon we would have been in a reflective position, I suspect, in years gone by. I indicate to the member for Enfield that one of the reforms being proposed out of the second Gonski report at the federal level, discussed at education ministerial councils without giving too much away—and while it was a closed session, it has been discussed publicly—is the opportunity for a unique student identifier to be applied to children so that whenever a child is going through systems from one school to another from one school system to another from one state to another, it is hoped that this as a national reform will enable us to keep track much better of those children.

I think it will have extraordinary benefits for those children going forward. I very much hope that it will be something that will be adopted by all states and territories in the commonwealth going forward.

Mr BELL: Minister, my concern with clause 68(2) is the words, 'If a child of compulsory school age fails to attend school as required by subsection (1), each person who is responsible for the child is guilty of an offence.' I would like to see that rewritten to mean 'each person who is responsible for the attendance of the child is guilty of an offence' and I give the example of a divorced father—and I have this situation right now in my electorate—who has spasmodic interaction with his daughter.

The mother, in his words, is on ice and she is not supporting efforts to get their daughter to school. I know it is pedantic, but I would hate to see under this ruling that while he is responsible for the child he has no control over the ex-partner's non-desire to help the school with attendance. I want to be clear, and hopefully it is in your mind, that this person would not be caught up in this, and I know it is drawing a long bow to the legislation.

The CHAIR: Minister, before you answer, member for Mount Gambier, from that I got the feeling that you were proposing an amendment.

The Hon. J.A.W. GARDNER: No, it's okay.

The CHAIR: You can speak to that?

Mr BELL: It is just how I would prefer to have seen it written but the minister may address it.

The CHAIR: Yes, I understand that. Minister, I just wanted to explain to the member for Mount Gambier that he needs to put it in writing.

The Hon. J.A.W. GARDNER: I understood it as a question. I think the member for Mount Gambier will be given comfort by having a look at subclause (4) which is on the next page:

> In proceedings for an offence against this section, it is a defence for the defendant to prove that they took such steps as were reasonably practicable to ensure that the child to whom the offence relates attended school as required by subsection (1).

If somebody is trying, then they are not going to be prosecuted, and as I have talked about prosecutorial discretion before, nor would it be in the department's or a prosecutor's interests to have a go either.

Clause passed.

Clause 69.

Mr BELL: Under 'compulsory education age', in your second reading speech you talked about the approved learning programs and whether they are compulsory. Is there any avenue for exemption for young people aged 16 to 17? I know there is an approved learning pathway, but for

the age of 16 I want to be clear: is compulsory education age six to 16 inclusive or six to 16 at the start of the year? I have had situations where a 15 year old, who was highly disengaged at school, got work on a farm during certain hours. That was deemed most appropriate, in consultation with the parents, the school and the workplace, to provide a learning pathway for that child, who was 16. Is there any provision in there, or is it a blanket compulsion?

The Hon. J.A.W. GARDNER: I am happy to take more than one question on this if I do not completely answer the specifics of what you are after, but if they are 15 they are of compulsory school age and from their 16th birthday they are not. Does that answer the question?

Mr BELL: That then means they can go into the approved learning section of compulsory education age, not school age?

The Hon. J.A.W. GARDNER: I can refer to the interpretation of 'approved learning program' in clause 3, which defines what those further opportunities might be.

Clause passed.

Clauses 70 to 80 passed.

Clause 81.

Dr CLOSE: I note the addition of a clause that allows for regulations, and I appreciate that regulations are not routinely provided before the legislation has gone through, but I wonder whether the minister might speak to the nature of regulations that might be anticipated.

The Hon. J.A.W. GARDNER: I will provide some information, and we can get into the weeds if more information is needed. This clause provides express provision for the making of regulations relating to all aspects of suspension, exclusion or expulsion of a student. Previously, provision for these matters were set out in the regulations, and I note regulation 49 of the existing regulations. The majority of the relevant clauses are now moved into the primary legislation.

However, there is still a need to set out certain matters in regulation, including, for example, offences related to noncompliance with a suspension exclusion or expulsion—this is when people are on school grounds when they should not be.

Clause passed.

Clause 82.

Dr CLOSE: I appreciate that the minister responded in part to my questions in my second reading contribution in his closing second reading speech, but I am still a little at a loss to understand the motivation of changing 'intercultural and religious instruction' to 'religious and cultural activities'. Part of why I am concerned, or why I would like the minister at least to respond, is that the change from 'instruction' to 'activities' opens up the possibility of the subject that no politician wants to be debating, which is Christmas. Not one person in this chamber wants to do any harm to Christmas in our schools.

The Hon. J.A.W. GARDNER: I believe not one person in this chamber right now does.

Dr CLOSE: I will not speak for anyone else: I will speak for myself and I suspect that I am speaking at least on your behalf. I appreciate that there is some saving in the idea of regulating the class of people who might be delivering this activity, but the activity itself remains, therefore, ambiguous, in my opinion. My question is: why move from 'instruction'—which is clearly about the teaching of a faith or a religious belief or what might be regarded by someone not of that faith as a cultural practice—to 'activity' when a fair-minded person might think that celebrating Christmas is a religious or cultural activity?

The Hon. J.A.W. GARDNER: It is a useful entree. I make it clear that, under the objects and principles of the act, the singing of Christmas carols is, thankfully, assured and capable of being undertaken in our public school system. The shadow minister is aware, I think, in debate in this chamber last year, or possibly an ABC radio—I cannot quite remember the moment—where she did admit that there was a policy released for consultation under her stewardship of the education department as minister that did propose things that might have put the singing of Christmas carols

in public schools into jeopardy. I think she said that, if she had seen it, she would not have written it that way.

Dr Close: Of course not.

The Hon. J.A.W. GARDNER: I thank her for that and I accept her assurance that she values Christmas carols. I accept that when—

Members interjecting:

The CHAIR: Order!

The Hon. J.A.W. GARDNER: —the member for Port Adelaide is the education spokesperson for the Labor Party in South Australia at least, the Labor policy on this will continue to allow for Christmas carols. I accept that she herself has that view. That is not the view of all people in the labour movement, and it is not the view of all Labor members. I think that it is important that we put this into legislation, and that is why it is in the legislation.

Now that we have cleared that up, the more important aspect of the question is in relation to the wording. I realise that in the second reading response there was a bit going on. I think that I was somewhat clear, but I think, just for the clarity of this discussion, we can again go back and forward if we need to. I will repeat a couple of things. The term 'religious and intercultural understanding' is a term used in the Australian Curriculum to mean the way that students learn to value their own cultures, languages and belief.

Religious and cultural activities, as described in clause 82, are those activities provided during school hours by a prescribed third party in relation to a particular religious or cultural practice or belief. We have talked about imams talking about Ramadan. We have talked about priests coming in to explain Easter. We have talked about plays or musical performances and those activities. Things that are relevant to the curriculum, those intercultural and religious activities that are taught by teachers, are often in the curriculum itself.

There were some questions from officers when we came in about the use of the word 'intercultural'. We were keen to refer to 'cultural activities' rather than 'intercultural instruction' so that there was no question that this clause might be seen to apply to those things that are in the curriculum. The Australian Curriculum does indeed refer to 'intercultural instruction'. That is the purpose for the change. I will see if there is any further advice that is useful at this point.

Dr CLOSE: Christmas is not in the curriculum though. I am here trying to protect Christmas, to make sure that it is not subject to a clause that requires, under the government's construction, the principal to write to all parents so that they are aware that this is happening. Christmas is not in the curriculum and it is, in a fair reading of this, a religious or cultural activity, which at the beginning of the bill is protected.

The member refers to Christmas carols being singled out as an example, but Christmas carols are not the only element of the celebration of Christmas that occurs in schools. I just wonder why there is not better protection for Christmas as one of the activities that is in the objects of the act:

> …subject to this and any other Act or law, schools, preschools and children's services centres are free to celebrate events that are of significance to their communities.

Yet then you get these activities that might otherwise be thought to be those events. Is the definition that the minister read out of 'activities' in this bill, or is that a definition that the minister thinks is a reasonable one?

The Hon. J.A.W. GARDNER: I have a couple of things that will set the member for Port Adelaide's mind at ease, now that she has come on board with those of us who think that Christmas is an important time of year in our community.

Dr CLOSE: Excuse me. Sorry, the implication that I was not on board at any point with Christmas is pretty unfair, so I ask that that be withdrawn.

The Hon. J.A.W. GARDNER: I will withdraw it for all those times when you have been on board.

The CHAIR: Your comments have been noted, deputy leader.

The Hon. J.A.W. GARDNER: The deputy leader's valuing of Christmas is noted. The first point I would make is that clause 82(1) makes it very clear that this entire clause is in relation to time that has been set aside 'for the conduct of religious or cultural activities' and these are the key points: 'by a person, or a person of a class, prescribed by the regulations for the purposes of this section'. That will not include teachers. That will not include the principal. If the principal is leading the band, if the principal is leading the choir, if the music teacher is leading the choir, then that is an activity that is being undertaken by a teacher and is not captured by this section.

The second point I would make is that if a school wanted to have, say, their Christmas celebrations at a church, led by a pastor, then that might be captured by this section. But do you know what? Whether it is a school-based celebration or a celebration where the school moves to a church—or indeed, any other form of Christmas celebration—I would be surprised if the school did not send a note out saying, 'We are having Christmas carols. Come along.'

Every example I have experienced has been that. The way that the bill is constructed is that in such a circumstance people do not need to send a note back to the school saying, 'I explicitly allow my child to participate.' People do not need to do that in order for people to participate in such activities under the construction of the bill.

Dr CLOSE: I appreciate that the government custom and practice is not to define regulations before a piece of legislation is through, but my final question is: can the minister give his latest thinking on which class of person or persons would be regulated under this section?

The Hon. J.A.W. GARDNER: The shadow minister has accurately identified that we do not usually have the regulations first, and there will, of course, be an opportunity for us to talk further about this and we welcome input. It is envisaged that there would be an opportunity for people who are suitable to conduct this sort of activity to identify themselves.

We would be talking about, presumably, priests and the imams we have discussed. People who want to engage in these sorts of activities at a school might make themselves known to a school principal, and there would be an opportunity for the process to start there. If they were not suitable people, then we would not be identifying them to do that. Working with children checks and those sorts of things you can take for granted.

Clause passed.

Clauses 83 to 105 passed.

Clause 106.

Dr CLOSE: I move:

Amendment No 2 [Close–1]—

Page 67, lines 30 to 34 [clause 106(2)(b)]—Delete paragraph (b) and substitute:

(b) a committee established by the Chief Executive and consisting of members appointed by the Chief Executive with the agreement of the Australian Education Union (SA Branch) (1 or more of whom must be a nominee of the Australian Education Union (SA Branch)).

This amendment ensures that someone from the Education Union is involved in the establishment of a committee.

The Hon. J.A.W. GARDNER: The arguments for and against this amendment have been well ventilated in the second reading. I indicate that the government has not been swayed by the submissions put by the Labor members who are in favour of this amendment in their second reading speeches, and the government will therefore be opposing this amendment.

Amendment negatived; clause passed.

Clauses 107 to 136 passed.

Clause 137.

The Hon. J.A.W. GARDNER: I move:

Amendment No 12 [Education–1]—

Page 86, after line 5 [clause 137(1)]—After paragraph (a) insert:

(ab) as required or authorised by an order of a court or tribunal; or

Amendment No 13 [Education–1]—

Page 86, line 6 [clause 137(1)(b)]—Delete paragraph (b) and substitute:

(b) with the consent of—

(i) in the case of information that relates to a child—a person responsible for the child to whom it relates; or

(ii) in any other case—the person to whom the information relates; or

Amendment No 14 [Education–1]—

Page 86, after line 14 [clause 137(1)]—After paragraph (f) insert:

or

(g) if the disclosure is reasonably required to lessen or prevent a serious threat to the life, health or safety of a person or persons.

Amendment No 15 [Education–1]—

Page 86, after line 22 [clause 137(3)]—After line 22 insert:

unless—

(c) it relates to the health, safety, welfare or wellbeing of a child or class of children; or

(d) it is in circumstances or for a purpose prescribed by the regulations.

I move these amendments for all the outstanding reasons that were similarly in relation to the other sets of government amendments. These enforce the same principles. This is just another section of the bill where they are needed to maintain the status quo in relation to these principles.

Amendments carried; clause as amended passed.

Remaining clauses (138 to 141) passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (17:13): I move:

That this bill be now read a third time.

I thank the deputy leader and the member for Mount Gambier for their contributions to the committee stage and the member for Enfield for his cameo role. He dipped in, asking a series of questions all at once and then, like ships in the night, dipped out again. It was lovely to see him once again taking a role on a Thursday afternoon committee stage of bills, debates and government business and long may it continue. Long may the member for Enfield stay in this chamber and enjoy his time in the parliament to which he was elected by his constituents.

I want to thank Joanna Blake and all her team, who have been working on this for years. I thank them for the way they have supported the improvements to the bill that the government has made this year. I know the deputy leader is grateful for their work prior to that, as are we all. Thanks to parliamentary counsel. This has been a big bill and it is a substantial reform. I think that it will speed through the Legislative Council as the Legislative Council sees its merits. I thank those who have supported me in this debate.

Bill read a third time and passed.

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

Introduction and First Reading

Received from the Legislative Council and read a first time.

NATIONAL GAS (SOUTH AUSTRALIA) (CAPACITY TRADING AND AUCTIONS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

PETROLEUM AND GEOTHERMAL ENERGY (BAN ON HYDRAULIC FRACTURING) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (BINDING RATE OF RETURN INSTRUMENT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 August 2018.)

The Hon. A. KOUTSANTONIS (West Torrens) (17:17): I can inform the house that I am the opposition's lead speaker on this issue and the only speaker, I imagine, on this issue, unless there is some great urgent need. For clarification, this is the binding rate of return instrument bill. I am advised by the government that this bill seeks to amend the National Electricity Law and the National Gas Law to establish a single rate of return. The instrument will apply across all determinations made by the Australian Energy Regulator.

It seems like a very sensible reform. Inspired decision-making has come up with a better way of the Australian Energy Regulator coming up with, I think, a sensible solution to decrease the regulatory burden on businesses and consumers because there is a burdensome cost of regulation. Energy ministers, I am advised, considered this an important step in stabilising energy prices over time because the rate of return makes up the largest revenue component of the revenue of network businesses. It is a very good business to be in if you can get a regulated return. Part of the problem, of course, when it comes to electricity pricing is that the consumer bears almost all the responsibility and all the risk. It is a very difficult task for the Australian Energy Regulator to regulate these businesses.

One of my great regrets as energy minister was not seeing the formal separation of the Australian Energy Regulator from the Department of Treasury and Finance and the ACCC in Canberra become a stand-alone independent regulator, much like our ESCOSA here in South Australia or other regulatory bodies where the industry pays to be independently regulated. Unfortunately, in this case the Australian Energy Regulator is simply an arm of government, and I have never thought that is the best way to regulate an industry as complex and difficult to regulate as the energy sector.

I am advised by the government that the bill also improves consultation requirements, making the AER's decision-making process more transparent—as transparent as you can make any regulatory decision-making process. In my own personal experience, regulatory bodies and their determinations are the most opaque of any organisation, especially the way in which they come to their determinations. It is a very litigious area. I commend minister Frydenberg and my former colleagues in the COAG Energy Council for making some changes, which were supported by Labor both in the federal parliament and of course here.

I am also advised that a consumer reference group will be established to advise the AER on implementing the consumer consultation process and to facilitate consumer input into the design of the instrument. Another independent expert panel will also be established. You can never have enough independent expert panels to advise an independent regulator. Their job would be to review the draft instrument, ensuring that the AER's decision is based on sound reasoning.

The bill will require the AER to review and replace the instrument every four years. Given that South Australia is the lead jurisdiction responsible for passing the legislation on behalf of all member states, the energy minister on behalf of the COAG Energy Council has taken carriage of the

bill. There is a very fine tradition in this parliament and, given that this is a national reform, it would be a very rare occasion that the government and the opposition would not agree to pass this measure, regardless of any personal or political opposition to said such reform. It would take, indeed, I think a very radical reform for the opposition to depart from that precedent. I have no intention thus far of departing from that precedent, and I think it is an important precedent for a number of reasons.

I am advised by the government on what is a rate of return. For the benefit of the house and those who are listening, the rate of return allows regulated electricity and gas businesses to recover their efficient financing costs, which I have always thought to be a very unique tool for these types of businesses. Most other businesses are at the risk of the market. Depending on the product that they sell, they would compete.

Of course, when you have a monopoly you can overcharge, but in Australia you cannot undercharge. The regulated return ensures that the businesses are viable and can maintain their infrastructure and invest to meet reliability standards and other requirements that they may have. This can often end in some outcomes that are unintended. I think that a lot of these reforms are attempting to undo some of the damage done during the Hilmer reports. The reform was agreed on 14 July 2017 when I was present at the COAG Energy Council. I believe that there was a cabinet decision to support this legislation.

I do not know the position of the crossbench in the upper house but I assume that there will be a speedy passage of this bill, given that both the government and opposition support it. On an aside but still on the topic of energy, I have grave concerns as we head into the summer festive season that we are faced with a dilemma in our nation's capital where there has now been a contemplation of a number of energy policies that have all been abandoned by the COAG, the ESB and the commonwealth government.

The reform process must go on, and that is why the COAG Energy Council now needs to step up and take a leadership position on these matters, a leadership position to ensure that effective energy policy is carried forward. I fear that it may be too late for the National Electricity Market for there to be any reform that could be introduced that will make a difference. What is occurring now is that the commonwealth government, given their complete absence of any carbon pricing solutions, has vacated the field. In my experience, nature abhors a vacuum, and in that vacuum I am not sure what the outcomes will be.

I do know this: without effective energy policy there will be no investment. We have seen the Institute of Company Directors now on a number of occasions—not only yesterday but last year—issue statements to directors across Australia who are on energy company boards that, if they do not take carbon into account while making investment decisions, they could be personally liable for any decisions taken by energy companies. That is why you are seeing large energy companies not making investment decisions—because of a lack of clarity around carbon pricing or carbon policy—and I have grave concerns about what that will mean. That is why reforms like this are important to continue that reform process.

Again, the decision to proceed with this was taken in July. When this decision was taken, the National Energy Guarantee was being contemplated as a potential solution and national framework for investment. That has now gone by the wayside, yet these reforms continue. It shows you how important the COAG energy ministers process is. Given the time is running close to when the government wishes to rise, I support the bill, I commend the house and I recommend that members give it universal support.

Mr PEDERICK (Hammond) (17:27): I rise to support the Statutes Amendment (National Energy Laws) (Binding Rate of Return Instrument) Bill 2018. I note that on 14 July 2017 the COAG Energy Council agreed to implement a binding rate of return instrument for the rate of return on capital of the Australian Energy Regulator (AER) and the Western Australia Economic Regulation Authority (WAERA) regulatory determinations for regulated electricity and gas network businesses. This was a matter that emerged from the COAG Energy Council review into the effectiveness of the limited merits review framework by which network businesses could challenge decisions of the regulator.

The Statutes Amendment (National Energy Laws) (Binding Rate of Return Instrument) Bill 2018 implements a binding rate of return instrument in the National Electricity Law, National Gas Law and subordinate instruments. The rate of return is the forecast of the cost of funds a network business requires to attract investment in the network. The cost of capital is a significant determinant of network charges paid by consumers and businesses. The binding instrument will provide a single industry-wide process conducted every four years by each regulator to determine the binding rate of return methodologies that will be applied to individual electricity and gas network businesses at the time of their regulatory determinations.

The AER regulates the revenue that may be earned from electricity network distribution and transmission businesses and gas distribution pipeline businesses during a regulatory period, generally over five years. The largest of the revenue components is the return on capital, which may account for up to two-thirds of the business's revenue. The return on capital is calculated by applying the rate of return to the value of the network pipeline service provider's regulatory asset base.

The rate of return is the forecast of the cost of funds a network business requires to attract investment in the network. Currently, the regulator's existing guidelines are non-binding, allowing a different approach to rate of return. Gamma is the value of imputation credits used in calculating corporate income tax costs to be adopted by the AER and the West Australian ERA when determining the revenue allowance for each individual business. This has been a matter that has been challenged by network businesses in court, often with the impact of increasing the cost to consumers.

This move to a binding rate of return investment will improve the transparency and certainty of the regulator's decisions, reduce the regulatory burden for all stakeholders and provide a more robust process for the development of the rate of return. With those few brief comments, I support the bill.

Debate adjourned on motion of Dr Harvey.

At 17:32 the house adjourned until Tuesday 6 November 2018 at 11:00.