HOUSE OF ASSEMBLY

Wednesday, 9 August 2017

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:02 and read prayers.

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

Parliamentary Committees

PUBLIC WORKS COMMITTEE: BAROSSA INFRASTRUCTURE LIMITED CAPACITY INCREASE PROJECT

Ms DIGANCE (Elder) (11:03): I move:

That the 570th report of the committee, entitled Barossa Infrastructure Limited Capacity Increase Project, be noted.

This is not your usual SA Water project where they manage infrastructure for their own water and wastewater networks. This is a project whereby SA Water is upgrading their infrastructure to transport a third party's water. In this particular case, SA Water has a commercial arrangement with Barossa Infrastructure Limited (BIL) for the transport of their water allocation and purchased water supplies from the River Murray to the Warren Reservoir. Currently, SA Water transports eight gigalitres annually. In mid-2016, BIL approached SA Water to increase this to 11 gigalitres per annum.

To accommodate the additional three gigalitres, SA Water requires an upgrade to its infrastructure. It has also provided the opportunity for SA Water to address long-term water security for its own customers. The proposed works include the duplication of 3.7 kilometres of the Warren pipeline along Warren Road, the construction of a new pump station near Birdwood and the duplication of 950 metres of the Mannum-Adelaide pipeline between Mount Pleasant and Birdwood.

The cost of these works to SA Water is $11.2 million (excluding GST), and BIL will contribute a further $7.4 million to the project. In addition, BIL will invest $13 million to upgrade its own infrastructure. The project is expected to support at least 17 new jobs during the construction period, and BIL estimates an additional 84 permanent vineyard jobs and 90 wine production jobs could also be created.

The project will be staged, with the Warren pipeline and associated works to be undertaken first, commencing in August 2017. It is expected to be completed in early 2018. The second-stage works will ensure long-term water security for SA Water customers and is not part of the infrastructure required to transport the additional three gigalitres of water for the BIL project and their customers. The final stage should be completed by the end of 2018, weather permitting.

This project provides an opportunity to support the wine-growing region of the Barossa, an important industry in the South Australian economy. As the project is at the request of BIL, it has the support of local industry as well as the support of local state and federal members. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr KNOLL (Schubert) (11:06): I rise with great pleasure to support the noting of this report. Barossa Infrastructure Limited is a triumph of looking at innovative ways to deal with a very important problem. In the mid-nineties, there was a large expansion within the Barossa. The grape-growing and winemaking industry was going gangbusters, but there were a number of issues in relation to the provision of water for grape growing and wine production.

There were issues around rising salinity within groundwater sources and there were also issues around capacity. In the past, small-scale irrigation based on natural rainfall was the only way that farmers could irrigate their grapes and potentially otherwise use SA mains water supply. If left

unaddressed, those issues would mean that the Barossa Valley as we understand it today would not exist.

In the mid-nineties, we had—and I will not list all the names—Grant Burge, Ed Schild, Martin Pfeiffer and probably half a dozen local grapegrowers get together and said, 'We need to take control of our water future and we need to essentially get access to a better, more reliable but also high-quality source of water.' So they went to the government and SA Water, as it was then, and said, 'We want to be able to use your pipe network to deliver the Murray water that we want to buy through to the Barossa, where we will create a distribution network to pump that water around the Barossa.'

We recently discussed a third-party water access bill in this place, which is interesting because BIL did not need that bill or that act to get the job done; what it needed was political will. Even now, what we need is political will to get these things done. Essentially, there was lots of toing and froing and a reluctance by the water authority to become involved in this. It was done through the great leadership of then premier Olsen, who basically said, 'Guys, sit down and get this done because this has to happen.'

That political will to work through the bureaucracy and get this project off the ground has made the Barossa what it is today. Apart from growing some pretty good grapes, and apart from growers deciding to keep vines in the ground for over 100 years, in my view this is the key investment or the key change in the Barossa that has helped grow the Barossa into what it is today. These days, Barossa Infrastructure Limited underpins at least 50 per cent of the grape production in the Barossa. The figures came out last week.

This year, we had just over 70,000 tonnes. On an average year, we get about 60,000 tonnes of grapes, and over half of those are underpinned by water that comes from BIL. To think about what the Barossa is today and what it would be without BIL is quite something for us to fathom. Essentially, Murray water is pumped by SA Water's pipe network to the Warren Reservoir which, if the environment minister got off his backside, would actually be available and open to recreational boating use. We have only been waiting 10 years and we hope that this summer could be the year.

The previous member for Schubert still has a yacht that he bought for the specific purpose of boating recreationally on this patch of water, and if I am unlucky enough to be on the maiden voyage with him I hope I get out of the experience alive. I have this recurring nightmare that we go out and he does not know how to swim and he clings to me as he falls overboard and drags me down with him. Anyway, it will happen; it has been a passion project of Ivan Venning for such a long time, and I really hope it is delivered. That is where the BIL water starts. From there, BIL takes over, and they have a pipe network and a distribution network that covers an area of 450 square kilometres to deliver BIL water throughout the Barossa.

They keep adding megalitres to this program. It was six, then seven, then eight, then nine and we are now looking, I think, to go to a capacity of 11. I understand that this project takes it to 11, but moving these last extra couple of gigs requires BIL to actually put back some investment into their own network to have the capacity to deliver this water throughout the Barossa. The reason I mention this is that these grapegrowers got together and put their own money on the line to develop this pipe network. Apart from delivering high-quality, low-salinity water, it has also delivered them cheaper water.

At various times, it has delivered them water that is a quarter of the price that Clare Valley growers are paying for water from SA Water mains. It has delivered a competitive advantage to the Barossa growers, and their end of the pipework was all funded by themselves. In typical Barossa fashion, in typical thrifty, conservative Barossa grapegrower fashion, we had a party at Pindarie not long ago where BIL celebrated paying off all their debt. Somewhere in the order of $20 million or $25 million worth of debt was paid off over a 15-year period. BIL successfully paid off the debt, and we had a really big party with many dignitaries. It was a typical Barossa afternoon where we celebrated with a good glass of red the fact that we actually lived within our means.

BIL have now realised that there is a greater ability for them to expand the scheme, so they are now going to take on an extra $13 million worth of debt to upgrade their own pipe network and deliver $7 million to help fund SA Water's expansion of their end of the network. Again, this will help to underpin future expansion and future growth of grape growing in the Barossa. It comes at a pretty

good time. It comes a time when grape prices have hit new records both last year and this year. Off the top of my head, I think the average price for shiraz was about $2,100 a tonne, which was pretty good—the highest on record.

Internationally, the demand for Barossa wine is growing. The dollar has come down and free trade agreements with Korea, China and Japan are starting to kick in. We are also seeing a bit of a resurgence in the US and probably our highest priority target is getting back into that market. We are also focusing as a region very much on ensuring that we produce a high-quality product when we put it back into these markets. We were very much in favour and in fashion as a wine destination in the late nineties and early 2000s.

We have fallen out of fashion, and I think that our wine industry now, compared with 10 years ago, is much more sophisticated and much more understanding of its place in the world and where it needs to be. We are seeing good growth in higher value exports, and that is very good because it underpins more profitable grape-growing production in the Barossa.

I commend this project to the house. I am glad that it has the support of the Public Works Committee. This is such an important project. I know, for instance, that the Clare Valley would like to see something similar happen in their region, and I know that there would be other regions around the place that would like to see similar things happen. The underpinning of water infrastructure across regions does help to create good growth. At the moment, we are looking at it with the Northern Adelaide Irrigation Scheme and we have looked at it, for instance, with the Virginia irrigation scheme, and I know that the Riverland obviously has their own as well.

These things are so important and, if done properly, they add so much to a region. I commend SA Water for the way they have gone about working with BIL on this. I commend BIL and those original pioneers for their ability to have the foresight to get this off the ground and for the struggles they went through in those early years to get farmers to part with their hard-earned cash on a promise of some water. I look forward to this growing and growing so that we can have a more prosperous Barossa that helps to facilitate export growth all around the world.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I want to acknowledge that I omitted to speak about the school in the gallery, Trinity Gardens Primary School. Do we know whose guests they were?

Members interjecting:

The DEPUTY SPEAKER: In any case, even though they are not here, we want them to know that we were pleased to see them and hoped that they had a good visit to parliament and that whoever is responsible for their visit will send them the *Hansard*. They looked like a very enthusiastic bunch of young people—

Mr Pederick: Very well behaved.

The DEPUTY SPEAKER: —and very well behaved, and we thank them and their adults for coming in to visit us today. Member for Hammond has the floor.

Parliamentary Committees

PUBLIC WORKS COMMITTEE: BAROSSA INFRASTRUCTURE LIMITED CAPACITY INCREASE PROJECT

Debate resumed.

Mr PEDERICK (Hammond) (11:16): I rise to speak to the 570th report of the Public Works Committee, entitled Barossa Infrastructure Limited Capacity Increase Project. I welcome this increase. The BIL scheme is revolutionary and has been assisting producers in the Barossa area for many years now. It gets water down to a real value that people can add value to because otherwise, if the cost of water, like any other input, is too prohibitive, people may make the decision not to even attempt to go into either a food production area or, as we know with the Barossa, a reasonable

winegrowing area. I represent Langhorne Creek, and it is a reasonable winegrowing area and a lot of very good wine is grown there as well.

Coming off the land myself, I think anything we can do as a parliament to support our primary producers we should do. More than sometimes, we hear the argument that water is delivered around the state at postage stamp pricing at the business rate of somewhere around $3.40 a kilolitre. That may be so, but when you have to irrigate a lot of hectares and you run into the use of megalitres it becomes quite an impost on your production, as I said, whether it is food production or wine production.

I certainly welcome what is happening with Barossa Infrastructure Limited and the capacity increase and wish every success for producers in the region in making a profitable return on their investments. I also reflect on what has been attempted in the Clare Valley area. At least four years ago and longer, there were discussions around Lake Albert, which impacts on both the member for MacKillop's area and my area, in regard to people accessing water under a scheme.

I was under the impression, until recently, that those talks were progressing quite well and that we would see some outcomes to assist producers, especially around Lake Albert, which was devastated during the Millennium Drought that began in 2006. The issue there was that there was somewhere close to $40 million of production around Lake Albert before the Millennium Drought and that dwindled to something between 10 per cent and 20 per cent of that amount of production, and that was through no fault of their own but from having water that was too salty to utilise for their capacity.

In the years since, we have seen—because people obviously had water that they could get from their allocation and they could source that from the lake—the emergency pipeline go in, and that was an asset that was definitely needed just to keep stock alive. Certainly young stock, calves and lambs, cannot do well and in some cases do not even survive on water that is slightly brackish with salinity, so the SA Water pipeline went in. I always contract with the contractors—I think it was Leeds, from memory—and they put it in, after all the bureaucracy had been gone through. This is where the real action happened and they got it in in record time, I believe. They did a great job with a lot of crews putting that line in.

What we saw was a major increase. You can imagine, for people who have allocations for megalitres for irrigation and then all of a sudden they are having to buy megalitres at the SA Water price through the pipes, that it puts a real dent in any profitability at all; in fact, it drives some people well and truly backwards. I know during the drought some people were spending $5,000 a week on water, and that is just not sustainable. They were not getting much production back because essentially they were just keeping stock alive in the main.

What we have seen since that time is many private pipelines put in, some valued at only a few hundred thousand dollars—and I do not mean 'just' a few hundred thousand but they were relatively close to the lake. There were farmers who paired up or tripled up and utilised one line. That line would be running on one side of the road and the SA Water pipeline would be running on the other. There have been other proposals for bigger offtakes that will go into the millions of dollars that people are either thinking about putting in or are putting in because they have to have water at a reasonable rate. You are pumping water out of the lake, in some cases, for under 20¢ a kilolitre and sometimes under 10¢ a kilolitre.

If you compare that—and, sure, you have to have the allocation of the water under your irrigation licence—with something around $3.40 a kilolitre, it does not take long to do the maths. It does not take long, even with some of these massive investments, to get your return back. The sad thing is that the state does not get any return really from these private investments, nothing compared with what it would if there was a deal struck, similar to the Barossa Infrastructure Limited scheme, so that these farmers in the Coorong council area could access water at a reasonable rate.

There has been a lot of pushback in the last four years and, from what I understand, SA Water has really pushed this back and the minister is pushing this back. Quite frankly, I think that is disgraceful. It is holding up primary production opportunities in my area and the member for MacKillop's area and added so much potential. So now we will see more private pipelines go in with no money returned to the state.

I will declare an interest: I live on a property in the Coorong council area and potentially—and I place it on the record, as I have before—I could have benefited from this if they put all rural property owners in on the same scheme in the Coorong area. It is interesting that SA Water and the minister have been saying that there was not enough water going to be utilised with this. I think it is up to something between seven and nine gigalitres a year. That may not be a big amount in the scheme of things, but it is a fair bit of water to put through a pipe and deliver to properties. Whatever water you are using in regard to your primary production, it is absolutely vital.

When it comes to using the volume of water as an excuse, I would have thought it might be a better excuse to actually allow a Barossa Infrastructure Limited-style scheme to go into place in the Coorong council area. It would not have had much of a net loss to the government. As I said, it would not be all loss because there will be total loss as more and more people do it. Certainly, I will not be doing it. My farm would be over 50 kilometres from Lake Albert, so I will not be participating in a private pipeline due to the cost, but who knows?

Into the future, it may happen. There may be a consortium that gets together and decides that yes, Coomandook, Yumali, Ki Ki and even Coonalpyn farmers want to tap into that water source with an allocation, whether lease or purchase, and get on with the job, but that is going to be a little way down the track, if it happens at all, just for the pure distance. Certainly for the farms that are a lot closer, probably within that 30-kilometre range, I know there are definitely things happening, and it will be to the detriment of the state in the end.

It is ridiculous when we have seen what has happened in the past, especially in regard to the Barossa where we had that forethought. The original Barossa Infrastructure Limited plan went in and now we see the capacity increase, which I truly welcome as something positive for our state's farmers, especially those who are paying through the nose through no fault of their own due to environmental outcomes. They then were brought into the shocking world of paying for water at those higher rates compared to just extracting it at irrigation rates. I think there should be more done by the government to assist primary production in this state so we can have more success stories like the Barossa Infrastructure Limited program.

Mr TRELOAR (Flinders) (11:26): I rise today to make a contribution to the Public Works report, entitled Barossa Infrastructure Limited Capacity Increase Project. I was driven to speak on this because, as members would be aware, I have spoken on water, particularly relating to my electorate, many times in this place over the past seven years.

I really picked up on the enthusiasm that came through from the member for Schubert in relation to what impact and what advantages this project will bring to his electorate. It is nice to see positive works that actually contribute to the productivity of the farmlands of our state. Of course, the Barossa is famous for its vineyards and there are other vineyards elsewhere in the state. I understand the member for Hammond has some. The member for Goyder has two. I think I have four. Regardless of that, wine is a significant industry in South Australia, but all of the other agricultural projects around the state also require a good, reliable and affordable supply of water.

The background to this project—and members have talked about BIL, which is short for Barossa Infrastructure Limited—is that it is a shareholder-based, non-profit, unlisted public company formed by the Barossa growers themselves to provide a reliable and quality supplementary irrigation water system from the River Murray. This was an initiative of the growers themselves and I congratulate them on that. The company has also been active in seeking alternative water sources in the interests of sustainability of viticulture in the Barossa, so it is not just about the amount of water that is available for irrigation or for the vineyards but it is also about the affordability of it, I am sure.

SA Water provides the infrastructure that transports the water to and from the Warren Reservoir to facilitate the delivery of water from the River Murray to users. BIL is required to have the necessary River Murray water allocations for the water supplied by SA Water. This water comes from water access entitlements. SA Water entered into a water transportation agreement with BIL in September 2000. The agreement includes price and other conditions for SA Water to transport irrigation water under BIL's water licence from the River Murray to a delivery point off the Warren Transfer Main near Williamstown in the Barossa Valley.

The current physical capacity of the scheme is eight gigalitres per annum, upgraded from seven. In around the third quarter of 2016, BIL approached SA Water to increase the capacity of the system by a further three gigalitres—that is, from eight to 11 gigalitres per annum—to further support the wine region's growth. So it is a project focused on delivering more water and increasing production and reliability in probably our most famous winegrowing region in the state. The upgrade is in response to a request from BIL for additional water for their customers in the Barossa Valley region.

As I said, I am pleased to note this and support it and highlight also, as has the member for Hammond, the lack of effort in other parts of the state in producing and directing water towards agricultural production. I have spoken on water many times in this place, as did the previous member for Flinders, Mrs Liz Penfold, on many, many occasions. She was passionate about it.

An honourable member interjecting:

Mr TRELOAR: Her favourite subject, indeed. Dare I suggest that almost every member representing Eyre Peninsula in this place since 1857 has spoken on water and the need for reliable and continuing supply. Although we are secure for the moment, given that we have had a run of good seasons, we are reliant on 85 per cent of our reticulated water supply coming from the southern basins or lenses, shallow lenses, that are situated west and south of Port Lincoln.

We have a small amount of water coming onto Eyre Peninsula from the River Murray, about 15 per cent, which has become available to us following the extension of the pipeline from Iron Knob out to Kimba, which joins us to the rest of the state in regard to water reticulation. This has opened up the opportunity for River Murray water to supplement the water supply on Eyre Peninsula. Most of that comes in as far as Lock 1 and then is pumped further west from there, reaching as far as Ceduna.

The District Council of Ceduna has actually established what it calls a Water West scheme. The council owns and is responsible for the scheme, providing reticulated water to those landowners and communities that are situated west of Ceduna. For the most part, those farmers and towns would not be able to operate without the Water West scheme. It is a big responsibility that has been taken on by the district council. I know the district council has corresponded with state government on a number of occasions, encouraging SA Water to consider taking over this scheme from the council. It believes that it is not their core responsibility to provide water to ratepayers.

The scheme is further complicated by the fact that the District Council of Ceduna runs out before Penong, about 50 kilometres west of Ceduna, and the council's service is terminated at that point, and then growers themselves have extended the pipeline further west. It ultimately reaches the small township of Penong, where farmers, of course, are looking to operate their businesses, but the town also has a reticulated supply, amongst other things, to water the town oval. It comes at a cost. I think it would be a great positive should the state government decide to take this scheme back from the district council and provide reliable, affordable water to those businesses and towns located west of Ceduna.

I visited out there a couple of weeks ago and was approached by a landowner. I do not know how many people have taken the time to visit west of Ceduna, but in the early days the state government installed a series of below-ground tanks—water-holding facilities. Most of them now have been lined with concrete, and they collected water from both appropriate run-off, but also if a roof was installed, then the roof itself put water into the tank. A lot of these tanks have been let go. Some of them are still holding water and some of them are still being used. Most, if not all, are in need of some repair.

I was approached by a grower out there, and I have since written to the appropriate state government minister requesting that three neighbouring growers be able to purchase a particular tank. If they were able to purchase the tank, they would then be prepared to put investment into restoring the tank so that its long-term future would be secure, because it still can provide a valuable source of water, just one more source of water.

I also know some growers on Eyre Peninsula have installed their own black plastic as catchments, and it is remarkable how effective that scheme can be. The most famous one, probably, is on Boston Island, which is owned and operated by the former mayor of Port Lincoln, Mr Peter

Davis. For four decades, I would suggest, he carted water from the mainland to his island in order to water his sheep. It is an operating sheep station, as many of the islands off the coast of Eyre Peninsula were, but he literally carted water to water his sheep. Then at some point he had the bright idea—and a very good idea, which I guess he saw somewhere—of installing a black plastic catchment over a relatively small area. He has been self-sufficient and has had ample water ever since, so it is remarkable how effective these schemes can be.

Regardless of that, if we are to see further increases in population, industry and agricultural production on Eyre Peninsula, we are going to need to secure a larger and good-quality water supply. I know desalination plants have been talked about from time to time—large desalination plants situated on the West Coast. My gut feeling is that this is too expensive and probably not necessarily practical as a long-term solution, but there is an opportunity for small desalination plants to be dotted around coastal communities.

Of course, the elephant in the room is what Iron Road may or may not do with their mining development. They are certainly going to require water and their plan, as part of their proposal, is to desalinate saline groundwater for their mining operation. I would suggest that the opportunity would be there, could be there, for them to produce water surplus to their requirements and feed into the reticulated scheme on Eyre Peninsula. That would come at a cost but, obviously, as of result of legislation passed in this place last year, there is the opportunity through third-party access to SA Water infrastructure for that to occur. It will be interesting to see how the future water security of Eyre Peninsula unfolds, and we will be watching this space with interest.

Ms DIGANCE (Elder) (11:38): I would like to thank the members for Schubert, Hammond and Flinders for their contributions to this and also their support for this project, which will deliver more water to support increased productivity in the Barossa. With that, I recommend that we note the report.

Motion carried.

PUBLIC WORKS COMMITTEE: WAROOKA AND POINT TURTON WATER SUPPLY UPGRADE PROJECT

Ms DIGANCE (Elder) (11:38): I move:

That the 571st report of the committee, entitled Warooka and Point Turton Water Supply Upgrade Project, be noted.

The water supply in the Warooka and Point Turton area is sourced from the Para-Wurlie Basin—

An honourable member: Well done.

Ms DIGANCE: —thank you; good work star—in the south of Yorke Peninsula. SA Water has determined that this is no longer a viable option for the region, as the basin is no longer a sustainable source of potable water. As such, SA Water cannot guarantee a reliable water supply to current and future customers.

SA Water proposes to connect the area to a water supply from the River Murray, with a 38.5-kilometre pipeline to be constructed that connects the Minlacowie and Warooka tanks. In addition, a 1.25-kilometre pipeline will be constructed to connect the township at Point Turton. There will also be some associated infrastructure works, such as the booster pump station and the chlorine booster pump, as well as ancillary works.

The cost of these works is estimated at $13.146 million (excluding GST), which will be incurred over three financial years, between 2016-17 and 2018-19. Works are due to commence as soon as practicable and should be completed by the end of 2018—in time for the Christmas holiday season. It should be noted that there is a significant fluctuation in the demand for water in this region due to the influx of holidaymakers over the summer and school holiday periods.

Key stakeholders, including the Yorke Peninsula Council, the local member for Goyder and the community, are supportive of the proposed project and the investment in local infrastructure. Stakeholders, including the Narungga Nations people and local landholders affected by these works, will be consulted throughout the project.

I thank my fellow committee members on the Public Works Committee and also the executive and administrative staff of the committee. Given this, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr GRIFFITHS (Goyder) (11:40): Can I also offer congratulations, as did the member for Flinders, when they are due. There is no doubt on this, although the project came as a bit of a surprise but, I must say, a very welcome one. It was only a few days after the budget was presented that the Minister for Water wrote to me regarding an announcement on the 38.5 kilometres of pipeline and the $30 million expenditure by SA Water.

I was grateful that Public Works invited me to attend the briefing provided by SA Water staff and gave me an opportunity to ask a few questions, without knowing what the full scope of the project was at that time. I have been very pleased since. Subsequently, I have had a briefing from SA Water staff who provided a map of the area that the pipeline is to traverse, and indeed—and this was a very important factor for me—I have been assured that the capacity of the increased amount of water that is going to be in the network will provide not just for existing customers, which is all of Warooka and about a quarter of the community of Point Turton, which is on the coast and very much a growing community on Yorke Peninsula, but for another 650 or so customers.

To me, that is very exciting because it provides an opportunity for future negotiations and discussions to occur about providing water to potentially all the Point Turton township and has the capacity for future growth to occur. It will require some serious discussions because a high level of infrastructure investment is required. Having met with the CEO of Yorke Peninsula Council in recent weeks, I suggested that this could be a project that the council could pursue.

I have a history of having been the CEO of the council at the time it brought a reticulated SA Water potable water supply to two coastal communities by extending the main from an existing SA Water network, so it can be done, but you have to go out there and discuss it with the communities. It will come at a cost. It is normally repaid over a 10-year period, but it is an example of where significant investment from SA Water, supported by the government in this case and by property owners contributing towards expansion opportunities, provides a long-term benefit.

I want to put on the record my profound thanks to SA Water for pursuing this. I believe that it stems from some work done close to seven or eight years ago when SA Water appointed a long-term water planning committee; I believe that one was also appointed on Eyre Peninsula in about the same time frame. That committee was chaired by the previous mayor of Yorke Peninsula Council, the late Mr Robert Schulze. It looked at all the needs of the peninsula, as it was and at the projected growth area and at the fact that there were 16 communities on Yorke Peninsula that did not have an SA Water-supplied reticulated water supply. I have no doubt that this project comes from that.

I commend the member for Elder for her pronunciation of the communities and of the Para-Wurlie Basin. This has been somewhat of a challenge, and there is a need to ensure supply opportunities to the existing customers. SA Water has looked at it, as they should, done some forward planning and resolved, with board support, the $13 million in expenditure. My hope also is that by Christmas 2018 we not only have in place this infrastructure but that we have already commenced some negotiations about some expansion opportunities.

I recognise that it comes at the use of River Murray water and replacing the Para-Wurlie Basin supply that has been the supplier in the past. To some people's minds that is challenging. I know it depends upon the seasonal conditions, and I know that the more challenging times we are having in these decades create a lot of anxiety, but in some ways I also think that this is part of the reason behind some of the significant investment in the desalination plant South Australia now benefits from. It still provides scope for surety of supply and, indeed, opportunities for an expansion of supply. This is a good project. My thanks go to the Public Works Committee. I look forward to the swift commencement of the on-ground works and the completion before Christmas 2018.

Ms DIGANCE (Elder) (11:45): Thank you to the member for Goyder for his words of support on this project. With that, I recommend that this house notes the report.

Motion carried.

NATURAL RESOURCES COMMITTEE: FLEURIEU AND KANGAROO ISLAND FACT FINDING VISIT

The Hon. S.W. KEY (Ashford) (11:45): I move:

That the 123rd report of the committee, entitled Fleurieu and Kangaroo Island Fact Finding Visit, be noted.

Over two days in June 2017, the Natural Resources Committee visited a range of sites in the Adelaide Mount Lofty Ranges NRM region, the South Australian Murray-Darling Basin NRM region and the Kangaroo Island NRM region. This is the committee's report on those visits. The committee was keen to ensure that we followed up on a request from the member for Finniss to visit Kangaroo Island, in particular, as he had been raising a number of issues with the Natural Resources Committee. The visits described here are part of the committee's regular visits to the state's eight NRM regions.

The committee always tries to cover all NRM regions during the four-year parliamentary term, but sometimes it can be difficult to visit them all, especially the more remote ones. Here, I must note that we have repeatedly tried to get to the South Australian Arid Lands region without success this term so far, sadly. However, as the committee always tries to do its best to meet people on the ground, we feel that this is an important visit we would like to make before the end of the year.

On this particular visit were fellow committee members the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, the Hon. John Gazzola MLC, the member for Napier and the member for Flinders. The member for Finniss also joined the committee as part of the tour, even though he was clearly unwell with a cold; we thank him for making the effort. (I thought I had better clarify 'clearly unwell'.) Over the next two days of the trip, the committee visited a range of sites, including:

- a swamp and nature play area at the Mount Compass Area School. I have to say that that was an outstanding success, and the Mount Compass Area School really needs to be congratulated;
- the fabulous Harvest the Fleurieu, which is a relatively new local business at Mount Compass dedicated to showcasing and supporting local produce and producers; and
- other sites, including a DEWNR-funded low-flow bypass device being trialled on a private property at Mount Jagged and Smith Bay on Kangaroo Island on the site of the controversial proposed Kangaroo Island Plantation Timbers export wharf facility.

Members also visited the adjacent Yumbah Aquaculture abalone farm. Members were very impressed by the work Yumbah Aquaculture had done in building a multimillion dollar aquaculture business, employing a significant number of Kangaroo Island locals in the venture. Members look forward to being kept updated on the Development Assessment Commission process currently underway for the proposed KIPT wharf, as clearly the existing aquaculture business should be protected.

In addition, it needs to be said that everyone we spoke to on the island was in agreement that a way to clear and export the former managed investment scheme timber plantations needed to be found. For example, as the committee has heard previously, these eucalyptus plantations—left largely unmanaged on the island—provide a refuge for feral animals and overabundant native species, as well as having other undesirable effects. However, it was abundantly clear to the committee that, after speaking to a range of locals, the KIPT preferred location for the timber export wharf at Smith Bay was not by any means universally supported.

Members also visited farms, including Wirrina in the AMLR NRM region and Bellevista on Kangaroo Island, both of which are practising and demonstrating a range of yield-enhancing sustainable agricultural techniques supported by their respective NRM boards and the department. Throughout the trip, committee members had an opportunity to speak to many of the Department of Environment, Water and Natural Resources staff as well as members and staff from local government and a number of interested community members.

At Harvest the Fleurieu at Mount Compass, the committee met with local irrigators together with department and Natural Resources SAMDB staff. Here, members heard a range of perspectives on water resources management, including some passionate arguments from local irrigators and

DEWNR officers both for and against the low-flow bypass devices. Members look forward to teasing out some of the more detailed evidence about some of the issues raised with us in what was a fairly informal setting at Mount Compass when the committee returns to the Fleurieu to take formal advice with Hansard on 21 and 22 September.

I thank the member for Napier, in particular, for his suggestion to the assembled people that we should go back to take evidence with Hansard. We had a very useful informal discussion, but it will be good to formalise that information, so we thank him for suggesting that. The committee also thanks the Alexandrina Council Mayor, Keith Parkes, for the invitation to return and the generous offer to provide the Alexandrina Council chambers as a venue for the hearing. That will really help us if we have Hansard with us.

The committee also intends to use its September visit to Goolwa, following another visit in late August, to delve into community perspectives on water resources management in the Murray-Darling Basin. I will be seeking input from those of you whose electorates incorporate parts of the basin about the best way to progress this proposal in support of local communities. The members for Chaffey, Hammond and Finniss have already offered their assistance to the Natural Resources Committee, so thank you again for that.

Amongst those accompanying the committee on the various legs of this trip and providing comprehensive background information and commentary were Natural Resources KI Regional Director, Damian Miley; KI NRM Board Presiding Member, Richard Trethewey; Natural Resources AMLR Regional Director, Brenton Grear; Alexandrina Council Mayor, Keith Parkes; Kangaroo Island Mayor, Peter Clements; KI NRM Board members; and staff from the NRM regions and DEWNR.

The committee's fact-finding visits to the NRM regions have many benefits, not only allowing the NRC to see firsthand the work being done on the ground by regional staff but also giving board members and community members the opportunity to communicate directly with our committee. As always, I would like to take this opportunity to thank the NRM boards, the volunteers and the departmental regional staff who do such excellent work under very challenging conditions. Every time the committee visits the regions, we are, without exception, extremely impressed by the hard work and dedication shown by all the people we meet who work with and for the regional NRM boards.

I commend the members of the committee for their contributions: the members for Napier, Colton and Flinders; the Hon. Robert Brokenshire; the Hon. John Dawkins; and the Hon. John Gazzola. All members have worked cooperatively on these deliberations and this report. Finally, I would like to thank the parliamentary staff for their assistance: Mr Patrick Dupont, Ms Barbara Coddington and Dr Meredith Brown, who has joined us more recently. I commend this report to the house.

Mr TRELOAR (Flinders) (11:54): I rise to speak to the report on the Fleurieu and Kangaroo Island Regional Fact Finding Visit. It always gives me great pleasure to talk on these reports. Members of this committee always say that they enjoy very much this part of our work, the fact-finding missions. As the Presiding Member, the member for Ashford, indicated in her contribution, we are attempting to visit all the state's NRM regions within the life of this parliament, and hopefully we will get there. We are certainly planning to, but there is at least one region we need to find time to visit.

This report relates particularly to our trip on 7 and 8 June when we visited the AMLR, SAMDB and KI natural resources management regions. Unfortunately, as a member, I was not able to be part of the committee on the first day, but I did take great pleasure in joining the committee on the second day in Kangaroo Island.

I actually think these fact-finding missions have great benefits. Not only do they allow us as a committee to see firsthand the work being done on the ground by regional staff but they also give us an opportunity to meet local NRM board members who invariably are members drawn from the local community. They are often landowners and those in business who rely on our natural resources for their production. It is in their interest to maintain long-term sustainability not just of the environment but of the production itself.

As the Presiding Member has mentioned, on day one, when I was not in attendance, the committee visited the Mount Compass School Swamp, where there has been some very good reclamation work done. After that, the committee viewed Sam Court Reserve Wetland, a stormwater harvesting project behind the new shopping centre at Mount Compass. The committee went on to meet with a number of irrigators entitled Harvest the Fleurieu, which was based around Mount Compass.

Interestingly, some common themes came up that we on this side, who generally represent the regions of South Australia, hear consistently in relation to the significant increase in NRM levies, the cost of water licences and the emergency services levy. Former Alexandrina Council mayor Kym McHugh is a farmer in those regions. He said his NRM levy had gone up from $940 last year to almost $2,400 in one year. As well as that, his emergency services levy was in excess of $2,000. Rising power costs were an impost on irrigators as well. This whole cost-of-living and cost-of-production issue just goes on and on.

The committee looked at low-flow bypasses. People have various points of view on that. I flew into Kingscote the next morning. I was picked up by one of the NRM staff members and we visited the Smith Bay and creek catchment. Smith Bay has become rather controversial at the moment because currently the Yumbah abalone farm is situated there. It has been successful. They have sites not only at Smith Bay but also at Port Lincoln on Eyre Peninsula and another one in Tasmania, I think. It is a well-structured and profitable land-based abalone farm.

They are at Smith Bay and have been for some years, but there is a proposal, which the committee took evidence on at a previous meeting. On this occasion, the committee visited the site where there is a proposal to build and develop a port at Smith Bay adjacent to the Yumbah abalone farm in order to export plantation logs.

The history of plantations on Kangaroo Island is well known. Much of the western half of the state went under blue gums—mostly blue gums but a few pines as well—as a result of managed investment schemes. God forbid if there is ever another one of them going on; it is nothing but disaster. People from all walks of life see it as an opportunity to reduce their tax. Nobody wants to pay more tax than they need to, but these particular schemes were attractive, for whatever reason, to some people all those years ago. It was probably two decades ago now. A lot of that money from those schemes went into blue gums not just on Kangaroo Island but in the South-East as well.

Now it has reached a point where those trees are mature. It is time to remove them and that will be a good thing. It is just a matter of how they are processed and removed from the island. The committee observed that there seemed to be some discrepancy in the evidence given, particularly around the depth of water at Smith Bay. I have yet to see some of the questions answered in relation to that discrepancy. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Bills

HEALTH AND COMMUNITY SERVICES COMPLAINTS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (12:00): Obtained leave and introduced a bill for an act to amend the Health and Community Services Complaints Act 2004. Read a first time.

Second Reading

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (12:01): I move:

That this bill be now read a second time.

The bill will amend the Health and Community Services Complaints Act 2004 to enable the National Code of Conduct for Health Care Workers (National Code), agreed to by the Council of Australian Governments Health Council, to be implemented. Currently, the regulations under the act include

the Code of Conduct for Unregistered Health Practitioners, and the act enables prohibition orders to be made if the code is breached and, in the opinion of the commissioner, making the order is necessary to protect the health and safety of the public.

The national code is based on the South Australian code, which is already in the regulations under the act. The bill makes some changes to the act so that the commissioner is able to enforce orders made in other jurisdictions. Orders made in South Australia can be enforced in other states and territories where corresponding legislation is in place. I seek leave to have the balance of the second reading speech incorporated into *Hansard* without my reading it.

Leave granted.

The Bill enables a volunteer to become the subject of proceedings under the Act. Currently section 9(4) of the Act specifies that volunteers should not unnecessarily be involved in proceedings under the Act. The intent of this section is that when complaints against health services are being investigated and remedied volunteers should not be involved. Because Division 5 of the Act – Action against unregistered health practitioners – is concerned with protecting the public from harm rather than the making and resolution of complaints against health and community service providers, which the remainder of the Act deals with, it is made explicit that volunteers may be subject to action being taken under this Division.

The amendment of section 77 of the Act is to enable the Commissioner to obtain information from professional and other associations such as the Australian Association of Social Workers or the Australian Register of Naturopaths and Herbalists about practitioners where there are concerns. These bodies often play a disciplinary role in regard to members and may have information which the Commissioner needs in order to meet the threshold for making an order.

A further change to Act has arisen from the Commissioner's experience with making orders under the Act. This change arose from a case where, despite being subject to a prohibition order the person concerned continued to offer services to the public, potentially accepting payment for their future provision. The Crown Solicitor's Office advised that if the Commissioner wished to prohibit a person from 'offering' services then a change to the Act was necessary. This Bill amends sections 56(B) and 56(C) to prevent a person on an interim or final order offering to provide services, advertising services, holding themselves out or promoting themselves as a provider of health services or providing advice in relation to the provision of health services.

Once the Act is amended the National Code of Conduct for Health Care Workers will replace the Code of Conduct for Unregistered Health Practitioners in the regulations. The National Code refines and extends some of the provisions of the current Code however their content is similar.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

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

4—Amendment of section 4—Interpretation

This clause inserts a definition of *corresponding law* consequential to inserted section 56EA in clause 9 and also deletes reference to the ceased *Occupational Therapy Practice Act 2005*.

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

This clause amends section 25 to provide that a volunteer may be required to participate in proceedings under the Act and may be the subject of the exercise of power under Part 6 Division 2 if, in the circumstances, a code of conduct under section 56A(1) applies in respect of the volunteer and the Commissioner is satisfied that conduct of the volunteer poses or has posed a risk to the health or safety of members of the public.

6—Amendment of section 56B—Interim action

This clause makes a number of amendments to section 56B of the Act to—

(a) provide that an order of the Commissioner under the section may, in addition to prohibiting a person from providing health services (as is currently the case), prohibit a person (for a period of 12 weeks or shorter period as may be specified)—

(i) from offering, advertising or otherwise promoting health services or specified health services; and

(ii) from holding themselves out or otherwise promoting themselves as a provider of health services or specified health services; and

(iii) from providing advice in relation to the provision of health services or specified health services; and

(b) provide that the Commissioner, in taking interim action, may publish a public statement, in a manner determined by the Commissioner, identifying a person and giving warnings or such other information as the Commissioner considers appropriate in relation to the health services, or specified health services, provided by the person; and

(c) clarify and simplify the operation of the section.

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

This clause makes a number of amendments to section 56C of the Act to—

(a) provide that an order of the Commissioner under the section may, in addition to prohibiting a person from providing health services for a specified period or indefinitely (as is currently the case), prohibit a person (for a specified period or indefinitely) from—

(i) from offering, advertising or otherwise promoting health services or specified health services; and

(ii) from holding themselves out or otherwise promoting themselves as a provider of health services or specified health services; and

(iii) from providing advice in relation to the provision of health services or specified health services.

(b) clarify and simplify the operation of the section.

8—Amendment of section 56D—Commissioner to provide details

This amendment is consequential to clause 6 and clause 7.

9—Insertion of section 56EA

This clause inserts new section 56EA to provide that a person commits an offence if—

(a) an interstate order is in force in respect of the person; and

(b) the person engages in conduct in this State that would constitute a contravention of the interstate order if it occurred in the jurisdiction in which the order is in force.

The regulations will prescribe the interstate orders under corresponding laws to which this section will apply. The maximum penalty for the offence will be $10,000 or imprisonment for 2 years or both.

10—Amendment of section 75—Preservation of confidentiality

This clause amends section 75 of the Act to provide an exception to the prohibition on recording, disclosing or using confidential information gained through involvement in the administration of the Act in circumstances where it is necessary for the purposes of a corresponding law.

11—Amendment of section 77—Returns by registration authorities and prescribed bodies

This clause amends section 77 of the Act to provide that additional bodies prescribed by the regulations must provide returns required by the Commissioner under the section as is currently the case for registration authorities.

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (COURT FEES) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:02): Obtained leave and introduced a bill for an act to amend the District Court Act 1991, the Magistrates Court Act 1991, the Sheriff's Act 1978 and the Supreme Court Act 1935. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection

Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:03): I move:

That this bill be now read a second time.

This bill amends the Magistrates Court Act 1991 to allow court fees to be based on the value of an amount claimed or on any other basis, whether or not the fee exceeds the actual administrative cost incurred. The bill also makes equivalent amendments to the Supreme Court Act, District Court Act and Sheriff's Act to allow for tiered fees to be introduced under those acts in the future should this be deemed feasible and appropriate. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Members interjecting:

The DEPUTY SPEAKER: Please do not heckle him. I cannot cope this early in the day.

Leave granted.

The State Courts Administration Council has undertaken a review of civil court fees. That review identified several options for the restructuring of court fees and to improve the efficiency of civil court matters, including, relevantly, to move to tiered civil claim lodgement fees in the Magistrates Court that vary depending on the amount claimed.

To support the introduction of tiered civil lodgement fees, which will be fixed by regulation, amendment is first required to the *Magistrates Court Act 1991* to allow court fees to be based on the value of the amount claimed or on any other basis, whether or not the fee exceeds the actual administrative cost incurred. The amendments have been drafted based on the equivalent fee regulation-making powers in the Victorian *Magistrates Court Act 1989 (Vic)*.

The Bill also makes equivalent amendments to the *Supreme Court Act 1935*, *District Court Act 1991* and *Sheriffs Act 1978* to allow for fees to be tiered under those Acts in the future, should this be deemed feasible and appropriate.

The new regulation-making powers will also support proposed regulations to provide for courts to require a deposit as security for payment of trial fees in appropriate circumstances. This is to assist with a significant problem with unpaid District and Supreme Court civil trial fees.

Upon the changes in this Bill taking effect, it is intended to introduce by regulation a series of tiered lodgement fees in the Magistrates Court civil jurisdiction. The fees will aim to maintain access to justice by having low lodgement fees for minor civil claims, with a progressively tiered increase to higher lodgement fees for general civil claims and corporations. The aim is to reduce the gap between District Court and Magistrates Court lodgement fees, bearing in mind that the *Statutes Amendment (Courts Efficiency Reforms) Act 2012* ('the CER Act') significantly increased the jurisdictional limit of the Magistrates Court and led to more matters being lodged in the Magistrates Court with its lower application fees, which previously would have been lodged in the higher fee District Court. The proposed lodgement fees for general claims over $40,000 would still be less than before the CER Act changes, when those claims had to be lodged in the District Court.

With the exception of New South Wales and Tasmania, all other States and Territories already have tiered civil lodgement fees in their equivalent courts. This proposal will align South Australia with the majority of Australian States and Territories.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *District Court Act 1991*

4—Amendment of section 53—Court fees

Section 53 of the *District Court Act 1991* provides for the making of regulations to prescribe and provide for the payment of fees in relation to proceedings in the District Court and for the remission or reduction of fees in certain circumstances. The proposed amendments to section 53 would allow the regulations to provide for any or all of the following matters in relation to proceedings, or any step in such proceedings, in the Court:

- specific fees;

- maximum fees;
- minimum fees;
- fees that vary according to value, time, class of matter, or on any other basis;
- fees that differ for different classes of proceedings, different classes of party or different jurisdictions of the Court;
- the manner of payment of fees;
- the time or times at which fees are to be paid;

and clarify that it is not necessary for a fee to be related to the actual administrative cost incurred.

The regulations may—

- be of general or limited application; and
- make different provision according to the persons, things or circumstances to which they are expressed to apply; and
- provide in a specified case or class of case for the exemption of any proceeding, person or thing, or a class of proceeding, person or thing, from any of the provisions of the regulations, whether—
  - (i) unconditionally or on specified conditions; and
  - (ii) either wholly or to such an extent as is specified; and
- provide for the payment in advance of a fee or part of a fee prescribed under the regulations; and
- provide for the reduction, waiver, postponement, remission or refund, in whole or in part, of a fee prescribed under the regulations; and
- provide, in specified circumstances, for the reinstatement or payment, in whole or in part, of a fee prescribed under the regulations which was reduced, waived, postponed, remitted or refunded under the regulations; and
- confer a discretionary authority or impose a duty on the Court, a member of the Court's judiciary or the Registrar of the Court.

Part 3—Amendment of *Magistrates Court Act 1991*

5—Amendment of section 50—Court fees

The amendments proposed to section 50 of the *Magistrates Court Act 1991* mirror those proposed in relation to fees in the District Court.

Part 4—Amendment of *Sheriff's Act 1978*

6—Amendment of section 16—Regulations

The amendments proposed to section 16 of the *Sheriff's Act 1978* have a similar effect as the amendments proposed to each of the other Acts included in this measure and will allow the regulations to make provision for differential fees according to different factors.

Part 5—Amendment of *Supreme Court Act 1935*

7—Amendment of section 130—Court fees

The amendments proposed to section 130 of the *Supreme Court Act 1935* mirror those proposed in relation to fees in both the District Court and the Magistrates Court. In addition, current subsection (3) of section 130 is to be repealed as it would become redundant on the enactment of this Part of this measure.

Debate adjourned on motion of Mr Treloar.

FINES ENFORCEMENT AND DEBT RECOVERY BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:04): Obtained leave and introduced a bill for an act to provide for the recovery of expiation fees, fines and other pecuniary sums; to allow for the recovery of civil debt owed to public authorities; to continue the office of fines enforcement and recovery officer as the

chief recovery officer; to set out the functions and powers of the chief recovery officer; to make related amendments to the Cross-border Justice Act 2009, the Expiation of Offences Act 1996, the Magistrates Court Act 1991, the Motor Vehicles Act 1959, the Summary Procedure Act 1921 and the Victims of Crime Act 2001; and for other purposes. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:05): I move:

That this bill be now read a second time.

The bill's primary purpose is to consolidate and refine the provisions for the enforcing and recovery of fines and expiation fees that are currently located in the Criminal Law (Sentencing) Act 1988 and the Expiation of Offences Act 1996. A major innovation is that the bill also enables the fines enforcement and recovery officer, whose title will be changed to chief recovery officer, to recover civil debt owed to the government. I seek leave to insert the remainder of the second reading explanation into *Hansard* without my reading it.

Leave granted.

The *Statutes Amendment (Fines Enforcement and Recovery) Act 2013* and the new Fines Enforcement and Recovery Unit (Fines Unit) of the Attorney-General's Department commenced operation on 3 February 2014. In the period since commencement of the Fines Unit, a number of operational difficulties have arisen, and omissions and other issues have been identified, in respect of the legislation as it was amended. As a result, a number of proposals have been made for improving the legislative regime for fines enforcement and recovery, including suggestions from the FERO, SAPOL and the Magistrates Court.

Once the Bill has been introduced, the Government will undertake an extensive consultation program on the Bill. If feedback received during consultation means that changes are needed to the Bill, I will move such amendments as may be necessary.

Most of the numerous proposed amendments in the Bill are technical and operational in nature and duplicate provisions already in the two existing Acts. Consequential amendments to other legislation are also proposed.

There are several amendments of a more substantive nature that recognise the vulnerable position of some debtors or, in other cases, strengthen the CRO's ability to recover debt.

In cases of financial hardship, debtors will (in appropriate cases) be able to enter into voluntary agreements with the CRO to offset their outstanding debts by performing community service or attending intervention or treatment programs for behavioural problems, problem gambling, substance abuse or mental impairment. However, the CRO will also have a new power to terminate any payment arrangement where satisfied that the debtor now has a greater capacity to pay the amount outstanding without the debtor or the debtor's dependants suffering hardship.

The Magistrates and Youth Courts will have new powers in cases of financial hardship to order debtors to attend intervention programs. They can currently order debtors to perform community service. The Courts' powers in this regard are exercisable on application by the CRO when the CRO's efforts to enforce and recover the debt have failed. The regulations will prescribe the manner in which attendance at an intervention program will reduce the amount of the outstanding debt. The Bill also removes the current upper limit of 500 hours of community service that can be ordered by the Courts so that, potentially, the whole of a person's debt could be dealt with by a single order for community service made by the Court. This will avoid the need for the CRO to make multiple applications to the Court for successive orders for community service.

Issuing authorities will be able to withdraw expiation notices if the alleged offender has a cognitive impairment or an intellectual disability. This measure implements one of the aims of the Government's Disability Justice Plan.

Provisions are included in the Bill in respect of people who persistently drive unlicensed, and incur fines or expiation fees for that offending, to provide incentives for them to break the cycle of offending. A person who shows that they have obtained a driver's licence since commission of the alleged offence may be able to enter into voluntary payment arrangements with the CRO or have the whole or part of their debt waived.

Compensation and restitution payments will now have priority ahead of the Victims of Crime levy when payment is made on an outstanding debt. This will ensure that victims have quicker access to compensation and restitution payments than is presently the case.

A new enforcement power will enable the seizure of a person's number plates, e.g. if it is not economical to seize or clamp the vehicle itself. Also, as an additional enforcement measure, a provision is included in the Bill that would permit the CRO to suspend the operation of the visiting motorist rights conferred under section 97A of the *Motor*

Vehicles Act 1959 where an interstate driver has unpaid fines or expiation fees in this State. Such a person will not be able to drive in this State on an interstate driver's licence until the CRO cancels the suspension.

The offences in the existing legislation regarding interference with a clamped vehicle or with the clamp itself are not consistent. The Bill remedies that situation.

The Bill also refines the provisions for revocation of an enforcement determination for an expiation notice and for appeals from those decisions. The new provisions make it clear that a person cannot apply to revoke an enforcement determination, or appeal the CRO's refusal to revoke an enforcement determination, if they have previously had reasonable opportunity to exercise their rights to elect to be prosecuted for the alleged offence or to apply for a review of the expiation notice by the issuing authority on the grounds that the alleged offence is trifling. One of the other grounds for applying to the CRO to revoke an enforcement determination is amended to make clear that failure to receive a notice means failure to receive both the relevant expiation notice and the subsequent expiation reminder notice sent to the person.

Given the prevalence of email communications in the community, the Bill will allow the CRO to give a document to a person by means of an email address provided to the CRO by the person.

Other new provisions will allow the Minister to enter into an agreement with other Australian jurisdictions to establish and implement processes and procedures for the enforcement in other jurisdictions of expiation notices given in this State and the enforcement in this State of the equivalent of expiation notices given in other jurisdictions.

The Bill carries forward existing provisions to the effect that the costs of taking enforcement action are added to and form part of the monetary amount owed by the debtor. However, it is convenient to prescribe in regulations the fee payable for action to suspend a driver's licence or restrict transactions with the Registrar of Motor Vehicles. These are among the most common enforcement actions taken by the Fines Unit and a prescribed fee would relieve the administrative burden of having to calculate the costs of taking such action on each individual case.

Part 8 of the Bill confers on the CRO the power to enforce civil debt owed to the Government. The Government considers that the CRO is best placed to consolidate whole-of-Government debt recovery efforts. The CRO will be able to collect civil debt owed to the Government that is referred to the CRO for collection by public authorities. This might include, for example, debts owed to SA Water, SA Health, the SA Ambulance Service, Housing SA, TAFE SA and the Department for Education and Child Development and other bodies meeting the definition of public authority in the Bill. The CRO would only be able to exercise his or her powers in respect of debts that are within the monetary jurisdictional limits of the Magistrates Court, currently $100,000 or less.

It will not be necessary for a debt owed to the Government to be first proved by way of a judgment in a civil debt action. Civil debt actions currently taken by Government to obtain a judgment are generally not defended. In a recent 12-month period, only 1.5% of such judgments were defended. The need to obtain a judgment in every case is therefore unwarranted, and unnecessarily costly and time-consuming. These actions would currently be pursued in the Magistrates Court (up to $100,000 in value) or in the District Court.

A person who disputes that they owe the relevant debt will be able to make an application the Magistrates Court for determination of the matter. Appellants suffering financial hardship are able to have application fees waived or reduced by the Court.

The CRO will be able to exercise powers that are the same as the powers currently available to a court in respect of monetary judgments under the *Enforcement of Judgments Act 1991*, namely investigation of a debtor's financial position and means to satisfy the debt, payment by instalments, garnishment, seizure and sale of property (excluding property that could not be taken in bankruptcy proceedings) and taking a charge over property. The CRO will also be able to enter into voluntary payment arrangements with civil debtors in appropriate cases. The CRO will however not be able to exercise the powers in the *Enforcement of Judgments Act 1991* to issue a warrant for the arrest of any person, or to commit a debtor to prison for non-payment of the debt, or to appoint a receiver. The CRO will need to apply to the Magistrates Court for the exercise by the Court of these excluded powers.

A debtor will have a right to seek an internal review of a decision by the CRO to exercise particular enforcement powers, and ultimately will have a right of review by the Magistrates Court. This review right is necessary because currently, under the *Enforcement of Judgments Act 1991*, a debtor would have the opportunity to make submissions to the Court in response to the creditor's application for enforcement powers. Internal review rights are also given to garnishees.

The Government expects that the positive impacts that will arise as a result of the civil debt recovery provisions in the Bill include achieving efficiencies by centralising the work currently undertaken in multiple agencies to recover debts owed to Government and achieving economies of scale in contractual arrangements with commercial debt collectors. These changes will also enable a holistic approach to be taken to individual debtors as persons in hardship often owe substantial debt across multiple Government agencies.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Operation of the measure is to commence on a day to be fixed by proclamation.

3—Interpretation

This clause sets out definitions of various terms used in the measure.

Part 2—Chief Recovery Officer

4—Chief Recovery Officer

This clause provides for the office of Fines Enforcement and Recovery Officer (established under the *Criminal Law (Sentencing) Act 1988*) to continue as the Chief Recovery Officer. The Chief Recovery Officer is to carry out functions under the Act in addition to carrying out other functions assigned by or under another Act or law or by the Minister.

5—Delegation

The Chief Recovery Officer is authorised under this clause to delegate powers or functions to a person, a committee or a person for the time being performing particular duties or holding or acting in a particular position. The clause specifies that the person to whom a power or function is delegated may be a body corporate.

6—Certain determinations may be made by automated process

This clause authorises the Chief Recovery Officer to determine that a class of determinations that he or she is required to make is of such a nature that they could appropriately be made by means of an automated process. A determination made by an automated process in accordance with the clause will be taken in any proceedings to be a determination of the Chief Recovery Officer.

7—Annual report

This clause requires the Chief Executive of the relevant administrative unit to submit an annual report to the Minister. The report is to include information prescribed by the regulations or required by the Minister. A copy of the report is to be laid before each House of Parliament.

Part 3—Enforcement of pecuniary sums

Division 1—Preliminary

8—Pecuniary sum is debt

This clause provides that a pecuniary sum due and payable is a debt due to the Crown. As such, it is recoverable by the Chief Recovery Officer by action in a court of competent jurisdiction or as otherwise set out in the measure.

9—Amounts due under expiation notices may be treated as part of pecuniary sum

The Chief Recovery Officer can make an aggregation determination under this clause in relation to a person who owes a pecuniary sum in addition to having an amount due under an expiation notice. The effect of the determination is as follows:

- the expiation amount will be taken to be part of the pecuniary sum owed by the debtor;
- the debtor will, for the purposes of an Act or law other than this Act or the *Expiation of Offences Act 1996*, be taken to have expiated the offence or offences to which the determination relates (unless the debtor is already taken to have expiated the offence under clause 20(21) or 22 (but this provision operates subject to the regulations);
- any enforcement determination made in relation to the expiation amount is suspended.

An aggregation determination may only be made if the debtor has requested it or an enforcement determination has been made in relation to the expiation amount under clause 22.

If an amount due under an expiation notice is included in an aggregation determination and the expiation notice is withdrawn, the expiation amount is to be deducted from the amount due under the aggregation determination. An aggregation determination may be revoked at any time by the Chief Recovery Officer. If an aggregation determination is revoked, the following provisions apply:

- the remaining expiation amount is to be determined by the Chief Recovery Officer, taking into account any necessary deductions or additions;
- the expiation amount determined by the Chief Recovery Officer will no longer be taken to be part of the pecuniary sum;

- if an enforcement determination had been made prior to the making of the aggregation determination, the enforcement determination will come back into force;
- otherwise, the Chief Recovery Officer may make an enforcement determination in relation to the remaining expiation amount under clause 22.

10—Enforcement against youths

The measure applies to a debtor who is a youth. However, the youth or the Chief Recovery Officer may apply, at any time, to the Youth Court for the making of a community service order in respect of the youth (as if clause 46 applied in respect of the pecuniary sum). A youth is a person who was under the age of 18 years at the time when the offence in respect of which the pecuniary sum was imposed was committed.

Division 2—Payment of pecuniary sums

11—Pecuniary sum is payable within 28 days

A pecuniary sum imposed by order of a court is payable within 28 days from (and including) the day on which the order was made. However, this operates subject to any arrangement under clause 15, which provides for the making of arrangements as to the manner and time of payment of pecuniary sums.

12—Payment of pecuniary sum to Chief Recovery Officer

A pecuniary sum is payable to the Chief Recovery Officer or an agent appointed by the Chief Recovery Officer. An amount of a pecuniary sum received by the Chief Recovery Officer is to be dealt with as follows;

- firstly, if the sentencing court has ordered the defendant to pay any amount by way of compensation or restitution to a particular person, payment is to be made to that person in satisfaction of the amount;
- secondly, if a VIC levy is payable by the defendant, payment is to be made into the Victims of Crime Fund in satisfaction of that levy;
- thirdly, if any costs are payable to a party to the proceedings, payment is to be made in satisfaction of those costs;
- fourthly, if any other money is payable under the order of the court to the informant, payment is to be made to the informant;
- fifthly, according to the directions of any other Act or, if no other Act contains directions as to payment, payment is to be made to Treasury.

13—Payment by credit card etc

This clause provides that a pecuniary sum may be paid by using a credit card, charge card or debit card if facilities for their use are available in relation to the payment to be made.

14—Amounts unpaid or unrecovered for more than certain period

If a part of a pecuniary sum is unpaid or unrecovered on the expiration of the 28 day period referred to in clause 11, an amount prescribed by the regulations is to be added to and form part of the pecuniary sum. If a part of a pecuniary sum is unpaid or unrecovered on the expiration of the 30 day period commencing immediately after the initial 28 day period, a further prescribed amount is to be added to and form part of the pecuniary sum payable by the debtor.

15—Arrangements as to manner and time of payment

This clause authorises the Chief Recovery Officer to enter into arrangements with debtors for the payment of pecuniary sums by instalments over a period of up to 12 months determined by the Chief Recovery Officer. Other types of arrangements are also authorised under the clause, such as:

- payment by instalments (including instalments paid over a period exceeding 12 months);
- an extension of time to pay;
- the taking of a charge over land;
- the surrender of property to the Chief Recovery Officer;
- payment of any amount, including by direct credit, by or through some other person or agency (eg deductions from an ADI account or wages);
- requirements for the performance of community service by the debtor (in accordance with a scheme prescribed by the regulations);
- an arrangement for the debtor to complete an intervention program;
- any other form of arrangement agreed by the Chief Recovery Officer and the debtor.

If the Chief Recovery Officer is satisfied that a debtor who has entered into an arrangement has the capacity to pay any outstanding amount of the pecuniary sum without the debtor or the debtor's dependants suffering hardship, the Officer may terminate the arrangement. If a debtor fails to comply with an arrangement and the failure has endured for 28 days, the arrangement terminates. An arrangement that has terminated may be reinstated by the Chief Recovery Officer. If the Chief Recovery Officer is satisfied that a debtor has completed, or substantially completed, an intervention program pursuant to an arrangement, the Officer must waive payment of the whole or part of the amount payable by the debtor in accordance with the arrangement.

16—Arrangement or waiver for debtor who has persistently driven unlicensed

Under this clause, the Chief Recovery Officer may either enter into an arrangement with a debtor under clause 15 or waive payment of a pecuniary sum or any part of a sum if satisfied that—

- the pecuniary sum payable is by the debtor because of the commission of an offence against section 74 of the *Motor Vehicles Act 1959*; and
- the debtor has been found guilty of, or has expiated, the same offence on more than two occasions; and
- the debtor has obtained a driver's licence.

17—Publication of names of debtors who cannot be found

This clause provides that, if the whereabouts of a debtor cannot be ascertained (after reasonable enquiries), the Chief Recovery Officer may cause a notice to be published on a website determined by the Chief Recovery Officer, and in such other manner (if any) as the Chief Recovery Officer thinks fit, seeking information as to the debtor's whereabouts.

18—Reminder notice

This clause requires the Chief Recovery Officer to give a reminder notice to a debtor if the debtor has not paid a pecuniary sum or entered into an arrangement in respect of the sum at the end of the 28 day period from the making of an order imposing a pecuniary sum. A prescribed reminder notice fee is to be added to and form part of the pecuniary sum unless the Chief Recovery Officer determines to waive the fee.

19—Enforcement action

The Chief Recovery Officer may take enforcement action under this clause if a debtor has not paid a pecuniary sum within 14 days after receiving a reminder notice or if an arrangement has not been entered into under clause 15. Enforcement action may also be taken if such an arrangement has terminated. In taking enforcement action, the Chief Recovery Officer may determine to enter into an arrangement with the debtor under clause 15, exercise a power under Part 7 or waive payment of the pecuniary sum or part of the pecuniary sum. The Chief Recovery Officer may also write off the pecuniary sum if satisfied there is no reasonable prospect of recovering the sum or the costs of recovery are likely to exceed the amount to be recovered.

Part 4—Payment of expiation fees

20—Arrangements as to manner and time of payment

This clause authorises the Chief Recovery Officer to enter into payment or other arrangements with alleged offenders who have been given expiation notices. An arrangement may be for payment of the amount due under an expiation notice to be paid by direct debit instalments. The clause also sets out other kinds of arrangements, as follows:

- payment by instalments (including instalments paid over a period exceeding 12 months);
- an extension of time to pay;
- the taking of a charge over land;
- the surrender of property to the Chief Recovery Officer;
- payment of any amount, including by direct credit, by or through some other person or agency (eg deductions from an ADI account or wages);
- requirements for the performance of community service by the alleged offender (in accordance with a scheme prescribed by the regulations);
- an arrangement for the alleged offender to complete an intervention program;
- any other form of arrangement agreed by the Chief Recovery Officer and the alleged offender.

If the Chief Recovery Officer is satisfied that an alleged offender who has entered into an arrangement has the means to pay an enforcement amount without the alleged offender or the alleged offender's dependants suffering hardship, the Officer may terminate the arrangement. If an alleged offender fails to comply with an arrangement and the failure has endured for 28 days, the arrangement terminates. An arrangement that has terminated may be reinstated by the Chief Recovery Officer. If the Chief Recovery Officer is satisfied that an alleged offender has completed, or substantially completed, an intervention program pursuant to an arrangement, the Officer must waive

payment of the whole or part of the amount payable by the alleged offender in accordance with the arrangement. If an alleged offender complies with an arrangement requiring the performance of community service, the amount outstanding is to be reduced in accordance with a method prescribed by the regulations.

An alleged offender who enters into an arrangement will be taken to expiate the offence or offences to which the arrangement relates on the day on which the arrangement is entered into (unless the alleged offender is already taken to have expiated the offence in accordance with another clause). This applies subject to the regulations but irrespective of whether the arrangement is subsequently discharged or terminates before being discharged.

21—Arrangement or waiver for alleged offender who has persistently driven unlicensed

Under this clause, the Chief Recovery Officer may either enter into an arrangement with a debtor under clause 20 or waive payment of an amount due or any part of an amount due if satisfied that—

- the amount due under the expiation notice is payable by the alleged offender because of the commission of an offence against section 74 of the *Motor Vehicles Act 1959*; and
- the alleged offender has been found guilty of, or has expiated, the same offence on more than two occasions; and
- the alleged offender has obtained a driver's licence.

22—Enforcement determinations

This clause provides that an expiation notice may be enforced against an alleged offender by the issuing authority providing to the Chief Recovery Officer certain particulars relating to the alleged offender, the offence or offences, the amount due and the authority's compliance with relevant legislation. The Chief Recovery Officer may make an enforcement determination in relation to an expiation notice if the following has occurred within the relevant period:

- the Chief Recovery Officer has received the necessary particulars from the issuing authority;
- 14 clear business days have elapsed from the date on which a reminder notice or enforcement warning notice relating to the expiation notice was given to the alleged offender under the *Expiation of Offences Act 1996*.

The relevant period is the period ending 90 days after the end of the expiation period or such longer period as the Chief Recovery Officer allows.

An enforcement notice may also be made by the Chief Recovery Officer if an arrangement under clause 20 relating to the notice has terminated and the Chief Recovery Officer has received the necessary particulars within the period of 30 days after the day on which the arrangement terminated.

The alleged offender will, on the making of an enforcement determination, be taken to have expiated the offence or offences to which the enforcement determination relates (unless the alleged offender is already taken to have expiated the offence in accordance with another clause). (This operates subject to the regulations.)

An enforcement determination may be varied or revoked by the Chief Recovery Officer. Revocation may occur on application made within 30 days of notice of an enforcement determination being given, sent or published as required under the section or on the Chief Recovery Officer's own initiative. There are limited grounds on which an application for revocation of an enforcement determination may be made, as follows:

- the expiation notice to which the determination relates should not have been given to the applicant in the first instance (other than because the alleged offender did not commit, or has a defence against, the alleged offence);
- the alleged offender did not have a reasonable opportunity to elect under section 8 of the *Expiation of Offences Act 1996* to be prosecuted for any offence to which the expiation notice relates;
- the alleged offender did not have a reasonable opportunity to apply for review of the expiation notice to which the determination relates under section 8A of the *Expiation of Offences Act 1996*;
- the procedural requirements of the Act or any other Act were not complied with;
- the applicant failed to receive an expiation notice and an expiation reminder notice as required;
- the issuing authority failed to receive—
  - a notice sent to the authority by the applicant electing to be prosecuted for the offence; or
  - a statutory declaration or other document sent to the authority by the applicant in accordance with a notice required by law to accompany the expiation notice or expiation reminder notice; or
- the applicant has expiated the offence, or offences, under the notice.

There is no requirement for the Chief Recovery Officer to conduct a hearing for the purposes of making, varying or revoking an enforcement determination.

23—Review by Court of refusal to revoke enforcement determination

This clause provides for review by the Court (ie, the Magistrates Court or Youth Court) of a decision of the Chief Recovery Officer to refuse an application for revocation of an enforcement determination where the ground of the application was that the alleged offender did not have a reasonable opportunity to elect to be prosecuted for the relevant offence or to apply for review of the expiation notice to which the determination relates. If the Court reverses the decision to refuse the application, the enforcement determination will be taken to be void and of no effect and any subsequent enforcement action will be taken to have been revoked. The Chief Recovery Officer may make a further enforcement determination if the alleged offender does not elect to be prosecuted or apply for review of the expiation notice within 14 days of being informed of the Court's determination.

24—Expiation fee is debt

This clause provides that an amount due under an expiation notice where an enforcement determination has been made by the Chief Recovery Officer is (if the enforcement determination has not been revoked) a debt due to the Crown and is recoverable by the Chief Recovery Officer by action in any court of competent jurisdiction or as otherwise set out in the Act.

25—Enforcement actions by Chief Recovery Officer

If an enforcement determination has been made by the Chief Recovery Officer, the Chief Recovery Officer may—

- enter into an arrangement, or further arrangement, with the alleged offender under clause 20; or
- register a charge on land under Part 6; or
- exercise a power under Part 7; or
- waive payment of the amount due or any part of the amount due.

26—Amounts unpaid or unrecovered for more than certain period

This clause provides for a prescribed amount to be added to the amount due under an expiation notice if the Chief Recovery Officer makes an enforcement determination in relation to the notice. A further amount is added to the amount due if any part of it remains unpaid by, or unrecovered from, the alleged offender, at the end of 30 days (but payment of either of these amounts may be waived by the Chief Recovery Officer).

27—Writing off bad debts

The Chief Recovery Officer is authorised under this clause to write off an amount payable under an expiation notice if there is no reasonable prospect of recovering the amount or the costs of recovery are likely to equal or exceed the amount to be recovered.

28—Enforcement of expiation notices in other jurisdictions

This clause authorises the Chief Recovery Officer to enter into multi-jurisdictional agreements with one or more other jurisdictions to establish and implement processes and procedures for the enforcement in other jurisdictions of expiation notices given in South Australia and the enforcement in South Australia of expiation notices given in other jurisdictions.

Part 5—Investigation powers

29—Personal details and investigation of financial position

This clause authorises the Chief Recovery Officer to—

- require a debtor or alleged offender to provide personal details;
- require another person to provide the personal details of a debtor or alleged offender;
- investigate the means of a debtor or alleged offender (including by requiring the debtor or alleged offender to provide relevant documents or other materials).

30—Power to require information

A public sector agency or credit reporting body may be required under this clause to provide the Chief Recovery Officer with the contact details of a debtor or alleged offender. A public sector agency may also be required to produce documents or other material or information to the Chief Recovery Officer. Particular public sector agencies may be excluded from the application of the clause by the regulations.

31—Power to require identification

If an authorised officer has reasonable cause to suspect that a person may be a debtor or alleged offender, the person may be required under this clause to produce evidence of the person's identity.

32—Disclosure of information to prescribed interstate authority

This clause authorises the Chief Recovery Officer to disclose prescribed particulars of a debtor or alleged offender to a prescribed interstate authority.

Part 6—Charge on land

33—Charge on land

The Chief Recovery Officer may, under this clause, apply to the Registrar-General to register a charge over land owned by a debtor. The Chief Recovery Officer may also apply for a registration of a charge owned by an alleged offender if an enforcement determination has been made in relation to the relevant expiation notice.

The effect of a charge is as follows:

- the Registrar-General must not register an instrument affecting the land over which the charge exists unless—
  - the instrument—
    - was executed before the entry was made; or
    - has been executed under or pursuant to an agreement entered into before the entry was made; or
    - relates to an instrument registered before the entry was made; or
  - the instrument is an instrument of a prescribed class; or
  - the instrument is expressed to be subject to the operation of the charge; or
  - the instrument is a duly stamped conveyance that results from the exercise of a power of sale under a mortgage, charge or encumbrance registered before the entry was made;
- the Chief Recovery Officer (on behalf of the Crown) has the same powers in respect of the land over which the charge exists as are given by the *Real Property Act 1886* to a mortgagee under a mortgage in respect of which default has been made in payment of money secured by the mortgage.

Part 7—Enforcement

Division 1—Enforcement action

34—Interpretation

This clause includes definitions of terms required for the purposes of Part 7.

35—Aggregation of monetary amounts for the purposes of enforcement

This clause provides for the aggregation of monetary amounts for the purposes of exercising powers under Part 7.

36—Seizure and sale of assets

This clause authorises the Chief Recovery Officer to make a written determination to sell land or personal property of a debtor or alleged offender to satisfy the monetary amount owed.

A determination of the Chief Recovery Officer under the clause authorises the Chief Recovery Officer to—

- enter any land (using such force as may be necessary) on which the Chief Recovery Officer reasonably suspects personal property of the debtor or alleged offender is situated; and
- seize and remove personal property found on the land that apparently belongs (wholly or partly) to the debtor or alleged offender; and
- affix clamps or any other locking device to any vehicle that is to be seized and removed from the land in order to secure the vehicle until it can be so seized and removed; and
- seize and remove any documents evidencing the title of the debtor or alleged offender to any real or personal property; and
- place and keep any such personal property or documents in safe custody until completion of sale; and
- sell real or personal property owned (whether solely or as a co-owner) by the debtor or alleged offender.

There are some limitations on the Chief Recovery Officer's powers, as follows:

- the powers may not be exercised in relation to personal property, or property of a class, prescribed by the regulations;
- this clause does not authorise the sale of land unless the monetary amount exceeds $10,000;
- any amount realised from the sale of the personal property of the debtor or alleged offender in excess of the monetary amount owed by a debtor or alleged offender must be paid to the debtor or alleged offender by the Chief Recovery Officer;
- the Chief Recovery Officer (on behalf of the Crown) has the same powers in respect of land the Officer determines to sell as are given by the *Real Property Act 1886* to a mortgagee under a mortgage in respect of which default has been made in payment of money secured by the mortgage.

37—Garnishment

The Chief Recovery Officer may, under this clause, determine that money owing or accruing to a debtor or alleged offender from a third person, or money of a debtor or alleged offender in the hands of a third person, is to be attached to satisfy a monetary amount owed by the debtor or alleged offender.

38—Suspension of driver's licence

The Chief Recovery Officer may, under this clause, suspend the driver's licence (including a learner's permit) held by a debtor or alleged offender. Notice of a written determination to suspend a driver's licence must be given to the debtor or alleged offender. The Registrar of Motor Vehicles is also to be given notice of the determination. A licence suspension takes effect 14 days from (and including) the day on which the determination was given to the debtor or alleged offender and may be cancelled by the Chief Recovery Officer by written determination. The Chief Recovery Officer must cancel a licence suspension if all monetary amounts owed by the debtor or alleged offender are paid in full.

39—Restriction on transacting business with Registrar of Motor Vehicles

This clause provides that the Chief Recovery Officer may, by written determination, impose a prohibition on a debtor or alleged offender transacting any business with the Registrar of Motor Vehicles. Notice of a prohibition must be given to the debtor or alleged offender. A prohibition takes effect on the Registrar of Motor Vehicles being notified as required and may be cancelled by the Chief Recovery Officer by written determination. The Chief Recovery Officer must cancel a prohibition if all monetary amounts owed by the debtor or alleged offender are paid in full. While a prohibition under the clause continues in operation, the Registrar of Motor Vehicles will not process any application made by or on behalf of the debtor or alleged offender, whether the application was made before or after the prohibition took effect.

40—Suspension of section 97A of *Motor Vehicles Act 1959*

This clause provides that the Chief Recovery Officer may suspend the operation of section 97A of the *Motor Vehicles Act 1959* insofar as it applies to a debtor or alleged offender specified in the notice. Section 97A authorises certain drivers visiting South Australia to drive in the State without holding a local licence. Notice of the Chief Recovery Officer's written determination to suspend the operation of section 97A must be given to the debtor or alleged offender. The suspension takes effect 14 days from (and including) the day on which the notification is given to the debtor or alleged offender. The Registrar of Motor Vehicles is also to be notified of the suspension. The suspension must be cancelled by the Chief Recovery Officer if all monetary amounts owed by the debtor or alleged offender are paid in full.

41—Clamping or impounding of vehicle

This clause provides for the clamping and impounding of vehicles owned by debtors and alleged offenders. The Chief Recovery Officer may determine to clamp or impound a vehicle that a debtor or alleged offender owns or is accustomed to drive or that was used in the commission of an offence or alleged offence. The period of clamping or impounding may be specified in the determination or may be until the Chief Recovery Officer determines to end the clamping or impounding.

42—Power to dispose of uncollected seized vehicles

This clause sets out procedures for disposal of a vehicle that apply when the vehicle ceases to be liable to be clamped or impounded but no person who is entitled to custody of the vehicle applies for release of the vehicle.

43—Seizure of number plates of vehicle

The Chief Recovery Officer is authorised under this clause to seize the number plates of a vehicle that a debtor or alleged offender owns or is accustomed to drive or that was used in the commission of an offence or alleged offence. Notice of the written determination to seize the number plates must be given to the debtor or alleged offender and each registered owner of the vehicle. The Chief Recovery Officer may not seize the number plates of a vehicle if the vehicle is situated in a public place or seizure of the number plates would cause undue inconvenience to a person other than the debtor or alleged offender. If all pecuniary sums owed by the debtor or alleged offender are not paid

within 28 days of the day on which the vehicle's number plates are seized, the Chief Recovery Officer may dispose of the number plates by forwarding them to the Registrar of Motor Vehicles.

44—Publication of names of debtors and alleged offenders subject to enforcement action

This clause provides that the Chief Recovery Officer may cause a notice identifying a debtor or alleged offender who is subject to enforcement action to be published on a website determined by the Chief Recovery Officer and in some other manner determined by the Chief Recovery Officer.

45—Costs

If the Chief Recovery Officer incurs costs in relation to the exercise of enforcement powers and functions, the costs are added to and form part of the monetary amount owed by the debtor or alleged offender.

Division 2—Failure of enforcement process

46—Community service orders

This clause provides for the making of community service orders and orders requiring a debtor or alleged offender to complete an intervention program. The order can be made by the Court on application by the Chief Recovery Officer where the Court is satisfied that the debtor or alleged offender does not have, and is not likely within a reasonable time to have, the means to satisfy a monetary amount owed by the debtor or alleged offender without the debtor or alleged offender, or the dependants of the debtor or alleged offender, suffering hardship.

47—Community service and intervention program orders may be enforced by imprisonment

This clause provides for the enforcement by imprisonment of an order under clause 46 requiring community service or the completion of an intervention program. The clause authorises the court to issue a warrant of commitment but provides that the court may refrain from doing so if satisfied that a person's failure to comply with an order was trivial or that there are proper grounds on which the failure should be excused.

Part 8—Civil debt recovery

Division 1—Preliminary

48—Interpretation

This clause provides definitions for a number of terms used in Part 8.

Division 2—Recovery of civil debt

49—Notification of debt

This clause provides that a public authority may notify the Chief Recovery Officer of a debt owed to the authority by a debtor. The Chief Recovery Officer may then make a civil debt determination in relation to the debt. The Chief Recovery Officer must give written notification of the civil debt determination to the debtor and inform the debtor of the powers that can be used to recover the debt. The debtor must also be invited by the Chief Recovery Officer to enter into an arrangement for payment of the debt (such as an arrangement for payment of the debt by instalments). A civil debt determination may not be made by the Chief Recovery Officer if the Magistrates Court would not have jurisdiction to hear and determine a claim for the debt.

50—Application to Court in relation to debt

This clause provides a debtor who has received a civil debt determination with a right to apply to the Magistrates Court for revocation or variation of the determination. The public authority to which the debt is owed is the respondent to the application. The determination may be affirmed, varied or revoked by the Court.

51—Enforcement action

The Chief Recovery Officer may exercise the powers set out under Division 5 in relation to a debtor who has been notified of a civil debt determination if the debtor has not applied for the determination to be varied or revoked or entered into an arrangement as to the time and manner of payment of the debt (or such an arrangement has terminated) or if the determination has been confirmed or varied by the Court. However, the Chief Recovery is required to notify the debtor of a determination to exercise the power before it can be exercised. The power cannot be exercised if it is revoked.

52—Internal review of decision to take enforcement action

A debtor who has received an enforcement notice can apply for an internal review of the determination to which the notice relates. The Chief Recovery Officer may, on a review, make a decision confirming, varying or revoking the determination.

53—Review of decision to take enforcement action

If a decision to take enforcement action is confirmed or varied on an internal review, the debtor may apply to the Magistrates Court for review of the decision.

54—Effect of review proceedings on decision being reviewed

This clause provides that the commencement of an internal review, or proceedings for a review by the Court, does not affect the operation of the determination that is the subject of the review unless the reviewer makes an order staying or varying the operation of the determination.

55—Costs

This clause provides that costs incurred by the Chief Recovery Officer in relation to the exercise of powers and functions under Part 8 are added to and form part of the debt owed by the debtor.

56—Interest on debts

A debt that is the subject of a civil debt determination bears interest at the rate prescribed under the rules of the Magistrates Court for the purposes of section 35(1) of the *Magistrates Court Act 1991* .

Division 3—Payment by instalments

57—Voluntary arrangement as to time and manner of payment

Under this clause, a debtor may, at any time, if the debtor pays, or agrees to pay, the prescribed fee, enter into an arrangement with the Chief Recovery Officer—

- for payment of the debt by instalments over a period determined by the Chief Recovery Officer (being not more than 12 months from the date on which the arrangement is entered into); or
- for the taking of a charge over land; or
- for the surrender of property to the Chief Recovery Officer.

Division 4—Investigation powers

58—Investigation of debtor's financial position

This clause provides the Chief Recovery Officer with a power to require a debtor to provide the Chief Recovery Officer with the debtor's personal details. The Chief Recovery Officer may also require a person who the Chief Recovery Officer has reasonable cause to believe that a person has knowledge of personal details of a debtor to provide personal details of the debtor that are known to the person. Furthermore, the Chief Recovery Officer may, for the purposes of determining a debtor's means of satisfying the debt, require the debtor, or another person who may be able to assist with the investigation, to appear for examination before the Chief Recovery Officer or to produce documents relevant to the investigation to the Chief Recovery Officer.

59—Power to require information

A public sector agency or credit reporting body may be required under this clause to provide the Chief Recovery Officer with the contact details of a debtor. A public sector agency may also be required to produce documents or other material or information to the Chief Recovery Officer. Particular public sector agencies may be excluded from the application of the clause by the regulations.

Division 5—Enforcement action

Subdivision 1—Preliminary

60—Aggregation of debts for the purposes of enforcement

Any number of debts owed by a debtor that are the subject of a civil debt determination may be aggregated for the purposes of exercising powers under Division 5.

Subdivision 2—Action requiring formal determination

61—Requirement for payment of instalments etc

The Chief Recovery Officer may determine under this clause that a debtor is to pay instalments towards the satisfaction of a debt owed by the debtor. The relevant enforcement notice must specify the amount and regularity of the instalments. If the debtor is a natural person, the Chief Recovery Officer must conduct an investigation into the debtor's means of satisfying the debt unless the Chief Recovery Officer is satisfied that there are, in the circumstances of the case, proper reasons for dispensing with such an investigation. In determining whether a debtor who is a natural person should be required to pay instalments towards the satisfaction of the debt, the Chief Recovery Officer should have due regard to evidence placed before the Officer as to—

- the debtor's means of satisfying the debt; and
- the necessary living expenses of the debtor and the debtor's dependants; and
- other liabilities of the debtor.

62—Garnishment

The Chief Recovery Officer may determine under this clause that money owing or accruing to a debtor from a third person, or money of a debtor in the hands of a third person, is to be attached to satisfy a debt owed by the debtor. If the Chief Recovery Officer makes or varies a determination under this clause, the garnishee may seek internal review of the determination or the decision to vary the determination.

63—Seizure and sale of property

The Chief Recovery Officer may make a determination under this clause to sell land or personal property of a debtor to satisfy the debt owed by the debtor. The Chief Recovery Officer may, pursuant to a determination under this clause—

- enter the land (using such force as may be necessary for the purpose) on which property to which the determination relates, or documents evidencing title to such property, are situated; and
- seize and remove any such property or documents; and
- place and keep any such property or documents in safe custody until completion of the sale; and
- sell any property to which the determination relates (whether or not the Chief Recovery Officer has first taken steps to obtain possession of the property).

64—Charge on land

The Chief Recovery Officer may, under this clause, determine that real property of a debtor is to be charged with some or all of the debt owed by the debtor. If such a determination is made, the Chief Recovery Officer may apply to the Registrar-General to register a charge over land owned by a debtor.

The effect of a charge is as follows:

- the Registrar-General must not register an instrument affecting the land over which the charge exists unless—
  - the instrument—
    - was executed before the entry was made; or
    - has been executed under or pursuant to an agreement entered into before the entry was made; or
    - relates to an instrument registered before the entry was made; or
  - the instrument is an instrument of a prescribed class; or
  - the instrument is expressed to be subject to the operation of the charge; or
  - the instrument is a duly stamped conveyance that results from the exercise of a power of sale under a mortgage, charge or encumbrance registered before the entry was made;
- the Chief Recovery Officer (on behalf of the public authority to whom the debt is owed) has the same powers in respect of the land over which the charge exists as are given by the *Real Property Act 1886* to a mortgagee under a mortgage in respect of which default has been made in payment of money secured by the mortgage.

65—Charge over other property

This clause provides that the Chief Recovery Officer may determine that property of a debtor is to be charged with part or all of the debt owed by the debtor. If such a determination is made, the Chief Recovery Officer may—

- do anything necessary to ensure that the charge is registered; or
- make any necessary consequential determination (which will have effect according to its terms) prohibiting or restricting dealings with the property subject to the charge; or
- take any other action authorised by regulations.

Subdivision 3—Appointment of receiver

66—Appointment of receiver

The Chief Recovery Officer may apply to the Magistrates Court for the appointment of a receiver for the purpose of recovering a debt. If a receiver is appointed, the Court may make orders—

- conferring on the receiver powers—
  - to take charge of property of the debtor;

- to dispose of property of the debtor;
- to divert income (other than income from employment or a pension) towards satisfaction of the debt;
- to take charge of, and carry on, a business of the debtor and apply proceeds from the business towards satisfaction of the debt;
- to do anything reasonably necessary for, incidental to, or consequential on, the above; or

- providing for accounts to be rendered by the receiver; or
- providing for the remuneration of the receiver; or
- relating to any other incidental or consequential matter.

Part 9—Authorised officers

67—Authorised officers

The Minister is authorised under this clause to appoint authorised officers for the purposes of the enforcement of the measure. An appointment may be made subject to conditions limiting the powers exercisable by the authorised officer. A condition of an appointment may be varied or revoked, and an appointment may be revoked.

68—Identification of authorised officers

This clause requires that authorised officers be issued with identity cards. An authorised officer must produce the officer's identity card for inspection at the request of a person in relation to whom the officer plans to exercise powers.

69—Hindering authorised officer or assistant

This clause makes it an offence for a person to hinder an authorised officer, or a person assisting an authorised officer, in the exercise of powers under the Act.

Part 10—Miscellaneous

70—Minister may declare amnesty from payment of costs, fees and charges

This clause authorises the Minister to declare an amnesty from the payment of the whole or any part of costs, fees and other charges under the measure or the repealed *Criminal Law (Sentencing) Act 1988*. An amnesty must be declared by notice in the Gazette and applies to a debtor or class of debtors, and to an extent, specified in the notice.

71—Power of delegation—intervention program manager

This clause authorises intervention program managers to delegate powers or functions under the Act.

72—Liability

This clause provides that no civil liability is incurred by the Crown, the Chief Recovery Officer or a public sector employee in respect of the exercise, or purported exercise, of powers or functions under the Act.

73—Chief Recovery Officer may be assisted by others

This clause provides that the Chief Recovery Officer or an authorised officer may, in the exercise of powers or functions under the Act, be assisted by other persons (including a police officer).

74—Notice of determination

Where the Chief Recovery Officer is required to give notice of an arrangement or determination to a person, the notice must be in writing and specify reasons for the arrangement or determination.

75—Service of notices etc

This clause sets out service requirements. A notice, determination or other document may be given or served personally, by post or by email transmission. If the Chief Recovery Officer is required to give or serve a notice, determination or other document on a person but the whereabouts of the person cannot be ascertained, the following requirements apply:

- the Chief Recovery Officer must publish details of the notice, determination or other document on a website determined by the Chief Recovery Officer (and on publishing such details the Chief Recovery Officer will, for the purposes of the Act, be taken to have given the person, or served the person with, the notice, determination or document);
- however, if the person is a youth, is subject to a suppression order or is a protected person, the requirement to give the person, or serve the person with, the notice, determination or other document does not apply but—

- the Chief Recovery Officer may cause details of the notice, determination or other document to be provided to the person by any other means reasonably available that do not involve public disclosure of the name of the person; and
- on providing such details the Chief Recovery Officer will, for the purposes of this Act, be taken to have given the person, or served the person with, the notice, determination or document.

76—Regulations

The regulation making power authorises the Governor to make regulations contemplated by, or necessary or expedient for the purposes of, the Act. The regulations may—

- be of general or limited application; and
- make different provision according to the persons, things or circumstances to which they are expressed to apply; and
- provide that a specified provision of the Act does not apply, or applies with prescribed variations, to a specified person, circumstance or situation (or person, circumstance or situation of a prescribed class), subject to any condition to which the regulations are expressed to be subject; and
- provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Chief Recovery Officer or another prescribed person.

The clause authorises the making of regulations of a savings or transitional nature consequent on the commencement of any provisions of the Act.

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Cross-border Justice Act 2009*

2—Amendment of section 7—Interpretation

3—Amendment of section 68—Proceedings that may be heard in another participating jurisdiction

4—Amendment of section 120—Terms used in this Part

5—Amendment of section 121—Request to enforce fine in another participating jurisdiction

6—Amendment of section 122—Effect of making request

7—Amendment of section 125—Resumption of enforcement by Fines Director

8—Amendment of section 127—Effect of registration

9—Amendment of section 129—Receipt of money by Fines Director

10—Amendment of section 130—Request to cease enforcement of fine

These clauses make amendments consequential on the enactment of this measure and the *Sentencing Act 2017*.

Part 3—Amendment of *Expiation of Offences Act 1996*

11—Amendment of section 4—Interpretation

This clause amends the interpretation section of the *Expiation of Offences Act 1996* to insert a definition of *Chief Recovery Officer* and makes other consequential amendments.

12—Amendment of section 8—Alleged offender may elect to be prosecuted etc

This clause makes consequential amendments to section 8. An additional amendment provides that where an enforcement determination made under section 22 of the *Fines Enforcement and Debt Recovery Act 2017* is revoked on the ground that the alleged offender had not had a reasonable opportunity to elect to be prosecuted for an offence, the alleged offender may make an election to be prosecuted for the offence within 14 days of being notified of the revocation.

13—Amendment of section 8A—Review of notices on ground that offence is trifling

This clause makes consequential amendments to section 8A. An additional amendment provides that where an enforcement determination made under section 22 of the *Fines Enforcement and Debt Recovery Act 2017* is revoked on the ground that the alleged offender had not had a reasonable opportunity to apply for review of the notice,

the alleged offender may make an election to be prosecuted for the offence within 14 days of being notified of the revocation.

14—Repeal of section 9

15—Amendment of section 11—Expiation reminder notices

16—Amendment of section 11A—Expiation enforcement warning notices

17—Amendment of section 12—Late payment

18—Repeal of sections 13 to 14B

The amendments made by these clauses are consequential.

19—Amendment of section 16—Withdrawal of expiation notices

Section 16 is amended by this clause by the addition of a new ground on which an issuing authority may withdraw an expiation notice so that a notice may be withdrawn if the authority is of the opinion that the alleged offender is suffering from a cognitive impairment. *Cognitive impairment* is defined to include the following:

- a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);
- an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);
- a mental illness.

20—Amendment of section 18—Provision of information

21—Repeal of sections 18B to 18E

The amendments made by clauses 20 and 21 are consequential.

22—Insertion of section 19A

Proposed section 19A provides that a notice, determination or other document required or authorised to be given or served under the Act may be given or served personally, by post or by transmitting it by email to an email address provided by the intended recipient (in which case the notice, determination or document will be taken to have been given or served at the time of transmission).

23—Amendment of section 20—Regulations

This amendment is consequential.

Part 4—Amendment of *Magistrates Court Act 1991*

24—Amendment of section 7A—Constitution of Court

25—Amendment of section 9A—Petty Sessions Division

The amendments made by clauses 24 and 25 to the *Magistrates Court Act 1991* are consequential.

Part 5—Amendment of *Motor Vehicles Act 1959*

26—Insertion of section 61A

Proposed section 61A relates to clause 43 of the measure. The Chief Recovery Officer may, under that clause, forward seized number plates to the Registrar. If that occurs, the Registrar may cancel the registration of the vehicle and must then make the required refund of the registration fee (or part of the registration fee).

27—Amendment of section 93—Notice to be given to Registrar

The amendments made by this clause are consequential.

28—Amendment of section 97A—Visiting motorists

The amendment to section 97A made by this clause relates to clause 40 of the measure. The Chief Recovery Officer may, under that clause, determine that the operation of section 41 of the *Motor Vehicles Act 1959* is suspended insofar as it applies to a specified person. Proposed subsection (2c) of section 97A provides that subsection (1) of that section does not apply to the person while the Chief Recovery Officer's determination is in force.

29—Amendment of section 139D—Confidentiality

The amendment made by this clause is consequential.

Part 6—Amendment of *Summary Procedure Act 1921*

30—Amendment of section 52—Limitation on time in which proceedings may be commenced

This amendment is consequential on the insertion of section 19A into the *Expiation of Offences Act 1996* by clause 22.

Part 7—Amendment of *Victims of Crime Act 2001*

31—Amendment of section 28—Right of Attorney-General to recover money paid out from offender etc

The amendments made by this clause are consequential.

32—Amendment of section 32—Imposition of levy

This clause amends section 32 to make it clear that the Chief Recovery Officer or an issuing authority may recover a levy before it becomes payable under the section.

Part 8—Transitional provisions

33—Transitional provisions

This clause makes provision for transitional arrangements consequential on the enactment of this measure.

Debate adjourned on motion of Mr Treloar.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I can see we need to welcome into the gallery a fine group of individuals, who appear to be the guests of the member for Lee. We welcome them to parliament this afternoon and hope they enjoy their time with us.

Bills

STATUTES AMENDMENT (SACAT NO 2) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:07): Obtained leave and introduced a bill for an act to vest jurisdiction in the South Australian Civil and Administrative Tribunal; to make efficiency measures relating to the jurisdiction and procedures of the South Australian Civil and Administrative Tribunal; and for other purposes. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:07): I move:

That this bill be now read a second time.

This bill will make a number of miscellaneous amendments to legislation used by the South Australian Civil and Administrative Tribunal to improve the efficiency with which SACAT is able to deal with certain matters and address the anomalous application of some provisions. In addition, the bill also makes amendments required to confer stage 3 jurisdictions on SACAT, which include various administrative and review functions currently exercised by the Administrative and Disciplinary Division of the District Court, the Magistrates Court and the Supreme Court, selected according to subject matter. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

In November 2013, Parliament passed the *South Australian Civil and Administrative Tribunal Act 2013* (SACAT Act), to establish the South Australian Civil and Administrative Tribunal (SACAT). The objectives of SACAT include providing a single, low-cost, easy-to-use, easy-to-find forum for administrative reviews and decisions and to promote consistency and quality of administrative decision-making in this State.

The SACAT Act sets out the structure, membership, constitution and other provisions that are required to facilitate the establishment of the Tribunal, but does not confer any jurisdiction. The task of conferring jurisdiction upon the Tribunal is a significant undertaking, occurring over a series of stages.

The *Statutes Amendment (SACAT) Act 2014,* which received assent on 11 December 2014, conferred stage one jurisdictions on SACAT and on 30 March 2015 SACAT commenced operation with these foundation jurisdictions of the former Residential Tenancies Tribunal, the former Guardianship Board and the former Housing Appeal Panel, in addition to land valuation objections under the *Valuation of Land Act 1971* and *Local Government Act 1999.*

Upon commencement of the relevant provisions in December 2016, the *Statutes Amendment (SACAT) Act 2014* also conferred further 'stage two' jurisdictions on SACAT, of reviews under the *Freedom of Information Act 1991* and *First Home and Housing Construction Grants Act 2000*.

This Bill comprises stage three of the conferral of jurisdiction upon SACAT, conferring various administrative and review functions currently exercised by the Administrative and Disciplinary Division of the District Court, the Magistrates Court and Supreme Court, selected according to subject matter. Stage three comprises generally reviews and decisions within the subject matters of local government, land and housing, taxation and superannuation, environment and farming, energy and resources, food safety and regulation and other 'community stream' legislation including adoption and births, deaths and marriages.

To confer stage three jurisdiction, the following Acts are amended by the Bill:

- Adoption Act 1988
- Agricultural and Veterinary Products Act (Control of Use) Act 2002
- Animal Welfare Act 1985
- Aquaculture Act 2001
- Associations Incorporation Act 1985
- Births, Deaths and Marriages Registration Act 1996
- Conveyancers Act 1994
- Co-operatives National Law (South Australia) Act 2013
- Crown Land Management Act 2009
- Electricity Act 1996
- Emergency Services Funding Act 1998
- Environment Protection Act 1993
- Environment Protection (Sea Dumping) Act 1984
- Essential Services Commission Act 2002
- Fisheries Management Act 2007
- Food Act 2001
- Gas Act 1997
- Harbors and Navigation Act 1993
- Historic Shipwrecks Act 1981
- Land Acquisition Act 1969
- Land Agents Act 1994
- Land Valuers Act 1994
- Livestock Act 1997
- Local Government Act 1999
- Mines and Works Inspection Act 1920
- National Parks and Wildlife Act 1972
- Partnership Act 1891
- Pastoral Land Management and Conservation Act 1989
- Petroleum and Geothermal Energy Act 2000

- Petroleum Products Regulation Act 1995
- Plant Health Act 2009
- Police Superannuation Act 1990
- Primary Industry Funding Schemes Act 1998
- Primary Produce (Food Safety Schemes) Act 2004
- Public Corporations Act 1993
- Safe Drinking Water Act 2011
- Southern State Superannuation Act 2009
- Superannuation Act 1988
- Supported Residential Facilities Act 1992
- Survey Act 1992
- Tobacco Products Regulation Act 1997
- Water Industry Act 2012.

The Bill will also make a number of miscellaneous amendments to legislation used by SACAT to improve the efficacy and efficiency of certain matters dealt with by SACAT, address the anomalous application of some provisions and fix a couple of previous drafting errors. These changes are:

- repeal s.37 of the *Residential Tenancies Act 1995* (RTA) (application to vary or set aside order) as this section is being abused and leading to hundreds of applications in circumstances where there are alternative existing provisions in the SACAT Act that provide for orders to be revisited where this is appropriate, or reviewed. This will be supplemented by an amendment to s.85 of the SACAT Act to ensure that orders made at conciliation conferences by a dispute resolution officer when one party fails to attend are able to be varied under that section, which would otherwise have been precluded by the repeal of s.37. This was the only circumstance in which an alternative, more appropriate provision to revisit an order was not already available in the SACAT Act;
- make an equivalent amendment to s.41 of the *Housing Improvement Act 2016*, which is worded in the same terms as s.37 of the RTA for consistency and efficiency;
- amend s.47 of the *South Australian Civil and Administrative Tribunal Act 2013* (SACAT Act) to allow a Registrar (including a Deputy Registrar) authorised in writing by the President to dismiss or strike out proceedings for want of prosecution without this needing to be heard by a Tribunal member;
- amend *Guardianship and Administration Act 1993* ss.33, 37 to require non-parties to obtain leave and demonstrate a change in circumstances to make an application to SACAT to vary or revoke a guardianship order or administration order. This is to enable SACAT to filter out inappropriate applications for variation or revocation (for example, repeated applications from disgruntled relatives or friends who disagree with an order/appointment, applying for variation or revocation shortly after an order has been made);
- amend the *Guardianship and Administration Act* to remove the requirement for financial reports to be sent to the Tribunal by an appointed administrator of a protected person under s.44(1), however retain a power for SACAT to require financial reports to be sent to the Tribunal (for example for circumstances where an administrator claims to have sent reports to the Public Trustee but Public Trustee has no record of receiving them). This change is to remove unnecessary duplication whereby such reports are currently provided to both SACAT and the Public Trustee, notwithstanding that it is the Public Trustee's role to examine and report to SACAT on their adequacy and only the Public Trustee has this expertise;
- amend the *Guardianship and Administration Act* to make provision for the appointment of an alternative guardian at the same time as a guardian to avoid the need for an urgent appointment if an appointee dies. This is based on equivalent provisions in other jurisdictions, including Victoria and Western Australia;
- amend the *Mental Health Act 2009* to remove the requirements in ss.11, 22 and 26 for the Office of the Chief Psychiatrist (OCP) to send SACAT copies of all mental health notices relating to short term treatment orders by health professionals. Instead, the Act should only require OCP to send SACAT copies of notices relating to orders reviewable by SACAT under s79; as well as copy notices—upon request by SACAT—for orders in relation to which a review application has been made to SACAT under s.81. This will remove duplication of the record-keeping function already performed by the OCP;

- amend the *Mental Health Act* to provide for automatic expiry of a Level 1 Community Treatment Order (CTO) when SACAT makes a Level 2 CTO (s.16), and the automatic expiry of a Level 1 or 2 Inpatient Treatment Order (ITO) when SACAT makes a Level 3 ITO (s.29) to remove the uncertainty of different level orders potentially operating concurrently;

- amend the *Advance Care Directives Act 2013* s.43(d) definition of 'eligible person' for the purposes of who may make an application to SACAT in relation to an Advance Care Directive (under s.48) to include, additionally, a person who satisfies the Tribunal that they have a proper interest; and

- amend s.51(1) of the *Advance Care Directives Act* to broaden SACAT's powers to remove a Substitute Decision Maker (SDM), including on its own initiative, by including additional grounds for removal of a SDM who is in such default in the exercise of their powers that the person is unfit to continue as SDM. These amendments to *Advance Care Directives Act* sections 43 and 51 are in response to concerns expressed by SACAT about its limited powers to remove unsuitable substitute decision makers where evidence of such unsuitability is apparent to SACAT. This has led to overly protracted and complicated hearings to achieve a just result and presents a potential risk to vulnerable people.

The Bill includes amendments to the *Advance Care Directives Act* and *Guardianship and Administration Act* to correct a drafting error identified in the *Statutes Amendment (SACAT) Act 2014,* whereby the provision for making short-term orders of up to 14 days under s.32(1) of the *Guardianship and Administration Act* (order to place or detain protected person) without notifying other parties (old s.14(7)) was inadvertently inserted in s.54 of the *Advance Care Directives Act.* A minor drafting error to a consequential provision in *Guardianship and Administration Act* s.64(i) is also corrected.

Further 'housekeeping' amendments are also made to the SACAT Act to address anomalous application of existing legislation in use by SACAT, namely to:

- clarify the decision-making role of assessors in SACAT (which will be the same as currently in the Administrative and Disciplinary Division of the District Court: *District Court Act 1991* s.20);

- address the situation where the person who is the decision maker for the purposes of ss.34 and 35 for reviews by SACAT might not be the person that ought to be subject to those obligations. For example, under the *Pastoral Land Management and Conservation Act 1989* where the decision maker is actually a private land valuer and the *Supported Residential Facilities Act 1992* where the decision maker is the authorised officer rather than the relevant licensing authority. This issue arises also under the *Statutes Amendment (Electricity and Gas) Bill 2015* where the decision-maker is an authorised officer not the ESCOSA, Minister or Technical Regulator. The SACAT Rules will be able to make the relevant Ministers, Valuer-General, licensing authority, ESCOSA, Technical Regulator (as the case may be) the party to the SACAT proceedings and the person to whom the s35 disclosure requirements attach, not the actual decision-maker. In some cases they require a power and obligation to get hold of the documents of the decision maker in order to perform their s.35 duties; and

- address an unintended consequence of s.56 regarding legal representation before SACAT. Section 56(3) prohibits non-lawyers from acting for parties for fee or reward. The intention was to prevent unsuitable persons from setting up businesses as lay advocates in SACAT matters. However, it has been identified that this may have the unforseen consequence of precluding public servants representing their Departments before SACAT. To address this without also precluding genuine advocacy services such as the Tenants Advisory Service from representing parties before SACAT, s.56(3) is deleted and reliance placed on the requirement in s.56(1)(c) for non-lawyers to obtain leave to appear for parties.

The Bill provides for the Pastoral Land Appeals Tribunal (the PLAT) under the *Pastoral Land Management and Conservation Act 1989* to be dissolved later by proclamation. The PLAT also sits within the District Court and is presided over by a District Court judge sitting with two panel experts.

Although there is provision in the *Mines and Works Inspection Act 1920* for establishment of the Mines and Works Appeal Board, this body was to date never established, although its proposed functions will be able to be exercised by SACAT if and when required.

In addition, consistent with previous jurisdiction transfers to SACAT, various panels of experts or other panel members established to sit on a sessional basis with District Court judges to assist with appeals in the Administrative and Disciplinary Division of the District Court will be abolished pursuant to the Bill, with reliance instead on the ability for the Governor to appoint assessors to SACAT under section 22 of the SACAT Act.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Adoption Act 1988*

4—Amendment of section 42—Regulations

This amendment allows for the regulations to provide for SACAT to be vested with jurisdiction to review decisions of the Chief Executive.

5—Transitional Provisions

This clause provides for the continuation and completion of any review of a decision of the Chief Executive already initiated under the current scheme before the commencement of the amendments to this Act.

Part 3—Amendment of *Advance Care Directives Act 2013*

6—Amendment of section 43—Interpretation

This clause amends the definition of *eligible person* to also mean a person who satisfies the Tribunal that the person has a proper interest in a particular matter relating to the advance care directive.

7—Amendment of section 51—Orders of Tribunal in relation to substitute decision-makers

This clause amends section 51 to provide for the ability of the Tribunal to make an order in relation to a substitute decision-maker under an advance care directive of its own motion (in addition to making an order on the application of an eligible person). It also extends the grounds on which an order may be made under the section to include where the Tribunal is satisfied that a substitute decision-maker is in such default in the exercise of the person's powers under the advance care directive, that the person is not fit to continue as a substitute decision-maker.

8—Amendment of section 54—Tribunal must give notice of proceedings

This clause corrects a minor drafting error made in amendments to this Act by the *Statutes Amendment (SACAT) Act 2014* by deleting section 54(2)(b)(i), which incorrectly refers to section 32(1) of the Act.

Part 4—Amendment of *Agricultural and Veterinary Products (Control of Use) Act 2002*

9—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

10—Amendment of section 21—Compensation if insufficient grounds for order

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Minister to refuse to pay compensation, or as to the amount of compensation. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court. The application for review must be made within 28 days.

11—Amendment of section 30—Compliance orders

This clause is related to the amendments effected by clause 10.

12—Amendment of section 31—Review

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a compliance order, or variation of a compliance order, made by the Minister. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court. The application for review must be made within 28 days.

13—Amendment of section 43—Regulations

This amendment is consequential.

14—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT. Any proceedings already commenced before the District Court may continue before that Court. However, any right of appeal that existed before the commencement of the amendments in this Part but not exercised before that commencement may now be exercised before SACAT rather than the District Court.

Part 5—Amendment of *Animal Welfare Act 1985*

15—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

16—Substitution of heading to Part 4 Division 3

This amendment changes the terminology in the Act from 'Appeals' to 'Reviews' and is consequential.

Division 3—Reviews

17—Substitution of section 26

This amendment substitutes section 26 with the following:

26—Reviews of decisions of animal ethics committees

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of an animal ethics committee. The right of appeal was previously to the Minister.

18—Amendment of section 27—Reviews of decisions of Minister

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Minister under Part 4 of the Act. This jurisdiction was previously exercised by the Supreme Court.

19—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the Minister or the Supreme Court to SACAT. Any proceedings already commenced before the Minister or the Supreme Court may continue before the Minister or Supreme Court. However, any right of appeal that existed before the commencement of the amendments in this Part but not exercised before that commencement may now be exercised before SACAT instead.

Part 6—Amendment of *Aquaculture Act 2001*

20—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

21—Substitution of Part 9

This clause substitutes Part 9 (section 60) which currently provides a right of appeal against certain decisions of the Minister to the Administrative and Disciplinary Division of the District Court.

Part 9—Reviews

60—Reviews

This proposed new section provides a right of review to SACAT of certain decisions of the Minister.

22—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application for review to SACAT.

Part 7—Amendment of *Associations Incorporation Act 1985*

23—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

24—Amendment of section 17—Secrecy

This clause extends the operation of this section to allow for a person to produce certain documents or divulge certain information in the course of proceedings before the Tribunal.

25—Amendment of section 50—Reviews

This clause provides that a person aggrieved by a decision of the Commission under this Act (other than a decision under section 41) may apply to SACAT for a review of the decision. It further provides that section 71 of the *South Australian Civil and Administrative Tribunal Act 2013* (which provides for Supreme Court Appeals of SACAT decisions) does not apply.

26—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application to SACAT.

Part 8—Amendment of *Births, Deaths and Marriages Registration Act 1996*

27—Amendment of section 4—Definitions

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal, and deletes the definition of *Court*, which is no longer required.

28—Amendment of section 10—Execution of documents

This amendment extends the evidentiary presumption that a document bearing the signature or seal of the Registrar of Births, Deaths and Marriages was properly issued with the Registrar's authority to any such documents produced to SACAT.

29—Amendment of section 22—Dispute about child's name

This amendment is consequential on the transfer of jurisdiction from the Magistrates Court to SACAT, and provides that SACAT may resolve disputes between parents about a child's name.

30—Amendment of section 25—Application to register change of child's name

These amendments are consequential on the transfer of jurisdiction from the Magistrates Court to SACAT, and provides that SACAT may approve the change of a child's name.

31—Amendment of section 27—Registration of change of name

This amendment allows for the Registrar to register a change of name by order of a tribunal (and thus SACAT) and not just by order of a court.

32—Amendment of section 33—Deaths to be registered under this Act

This amendment extends the operation of this section to a tribunal and not just a court, to allow a tribunal (and thus SACAT) to direct the registration of a person's death under this Act.

33—Amendment of heading to Part 6 Division 2

This is a consequential amendment.

34—Amendment of section 34—Application to Tribunal

This amendment is consequential on the transfer of jurisdiction from the Magistrates Court to SACAT, and provides that SACAT may, on application or on its own initiative, order the registration of a death or the inclusion or correction of registrable information about a death in the Register.

35—Amendment of section 35—Power to direct registration of death etc

This amendment extends the operation of this section to a tribunal and not just a court or a coroner, to allow a tribunal (and thus SACAT) to direct the registration of a death or the inclusion or correction of information in the Register under this Act or a corresponding law.

36—Substitution of section 50

This amendment substitutes proposed new section 50.

50—Review

This proposed new section provides that a person dissatisfied with a decision of the Registrar may apply for a review of the decision by SACAT (rather than the Magistrates Court).

37—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the Magistrates Court to SACAT. The effect of the provisions is that any proceedings already commenced before the Magistrates Court will continue before that Court. However, any right to make an application or seek an appeal to the Magistrates Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application to SACAT (in relation to those areas of jurisdiction being transferred to the Tribunal).

Part 9—Amendment of *Conveyancers Act 1994*

38—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

39—Substitution of section 7A

This clause substitutes section 7A.

7A—Reviews

This section enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Commissioner to refuse an application for registration. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

40—Amendment of section 9AA—Commissioner may cancel, suspend or impose conditions on registration

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Commissioner to cancel or suspend a registration or impose conditions on a registration. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

41—Amendment of section 16—Withdrawal of money from trust account

42—Amendment of section 21—Term of appointment of administrator or temporary manager

These amendments are consequential.

43—Amendment of section 22—Review of appointment of administrator or temporary manager

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the appointment of an administrator or temporary manager. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

44—Amendment of section 33—Limitation of claims

This amendment is consequential.

45—Amendment of section 37—Review of Commissioner's determination

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a determination of the Commissioner in relation to a fiduciary default. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

46—Amendment of section 46—Complaints

47—Amendment of section 47—Hearing by Tribunal

These amendments are consequential.

48—Substitution of section 48

This clause substitutes section 48 with the following:

48—Participation of assessors in disciplinary proceedings

Provision is made in relation to the establishment of panels of assessors for the purposes of reviews before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

49—Amendment of section 49—Disciplinary action

50—Amendment of section 50—Contravention of orders

These amendments are consequential.

51—Amendment of section 55—Commissioner and proceedings before Tribunal

The amendment in subclause (1) is consequential.

Subclause (2) clarifies that subsection (1) applies in addition to section 53 of the *South Australian Civil and Administrative Tribunal Act 2013*.

52—Repeal of Schedule 1

This clause repeals Schedule 1 which dealt with the appointment and selection of assessors for the District Court. Those provisions will be superseded by proposed section 48.

53—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to, or lodge a complaint with, the District Court that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead. Panel members under Schedule 1 cease to hold office on the commencement of the amendments.

Part 10—Amendment of *Co-operatives National Law (South Australia) Act 2013*

54—Amendment of section 9—Designated authority, designated instrument and designated tribunal (Co-operatives National Law section 4)

This amendment provides that, for the purposes of appeals and reviews under Chapter 7 Part 3 of the National Law, SACAT is the designated tribunal. Furthermore, a reference to making an appeal in Chapter 7 Part 3 will be taken to be a reference to applying to SACAT for a review under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

55—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to seek an appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application to SACAT.

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

56—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal, and makes consequential amendments to the definition of *Court*, to reflect SACAT's jurisdiction under this Act.

57—Substitution of heading to Part 5 Division 2

58—Insertion of heading to Part 5 Division 2A

These amendments are consequential.

59—Amendment of section 67—Valuation reviews

These amendments to section 67 provide that a lessee may apply to SACAT for a review of a determination on a review under sections 65(1)(a) and 66 of the Act. The Tribunal may, on a review, make a variation that consists of increasing or decreasing a valuation. The amendments also re-word the current provisions of subsection (3) to apply to the Tribunal so that an order for costs cannot be made against an applicant for a review unless the Tribunal is satisfied that the applicant's conduct was frivolous, vexatious or calculated to cause delay.

60—Repeal of heading to Part 5 Division 3

This amendment is consequential.

61—Substitution of section 68

This clause provides for a new proposed section 68.

68—Other reviews

The proposed new section provides that a person who has applied for a review under section 65 of the Act (other than under section 65(1)(a)) may, if dissatisfied with the determination made on the review, seek a review of the Minister's determination by SACAT under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*. The proposed section sets out the time limits for making such an application and provides for the provision of reasons by the Minister. An order for costs may not be made against an applicant for a review unless the Tribunal is satisfied that section 48 of the *South Australian Civil and Administrative Tribunal Act 2013* applies.

62—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT from the Land and Valuation Court and the District Court. The effect of the provisions is that any proceedings already commenced before the Land and Valuation Court or the District Court will continue before those Courts. However, any right of appeal to either the Land and Valuation Court under section 67 or the District Court under section 68 that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application to SACAT.

Part 12—Amendment of *Electricity Act 1996*

63—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

64—Amendment of section 35A—Price regulation by Commission

This amendment is consequential on the amendments to the *Essential Services Commission Act 2002*.

65—Amendment of heading to Part 8

This amendment is consequential.

66—Substitution of section 76

The substitution of section 76 enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of certain decisions.

67—Amendment of section 77—Minister's power to intervene

68—Repeal of Schedule 1A

These amendments are consequential.

69—Transitional provisions

This clause contains transitional provisions for the purposes of the measure.

Part 13—Amendment of *Emergency Services Funding Act 1998*

70—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

71—Amendment of section 5A—Application for aggregation of non-contiguous land

The amendments to this section provide that a person may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Commissioner to refuse an application for the aggregation of non-contiguous land. This jurisdiction was previously exercised by the District Court. The application for review must be made within 28 days of service of the notice of the decision of the Commissioner on the applicant.

72—Amendment of section 9—Objection to attribution of use to land

This clause provides that an objector who is dissatisfied with a decision of the Minister in relation to an objection to the attribution of a particular use to the land, may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of the Minister's decision. An application for review must be made within 21 days after notification of the Minister's decision to the objector.

73—Amendment of section 13—Alterations to assessment book

This clause amends section 13 to provide that the Commissioner must notify an applicant who has applied for an alteration of the assessment book of the Commissioner's decision in writing and if the application is refused, the notice must include the Commissioner's reasons for the refusal. An applicant who is dissatisfied with the decision of the Commissioner may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision. The application for review must be made within 21 days of the Commissioner's notification.

74—Amendment of section 21—Recovery of levy not affected by objection or review

The amendments to this section are consequential on the change of terminology from referring to 'appeals' to referring to 'reviews'.

75—Amendment of section 26—Objection to classification of vehicle

This amendment provides that an objector who is dissatisfied with a decision of the Minister in relation to the classification of a vehicle in respect of which the person is liable to pay a levy, may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of the Minister's decision. An application for review must be made within 21 days of the Minister's decision.

76—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT from the Supreme Court, Land and Valuation Court and District Court. The effect of the provisions is that any proceedings already commenced before the Supreme Court, Land and Valuation Court or District Court will continue before those respective Courts. However, any right of appeal or review under section 5A, 9, 13 or 26 of the Act that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application to SACAT rather than to the relevant Court.

Part 14—Amendment of *Environment Protection Act 1993*

77—Amendment of section 103V—Accreditation of site contamination auditors

This clause clarifies that regulations providing for appeals against decisions of the Authority relating to accreditation will now refer to the Tribunal rather than the Administrative and Disciplinary Division of the District Court.

Part 15—Amendment of *Environment Protection (Sea Dumping) Act 1984*

78—Amendment of section 16—Suspension and revocation of permits

This clause makes a consequential amendment.

79—Substitution of section 27

This clause substitutes section 27 with the following:

27—Review of decision to refuse permit

This section enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Minister to refuse a permit under the Act or to vary, suspend or revoke a permit under the Act. This jurisdiction was previously exercised by the Supreme Court.

80—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the Supreme Court to SACAT. Any proceedings already commenced before the Supreme Court may continue before the Supreme Court. However, any right of appeal that existed before the commencement of the amendments in this Part but not exercised before that commencement may now be exercised before SACAT instead.

Part 16—Amendment of *Essential Services Commission Act 2002*

81—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

82—Amendment of heading to Part 6

This clause amends the heading to Part 6.

83—Amendment of section 32—Review by Tribunal

This clause amends section 32 to effect the transfer of jurisdiction to SACAT in relation to decisions of the Commission made on a review under section 31. Provision is made relating to the establishment of a panel of assessors for the purposes of reviews before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

Other amendments consequential on or related to the transfer of jurisdiction are made.

84—Repeal of Schedule 1

This amendment is consequential on the proposed inclusion of provisions in relation to assessors in section 32.

85—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application for review to SACAT. Further provision is made in relation to members of a panel established under Schedule 1 of the Act ceasing to hold office on the transfer of jurisdiction.

Part 17—Amendment of *Fisheries Management Act 2007*

86—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

87—Amendment of section 111—Review of certain decisions of Minister

This clause makes it clear that a review of a Ministerial decision under section 111 is an internal review (as distinguished from an external review by SACAT under the substituted Part 9 Division 2).

88—Substitution of heading to Part 9 Division 2

This clause substitutes a new heading to Part 9 Division 2 which is currently headed 'Appeals.'

Division 2—External review

89—Substitution of section 112

This clause substitutes section 112 which currently provides for appeals to the Administrative and Disciplinary Division of the District Court from internal reviews by the Minister of decisions made by the Minister.

112—External review

This proposed section provides that an applicant for internal review who is not satisfied with the outcome of an internal review by the Minister of a decision by the Minister may apply to SACAT for a review of the decision of the Minister on the internal review.

90—Amendment of section 124—Confidentiality

This clause expands the operation of section 124(4) so that the Minister, the Director or any other person to whom a return is provided under the Act by the holder of a fishery licence or other authority cannot be required by subpoena or otherwise to produce to SACAT any information contained in such a return.

91—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application for review to SACAT.

Part 18—Amendment of *Food Act 2001*

92—Amendment of section 4—Definitions

This clause inserts a new definition of *Tribunal* which means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013* and makes a consequential amendment to delete the definition of *appropriate review body*.

93—Amendment of section 35—Review of order

This clause amends section 35(5) so that a person may apply for a review of a compensation determination made under the section to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*. Currently these applications are to be made to the Administrative and Disciplinary Division of the District Court.

94—Amendment of section 51—Review of decision to refuse certificate of clearance

This clause amends section 51 so that a person aggrieved by a decision of a relevant authority or person to refuse to give a certificate of clearance under the Part may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision. Currently these applications are to be made to the Administrative and Disciplinary Division of the District Court.

95—Amendment of section 52—Review of order

This clause amends section 52 so that an applicant for the payment of compensation under the section, who is dissatisfied with a determination under section 52(3) about compensation, may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision. Currently these applications are to be made to the Administrative and Disciplinary Division of the District Court.

96—Amendment of section 65—Review of decisions relating to approval

This clause amends section 65 so that a person aggrieved by a decision of the relevant authority relating to approval may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision. Currently these applications are to be made to the Administrative and Disciplinary Division of the District Court.

97—Amendment of section 71—Review of decisions relating to approval

This clause amends section 71 so that a person aggrieved by a decision of the relevant authority relating to approval may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision. Currently these applications are to be made to the Administrative and Disciplinary Division of the District Court.

98—Amendment of section 77—Review of decisions relating to approvals

This clause amends section 77 so that a person aggrieved by a decision of the relevant authority relating to approval may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the decision. Currently these applications are to be made to the Administrative and Disciplinary Division of the District Court.

99—Transitional provisions

This clause contains a transitional provision which provides that a right of review under section 35, 51, 52, 65, 71 or 77 of the *Food Act 2001* in existence before the day on which this Part comes into operation (but not exercised before that day) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before the South Australian Civil and Administrative Tribunal rather than the District Court. Any proceedings before the District Court commenced before the day on which this Part comes into operation are unaffected.

Part 19—Amendment of *Gas Act 1997*

100—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

101—Amendment of section 33—Price regulation by determination of Commission

This amendment is consequential on the amendments to the *Essential Services Commission Act 2002*.

102—Amendment of heading to Part 7

This amendment is consequential.

103—Substitution of section 72

The substitution of section 72 enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of certain decisions.

104—Amendment of section 73—Minister's power to intervene

105—Repeal of Schedule 3

These amendments are consequential.

106—Transitional provisions

This clause contains transitional provisions for the purposes of the measure.

Part 20—Amendment of *Guardianship and Administration Act 1993*

107—Amendment of section 29—Guardianship orders

The addition of subsection (2a) provides for the appointment (in advance) by the Tribunal of an alternative guardian who may act event of the death, absence or incapacity of a particular guardian (the *original guardian*'. This represents one of the efficiency reforms in this measure.

108—Insertion of section 31B

Section 31B clarifies the effect of an alternative guardian's powers being triggered (ie on the death, absence or incapacity of the original guardian), namely, that they take over the original guardian's powers without further proceedings. The alternative guardian must notify the Tribunal of that fact in writing.

109—Amendment of section 33—Applications under this Division

This clause introduces efficiency reforms in the Tribunal's processes by sifting out inappropriate applicants from the pool under section 33 of the principal Act. Those persons cannot apply for orders under section 30 or section 32(1) without first satisfying the Tribunal of certain matters.

110—Amendment of section 37—Applications under this Division

In a similar way to the previous clause, this clause introduces efficiency reforms in the Tribunal's processes by sifting out inappropriate applicants from the pool under section 37 of the principal Act. Those persons cannot apply for orders under section 36 without first satisfying the Tribunal of certain matters.

111—Amendment of section 44—Reporting requirements for private administrators

This clause introduces efficiency reforms in the Tribunal's processes under section 44 of the principal Act.

112—Amendment of section 64—Reviews and appeals

This amendment corrects a minor drafting error in relation to amendments made to this Act by the *Statutes Amendment (SACAT) Act 2014*.

Part 21—Amendment of *Harbors and Navigation Act 1993*

113—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

114—Amendment of section 28F—Power to deal with non-compliance

This clause replaces the right to appeal to the Court of Marine Enquiry against a decision of the Minister to take disciplinary action against a port operator with a right to apply to SACAT for a review of such a decision.

115—Amendment of section 80—Review of administrative decisions

The amendment replaces the right to apply to the Court of Marine Enquiry for a review of a decision made by the original decision-maker on a review with a right to apply to SACAT for a review of such a decision.

116—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the Court of Marine Enquiry to SACAT. The effect of the provisions is that any proceedings already commenced before the Court will continue before the Court. However, any right to appeal to the Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application for review to SACAT.

Part 22—Amendment of *Historic Shipwrecks Act 1981*

117—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

118—Amendment of section 11—Power of Minister to give directions in relation to custody of historic shipwrecks and relics

This clause replaces the right to appeal to the Administrative and Disciplinary Division of the District Court against a decision of the Minister to give a notice with a right to apply to SACAT for a review of such a decision.

119—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the Court will continue before the Court. However, any right to appeal to the Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application for review to SACAT.

Part 23—Amendment of *Housing Improvement Act 2016*

120—Repeal of section 41

This clause repeals section 41 of the Act which provides for applications to the Tribunal to vary or set aside an order. This provision is not required as the provisions of the SACAT Act are intended to be relied upon instead.

Part 24—Amendment of *Land Acquisition Act 1969*

121—Substitution of section 12A

This amendment substitutes a new proposed section 12A.

12A—Right of review

The proposed section provides that a person who makes a request under section 12 of the Act in relation to a proposed acquisition which is refused by the Authority under that section may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of the Authority's decision. The application for review must be made within 7 days of service on the person of the notice of the refusal of the Authority. Further, the Tribunal must complete its proceedings within 14 days of the application being made by the person. The merits of the undertaking to which the proposed acquisition relates cannot be called into question in the review by SACAT. It further provides that section 71 of the *South Australian Civil and Administrative Tribunal Act 2013* (which provides for Supreme Court Appeals of SACAT decisions) does not apply.

122—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that any proceedings arising from an application made under section 12A of the Act as in force before its amendment by these provisions will not be affected by these amendments. However, a right of review under section 12A in existence before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application to SACAT rather than by making an application to the Minister under that section.

Part 25—Amendment of *Land Agents Act 1994*

123—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

124—Substitution of section 8D

This clause substitutes section 8D with the following:

8D—Reviews

This section enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Commissioner to refuse an application

for registration. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

125—Amendment of section 11C—Commissioner may cancel, suspend or impose conditions on registration

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a decision of the Commissioner to cancel or suspend a registration or impose conditions on a registration. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

126—Amendment of section 14—Withdrawal of money from trust account

127—Amendment of section 19—Term of appointment of administrator or temporary manager

These amendments are consequential.

128—Amendment of section 20—Review of appointment of administrator or temporary manager

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the appointment of an administrator or temporary manager. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

129—Amendment of section 31—Limitation of claims

This amendment is consequential.

130—Amendment of section 35—Review of Commissioner's determination

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a determination of the Commissioner in relation to a fiduciary default. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

131—Amendment of section 44—Complaints

132—Amendment of section 45—Hearing by Tribunal

These amendments are consequential.

133—Substitution of section 46

This clause substitutes section 46 with the following:

46—Participation of assessors in disciplinary proceedings

Provision is made in relation to the establishment of panels of assessors for the purposes of reviews before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

134—Amendment of section 47—Disciplinary action

135—Amendment of section 48—Contravention of orders

These amendments are consequential.

136—Amendment of section 53—Commissioner and proceedings before Tribunal

The amendment in subclause (1) is consequential.

Subclause (2) clarifies that subsection (1) applies in addition to section 53 of the *South Australian Civil and Administrative Tribunal Act 2013*.

137—Repeal of Schedule 1

This clause repeals Schedule 1 which dealt with the appointment and selection of assessors for the District Court. Those provisions will be superseded by proposed section 46.

138—Amendment of Schedule 2A—Special provisions relating to G.C. Growden Pty Ltd

These amendments are consequential.

139—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to, or lodge a complaint with, the District Court that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead. Panel members under Schedule 1 cease to hold office on the commencement of the amendments.

Part 26—Amendment of *Land Valuers Act 1994*

140—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

141—Amendment of section 8—Complaints

142—Amendment of section 9—Hearing by Tribunal

These amendments are consequential.

143—Substitution of section 10

This clause substitutes section 10 with the following:

10—Participation of assessors in disciplinary proceedings

Provision is made in relation to the establishment of panels of assessors for the purposes of reviews before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

144—Amendment of section 11—Disciplinary action

145—Amendment of section 12—Contravention of orders

These amendments are consequential.

146—Amendment of section 14—Commissioner and proceedings before Tribunal

The amendment in subclause (1) is consequential.

Subclause (2) clarifies that subsection (1) applies in addition to section 53 of the *South Australian Civil and Administrative Tribunal Act 2013*.

147—Repeal of Schedule 1

This clause repeals Schedule 1 which dealt with the appointment and selection of assessors for the District Court. Those provisions will be superseded by proposed section 10.

148—Amendment of Schedule 2—Transitional provisions

This provision continues orders that had effect as if they were orders of the Administrative and Disciplinary Division of the District Court under Schedule 2 subclause (1), as if they were orders of the Tribunal.

149—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to lodge a complaint with the District Court that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead. Panel members under Schedule 1 cease to hold office on the commencement of the amendments.

Part 27—Amendment of *Livestock Act 1997*

150—Amendment of section 3—Interpretation—general

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

151—Substitution of section 51

This clause substitutes a proposed new section 51.

51—Review of Chief Inspector's determination of claim

The proposed section provides that a person who has made a claim for compensation may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Chief Inspector's determination of the amount of compensation payable for particular livestock or property. Such an application cannot be made in relation to a determination that no compensation, or a reduced amount of compensation, is payable as a result of a conviction for an offence. An application for review must be made within 21 days' notice of the Chief Inspector's determination. The clause also provides that 2 panels of persons must be set up under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* for the purpose of the SACAT proceedings. One panel must include persons who have experience or qualifications in valuing livestock or property and the other must include persons who have experience or qualifications relevant to managing or dealing with the outbreak, or suspected outbreak, of exotic diseases. The President of the Tribunal may determine that the Tribunal sit with assessors selected by the Minister.

152—Amendment of section 72—Compliance notices

This amendment substitutes a reference to the Administrative and Disciplinary Division of the District Court with a reference to SACAT in relation to seeking a review of a compliance notice under section 72 of the Act.

153—Substitution of heading to Part 9

This is a consequential amendment.

Part 9—Reviews

154—Amendment of section 73—Reviews

The amendments to this clause substitutes the reference to the Administrative and Disciplinary Division of the District Court with a reference to SACAT to provide for review of various decisions of the Chief Inspector in relation to registration under Parts 3 and 7 of the Act.

155—Amendment of section 88—Regulations

This amendment provides the ability for the regulations to confer jurisdiction on SACAT to review any determination made under the regulations.

156—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that any proceedings arising from an application made under section 51 of the Act as in force before its amendment by these provisions will not be affected by these amendments. However, a right of appeal under section 51 in existence before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application to SACAT rather than by making an application to the Minister under that section. Further, a right of appeal under section 73 in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by making an application to SACAT rather than the District Court. However, District Court proceedings commenced before the commencement of these amendments will not be affected by these amendments.

Part 28—Amendment of *Local Government Act 1999*

157—Amendment of section 4—Interpretation

This amendment deletes the definition of *District Court*.

158—Amendment of section 54—Casual vacancies

This amendment substitutes the reference to the 'District Court' with a reference to 'SACAT' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

159—Amendment of section 83—Notice of ordinary or special meetings

This amendment substitutes the reference to the 'District Court' with a reference to 'SACAT' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

160—Amendment of section 87—Calling and timing of committee meetings

This amendment substitutes the reference to the 'District Court' with a reference to 'SACAT' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

161—Amendment of section 156—Basis of differential rates

This amendment provides for reviews against a council's decision on an objection to be heard by SACAT instead of the Land and Valuation Court.

162—Amendment of section 173—Alterations to assessment record

This amendment effects the transfer of jurisdiction from the District Court to SACAT in relation to reviews under section 173.

163—Amendment of section 186—Recovery of rates not affected by an objection or review

These amendments are consequential.

164—Amendment of section 256—Rights of review

This amendment effects the transfer of jurisdiction from the District Court to SACAT in relation to reviews under section 256.

165—Amendment of section 263B—Outcome of Ombudsman investigation

This amendment substitutes references to the 'District Court' with references to 'SACAT' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

166—Amendment of section 264—Complaint lodged with SACAT

The first amendment substitutes the reference to the 'District Court' with a reference to 'SACAT' as a consequence of the transfer of jurisdiction from the District Court to SACAT. The other amendment is consequential.

167—Amendment of section 265—Hearing by SACAT

Two of these amendments substitute references to the 'District Court' with references to 'SACAT' as a consequence of the transfer of jurisdiction from the District Court to SACAT. The other amendment is consequential.

168—Substitution of section 266

This clause substitutes section 266:

266—Constitution of SACAT

Provision is made in relation to the establishment of panels of assessors for the purposes of reviews before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

169—Amendment of section 267—Outcome of proceedings

This amendment substitutes the reference to the 'District Court' with a reference to 'SACAT' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

170—Repeal of Schedule 7

This amendment is consequential on the proposed inclusion of provisions in relation to assessors.

171—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the District Court and Land and Valuation Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court or Land and Valuation Court will continue before the relevant Court. However, any right to appeal to the District Court or Land and Valuation Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application for review to SACAT. Further provision is made in relation to members of a panel established under Schedule 1 of the Act ceasing to hold office on the transfer of jurisdiction.

Part 29—Amendment of *Mental Health Act 2009*

172—Amendment of section 11—Chief Psychiatrist to be notified of level 1 orders or their variation or revocation

This clause is consequential on efficiency reforms in the Tribunal's processes introduced by this measure.

173—Amendment of section 16—Level 2 community treatment orders

This amendment clarifies that a level 1 community treatment order applying in relation to a person is taken to be revoked on the making of a level 2 community treatment order in relation to the person.

174—Amendment of section 22—Chief Psychiatrist to be notified of level 1 orders or their revocation

This amendment is consequential on the efficiency reforms introduced by this measure and also clarifies that if a level 1 order is made within 7 days after the expiry or revocation of a previous inpatient treatment order applying to the same person, the Chief Psychiatrist must ensure that the Tribunal is given a copy of the notice referred to in subsection (1) within 1 business day of the making of the order.

175—Amendment of section 26—Notices and reports relating to level 2 orders

This amendment is consequential on the efficiency reforms introduced by this measure and also clarifies that if a level 2 order extends an inpatient treatment order, the Chief Psychiatrist must ensure that the Tribunal is given a copy of the notice referred to in subsection (1) within 1 business day of the making of the order.

176—Amendment of section 29—Level 3 inpatient treatment orders

This amendment clarifies that a level 1 or 2 inpatient treatment order applying in relation to a person is taken to be revoked on the making of a level 3 inpatient treatment order in relation to the person.

177—Amendment of section 81—Reviews of orders (other than Tribunal orders)

This amendment inserts new provisions into section 81 of the principal Act requiring the Chief Psychiatrist to provide the Tribunal with copies of section 11, 22 or 26 notices within 1 business day of the Tribunal requesting them.

Part 30—Amendment of *Mines and Works Inspection Act 1920*

178—Amendment of section 4—Interpretation

This clause deletes the definition of *appeal board*.

179—Substitution of sections 10A to 10C

This amendment effects the transfer of jurisdiction from the Mines and Works Appeal Board to SACAT.

11—Reviews—amenity issues

The proposed new section provides that a person who is required to comply with an order or direction under section 10(1)(e) may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the order or direction. An application must be made within 1 month. The clause also provides that 2 panels of persons must be set up under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* for the purpose of the SACAT proceedings. One panel must include persons who have experience in the conduct of mining operations and the other must include persons who have experience in assessing the aesthetic effect of mining operations and practices on the environment. The President of the Tribunal may determine that the Tribunal sit with assessors selected by the President.

180—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that a right of appeal under section 10A of the Act in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by making an application to SACAT rather than the appeal board or the Minister. Proceedings already commenced before the commencement of these amendments will not be affected. Further, the office held by a member of the Mines and Works Appeal Board before the commencement of these amendments will cease on that commencement.

Part 31—Amendment of *National Parks and Wildlife Act 1972*

181—Substitution of section 53A

This amendment substitutes a new proposed section 53A in relation to the transfer of jurisdiction to SACAT.

53A—Review by Tribunal

The proposed section provides that a person who has applied for a permit under section 53 of the Act may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of certain decisions of the Minister in relation to the permit. An application must be made within 2 months of notice of the Minister's decision or the receipt of written reasons for the Minister's decision if requested by the applicant. The clause also provides that a panel of persons must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* that consists of persons with extensive experience in the conservation of animals, plants and ecosystems, management of natural resources, primary production and relevant fields of the biological sciences. In any proceedings the President of the Tribunal may determine that the Tribunal will sit with 1 or more assessors selected by the President from the panel.

182—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that a right of review by the Parks and Wilderness Council under section 53A of the Act in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by commencing the relevant proceedings before SACAT instead of the Council. However, nothing affects proceedings before the Council commenced before the commencement of these amendments.

Part 32—Amendment of *Partnership Act 1891*

183—Amendment of section 74—Certain convicted offenders not to carry on business as general partners

The amendments to this clause substitute references to the District Court with references to the Tribunal in relation to applications to obtain permission for certain persons to carry on business as a general partner within 5 years of specified convictions. Such an application would fall within SACAT's original jurisdiction.

184—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that proceedings before the District Court commenced before the commencement of these amendments will not be affected by the amendments. Further, a notice given under section 74(2) of the Act before the commencement of these amendments will be taken to be a notice under section 74(2) as in force after the commencement of these amendments.

Part 33—Amendment of *Pastoral Land Management and Conservation Act 1989*

185—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

186—Amendment of section 32—Resumption of land

The amendment of this clause makes clear that an application to vary a condition of a lease under section 32(5)(b)(ii) of the Act will fall within SACAT's original jurisdiction.

187—Substitution of Part 7

This amendment substitutes a new Part 7 as a result of the transfer of jurisdiction from the Pastoral Land Appeal Tribunal to SACAT.

Part 7—Reviews

Division 1—Reviews by Tribunal

50—Jurisdiction of Tribunal

The proposed section provides that a lessee who is dissatisfied with various decisions in relation to a pastoral lease may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of the decision. An application must be made within 3 months of notice of the decision. The clause also provides that a panel of persons must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* that consists of persons with expertise that would, in the opinion of the Governor, be of value to the Tribunal in exercising its jurisdiction under this Part. If the President of the Tribunal so determines, the Tribunal may sit with 1 or more assessors selected by the President.

51—Operation of certain decisions pending review

This proposed section provides that a decision that may be the subject of a review by the Tribunal continues to operate despite the right to make an application for review or the commencement of review proceedings. However, a decision to cancel a pastoral lease or impose a fine on a lessee for breach of conditions cannot be implemented or enforced until the period for commencing proceedings for a review has elapsed, or any Tribunal proceedings commenced have been finalised.

52—Related provisions

This proposed section provides that the Tribunal may not allow non-party intervention in proceedings under this Division. Further, the Tribunal must require the parties to proceedings (but not Counsel for the parties) to attend a compulsory conference under section 50 of the *South Australian Civil and Administrative Tribunal Act 2013*.

Division 2—Review of valuation and review by Tribunal

53—Valuations—right of review

The proposed section provides that a lessee who is dissatisfied with a determination of the Valuer-General of the annual rent for a pastoral lease may apply to either the Valuer-General or SACAT for a review of the determination within 3 months. The Valuer-General must, on the written request of the lessee, endeavour to resolve the matter informally by conferring with the lessee, whether or not an application for review has been lodged. If the application for review has been made to the Valuer-General, the application must be made and dealt with in accordance with the *Valuation of Land Act 1971*, as if it were an application for review of a valuation under that Act. Either the Valuer-General or a lessee who is dissatisfied with a decision of a land valuer under that Act may apply to SACAT for a review of the decision. In exercising its jurisdiction, SACAT is to consider the matter *de novo*.

188—Amendment of section 68—Evidentiary provision

This amendment is consequential.

189—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that any proceedings before the Pastoral Land Appeal Tribunal (PLAT) or the Land and Valuation Court commenced before the commencement of these amendments are not affected by the amendments. A right to appeal to PLAT under Part 7 Division 2 of the Act in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by commencing proceedings before SACAT rather than PLAT. Further, a right to appeal to the Land and Valuation Court under Part 7 Division 3 of the Act in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by commencing proceedings before SACAT rather than the Court. The Governor may dissolve PLAT by proclamation when he or she thinks it appropriate to do so. At that time, any member of PLAT or member of a panel constituted for the purposes of PLAT holding office will cease to do so. Any contract of employment, agreement or arrangement relating to the office will also be terminated at that time.

Part 34—Amendment of *Petroleum and Geothermal Energy Act 2000*

190—Substitution of heading to Part 15

This is a consequential amendment.

Part 15—Reconsideration and reviews

191—Substitution of Part 15 Division 3

This amendment substitutes a proposed new Division as a consequence of the transfer of jurisdiction from the District Court to SACAT.

Division 3—Reviews

128—Reviews

The proposed section 128 of the Act provides that an applicant who is dissatisfied with a decision of the Minister on an application for reconsideration may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of the Minister's decision, within 1 month of receiving notice of the decision.

192—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that a right of appeal under section 128 of the Act in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by commencing proceedings before SACAT rather than the District Court. These amendments do not affect any proceedings before the District Court commenced before the commencement of these amendments.

Part 35—Amendment of *Petroleum Products Regulation Act 1995*

193—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

194—Substitution of Part 9

This clause substitutes Part 9 of the Act which provides a right of appeal to the Administrative and Disciplinary Division of the District Court against certain decisions of the Minister.

Part 9—Reviews

47—Reviews

This proposed section provides for a right to apply to SACAT for review of certain decisions of the Minister.

195—Amendment of section 56—Confidentiality

This clause amends section 56 to ensure that SACAT does not have power to require a disclosure of information contrary to that section.

196—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the Court will continue before the Court. However, any right to appeal to the Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application for review to SACAT.

Part 36—Amendment of *Plant Health Act 2009*

197—Substitution of heading to Part 4 Division 5

This is a consequential amendment.

Division 5—Reviews

198—Substitution of section 36

This amendment substitutes a new proposed section 36 as a consequence of the transfer of jurisdiction from the District Court to SACAT.

36—Review by Tribunal

Proposed section 36 provides that an applicant for a review by the Minister who is dissatisfied with the decision of the Minister on review may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision. The application must be made within 28 days of the Minister's decision, or if a request for written reasons has been made, within 28 days of receiving those reasons.

199—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that a right of appeal under section 36 of the Act in existence before the commencement of these

amendments, but not exercised before that commencement, will be exercised by commencing proceedings before SACAT rather than the District Court. However, proceedings before the District Court commenced before these amendments come into operation are not affected by the amendments.

Part 37—Amendment of *Police Superannuation Act 1990*

200—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

201—Amendment of section 4A—Putative spouses

202—Amendment of section 4B—Restriction on publication of proceedings

These amendments are consequential.

203—Amendment of section 39—Review of Board's decisions

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* (as well as to the Board, as is currently the case) for a review of a decision of the Board. The jurisdiction to be vested in the Tribunal was previously exercised by the Administrative and Disciplinary Division of the District Court.

204—Amendment of section 49—Confidentiality

This amendment is consequential.

205—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. Any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead.

Part 38—Amendment of *Primary Industry Funding Schemes Act 1998*

206—Amendment of section 16—Regulations

This amendment provides the ability for the regulations to confer jurisdiction on SACAT to review any determination made under the regulations.

207—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that any objection being considered by the Minister under a regulation immediately before the commencement of these amendments will be dealt with as if the amendments had not been made.

Part 39—Amendment of *Primary Produce (Food Safety Schemes) Act 2004*

208—Substitution of heading to Part 5

This is a consequential amendment.

Part 5—Reviews

209—Substitution of section 34

This amendment substitutes a new proposed section 36 as a consequence of the transfer of jurisdiction from the District Court to SACAT.

34—Review by Tribunal

Proposed section 34 provides that an applicant for a review by the Minister who is dissatisfied with the decision of the Minister on review may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of the Minister's decision. The application must be made within 28 days of the Minister's decision, or if a request for written reasons has been made, within 28 days of receiving those reasons.

210—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that a right of appeal under section 34 of the Act in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by commencing proceedings before SACAT rather than the District Court. However, proceedings before the District Court commenced before these amendments come into operation are not affected by the amendments.

Part 40—Amendment of *Public Corporations Act 1993*

211—Amendment of section 24—Formation of subsidiary by regulation

This amendment provides the ability for the regulations establishing a subsidiary of a public corporation to confer jurisdiction on a tribunal (and thus SACAT) to review decisions or activities of that body.

Part 41—Amendment of *Residential Tenancies Act 1995*

212—Repeal of section 37

This clause repeals section 37 of the Act which provides for applications to the Tribunal to vary or set aside an order. This provision is not required as the provisions of the SACAT Act are intended to be relied upon instead.

Part 42—Amendment of *Safe Drinking Water Act 2011*

213—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

214—Substitution of section 10

This clause substitutes section 10 with the following:

10—Reviews

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a range of decisions of the Minister. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

215—Amendment of section 14—Related matters

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a requirement of the Minister to make an alteration to the person's monitoring program or incident identification and notification protocol. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

216—Amendment of section 38—Notices

These amendments are consequential.

217—Amendment of section 42—Reviews

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of a notice under the section. This jurisdiction was previously exercised by the Administrative and Disciplinary Division of the District Court.

218—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead.

Part 43—Amendment of *South Australian Civil and Administrative Tribunal Act 2013*

219—Amendment of section 25—Decision if 2 or more members constitute Tribunal

This amendment makes clear that if a Tribunal is constituted by 2 or more members that includes 1 or more assessors, then questions of law or procedure are to be determined by the presiding member.

220—Amendment of section 34—Decisions within review jurisdiction

This amendment provides that the Tribunal rules may provide that the decision-maker for a reviewable decision will, instead of being the person or body that made the decision, be a person or body that is assigned by the rules as a suitable entity to act as the decision-maker for the purposes of the Act (or specified provision of the Act). The rules may also provide that a reference to the decision-maker for a reviewable decision will be taken to include a reference to a person or body that is designated by the rules as being a suitable entity to act jointly with the person or body that made the decision for the purposes of the Act (or specified provision of the Act).

221—Amendment of section 47—Dismissing proceedings on withdrawal or for want of prosecution

This amendment to section 47(5) extends who is able to make orders dismissing or striking out all or a part of any proceedings for want of prosecution. Currently, these orders may only be made by legally qualified members of the Tribunal. The amendment enables the President to authorise the Registrar or a Deputy Registrar to make such orders generally, or in relation to particular classes of matters or otherwise.

222—Amendment of section 56—Representation

This amendment removes section 56(3) of the Act which prevents a person who is not a legal practitioner from acting for fee or reward in relation to proceedings before the Tribunal.

223—Amendment of section 85—Tribunal may review its decision if person was absent

Currently, compulsory conferences are excluded from the operation of this section which provides for the review of a decision made in the absence of a person who did not appear or was not represented. This amendment extends section 85 to decisions made at compulsory conferences.

Part 44—Amendment of *Southern State Superannuation Act 2009*

224—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

225—Amendment of section 7—Putative spouses

226—Amendment of section 8—Restriction on publication of proceedings

These amendments are consequential.

227—Amendment of section 25—Review of Board's decisions

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* (as well as to the Board, as is currently the case) for a review of a decision of the Board. The jurisdiction to be vested in the Tribunal was previously exercised by the Administrative and Disciplinary Division of the District Court.

228—Amendment of section 28—Confidentiality

This amendment is consequential.

229—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. Any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead.

Part 45—Amendment of *Superannuation Act 1988*

230—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

231—Amendment of section 4A—Putative spouses

232—Amendment of section 4B—Restriction on publication of proceedings

These amendments are consequential.

233—Amendment of section 44—Review of Board's decisions

This clause enables a person to apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* (as well as to the Board, as is currently the case) for a review of a decision of the Board. The jurisdiction to be vested in the Tribunal was previously exercised by the Administrative and Disciplinary Division of the District Court.

234—Amendment of section 55—Confidentiality

This amendment is consequential.

235—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. Any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead.

Part 46—Amendment of *Supported Residential Facilities Act 1992*

236—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal and makes a consequential amendment to delete the definition of District Court.

237—Substitution of heading to Part 3 Division 3

This is a consequential amendment.

238—Insertion of section 19

This amendment inserts a new provision.

19—Tribunal to sit with assessors

The proposed section provides that a panel of persons must be established under section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* that consists of persons with extensive experience in the provision or supervision of personal care services, or in acting as advocates for the elderly, disabled or intellectually impaired or in developing or implementing policies that relate to the control or development of supported residential facilities or the monitoring or inspecting of such facilities. In any proceedings the President of the Tribunal may determine that the Tribunal will sit with 1 or more assessors selected by the President from the panel.

239—Substitution of section 20

This amendment substitutes proposed section 20.

20—Reasons for decision

The proposed section provides that the Tribunal must provide reasons for its decision if requested to do so at the conclusion of proceedings under this Act.

240—Amendment of section 24—Application for licence

This amendment changes the reference to 'appeal rights' to a reference to 'rights of review'.

241—Amendment of section 27—Application for renewal of licence

This amendment changes the reference to 'appeal rights' to a reference to 'rights of review'.

242—Amendment of section 31—Cancellation of licences

This amendment is consequential on the transfer of jurisdiction from the District Court to SACAT and makes clear that an application under section 31(6)(i) will come within the Tribunal's original jurisdiction.

243—Amendment of heading to Part 4 Division 2

This is a consequential amendment.

244—Substitution of section 32

This amendment substitutes a new proposed section 32.

32—Review of decision or order

The proposed section provides that a person may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of any decision or order of a licensing authority under Part 4. An application must be made within 28 days of receiving notice of the decision or order. If the application is in respect of a decision regarding the renewal of a licence, the Tribunal may order that the licence remain in force until the determination of the review (subject to any specified provisions). Contravention of any such conditions is an offence.

245—Substitution of section 44

This amendment substitutes proposed section 44.

44—Right of review

The proposed section provides that a resident or proprietor who is dissatisfied with a decision or order of a licensing authority under section 43 may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for a review of any decision or order. An application must be made within 28 days of receiving notice of the decision or order. The clause also provides that the decision or order is suspended until the determination of the review unless otherwise determined by the Tribunal.

246—Amendment of section 54—Default notices

These amendments provide that a person who is issued a default notice under section 54 may apply to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of the notice within 14 days of receiving the notice. Unless otherwise determined by the Tribunal, the operation of the notice is suspended until the determination of the review.

247—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that a right of appeal under sections 32, 44 and 54 of the Act in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by commencing proceedings before SACAT rather than the District Court. The right to make an application under section 31(6)(i) of the Act in relation to a matter in existence before the commencement of these amendments will be exercised by commencing proceedings before the Tribunal rather than the District Court. However, proceedings before the District Court commenced before the commencement of these amendments are not affected by these amendments.

Part 47—Amendment of *Survey Act 1992*

248—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

249—Amendment of section 37—Consequence of investigation by Institution of Surveyors

These amendments substitute the references to a 'Court' with references to the 'Tribunal' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

250—Amendment of section 38—Disciplinary powers of Tribunal

These amendments substitute the references to a 'Court' with references to the 'Tribunal' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

251—Substitution of section 38A

This amendment substitutes proposed section 38A.

38A—Participation of assessors in disciplinary proceedings

The proposed section provides that for the purposes of section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*, that there will be a panel of assessors consisting of persons who are representative of surveyors and persons who are representative of members of the public who deal with surveyors. In proceedings before the Tribunal the President of the Tribunal may determine that the Tribunal will sit with 1 or more assessors selected by the President.

252—Amendment of section 39—Return of licence or certificate of registration

This amendment substitutes the reference to a 'Court' with a reference to the 'Tribunal' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

253—Amendment of section 40—Restrictions on disqualified persons

These amendments substitute the references to a 'Court' with references to the 'Tribunal' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

254—Amendment of section 41—Consequences of action against surveyor in other jurisdictions

These amendments substitute the references to a 'Court' with references to the 'Tribunal' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

255—Substitution of heading to Part 3 Division 5

This is a consequential amendment.

256—Amendment of section 42—Reviews by Tribunal

This amendment provides that an application for review by the Tribunal may be made under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* of certain decisions of the Institution of Surveyors in relation to the grant or renewal of a licence or registration or a decision to reprimand a person. The Institute of Surveyors or the Tribunal may extend the period of licence or registration until the determination of a review, subject to any conditions it thinks fit.

257—Amendment of section 59A—Parties to proceedings before Tribunal

This clause substitutes the reference to a 'Court' with a reference to the 'Tribunal' as a consequence of the transfer of jurisdiction from the District Court to SACAT.

258—Repeal of Schedule 1

This amendment is consequential on the inclusion of provisions in relation to assessors in proposed new section 38A.

259—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that a right to lodge a complaint under Part 3 Division 4, or a right of appeal under Part 3 Division 5 of the Act in relation to a matter in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by commencing the relevant proceedings before SACAT rather than the District Court. However, these amendments do not affect any proceedings commenced before the District Court before the commencement of these amendments. Further, a member of a panel of persons established under Schedule 1 of the Act who held office immediately before the commencement of these amendments ceases to hold office on that commencement and any contract of employment, agreement or arrangement relating to that office is also terminated at that time.

Part 48—Amendment of *Tobacco Products Regulation Act 1997*

260—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal.

261—Substitution of section 13

This amendment substitutes proposed section 13.

13—Review

This proposed section provides that a person who is dissatisfied with a decision taken by the Minister on a review may apply to SACAT under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013* for review of the Minister's decision. An application must be made within 1 month of receiving notice of the Minister's decision.

262—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction to SACAT. The effect of the provisions is that a right of appeal under section 13 of the Act in existence before the commencement of these amendments, but not exercised before that commencement, will be exercised by commencing proceedings before SACAT rather than the District Court. However, these amendments do not affect any proceedings in the District Court commenced before these amendments.

Part 49—Amendment of *Water Industry Act 2012*

263—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* to mean the South Australian Civil and Administrative Tribunal (and consequentially deletes the definition of *District Court*).

264—Amendment of section 35—Price regulation

This amendment is consequential.

265—Amendment of section 80—Enforcement notices

This amendment is consequential.

266—Amendment of section 83—Injunctions

This amendment is consequential on the deletion of the definition of *District Court*.

267—Amendment of heading to Part 9

This clause amends the heading to Part 9.

268—Amendment of section 85—Review by Tribunal

This clause amends section 85 to effect the transfer of jurisdiction to SACAT in relation to decisions of the Commission or Technical Regulator made on a review under section 84 and relating to enforcement notices issued under Part 8 Division 4. Provision is made in relation to the establishment of a panel of assessors for the purposes of reviews before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

Other amendments consequential on or related to the transfer of jurisdiction are made.

269—Amendment of section 86—Minister's power to intervene

This amendment is consequential.

270—Repeal of Schedule 1

This amendment is consequential on the proposed inclusion of provisions in relation to assessors in section 85.

271—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court that existed before the commencement of these amendments, but not exercised before that commencement, will now be exercised by making an application for review to SACAT. Further provision is made in relation to members of a panel established under Schedule 1 of the Act ceasing to hold office on the transfer of jurisdiction.

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 2) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:08): Obtained leave and introduced a bill for an act to amend various acts within the portfolio of the Attorney-General. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:09): I move:

That this bill be now read a second time.

The Statutes Amendment (Attorney-General's Portfolio) (No 2) Bill 2017 makes amendments to various acts to rectify minor errors and deficiencies that have been identified in legislation. In administering legislation, it is common to have agencies and interested parties raise administrative and legal issues that they have encountered. It is more efficient to deal with routine issues in a single omnibus bill than in separate bills for each act. Tantalisingly, Madam Deputy Speaker, I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Specifically, the Bill makes the following amendments:

Cross-border Justice Act 2009

The cross-border justice scheme provides for a coordinated approach to criminal justice in the Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) lands, allowing each participating jurisdiction to extend the geographical area in which its laws can operate. Under this scheme, correctional facilities and youth training centres are regulated according to the laws that apply in the state in which the facility is located. This prevents the facilities from having to apply a different set of rules to each person who is detained depending on where he or she committed the offence, was arrested, or ordinarily resides.

The *Youth Justice Administration Act 2016*, which provides mechanisms for the establishment and proper administration of youth training centres in this State, commenced on 1 December 2016.

The Bill makes a consequential amendment to the *Cross-border Justice Act 2009* as a result of the commencement of the *Youth Justice Administration Act*. The amendment provides that the *Youth Justice Administration Act* applies to youths detained in South Australia but does not apply to youths detained in other participating jurisdictions.

Justices of the Peace (Miscellaneous) Amendment Act 2016

The Bill makes minor amendments to the *Justices of the Peace (Miscellaneous) Amendment Act 2016*, which has received Royal Assent by His Excellency the Governor but has not commenced.

The *Judicial Conduct Commissioner Act 2015* established a comprehensive system for dealing with complaints against judicial officers. It amended the *Justices of the Peace Act* in relation to the suspension and removal of special justices, who hold judicial office. As a result, section 10A of the *Justices of the Peace Act* empowers the Governor to suspend or remove special justices from office and section 11, which makes provision for taking disciplinary action against justices of the peace, no longer applies. The *Judicial Conduct Commissioner Act* commenced on 5 December 2016.

On 21 September 2016 the Parliament passed separate amendments to the Justices of the Peace Act through the Justices of the Peace (Miscellaneous) Amendment Act. The Justices of the Peace (Miscellaneous)

Amendment Act transfers the power to take disciplinary action against a justice of the peace, other than a special justice, from His Excellency the Governor to the Attorney-General. An inconsistency occurred because when the Justices of the Peace (Miscellaneous) Amendment Act was passed by the Parliament it did not take into account amendments made to section 11 by the Judicial Conduct Commissioner Act that, at the time, were yet to commence.

The Bill will correct any inconsistencies to enable the *Justices of the Peace Act* to operate as was intended by the Parliament.

Real Property Act 1886

The *Aboriginal Land Trusts Act 2013* amended section 6 of the *Real Property Act 1886* to update and clarify its wording. It is possible that this amendment had unintended consequences for the priority of interests in land. Therefore, the Bill amends the *Real Property Act* to return section 6 to the form in which it was originally enacted and to clarify that it should be taken to have never been amended.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Cross-border Justice Act 2009*

3—Insertion of section 108A

Section 108A (Application of Youth Justice Administration Act 2016) is inserted with the effect that the *Youth Justice Administration Act 2016* does not apply to persons detained in a detention centre in another participating jurisdiction.

4—Insertion of section 117A

Section 117A (Application of Youth Justice Administration Act 2016) is inserted with the effect that the *Youth Justice Administration Act 2016* does apply to persons detained in a detention centre in the State under the Division.

Part 3—Amendment of *Justices of the Peace (Miscellaneous) Amendment Act 2016*

5—Substitution of section 8

This clause amends an amending Act: the *Justices of the Peace (Miscellaneous) Amendment Act 2016*. Section 8 of the amending Act (Amendment of section 11—Disciplinary action, suspension and removal of justices from office) is amended, clarifying that section 11 of the *Justices of the Peace Act 2005* does not apply to special justices and reflecting that action is to be taken under that section by the Attorney-General rather than the Governor.

Part 4—Amendment of *Real Property Act 1886*

6—Substitution of section 6

Section 6 is substituted with section 6 (Laws inconsistent not to apply) and section 6A (Effect of section 6). New section 6 is in fact a reinstatement of a version of section 6 that existed immediately before the commencement of the *Aboriginal Lands Trust Act 2013*. New section 6A clarifies that section 6 has effect as if Schedule 1 Part 4 of the *Aboriginal Lands Trust Act 2013* had never come into operation.

Debate adjourned on motion of Ms Chapman.

BUDGET MEASURES BILL 2017

Second Reading

Adjourned debate on second reading.

(Continued from 8 August 2017.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:11): Yesterday, I outlined the shameful list of companies and enterprises in South Australia that have either collapsed, downsized or, for other economic reasons, shed multiple jobs in South Australia over the last 14 or 15 years. Quite clearly, the list during 2015 and 2016 and up to the beginning of this year was impressively and dangerously long. It was impressive to the extent that it was a sobering reminder

to the people of South Australia of the financially perilous situation South Australia is in, in particular our larger and smaller business enterprises in the state.

Far from the government's promises that they will be providing for an extra 100,000 jobs in South Australia, which is now echoing into obscurity, we are in fact now at a very concerning high level of unemployment in this state. The number of people currently unemployed has reached 60,300 and a further 85,900 people are underemployed, and that is just from the government's records. Assuming those numbers are accurate, it is still a very concerning situation because, as we know, unemployment usually brings with it very severe financial impositions on the unemployed person and, quite often, his or her family.

The seasonally adjusted unemployment rate in this state is 6.9 per cent as at May, the highest in the nation. The trend at 7.1 per cent in May is the highest in the nation for 30 consecutive months, and youth unemployment (15 to 24 year olds) as at May is 17.2 per cent, the highest in the nation. These are figures that should have penetrated the minds of members of cabinet when they made the decisions they announced in this year's budget, which they claim is a jobs budget but which vaporises into nothing when we look behind what has actually occurred in South Australia.

The one thing we agree on is that jobs are a critical issue for South Australia. Clearly, the mechanisms and models that have been applied by this government to achieve that have comprehensively failed. Their promises have evaporated, and they clearly are on the wrong track in providing ultimate financial security for South Australians through employment. It is not enough for the government to just keep adding on to the employment of their own or trying to control enterprise by cherrypicking businesses to which they might grant some financial support by way of either investment attraction or a lifeline of grant money.

It is not enough simply to rape and pillage the businesses and enterprises and people who are trying to make money for the state and provide for themselves and not be a burden on the financial purse of taxpayers. It is bad enough that they continue to overload these people with debt and then, in some rather sick way, offer some token grants back. That model simply has not worked. They have picked the wrong winners, so to speak.

They have utterly failed in addressing jobs. Unemployment is disgustingly high and there is no reprieve. There is no new measure that the government has offered to put forward. I look forward to the opportunity next year, if we have the privilege of getting into government, to outline with the Leader of the Opposition a reform agenda from the opposition and to be able to provide it for the people of South Australia.

Another concerning matter is the level of insolvency in South Australia. This is important to take into account when we consider the vulnerability of those people if a bank tax or other taxation measures are introduced because, unsurprisingly, the banking industry is going to identify the negatives of such a levy on banks in South Australia, and only in South Australia, because obviously that will make us uncompetitive. Not only is it a deterrent for investment here but it will affect the jobs of people who are currently employed in the banking industry. Let's just leave that aside for the moment because a fair comment would be that they have some vested interest in this space.

Let's just look at the people who are going to be carrying the load of lending from financial institutions and who will be vulnerable to this. One needs to take into account, again from the government's own records released in October 2016, the South Australian insolvency statistics. This comes from the Australian Securities and Investments Commission on information provided by the state instrumentalities here.

The sobering statistic for South Australia is that in 1999-2000 there were 387 insolvency applications in the state. A majority of those were by creditor or court wind-ups; that is, they were imposed on the business, they could not pay their debts, or the court had directed that they were not to continue to trade but were to be wound up. It has to be acknowledged that a smaller number were under voluntary administration. People do not usually voluntarily place their businesses in administration unless they are in a financial pickle; nevertheless, you get the picture.

Fast-forward to 2015-16, and the number is now 535 per year. Again, the overwhelming majority were by court or creditor wind-ups and, of those, only 69 were in voluntary administration. If one looks at this material—and it is an interesting read; I will just highlight one other matter—

frequently, in the last 15 years (in the time of this government), it has been up over the 500 per year mark and several times we have had over 600 per year. In 2012-13, there were a staggering 744 insolvency appointments. Any other imposition of a tax or legislative control or compliance obligation in respect of businesses has to be carefully looked at by government. It is staggering to think that, within this umbrella, the Treasurer is coming in here to impose that statistic. Employment statistics from 2007 to 2016 have risen from 38,000 to 58,800 and now, as I have said, just over 60,000 people are unemployed in this state.

The question then arises: if the state bank tax is removed from this bill, if a majority of the House of Assembly is satisfied that it ought to be removed, where will there be an impact and will it adversely affect the delivery of services that are provided for in the budget? Obviously, it is a multibillion dollar budget but, if the House of Assembly were persuaded, there is one very important figure which members ought to take some comfort from which frankly is available to cover this loss of revenue. It is always on the minds of members who vote on these matters, 'If we do remove this from the budget, will it adversely impact the level of services?' That of course is the government mantra all the time: 'If you do this, which nurse are we going to dismiss or which school are we going to close?'

Let me reassure the house that, if members look at the budget, they will see that in this 2017-18 year the Treasurer has included $580.4 million for contingencies. Last year, this figure was $135.2 million and it is around that figure every year. It is there for obvious reasons. Sometimes, we have some disaster, for example, and there is an extra cost that was not provided for in the budget. Even though each portfolio does have some contingency money, this is over and above all other contingency provisions. This is a contingency the Treasurer has put in there and it is just for this year.

Of course, I would say—and I think I would be right—that this is because it is an election year and, of course, the government wants to have a little reserve tank to apply towards promises for an election. It is not unique: that does happen. I make the point that, regarding the $370 million that the Treasurer has told us he will receive from the bank tax over four years, that loss of revenue that is anticipated could be absorbed in this year's extra contingency money alone. If it did not need to be done and you did need some extra money and the government still wanted to use some of that to throw away with their election promises, clearly that contingency could be absorbed there without one loss of service or personnel that is currently in this budget.

There are a number of other areas that I do not think are worthy of expenditure. In fact, I think it is an utter disgrace that they are spending $4 million on pre-election advertising to tell us what a great job they are doing. Disgracefully, it directly contradicts their own codes of conduct and the guidelines that have been set out. Frankly, the Auditor-General, if he has not already, should have a good look at that. Having mucked up the power system, having raped people of money, they are then making announcements, I hear, that they are not just going to have advertising and more pamphlets and more social media, but they are going to actually pay people to go out and doorknock, for goodness sake. It is about a million dollars.

Mr Duluk: The candidates are too lazy.

Ms CHAPMAN: The candidates are too lazy, the member for Davenport suggests to me. I make this point. This is taxpayers' money, and this is money that is being applied, the government say, within their guidelines, to educate the public. What rubbish, what utter rubbish! There are other aspects of the budget that can easily be reallocated in circumstances where the loss of $370 million over four years would be a consequence of voting down this clause to cover this bank tax.

They do not even need to do that: they could absorb it into the $580.4 million for contingencies this year. Even if they were to allow all the bank tax to be absorbed in that equation, there would still be something close to $200 million in extra contingency money. It can be done. It needs the will of the government to do it, and clearly, if they are not prepared to do it, it needs this parliament to actually do it for them.

At the moment, in the absence of there being any relief from this part of the bill, the clouds are gathering for the perfect storm: higher unemployment, higher taxes, higher social distress. If there is one aspect of the imposition of the tax in this bill that really irks me and causes me concern, it is the impact it will have on many women in South Australia. The vulnerability of women in particular

and, in fairness, a number of young people—men and women—comes because although the government claims that clause 13 will provide some protection to ensure that the tax will not be passed on directly to the customers, we know that even on the government's admission, and the Treasurer says, 'the levy will not apply to mortgage or ordinary household deposits, rather to bank bonds and deposits over $250,000'.

That is on people who have money, but what about people who do not have money—the people who borrow money? They borrow money because they need a fridge to put food in for their children or to buy a car or to be able to service a credit card to ensure that they have essential amenities, or they borrow money through a personal loan—probably to pay their power bill these days—or, if they are in the category of owning some interest in a dwelling, obviously there are costs that go with that.

I say to the parliament that quite often we have a situation in South Australia where single-parent households are left carrying the financial burden of providing for families, and overwhelmingly these are women. Some of them have security of income from employment, and obviously they have a considerable extra role in making provision for their children; others rely on social security benefit or extended family support. So it is simply laughable that the Treasurer should tell the public that the clause will sufficiently protect those South Australians from the increased fees and charges to pay for the tax.

The most financially disadvantaged in society will be indirectly handed the bill for this levy through the higher interest rates for those loans I have just referred to and the lower interest rates for any deposits they may have. It is a double-whammy. I will have more to say about banks shortly but the reality is that they are in business, they have shareholders to account to and the interests of the client are not the highest priority. That is the reality. That is why, of course, the government is trying to use this sort of social warfare on a group the public might perceive to be unsympathetic to its customers.

The truth is that the most vulnerable are people who are reliant on those financial institutions, not to look after their investments—because they do not have any—but, in fact, to have personal loans and to have short and long-term security of borrowings, which is absolutely critical, especially if they are going through a period of divorce or the death of the family breadwinner in a family. This is why it is so unconscionable that the government should leave them exposed. I am deeply concerned that women, and those most financially disadvantaged in particular, will be adversely affected by the Treasurer's attack on these lending institutions because let's be sure about one thing: the banks will not be paying it from their bottom line; that is abundantly clear.

I should say at this point that women already face a disparity of income compared with their male counterparts in the workplace. They have far less superannuation reserves and, unless they are at a qualifying event of age, they also cannot access those funds or reserves to care for themselves and their family commitments over their lifetime. Support of this tax is a whack on women, and this parliament ought to be aware of that, consider it and ask in all conscience whether they can agree for it to be continued in the absence of any security against it being handed on to the consumer.

The federal tax has been raised because essentially this is a piggyback tax on a federal bank tax that was announced in their budget in April or May this year. I mentioned the bills that have passed through the federal parliament to deal with that, namely, the Major Bank Levy Bill 2017 and the Treasury Laws Amendment (Major Bank Levy) Bill 2017. What I want to mention is that the federal parliament, unlike our parliament, actually goes through quite an extensive committee scrutiny of every bill that comes before it, and this is no exception.

In June this year, the Senate Economics Legislation Committee, in investigating and assessing those two bills, provided a report. It is dated June 2017 for those who wish to view it. The South Australian representative in the Senate on this federal bank tax was Senator Nick Xenophon. I will not go through the other representatives, but it is a committee of six and the chair is Senator Jane Hume from Victoria.

In their report, they obviously provide an overview of the bills, how they conduct the inquiry, the background to it, etc. They even have to look at things such as the human rights implications and other considerations. Their general view on the measure is on page 9. The proposed introduction of

the major bank levy drew mixed responses from a variety of stakeholders. Opposition to the levy was voiced from a number of different perspectives—the way the levy is framed as being misguided and that it is likely to reduce productivity while encouraging an increase in financial market risk.

There was discussion about it being abandoned because of its adverse effect in respect of investment. The Financial Sector Union supported a fairer, more progressive tax system in their submissions and pointed out that, unsurprisingly, the five banks affected by the levy, the same banks as in South Australia, also objected. There were a number of aspects of the report on the competition concerns and the regulatory oversight. They do a bit of an assessment in respect of the revenue estimates, and again the Australian Bankers' Association raised a number of points as to the $6.2 billion over the four years that the government's estimates raised.

We do not need to go into any of those, but the negative impact in relation to Australia and its competitiveness was clearly and comprehensively assessed. Then, at page 23, there were some additional comments from the Labor senators. In their comments in support of the bill, they said:

> This state of the budget and the need for this measure in relation to budget repair means that Labor will not stand in the Government's way.

Whilst the Labor senators supported the bill, they said, 'It is not a blank cheque.' They supported recommendations set out in the main body of the report; however, the need for their inclusion demonstrated, in their view, their criticism of the Treasury's botched policy process. This is starting to sound familiar, isn't it? But this is the Labor Party of the federal parliament in respect of the application of the need for this tax.

Also on page 23, the recording of the impact on consumers is also very important. Remember that these are the additional comments from the Labor senators:

> The Regulatory Impact Statement released with the legislation stated what the Treasurer could not—that consumers, non-equity funding sources, shareholders and employees could bear the brunt of this levy.

They accepted completely that it was that group of people who were going to be bearing the brunt and that the federal Treasurer, in their view, was not able to or perhaps declined to make that statement. They went on to say:

> This was further underlined in the testimonies given by the banks at the hearing, where they all said that the bank tax won't simply be 'absorbed'.

So we have in black and white an acknowledgement of the evidence of the banks that they are not picking up the tab for this. They went on to say:

> Treasury further underscored this point through their answers to questions on notice that were put to them prior to the hearing. The costing, Treasury says, takes into account 'some pass-through of the levy to customers, as evidenced by previous behaviour by the banks'.

So everyone, including the Labor senators, were quite clear in the recording of what is crystal clear evidence that it is the people who are going to pay, and in South Australia now, with the advent of this bill, with this measure, the people of South Australia are going to pay it plus the federal one.

The senators go on to talk about the Treasury officials taking some time to admit other aspects in respect of the bank levy being passed on to consumers and some other particular points, but the most critical point here is that the comprehensive examination by the Economics Legislation Committee discloses to us what we all know, what we all expect, and confirms that the banks will not be paying for this; the people will be.

It is interesting that, the committee having undertaken its oversight, ultimately Mr Xenophon supported the passage of this legislation through the Senate. He supported the government in getting the legislation through the Senate. I was surprised to say the least that, very shortly after the budget bill in South Australia was brought down on about 22 June, Mr Darley, representing the Nick Xenophon party—I forget, what is it actually called now?

Mr Duluk: SA-Best.

Ms CHAPMAN: SA-Best, sorry—would come out to say no. He might have been offered a much earlier briefing than us but, nevertheless, he came out and said no. We on this side of the house did as we always do; that is, we said to the government, 'We will have a look at the detail of

it, we will meet with the Treasury officials, and we will ask questions about its application and the like before we make a decision, and our party room will give it some thought.' Our leader was under the heat at the time to come out and make a decision one way or another. We had a couple of throwaway lines from the Treasurer in the budget speech, we had his press releases, which you can hardly rely on, and we had a Budget Measures Bill that had not even been presented.

We on this side of the house do the responsible thing: we called for the Treasury officials to provide us with a briefing, and I think within seven or eight days that meeting was arranged. I can tell the house, actually, that we met on 29 June 2017, in the following week. Mr Chris Russell, representing the Treasurer's office, convened the meeting with Mr Stuart Hocking, the Deputy Under Treasurer, Mr Greg Raymond, I think, and several others who were obviously involved in the preparation of the necessary follow-up material for this.

That is what we did. We said we would do that, we did it, and we had that meeting. Our shadow treasurer and myself were present and some others. We were able to go through the bill and identify other matters, and I will refer to them shortly. Most importantly, in respect of this bank tax, I would have to say that it was abundantly clear at that briefing that Treasury had nothing to do with this tax; this is the brainchild of the Treasurer and/or the cabinet. I am not sure what the gestation period of this genius idea was, perhaps one day we will find out, but I simply say this: the level of desperation that the government currently finds itself in suggests to me that they were scrambling around to try to find anything that they possibly could to prop up the revenue stream on the budget.

The government has sold just about everything else. They stripped out and raped the Motor Accident Commission and there is not much left to sell except the Lands Titles Office services, which is another matter. Having got to the bottom of the barrel, what we are left with in South Australia is a bit of water infrastructure, the desal plant sitting down there chugging away, and some Housing Trust stock. We do not own much else, sadly, so we are getting to the bottom of the barrel of something that is packageable to sell.

I must say that, of the few times the Treasurer has been in charge of selling something, he has usually botched that anyway. We had Gillman, when he was in charge of Renewal SA, and I cannot think of one reason that he and his department stayed responsible for the sale of the State Administration Centre. What a fiasco that has been. They have attempted to settle on the sale of that property five or six times under his watch. He did not hand it over to any other responsible minister; he kept it within his own responsibility. With his track record, I would not have given him a dozen eggs to sell. Nevertheless, he kept it in his portfolio and it has been a disaster.

We are still waiting to see whether Mr Kevin Foley, as chair of Funds SA, is going to pick up the mess and buy it. The government buying from the government seems a bit odd to me, but we will see what the Auditor-General says about that in due course. In the meantime, a desperate government has made this decision. Therefore, the briefing provided by the representatives from Treasury I would have to say was as good as you could expect it to be in circumstances where they were thrown this.

It was pretty clear that they were only really able to tell us that the four major banks and Macquarie would have a liability to pay. The detail of their obligation to pay was yet to be worked out. They had not even had discussions about the detail at that stage with the commonwealth Treasury officials who were going to be implementing it after the passage of their legislation. They are all in the dark, sitting there like possums in a spotlight at this point. They were able to at least tell us another political decision of the government and that was the first payment, under the quarterly payment in arrears of whatever this tax or levy is going to be, would be in March 2018—how convenient—after the next election.

The shadow treasurer asked, quite reasonably, why this is not starting in January. Obviously, you get the bill through, and why would this not be starting in January? Quite obviously, they are not interested in progressing any kind of imposition before the next state election that would alert the public to the tsunami of liability that is heading their way.

They were able to discuss some minor aspects in respect of its application in relation to GST and the like—as to what their expectation was—but a lot of this was qualified by further consultations to be had with the commonwealth. There are even simple questions such as whether a South

Australian business that is operating in the banking liability phase will have to fill out one quarterly return for the federal tax and then another separate return for the added on state tax, or can they use the same form. These sorts of things have not in any way really been finalised.

I totally accept that the Treasury officials in South Australia, if they are burdened with the responsibility of imposing and applying this, will do everything they can to try to consult with the big five, as such, to minimise the trauma of the paperwork, but that gives no comfort to us that they are going to be able to in any way protect the consumers from what ultimately will be ripped out of their pockets. On 30 June 2017, Tom Richardson described a representation of the tax:

> …the Weatherill Government's bank levy is cynical, desperate, ad hoc and slapdash economics.
>
> …a budget measure rooted in class warfare and business vandalism.

He has obviously written the commentary in respect of the politics surrounding it, but on 30 June he had written that, in his view, it should not be blocked. I want to make a comment on that. Whilst he respects the convention of allowing budgets to be passed, because, as he says, it is in the interests of good government to ensure that there is the reliability of that, the expectation that the public has is that the government of the day will set the terms and conditions about how the money will be spent—they announce it to the parliament—and that, by and large, the elected government of the day has the expectation that that will be covered.

He suggests that there should be no cherrypicking of that, and that the bank levy, therefore, should be allowed to progress. I have quite a regard for Mr Richardson because he has obviously had a long history of following politics and some of the economic matters that surround government activity, but it ought to be very clear to him that there are times when it is just unconscionable that the opposition allows things to go through the parliament.

There is plenty we do not agree with and there is plenty that we think should be done in a better way, but where there is something that is going to be so damaging to the public—or, in some other cases, has never been disclosed to the public by the government—we do have a duty to protect the people of South Australia against that. We did so on the biosecurity levy, we did so on the car park tax (which we opposed when we went to the election) and we do so on this one, because we are not going to allow the Treasurer's mischief—in his desperation to get money he never disclosed this tax to the people of South Australia—to prevail. It would not protect them in quarantining them against payment. We are simply not going to allow the government to progress the budget measures with this in it with our blessing. That is not going to happen. We will fight against this, and it will be opposed for those reasons.

The other person who was, I think, quite vocal in the lead-up to the estimates period was Mr Ross Womersley, who is the head of SACOSS, which is our representative group for the providers of welfare and support in South Australia. Again, I have quite a high regard for Mr Womersley and the service he gives to advise SACOSS and provide advocacy for the people who are most vulnerable in this state. What he is saying in his presentation is: if the bank levy does not progress, what else can there be to ensure that we do not have a cut in services or that there is not going to be some negative impact on the building of public infrastructure and the like for those most vulnerable in the community? That is a good question.

I simply answer it by saying, 'Please, Mr Womersley, when you make these statements, have a look at the budget and see, particularly in the election year, the cushion of money that is being kept aside in the contingency budget that can allow for this and can make provision for all of the services that the government are committed to, without affecting them one iota. When you see that, you will have some appreciation that the cutting out of a tax and the consequential revising down of the revenue can still be dealt with without having to impose another liability.' I would ask him in future to do just that.

Although the public may have a view that all banks are bastards, they are amateurs compared with the state government when it comes to ripping off people's money. I have been a customer of a bank for a long time. I have already disclosed my interests with the National Australia Bank. Fortunately, I have more of their money than they have of mine. I remind them of that, on occasion. They should be looking after me because if I die I have their money, and they need to be looking after me as a customer.

In any event, if it is clear that the consumers ultimately are going to pay for this, we need to at least be cognisant of the impact it will have on South Australians. Obviously, as I have said, investment and the like are at risk. Probably the most independent, if I can say that, and experienced person who has spoken on this matter is Mr Rob Chapman (no relation), formerly head of a bank in South Australia and now the chairman of the government's Investment Attraction agency, which I think it is called Investment Attraction South Australia now.

Mr Chapman has responsibility to receive and approve grants of money to encourage businesses to South Australia, etc. I am not criticising his role at all. I suggest that he would have to be one of the most qualified people in the banking field appointed by the government to provide them with advice and to undertake this task for them, yet he identified, within a few days after the budget, that he had not even been asked about it.

What consequence will this have on investment in South Australia? They did not even ask him, with his banking history, what will be the effect on the banks and whether we can rely on the fact that it will be paid by the shareholders and not the employees or the customers. They did not even ask him. There was a person sitting there with a reservoir of wisdom and experience in this field and he was not even asked. It is beyond belief. He, too, has raised the concern about the impact on South Australia when it is trying to compete in a federation where it is already at the bottom of the pile. That is concerning in itself.

The bank industry, the Australian Bankers' Association, obviously have had a lot to say. I am not going to dwell on what they have said in a lot of detail, but there are a couple of things of which I want some acknowledgement. One is the fact that the employees of the banks that operate in South Australia are numerous. I did have a record here of the number of employees from one of the major banks, which was several thousand. They make the point that the ultimate vulnerability of the cascading down of investors racing to other institutions, rather than to one where they are going to get hit with a tax, has a consequence on their employment.

From memory it was the Commonwealth Bank, but it may have been Westpac. They make the point that the number of vulnerable employees in their bank is three times the number of people who are going to lose their jobs at Holden. We have to try to get this in perspective and understand that there is a consequence as well. I do not want to see bank employees in South Australia, as a result of this ridiculous tax, lining up and being on the list of the disgraceful numbers of people who have lost their jobs over the last 15 years.

I do not want to see them there. I want those people to keep their jobs and keep providing for their families. Please remember that customers are at risk, but so are the people directly employed in those institutions in South Australia who will lose their jobs because any smart business in South Australia that has been operating through the local branch will open an account in Melbourne, Sydney or Brisbane. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 13:59.

Ministerial Statement

LESTER, MR YAMI

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:02): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Yesterday, His Excellency the Governor and I, plus the Leader of the Opposition and other parliamentarians, travelled to South Australia's Far North to attend a state funeral like no other. We went to Walatina Station on the APY lands to farewell a man of immense grace, warmth and standing in this state and nation—Mr Yami Lester OAM.

It was a testament to Mr Lester's exceptional leadership and personal qualities that hundreds of people converged on that tiny settlement to pay their respects. With words and music, with a mixture of sadness and humour, mourners recounted Yami's life of passion, resilience and faith in a way that none of us present will ever forget. They recalled among other things his capacity to

overcome adversity, his ability to tell wonderful stories and to make people feel happy, and the love of the Red and Blue of the Melbourne Football Club.

Yami Lester was born in the early 1940s near Granite Downs Station and from a young age developed a reputation as a fine stockman and skilled horseman. His life and the lives of many others were changed in a devastating and irrevocable way by the British nuclear testing at Emu Field, in October 1953. When the details and implications of the testing came fully to light in the 1980s, Yami told the McClelland royal commission about his experience—an experience that made him permanently blind from 1957. This is part of what he said to the royal commission, which took evidence at Walatina:

> I heard a big bang—a noise like an explosion and later something come in the air. It was coming from the south, black-like smoke. I was thinking it might be a dust storm, but it was quiet, just moving…through the trees and above that again, you know. It was just rolling and moving quietly.

He described how the old people were frightened, thinking it was a spirit, and how they tried to direct it away from their camp with woomeras. But the lasting damage had been done. Yami's truth telling was powerful, and he was unwilling to tolerate attempts to minimise or cover up the effects of the testing that occurred at a number of sites across South Australia, including at Maralinga. Indeed, his advocacy and simple statement of facts changed the way history views these events and the way the world generally views the truly terrible power of such weapons and technology.

It is important for the house to note that Yami Lester's activities and achievements were evident in many other fields of endeavour, too. We heard yesterday, for example, of his work with the Aboriginal Advancement League and his instrumental role in the founding of the Institute for Aboriginal Development in Alice Springs and the Pitjantjatjara Land Council.

As a pioneer of court interpreting, he worked in the law courts to make sure the voice of the Anangu people was properly heard and understood. He is acknowledged not merely for land rights but also for the protection of the natural environment and for the maintenance of Aboriginal language and culture in the APY lands. Among many forms of recognition, Yami was honoured under the Australian honours system. In the Queen's Birthday Honours list in 1981, he was awarded a Medal of the Order of Australia for 'service in the field of Aboriginal welfare'.

By his actions and deeds and by a life characterised by quiet persistence and moral and practical leadership, Yami Lester immeasurably enriched our state. On behalf, I am sure, of all members of this house, I extend my sympathies and condolences to Yami and his family and friends. May this great and humble and inspiring man now rest in his homeland.

Honourable members: Hear, hear!

OAKDEN MENTAL HEALTH FACILITY

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:06): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: I rise to update the house on the state government's progress to implement all six recommendations of the Oakden review. In its findings, the Oakden review made six recommendations to the state government. The state government has accepted all six findings in full. As mentioned in a previous statement on 20 June this year, an oversight committee has been formed to action these recommendations. The committee will provide regular updates to the Minister for Mental Health and Substance Abuse.

The committee has been charged to develop a new model of care for people with the behavioural and psychological manifestation of dementia. This will also include making recommendations to the minister about the appropriate site for a new dedicated facility. In this year's state budget, $14.7 million has been committed towards the construction of a new older persons mental health facility. Further work is underway to create new models for staffing, clinical governance, workplace culture and a strategy to reduce the use of restraints, called trauma Informed principles.

In terms of staffing, I am advised that, as of 8 August 2017, 12 people are currently suspended from the workplace pending further investigations. There are currently nine people referred to SAPOL, and 34 referrals have been made to AHPRA. In addition, two people have resigned and three people have had their employment terminated. It has been mentioned in this place on many occasions that these numbers will fluctuate as new information is brought forward. MinterEllison have been engaged to assist in the industrial relation matters regarding some of the allegations.

In order to protect the integrity of these investigations, it would be inappropriate for particular details to be disclosed to the house. We must be mindful not to jeopardise any of these proceedings as they are taking place. The state government is committed to ensuring that the findings of the Oakden review inform a new service. A significant amount work is underway to meet all six recommendations, and further updates to the house will be provided in due course.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:08): I bring up the 50th report of the committee, entitled Subordinate Legislation.

Report received.

Question Time

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): My question is to the Attorney-General. Can the Attorney confirm that HYLC, the builder of the new Royal Adelaide Hospital, has launched action against the state government in the Federal Court?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:09): I can. The state government is aware that the builder of the new Royal Adelaide Hospital has issued court proceedings against Celsus, the state and the project's independent certifier. The state remains entirely confident in its legal position and the protections afforded to it by the contract. It is worth noting that, to date, over 20 extensions of time have been submitted by the builder, all of which have been determined by the certifier at zero days and zero dollars. Any court action by HYLC does not impact in any way on the opening of the new Royal Adelaide Hospital next month.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): Supplementary: how much of the purported $180 million claim is against the state government and how much is against the other parties?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:10): Limited to what I can reveal to the house based upon the advice from Crown, I would have to get advice on how much information I can get, but I can reassure the house that the Crown's advice to the government is that our legal position is very, very secure. This is, I think it would be fair to say, a bit of a last gasp by the builder, and we are very, very confident with our legal position.

It is important to note, in their taking action against anyone who is involved in the project, including the consortium, Celsus (formerly known as SAHP) and indeed the independent certifier whose job it was to provide advice to the government, that the hospital met all the contractual requirements.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): Supplementary: when did the government first become aware that this claim was pending?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:11): Late last week is my understanding.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): Supplementary: what does the claim against the government assert?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:11): Again, I would need to get advice—

The SPEAKER: That would be in a public document in the registry, but the—

The Hon. J.J. SNELLING: It would and, likewise, I would need to get advice about the detail I can go into. Crown has provided me with the information I have provided the house and said that that is the information that would be appropriate. I would be loath at this stage to go beyond what is in the public registry in the Federal Court in Sydney. I am sure members could access that information. The government is very confident of its position and certainly, with regard to opening the new RAH, this action will have absolutely no impact. To be honest, I don't think it's terribly surprising that the builder is taking this action.

ROYAL ADELAIDE HOSPITAL

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): Can the minister provide some clarity to the house for his last comment, when he said that we shouldn't be surprised that the builder is taking this action against the state government?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:12): Because the builder has taken a significant hit through liquidated damages because of the delay in the delivery of the new RAH—

Ms Chapman interjecting:

The SPEAKER: The deputy leader is called to order.

The Hon. J.J. SNELLING: —and that has flowed through to the state taxpayers in terms of roughly $400 million in service payments that have not been paid to Celsus, so that is the total amount off the price. The state has done very, very well out of the contractual—

Members interjecting:

The SPEAKER: The leader and the member for Unley are called to order.

The Hon. J.J. SNELLING: The $400 million that we have saved comes off the total amount that we will pay off the project over the total life of the service payments, so that is why I assert that it's not terribly surprising that the builder would take some pretty speculative legal action in the Federal Court.

Members interjecting:

The SPEAKER: I call to order the member for Morialta, and I warn him and I warn the leader.

ENTERPRISE PATIENT ADMINISTRATION SYSTEM

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13): My question is to the Minister for Health. Given the results of the Australian Medical Association survey, will the minister immediately pause the rollout of the EPAS system to any other sites and commission an independent review as to its suitability?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:13): The answer to that is no, absolutely not. I am very, very proud of EPAS and what it has achieved in the sites where it has been rolled out. It is important to note that the supposed survey that the AMA has conducted had a response rate of 2 per cent of people trained to use EPAS and so, of the 15,000 health workers in South Australia who are trained to use EPAS, this supposed survey had a response rate of less than 2 per cent.

We know that EPAS has made tremendous advances in care of patients and patient safety. It was rolled out at Noarlunga Hospital four years ago and now over 280,000 South Australians have an electronic medical record, 24 million clinical documents have been created in EPAS and around

1.3 million hospital visits have been registered in EPAS. Prescription errors have reduced from 5 per cent to 0.003 per cent.

Hospitals around the world struggle with medication errors. It is one of the most critical errors that happen in hospitals right around the world. All jurisdictions are struggling with how to reduce the incidence of prescription errors because it results in adverse outcomes for patients and it means that patients end up staying longer in hospital. Patients leaving hospital without the correct information has reduced from 12 per cent to 3½ per cent, and patient medication allergies are being recorded more accurately, increasing by 11 per cent.

I know from the clinicians I spoke to at the Repat that one of the biggest concerns they had about moving to the Flinders Medical Centre, which was raised time and time again both to me and through our consultation, was their fear that they would not be able to continue to use EPAS in the new rehab building at the Flinders Medical Centre.

The opposition would do well to perhaps get out into our hospitals and speak to some of our doctors and nurses at the coalface, rather than relying on the serial whingers in the AMA, who I do not believe represent the vast majority of medical workers and clinicians who work in our hospitals. Whatever improvements can and need to be made with EPAS, there is no doubt that, like any IT system, it is something that evolves over time and needs continuous improvement. But the vast majority will always say that, if it's a choice between paper records and EPAS, they will go for EPAS every single time.

Members interjecting:

The SPEAKER: I call to order the members for Hammond, Kavel, Chaffey and Mount Gambier. Deputy leader.

ENTERPRISE PATHOLOGY LABORATORY INFORMATION SYSTEM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:17): My question is to the Minister for Health. What is the current schedule for activating the Enterprise Pathology Laboratory Information System (EPLIS) in all the in-scope hospital sites?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): I can get the complete scope, but the project is working at the moment. It has been successfully rolled out to the Women's and Children's Hospital, the first hospital it was rolled out at, and that activation was some months ago. Now the team is working pretty much full-time and ensuring that it's rolled out successfully at the new Royal Adelaide Hospital. Once that has successfully happened, we will then proceed to the other Pathology SA sites, but I am happy to get what the expected schedule for that is back to the member.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today distinguished former Speaker Graham Gunn, whose tradition and heritage I try to reproduce.

Question Time

ENTERPRISE PATHOLOGY LABORATORY INFORMATION SYSTEM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:18): Supplementary to the Minister for Health: in acquiring that information, could you identify if you are satisfied that the $374,000, which is in the 2017-18 capital expenditure budget to complete the remainder of the EPLIS project, will be sufficient?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:18): Certainly I am not aware, and we certainly have not sought any additional funding for the EPLIS project, so I have no reason to doubt that information. I am more than happy to double-check.

ENTERPRISE PATHOLOGY LABORATORY INFORMATION SYSTEM

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:18): Supplementary: perhaps in obtaining that information we will then have an identified amount for the Royal Adelaide Hospital, and then for each of the other pathology sites as to how much of that $374,000 is available for those projects?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:19): I am happy to get that information.

ROYAL ADELAIDE HOSPITAL PAIN UNIT

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:19): My question is to the Minister for Health. Can the minister confirm that the pain unit at the Royal Adelaide Hospital will close when the hospital moves to its new site?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:19): I will check the latest on that, but the original proposal was for the pain unit to move to The Queen Elizabeth Hospital. My understanding is that that has the support of the clinicians in the pain unit at the Royal Adelaide Hospital. There has been some change, so the pain unit will relocate to the new Royal Adelaide Hospital for a short period of time before it goes to The Queen Elizabeth Hospital in the very near future.

PATIENT ASSISTANCE TRANSPORT SCHEME

Mr TRELOAR (Flinders) (14:19): My question is to the Minister for Regional Development. Will the government make extra funds available to the Patient Assistance Transport Scheme, given the Treasurer stated on radio, 'Our largest regional hospital is the new Royal Adelaide Hospital'?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:20): We had a review in the early days, when I first became Minister for Health, of the Patient Assistance Transport Scheme. That review proposed additional funding for PATS, and that funding was forthcoming. That was approved by government. From recollection, I think it was an increase of about 30 per cent of the funding for that scheme.

We made changes to meet the needs of people who live in regional South Australia. There were shortcomings identified. It was Dr David Filby who conducted the review. He went around the state doing public sessions and receiving information about the shortcomings of PATS. The government have implemented his recommendations, including his recommendation for increased funding. We did that about four years ago.

MINISTERIAL TRAVEL

Mr KNOLL (Schubert) (14:21): My question is to the assistant minister to the Treasurer. Did the minister's travel to China in June at taxpayers' expense for a renewable energy conference comply in full with the Premier's guideline, Air Travel by Ministers and Their Staff?

Mr PICTON (Kaurna) (14:21): Yes.

MINISTERIAL TRAVEL

Mr KNOLL (Schubert) (14:21): Supplementary: as the assistant minister said his application was fully compliant, will he confirm if he notified the Premier, as required by the guideline, that his personal assistant, Ms Gemma Paech, would be travelling business class with him and that that arrangement was approved by the Premier?

Mr PICTON (Kaurna) (14:21): The Premier, in fact, asked me to travel to China to represent him at the conference. All the arrangements for the travel were organised by the Premier's office, and the Premier's office approved the travel for both me and my staff member in accordance with the guidelines. It is quite unusual for this sort of thing to be raised in the house, but I am very happy to answer it. Unfortunately, there was an article that had a number of misleading and wrong statements in it, including quoting that the hotel stay was $7,000. In fact, it was RMB.Y7,000 in Chinese currency.

An honourable member: Chinese whispers.

Mr PICTON: That's right. You actually need to do the calculation to get that to about one-seventh of the value. It also included a few comments by the former treasurer and shadow treasurer in the other place, Rob Lucas, criticising staff travelling in business class in accordance with the guidelines, which say that it can be approved in appropriate circumstances. I was very interested to read that because I presume that, if the Liberal Party were to be re-elected in the future, they would have no staff ever travelling in business class. They would all be in economy class in the future, if that's standard.

The Hon. J.W. Weatherill interjecting:

Mr PICTON: That's right. Of course, there are a number of examples when you go back to the previous time the Liberal government was in office, including some Concorde visits and also sending hats on seats and things like that. I think that if the Liberal Party really wants to—

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned.

Mr PICTON: —open up this discussion about travel—

The Hon. J.M. Rankine interjecting:

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

Mr PICTON: —in very appropriate circumstances where the approval has been granted as per the guidelines, then they should be very careful about the precedent that they are setting. For this trip, the Premier needed to be represented at a conference where South Australia is playing an international role. The Premier is the co-chair of the States and Regions Alliance for the Climate Group. This was an event co-hosted by the Governor of California, Mr Jerry Brown, who was there, as well as a number of governors from provinces in China, talking about world-leading action on climate change.

I was happy to represent the Premier there, speak on a panel at that conference and outline for them a number of the steps we are taking, including the world's largest battery, which was very well received by delegates from around the world. I met with a number of key international people at the conference, including the International Energy Agency. This was a very appropriate trip. It was only three nights, a very quick trip to the conference and back, and the guidelines, which say that it can be approved by the Premier's office when appropriate, were fully complied with.

MINISTERIAL TRAVEL

Mr KNOLL (Schubert) (14:25): What explanation was given for why the assistant needed to travel business class?

Mr PICTON (Kaurna) (14:25): Once again, the Liberal Party, I think, should be very careful about the precedent they are setting.

Members interjecting:

The SPEAKER: The Treasurer is called to order.

Mr PICTON: It is always an honour to represent the Premier at any international forum, and I of course take that honour with the importance that it carries and also the importance in terms of making sure that taxpayers' money is used wisely in the process. We sought advice, and the Premier's office approved the travel in the circumstances, as it was appropriate under the guidelines, and that's what the guidelines say. The Premier's office and the Premier's Chief of Staff have the ability to approve that if it is appropriate, and they deemed that it was appropriate in these circumstances.

I am very happy to outline in answer to any number of questions details of this trip, which I think was very successful in terms of continuing to discuss South Australia's world-leading approach and the number of meetings we had to further international work. Sadly, all the delegates were united in their disappointment—

Mr KNOLL: Point of order, sir: I ask you to bring the member back to the substance of the question, which was what explanation was given for why the assistant needed to travel.

The SPEAKER: I suppose the parliamentary secretary is justifying the trip, and the justification would elevate it to the level that would warrant business class travel. I presume that's the nub of his reply?

Mr PICTON: Thank you, Mr Speaker; that is absolutely correct. I think the article was by a Mr Michael Owen from *The Australian*, who members might have heard of.

Members interjecting:

The Hon. J.M. Rankine: Disgraced journalist.

The SPEAKER: The member for Wright is warned. The truthfulness of the interjection does not validate it.

Mr PICTON: If Mr Owen's article had been correct, in that the hotel stay was $7,000 for two rooms for three nights—about $1,000 a night—I think that would have been excessive and would have been a misuse of taxpayers' money to stay in China in those circumstances, but of course that was not true at all. The invoice was clearly in Chinese currency, in RMB or yuan, and if you divide that by about seven it was about $150 per night for the accommodation in the hotel right next to the National Convention Centre where the conference was being held. I think that that was appropriate in the circumstances.

All this detail is available to the honourable member who asked the question for the exact reason that we publicly disclose all this information. Through our public disclosure of information, we have put all of it on the website. That's how the member for Schubert has looked at it and that's how it has gone to Mr Owen at *The Australian* because we are very open and happy to disclose all the work we do on behalf of the people of South Australia—

Members interjecting:

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

Mr PICTON: —and because we want to be open with the people of South Australia about the work we do. That is why it is publicly disclosed. There has never been a government in this state before that has publicly disclosed this information, and that's why we have done that.

Members interjecting:

The SPEAKER: The leader and the member for Morialta are each warned for the second and final time.

Mr PICTON: If the Leader of the Opposition wants to spend his time criticising staff members—

Members interjecting:

Mr PICTON: —it's not actually what the title is at all, if you've got the information.

The Hon. J.W. Weatherill: Let's talk about Finland.

Mr PICTON: That's right, yes.

Members interjecting:

The SPEAKER: I think it is descending into a quarrel. I ask the parliamentary secretary to resume his seat. The member for Schubert has the call.

MINISTERIAL TRAVEL

Mr KNOLL (Schubert) (14:30): As it was reported that the reason for the trip was to discuss with Chris the trip on the flight, why couldn't the assistant minister and his assistant have had that discussion before they left for the trip, as opposed to having to upgrade to a business class flight on the trip?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:30): I expect a very similar reason to the reason that the Leader of the Opposition and his Chief of Staff wanted to travel business class to Finland—a very similar reason—when there were no quibbles about the use of public money for business class travel for the Leader of the Opposition and his Chief of Staff when they were flying to Finland. But maybe there should be a bit of communication between the right wing and the moderate wing of the Liberal Party when they start constructing these questions. The—

The Hon. J.J. Snelling: Stephan, you've got to be more subtle, mate.

The Hon. J.W. WEATHERILL: That's right. Not only—

Members interjecting:

The SPEAKER: The member for Newland and the Minister for Health are called to order.

The Hon. J.W. WEATHERILL: We are prepared to be accountable for the expenditure of public money, but we will not tolerate hypocrisy. We will not tolerate hypocrisy, and those opposite seeking to advance this—one should read through the Visa accounts of those who were actually—when they were last in office. It was the last days of the Raj. They were spending up like there was no tomorrow. It was extraordinary: hats flying next to people on overseas trips. We were seeing the most extraordinary opulence.

That's what people have to look forward to: not the prudent use of government resources but the profligate use of public resources by those opposite. For every one of your quibbles, we have an extraordinary tale of profligacy and misuse of public money that we will ram down your throat every day of the week.

SPORTS MUSEUM

Mr WINGARD (Mitchell) (14:32): My question is to the Minister for Sport and Recreation. Can the minister inform the house how much the state government is currently paying to lease a space for the South Australian sports museum, which is yet to open?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:32): Thank you very much to the member for that question. I will get the exact figure on how much we are paying on rent, but I must say that this sports museum idea came about—it was Rob Gerard's idea.

Members interjecting:

The Hon. L.W.K. BIGNELL: Sir, the interjections, as well as being unparliamentary, from the member for Chaffey, just don't make any sense—

The Hon. A. Koutsantonis interjecting:

The Hon. L.W.K. BIGNELL: —and they are insulting Mr Rob Gerard as well. Rob Gerard has been a big benefactor for sport—

Mr Whetstone interjecting:

The Hon. L.W.K. BIGNELL: He's childish, that member for Chaffey—absolutely childish. Mr Rob Gerard, a great benefactor of sport in South Australia over many, many years, came to see me not long after I became sports minister back in 2013. He said that they had hoped to get a sports museum into the brand-new Adelaide Oval, which—

Members interjecting:

The Hon. L.W.K. BIGNELL: Sir, it's pretty hard to talk when the member for Schubert and the member for Chaffey just don't stop yelling out.

Members interjecting:

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

The Hon. L.W.K. BIGNELL: So Rob Gerard said—

Mr Knoll interjecting:

The SPEAKER: The member for Schubert is warned.

The Hon. A. Koutsantonis: Haven't you done enough damage today?

The SPEAKER: The Treasurer is warned.

The Hon. L.W.K. BIGNELL: So Mr Rob Gerard came to see me and said that they had been unsuccessful in trying to get a sports museum into the new Adelaide Oval and that the SMA, that runs the Adelaide Oval, said that there was no room in there for a sports museum. We had a look out the window of my office. We looked across the road and there, right in front of the InterContinental hotel, was an empty space that had been empty for several years.

I said, 'What about this spot? Why don't we see if that would work?' We went down and worked out who owned it. We worked out some lease conditions, and we offered to pay the lease, but we put it back to Rob Gerard and Sport SA to do the work, to do the fundraising to make sure that they had the money to be able to move in there. I have written to Sport SA and to Rob Gerard to say how disappointed I am that they didn't actually do the fundraising at the start, when they should have, to actually put some money together to be able to move into this place. I think, at last count, they have only raised about $40,000.

Mr Duluk: Did you look at any other venues, or just one?

The Hon. L.W.K. BIGNELL: So they still haven't moved—

The SPEAKER: The member for Davenport, I call to order.

The Hon. L.W.K. BIGNELL: —they still haven't moved into what I think was an excellent site for a sports museum. I think our sports stars of the past should have a place where they are recognised, a place where the sports stars of the future, the children of South Australia and visitors to our state, can actually go and have a look at the wonderful achievements and some of the memorabilia that would have been donated by South Australian sports stars.

I think it's a great pity that it's taken so long for Sport SA to actually get in there, into this space that we are paying the rent on, but it's not for want of trying from our point of view. We have written to them several times, asking them to make sure that they will move into the site in front of the InterContinental hotel.

SPORTS MUSEUM

Mr WINGARD (Mitchell) (14:37): A supplementary to the minister again: will the government be making a contribution to help set up the museum in a timely manner so they can move in?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:37): When we sat down with Rob Gerard, he assured us that there was no such contribution required. He is a successful businessperson, and he said that they would do the fundraising. As I said, I am pretty disappointed in Sport SA in the lack of work that they have done in doing the fundraising.

The sports men and women of this great state should be honoured and should have a place in South Australia where people can come together and celebrate those achievements. The fact that we are here several years after we identified a site, secured the site and have been paying rent on that site is a disappointment because I would prefer to see that money going into grassroots sports. That's exactly the place where we want to see sports funding placed.

We have spent a record $96 million in the past two budgets on upgrading facilities. It was terrific to be down in Willunga and McLaren Vale on the weekend where the Willunga Recreation Park received $500,000, and the McLaren Vale Netball Club received $292,000, to build facilities at the grassroots.

I would prefer that the money that we have spent on this lease for a still empty building had gone to grassroots sport rather than to this lease, but it's not our fault that there is no museum in

there. It is not our fault that there is not a museum in there. This was an ask from Sport SA, the advocacy group of sport in South Australia.

Mr Bell: Did you sign a contract? Did you actually make them commit to anything?

The Hon. L.W.K. BIGNELL: They wanted to have a sports museum—

The SPEAKER: I warn the member for Mount Gambier.

The Hon. L.W.K. BIGNELL: —to honour the wonderful sports people of this state. I think that's a good idea as well. I think, if there is actually a museum there, it's a good use of money. If it's an empty building—

The Hon. A. Koutsantonis: Why try and embarrass Rob Gerard? Why are they trying to embarrass Rob Gerard?

The Hon. L.W.K. BIGNELL: I have no idea why they want to embarrass Rob Gerard in this way. I have no idea, Treasurer, why they would want to do that.

The Hon. A. Koutsantonis: I'll have to call him and tell him what's going on.

The SPEAKER: The Treasurer is warned for the second and final time.

The Hon. L.W.K. BIGNELL: I have written to Rob Gerard, as I have said, and I have written to Sport SA many times, and just said—

Mr Duluk: What did Michael Wright say? Isn't he one of your mates?

The Hon. L.W.K. BIGNELL: Many times, I have said—

The SPEAKER: The member for Davenport is warned.

The Hon. L.W.K. BIGNELL: And I have said, 'You've made a commitment that you'll be in there, we've made a commitment by paying the rent and it's still empty, and we want to see some action in there.' So the failings aren't failings on the government's part. When we made a commitment to make that space available to Rob Gerard and to Sport SA, we expected them to go out and start fundraising straightaway, like they said they would. They gave us an undertaking that they would do that, and they have not done it.

As I said, we have spent record amounts of money on sport in the past two budgets here in South Australia, and I want to thank the Premier and the Treasurer for that commitment. I want to thank the member for Reynell as well for the advocacy that she has put in for community sport. We have an incredibly proud record when it comes to funding sport—

The SPEAKER: Minister, we are in the middle of question time; nightwatchman services aren't required.

The Hon. L.W.K. BIGNELL: —and I would love to see the sports museum up and running. If it's not on the present site, then somewhere else in South Australia because the sports men and women of South Australia deserve to be recognised.

REGIONAL DEVELOPMENT FUND

Mr BELL (Mount Gambier) (14:40): My question is to the Minister for Regional Development. Can the minister confirm that there will be no round 4 of the RDF funds, and how is this being communicated to regional applicants?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (14:41): If the member can recall, the same question was asked in the estimates and I gave him the answer then. The Regional Development Fund No. 3 has been overwhelmingly oversubscribed, and I then allocated money out of the 2017-18 budget for that there. From memory, my discussion with the member in estimates—and I will stand corrected on this—through the regional managers out there and RDAs, they are still negotiating with those people out there and are quite happy to receive any applications through the regional development managers, out through the RDAs.

REGIONAL PUBLIC TRANSPORT CONCESSIONS

Mr BELL (Mount Gambier) (14:41): My question is to the Minister for Regional Development. Does the minister support the government's policy of not providing free public transport for Seniors Card holders in regional South Australia?

The Hon. G.G. BROCK (Frome—Minister for Regional Development, Minister for Local Government) (14:42): I thank the member for the question and, as the member would realise, that is under a different portfolio. If I may, Mr Speaker, ask that it be directed to the correct minister, and I think it's the Minister for Transport.

REGIONAL EMPLOYMENT

Mr VAN HOLST PELLEKAAN (Stuart) (14:42): My question is to the Minister for Regional Development. Will the minister advise the house how many net new regional jobs—so new jobs less existing jobs lost—will be created as a result of the government's plan for the Bundaleer and Wirrabara forests, and when will these new jobs materialise?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:42): We are working on what is happening with the Northern Forests, and I thank the member for Stuart for the interest that he has shown in the redevelopment of the forests. As we said, when we were up there back in 2014 at a community meeting in Jamestown, and the member for Stuart was there as was the member for Frome, the future isn't going to look like the past up there because of the devastation of those bushfires that went through the Mid North forests.

We have explained to the community up there that we would have liked to have seen this progress a lot quicker than it has, but it's been several layers on top of each other in working out the ownership. We have had some very good expressions of interest. We have had some binding expressions put to us as well, but in some cases they have overlapped, so we have had to go back to people who have put up proposals and see if they would be willing to cut out a portion of the land that they have actually bid for so that someone else can do some other activities within that space.

We have had the member for Frome come and meet with me. We have also had lots of representations from the member for Stuart, so both local members have been doing a good job in representing the people of their area and I thank them for that. As to how many jobs, we don't know yet because the process hasn't been finished. But I know there's a big battery going up in Jamestown, so we are looking after the Mid North. There is going to be the world's biggest battery built up there. It will support a number of jobs up there. As we said back in 2014, we don't know what the future will be like, but it's not going to be like the past, when the very first commercial forests in Australia were planted there in the 1870s—I think was 1873.

If you look at things now, it is not the space where you would have planted forests. There are better uses for the land up there. We are working through with the commercial sector as well as with the Department of Environment, and some recreational users as well, at how that land can be used. We haven't reached the end of the process yet, so we don't have a number of how many net jobs have been created.

The SPEAKER: The member for Kaurna. This could be the first time a member has both answered and asked a question in question time.

STATE MAJOR BANK LEVY

Mr PICTON (Kaurna) (14:45): Multitalented. My question is to the Treasurer. Is the Treasurer aware of any announcements by major banks that may be of interest to the house?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:45): Indeed I am, sir. Today, I am aware of a significant announcement by the Commonwealth Bank that it has delivered a full year net profit after tax of $9.928 billion. I am also aware that bank chairman, Catherine Livingstone, has expressed concern about the bank's reputation, and chief executive, Ian Narev, has admitted the public does not hold banks in high regard. Obviously, they haven't told members opposite.

If banks are generally concerned about their reputation, then they would honourably stand up and agree to pay their fair share of tax, so that we as a state can create more jobs. To be clear, the major bank levy is not targeting banks—

Ms CHAPMAN: Point of order, Mr Speaker: the matter is still before the house and it is still under consideration. I ask the Treasurer either to join the debate after question time or not answer the question.

The SPEAKER: I'm afraid I uphold the point of order. The minister must not canvass the merits of the matter before the house.

Mr Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

Mr Knoll interjecting:

The SPEAKER: And so is the member for Schubert.

The Hon. A. KOUTSANTONIS: I also point out I was asked a series of questions by the opposition on the major bank levy immediately after the budget, so I assume now no more questions—

Ms Chapman interjecting:

The Hon. A. KOUTSANTONIS: It was—yes, it was tabled on budget day. So another convention wrecked by the opposition—that oppositions are allowed to ask questions of budget measures leading up to the debate—as of today because of the Deputy Leader of the Opposition. No more, Mr Speaker!

Mr PISONI: Point of order: you ruled the question out of order, and the minister is still speaking, still answering the question.

The SPEAKER: No, the speaker is not canvassing the merits of the bank tax: he is upbraiding the opposition about the point of order.

Members interjecting:

The SPEAKER: I accept the Treasurer's criticism with equanimity; there is no need to intervene on my behalf.

The Hon. A. KOUTSANTONIS: I even look longingly on former Speaker Gunn, which says something. Mr Speaker, $9.928 billion announced today could fund the bank's liability for the major bank levy for more than 500 years—500 years.

Ms CHAPMAN: Point of order: the Treasurer is directly defying your ruling.

The SPEAKER: I'm not sure that he is.

Ms CHAPMAN: No, he's made a statement, Mr Speaker, about the allegation of the profitability funding the levy.

The Hon. J.M. Rankine interjecting:

The SPEAKER: The member for Wright is warned for the second and final time.

Members interjecting:

The SPEAKER: He is shimmying around the ruling.

Ms CHAPMAN: Well, Mr Speaker, can I just present this: the Treasurer has directly identified an alleged level of profitability as being sufficient to fund the tax that is under consideration in the Budget Measures Bill. That is a direct debate and contribution that should be dealt with after question time.

The SPEAKER: I'm not sure that it really canvasses the merits of the bank tax.

Ms CHAPMAN: He's suggesting that it's available funds to fund his tax. That is direct debate, and if he wants to discuss it he can come in here at 3.30 and have that discussion.

The SPEAKER: Thank you; I will listen carefully to what the Treasurer has to say and I remind him that he is on two warnings.

The Hon. A. KOUTSANTONIS: Thank you very much, sir. Considering that the Commonwealth Bank has reported its retained profits now total $26 billion, this means that any government in Australia can levy, say, hypothetically, a replica of the commonwealth government's major bank levy and it wouldn't touch the sides of the impact of the Commonwealth Bank. It wouldn't touch the sides.

But if they want to repair their reputation as a corporate citizen, given that they are currently facing accusations of breaches of anti-money laundering and terrorism activity, you would think that the Commonwealth Bank, rather than writing ads attacking the South Australian economy, may actually do some work to build its reputation. Perhaps, rather than members opposite siding with an organisation currently facing 53,000 allegations of anti-money laundering breaches—

Ms CHAPMAN: Point of order: these are matters for consideration in the Budget Measures Bill on this levy and have been debated this morning.

The SPEAKER: No, the deputy leader will be seated. The Treasurer's remarks are out of order, but not for that reason. The Treasurer appears to have finished.

The Hon. A. KOUTSANTONIS: No, I have not, sir.

The SPEAKER: But wait: there is more.

The Hon. A. KOUTSANTONIS: Given the level of profits one of the Australian banks announced today, and given that ANZ, NAB and Westpac are under official investigation by ASIC and the ACCC after being accused of rigging their own rates, the accusation forced the ANZ to sack seven of its traders. These are the people members opposite side with. There are some banks that have even increased interest rates on home owners, despite the RBA only having cut official rates since November 2000; that is, they are increasing rates against the tide of the RBA. These are the people members opposite side with.

The SPEAKER: The minister's time has expired.

INTERNATIONAL STUDENTS

The Hon. S.W. KEY (Ashford) (14:51): My question is to the Minister for Investment and Trade. How are the achievements of international students being recognised in South Australia?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:52): I thank the member for Ashford for the question. International education is South Australia's number one service export, with the latest ABS statistics showing a 12.5 per cent increase in value in 2016 to $1.13 billion. The government aims to have 35,500 international students studying here by the end of this year—a target we are on track to achieve. I think that is almost twice the size of Mount Barker and many times the size of Kangaroo Island—a very significant number of young people walking around the city every week.

The StudyAdelaide Student of the Month initiative aims to recognise and reward international students for their outstanding achievements during their time in Adelaide. It is an opportunity for StudyAdelaide's member institutions to nominate outstanding students in the following categories: academics, arts, sports, volunteering, innovation, mentoring and as ambassadors. Winning students receive a certificate signed by the Minister for Investment and Trade and a gift voucher.

The winners for the first round in April are Vinh Dang from Vietnam, studying a Bachelor of Engineering (Honours) at the University of Adelaide, whose commitment to volunteering is why he was nominated by the university, and Ugur Berat Yulmiz from Turkey, who is studying a Bachelor of Software Development at TAFE SA. Again, Ugur is an enthusiastic volunteer at the Digital Hub on Hutt Street and the Art Gallery.

There were three winners selected for the May Student of the Month awards: Victor De Yi Law is from Malaysia and studying a Bachelor of Science (Veterinary Bioscience) at the University

of Adelaide, Kaiduo (Kevin) Wei is from China and studying his MBA at Flinders University, and Chia Hao Lee is from Taiwan and studying a Certificate III in Commercial Cookery at TAFE SA.

The June winner, Abhishek Mathew from Canada, is currently studying at the University of Adelaide and is in his third year of dentistry. As a brand-new student, not only was he elected by his peer to be their representative in dentistry but he was appointed Tutor in Dentistry at St Ann's College this year. Congratulations to the winners so far.

Nationally, education exports are valued at $21 billion, almost $22 billion, in the 2016 calendar year, up by 17.7 per cent. As I mentioned, South Australia accounts for a significant portion of that national education export revenue. Every one of these young people rents an apartment, they buy meals, their parents come out to visit and they are fantastic for the state. Nationally, fees to education institutions account for around 48.3 per cent of the value of education exports and 50.9 per cent on other goods and services, for example, living expenses. On a sector basis, the value of education as an export was mainly from higher education vocational training, claiming 69.5 per cent and 17 per cent respectively.

The contribution of international students to our economy extends beyond the purely financial benefits of expenditure on education to retail, accommodation and tourism. They also enrich the social and cultural diversity of South Australia and contribute to society through participation in the workforce and their local communities. This is a great industry flourishing in the state.

GLENGOWRIE AMBULANCE STATION

Dr McFETRIDGE (Morphett) (14:55): My question is to the Minister for Health. Can the Minister for Health update the house on the progress being made in building the new ambulance station at Morphett Road, Morphettville?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:55): Indeed I can. I would like to thank the member for Morphett for his question and recognise his longstanding interest in our emergency services.

In June, the government announced a site for the brand-new western ambulance station to be built at Morphett Road, near the Morphettville Racecourse, a location that is, no doubt, familiar to the member for Morphett in his previous career as a vet. I am pleased to inform the house that the government has now taken possession of the land and that early preparatory site works are underway. I understand that the construction tender will be issued later this month and will close in late September. Construction is expected to start in November and the station is anticipated to be operational late next year.

The plans for the new station will include the provision of accommodation for operations staff, seven ambulances and two light-fleet vehicles. Importantly, the site will also provide for expansion to accommodate future growth in the area. The state-of-the-art station has direct access to Morphett Road, and proximity to Anzac Highway will lead to improved response times for the community. The central location will provide easy access to the new Royal Adelaide Hospital, The Queen Elizabeth Hospital and the Flinders Medical Centre.

The $6.4 million Glengowrie station is one half of the government's $12 million investment in new stations, with a new northern station to be built next to Parafield Airport. Investment in new ambulance stations in the north and west of Adelaide comes on top of new stations opened late last year, in Oakden and Noarlunga, and the new Seaford station, currently under construction on Seaford Road.

I would be remiss not to mention that the brand-new MedSTAR base is fast taking shape at Adelaide Airport. When it is completed later this year, it will join with the new Royal Flying Doctor Service to form the new aeromedical precinct at the western part of the airport. Our state has some of the best ambulance clinicians in the world, and the government is dedicated to ensuring they have world-class equipment and the best facilities. This new station in Glengowrie is great news for residents of the western suburbs and is part of our commitment to deliver the type of quality care that South Australians deserve.

CHILD PROTECTION SCREENING

Mr TARZIA (Hartley) (14:58): My question is to the Minister for Volunteers. Has the minister's office received any correspondence that might suggest delayed applications for screening checks have resulted in applicants missing out on volunteering or employment opportunities?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:58): Thank you very much for your question. Last financial year, 96 per cent of screenings were completed within 30 business days. I will continue to advocate and support that we keep up that percentage. Obviously, whether you are seeking a child-related screening for employment or volunteering, we will go through the system and we will deliver that within that 30 business days. Sometimes we do have more complex inquiries that take longer, but I have been very dedicated over the last few years to turn that around and have it happen as efficiently as possible.

CHILD PROTECTION SCREENING

Mr TARZIA (Hartley) (14:58): Supplementary: can the minister advise what is the longest time that one of these screening checks has taken in the last year?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (14:59): You asked me that in estimates. I don't have an answer for you, but can I just talk to people about the situation. When people apply for a child-related screening—and nearly 260,000 South Australians have a child-related screening—we go through a very rigorous process. What that requires us to get is CrimTrac information, information from South Australia Police and other interstate police. That is a third party. Sometimes that takes time, but I diligently worked on turning around the time it takes, and it is at 96 per cent.

RETIREMENT VILLAGES

The Hon. J.M. RANKINE (Wright) (14:59): My question is to the Minister for Ageing. How are recent government initiatives in the retirement villages sector providing certainty for older South Australians?

The Hon. Z.L. BETTISON (Ramsay—Minister for Communities and Social Inclusion, Minister for Social Housing, Minister for the Status of Women, Minister for Ageing, Minister for Multicultural Affairs, Minister for Youth, Minister for Volunteers) (15:00): I thank the member for her question. The retirement village industry in South Australia has been involved in a significant reform program culminating in the commencement of new legislation on 1 January 2018. Following close consultation with the sector and community, the new act and regulations will deliver much-needed transparency and protections for current and future village residents.

The introduction of the guaranteed buyback at 18 months if a residence is not relicensed is a key feature that I have been committed to. This will provide greater certainty around when a resident or their estate will be repaid an exit entitlement. The act also serves to ensure that residents wishing to leave their village can remain in situ until relicensing occurs. This should enable people to feel more able to move closer to family, new friends or a new partner should their circumstances change.

Despite pressure to adopt similar provisions to those interstate, which in many cases result in financial uncertainty, I am pleased to say that South Australia has stood firm and worked to provide a better balance between the interests of residents and operators. Significant steps have been taken to raise awareness of the various costs for prospective residents. The introduction of a standard disclosure statement will provide a summary of fees and charges that a resident will be required to contribute before entering, while living in and upon leaving a retirement village. This increased awareness will assist residents in choosing the offer which best suits them.

The act introduces provisions relating to what is to occur when there is a surplus or a deficit in a village's recurrent fees and requires all villages to adopt a surplus or deficit policy. While the

industry has evolved significantly over the past 20 years, penalty amounts have remained relatively unchanged. The application of offences and penalties is a last resort, so they should be significant enough to deter contravention of the act. Penalty amounts now range from $750 to $35,000 for offences relating to the provision of residence contracts.

The retirement village sector is extremely active. This new legislation has provided certainty to operators, resulting in investment and jobs. It is exciting to hear reports of developments underway or currently in the planning stage, including Southern Cross Care's Carmelite premium apartments in Myrtle Bank, the Uniting Communities development of a multiuse project in Franklin Street and The Brougham in North Adelaide overlooking the city.

In addition, Living Choice has announced a $40 million retirement village on the edge of the Flagstaff Hill golf course, which will include 133 villas and apartments for around 200 residents. Life Care has announced a development on the grounds of Pedare College in Golden Grove, and Stockland are expanding their Somerton Park Seniors Living Community. This piece of consumer legislation aims to strengthen the protections available to residents while providing greater clarity for operators. There is a fine line between the interests of operators and consumers, and I strongly believe that this act has achieved this balance.

One of the key important parts for me, as we go out before this legislation commences, is to make sure that both operators and residents are informed. We have scheduled some information sessions in regard to this: on 2 August at Mount Gambier for operators, on 14 August in Victor Harbor for residents and operators, on 16 August at Metro North in Golden Grove for residents and on 18 August at the ACS State Symposium in Adelaide for operators.

The SPEAKER: The minister's time has, alas, expired. The member for Fisher.

REGIONAL TOURISM

Ms COOK (Fisher) (15:04): My question is to the Minister for Tourism. How are events assisting in boosting tourism numbers in the regions?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (15:04): I thank the member for Fisher for the question. Regional events are vitally important to country towns and cities right around South Australia. They give the community a sense of coming together to put on a fantastic show but, just as importantly, they bring people into the regions to spend money from outside the region and encourage jobs growth and economic activity. This is why the government provides financial and marketing support through the Regional Events and Festivals Program to tourism events that generate an increase in visitation.

The state government has allocated $404,000 in sponsorship to 39 events during 2017-18 for 10 sponsorships under the Community Events Development Fund and 29 sponsorships under the Regional Events and Festivals Program. Some of the events are continuing sponsorships through multiple year agreements initiated in 2015-16 or 2016-17. I will give details of some of the events receiving state government funding for the first time. A Day on the Bay at Coffin Bay will be receiving $5,000 for that event in September this year. The Robe Home Brew and Craft Beer Festival, at Robe, will receive $4,000, and that will be held in October this year.

Red Poles and Spinning Yarn at McLaren Vale will receive $5,000 for the 2017-18 year. One event that I know will be of interest to the member for Mount Gambier—and our very good friends down there the Gazzards—is the Australian Sprint Car Championship at Mount Gambier. They will receive $10,000 for their event in January next year. I want to thank Peter Gazzard and everyone who has worked so hard to get this nationally significant event to Mount Gambier. It is going to be a huge drawcard and a great time of year to be in the Mount.

The Keith Dirt and Diesel Derby in March next year will receive $5,000 and the Clare Classic, of which the member for Frome is a big supporter, will receive $10,000. The Silver Raven Festival in the Barossa will receive $10,000 for April next year. The Hubert 100 Ikara-Flinders Ranges in May next year will receive $5,000. Regarding the 18 Hours Melrose and the Melrose Fat Tyre Festival, I know the member for Stuart is a huge advocate for this wonderful event. He will be pleased to hear that there is a $10,000 plus $10,000 contribution there.

The member for Waite is a huge fan of the Bay to Birdwood which is being held on 24 September this year, and no doubt he will be out there again. That event will receive $15,000. The Coonawarra Cabernet Celebrations will receive $15,000. In the past, the member for Mount Gambier and I have had a cabernet at this wonderful festival. The Handpicked Festival, supporting live music and premium food and wine on the Fleurieu, will receive $10,000.

Mr Duluk interjecting:

The Hon. L.W.K. BIGNELL: The member for Morphett, I see you at the Bay Sheffield each year—

The SPEAKER: The member for Davenport is warned for the second and final time.

The Hon. L.W.K. BIGNELL: There will be $20,000 for the Bay Sheffield, which is a terrific event. The Crash Festival and Winter Reds in the Adelaide Hills will receive $15,000 plus $15,000 next January and July respectively. The member for Flinders is a huge champion of the Tunarama. He has been to see me several times about helping out the Tunarama, and he was there volunteering this year during the tuna toss along with the Prime Minister of Australia, who turned up as well. It was great to see such big numbers. There is $25,000 for the Tunarama and let's hope that the tuna barons put some money in there as well. It will be great to see some local support. The Clare Valley Gourmet Weekend will receive $18,000 and the Adelaide Beer and BBQ Festival will receive $15,000. Of course, we just had the successful edition of that last week—

Ms CHAPMAN: Time, sir.

The SPEAKER: I am aware of the time and I don't need the deputy leader to assist me.

The Hon. L.W.K. BIGNELL: The Beer and BBQ Festival is a fantastic festival of South Australia.

The SPEAKER: The minister's time has, alas, expired.

DEPARTMENTAL STAFF

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:08): My question is to the Attorney-General. How much was Mr Robert Chappell paid while on leave between September 2016 and May 2017, and was he paid any termination payment upon his dismissal?

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:09): There is a French word for this and it starts with deja—

An honourable member: Vu.

The Hon. J.R. RAU: Deja vu—that's the word. For a minute, I thought I was back in estimates a couple of weeks ago and I was hearing a question that had been asked of me in estimates.

The Hon. J.J. Snelling: Deja vu all over again.

The Hon. J.R. RAU: All over again—it's deja vu all over again. Assuming it wasn't—

Members interjecting:

The Hon. J.R. RAU: How much higher would you like them?

Members interjecting:

The Hon. J.R. RAU: I have heard about men like you before and I'm not going to cooperate with that. The answer is that I did answer, if I'm not mistaken, that question the other day. I thought it was quite a good answer, which was: I would find out—and I will offer that answer again.

Grievance Debate

PINE AVENUE RAIL CROSSING

Mr SPEIRS (Bright) (15:10): I would like to draw the house's attention today to the state Labor government's plan to close the Pine Avenue railway pedestrian crossing at Seacliff. The government cites safety concerns with regard to the crossing. However, I understand that there has never been an accident at this crossing, while there have been incidents at other points on the line in the past. Safety is a topic that can easily be hidden behind, and it is a line used regularly by the transport department to deflect criticism.

While safety is always a very serious consideration, it should not be used as an excuse for lazy planning. The same concern over safety was raised when we had the train horn debacle afflicting my community, with horns blaring every time a train entered a train station, exited a train station and crossed a level crossing the length of the Seaford line. Thankfully, after considerable campaigning over a period of 18 months, we were able to reach a balanced position where a quieter horn was used at more appropriate times.

I hope the same level of common sense can be reached with the Pine Avenue pedestrian crossing, and I hope it does not take the many months that it took to deal with the horns. I do not believe that a railway crossing has any level of danger greater than a main road. In our community, Brighton Road is just a couple of hundred metres from the Pine Avenue crossing. It has four lanes and carries up to 40,000 vehicles each day. While it has inherent dangers, we teach personal responsibility and we would never consider fencing off Brighton Road and preventing interaction with it.

I note that the closure of the crossing is part of a plan by the government to reduce the number of crossings along the Seaford line. In my electorate, the transport department proposes to undertake upgrade works at four existing railway pedestrian crossings at Seventh Avenue, Hove; Amelia Street, Hove; King George Avenue, Brighton; and Beach Road, Brighton, placing automated gates at these crossings. The department also proposes to remove four railway pedestrian crossings at Dunluce Avenue, Brighton; King Street, Brighton; Hallett Cove station; and the crossing I am speaking specifically about today, the Pine Avenue crossing found at Kingston Park and Seacliff.

I note that members of the public only became aware of these closures when they read about them in the local Messenger newspaper, they were doorknocked by locals seeking petition signatures against the closure or they received a letter from me outlining my concerns about the closure. The reason I am so opposed to the closure of the Pine Avenue crossing is that it forms a critical walking link within the Seacliff-Kingston Park community.

The crossing links a range of key destinations in the area. East of the crossing we find Brighton Road with multiple businesses, including a local deli and medical facilities, while there is also Seacliff Primary School. In the west, we find the Brighton and Seacliff Yacht Club, the Seacliff Surf Life Saving Club, the Brighton Caravan Park, Pine Gully Reserve and, of course, the beach and all the recreational opportunities that it offers. There is no doubt in my mind that the closure of the crossing will seriously and detrimentally impact upon the livability of our community, discouraging walking and encouraging people to jump in their cars to get their shopping or take the kids to school.

I have been contacted by parents of students at Seacliff Primary School about this closure, who feel that it will restrict access to the school and diminish the likelihood of children walking to school. Similarly, many elderly people, some of whom do not drive, who use the crossing to access the deli and medical facilities on Brighton Road would be considerably more isolated without the crossing. I want to particularly thank Mrs Shirley Whittaker for taking the time to write to me to outline her personal story of how the crossing's closure would affect her.

I was delighted that on Sunday 6 August the shadow transport minister, the member for Unley, accepted my invitation to visit the crossing. He met with 25 local residents who turned out to lunch at the home of Kinda Snyder. Not only was a delicious lunch provided but Ms Snyder also provided a comprehensive presentation on why the crossing's closure would have an adverse impact on the community.

I would like to thank Kinda for her efforts in driving this campaign, which has been admirable. I have also been delighted that the City of Holdfast Bay, led by the Deputy Mayor, Susan Lonie, has come on board and unanimously supported Kinda's call for the crossing to remain open. The Pine Avenue crossing does not need to close. If there is a genuine safety concern, there are other solutions to improve safety, including a system of pedestrian lights or automatic gates if required. I urge the government to reverse the decision to close the Pine Avenue railway crossing.

INDIGENOUS LEADERS

Ms BEDFORD (Florey) (15:15): Today, I want to put on record condolences on the passing of three special Indigenous people. The first is Dr G. Yunupingu, who passed away in late July. He was Australia's most prominent Indigenous musician and died at the age of only 46. He is remembered as a genius and wonderful human being.

He became generally known throughout all Australia after winning an ARIA award in 2008 and went on to sell millions of albums after learning to play the guitar upside down, as he was blind from birth and self-taught. He sang in the Yolngu language, hauntingly, and changed things forever. Some years ago, I heard him sing at the Opera House in Sydney at the Deadly Awards night, and superlatives are certainly not enough.

He had much illness in his life, contracting hepatitis B as a child and then suffering liver and kidney disease, but he did not let this stop him, and he performed all over the world in front of many world leaders. His death was preventable, and his friend Vaughan Williams is quoted as saying, 'It's a failure of all of us that we have lost such an amazing human being. I feel he was trapped in the same cycle of bad health that so many Indigenous people are trapped in.' May Dr G. Yunupingu's legacy be to see that the cycle ends. Our hearts go out to his family, his community and his many friends.

Next is an Adelaide man, Stephen Gadlabarti Goldsmith, who died suddenly aged 60 on 24 July. A Kaurna-Narungga man, Stephen's larger than life image greets travellers at the Adelaide Airport. He had a long association with the University of Adelaide, with Head of Linguistics Rob Amery saying Stevie's role as Director of Kaurna Language meant he was a 'central pillar of the whole team'. On a personal level, Stevie was always kind and supportive of my endeavours on behalf of Indigenous people. He was involved in many ceremonies, dance performances and welcomes, one very recently here in this very chamber. He played the yidaki (didgeridoo) and was not afraid to face the difficult truths of the past with a smile.

Professor John Carty said that Stevie had encouraged people to be really brave and 'really generous in the way that we tell stories'. Stevie recently had a role in *The Secret River* at the Adelaide Festival. He was a great advocate for reconciliation and his influence will be always remembered and felt into the future. Our sympathies go to his family, community and friends.

The final person I want to remember is Yami Lester, and I understand that the Premier gave a statement earlier here today. Yami was an Aboriginal elder, activist and leader who died at the age of 75. Yesterday, 500 people travelled to Walatina Station in South Australia's Far North for this wonderful man's state funeral. He is now at rest in the red soil of his homeland. Political leaders travelled from far and wide, and I know our Premier and leader attended to celebrate the life of this remarkable man.

A proud Yankunytjatjara man, his life was one of achievement won with courage in the face of many hardships. It is perhaps as an anti-nuclear campaigner that most of us came to know him, after he was blinded by the black mists from Maralinga in the 1950s. But before that, in his early days, he was a legendary stockman with a real gift. Fate took a hand, though, and his life was spent fighting, not riding, challenging all who stood in the way of his fight for those affected by the testing as well as championing land rights. I have been privileged to visit Anangu land and know that it is worth fighting for.

The McClelland royal commission led to a long overdue clean-up of the land and some compensation for the Maralinga Tjarutja people. I quote from Nicola Gage's ABC report when I tell this house that Yami's work was pivotal in the hand back of Uluru and acknowledged in his receipt

of an Order of Australia medal. Our thoughts are with his family, community and friends in this time of sadness and loss.

While attending the Hiroshima Day Commemoration in Peace Park on Saturday, it was my honour to speak about Yami at the request of the Graham F. Smith Peace Foundation which, along with the Romero Company, works for peace here in Adelaide. All present remembered Yami and spoke of the recent trip by his daughter Karina Lester to a UN conference in New York to tell her father's story, which many there already knew, and to promote a ban on nuclear weapons—something evermore important in a world that still speaks of such a threat as being imminent and almost unavoidable.

We must do as Yami did: raise our voices and do our bit. Schools in Florey and I hope more widely are becoming active for peace, and the message will spread from our young people. Groups like the Women's International League for Peace and Freedom will work with the Graham F. Smith Peace Foundation and Romeros to unite all like-minded people, and I understand that the Red Cross also had an event here in Adelaide last weekend.

Solidarity is strength, and we must all keep united in efforts to the memory of these three men in making the world a safer place—something I know they would all want us to do.

MITCHAM HILLS COMMUNITY

Mr DULUK (Davenport) (15:19): I rise to recognise and acknowledge exceptional individuals, groups and activities in my local community. We are truly spoilt in the Mitcham Hills, which is an area with such strong community spirit represented across a range of volunteer groups and public events. This is certainly epitomised by our CFS and SES crews, whose dedication and commitment to our local community are extraordinary.

In the 2016-17 financial year, the Blackwood CFS attended 315 incidents, five vehicle collisions and other emergencies. That is 315 times that members of my community stopped what they were doing to prioritise their local community and help others. There are then the many hours they commit to training to ensure that they are prepared when called upon to help those in their moment of crisis. Recently, they have also gone above and beyond the role of local volunteers, by assisting with a response to the Melbourne plastics fire. On behalf of my community, I thank the dedicated volunteers of the Sturt CFS Group, the Blackwood Country Fire Service, Eden Hills CFS, Cherry Gardens CFS, Belair CFS station and the Coromandel CFS station as well.

I also want to acknowledge the dedication and commitment of our local SES crews on what was a busy weekend just gone, responding to another round of damaging storms. It was a pleasure to attend the official opening of the unit's new shared facilities at Coromandel Valley on Saturday with the responsible minister. The Sturt SES unit operates with approximately 40 to 50 volunteer members, and their shared facilities are certainly a welcome improvement for the hardworking volunteers.

The Mitcham Hills and surrounding areas are home to some of the most beautiful and scenic parts of metropolitan Adelaide. We are certainly spoilt not only by living in such an area and enjoying it daily but also by the many hardworking individuals who commit hours of their own time to care for and preserve our local environment. The Friends of Sturt Gorge, the Friends of Belair National Park and the Brownhill Creek Association are just some of the many very active groups in my community. Over the past couple of months, I have had the pleasure of spending time with them.

I would like to thank Barb, Allan and Friends of Belair National Park volunteers for taking the member for Bright and me on a guided orchid walk through the park several weeks ago. The member for Bright and I were also fortunate to receive an invitation from Ron Bellchambers, on behalf of the Brownhill Creek Association, to tour the Brownhill Creek Recreation Park. It was a fantastic opportunity to learn about the work of the association and the work that the association undertakes to preserve the park's history and environment, including the Wirraparinga Loop trail.

The Friends of Sturt Gorge also showed me around the flood mitigation dam within the park, and I thank Bob and Albert for their time and enthusiasm for caring for the gorge. The friends would like to see a light footbridge built along the existing dam to improve access to the whole park for hikers and mountain bikers alike. I have written to the Minister for Sustainability, Environment and

Conservation on their behalf, and I am hopeful of receiving a favourable response in the near future. The opportunity to spend time with these groups has been invaluable, and it has provided real insight into their passion and commitment for our local environment, as well as into the importance of their work. All South Australians are indeed indebted to their service.

Back in April this year, the Upper Sturt Soldiers Memorial Hall—a much-loved and popular venue for many local events—was broken into. The stolen items included a fridge, oven warmer and even the table-tennis nets and paddles. It may not seem like a significant crime but, to the local residents and the community of Upper Sturt, this was a devastating crime, committed on their beloved Soldiers Memorial Hall. The community response was swift and typical: the break-in and theft had no sooner been reported that a fundraiser was already in the works.

The hardworking Upper Sturt Soldiers Memorial Hall committee—led by Cathy, John and Jean Evans—organised a fantastic evening, and I was there to celebrate it with Josh Teague, the new Liberal candidate for Heysen. Of course, we were joined by local businesses, which donated prizes, equipment and supplies for the event. It is heartening to live in and represent such a supportive friendly community.

Some other groups that I would like to acknowledge who have had significant events in the community recently include the Blackwood Rotary Club, which recently hosted their 34th art and photography show at Blackwood High School; and Gallery One in Mitcham held yet another successful gala night, with the Mitcham Art Prize and Auction. The Blackwood Community Recreation Centre celebrated the 10th birthday of its Strength For Life and gym fitness club, and St John's Grammar School's Performing Arts Centre was opened two weeks ago by the iconic Australian jazz legend, James Morrison.

Of course, I would also like to mention the Blackwood Freemasons' lodge, which recently donated a St John Ambulance defibrillator to the Blackwood community with the support of Drake's Foodland, which is now the custodian of that defibrillator in our community.

TRAINEE AND APPRENTICE PLACEMENT SERVICE

Mr ODENWALDER (Little Para) (15:24): Last week, I was delighted to represent the Minister for Higher Education and Skills at the Trainee and Apprentice Placement Service Awards of Excellence and their graduation ceremony. I was also joined by His Excellency, the Hon. Hieu Van Le. It was great to see him there. TAPS, as it is affectionately known, is a not-for-profit organisation that employs and supports the training of apprentices and trainees.

When I first arrived, I was really happy to realise that the Tony Mansueto on the function information sheet was in fact the Tony Mansueto who used coach my son's futsal team two or three years ago, so it was great to catch up with him. He and some of the other board members spoke highly of previous ministers, in particular the members for Colton and Newland, and they were also very pleased with the current minister.

More than 2,800 apprentices and trainees across South Australia are currently employed within the network of group training organisations that TAPS is part of. Since it was established in 1997, TAPS has made a significant contribution to skilling the South Australian workforce in various critical skills areas, particularly plumbing and rooftop plumbing. The main objective of TAPS at the time it was formed was to reverse this trend of falling numbers within the apprentice and trainee field, particularly in the critical skills areas of plumbing and rooftop plumbing. It now also supports trainees in the field of business administration.

This organisation is not unique, but it is notable in its connection to the building industry. It ensures that its apprentices have access to the latest thinking, to high-quality training and to industry development at a state and national level. In the plumbing and roofing industries alone, TAPS currently employs over 300 endorsed candidates, hosted across more than 100 host employers. Group training organisations like TAPS have historically had a strong commitment to the traditional trades, particularly through their focus on mentoring and supporting apprentices through the life of their apprenticeship. This commitment contributes to South Australia regularly achieving completion rates above the national average, I am told.

Group training organisations in South Australia employ more than 2,200 apprentices, which represents 23 per cent of all apprentices currently employed in South Australia. An advantage, of course, in working for a group training organisation is that apprentices have the opportunity to work with a number of different host employers, giving them greater exposure to different aspects of their chosen trade. In turn, employers, who may not have sufficient work to take on an employee for a full apprenticeship, are still able to host an apprentice to help them during busy times.

On the night, more than 50 apprentices and trainees graduated in their chosen field. I was pleased to hand out many certificate IIIs. They were joined by representatives of host employers and, of course, their proud families and friends. In my address, I observed to the graduates that, while I was there proudly representing the minister and the government, I am also the local member in Elizabeth, an area which, as we all know, is facing something of an upheaval in the employment and training landscape, which industry and government are working very hard to address.

I am also the Chair of the Northern Connector Jobs Taskforce. The Northern Connector, as you know, Deputy Speaker, is a project that has verifiable targets both for local employment and for the significant employment of local apprentices and trainees. At the last meeting I had, I heard that they were exceeding these targets. I will continue to work very hard to make sure that remains the case. The provision of good quality industry-based training is a subject which is always bubbling away below the surface. I am proud of the work the government is doing in this area and of some of the budget measures that will facilitate the building of a skilled, capable and work-ready workforce.

Through the WorkReady initiative, the government is working to ensure that South Australians have access to government-funded training in courses that support the state's priorities, meet industry needs and develop the latest skills and knowledge. To date, we have invested about $45 million in the building industry, supporting about 13,000 learners. I am really pleased that in the most recent budget the Treasurer announced that we would be increasing the very successful Job Accelerator Grant Scheme, which specifically targets apprentices and trainees.

The Job Accelerator Grant Scheme has already helped to create thousands of jobs and will now offer businesses up to an additional $5,000 for each new apprentice or trainee they employ, increasing the total grant on offer to up to $15,000. This is of course on top of the other job creating budget measures, particularly the $200 million Future Jobs Fund. I am rapidly running out of time, but I did want to mention some of the winners. Obviously I am running out of time, so I will leave it there and perhaps come back another time.

HALL, MR J.C.

Mr TRELOAR (Flinders) (15:30): I rise today to speak on a sad yet significant day in Edillilie. I took leave from the parliament yesterday to attend the funeral of Jeffrey Clarence Hall, who for over 50 years ran Edillilie Motors and provided mechanical services to the township and surrounding farmers at Edillilie. Over those 50 years, Hally's garage had become an institution, as had Hall himself.

Jeff did his apprenticeship with Caterpillar and was a qualified and capable mechanic, but his real skill was keeping the wheels turning at Edillilie—a task not without its challenges. Countless times over a period of 50 years, farmers arrived at the garage often on the edge of despair with a broken exhaust, a cooked engine or anything in between, and Jeff would get them going. He was patient and had the knack of being able to chat to the customer and work at the same time, keeping the customer happy on all counts.

Jeff kept a wonderfully well-stocked range of new and spare parts. He had sold and serviced Nissan cars, Datsuns, SAME tractors and a range of other products over the years, but there was actually nothing he could not work on. If he did not have a new part, he would find a second-hand one to suit, or fix the bit you came in with, and it was usually in time to get you back in the paddock before dark. Everyone was in awe of Hally's ability and I recall one local describing Jeff as 'brilliant'.

Although Hally was famous across the coast as a mechanic, he, along with his wife Doreen, did much more. They took part in every aspect of life in Edillilie. Jeff had been involved with the Edillilie CFS since its inception in 1961, taking responsibility for the mechanical maintenance of whatever truck we had at the time. He often also drove the truck when the brigade was called out.

Jeff was awarded life membership of the CFS (or EFS, as it was then) in recognition of his contribution.

Jeff was involved in the town's community club, which eventually morphed into the Edillilie Memorial Progress Association. In fact, earlier this year, he, along with me and a few others, attended the most recent Edillilie Memorial Progress Association AGM. Jeff had been on the hall committee for many years, having been part of the new hall project in 1958. Jeff took his talents further afield, spending time with the Cummins Scouts and Guides, which included a huge contribution to the development of the Nyroca campsite near Wangary. He had also been Chair of Cummins Homes Incorporated.

Of late, Jeff would spend time tinkering in his workshop, fiddling with and repairing old pieces of equipment, which was something he loved doing. He was also often spotted tearing around town on his four-wheeler keeping an eye on things. You could not miss him really because the flag was always up high on the back of the bike, and no matter what the weather he would be wearing shorts.

As we heard from his grandchildren yesterday, Jeff was a loving and much-loved family man. His family will miss him and Edillilie will miss him, too. He was a warm, caring and capable man who made time for everyone. I had the pleasure of speaking at the funeral yesterday. I spoke many of the words that I have spoken here today, but I closed with an extract from a piece written for the Edillilie history book by Kitty Domagalski, who lived next door to Jeff and Doreen for many years. Kitty wrote:

> The changing colours of the seasons; fallowed paddocks like distant brown velvet, the green hills of the growing season, the gold and silver of early summer mornings and of nearby ripening crops. The blue of the Marble Range and the haze of the summer heat. Edillilie is our home.

Vale, Jeff Hall—a life well lived.

MINISTERIAL TRAVEL

The Hon. T.R. KENYON (Newland) (15:34): I rise to reflect a little bit on the discussion earlier today in question time, or at least some of the questions in question time, particularly those around ministerial and members' travel. It is easy to lose sight of history. It is worth remembering some of the questions. Let it be said right at the start that I think members and ministers should travel and, in fact, probably should travel more than they do. I do not think anyone is going to benefit from a group of parliamentarians sitting around in Adelaide, talking to each other about Adelaide, without any reference to the rest of the world, without any reference to the way other people do things and the way other people do things particularly better than us, and how we might learn from them and how we might improve the way we do things. Further to that, in fact, it should be done in a reasonable way.

Obviously, I do not have a problem with people travelling. I think we should travel more, as I said before, to learn, but I think it should be done in a reasonable and economic way. We have seen in the past some profligacies far in excess of what is needed, and one trip is worth talking about. On 27 December 1998, there was an article in the *Sunday Mail* that talked about some of the travel of the former premier, premier Olsen, now the President of the Liberal Party, of course. It stated:

> Full details of a 16-day $217,000 overseas business trip by the Premier, Mr Olsen, have been revealed. State Government documents have been released detailing Mr Olsen's trip to France, Spain, Britain and the US in September. The Premier, his wife Julie (for the UK part of the trip), and six advisers—including chief of staff Vicki Thompson and consultant Alex Kennedy—flew around the world and stayed in high-priced hotels.
>
> Taxpayers picked up the tab for most of the four nation trip. Pages of documents faxed to the *Sunday Mail* reveal Mr Olsen cost taxpayers almost $37,000 in airfares, accommodation—

remember that this is in 1998—

> and other expenses, with an additional $6600 in airfares for Mrs Olsen. Mr Olsen has defended the cost of the trip, saying he met with 20 organisations and was expected to generate more than $20 million in new investment.

This is, of course, precisely the reason to travel—for new investment into our state and ideas about how to better run the place—but again, as I said, it needs to be done in an economic way. I will return to the article:

> The official party flew out of Adelaide on September 4 to meet with power supply companies that had expressed an interest in buying ETSA and Optima Energy.

That is somewhat germane to current discussions. The article continued:

Mr Olsen had also met top-level sporting officials in Spain to discuss the Sydney 2000 Olympics. Also on the agenda were meetings with companies involved in the defence, tourism and food processing industries before they returned on September 20.

In London, the Premier and Mrs Olsen stayed in the Hyatt Carlton for six nights, costing more than $10,500. Mrs Olsen spent seven days in London before returning to Adelaide. While Mrs Olsen came home, her husband flew on the Concorde to New York where he stayed in the posh—

remembering that at the time Concorde was one of the most expensive fares in the world and certainly the most expensive between Europe and New York. I think it was an all first-class trip at the time, from memory—

Waldorf Astoria Hotel—costing $2416 for two nights.

Again, as I said, remember this is 1998. It continued:

Earlier, Mr Olsen had spent several days in France and Spain, running up more than $6000 in hotel expenses. In London, the State Government hosted a $25,000 investment dinner at Australia House for 125 businessmen.

I suspect that was money well spent. The article then stated:

Included in the overseas trip were the chief executive of the Department of Premier and Cabinet, Mr Ian Kowalick, and senior bureaucrat, Mr John Cambridge.

And there was a whole separate bunch of FOIs about Mr Cambridge. It then stated:

Then media adviser, Ms Thomson, cost more than $32,000 for her airfares, meals, accommodation and associated expenses. She accompanied Mr Olsen to New York aboard the Concorde—

again, an all first-class trip, if I remember rightly—

and stayed in the Waldorf Astoria, clocking up $2570 in expenses.

Expenses, but maybe accommodation as well, although $2,570 in expenses is the way it is reported here in the *Sunday Mail*:

Ms Kennedy, a former political strategist to Mr Olsen and now working as a consultant at selling ETSA, spent $27,000 on the trip.

Her costs were paid for by the Electricity Reform and Sale Unit, which is working on behalf of the State Government. Opposition Treasury spokesman, Mr Foley, has demanded the State Government explain the costs. 'Clearly, any government has to be careful when it's spending taxpayers' money and we'd want to be assured that the money was well spent,' Mr Foley said—

give him his due—

Mr Olsen said: 'The trip will play a key role in job creation in South Australia. I expect it to generate more than $20 million in new investment.'

Bills

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 6, page 3, lines 5 and 6 [clause 6, inserted subsection (2)]—Delete 'any requirement prescribed by the regulations.' and substitute:

—

(a) the location rules adopted by the council under section 225A; and

(b) any requirement prescribed by the regulations.

No. 2. Clause 6, page 3, after line 13—Insert:

(4) Subsection (2)(a) does not apply in relation to a permit for the purposes of a mobile food vending business primarily engaged in the sale of ice cream.

No. 3. New clause, page 3, after line 13—Insert:

6A—Insertion of section 224A

After section 224 insert:

224A—Breach of condition of authorisation or permit

A person must not breach or fail to comply with a condition of a permit for the purposes of a mobile food vending business under section 222.

Maximum penalty: $2,500.

Expiation fee: $210.

No. 4. New clause, page 3, after line 29—Insert:

8—Insertion of section 225A

After section 225 insert:

225A—Location rules—general

(1) For the purposes of section 224(2)(a), a council must prepare and adopt rules (*location rules*) that set out locations within the council area in which mobile food vending businesses may operate.

(2) A council's location rules must comply with the following requirements:

(a) requirements prescribed by the regulations;

(b) requirements (if any) specified by the Minister by notice in the Gazette.

(3) A requirement specified by the Minister under subsection (2)(b) may relate to location rules of councils generally or those of a particular council or councils.

(4) A council—

(a) may from time to time amend its location rules; and

(b) must amend its location rules in order to ensure that the rules comply with—

(i) any requirement specified by the Minister under subsection (2)(b); or

(ii) any direction given by the Small Business Commissioner under subsection (7).

(5) If the Small Business Commissioner recommends under section 225B(5) that a council amend its location rules—

(a) the council must give consideration to amending its location rules in accordance with the recommendation; and

(b) if the council resolves not to amend its location rules in accordance with the recommendation—the council must provide written reasons for the resolution to the Small Business Commissioner and the applicant under section 225B.

(6) If the applicant under section 225B is dissatisfied with the written reasons provided by a council in relation to a recommendation under section 225B(5) that the council amend its location rules, the applicant may request the Small Business Commissioner to consider directing the council to amend its location rules in accordance with the recommendation.

(7) The Small Business Commissioner may, on a request under subsection (6) and if satisfied that it is appropriate to do so taking into account the written reasons of the council, direct the council to amend its location rules in accordance with the recommendation referred to in subsection (6).

(8) If a council is given a direction by the Small Business Commissioner under subsection (7), the council must not fail to comply with the direction.

Maximum penalty: $5,000.

225B—Location rules—disputes

(1) If the operator of a food business in a council area is directly adversely affected by the location rules of the council under section 225A, the operator may apply to the Small Business Commissioner for a review of the location rules by the Small Business Commissioner (who is conferred with the function of conducting such a review).

(2) An application under subsection (1) must—

(a) be made in a manner and form determined by the Small Business Commissioner; and

(b) include any information required by the Small Business Commissioner.

(3) The Small Business Commissioner may—

(a) conduct a review under this section in such manner as the Commissioner determines to be appropriate; and

(b) specify procedures and requirements that are to apply in connection with a review under this section.

(4) The Small Business Commissioner may, in conducting a review under this section, exercise any power of the Commissioner that applies under the *Small Business Commissioner Act 2011* in relation to the performance of the Commissioner's functions under that Act.

(5) After conducting a review under this section, the Small Business Commissioner may, if the Commissioner considers it appropriate to do so, recommend to the relevant council that the council amend its location rules.

(6) In this regulation—

food business means a business the primary purpose of which is the retail sale of food or beverages.

Consideration in committee.

Mr PICTON: I move:

That the Legislative Council's amendments be agreed to.

Motion carried.

LOCAL GOVERNMENT (BOUNDARY ADJUSTMENT) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

ELECTORAL (LEGISLATIVE COUNCIL VOTING AND OTHER MEASURES) AMENDMENT BILL

Final Stages

The Legislative Council agreed not to insist on its amendments Nos 6, 8, 14, 16 and 17 to which the House of Assembly had disagreed; and agreed to the alternative amendments made by the House of Assembly without any amendment.

EDUCATION AND CHILDREN'S SERVICES BILL

Introduction and First Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:42): Obtained leave and introduced a bill for an act to provide for preschool, primary and secondary education in this state; to provide for children's services; to constitute the teaching service in this state; and for other purposes. Read a first time.

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:42): I move:

That this bill be now read a second time.

The Education and Children's Services Bill 2017 represents the most significant reform to the legislation guiding the education and development of children in South Australia in over 40 years. Since the enactment of the Education Act in 1875, repealing the act of 1851, the South Australian parliament has recognised the importance of universal access to education in developing individual citizens and the community.

In those early years, children from ages seven to 13 were required to attend school for not less than 70 days a year. While society has changed quite significantly since then, as a state our commitment to universal education has not. The new bill recognises the increasing importance of education as a foundation for this state's future prosperity and for the future of every child living in South Australia. It sets out a contemporary framework for the education of children in this state and the support students, teachers and schools need to provide a quality education.

This bill reinforces the government's commitment to quality and compulsory schooling for all children in this state and brings together the legislative provisions that underpin South Australia's system of public schools and children's services. Its introduction will join other improvements this government has made to education in South Australia, including the more than $2.2 billion investment in infrastructure since 2002, the current project to upgrade and build new STEM facilities in schools and the modernising of the SACE to ensure it is a stepping stone for our students to a prosperous future.

The bill will repeal the Education Act 1972 and the Children's Services Act 1985. While these two acts have provided an adequate framework for education and early childhood development for many years now, they no longer reflect the needs of our contemporary system of education. A significant amount of consultation on potential reform of the Education Act and Children's Services Act has occurred over a number of years. Most recently, a consultation draft of this bill was released for public consultation between 19 December 2016 and 10 March 2017. I thank all the stakeholders who contributed to this process. Their feedback has assisted in the final drafting of the bill.

This bill reflects the values and qualities of the public education system in South Australia by ensuring that education and children's services are of high quality, are accessible and meet the needs of all groups in the community. It promotes the involvement of parents, carers and local communities in education and children's services and acknowledges the important contribution of teachers and support staff in the successful development of children. This bill makes clear that the paramount consideration in the operation, administration and enforcement of the act is the best interests of the children.

As set out in the principles of the bill, we believe that all children have a right to an education. No child should be denied that right because their parents did not make reasonable efforts to get them to school. While the vast majority of South Australian parents ensure that their children attend school, a small number of children continually miss out on the benefits of education because of unauthorised absences. The research is clear: every day counts and even small amounts of unauthorised absence are associated with falls in educational achievement. Poor participation and engagement in school have been linked to serious and adverse outcomes throughout the course of a person's life.

The department, working with schools partnerships and through its central office, continues to support families to ensure that children regularly attend school. Schools work hard to provide safe and engaging places for learning and work with families to support a child's attendance and participation. Families are connected with services provided by other agencies, non-government organisations and community partners to address the barriers to a child's attendance. However, if this fails, we need to be able to take action to ensure that children are not denied the best start in life. It is for this reason that the bill includes new and strengthened legislative provisions to address non-attendance at school. These measures include:

- new provisions for family conferencing to address persistent non-attendance at school;
- improved provisions for the prosecution of parents who do not take reasonable steps to ensure that their child or children attend school, including a significant increase in the maximum penalty for this offence;

- requiring that parents of a child provide within five business days a valid reason for the child's failure to attend school; and
- improved provision for obtaining information relevant to persistent non-attendance of a child at school.

The bill provides updated provisions for enrolment of children in schools and includes a significant increase in the maximum penalty for a parent's failure to enrol a child of compulsory school age or compulsory education age in school.

As described in the Public Education in South Australia statement, the relentless pursuit of the highest quality of education for all is a central tenet of public education in this state. High-quality education requires high-quality teachers and support staff. This bill brings together modern employment provisions for teachers and support workers in government schools, preschools and children's services centres and promotes a high-quality teaching and education support workforce.

The bill specifically provides for the attraction and retention of high-quality teachers by those public schools facing particular challenges in recruiting or keeping high-quality staff. These provisions will complement the support being provided to principals and preschool directors to assist them to develop and manage a high-quality workforce. Furthermore, the bill will make it easier for a school to engage allied health professionals and other specialist support staff. This will ensure that students get timely access to the services they need most. Every child in our education system has different needs, and parents and schools require access to information to determine how these needs can best be met.

This bill includes new provisions to enable improved sharing of information between schools, parents, the department and other state authorities to support the education, health, safety and wellbeing of children. This includes providing for the sharing of relevant information when a child transfers between schools, whether they are in government or non-government schools. While improving the ability of schools and the department to share information about children and students, the bill also includes important safeguards to protect personal information from unauthorised disclosure or misuse.

The bill recognises that public education is to be secular in nature. It provides discretion for the principal of a school to permit the conduct of intercultural and/or religious instruction by prescribed groups. A student may only attend or participate in such instruction if their parent expressly consents to their attendance. These provisions specifically regulate the activities of third-party cultural and religious groups that seek to provide instruction on particular cultural practices or religious beliefs to children attending government schools.

The bill specifically acknowledges the cultural and religious diversity of school communities and schools will be able to continue to recognise major religious celebrations or cultural festivals such as Christmas and Easter. The singing of carols will continue in our public schools, as has always been the case.

South Australian schools, preschools and children's services should be safe places for children to learn, develop and play. In addition, principals, directors, teachers and support workers have a right to a workplace free from abuse and harassment. The bill includes new and updated provisions to ensure safe learning and working environments in schools, preschools and children's services.

It includes tough new measures to protect teachers and other staff acting in the course of their duties from offensive behaviour or the use of abusive, threatening or insulting language. Such behaviour need not occur on school or preschool premises and would include, for example, the abuse of staff over the telephone. Other measures aimed at promoting safe environments include:

- provision for a person to be barred from any premises or place used or to be used by a school, preschool or children's service if that person has behaved in an offensive manner while on the premises, or threatened or insulted staff, or committed or threatened to commit any other offences on or in relation to the premises;

- provision for dealing with trespass on all schools, preschools and children's service sites; and
- strengthened powers to enable authorised persons to deal with people behaving in an unacceptable manner.

Make no mistake: education is crucial for the future of this state. Our children must continue to receive a quality education today in order to compete for tomorrow's jobs. This bill sets out legislation we need to achieve this. It will ensure we have a modern framework; the modern framework we need to support a modern education system. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms and phrases used in the measure.

4—Application of Act to non-Government schools

This clause sets out how the measure applies to non-Government schools, including by setting out the provisions that do not apply.

5—Interaction with other Acts

This clause clarifies that this measure does not derogate from other Acts.

6—Minister may acquire land

This clause authorises the Minister to acquire land for the purposes of this Act. By doing so, the measure becomes a special Act for the purposes of the *Land Acquisition Act 1969*, and the provisions of that Act will then apply to such acquisitions.

Part 2—Objects and principles

7—Objects and principles

This clause sets out objects and principles informing the operation of the measure.

Part 3—Administration

8—Functions of Chief Executive

This clause sets out the functions of the Chief Executive (formerly the Director-General, and combining the position of Director of Children's Services from the repealed *Children's Services Act 1985*).

9—Administrative instructions

This clause confers on the CE the power to issue binding administrative instructions to governing councils or affiliated committees of schools, stand-alone preschools and children's services centres.

10—Model constitutions

This clause requires the Minister to publish model constitutions of the kinds specified.

11—Advisory committees

This clause allows the Minister to appoint committees to advise the Minister or the Chief Executive on any matter related to the operation of this measure or the provision of education and children's services in this State.

12—Delegation

This clause is a standard power of delegation.

13—Chief Executive may require information from schools, preschools and children's services centres

This clause empowers the CE to require specified persons and bodies to provide information to the CE that the CE reasonably requires for purposes of this measure, with an offence created for non-compliance.

14—Sharing of information between certain persons and bodies

This clause enables the persons and bodies specified to provide certain information and documents to other such persons or bodies if the provision of the information or documents would assist the recipient to perform official functions or manage certain risks to children.

15—Report

This clause requires the CE to report to the Minister annually (in respect of calendar years) on the operation of the Department.

Part 4—Preschools and children's services centres

Division 1—School-based preschools

16—Minister may establish school-based preschools

This clause provides that the Minister may establish school-based preschools.

17—Governing councils of school-based preschools

This clause provides that the governing council of a school in relation to which a school-based preschool is established is also the governing council of the preschool, and sets out requirements relating to the representation of the preschool on the council.

Division 2—Stand-alone preschools and children's services centres

18—Minister may establish stand-alone preschools and children's services centres

This clause provides that the Minister may establish stand-alone preschools and children's services centres.

19—Governing councils of stand-alone preschools and children's services centres

This clause provides that a governing council is to be established in respect of each stand-alone preschool and children's services centre, although the same council may be the council for multiple preschools and children's services centres. The clause also sets out the nature of a governing council and its governance arrangements.

20—Composition of governing councils of stand-alone preschools and children's services centres

This clause sets out the composition of governing councils of stand-alone preschools and children's services centres, in particular requiring that a majority of appointees to the council be persons who are responsible for children attending, or who are to attend, the stand-alone preschool or children's services centre. The clause also makes procedural provision for where it is not possible for that majority to occur.

21—Approval of constitutions by Minister

This clause allows the Minister to approve a constitution to be adopted by the governing council of a stand-alone preschool or children's services centre (that is, to be adopted in place of a model constitution). The clause also makes procedural provision in relation to approvals.

22—Amendment of constitutions

This clause sets out circumstances in which the Minister may directly amend, or direct a governing council to amend, a constitution.

23—Functions and powers of governing councils

This clause sets out the functions and powers of governing councils of stand-alone preschools and children's services centres.

24—Limitations on powers of governing councils

This clause sets out limitations on the exercise of the functions and powers of governing councils of stand-alone preschools and children's services centres.

Division 3—Continuation of children's services centres registered under *Children's Services Act 1985*

25—Application of Division

26—Continuation of registered children's services centres

This Division continues registered children's services centres under the repealed *Children's Services Act 1985*, and makes transitional adjustments to the terms used under that Act to describe the centres etc to be consistent with the measure.

Division 4—Direction, suspension and dissolving of governing councils etc

27—Minister may remove member of governing council

This clause enables the Minister to remove a member of the governing council of a stand-alone preschool or children's services centre from office for the reasons specified.

28—Minister may direct governing council

This clause enables the Minister to direct the governing council of a stand-alone preschool or children's services centre to take specified action where, due to the fact that the governing council has refused or failed to perform a function under this Act or its constitution, or has done so in a particular manner, detriment may be caused to children attending the preschool or centre and those responsible for them.

29—Minister may prohibit or limit performance of functions etc by governing council

This clause enables the Minister to prohibit or limit, in accordance with the regulations, the exercise of a power or function by the governing council of a stand-alone preschool or children's services centre.

30—Minister may suspend governing council

This clause enables the Minister to suspend the governing council of a stand-alone preschool or children's services centre in the circumstances specified in subsection (1), and allows the Minister to appoint an administrator if a governing council is suspended.

31—Minister may dissolve governing council and establish new governing council

This clause enables the Minister to dissolve the governing council of a stand-alone preschool or children's services centre in the circumstances specified in subsection (1), and allows the Minister to establish a new governing council accordingly.

Division 5—Closure of stand-alone preschools and children's services centres

32—Closure of stand-alone preschools and children's services centres

This clause sets out the process for the closure of stand-alone preschools and children's services centres.

Division 6—Miscellaneous

33—Conflict of interest

This clause is a standard provision relating to conflicts of interest in respect of members of the governing councils of stand-alone preschools and children's services centres.

34—Accounts may be audited

This clause provides that the accounts of stand-alone preschools and children's services centres may be audited at any time by the Chief Executive or the Auditor-General.

35—Corporal punishment prohibited

This clause prohibits corporal punishment from being imposed on children at stand-alone preschools and children's services centres.

Part 5—Government schools

Division 1—Establishment of schools

36—Minister may establish schools

This clause provides that the Minister may establish schools.

Division 2—Governing councils and affiliated committees

Subdivision 1—Governing councils and affiliated committees

37—Governing councils of schools

This clause provides that a governing council is to be established in respect of each school established under the measure, although the same council may be the council for multiple schools. The clause also sets out the nature of a governing council and its governance arrangements.

38—Composition of governing councils of schools

This clause sets out the composition of governing councils of schools, in particular requiring that a majority of appointees to the council be persons who are responsible for students of the school. The clause also makes procedural provision for where it is not possible for that majority to occur.

39—Affiliated committees

This clause allows the Minister to authorise the establishment of affiliated committees, being a committee affiliated with the governing council of a school.

40—Conflict of interest

This clause is a standard provision relating to conflicts of interest in respect of members of the governing councils of schools as well as members of affiliated committees.

41—Accounts may be audited

This clause provides that the accounts of the governing council of a school or an affiliated committee may be audited at any time by the Chief Executive or the Auditor-General.

Subdivision 2—Approval and amendment of constitutions

42—Approval of constitutions by Minister

This clause allows the Minister to approve a constitution to be adopted by the governing council of a school (that is, to be adopted in place of a model constitution). The clause also makes procedural provision in relation to such approvals.

43—Amendment of constitutions

This clause sets out circumstances in which the Minister may directly amend, or direct a governing council of a school to amend, a constitution.

Subdivision 3—Functions and powers of governing councils and affiliated committees

44—Functions and powers of governing councils and affiliated committees

This clause sets out the functions and powers of governing councils of schools and affiliated committees.

45—Limitations on powers of governing councils and affiliated committees

This clause sets out limitations on the exercise of the functions and powers of governing councils of schools and affiliated committees.

Subdivision 4—Arrangements on closure or amalgamation of school

46—Minister may make arrangements for governing councils etc on closure or amalgamation of school

This clause sets out the actions that may be taken by the Minister to deal with the governing council of a school, or an affiliated committee, on the amalgamation or closure of the school under the proposed Division.

Subdivision 5—Direction, suspension and dissolving etc of governing councils and affiliated committees etc

47—Minister may remove member of governing council or affiliated committee

This clause provides that the Minister may remove a member of the governing council of a school or an affiliated committee from office for the reasons specified in the clause.

48—Minister may direct governing council or affiliated committee

This clause enables the Minister to direct the governing council of a school or an affiliated committee to take specified action where, due to the fact that the governing council or affiliated committee has refused or failed to perform a function under this Act or its constitution, or has done so in a particular manner, detriment may be caused to students of the school and those responsible for them.

49—Minister may prohibit or limit performance of functions etc by governing council or affiliated committee

This clause enables the Minister to prohibit or limit, in accordance with the regulations, the exercise of a power or function by the governing council of a school or an affiliated committee.

50—Minister may suspend governing council

This clause enables the Minister to suspend the governing council of a school in the circumstances specified in subsection (1), and allows the Minister to appoint an administrator if a governing council is so suspended.

51—Minister may dissolve governing council and establish new governing council

This clause enables the Minister to dissolve the governing council of a school in the circumstances specified in subsection (1), and allows the Minister to establish a new governing council accordingly.

Division 3—Amalgamation and closure of schools

52—Amalgamation of schools

This clause provides that the Minister may amalgamate 2 or more Government schools, sets out the circumstances in which such an amalgamation can occur and makes procedural provision relating to notice.

53—Closure of schools

This clause sets out the process for the closure of Government schools. In particular, closures are to occur with the consent of students or persons responsible for them, or on the recommendation of a review committee following a review under proposed section 54.

54—Review of schools in a particular area

This clause allows the Minister to commission a review to determine whether each Government school within a particular area continue to be required and, if not, whether 1 or more of the schools should be amalgamated or closed. The clause also makes procedural provision in relation to such reviews.

55—Review committees

This clause sets out how a committee that is to conduct a review under proposed section 54 is to be constituted and how it is to function.

56—Minister to report to Parliament if recommendations of review committee not followed

This clause requires the Minister to report to Parliament where the Minister decides to amalgamate or close a school contrary to the recommendation of a review committee.

Part 6—Special purpose schools

57—Minister may establish special purpose schools

This clause provides that the Minister may establish special purpose schools for the purposes specified in the clause.

58—Governing council and constitution

This clause sets out the governance arrangements for special purpose schools.

59—Closure of special purpose schools

This clause sets out the process for the closure of special purpose schools, namely that the Minister may close one for any reason the Minister thinks fit, and requires notice of closures to be given to the principle and persons responsible for students at the school.

60—Modification of operation of Act in relation to special purpose schools

This clause disapplies Part 5 of the measure in respect to special purpose schools, and confers a regulation-making power to modify the operation of the measure as it applies to special purpose schools.

Part 7—Provision of education in schools

Division 1—Enrolment

Subdivision 1—Compulsory enrolment in school or approved learning program

61—Children of compulsory school age must be enrolled in school

This clause requires children of compulsory school age to be enrolled in a school and replaces the applicable part of current section 75 of the *Education Act 1972*.

62—Children of compulsory education age must be enrolled in approved learning program

This clause requires children of compulsory education age to be enrolled in an approved learning program and replaces the applicable part of current section 75 of the *Education Act 1972*.

63—Chief Executive may direct that child be enrolled in particular school

This clause simply replaces section 75A of the *Education Act 1972*.

64—Chief Executive may direct that child be enrolled in another school if improperly enrolled

This clause allows the Chief Executive to direct that a specified child who is enrolled in a Government school (including a special school) be instead enrolled at another Government school if the Chief Executive is satisfied that the child was enrolled at the school on basis of false or misleading information (including false information about the residential address of the child).

Subdivision 2—Enrolment of adult students

65—Special provisions relating to enrolment of adult students

This clause makes provision about the enrolment of adult students in Government schools, incorporating the effects of the *Child Safety (Prohibited Persons) Act 2016*. In particular, adult students (other than those who become adults in the course of their secondary education) will need to have a current working with children check.

Subdivision 3—Information gathering

66—Certain information to be provided on enrolment

This clause requires a person who is responsible for a child who is to be enrolled in a school or an approved learning program to provide to the principal of the school or the head of the approved learning program the information specified in the clause. Failure to do so without a reasonable excuse is an offence.

67—Chief Executive may require further information relating to student

This clause enables the Chief Executive to require a person who is responsible for a child to provide to the CE specified information that is reasonably required in the administration, operation or enforcement of this Act. Failure to do so without a reasonable excuse is an offence.

68—Principal may require other principal to provide report in respect of specified child

This clause enables the principal of a school to require the principal of another school to provide specified information relating to the enrolment, academic achievement etc of a student in the other school. Failure to do so without a reasonable excuse is an offence.

Division 2—Attendance at school and participation in approved learning programs

Subdivision 1—Compulsory attendance at school and participation in approved learning program

69—Child of compulsory school age must attend school

This clause requires children of compulsory school age to attend the school at which they are enrolled and replaces the applicable part of current section 76 of the *Education Act 1972*.

70—Child of compulsory education age must participate in approved learning program

This clause requires children of compulsory education age to participate in the approved learning program in which they are enrolled and replaces the applicable part of current section 76 of the *Education Act 1972*.

Subdivision 2—Family conferences

71—Purpose of family conferences

This clause explains the purposes of family conferences under the proposed Subdivision, namely the making voluntary arrangements to ensure the attendance of a student at the school, or the participation of the student in the approved learning program, in which they are enrolled but are failing to attend.

72—Chief Executive may convene family conference

This sets out the circumstances in which the Chief Executive may convene a family conference, as well as who can attend a conference.

73—Procedures at family conference

This clause sets out how a family conference is to be conducted.

74—Chief Executive and principal etc to give effect to decisions of family conference

This clause requires the Chief Executive and the principal of a school or head of an approved learning program in which a student is enrolled to give effect to valid decisions made at a family conference; however those decisions cannot require unlawful acts or omissions, nor do they create any legally enforceable rights or obligations.

Subdivision 3—Limitations on employment of certain children of compulsory school age or compulsory education age

75—Employment of children of compulsory school age or compulsory education age

This clause makes it an offence for a person to employ a child of compulsory school age or compulsory education age during school hours, or in labour or an occupation that renders, or is likely to render, the child unfit to attend school etc or obtain the proper benefit from doing so.

Subdivision 4—Reporting of persistent non-attendance or non-participation

76—Principal etc to report persistent non-attendance or non-participation

This clause requires the principal of a school or head of an approved learning program to notify the Chief Executive if a student of the school or approved learning program is persistently failing to attend school, or participate in the approved learning program. The clause also deems a failure to attend or participate on any 10 days in a term to

be a persistent failure requiring report (disregarding failures where a person responsible for the child has complied with section 69(3) or 70(3)).

Division 3—Suspension, exclusion and expulsion of students

77—Suspension of students

This clause was regulation 44 of the *Education Regulations 2012* (allowing for the suspension of students) and has simply been relocated into the measure.

78—Exclusion of students

This clause was regulation 45 of the *Education Regulations 2012* (allowing for the exclusion of students) and has simply been relocated into the measure.

79—Expulsion of certain students from particular school

This clause was regulation 46 of the *Education Regulations 2012* (allowing for the expulsion of students from a school) and has simply been relocated into the measure.

80—Expulsion of certain students from all Government schools

This clause was regulation 47 of the *Education Regulations 2012* (allowing for the expulsion of students from all Government schools) and has simply been relocated into the measure.

81—Appeal against decision to exclude or expel student

This clause was regulation 50 of the *Education Regulations 2012* (allowing for an appeal against a decision to suspend etc a student) and has simply been relocated into the measure.

Division 4—Intercultural and religious instruction

82—Intercultural instruction and/or religious instruction

This clause allows the principal of a school to set aside time for either or both intercultural instruction and religious instruction. A child can only participate in such instruction with the express consent of a person responsible for the child.

Division 5—Discipline

83—Corporal punishment prohibited

This clause prohibits corporal punishment from being imposed on students at Government schools.

Division 6—Registration of student exchange programs

84—Interpretation

This clause defines terms used in the proposed Division.

85—Registration of student exchange organisations

This clause enables the Education and Early Childhood Services (Registration and Standards) Board to register a person or body as a student exchange organisation and sets out procedural requirements for such registration.

86—Annual registration fee

This clause requires registered student exchange organisations to pay an annual registration fee.

87—Guidelines

This clause allows the Board to publish or adopt guidelines in relation to student exchange organisations and the operation of student exchange programs.

88—Board may give directions to registered student exchange organisation

This clause empowers the Board to direct a registered student exchange organisation to take, or to not take, such specified action in the circumstances set out in the clause.

89—Suspension and revocation of registration

This clause sets out when and how the Board may suspend or revoke the registration of a registered student exchange organisation.

Part 8—Protections for teachers, staff and students etc at schools, preschools and children's services centres

Division 1—Preliminary

90—Application of Part

This clause sets out the premises to which the proposed Part applies (including non-Government schools and preschools etc).

Division 2—Offences

91—Offensive or threatening behaviour

This clause creates an offence for a person to behave in an offensive or threatening manner on premises to which the proposed Part applies.

The clause also creates an offence for a person to use abusive, threatening or insulting language to, or to behave in an offensive manner towards, a prescribed person acting in the course of their duties (whether or not the offence occurs on premises to which the proposed Part applies).

92—Trespassing on premises

This clause creates an offence for a person to trespass on premises to which the proposed Part applies.

Division 3—Barring orders

93—Power to bar persons from premises

This clause empowers a prescribed person in respect of premises to which the proposed Part applies to bar a person from the premises (and related premises) in the circumstances specified in subclause (1). The clause also makes procedural provision in relation to such barring, and creates an offence for a person to contravene or fail to comply with a barring notice.

94—Review of barring notice by Minister

This clause provides that a person who is barred from premises under section 93 for a period exceeding 2 weeks may apply to the Minister for a review of the barring notice.

Division 4—Power to restrain etc persons acting unlawfully on premises to which Part applies

95—Certain persons may restrain, remove from or refuse entry to premises

This clause empowers an authorised person in respect of premises to which the proposed Part applies to direct a person to leave the premises in the circumstances specified in subclause (1). The authorised person may use reasonable force to restrain or remove the person, or prevent their re-entry to the premises. The clause also makes procedural provision in relation to such directions, and creates an offence for a person to contravene or fail to comply with a direction.

Part 9—The teaching service

Division 1—Preliminary

96—Interpretation

This clause defines 'misconduct' as used in the proposed Part.

Division 2—Appointment to the teaching service

97—Appointment to the teaching service

This clause provides for the appointment of teachers to be officers of the teaching service, and makes provision for the basis, terms and conditions of such appointments.

98—Merit-based selection processes

This clause requires certain appointments and promotions to occur on the basis of merit.

99—Rate of remuneration for part-time employees

This clause sets out how the rate of remuneration for part-time officers is to be determined.

100—Special remuneration for attraction and retention of officers of the teaching service

This clause provides that the Chief Executive may offer special remuneration to officers of the teaching service for the purposes of attracting and retaining officers of a high standard, and may enter into arrangements with officers of the teaching service for that purpose.

101—Probation

This clause requires an officer of the teaching service employed on an ongoing basis to be on probation for period of 2 years, however that period may be reduced or waived in the circumstances specified. The clause also requires officers appointed as term employees to be on probation in accordance with the regulations.

Division 3—Duties, classification, promotion and transfer

102—Assignment of duties and transfer to non-teaching position within Department

The clause enables the Chief Executive to determine the duties of officers of the teaching service, and the place or places at which duties are to be performed. The clause makes procedural provision in respect of such determinations.

103—Transfer within teaching service

This clause enables the Chief Executive to transfer officers of the teaching service between positions in the teaching service, provided that in doing so the officer's salary is not reduced and the transfer is not used to promote the officer to a higher classification level.

104—Classification of officers and positions

The clause enables the Chief Executive to make classifications of the kinds specified in respect of officers of, and positions in, the teaching service.

105—Application to Chief Executive for reclassification

This clause provides that an officer of the teaching service who considers that their classification, or that of their position, is not appropriate may lodge with the Chief Executive an application for reclassification, and makes procedural provision in relation to such applications.

106—Appointment to promotional level positions

This clause provides that the Chief Executive may appoint officers of the teaching service to positions within the teaching service classified at promotional levels, and sets out how such appointments are to be applied for and made.

Division 4—Long service leave

107—Long service leave and retention entitlement

This clause sets out the long service leave entitlements of officers of the teaching service.

108—Taking leave

This clause sets out when and how officers of the teaching service can take long service leave, and makes provision for the salary to be paid during the leave period.

109—Payment in lieu of long service leave

This clause provides that officers of the teaching service can apply to be paid salary in lieu of their accrued long service leave, and makes procedural provision for such payments.

110—Interruption of service where officer leaves teaching service

This clause provides for the service of an officer of the teaching service who leaves the teaching service for specified reasons and is then reappointed to the teaching service to be taken into account as though that service were continuous in the circumstances specified.

111—Special provisions relating to certain temporary officers of the teaching service

This clause preserves the effect of current section 22A of the of the *Education Act 1972*.

112—Entitlement where officer transferred to other public sector employment

This clause recognises the service of officers of the teaching service who are transferred to other employment in the public sector of the State as being continuous with that other employment.

113—Entitlement of persons transferred to the teaching service

This clause recognises the service of persons who transfer from other employment in the public sector of the State to the teaching service as being continuous with their service in the teaching service.

Division 5—Disciplinary action and management of unsatisfactory performance

114—Disciplinary action

This clause sets out the action the Chief Executive may take if the CE is satisfied that an officer of the teaching service is guilty of misconduct.

115—Managing unsatisfactory performance

This clause sets out the action the Chief Executive may take if the CE is satisfied that the performance of an officer of the teaching service is unsatisfactory.

116—Reduction in remuneration level

This clause sets out grounds on which the Chief Executive may reduce the remuneration level of an officer of the teaching service.

117—Suspension

This clause provides that the Chief Executive may suspend an officer of the teaching service if the CE is satisfied that the nature or circumstances of any matter alleged against the officer are such that the officer should not continue in the performance of their duties.

Division 6—Physical or mental incapacity of officers of the teaching service

118—Physical or mental incapacity of officers of the teaching service

This clause provides that the Chief Executive may require an officer of the teaching service to undergo a medical examination if the Chief Executive the officer's unsatisfactory performance may be caused by physical or mental incapacity, and makes procedural provision in relation to such examinations.

Division 7—Resignation and termination

119—Resignation

This clause sets out how an officer of the teaching service resigns from the service, and provides that the Chief Executive may make a determination that an officer has resigned if that are absent, without authority, from their employment for a period of 10 working days and do not give a proper written explanation or excuse for the absence to the Chief Executive before the end of that period.

120—Termination

This clause sets out how the employment of an officer of the teaching service can be terminated.

Part 10—Other employment and staffing arrangements

121—Chief Executive may employ other persons for purposes of Act

This clause provides that the Chief Executive may employ such other persons (in addition to the employees and officers of the Department and officers of the teaching service) as the Chief Executive thinks necessary or appropriate for the purposes of the measure.

122—Part 7 and Schedule 1 of the Public Sector Act 2009 to apply to persons employed under this Part

This clause applies Part 7 and Schedule 1 of the *Public Sector Act 2009* to certain persons employed under proposed section 121, subject to the modifications set out in subclause (1).

123—Use of staff etc of administrative units of the Public Service

This clause provides that the Chief Executive may, by agreement with the Minister responsible for an administrative unit of the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.

Part 11—Appeals

Division 1—Review by South Australian Employment Tribunal

124—Review by SAET of certain decisions and determinations

This clause provides a right of review to the SAET for a person who is aggrieved with certain decisions or determinations of the Chief Executive under Part 9 of the measure, and makes procedural provision in respect of such reviews.

Division 2—Appeals to Administrative and Disciplinary Division of the District Court

125—Appeal against certain actions of Minister or Chief Executive

This clause provides a right of appeal to the Administrative and Disciplinary Division of the District Court for a person who is aggrieved by a prescribed action of the Minister or the Chief Executive under the measure, and makes procedural provision in respect of such reviews.

Part 12—Authorised officers

126—Authorised officers

This clause sets out who are authorised officers for the purposes of the measure, including the CE, police officers and employees of the Department authorised by the Chief Executive as an authorised officer.

127—Powers of authorised officers

This clause sets out the powers of authorised officers under the measure.

128—Offence to hinder etc authorised officers

This clause creates a series of offences (such as hindering) relating to authorised officers under the measure.

Part 13—Financial provisions

Division 1—Materials and services charges for schools

129—Materials and services charges for schools

This clause allows Government schools to impose materials and services charges in respect of each student enrolled in the school for the whole or part of a calendar year, and makes procedural provision in relation to setting and recovering such charges.

Division 2—Other fees and charges

130—Charges for certain overseas and non-resident students etc

This clause allows the Chief Executive to fix charges in relation to the matters set out in subclause (1), and procedural provision in relation to setting and recovering such charges.

131—Certain other charges etc unaffected

This clause clarifies the fact that the measure does not prevent other charges or payments being fixed or made in relation to the matters specified.

Division 3—Recovery of amounts payable to the Commonwealth

132—Recovery of amounts payable to the Commonwealth

This clause allows the State to recover certain debts due to the Commonwealth under the *Australian Education Act 2013* of the Commonwealth.

Part 14—Miscellaneous

133—Exemptions

This clause allows the Minister exempt a specified person, or a specified class of persons, from the operation of a provision or provisions of the measure.

134—Use of certain school premises etc for both school and community purposes

This clause allows the Minister to permit Government premises etc to be used for community purposes, and to provide assistance to community bodies so as to allow Government schools to use their facilities etc.

135—Proceedings for offences

This clause requires the consent of the Minister before proceedings can be commenced for an offence against the measure.

136—Confidentiality

This is a standard clause preventing confidential information from being disclosed except in the circumstances specified.

137—Protections, privileges and immunities

This clause limits liability under the measure, and provides that certain privileges and immunities are not affected by the measure.

138—Evidentiary provisions

This clause allows specified matters to be proved in legal proceedings by means of a certificate.

139—Service

This clause sets out how notices or documents under the measure can be served on a person.

140—Regulations

This clause sets out regulation making powers under the measure.

Schedule 1—Repeals, related amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Repeal of *Children's Services Act 1985*

2—Repeal of *Children's Services Act 1985*

This clause repeals the *Children's Services Act 1985*.

Part 3—Repeal of *Education Act 1972*

3—Repeal of *Education Act 1972*

This clause repeals the *Education Act 1972*.

Part 4—Amendment of *Children's Protection Act 1993*

Part 5—Amendment of *Criminal Law Consolidation Act 1935*

Part 6—Amendment of *Education and Early Childhood Services (Registration and Standards) Act 2011*

Part 7—Amendment of *Independent Commissioner Against Corruption Act 2012*

Part 8—Amendment of *National Tax Reform (State Provisions) Act 2000*

Part 9—Amendment of *Public Sector Act 2009*

Part 10—Amendment of *SACE Board of South Australia Act 1983*

Part 11—Amendment of *Summary Offences Act 1953*

Part 12—Amendment of *Superannuation Act 1988*

Part 13—Amendment of *Teachers Registration and Standards Act 2004*

These Parts make related amendments to the Acts specified consequential to the enactment of the measure.

Part 14—Transitional provisions

This Part makes transition provisions in respect of the enactment of this measure, and the repeal of the *Education Act 1972* and the *Children's Services Act 1985*.

Debate adjourned on motion of Mr Gardner.

STATUTES AMENDMENT (VEHICLE INSPECTIONS AND SOUTH EASTERN FREEWAY OFFENCES) BILL

Introduction and First Reading

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:52): Obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959 and the Road Traffic Act 1961. Read a first time.

Second Reading

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (15:52): I move:

That this bill be now read a second time.

The South Eastern Freeway forms part of the Adelaide to Melbourne road corridor and is an important strategic freight route for South Australia. Adelaide is a significant attractor for freight vehicles with key destinations, including the Port of Adelaide, Adelaide Airport and the city's growing domestic import/export industries.

The South Eastern Freeway is classed as a High Productivity Vehicle access route enabled to cater for Adelaide's increase in freight tasks. To meet the growing demand of freight, this strategic freight route is also approved to carry Performance Based Standard Level 2A vehicles, equal to large B-doubles. Analysis of heavy vehicle movements utilising the South Eastern Freeway indicate that only 10 to 15 per cent of heavy vehicles coming from east of Murray Bridge use the existing heavy vehicle route via Murray Bridge and Sedan to the Sturt Highway and then into Adelaide along the Northern Expressway.

Investigations have identified that a further bypass route cannot be justified on economic grounds, primarily due to the limited number of vehicles that would use such a bypass and the longer distances and travel times associated with alternative route options. Of the heavy vehicles continuing on through the seven kilometres of decline between Crafers and the intersection of Cross, Portrush and Glen Osmond roads, data from the Department of Planning, Transport and Infrastructure shows

that only 1 per cent of these vehicles travel north beyond the Northern Expressway onto Port Wakefield Road.

Construction of the new South Eastern Freeway section was completed in early 2000. At the time, it was the largest South Australian road project, costing a total of $151 million, and it was wholly funded by the Australian federal government. The road has a steady decline and was designed and fitted with two safety ramps or, as they used to be called, arrester beds. On a weekday, this section of road carries an average of over 50,000 vehicles per day with over 5,000 of these vehicles being trucks or buses. If a roadworthy heavy vehicle descends this road correctly in a sufficiently low gear and at the right speed, then the vehicle's behaviour and of course the road itself is perfectly safe.

Of the almost 800,000 truck and bus vehicle movements descending into Adelaide each year, nearly all do so in the right gear and at the right speed, but when they do not the results are, as we all know, catastrophic. When a crash occurs at the intersection of Cross, Portrush and Glen Osmond roads, we must remember that our whole community is affected, from the families and friends who must deal with the tragedy to emergency service workers, police, medical professionals and the myriad others who must manage the aftermath of such road traffic incidents.

The real tragedy, however, is that these crashes are wholly preventable, but due to the inappropriate behaviours of an exceptionally small minority of drivers and heavy vehicle owners, who either do not maintain their vehicles or fleet to the required standards of roadworthiness or simply ignore speed limits and warnings about the simple way to descend safely, many in the community can be put at risk when unsafe traffic movements travel down the South Eastern Freeway.

The bill I introduce today has been informed by the work of the Deputy State Coroner, Mr Anthony Schapel, and developed by the government in consultation with South Australia Police, the South Australian Road Transport Association, the Transport Workers' Union, and the National Heavy Vehicle Regulator. The bill is designed to target those drivers and owners whose irresponsible attitudes and behaviours put everyone in our community at risk and also to ensure that the heavy vehicle fleet operating on our roads is maintained at the required roadworthy standards.

This bill has been specifically informed by three of the Deputy State Coroner's recommendations from the inquest into the death of Mr James William Venning. Firstly, in response to recommendations 1 and 2, the bill amends the Road Traffic Act 1961 to create two specific offences for drivers of heavy vehicles on the section of the South Eastern Freeway descending into Adelaide, beginning between Crafers and the intersection of Cross, Portrush and Glen Osmond roads.

The first offence, based on Australian Road Rule 108, is failing to descend the downward track in low gear, and the second is exceeding the set speed limit by 10 km/h or more. These offences will be punishable by an expiation fee of $992, six demerit points and escalating periods of licence disqualification or suspension: six months for a first offence, 12 months for a second, and three years in addition for a third or subsequent offence.

The bill will empower South Australia Police to issue an immediate loss of licence with an expiation notice roadside. For safety-camera detected offences, the Motor Vehicles Act 1959 will be amended to enable the Registrar of Motor Vehicles to apply for a period of licence disqualification or suspension on expiation. For the purposes of determining the appropriate period of disqualification or suspension following an expiation, all previous South Eastern Freeway offences, regardless of whether it was a low-gear or speed offence, will be taken into account. Heavy vehicle owners who fail to nominate an offending driver will also be subject to these penalties.

Should a driver or owner be convicted by a court of either of these offences, then they face for a first offence a maximum fine of $5,000, six demerit points and licence disqualification for not less than 12 months. For a second or subsequent offence, there is no fine. Instead, in addition to six demerit points, licence—

Members interjecting:

The Hon. S.C. MULLIGHAN: Could I call your attention to the misbehaviour of the house?

The DEPUTY SPEAKER: Order on my left! There is too much noise. I cannot hear the minister.

Mr Whetstone interjecting:

The DEPUTY SPEAKER: Who did that?

The Hon. S.C. MULLIGHAN: That was the member for Chaffey.

Mr Whetstone: That was me.

The Hon. S.C. MULLIGHAN: Perhaps, for his benefit, I will start again.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Well, no-one has heard what he said in the first place.

The Hon. S.C. MULLIGHAN: I think it was tedium about the member for Chaffey. For a second and subsequent offence, there is no fine. Instead, in addition to six demerit points, licence disqualification—

Members interjecting:

The DEPUTY SPEAKER: Leader and deputy leader!

The Hon. S.C. MULLIGHAN: I believe both were on a full complement of warnings from question time, Deputy Speaker. In fact, they may have to depart.

Members interjecting:

The DEPUTY SPEAKER: Order!

Members interjecting:

The DEPUTY SPEAKER: Order! I said order! Do not make me stand up. Sit down. My leg hurts and I am not going to stand up, but if this continues we will not be going any further this afternoon. He is entitled to be heard in silence, just as I will afford that right to you when it is your turn to speak.

Mr Marshall: A personal explanation?

The DEPUTY SPEAKER: Yes.

Mr MARSHALL: The minister has asserted that I received a certain number of warnings in question time—

The DEPUTY SPEAKER: I have ignored him, so do please sit down.

Mr MARSHALL: —but that is certainly not the case.

The DEPUTY SPEAKER: Do please sit down. I have ignored him. Minister, let's get a move on please.

The Hon. S.C. MULLIGHAN: Thank you, Deputy Speaker, for your protection. For a second or subsequent offence, there is no fine. Instead, in addition to six demerit points, licence disqualification for no less than three years, in addition to a maximum penalty of two years' imprisonment. For the purpose of determining the appropriate penalty a court will be able to count previous convictions for a South Eastern Freeway offence, regardless of whether it was a low-gear or a speed offence.

The penalty that a court may impose on a body corporate on conviction is a fine no less than $25,000, escalating up to $50,000. The fines for bodies corporate who choose not to nominate drivers have also been substantially increased to a sum comprising the expiation fee and $25,000 for a speeding offence on the South Eastern Freeway descent. This increase in fine, from a current $300 expiation fee for other speeding offences to $25,000, will increase the responsibility for a body corporate to identify the driver of a speeding vehicle.

Second, in response to the 14th recommendation made by the Deputy Coroner, that all heavy vehicles be the subject of a periodic and frequent safety inspection regime, the bill amends the Motor

Vehicles Act and the Road Traffic Act to introduce a mandatory inspection scheme for high-risk heavy vehicles. The bill also provides for a more robust compliance framework for inspections by raising penalty levels for a breach of the code of practice, from $5,000 to $10,000, and providing for additional offences.

The amendment to the Road Traffic Act enables an authorised officer to give directions over the phone to a vehicle operator at a private inspection facility where an authorised officer may not be present if the vehicle presents a critical risk. To ensure the costs in the regions are consistent with the metropolitan area, a cap is proposed on inspection fees conducted by private inspection stations that will be set in regulation.

This bill represents the latest initiative of the government to respond to the findings of the Deputy Coroner. A pilot heavy vehicle inspection scheme commenced on 1 January this year, and it requires heavy vehicles three years of age and older, with a gross vehicle mass or aggregated trailer mass of 4.5 tonnes or more, to be inspected upon a change of ownership. As of May 2017, approximately 600 vehicles were inspected with an average of a 50 per cent failure rate—a frightening statistic that this bill aims to remedy.

Since 2014, the government has taken a number of steps to improve safety on the downward track of the South Eastern Freeway. First, an education campaign has been undertaken on using low gear on the descent rather than the primary brake. This campaign has included posting brochures regarding Australian Road Rule 108 to all South Australian heavy vehicle licence holders, truck owners, freight companies and industry representatives. Information on Australian Road Rule 108 also appears on the website at mylicence.sa.gov.au.

Since late August 2015, the *Heavy Vehicle Driver's Handbook* has been available online to download for free. Ring-bound copies were also made available at Service SA centres. The first 5,000 copies were free, with some being made available to heavy vehicle training providers, as part of their heavy vehicle licence training package.

Second, the government has taken active steps to promote the use of the two South Eastern Freeway descent safety ramps, or arrester beds, as they were previously known. In conjunction with the release of the handbook online, a 10-minute safety information and training video was developed in collaboration with industry, educators and Ambulance SA to demonstrate how to safely descend the South Eastern Freeway in accordance with Australian Road Rule 108. The video, which can be viewed on YouTube and accessed on the Department of Planning, Transport and Infrastructure website, raises awareness of the locations and the benefits of using safety ramps.

Registered training organisations have updated their training material to include more material on Australian Road Rule 108, Hills driving and the use of safety ramps. To promote their use, the government changed the name of the term 'arrester bed' to 'safety ramp' and now covers the cost for the recovery of a heavy vehicle from a safety ramp, should it be used. Thirdly, signage along the South Eastern Freeway and Dukes Highway has been upgraded and improved.

Promotional signs targeting interstate drivers, who may not have used the South Eastern Freeway previously, were installed at three of the heavy vehicle rest areas on and approaching the South Eastern Freeway at Mount Barker, Tailem Bend and Tintinara. The warning, Penalties Apply, is included on the sign artwork. Advance warning signs advising of the steep descent have been installed seven and 10 kilometres prior to the descent. Flashing amber lights above the last descent warning sign have also been activated.

Fourthly, an improved incident response for industry protocol has been implemented by the government, whereby a number of transport operators are now being sent email alerts of incidents on the freeway that affect heavy vehicle access to the freeway or the use of the safety ramps located on the downward track. This enables these freight operators to provide this information to members of their organisations who may intend to use or do use this part of the road network. In addition to these initiatives to enhance the effectiveness of these new penalties and boost their deterrent effect, work will commence on upgrading the existing safety camera system on the South Eastern Freeway descent adjacent to the Mount Osmond Road interchange.

I have no doubt that some in the community and industry will have concerns about the harsh nature of penalties of this bill. However, this government is unapologetic about the road safety measures included in this package of measures. From the tragic experiences in the past, such as the events in 2014, we all know what can happen when one driver in a heavy vehicle speeds down the freeway, uses the wrong gear or loses control of their truck because of mechanical failure resulting from inadequate maintenance. I commend this bill to members.

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

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 20—Application for registration

This clause amends section 20 so that the Minister can require an application for registration to include additional information.

5—Amendment of section 24—Duty to grant registration

This clause amends section 24 so that the Registrar is required to refuse to register a motor vehicle if—

(a) the vehicle is a vehicle of a class prescribed for the purposes of section 139(1)(c); and

(b) the vehicle has been examined under section 139; and

(c) the Registrar reasonably believes that because the vehicle does not comply with an Act or law that regulates the design, construction or maintenance of such a vehicle, the vehicle would, if driven on a road, put the safety of persons using the road at risk.

6—Amendment of section 58—Transfer of registration

This clause amends section 58 so that the Registrar is required to refuse to transfer the registration of a motor vehicle if—

(a) the vehicle is a vehicle of a class prescribed for the purposes of section 139(1)(c); and

(b) the vehicle has been examined under section 139; and

(c) the Registrar reasonably believes that because the vehicle does not comply with an Act or law that regulates the design, construction or maintenance of such a vehicle, the vehicle would, if driven on a road, put the safety of persons using the road at risk.

7—Insertion of section 81BC

This clause inserts new section 81BC to require the Registrar of Motor Vehicles to give notices of licence disqualification or suspension to persons who expiate offences relating to section 45C of the *Road Traffic Act 1961*.

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

If a person is given an expiation notice for an offence against proposed new section 45C of the *Road Traffic Act 1961* (exceeding a speed limit by 10 kph or more, or failing to engage a low gear, on a prescribed part of the South Eastern Freeway in a truck or bus) or section 79B of that Act, as amended by this measure (being the owner of a truck or bus that appears from camera evidence to have been involved in exceeding a speed limit by 10 kph or more on such a prescribed part of the Freeway), and the person pays the relevant expiation fee for the offence, then this section requires the Registrar of Motor Vehicles to give the person a notice of licence disqualification or suspension for the offence.

The period of disqualification or suspension is 6 months for a first offence,12 months for a second offence and 3 years for a subsequent offence (unless the disqualification or suspension is withdrawn or otherwise ended earlier). In determining whether an offence against section 45C is a first, second or subsequent offence, any previous conviction or expiation for an offence against section 45C (regardless of whether the previous offences were speeding or low gear offences or a mixture of the two) committed within the period of 5 years preceding the alleged new offence must be taken into account. In the case of an offence

(against section 79B of the *Road Traffic Act 1961*) of being the owner of a vehicle involved in the speeding offence, any previous conviction or expiation for the same owner offence committed within the period of 5 years immediately preceding the current alleged offence must be taken into account. In each case the period of licence disqualification or suspension must be reduced by any period of disqualification or suspension imposed for the offence by the police by notice under proposed new section 45D of the *Road Traffic Act 1961*. (Under new section 45D the police are empowered to issue a notice of licence disqualification or suspension for a period of 6 months for these offences).

The provisions relating to the withdrawal of a notice of licence disqualification or suspension, and the effect of the withdrawal of an expiation notice on the continued application of such a notice of licence disqualification or suspension, that apply in the case of a notice issued by the police under section 45D of the *Road Traffic Act 1961* also apply to a notice of licence disqualification or suspension issued by the Registrar under this section.

8—Amendment of section 93—Notice to be given to Registrar

This clause amends section 93 of the Act and is consequential on the addition of proposed new section 45E to the *Road Traffic Act 1961*. If the Magistrates Court makes an order under that proposed new section removing a licence disqualification or suspension imposed under proposed new section 45D of the *Road Traffic Act 1961* or proposed new section 81BC of the *Motor Vehicles Act 1959*, this amendment requires the Court to notify the Registrar of Motor Vehicles of the order.

9—Substitution of section 139

This clause substitutes section 139.

139—Inspection of motor vehicles

Subsection (1) empowers the Registrar or an authorised vehicle inspector to examine a motor vehicle for any of the following purposes:

(a) verifying any information disclosed in—

(i) an application made to the Registrar in respect of the vehicle or any evidence provided by an applicant in response to a requirement of the Registrar under this Act; or

(ii) a notice of the making of an alteration or addition to the vehicle given to the Registrar by a person under section 44 or any evidence provided by a person in response to a requirement of the Registrar under that section;

(b) ascertaining any facts on which the amount of any fee or payment to the Registrar in respect of the vehicle depends;

(c) ascertaining whether—

(i) the vehicle complies with an Act or law that regulates the design, construction or maintenance of such a vehicle; or

(ii) the vehicle would, if driven on a road, put the safety of persons using the road at risk;

(d) ascertaining whether the vehicle or part of the vehicle is or may be stolen.

Subsection (2) provides that a motor vehicle may not be examined for the purposes of subsection (1)(c) unless—

(a) the vehicle is of a class prescribed for the purposes of that subsection; or

(b) an application to register, or transfer the registration of, the vehicle has been made; or

(c) notice of the making of an alteration or addition to the vehicle is given, or is required to be given, to the Registrar by a person under section 44; or

(d) prescribed circumstances exist.

Subsection (3) empowers the Registrar to determine that motor vehicles of a class prescribed for the purposes of subsection (1)(c) must be examined periodically at intervals prescribed by the regulations.

Subsection (4) provides that for the purposes of subsection (1)—

(a) the Registrar or an authorised vehicle inspector may take from any part of a motor vehicle a sample of any liquid fuel used or appearing to be used for propelling that vehicle;

(b) the Registrar, a police officer or an authorised officer may—

(i) enter and remain in any premises at any reasonable time and search those premises for motor vehicles; or

(ii) require a person to produce a motor vehicle at a specified authorised inspection station or other specified place at a specified day and time for the purpose of examination.

Subsection (5) provides that the Registrar, a police officer or an authorised officer may only exercise the powers conferred by subsection (4)(b)(i) in respect of residential premises on the authority of a warrant issued by a magistrate.

Subsection (6) provides that a warrant may not be issued unless the magistrate is satisfied that the warrant is reasonably required in the circumstances.

Subsection (7) provides that an application for the issue of a warrant may be made personally or by telephone and must be made in accordance with any procedures prescribed by the regulations.

Subsection (8) makes it an offence for a person of whom a requirement is made by the Registrar, a police officer or an authorised officer under subsection (4)(b)(ii) to refuse or fail to comply with the requirement. The maximum penalty is $10,000.

Subsection (9) makes it an offence for a person to—

(a) without reasonable excuse, hinder or obstruct an authorised vehicle inspector in the exercise of powers under this section; or

(b) falsely represent, by words or conduct, that the person is an authorised vehicle inspector; or

(c) falsely represent, by words or conduct, that premises are an authorised inspection station.

The maximum penalty is $10,000.

Subsection (10) provides that the Registrar may—

(a) authorise a person, or persons of a specified class, to examine motor vehicles for the purposes of this section;

(b) authorise the use of specified premises as an inspection station for the examination of motor vehicles for the purposes of this section;

(c) make an authorisation subject to such terms and conditions as the Registrar thinks fit;

(d) vary or revoke an authorisation at any time.

Subsection (11) empowers the Minister to establish a code of practice to be observed by persons authorised to examine motor vehicles in accordance with this section and subsection (12) makes it an offence for a person to contravene such a code of practice. The maximum penalty is $10,000.

Subsection (13) provides that a person authorised by the Registrar to examine motor vehicles for the purposes of this section may, with the approval of the Minister, charge fees for the examination of a motor vehicle that exceed the fees prescribed under the Motor Vehicles Act or the Road Traffic Act for that purpose.

Subsection (14) empowers the Minister to grant or revoke an approval for the purposes of subsection (13) as the Minister thinks fit, or make any approval subject to such conditions as the Minister thinks fit.

Subsection (15) defines *authorised inspection station* and *authorised vehicle inspector* for the purposes of the section.

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

This clause amends section 139BD of the Act to make it clear that a notice of licence disqualification or suspension by the Registrar of Motor Vehicles under proposed new section 81BC must be given to a person in accordance with section 139BD, which means that the notice must be sent by post to, and acknowledged by, the person or else served on the person. The disqualification or suspension commences 28 days after the day specified in the notice or after service of the notice (or at the end of any period of disqualification or suspension that is already in force at that time).

Part 3—Amendment of *Road Traffic Act 1961*

11—Amendment of section 40G—Application of Subdivision

This clause amends section 40G so that the powers of authorised officers under Part 2, Division 5, Subdivision 2 (sections 40H to 40M) apply in relation to vehicles in or on any premises that are authorised inspection stations under the Motor Vehicles Act. These powers include the giving of directions to stop or move vehicles to enable

the exercise of other powers, directions to move vehicles if there is danger or obstruction, directions to leave vehicles and powers to move unattended vehicles to enable the exercise of other powers.

12—Insertion of sections 45C, 45D and 45E

This clause inserts new sections 45C, 45D and 45E into the Act.

45C—Speed and gear restrictions for trucks and buses on prescribed roads

Proposed new section 45C(1) makes it an offence to drive a truck or bus on a portion of the South Eastern Freeway (or adjacent land) prescribed by regulation at a speed exceeding a speed limit applicable to the driver by 10 kph or more. It does not apply in relation to speed limits applicable to passing school buses or passing through emergency service speed zones. Proposed new section 45C(2) makes it an offence when driving a truck or bus on such a portion of the South Eastern Freeway to fail to engage a gear that is low enough to enable the vehicle to be driven safely without the use of a primary brake.

In each case the penalty is a fine of $5,000 for a first offence and imprisonment for 2 years for a subsequent offence. In addition, on convicting a person of either offence a court must order that the person is disqualified from holding or obtaining a driver's licence for a period of not less than 12 months for a first offence and not less than 3 years for a subsequent offence. If the person holds a driver's licence, the licence is suspended for the period of the disqualification.

In determining whether an offence is a first or subsequent offence for these purposes, any previous offence against the section (whether against section 45C(1) or 45C(2)) for which the person has been convicted must be taken into account, but only if the previous offence was committed within the period of 5 years immediately preceding the date on which the offence under consideration was committed.

45D—Power of police to impose licence disqualification or suspension for section 45C etc offences

This proposed new section empowers police officers to give a notice of licence disqualification or suspension to a person for an offence against proposed new section 45C(1) or (2) or an offence against section 79B constituted of being the owner of a vehicle that appears from photographic detection device evidence to have been involved in the commission of an offence against section 45C(1). A police officer can give a person such a notice (specifying the offence to which the notice relates) if the person is given an expiation notice for the offence, or if a police officer reasonably believes that the person has committed the offence. On being given a notice under this section, a person who does not hold a driver's licence is disqualified from holding or obtaining such a licence for the disqualification period and the licence of a person who does hold such a licence is suspended for that period. Particulars relating to the disqualification or suspension are forwarded to the Registrar of Motor Vehicles and subsequently to the person who was given the notice.

The disqualification or suspension commences, in the case of an offence against section 45C, when the person is given the notice of licence disqualification or suspension or (at the discretion of the police officer) 48 hours later. In the case of an offence against section 79B (the owner offence) relating to section 45C(1), the disqualification or suspension commences 28 days after the notice is given to the person. If another period of disqualification or suspension is running at the normal time for commencement then the disqualification or suspension commences when that other period ends.

The period of disqualification or suspension is for 6 months unless: the notice is withdrawn; the proceedings for the offence to which the notice relates are determined by a court or discontinued; the person is notified by the Commissioner of Police that the person is not to be charged with, or given an expiation notice for, any relevant offence; or the Magistrates Court cancels the notice on application under proposed new section 45E.

If a notice of licence disqualification or suspension is given to a person under this section, but no expiation notice is given for the offence, or an expiation notice is given but subsequently withdrawn or the person elects to be prosecuted instead of expiating, then the Commissioner of Police is required to make a determination within a reasonable time as to whether to charge the person with an offence or issue an expiation notice, and if the Commissioner decides not to do either then the Commissioner must send the person written notice to that effect (and must also forward notice of the determination to the Registrar of Motor Vehicles). The effect of the notice of such a determination is to bring the notice of licence disqualification or suspension to an end. Failure to comply with the requirement to make a determination and notify the person does not affect the operation of the notice of licence disqualification or suspension.

If a notice of licence disqualification or suspension is given to a person by the police under this section for an offence and the person is subsequently convicted of the offence (or another offence arising out of the same course of conduct) and the court is required to impose a period of disqualification or suspension as part of the penalty for the offence, then the court is required to take into account any period of licence disqualification or suspension that has applied to the person under this section in determining the length of disqualification or suspension to be imposed by the court.

The Commissioner of Police can authorise the withdrawal of a notice of licence disqualification or suspension issued under this section if the notice has been given to the wrong person, or is defective or for other proper cause, and may, if satisfied that there are proper grounds to do so, authorise the giving of a fresh notice (provided that if the new notice is given to the same person, the period for which the new notice applies must be reduced by any period for which the withdrawn notice applied).

No compensation is payable by the Crown or a police officer in respect of the exercise of powers under this section, but a police officer is not protected if the police officer exercised powers other than in good faith.

45E—Application to Court to have disqualification or suspension under section 45D lifted

Under this proposed new section, if a person is given a notice of licence disqualification or suspension by the police under proposed new section 45D (or is sent particulars of such a notice by the Registrar of Motor Vehicles) but is not given an expiation notice for an offence to which section 45D applies, or is given such an expiation notice but the notice is withdrawn or the person elects to be prosecuted instead of expiating the offence, the person can apply to the Magistrates Court for an order removing the licence disqualification or suspension imposed by the notice.

The Commissioner of Police is a party to the application and can appear through a police officer or legal counsel to make submissions, but can't cross-examine the applicant.

The Magistrates Court may make an order that the person is not disqualified, or the person's licence is not suspended, by the notice issued under section 45D by the police if the Court is satisfied, on the basis of oral evidence given on oath by the applicant, that there is a reasonable prospect that the applicant would, in proceedings for the offence to which the notice relates, be acquitted of the offence and the evidence before the Court does not suggest that the applicant may be guilty of another offence to which section 45D applies. The Magistrates Court may also make such an order if the Court is satisfied that the prosecution authorities have had a reasonable time in which to determine whether or not to charge the person with an offence and have not done so.

13—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices

This clause amends section 79B of the Act to make it an offence to be the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against proposed new section 45C(1) (the offence of driving a truck or bus on a prescribed portion of the South Eastern Freeway at a speed exceeding by 10 kph or more a speed limit applicable to the driver).

The maximum penalty for the offence is, if the owner of the vehicle is a natural person, a fine of $5,000. If the owner of the vehicle is a body corporate, the maximum penalty is a fine of not less than $25,000 and not more than $50,000.

The expiation fee for the offence is, if the owner of the vehicle is a natural person, the expiation fee fixed by the regulations for a section 45C(1) offence. If the owner of the vehicle is a body corporate, the expiation fee is the expiation fee for an alleged offence against section 45C(1) plus $25,000.

If a court convicts a natural person of the offence, the court must order that the person be disqualified from holding or obtaining a driver's licence for a period of not less than 12 months in the case of a first offence or not less than 3 years in the case of a second or subsequent offence. If the person holds a driver's licence, the licence is suspended for the period of the disqualification. In determining whether an offence is a first or subsequent offence, any previous offence against section 79B constituted of being the owner of a vehicle that appears from camera evidence to have been involved in the commission of an offence against section 45C(1) for which the person has been convicted or that the person has expiated that was committed within the period of 5 years immediately preceding the commission of the new offence will be taken into account.

If there is a registered operator of the vehicle, an expiation notice for this offence can only be given to, or a prosecution for this offence can only be brought against, the registered operator.

14—Amendment of section 110AAAA—Certain provisions not to apply to drivers of emergency vehicles

This clause amends section 110AAAA of the Act to indicate that proposed new section 45C does not apply to police officers or other emergency workers if they are taking reasonable care (and their vehicle is, except in some circumstances, displaying flashing lights or sounding an alarm) and it is reasonable that the section not apply to them.

Debate adjourned on motion of Ms Chapman.

BUDGET MEASURES BILL 2017

Second Reading

Adjourned debate on second reading (resumed on motion).

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:07): Prior to adjournment, I was discussing the concerning impact on jobs in the banking industry in South Australia. I referred to one of the banks employing a number of people in our state, equivalent to three Holden plants, and the impact it could therefore have on more jobs in this state, that is, BankSA, which is owned by Westpac. For the record, I ask that that be noted.

On 27 June, the Australian Bankers' Association confirmed that they employ some 8,000 in their banks in South Australia. The situation is dire not only for consumers but also for those who are employed in the banking industry in South Australia, who are vulnerable to a reduction in hours or loss of employment. That will only exacerbate what will be the result of this ill-conceived tax proposed by this government. As I have said before, some people might think the banks are bastards, but they are amateurs compared with this government.

Mr MARSHALL (Dunstan—Leader of the Opposition) (16:08): I rise to speak on this bill now before the house. This government, as you would be well aware, Deputy Speaker, likes to manufacture confrontations and use them as a device to keep people focused on imagined external enemies and to distract them from what is really happening within South Australia to our economy, to our government finances. No doubt, the Treasurer had another confrontation in mind when he walked the bank levy into the Labor caucus. 'The public hates the banks,' he would have said to them all, 'so let's jump on the bandwagon. Let us tax the banks in South Australia more than they are taxed anywhere else in Australia because that will be wildly popular.' Can you not just hear the Treasurer saying that to his caucus now?

But I wonder what the caucus is now telling the Treasurer here in South Australia. Those nervous marginal members in the Labor caucus would have a very different concept of what the Treasurer put forward. No doubt the Treasurer is no longer seen as the political genius he thought he was because this tax has backfired spectacularly on this government. South Australians have had enough of the arrogance of this 16-year-old tired Labor government and enough of the lazy way that Labor taxes more because it cannot manage its own budget.

The Treasurer told the parliament when he introduced his budget that his tax would generate $370 million over a four-year period. During the estimates committee in this parliament recently, under questioning we found out that in fact it would bring in $417 million, but what is a lazy $47 million to a lazy government? South Australians have revolted against this tax grab because they have had enough of Labor smashing the economy, smashing jobs, smashing opportunity and smashing businesses in this state.

They have had enough of Labor because they know that if Labor is not stopped it will continue to send its wrecking ball through the South Australian economy. After all, this Treasurer has told the house in response to my question about what other businesses may be taxed:

> …if there are other parts of the economy that are not paying their fair share of tax compared to the rest of the economy, then we would look at it.

The Treasurer will wear those words like a crown of thorns, but there will be no resurrection for this Treasurer. Since this tax was announced, we have had more evidence of the economic madness of this government. Unemployment has gone up again. We have had the highest unemployment in trend terms for the past 31 consecutive months. Our youth unemployment rate is up more than 4 per cent on a year ago. We also lead the nation in the underutilisation rate. It is almost two percentage points higher than the national average, and this is shameful.

Since the budget, many thousands of consumers have been hit with much higher electricity bills. Four years ago, the government promised South Australians their power prices would fall by 9 per cent. The Treasurer came into this parliament, called his press conference and promised the people of South Australia a 9 per cent energy cost reduction, but since then they have increased by a staggering 66 per cent to the highest cost in the entire world. We cannot trust this government with anything it says about the economy or costs of living in this state.

All we know is that Labor will take our economy down by keeping state taxes up. It is the same government that promised back in 2010 to create 100,000 new jobs in this state and is still about 80,000 jobs short. It is no wonder that South Australians do not believe this government when they say that this bank tax will not be paid for by them. When I am out speaking to people in my

community, or the Deputy Speaker is out talking to people in her community, when people right across this parliament are out talking to the people on the street, they know that this tax is going to be paid for by them directly and indirectly because they know that our economy will continue to falter.

Let's consider the facts. This tax increases the cost of borrowing by the banks for specific types of financial instruments. These instruments are highly liquid and allow banks to manage their own borrowing portfolios. By raising the cost of accessing these sources of funding, total borrowing costs will increase. In turn, this will raise the cost of lending to businesses and households, as well as potentially lower the interest paid on deposits of these businesses and households.

The government's willingness to pursue this reckless policy has already raised the risk profile of debt the government has issued previously. Institutional investors have begun to sell off state government bonds, increasing the spread on these bonds. This is likely to result in the market demanding higher coupon rates for the next round of bond issuances or undersubscribed issuances here in South Australia in the future. People should be very concerned about this potential eventuality here in South Australia.

This new tax will drive down returns for shareholders, either by reducing profitability, and therefore value, or by reducing the dividends, which will also translate to lower share prices and capital losses. Superannuation funds are major investors in the banks being taxed on behalf of their clients. Every South Australian with superannuation will be impacted by this tax, with those relying on superannuation for income to be particularly hard hit because of the effect on dividends. This tax is punitive. This tax is discriminatory. It says to all businesses that South Australia has a government prepared to tax them more highly than anywhere else in this country.

Businesses will not invest in South Australia with a Treasurer looking for opportunities to tax anybody who makes profits, a Treasurer given full rein by this Premier and his well-known hatred of the private sector. The head of the government's own Investment Attraction agency, Mr Rob Chapman, has said it would be naive to think that this will not have an impact on investment in this state. But did this government even consult with the head of their Investment Attraction agency before putting this punitive action in place in the budget?

South Australians, though, are not naive when it comes to tax and this government. They remember the emergency services levy increases. They remember this government's attempt to bring in a car park tax in South Australia. They remember this government's call for a 15 per cent GST in South Australia and they remember that this government, this Premier, this Treasurer, are still advocating for a GST on all banking transactions here in South Australia. The Treasurer thought this new tax would be widely accepted because of the recently introduced federal levy.

For decades, the federal government, regardless of the party in power, has provided an implicit guarantee for major banks. This ensures a sovereign government is prepared to step in to prevent bank runs and systemic failure. The federal government has taken a decision to impose a levy to recover part of the costs associated with providing this implicit guarantee. The South Australian government offers no such guarantee. It does nothing to ensure the systemic reliability of our banking system in South Australia or around the country. It does nothing to ensure that Australians can access global finance markets at competitive rates.

This is just another blatant tax grab from a government addicted to taxing South Australians more and more. We on this side of the parliament are fully resolved to oppose this introduction of this toxic tax, which will do nothing to create one single, solitary job here in South Australia.

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (16:17): I have listened carefully to the contribution by the Leader of the Opposition. In particular, I have looked for a positive alternative plan, an alternative budget, an alternative vision about which we could have a meaningful debate. I have listened carefully also to the contribution made by the deputy leader yesterday and to other members.

Missing from the debate so far are any proposals about what the alternative government might do or what sort of a budget it might present. As we have just heard from the leader, it is one thing to rail against a tax, and I must say my position generally would be to resist any tax increase

and to look at cutting costs, but I am waiting for suggestions from those opposite about what costs they would cut so as not to require the tax increase.

This is the same debate we had over the emergency services levy and whether or not the exemptions which were there and which were taken away at the last budget should be replaced. I see the opposition has signed itself up for hundreds of millions of dollars worth of tax reform, should they get into government, before they even start looking at what positive things they might do to grow the economy. I am happy to enter into a debate with the opposition about tax versus costs of government, but so far all we have heard is criticism of what the government is doing with no constructive alternative put down.

I want to start with the question I heard the leader end on, which is the bank tax. I thank the banks for the contribution they make to the national economy and to the state economy. A vibrant banking system is essential to us all. It could not be more vibrant. Just today, we had the extraordinary news that the Commonwealth Bank has made nearly $10 billion worth of profit in a single year at the expense of its customers. It is an extraordinarily profitable bank. Shares rose 5.25 per cent over a period of time, and I will come back to that point.

Indeed, Commonwealth Bank shareholders would have every reason to rejoice at that profitability, but of course each of the banks is extraordinarily profitable. They are charging their customers extraordinarily in terms of fees and charges. Interest rates are set where they are set, and the consequence is $10 billion worth of profit for a single bank. There would be a lot of companies that would like to be making that sort of money. It is extraordinary.

However, the reality is: can the banks afford the modest impost proposed in the budget of 30¢ in $100? The leader just gave several impacts that he thinks the bank tax will have. He talked about bond rates, he talked about the effect on shareholders and he talked about the effect on superannuants, but he did not give any details, just generalisations off a banking association media release. I ask him: what effect does he really think it will have on shareholders, this 30¢ in $100 of profit? Does he really think that returns, dividends, are going to be reduced by the equivalent amount of 30¢ in $100?

If you receive a $100 dividend, you are going to receive 30¢ less. Is that going to bankrupt grandparents and retirees all over the state? I think he needs to analyse exactly what he claims the effect will be in terms of an impact on shareholders; similarly, with superannuation funds, exactly what effect does he think it will have, 30¢ in $100? In regard to bond rates, the arguments that have been put out there need some justification. I think that all the leader has done is read off a banking association media release.

That is quite apart from the fact that, through the legislation, they are not able to pass it on but, even if they find a way, being realistic, when you are making $10 billion worth of profit and you are the Commonwealth Bank and this impost is 30¢ in $100, what is the real impact? I will tell you my proposition; that is, I do not think that the tax itself will have one iota of impact on investment in South Australia.

What is having an impact on confidence, what is having an impact on South Australia as an investment destination, is the very expensive media campaign that the banks are running to talk down the state and rubbish the state—the double-page ads, the television campaign and the radio ads, ably assisted by those opposite. What sort of bank and what sort of political party go out determined to rip the state down and ruin its confidence?

Mr Whetstone interjecting:

The DEPUTY SPEAKER: Order, member for Chaffey!

The Hon. M.L.J. HAMILTON-SMITH: It is actually the advertising campaign that is doing the damage, if there is damage to be done, not the tax itself. No-one I have heard has articulated in the house yet in this debate how 30¢ in $100 is going to break the bank, bring the country to its knees and cause everyone to go down to the Brighton jetty and throw themselves off the end of it. The fact is that the argument is being overstated, and we know why: no-one likes to pay tax if they can possibly avoid it.

If the banks can get out of paying this tax they will. They do not want it to be picked up by other states; they are simply looking after their bottom line. These CEOs are extraordinarily well paid—multi-multimillion dollar employees. They are doing extremely well, thanks very much, and they have been given their orders: fight this tax. Where I think the banks would have an argument, and what would have been a more intelligent approach from the opposition, would be to say, 'You are imposing this tax. How are we going to stop other states from pepper potting this tax?'

It is 0.3 in South Australia. What if WA introduced 0.4? What if Queensland introduced 0.5? What if Victoria introduced 0.2 and the banks had to adjust to different tax regimes in different states? A more intelligent approach would be to say, 'Could the Prime Minister and the premiers get together and fix this so that there is certainty, fix this at a given rate so that we know it will not be ratcheted up, fix this at the affordable 30¢ in $100 position and have all the states and the Prime Minister agree?' You could even argue that, as with the GST, the commonwealth should raise the money and reallocate it to the states. We could be debating how the bank tax could be made more manageable rather than whether or not we should even have it.

I go back to the point: what is this bank tax being used for? It is being used for tax reform. It is being used to enable payroll tax concessions, property tax concessions and other tax concessions to small business, and as the Minister for Small Business can I say that those little guys are in greater need. They are not making $10 billion a year and they need the breaks far more than those who can afford to pay 30¢ in $100—one-third of 1 per cent.

The $200 million jobs fund, including $120 million in grants and loans, $60 million for investment in industry attraction and $20 million in other measures, as well as the payroll tax cuts and other tax cuts and benefits that have been outlined in the budget are funded by the bank tax, by and large. The problem the opposition will have is that, if they block the bank tax, they block the other benefits flowing to small business. The question is: whose side are the opposition on? Are they on the side of big business or are they on the side of small business? Are they on the side of the little guys or are they on the side of the big guys?

Apart from the $200 million jobs fund, the budget announced the Job Accelerator Grants Scheme providing grants of up to $15,000 for new businesses; small business tax rates locked in and extended, helping an extra 1,300 employers; $9.5 billion worth of infrastructure spend; $1.1 billion for a better health system; Fund My Neighbourhood, $40 million; the energy plan, $550 million, higher quality education and two new schools to roll out $250 million for science, technology, engineering and mathematical school upgrades; and a raft of measures in community benefits and grants across sports, art and culture.

All this is being partly funded by the bank tax. What do they want? They do not want the bank tax but they do not want the other benefits. Which ones will they strip away? We are supposed to be having a meaningful and sensible debate about this. Getting up and whingeing and carping about government initiatives without suggesting alternatives is not a pathway to electoral success or good policy debate.

I just want to mention a couple of other matters. As the minister responsible for the Investment Attraction agency, can I say that the facts do not line up with the opposition's argument or that of the four major banks. Since the announcement of the new $200 million jobs fund, inquiries of the Investment Attraction agency have been at their highest level since the establishment of the agency in October 2015. Just a few weeks ago, a Bendigo and Adelaide Bank project was launched on national TV. Tic Toc is an online mortgage product that responds to your application almost instantly.

There is a competitive investment market at work here and there is no impact from the major banks scare campaign. In fact, the Bendigo and Adelaide Bank and a raft of other banks and institutions are just waiting in the wings for the four major banks to try to pass this on, to come in and undercut them and take their market share. During the GFC, the four major banks consolidated their position, swallowed a lot of their competitors and enforced their control of the banking market.

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.L.J. HAMILTON-SMITH: This is an opportunity to rectify that imbalance—another reason they do not like it. Even the major bank shareholders and investors are not too worried. In the first 25 share market trading days after the state budget, Westpac shares rose from $29.77 at close on 21 June to $32.45 five weeks later. That is a rise of 9 per cent and a sure sign that the market is not concerned about the levy. Commonwealth Bank shares rose 5.25 per cent, and there is their big announcement today.

The opposition loves to spruik the line that we have the highest unemployment rate in the nation, and it is a problem we need to work on. We always need to. No-one would like to have the highest unemployment rate in the nation. I wish the Liberal Party had not slaughtered the automotive sector. I wish we had the coal of New South Wales and Queensland. I wish we had the iron ore of WA, which exports 42 per cent of Australia's total exports, though I point out that WA has problems of its own.

They do not mention that Queensland's unemployment rate, despite their many benefits in tourism and natural resources, according to the June figures, is only 0.1 of 1 per cent behind South Australia at 6.5 per cent. We are 6.5 per cent and they are 6.4 per cent, so we have the worst rate, but there is only 0.1 of 1 per cent in it. But let's not talk about that or the non-accelerating inflation rate of unemployment or the natural rate of 4½ to 5 per cent, which you will never get below.

No jurisdiction ever has been below that because there is a group of people who for one reason or another, through no fault of their own, cannot be employed. We do not talk about that. The truth is that business conditions in many ways in Australia are the best they have been for a very long time. You can borrow money at extraordinarily low rates of interest at the moment. Unemployment, by historic standards, is at a record low. I remember when it was 12 or 13 per cent, twice what it is today.

The opposition use comparatives that suit their argument. That is why CommSec and Deloitte came out last week and pointed out that business investment is the highest in the nation in South Australia. That is why KPMG rated us as the most competitive state in Australia to do business. That is why the *Lonely Planet*, *The Economist* magazine, the *New York Post* and *The Telegraph* in London have all said that we are one of the top five or 10 places in the world to live or to work. What do the opposition say? They say South Australia is a basket case. They talk us down. They are a branch of the four major banks.

They want to go around and talk business confidence down and, having done that, like the major banks, they then want to go and survey their customers and say, 'Guess what? We have been telling them that South Australia is a basket case for the last month and, here, they agree with us.' Well, in effect, you are filling out your own survey form. The reality is that South Australians do not agree with you.

Labour market analysis predicted that the gradual reduction in Holden staff numbers over the years to 2017 and associated decisions by component suppliers would deliver double-digit unemployment. Well, they have not—6 per cent is not 10, 11 or 12 per cent, which those opposite argued would occur, and it simply has not happened. ABS figures show that in late 2013 around 795,000 South Australians had a job. The outlook was that that number would fall. Well, it is 820,300 in June 2017 and employment is actually growing.

I could recite the long list of investments that have flooded into the state: $1.1 billion and 6,000 jobs as a result of the work of the Investment Attraction agency. The fact is that South Australians are just not buying it. I can tell you that the advertising that the four major banks are deploying with their friends in the Liberal Party who are lined up with big business, not little business, not the small guys, I suspect will ultimately backfire on them.

The people of South Australia and Australia are quite cynical about the four major banks at the moment. The news we have had about the Commonwealth Bank facing charges and the feedback generally—just ask any of your constituents—are extremely negative. As the Treasurer said in question time today, the banks need to adopt a different approach to reposition themselves. They are important to us, they are vital to the growth of the nation and a strong banking system is the future of our success, but 50¢ in $100 is not going to break the bank and I think they need to rethink their position.

That brings me back to the whole point of this budget. I do not want to lecture the Leader of the Opposition or those opposite about how to—

Mr Whetstone: Then don't.

The Hon. M.L.J. HAMILTON-SMITH: Well, you need it. You really do need it because, I tell you what, you will not get into government by whingeing and complaining. You will not get into government through a small target, low profile, no policy, stand for nothing argument without suggesting some constructive alternatives. This is one of the reasons that I resigned from the Liberal Party.

In all the years I was in the Liberal Party the only time that they had a positive agenda, frankly, was when I was the leader. When I launched the master plan for Adelaide in February 2008 that spelt out a vision for the city west of the River Torrens, for football in the city, a new stadium, a future for the Parklands, roads and infrastructure, public transport, new approaches to the suburbs of Adelaide, all of which were subsequently taken to the 2010 election by another leader, this was the only time the Liberal Party has ever stood for something. It was like herding cats, trying to get them to actually agree on that agenda—

Mr Whetstone: You were the cat.

The DEPUTY SPEAKER: Member for Chaffey!

The Hon. M.L.J. HAMILTON-SMITH: —although I note that a number of people here did. I want to commend the member for Morphett, who was always someone who had some vision, and a lot of other people. But the argument from most of them was, 'You will not get into government by proposing anything new. You will be criticised by the government, so just leave it all until the end. Come out during the campaign with some ideas and people will love you.'

I just remind those opposite of the words of John Howard: 'You cannot fatten the pig on market day.' He made it very clear to me when he was prime minister, and I sought his advice as leader of the opposition. He said, 'Martin, you have to get out there and argue the case for change as if every single week of the four-year cycle is an election campaign. You have to be out there putting the alternative argument.' That is what is missing.

I know what is going on over there. They will not have an energy policy. They do not have an energy policy. I know exactly what is going on. They are having their discussions about it. They will not even have reached a landing yet on what their energy policy is, nor will they have an infrastructure policy, nor will they have a trade and investment policy, and nor will they have a health policy. They would be having their little meetings, and they have nothing yet.

They will probably have those meetings right through Christmas, and it will scupper out sometime in February as a last-minute thing. It will all be done in indecent haste. There will be panic about the costings—and won't there be panic—because the policy work is not being done. If it was being done, you would be out there with your own vision, and you would have been out there two years ago, because it takes time to convince the people of South Australia that you have a better offering. It is one thing to try to sell a Holden, or try to sell a Ford—

The Hon. T.R. Kenyon: Or a Mazda.

The Hon. M.L.J. HAMILTON-SMITH: —or a Mazda, but I can tell you—

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. T.R. Kenyon interjecting:

The DEPUTY SPEAKER: Member for Newland!

The Hon. M.L.J. HAMILTON-SMITH: —you will not convince people to buy your car if you put all your effort into rubbishing the other guy's car. At some point, you have to offer your product, and it has to be a product someone wants to buy. If the opposition think, and the Leader of the Opposition thinks, on the basis of this debate and the offerings from those opposite, that they have something South Australians want to buy, it is time to think again.

I must commend the Premier and this government for delivering many of the things I set out in the February 2008 master plan for Adelaide because at least the Premier has a vision. The government is determined to make reforms, and Transforming Health is an example. Tough, though, those reforms may be, they have had the guts to have a go. What I would like to see from those opposite is some political courage and a sense of what they would do if they were elected. I have heard nothing but silence.

Ms Digance: It's deafening.

The DEPUTY SPEAKER: Order! The member for Chaffey is going to make a contribution.

Mr WHETSTONE (Chaffey) (16:37): Thank goodness he is on that side of the house.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr WHETSTONE: Thank goodness.

Members interjecting:

The DEPUTY SPEAKER: Order!

Members interjecting:

Mr WHETSTONE: Deputy Speaker, I will not be distracted—

The DEPUTY SPEAKER: Alright, I am standing up. Sit down, member for Chaffey. It is not funny. I cannot hear what he is saying. You are going to prolong the debate, which is hardly a good idea, I would have thought. Everyone wants to go home tonight, I believe. We will be staying until we finish. Member for Chaffey.

Mr WHETSTONE: Thank you, Deputy Speaker. I will make a contribution to this year's tax budget bill. It refreshes me to hear the Minister for Investment and Trade give us his view of the world. It does bolster an opposition party when a minister, who is a traitor, has crossed the floor and is now working with the government. It is fantastic.

We will start off with the bank tax, which is a $370 million tax over four years. We have just listened to the minister asking why the banks do not get a better strategy. The strategy is about creating confidence. The strategy is about business confidence to invest in their own business. It is about people wanting to invest in new business. It is about attracting international investment. It is actually even about local business attracting a new workforce. It is about employing more people. It is about a national workforce that wants to come to South Australia.

When we have a bank tax like the one that has been put in front of this year's budget as one of the platforms that will resurrect the South Australian economy, we have to ask: how did we get into this position in the first place? How did we get into this? Because we have a government that are hell-bent on taxing the bejesus out of everything they can get their hands on.

We talk about the big banks and we talk about the four banks and the profits they are making. We are not talking about a billion-dollar business: we are talking about a trillion-dollar business. We are talking about the big end of town, yes, and they are the institutions that fund, support and invest in our economy. They are the people who employ South Australians. They are the people who lend money to businesses so that they can expand and export to the world. They are the businesses that invest heavily in the superannuation funds. They are the people who put their good judgement, their good guidance, into putting our investment, our super money, into bonds, into areas of investment so that they can make money for us—not make money for the government.

We have heard many contributions from both sides of the house, and I must say that I am absolutely flabbergasted by the government's last contribution. In relation to the foreign investment tax, I heard the minister get up today in question time and talk about international education and how he is going to reach his 35,500 international students by the end of the year. What sort of message does a foreign investment tax send to potential investors who send their children over here for their education?

All of a sudden they want to invest in buying a piece of real estate, they want to invest in their child's education, so they say, 'We'll go elsewhere. We're going to go to Victoria where we can see that there is no disincentive to come to this great country.' It is a simple analogy. International investors are going to look for any advantage they can get when they want to invest their money, when they want to come to a country and invest in it. They want confidence that their investment will return and that their investment will be looked after by a government that has their best interests at heart.

If we move along to the emergency services levy, there is another tax. It is a wealth tax, yes. We accept that, but what we do not accept is that the government continue to increase that emergency services levy. It is called gouging: we are not seeing the extra funds going into emergency services and we are not seeing the extra funds going into all of those services that really matter: it is going into that little black hole next to the Treasurer's desk. We have already dealt with the car park tax. We have dealt with the Treasurer rolling out his brilliant concoction of a 15 per cent GST, and bringing that into this country. He is addicted to tax. He is addicted to getting in the way of business.

It is pretty clear that in a previous life as a businessman, if I were looking to invest money into a South Australian business or a Victorian business, or a New South Wales, Queensland or Western Australian business—wherever in Australia—I would not come to South Australia if I knew that I was about to get a further tax, more than any other state, and a disadvantage in setting up a business.

We have seen the reliance the state government have put on businesses in South Australia, whether they are SMEs or large business, whether they are want-to-be businesses or whether they want-to-be exporters. It is all about, 'As a business, can we get a grant?' The government now have a dependency on grants and handouts, so anyone who has a grant or a handout from the government is now part of that government institution because, once they get that government money, they are compelled to remain focused on milestone reports and compelled to be a part of the government's charter, and that is to be reliant and continue to be reliant on handouts.

We heard the minister saying that we have had nothing to offer. We have offered tax reduction, removing tax, removing red tape and removing regulation. It is pretty simple that those who have not been in business do not get it. Those who have not been in business probably have never had to deal with the red tape and regulation that most businesses in South Australia have to deal with. Every SME business in South Australia is horrified by the amount of continual paperwork that they have.

Rather than focus on their business and where they can make money, they are focused on filling out paperwork day by day. They are not only focused on paperwork, but they are also focused on the multiplication of regulation, paperwork they have to fill out. Particularly in the electorate of Chaffey, many businesses come to me to tell me that they have had to employ an extra person just to fill out the paperwork. So, rather than try to grow their business, they are just complying with red tape and regulation.

We talk about pork-barrelling, and of course that goes without saying. The government has been in for way too long. They have a constituency base that they continue to support: it is called incumbency seats. Some of the latest grant funding that has come out makes people want to puke, when they see the same old seats and same old areas of the state getting the support they cannot get. There should be some piece of legislation, some form of rule, that ensures that every part of the state is able to share equally government grants and funding. They should not play favourites.

I want to touch on the bank tax and the banks. We seem to be focused on the four big banks. Do they pay payroll tax? They are probably one of the largest payroll taxpayers in the state. Do they employ people? Yes, they do. Do they invest in this great state? Yes, they do. I noticed the member for Elder was out there spruiking the little banks, that they will be the saviours. They are not the banks that are prepared to take risk on investment. They are not the ones that will stand up and say, 'Yes, we're going to lend you the money at a risk, and there will be a margin put on that loan, yes.' That allows a business to expand and employ more people.

Small banking institutions and small financial lenders are not prepared to take a risk, so they do not come into the equation when we talk about big investment and big job creation. It does not

have to be about big business making big investments or job creation; SMEs are doing that every day. Every single day, those people are putting their livelihoods on the line. They are putting at risk their life savings, their life's work, their determination and dedication, by borrowing more money to invest, to employ more people and to grow, manufacture and process more product, so that we can put food on the table and invest in export markets and grow our economy.

That is why we are not seeing an increase in exports and that is why we are not seeing an increase in the confidence of SME exporters. We are seeing a continual regurgitation by the minister and by this government that is standing next to an exporter, who has put their dedication into a project, and taking credit for it. It has to be seen to be believed.

At the moment, some of the largest foreign investors that come to South Australia are from the US, and if it is not the US it is the UK, South-East Asia, North Asia or New Zealand. Many of the countries that South Australia and even the nation rely on are international investors. If an international investor looks at a foreign investment tax in South Australia, what will they say? 'I'm going to look at my other options,' and of course they will look at their other options.

Businesses in Chaffey have now diversified and expanded into New South Wales and Victoria. They are not investing in South Australia because it is too expensive and there is too much regulation. They go to New South Wales and tell the government there that they would like to invest in the state, and the state government say, 'What can we do to help? Where would you like us to help? In what area can we be of assistance?'

When they come to South Australia and tell the government they want to expand, that they need power augmentation, the government says, 'Well, that's going to cost you X number of dollars,' and if they say they have to hook up the water, the government says, 'That's going to cost you that much more again.' That is why industry, manufacturing and value-adding industry are not investing in the Riverland. They are now investing in the MIA and they are investing in other horticulture jurisdictions because it is easier to do business and there is less burden and fewer taxes. It goes to show that if the government were serious about investing, stimulating an economy and growing an economy, they would be out there helping, rather than taxing and burdening those businesses.

What I would like to say is that one of the great platforms that South Australia relies on is the River Murray, and what we have seen over the last sitting week is more politicising about the Murray-Darling Basin Plan. I urge everyone in this place that we as a state support the Murray-Darling Basin Plan. Yes, the government support it. Yes, the opposition support it. Yes, the crossbenches support it. The Murray-Darling Basin Plan is one of the great reform packages that this country will have to negotiate in the current times.

When I read a ministerial statement from a lazy, foul-mouthed water minister in another place, I really have to ask the question: where is South Australia's future within water reform? Where is South Australia's future when they, as irrigation communities, irrigators and SMEs, are giving up their financial platform? They are giving up their water licences so they can put water back into the environment. I want to correct a couple of things on the record in the ministerial statement. He discredited the pledge of a 4,000-gigalitre basin plan.

Days after the Premier knifed the then premier Rann in the back, he came up to the Riverland, and I congratulated him on it. He said that he would fight for a 4,000-gigalitre Murray-Darling Basin Plan and that no water should come from the South Australian irrigators. That is what he said, yet this foul-mouthed minister is discrediting what was actually factual. Days after the Premier was put into the top job, he came up and said that that was what he would be fighting for. The minister has said that there was never a promise of a 4,000-gigalitre plan, remembering that this plan is the sustainable plan to continue economic growth here in South Australia.

I criticise the government for not putting one drop of water in efficiency gains from the government or from SA Water—not one drop. It is all very well for the minister to say, 'Haven't you heard about the $240 million River Murray sustainability program called SARMS?' Minister, it was $265 million. It was commonwealth money and the state government is administering that money, so really the state government are the profiteers here. They are not giving up the water. They are clipping the ticket from commonwealth funds. Again, that will be water that will be put back into South Australia's 183 gigalitres of entitlement.

And 183 gigalitres of water creates many, many hundreds of thousands of jobs and that water that is going to be put back into the environment is a good thing. It is about the commonwealth government supporting those farmers, irrigators and communities. It is about supporting the state to adjust and to do more with less, but it is also about the transition, and that is something the current government never got. They would not even take the $20 million that the federal government offered them as a transition package—$20 million and the Treasurer and the Premier said, 'We are not taking that money because we have to pay GST on it.' Well, blow me over. When you cannot see a good deal, you do not know what you are on for.

I want to call the Minister for Water to account. He has not achieved any government efficiency gains below Lock 1. I am talking about SA Water. I am talking about government licences. I am not talking about putting a regulator in a wetland. I am talking about the government having skin in the game so that they can actually have credibility when we next have a drought because we are going to have another drought. It is coming, and every day that goes by that drought gets closer.

When we do have a drought and South Australia goes cap in hand to the other basin states and says, 'It's not fair. You've got more water than us,' it is about South Australia having done the due diligence. It is about doing what needs to be done for environmental works and measures so that, when we do not have enough water within the system and when we do not have the flows, we have the best environmental outcomes possible so that we do not have to put up with the rot that happened below Lock 1 in the last drought.

The reason I am saying this is that it is about sustainability. It is about a continual economy. It is about actually supporting the people who drive South Australia's economy. The Riverine Recovery Project is a commonwealth-funded project. What I would like to say is that when I see a ministerial statement from a minister of the Crown and he puts this absolute rubbish in a statement, he needs to get his facts right.

What I would like to say is that South Australian irrigators, the Riverland and upper and lower river communities are doing the right thing. They are engaging in efficiencies and they are engaging in the future of South Australia's economy, particularly with horticulture, agriculture and viticulture. It pains me that a minister continues to politicise an issue, a reform package, that is of no concern to him. As he has said to me on a number of occasions, 'There are no votes in it for me,' just as the Premier said the other day when he was interviewed about using GM products or allowing them to be legal in South Australia, but that is a debate for another day.

I will say that this budget is not in the best interests of South Australia. The bank tax is a bad tax. The bank tax is not good for investment, it is not good for South Australia and it is not good for investors coming here. It is not about looking at the banks. We had a minister who went from 30¢ in $100 to 50¢ in $100 by the end of his contribution; maybe he factored in interest, but I am not quite sure just where he was going. It is a pity that the minister continues to have battle scars from a previous life. As I said, the bank tax is not good. The bank tax is not putting South Australia on the front foot.

While I have made only a short contribution, I want to acknowledge that this bank tax will also impact all the good people in the new areas of the electorate of Chaffey: Cadell, Morgan, Blanchetown, Cambrai and Murbko. All those districts are reliant on good water reform. They are all reliant on commodity prices. They are all reliant on investment in their towns and regions. They are reliant on being supported by the banks, the majority of which are the four big banks . When they need that support, when they need that finance, when they need that help to increase their business and employ more people, whether they are going to pay off debt, whether they are going to adjust debt, it is about going back to the bank and being able to get that support.

International attraction agencies and business partnership programs, what are they going to be about when we are looking for international investment? Again, I have talked about the brand in South Australia, and that is what it is about—tarnishing the brand of South Australia. South Australia is a great state. It is a state that businesses do want to invest in, but when we have a government that is hell-bent on increasing taxes, introducing new taxes, with not a care about an SME, it makes me really sad. The bank tax is a bad tax and it is something that this side of the house will not support.

Dr McFETRIDGE (Morphett) (16:58): The Budget Measures Bill introduces a range of changes to taxes and levies to help the government do its job, and in many cases those changes are seen as having some long-term benefit and there are others that are seen as having some significant impact. The one that is obviously on everybody's lips in this debate is the bank tax.

Any new tax is a regrettable form of impost on South Australians, who are doing it extremely tough at the moment. We know that the cost of living is extremely high, taxation is high, power prices are at world-high prices, and water and sewerage rates are up there. Every time the South Australian taxpayers turn around, there is another impost on them. The cost of living in South Australia is extremely high and we are not doing ourselves any favours if we continue to go down this line of taxing and spending. We have to get things under control.

If you are going to introduce a tax, let's look at those who are able to afford that tax. I think the banks can afford this tax. I have said before in this place that I do not think that this is a good form of taxation. It is part of a state tax system that we were supposed to get rid of under the GST—the BAD taxes and the FID taxes, and this is similar to those. That said, this particular tax is one that I look at and ask: what can you do with this sort of revenue to give tax relief to South Australians and do it here, do it now and do it today, if this bank tax was to be supported in this place?

If you want to go down the conventional line of supporting the Budget Measures Bill—if you do not, you are creating a precedent that can come back to bite you—opposing the tax, or removing it later on if you are in a position of power, then that is something you have to make up your own mind on. Let me tell you about the discussions I am having with the government because, as an Independent, I am now in a position where I can go and put my own opinions to the government, they can express their views and we can discuss them.

I can say that I have had discussions with members of the government about what they would do to get my support for the bank tax and possibly the support of other members, whether in this place or the other place. I have put to them, as I did in a previous speech in this place, that I would support the bank tax if—if—the ESL remissions were brought back. I do not mean brought back next January or after the election next year: I mean 1 September, the last quarter of this year. I have had access to some figures about the benefit South Australians would receive if the ESL remissions were put back, and that is the deal I will be agreeing to if the bank tax is retained.

The deal will be that ESL remissions are brought back in full, for every household, every business, every farm and every industry in South Australia, and it will be done on 1 September. Let me tell everybody on both sides of this house what the impact of my proposition to the government would be—and I can say that it has been received positively by the government. It would be that 651,738 businesses, residences, commercial and rural properties and even vacant and community properties would benefit from the ESL remissions coming back. Over 650,000 properties would benefit.

We know that the bank tax is about $90 million a year. The total return to taxpayers now, back in their pockets, would be over $100 million. They are going to be way ahead. If the banks are stupid enough to try to claw back this bank tax through fees and charges and put that impost on South Australians, let it be on their heads. They might be b's, but they are not stupid b's. They need to know the consequences of their actions.

We know that when the banks are paying their tax, after they have put in their doubtful and bad loans and reduced their tax significantly, they are able to benefit from the system that is in place. This bank tax is not a tax I am comfortable with but, if it is going to go through as part of the Budget Measures Bill, then South Australians should be able to benefit, and not benefit if a Liberal government is elected in March next year—not a maybe: they need to be able to benefit now, 1 September. Bring these remissions back in so 651,738 properties would benefit.

Let me give some examples of the benefits to South Australian pockets as of 1 September. This would apply to a lot of my electors in Glenelg who are asset rich, but not necessarily income rich, and income poor, because property values have gone up significantly in Glenelg. For a $1 million property in the Bay, with the remissions taken out they are currently paying $534.80 for their ESL. If the remissions are reinstated, they would be paying $154. They are saving $380, with a 247 per cent reduction in the cost of their ESL. That is just one example.

At the other end of the scale, those living in less expensive and lower value houses of, say, $300,000, would have their ESL bill go from $195.40 to $81.20—a saving of $114.20 in their pocket now. If the banks want to try to claw back this bank tax through fees and charges to their customers, that may be so—be it on their heads. I encourage bank customers to shop around because we know that the banks are really looking after themselves.

In regard to the bank profit announced by the Commonwealth Bank today, congratulations on making such a huge profit and having such a successful business; from recent revelations in the media, you have a lot of questions to answer about the way you have made that profit. Certainly, questions are being asked about the way interest rates have been adjusted or fixed in some cases. The way the business is being run is a real issue for everybody. The banks also need to answer the question: will they continue to shift jobs offshore? They have shifted thousands and thousands of jobs offshore to places like the Philippines, Bangladesh and places where they are paying a pittance to workers compared with what they would be paying in South Australia.

I understand that about 25,000 bank jobs have gone overseas. Will the banks bring those jobs back if the bank tax is not in place? Let them answer that. Will the banks claw back through fees and charges every bit of this bank tax? Let them answer that. Will the banks stop adding to their bad and doubtful loans to try to minimise their tax every year and see how little tax they can pay? Let them answer that. In the meantime, let the banks also say why South Australian taxpayers should not receive the benefit of the ESL remissions coming back in. The Liberal Party have said that they will bring back the ESL remissions if elected next year.

We have seen members on the Liberal Party side say that they want to support small and medium enterprises. We all want to do that, but I also want to support the mums and dads, the farmers and every business that is paying the ESL without the remissions in place. There is $100 million to go back into the economy and back into the pockets of South Australians if those ESL remissions are put back in place. That is why, if the Liberal Party want to divide on this clause of this bill, I will be voting with the government on the fact that they have spoken to me in good faith about reintroducing the ESL remissions.

The benefit to 651,738 property owners in South Australia will far outweigh any impost of the bank tax. The Budget Measures Bill is a very important bill. We have seen it amended before in relation to the car park tax. This is one tax that I do not think the banks will have the nerve to push South Australians on. How much are they paying every day for full-page adverts in the paper and on the radio and on television?

Ms Digance: Outrageous.

Dr McFETRIDGE: It is an outrageous use and abuse of their investors. They are using the mum-and-dad investors of South Australia as human shields for their profits and they have to stop that. The scare campaign being run by the banks is only matched by the scare campaign that former premier Rann put in place during the 2004 nuclear waste debate. It worked exceptionally well then. I understand that my name is being mentioned in dispatches in Sydney and other places. I have somebody from Westpac coming to see me tomorrow about the bank tax.

Do not come to me crying crocodile tears unless you can tell me that you are going to bring those 25,000 jobs back here and you are going to stop putting your rates up every time the RBA puts their rates down. If you are going to make sure that South Australians are getting a good deal for their investment and their trust in you— not just your shareholders, not just your board, not just your general managers—then you can start talking to me on terms that I will be happy to listen to. Until the banks start making those significant honest, decent changes, they are not being held in high regard by me.

I do not like the way this tax is being put in. I say again that it is bringing back some of the taxes we meant to get rid of but, if I am able to hold the government to their word and get the ESL remissions back in, I am happy to vote with the government on this because there are 100 million reasons why South Australians will be better off. The 651,738 property owners will be better off. My electors in Morphett whose houses are worth $1 million will be saving $380 a year; if they are worth $1½ million dollars, they are saving $571 a year; or if they are at the other end of the scale, worth,

say, half a million, they will still be saving $190 a year. That is money in their pockets now—not waiting for a bank dividend, not waiting for an election result. That is going into their pockets now.

I ask people on both sides in this place and people in the other place who read this contribution to think about the immediate impact on South Australians of supporting this bank tax by making the government put those ESL remissions back in on 1 September, the last quarter of this year. Help every South Australian reduce their taxes and their levies and help them ease the cost of living. This is not an easy position to be in, but it takes courage to look at the best outcome for South Australians, and as an Independent in this place that is what I will be doing. I will be looking after my electors in Morphett and looking after all South Australians. If the long-term result is a better outcome, then why won't you go down that path? That is the path I am going down.

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (17:09): It gives me great pleasure to rise and speak about this bill. This is an important bill. This bill, as part of the broader budget package, provides for significant support for businesses in South Australia to grow their businesses, to help them employ more people, to grow jobs in our economy, to grow economic activity, to grow the state's economy and provide opportunities in the future for South Australians.

I speak, of course, following on the back of the contributions from the member for Morphett and, before him, the member for Chaffey. I must say that it was far more instructive and interesting listening to the contribution from the member for Morphett than listening to his predecessor, the member for Chaffey, but what would you expect from a person who so gallingly rises from his position in this chamber to make a contribution on this bill in the way that the member for Chaffey does? He continued his time-honoured tradition of selling his constituents quite literally down the river with his position on this bill.

When I last spoke in this chamber on a budget-related bill it was about the Appropriation Bill. The night before I spoke on that bill, I spent some time looking up what the banks' contributions had been to regional communities in South Australia in the last two or three years. I read into *Hansard* the 41 different regional communities that have suffered a branch closure from only two of the big four banks in the last two years in South Australia—41 regional communities, represented almost exclusively by those members opposite.

They are happy to come into this chamber and they are happy to make statements publicly trying to reframe this debate about a bank tax as being about whether a government is willing to grow jobs and grow the economy rather than the actual impact on regular South Australians. Nothing could demonstrate the impact on regular South Australians better than the behaviour of the banks in those 41 communities. Nothing could demonstrate their contempt and their unwillingness to meet face to face with South Australians to provide them the services that they contracted to provide those South Australians when they first began receiving deposits from them or providing them with credit-related products.

For the member for Chaffey to stand up and say that it is banks that invest here in South Australia, that it is banks that employ people here in South Australia and that that is why it is wrong to tax them and, 'Trust me, I should know, as the member for Chaffey, I am a former businessman,' it is no surprise that he is a former businessman and he is in here. This is the Liberal Party habit, is it not—dumping failed businessmen onto the House of Assembly? We see it time and time again.

When they come in here, they demonstrate chapter and verse their lack of economic nous and skill by making the sorts of comments the member for Chaffey made, saying that it is banks that invest in South Australia and banks that employ people. We just heard from the member for Morphett the reality of that situation: 25,000 jobs offshored by the bank sector in Australia over the past handful of years.

Believe me, I know: I am one of a number of dwindling Finance Sector Union members in South Australia. I say 'dwindling' because the majority of the membership comes from financial institutions like the big four banks and they have, year after year, month after month, continued to scale down and close their operations here in South Australia, off-shoring their operations to lower labour cost jurisdictions overseas. They continue to do this while still maintaining record high levels

of interest rate charges for credit products like credit cards for personal use and business overdrafts for the more than 140,000 South Australian small to medium-sized businesses.

Since the global financial crisis, funding rates for the major banks have dropped between 300 and 500 basis points or between 3 per cent and 5 per cent. What has happened to business overdraft rates? Have they dropped below double figures? Of course not, because this is the opportunity for big banks once again to behave like predators on the people of South Australia, and to once again behave like predators on small and medium businesses in South Australia.

Have they dropped the number of charges that they levy on small businesses in South Australia? Have they dropped the number of fees that they impose on businesses in South Australia? No. Not only have they not dropped their interest rates, they have continued to increase and multiply the number of charges that they impose on South Australian businesses. At the same time, in regional areas, not only have they closed 41 branches across 41 regional communities in South Australia but they withdraw the services while still charging ever-increasing fees for the services that they provide to these businesses.

It is extraordinary that someone like the member for Chaffey would have the gall to come in here as a Riverland regional MP and pretend that he is on the side of his community. He is selling out his community, and he is doing it for base political purposes. That is what this invertebrate Liberal opposition does. They do not develop their own policy. They do not tell South Australians what they would do if they ever formed government. They wait like a well-oiled weathervane to see which way the wind is blowing on any particular day, and they get in behind that gust and think that will blow them towards success at the next election. It did not work in 2006, it did not work in 2010, it did not work in 2014 and it is not going to work in 2018.

The only policy they have articulated to take to the next election is this trenchant desire to set council budgets. I do not know if it has dawned on the Leader of the Opposition and his bunch of weak, spineless acolytes that he gathers around him, but that is not the job of the state parliament. The job of the state parliament is to manage our own affairs. If he is interested in being a mayor, I am sure any of us could suggest any number of more than 60 councils that he would be better off superintending or administering, away from us, away from the more serious business of state.

The business of state is about making sure that our hospitals, our schools, our roads, our police forces and all the other services that people look to state government for are adequately provided for, adequately provisioned and adequately maintained and invested in. That is an important consideration on the other side of this debate. In the absence of having access to the revenue raised by the major bank levy, what is the state to do?

We have a pandering opposition that pulls out the old Johnson and Johnson bandaid to try to paper over every single large fissure and fault that arises from the conduct of that insipid, weak, indecisive, misleading federal government that all Australians are burdened with at the moment. Not only are they continuing to rake in record amounts of revenue year after year, at the federal level, but they continue with the pretence that they cannot afford to fund the states adequately for health, for education, for housing, for policing or for roads.

I would have thought that a Liberal Party dominated by regional MPs at least would have understood the argument when it comes to roads. We are a state that has 11 per cent of the nation's road network and approximately 7 per cent of the nation's population, yet receives only 5.5 per cent of the nation's road funding. This is a clear inequity, but do we hear that from those opposite? We hear plenty of complaints about roads, but we never hear what a solution might be.

When we raise the obvious solution, which is for the federal government to return to South Australians our fair share of revenues that we pay up to them in things like a goods and services tax, income tax and Medicare levies, so that, just like the rest of the nation, we might be furnished with decent roads, we might be able to treat patients in our hospitals equitably compared with what happens in the Eastern States, and we may be able to educate our children in schools to the same standard that occurs elsewhere in Australia, the howls of derision we hear from those opposite are loud and, quite frankly, extraordinary.

Who are they pretending to represent? They pretend that South Australians do not pay these taxes and that South Australians are not entitled to receive these revenues for the benefit of our

population here. They claim that this is federal money and that we are not doing a good enough job being supplicants for it, that we should somehow bend over for the federal government so that we may be, perhaps every now and then, visited with their largesse so that we can receive a few rose petals as they pass through perhaps once every three years just before a federal election day and be grateful for it. Well, we say no to that.

We know that good federal governments build industries across Australia, they build populations, they build jobs and they build communities. I am thinking of a good federal government, and an example of a good one that did that in South Australia is the Hawke-Keating government. It was the Hawke government that invested in the Collins class submarine build here in South Australia, that developed a 30 to 40-year-shipbuilding capability here at Osborne, that created and continued to support thousands of jobs.

It was Labor governments that invested in generation after generation of automotive manufacturing here in South Australia. It was Labor governments that continued to invest in health and education resources here in South Australia so that South Australian communities were filled with children with bright futures who had families led by parents with stable jobs and decent incomes. That is what Labor governments do. But what do Liberal governments do? As soon as they assume government in this country, they pretend that the great Thatcher project of 1979 needs to be reinstituted here in Australia in 2014.

What did Thatcher do? That is right: she chased automotive manufacturing out of the UK, so perhaps we need to do that here in Australia. That was project No. 1. Project No. 2 was to tear up health agreements with the state governments, including here in South Australia. That is right: under the Thatcher-Major years they buggered up the NHS, so why not see if we can do the same with our healthcare system here in Australia. Let's do our best to defund health services in Australia, and in particular here in South Australia—job No. 2.

It is extraordinary that a group of right-wing zealots, the Liberal Party of Australia—stuck in the neoclassical Reaganomics of the 1980s—still think that they have a place here in society in Australia, let alone here in South Australia, and then dare to question a government, this state Labor government, for ensuring that South Australians and our communities should enjoy that piece of the pie, that prosperity, that increasing quality of life and standard of living, that we should be demanding all over Australia, and indeed in every Western democracy, and that the tools and the money required for those better schools, those better hospitals, those better roads and those safer communities through larger and better equipped police forces, are provided to our state. It should be. It absolutely should be.

What we do not need is the Liberal opposition here in South Australia making the federal government's excuses for them, saying that it is wrong for a Labor government to stand up for South Australians, to stand up in the face of a federal government chasing thousands and thousands of automotive manufacturing jobs out of this country. This is a federal government that tried to sell the build program for our submarines off to Japan and was caught red-handed in doing it, and that continues year after year to underfund South Australia's road network because, unfortunately for South Australia, we have fewer marginal seats than Western Sydney or Queensland, and hence we kick all the money over there.

This is a federal government that tears up the Gonski agreement. Even when we get a simpering, left-wing, moderate federal education minister like Simon Birmingham, even when we think we might have somebody who is somehow a little closer to the centre than the Genghis Khan who used to be the prime minister a couple of years ago, we still get dudded on education funding. It is extraordinary because it is absolutely—

Mr Duluk interjecting:

The Hon. S.C. MULLIGHAN: The member for Davenport says that the Gonski deal, developed and funded and committed to by the Australian government—

Mr Duluk: It was never, ever funded.

The DEPUTY SPEAKER: The member for Davenport, come up here just for a minute.

The Hon. S.C. MULLIGHAN: Thank you. The member for Davenport says—

The DEPUTY SPEAKER: It is unparliamentary to respond to interjections, so do not worry about him. I will look after him.

The Hon. S.C. MULLIGHAN: He claimed that the Gonski funding was rubbish, that putting more money into our schools is rubbish. That is what he might tell the communities of Blackwood and Belair and those other areas that he wants to represent, but that is not what I say to the schools and parents who I represent in Seaton, in Royal Park, in Semaphore Park, the schools that need it the most, the schools that need additional teachers, the kids who need the most help. They think it is all a laugh. They think it is rubbish to provide a decent education to South Australian children

They think it is all a laugh that health funding agreements should not be torn up. They think that is fine. They think that hospitals do not need to be funded properly, that South Australians who pay income tax, who kick up their Medicare levy, should not expect great services out of the Australian community. What kind of people are we are dealing with here? What sort of people are we dealing with here?

The fact is that, when this is pointed out to them, they screech across the chamber, and they seek to take bogus points of order, to interrupt the business of the house because they do not like their dirty laundry being aired or showing how bereft they are of vision, of policy, of strategies to take our state forward, of making sure that our communities have better hospitals, schools, roads, police, housing and other social services. When this is pointed out to them, they seek to yell, almost like a child putting their hands over their ears and singing 'La, la, la', so they do not have to hear it anymore. It is an appalling way to conduct themselves.

We heard a dreadful sort of gutter language from the member for Chaffey beforehand, saying things like 'puke'. It is a rare privilege for 47 of us to represent communities across South Australia. If you need a thesaurus, member for Chaffey, they are not expensive. In fact, I believe there is one in the library, but if you cannot speak decent English in communicating what you are trying to get over, then at least go to see Hansard afterwards and have your dreadful grasp of the English language exhumed and erased from the record in the future so other people might not be tempted to follow you down into the gutter.

I will conclude my remarks by saying this: this budget is absolutely critical for South Australia's future. We are levying this major bank levy on these organisations that can afford it. We have watched their behaviour for decades in this country. We have seen how they treat South Australian individuals and South Australian businesses, and that is with avaricious contempt. They continue to increase the prices of their financial products. They continue to fleece mums and dads, small businesses and medium businesses in South Australia, and they are not growing jobs: they are constricting our community's capability to grow jobs.

They are closing branches in regional communities—41 regional communities across South Australia—and that means that the elderly citizens in those communities cannot go to extract money from a teller, that they cannot have banking services explained to them and that farmers cannot go to see a bank manager when the drought hits. All of this is okay for the Liberal Party. That is absolutely fine for them because they would rather look after their mates in big business than look after South Australians, and that is the choice.

So we are going to tax these banks and we are going to put that money back into the pockets of South Australian small to medium businesses and help them grow jobs and do the job that they actually do: growing the economy. It is not the banks that do it: it is South Australians. It is mums and dads and those small businesses. I commend the bill to the house.

Mr DULUK (Davenport) (17:29): I rise to make a small contribution to this debate. I would like to be the first in this house to acknowledge the passing of Johno Johnson who, of course, was a Labor luminary of the New South Wales right. He passed away at age 87. What we just heard from the member for Lee is certainly channelling the late Johno Johnson. Johno himself would be so proud of—

The Hon. T.R. Kenyon: We are even more for it then. We are even more for it and you should be too.

The DEPUTY SPEAKER: Stop the clock. Member for Newland, you might like to come and speak to me while the member for Davenport continues his contribution.

An honourable member: About time.

The DEPUTY SPEAKER: You will be right behind him, if you are not careful. Member for Davenport. Start the clock.

Mr DULUK: Johno Johnson would be so proud to hear the transport minister get up in this house and bring up this sort of class rhetoric that we have just heard in the last 20 minutes. The Liberals are some evil capitalist beholden to the memory of Margaret Thatcher, and it is only the member for Lee, the member for West Torrens, the member for Kaurna and the member for Little Para who can save South Australia from itself and save South Australia from the evils of the Liberal conservative government that actually may want to do something positive to invest in jobs and may want to do something positive for the people of South Australia.

It is the Labor way. It is the Johno Johnson way. It is the Labor right way just to tax and spend because that is all they know how to do—tax and spend, tax and spend, tax and spend. When you are not sure what to do when you have a problem, let's tax and spend. Let's tax and spend our way out of our situation that we have right here. That is all this bill is about.

This bank levy is not a referendum on the banks. It is not about decisions that corporate institutions, such as the banks, make. It is not, as the Premier went out today and described, some big class war. It is actually about this Labor government and the awful decisions they have been making over the last 16 years, and that is all it is. We have a problem. Treasurer Koutsantonis knows we have a problem and the problem is that spending by this Labor government is out of control after 16 hard years of Labor.

For those opposite who do not know, unbudgeted spending over the life of this Weatherill and Rann government is sitting at about $4.04 billion. That is year after year. Between 2002 and today, the Labor government, who have been in charge of the Treasury benches for that whole period of time, have spent $4 billion more than they budgeted for year on year on year. Believe it or not, whether this bank tax passes the parliament or not, when we roll up and see the Mid-Year Budget Review later in December, and when we debate next year's state budget, you will see that we have overspent again, and that is just the reality of this government.

In his contribution, the member for Lee would have the South Australian public believe that this debate is all about evil banks and big bankers in pinstripe suits. Before entering this place, I did own a pinstripe suit because I did work for a bank, but they would have you believe that there is this big, evil, bogey bank man who does not care about Australia and just wants to pilfer. That is how they are heading this debate, but that is not what this debate is about.

This debate is about taxation and why this government needs to raise more revenue, and the reason why it needs to raise more revenue is that it cannot control its spending. It is as simple as that. Every time Labor has a spending problem, it looks to a tax. We obviously have the state bank tax that we are talking about at the moment. Year on year, we have seen ESL increases. We have seen the proposed car park tax. This government has had a windfall of GST revenue coming into it. This year, in 2017-18, the state government will receive an extra $369 million in GST revenue than it budgeted for. That is about equivalent to the state bank tax it is proposing. Of course, there is the foreign investor surcharge on stamp duty and there is the ongoing land tax.

Ultimately, someone has to pay for Labor's errors, and unfortunately, Deputy Speaker, it is the people in your constituency and the people in my constituency. It is all the small businesses across South Australia, the farmers, the irrigators—every single one of us has to pay for Labor's error. At some point, it has to be passed on to the consumer because that is how tax works: tax is paid by the consumer; it is not ultimately paid by government. I am not here to defend the banks, as they can defend themselves, but I am here to defend good public policy, and this is bad public policy. That is the problem.

The reality is that it is a punitive tax. It will be paid by businesses operating in South Australia. When the Treasurer says that it will not dampen investment, of course it will dampen investment. We know that all taxation dampens investment. That is just the reality of tax. The debate we should be

having in South Australia is: what do we need to be doing to increase investment? What are we doing to increase investment in this state? What are we doing to reduce government debt as another means of freeing up income for the state government? That is where we need to be looking in regard to this debate.

Nothing surprises me anymore with this government but, sitting through budget estimates and inquiring of the Treasurer, I find it incredible that the government is prepared to bring in a brand-new tax, as it is proposing to do, without doing any modelling. That is completely and utterly irresponsible of this government. Not only that, but how can every single member who supports this government—every single member of the Labor Party and the Independents who supports the government and who is going to vote this measure through the parliament—vote for a tax measure that we know is going to put such a big impost on the people of South Australia knowing that the government has not done any modelling? Treasury has not done any modelling on this taxation.

You would not buy a new car without driving it first and knowing what it is, so I do not know why, when it comes to anything this government is undertaking, Treasury would not want to do any modelling. The reality is that they do not want to do any modelling because they do not want to know what the answer will be that the modelling brings to the fore. There is no doubt that if proper modelling were done on a state bank tax, it would show that it actually would be bad for investment and that it would diminish business confidence in this state—and we know business confidence in this state.

Last night, I was fortunate enough to meet with three small local businesses from my electorate, all mum-and-dad businesses: one a car mechanic and tyre shop, another a grain fodder store and the other one a fruit and veg wholesaler, all within my electorate. I posed this question to them: what are your thoughts on this bank tax? These are mum-and-dad, suburban business owners, who put in 80 hours a week, who work Saturdays and Sundays, who are up at six in the morning and who do all the hard things. Their Sunday nights are spent filling out paperwork and compliance on behalf of the government, and they do their bit because it is what they believe in. I asked: how do you think this bank tax is going to affect South Australia? And they all unequivocally said that it would have a negative impact on business confidence—

The Hon. A. Koutsantonis: All of them?

Mr DULUK: All of them, Treasurer. All unequivocally said that it would have a negative impact—

The Hon. A. Koutsantonis interjecting:

The DEPUTY SPEAKER: Order!

Mr DULUK: —on business confidence and a negative impact on business confidence—

The DEPUTY SPEAKER: The Treasurer is on two warnings and will leave the chamber the next time he says something.

Mr DULUK: —it will affect their ability to sell their product because if people are not confident, they are not spending. The Treasurer would not know this: he has spent his entire life inside the union movement. He has not borrowed money, he has not mortgaged his home against a small business, he is not paying the GST, he is not filling out forms paying for payroll tax and he is not burdened by the decisions he makes. Ultimately, the small business owners of South Australia are burdened by the decisions we make, so I would have thought that before this government, which pretends to believe in small business in South Australia, actually decided to burden the businesses, small businesses, the lenders and investors of South Australia, they would actually do some economic modelling. I think that is probably the most disgusting part of this new tax, that no modelling has been done.

Treasury does not know how much it is going to raise overall. In estimates, the Treasurer could not tell us what the implication of the South Australian bank tax would be if other jurisdictions went down the same path and then we had across the federation, across every jurisdiction, a state bank tax and a federal bank tax as well. No modelling in that regard was done and, as soon as the government made its announcement, we saw the Western Australian Labor government moot the possibility of their bringing in a state tax.

What is the implication for South Australia should other jurisdictions embark on respective state bank taxes? Has any modelling been undertaken in that regard? None whatsoever. I am not going to be in this parliament and support measures that we know are going to hurt South Australians without seeing some modelling on the back of it. I urge members, and I especially urge the Independent members of this house, to truly consider the implications of passing this measure and what it is going to do to South Australia and to the economy.

As I said at the beginning of my remarks, this tax is not actually about the banks: it is about plastering over 16 years of failed Labor economic policy. We have $4 billion of unbudgeted spending over the life of this government, we have about $580 million of contingencies in this state budget for this year and, as the member for Lee said in his remarks, this is a budget we need. This is a budget that the Labor government needs to be re-elected, and that is all it is about. It is about the re-election of this tired, incompetent Labor government.

They will pork-barrel their way through the election, they will pick their projects and they think it is cool to pick on small business but, in reality, this tax is nothing more than a bit of Selleys No More Gaps that they are trying to insert into the bricks and mortar of the South Australian economy to hide their incompetence. I think that the people of South Australia can see through this. They see a rat, they smell a rat, they know what they are on about. The South Australian public know that this tax is nothing more than a tax on them and a tax on investment.

South Australians want to see something different. They do not want to see lazy government: they want to see a proactive government that will work side by side with them, a government that will be collaborative and take on a collaborative position with small business and investors so that we can grow the economy together. Instead, what we have from this government is more debt, more deficit and a taxation regime that will ultimately punish all South Australians.

The Hon. T.R. KENYON (Newland) (17:42): I am looking forward to the Treasurer's contribution, so I will not take long. I will make a few comments about the banks and their arguments against this tax that is proposed in the Budget Measures Bill we are now debating.

One of them is this idea that they are one of the largest employers in this state. That may be true, but they certainly do not want to be. That is why we are seeing a continual decline in employment by banks across the country, including in South Australia. They are running around, winding up their employees and saying, 'Go see your local member and tell them how evil this is and how it is going to hurt employment; I might lose my job.' Those people are probably going to lose their jobs anyway if the banks have anything to do with it because they are investing very heavily in financial technology, known as fintech.

They are not doing that out of the goodness of their hearts, and they are not doing that because they think these start-up companies need a little bit of help: they are doing it because they can see that they will be able to use this technology to reduce the number of employees they have and massively boost their profits. They are not alone in doing that. Most companies are always looking to reduce costs and, if they can do that by reducing employee numbers, they will. That is a disappointing trend across the economy, but those other companies are not out there saying, 'We are the biggest employer, and you should not tax us because we employ people.'

Banks are out there making this crazy argument that somehow they are going to continue to employ people and that, given the option of using fintech or employing people, they will not use fintech—of course they will. Investments in fintech have increased from $185 million in 2015 to $626 million last year, 2016. We see this massive increase in fintech investments not out of the goodness of their hearts, not out of some desire to employ more people or just to improve the economy generally by financing start-ups: they are doing it to reduce their own staff numbers.

To spend $8 million or $9 million across the state advertising how great an employer they are when they are busily investing hundreds of millions of dollars across all the banks and across the sector to reduce employee numbers is ridiculous. They are moving offshore. At every opportunity, they will move help desks or other employees offshore where it is cheaper. They are destroying Australian jobs and creating jobs overseas simply to reduce their employment costs—such is the level of their desire for profits.

Their banking practices have become so slack that you we have seen recent news articles about possible terrorist funding going through their deposit machines and money laundering through the Commonwealth Bank, all because of their desire to increase their profits. Their desire for profits has become so great that any meaningful oversight of where those profits are coming from, any meaningful review of these lucrative deposits and everything else is just being overlooked as they try to take that money in. If that is not hurting businesses and individuals in South Australia, nothing will. If that is not hurting, I will eat my hat. I have a few hats actually, so I could do that.

Finally, this bank tax is actually paying for other tax cuts. It is paying for reductions in payroll tax in part. It is paying for a reduction in stamp duties. It is paying for reductions right across the board and also for incentives to actually increase employment across the economy. We are not hoarding it. We are not spending it on tickets for hats to go to Europe, as former Liberal governments might have done, when the former chief of staff Vicki Thomson to the former premier John Olsen bought a ticket for a hat to fly from Australia to England for Ascot. You should have a hat for Ascot, but surely you could have bought one in England.

Mr Odenwalder interjecting:

The Hon. T.R. KENYON: Yes, or you could have bought it from one of the duty-free trolleys they run. There might have been a hat there. They did not have to buy a whole ticket for a hat, but they did. With those words, the Budget Measures Bill has my support. The bank tax is important. I would like to see it instituted right around the country.

The federal Liberal government's own measures indicate that the banks are undertaxed. That is why the federal Liberal government introduced its own bank tax. That is why we saw that: they know banks should be paying more. I reckon that, in their heart of hearts, the banks know they should be paying more. They just cannot be the ones to see this. They just want South Australia to breach the dam because they know that the rest of the states will follow. That is why they are coming after us so heavily. They are trying to stop this breach of the dam, knowing that they are undertaxed. They do not even have the integrity to make up that tax.

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

Mr PICTON (Kaurna) (17:48): I know it is unparliamentary to talk about whether or not members are present—

The DEPUTY SPEAKER: Then do not do it. Just make your contribution.

Mr PICTON: I would—

The DEPUTY SPEAKER: Make your contribution.

Mr PICTON: I do not think I was going to have any points of order made against me during that period. I would like to make some comments in relation to the Budget Measures Bill, further to my extensive comments during the debate on the Appropriation Bill, in which I discussed the major bank levy for South Australia and the reasons why it is appropriate public policy for our state and for other states in the country to take action—

Mr Duluk: So you support a nationwide bank tax?

The DEPUTY SPEAKER: Member for Davenport! The member for Davenport needs to come and speak to me now.

Mr PICTON: Yes, I—

The DEPUTY SPEAKER: Member for Kaurna, it is unparliamentary to respond; just continue with your remarks.

Mr PICTON: In fact, I do support the major bank levy that the federal Liberal Treasurer, Scott Morrison, brought in. It is very appropriate that he brought it in at a national level, and we have now seen that it is appropriate to bring this in at a state level. I outlined in my previous speech how this represents such a tiny proportion of the major banks' profits—the huge profits that these banks are making.

It was estimated then at some $30,000 million across the country for these five banks, but we have had a bit of news since I gave my last speech in the house. There are a couple of bits of news. First, it was revealed today that the Commonwealth Bank, one of those five major banks, announced a record profit—a record $9.9 billion profit that they are making from the people of Australia. If they were to be taxed about $20 million from this major bank levy, that would represent about 0.2 per cent of their profit.

As the Treasurer outlined in question time, they could pay the major bank levy every year for the next 500 years with their profit from just this one year. It is an astonishing amount of money the Commonwealth Bank has been making and this major bank levy will not cause them the slightest worry in the world. You just have to look at the comments from the ANZ chief executive when he said that this is an affordable levy. It is very affordable for the major banks to pay.

Of course, the other news that has happened since my last contribution is that there have been a few legal matters with the Commonwealth Bank. I refer to a media release from AUSTRAC, which is the commonwealth's main crime fighting agency against online criminal transactions. They work with the Federal Police to stop money laundering and counterterrorism funding in Australia. I quote:

> Australia's financial intelligence and regulatory agency, AUSTRAC, today initiated civil penalty proceedings in the Federal Court against the Commonwealth Bank of Australia…for serious and systemic non-compliance with the Anti-Money Laundering and Counter-Terrorism Financing Act 2006…

How many contributions were made by the Commonwealth Bank against the Anti-Money Laundering and Counter-Terrorism Financing Act? It just so happens that there were allegedly 53,700 contraventions of the act. The CBA did not comply with the requirements of the program relating to monitoring transactions on 778,370 accounts. They failed to give 53,506 threshold transaction reports to AUSTRAC on time for cash transactions of $10,000 or more. These late transaction reports represent approximately 95 per cent of the threshold transactions that occurred through the bank's intelligent deposit machines, representing a value of approximately $624 million.

Further, and I think very seriously, AUSTRAC alleges that the bank failed to report suspicious matters either on time or not at all involving transactions totalling over $77 million. Most damningly, AUSTRAC say that, even after the Commonwealth Bank became aware of suspected money laundering or structuring on CBA accounts, it did not monitor its customers to mitigate and manage the money laundering and terrorism financing risk, including the ongoing risks of doing business with those customers.

So here we have one of our five major banks that has been found out by one of our key regulatory agencies in Australia of turning a blind eye to clear money laundering that has been occurring, sending money overseas. Clearly outlined in the documents that have been filed is the number of different instances where this has happened, the number of different syndicates that have managed to get illegal proceeds of drug importations outside the country through Commonwealth Bank IDMs, and the fact that the Commonwealth Bank turned a blind eye to all this action occurring. This is a very clear example of where the major banks, sadly, are letting Australia and South Australia down.

I think they should be doing a lot more to improve their own reputation, and doing a lot more to improve their ability to comply with the law and to put the people of Australia first, rather than spending their time and their shareholders' money putting ads up across Australia. What they are doing is basically bagging South Australia because they do not want to see any increased taxation level on the super, super profits they are making across Australia.

I concur with all the remarks previously supporting the major bank levy, as well as my comments previously on the Appropriation Bill debate, but I want to note that we have seen, since those comments, more profits made and more disgusting behaviour on the part of our major banks in Australia, which in my mind even furthers my support for the bank levy remaining as part of this bill.

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (17:55): I would like to thank all the participants in the debate, and of course the house for such a speedy passage of the

second reading speech. Before I delve into the measures, I just point out again, in a sad way, that this is the first time in the history of this place that a South Australian budget is being openly undermined by an opposition. It has never occurred before in our history.

The threat the government is being faced with is that, unless we agree to the amendments moved by the opposition, they will block all budget measures in the upper house. The consequence of that recalcitrant behaviour by the opposition is that they are not only trashing a well thought-out and well-designed tradition by the constitutional founders of this state but they are also telling anyone buying an apartment off the plan that the incentives that we have put in place will now no longer occur.

They will be telling small business that the nearly $50 million worth of tax cuts coming their way because of this budget will be defeated. They are telling people that the five major Australian banks, as has been quite eloquently pointed out by my parliamentary friends the member for Kaurna, the member for Lee and the member for Newland and others, have found an ally in the opposition on the basis that they oppose this tax because they believe that this levy will somehow make South Australia and the banks less investable.

Since the announcement of the major bank levy, bank share prices have gone up. Since the announcement of the major bank levy, there have been two internationally renowned billionaires making investments in South Australia. The first is Sanjeev Gupta, who has purchased the Arrium group, which is based largely in Whyalla; and the second of course is one of the great disruptors and new entrepreneurs in the world, Mr Elon Musk of Tesla, in a joint venture with Neoen to produce the world's largest lithium ion battery.

Of course, we are going to see more very large investments over the next months and years made by internationally renowned organisations who are investing in South Australia. Unfortunately for us, we, the people of South Australia, are facing a coalition of people who are determined to do everything they can to ruin the reputation of South Australia. I understand philosophically the debate the Liberal Party is putting up. They claim that they are a party of lower taxes. They claim that they are a party that is about incentivising business, and they also claim that they want to govern—

Mr Bell: Good Liberal.

The DEPUTY SPEAKER: Member for Mount Gambier!

The Hon. A. KOUTSANTONIS: —if they are elected. There is a problem with that argument. If the Liberal Party were serious conservatives, and they were interested in the institutions we have built up since settlement began here, they would not trash a convention of allowing budgets to pass. What the Liberal Party would have done instead is say, 'If we are elected in March, the first piece of legislation in the first budget we introduce will repeal the major bank levy.' That is what responsible oppositions do if they are opposed to a measure, but we do not have a responsible opposition.

We have an opposition that is desperate. We have an opposition that is led by a man who snatched defeat from the jaws of victory at the last election through his own incompetence, through his own failed disclosures about his business dealings, who was unable to conduct a press conference to its termination, who on the day the campaign was announced bungled his first-ever press conference and ended it quite nicely by telling everyone to vote Labor 33 days later.

They are so desperate to win the next election that they are prepared to tear up the institutions we have built up since we arrived, and those institutions are important. Our founding fathers designed our constitution in that way so that this house can amend budget and money bills and the other place can only make suggestions. The reason they designed it in that way is that our founding fathers knew that we were a smaller state, that things were stacked up against us and that the last thing we needed was gridlock.

They wanted governments to govern, and if the people decide to change the government, the government then has that mandate and that constitutional power to then govern. But what the Leader of the Opposition is saying is, 'I have been here six years. I know better, so I am going to trash that convention.' Parliamentary tactics now, from this day, from this amendment lodged by the Leader of the Opposition have changed forever—forever.

Mr Whetstone: Excellent.

The Hon. A. KOUTSANTONIS: Excellent. Member for Chaffey, the great tactical genius that he is, has said 'excellent'. Remember those words.

Mr Whetstone: Scare me.

The DEPUTY SPEAKER: No. No, you are not in your spot.

The Hon. A. KOUTSANTONIS: Yes, he is.

The DEPUTY SPEAKER: No, he is not in his spot.

The Hon. A. KOUTSANTONIS: Yes, he is.

The DEPUTY SPEAKER: You should not be responding to his interjection.

The Hon. A. KOUTSANTONIS: He is exactly in his spot: at the back, sniping in the cheap seats. Let's look at who the Liberal Party have put their lot in with. The Commonwealth Bank has kicked off the reporting season with a $9.9 billion profit. Congratulations to the shareholders, the superannuants, the board and everyone else. That is an excellent result, a great result. In fact, it is a remarkable result given that they do not make anything. They do not produce anything. In fact, they operate under a licence that we as a community grant them.

I cannot go out and buy a Commonwealth Bank product. I can buy a service. So think of it: the most profitable companies are the banks, not our mining companies, not our manufacturers, not our farmers, but our banks. They are the ones who are making the super profits. Why? Because we as a community say they are too large to fail and we will not let them fail, so much so that a prime minister of this country this century, not last century but this century, guaranteed everyone's savings in all the five major banks during the global financial crisis because the banks did not have sufficient solvency if there was a run on the banks.

So we as a community have underwritten them. What we are saying now is that since the states gave up their taxing powers with FID and BAD in exchange for a GST, there is one section of the economy that is growing faster than the rest, and they are contributing less.

Mr Bell interjecting:

The Hon. A. KOUTSANTONIS: We gave it up, yes. The member for Mount Gambier makes a very good point, that we gave it up. We did, but we were told that we would get a GST on financial services, and the commonwealth treasurer at the time said it was too difficult to do. Rather than allow us to maintain those taxes and charges, the commonwealth heads of agreement was that we would revisit this measure, and to their credit the commonwealth government did that in the May budget. But rather than putting that into the general pool, what they have done is lift up their own revenues out of the banks, and good on them for doing so. It is long overdue.

That should free up other revenues to give to the states, which is exactly what we want the commonwealth government to do. We want them to raise more revenue from profitable parts of the economy without doing them any harm, especially when the commonwealth government does so much as a sovereign to guarantee these institutions.

The amount of revenue the states are missing out on from no GST on financial services is about $4 billion per year. It would be increased into the GST pool. It would be allocated around the states according to the relativities and the per capita basis that the HFE formally uses, and we would have that money to spend on hospitals, schools, roads and tax cuts from our own businesses that are facing uncompetitive situations about where they are located.

What we have done is create a body of work that calculated how much the banks were undertaxed. We made an argument at the commonwealth level during the tax reform debate with former premier Baird about a GST on financial services. That was rejected by the commonwealth government. We then campaigned for an increase in the GST and to let the commonwealth government keep that increase in the GST to balance their books, and then to allow us to exchange our national partnerships and special-purpose payments as a proportion of income tax linking us forever to a growth tax, to end this squabble. This country does not have a spending problem: we have a revenue problem because we have been demonising taxation as a community for the last 40 years.

So here we have these institutions making these super profits and, as my friend said, today's profit announced by the Commonwealth Bank is the equivalent of 500 years of their liabilities in South Australia if this measure passes—500 years. This is an organisation that just made $9.9 billion while under investigation for anti-money laundering avoidance and breaches of anti-terrorism provisions—53,000 counts of it, which have a fine of about a trillion dollars. If those fines are actually enacted by the court, do you know who is going to bail them out? The Australian taxpayer. We are going to bail them out.

This theory that the opposition have now, on the basis of the deceitful campaign by BankSA, Westpac and the Commonwealth Bank, is that somehow South Australia is less investable, a less attractive destination to invest in. The NAB survey released just yesterday in their monthly tracking of business confidence showed an increase since the budget, and with all the ads being run, business confidence still went up, but it is a surprise that the BankSA survey was so terrible.

Given all that, the opposition have actually bought the argument that this will make South Australia a place that is unsafe to invest. If that is true, if that remark, that piece of policy, that belief that the opposition have that we are now a less attractive destination is true, what does it say about the nation that we have now just introduced a tax? The same accusations members opposite make about our tax, they could make about the commonwealth levy: it is arbitrary, it was unforeseen, there was no consultation. What will the foreign banks think? Will they think they are next? What about other profitable parts of the economy? Will they be taxed?

There was no such argument put on Australia. Indeed, at the time, the Leader of the Opposition said nothing, yet on our budget day the Leader of the Opposition tells us he opposed the commonwealth tax as well. If he was so passionate about opposing the commonwealth tax, why did he remain silent? It all boils down to this one fundamental principle: if the banks are going to pass this measure on, why are they so worried? What are they concerned about? If it will not affect their profits because they are going to pass it on and we are going to pay it anyway, why run the campaign?

What does it matter if Western Australia, New South Wales, Queensland and everyone else follow and charge exactly the same amount, if they are going to pass it on? What does it matter? It will not come out of their dividends, their share price or their profits because they will just charge us more. That is the argument.

The reason they are running the campaign, the reason they are upset, is that they know that they cannot pass it on. That is why they are so upset. That is why they are spending a fortune on advertising and that is why they now completely own the Liberal Party of South Australia. It makes sense. They are angry because they cannot pass it on, because they cannot recover the lost tax, yet members opposite have bought this argument.

God help us if they form a government, because they cannot reason. Why are the banks upset? Because they cannot pass it on. The banks say, 'Let's make an argument that everyone is going to get this passed on,' and they buy it. That is the argument against the tax. That is what they are saying. They are out there saying, 'Your interest rates will go up. They will charge you more fees.' The banks cannot do that. They know they cannot do that.

Of course, the opposition are very upset about banks passing on fees, so I have checked and there has been not a single press release, to my knowledge, from the opposition since 2010 when Australian banks increased interest rates on South Australians while the RBA cut rates. They are countercyclical increases. Where was the outrage then? Where was the press release from the shadow treasurer to say, 'This is going to make Australia and South Australia a less investable jurisdiction because the banks are increasing interest rates, while the RBA is cutting it'? Where is the outrage?

I say to the opposition one last time: you have changed forever the institutions of this parliament. You are now saying forevermore that every budget, every appropriation bill and every budget measure is open for debate—every single one. Fine. I do not want this. I think it is a mistake. I think what the Liberal Party should do, what the wiser heads should do, is let this pass and then commit that, if they are successful, they will repeal it, but blocking the budget measure changes the game forever.

I can tell the smart alecs who are sniping from the cheap seats, who think that they know better than us, that they do not know what it is like to govern. When they govern and they are frustrated by an opposition who is better than them at this, they will see what it is like to follow a man off the cliff. You will find out what it is like to follow a man off the cliff. I can tell you that the fall is long and hard and that when you hit the ground you do not get up. That is how stupid the Liberal Party have become in this debate.

They are following a man who is not really a Liberal, not really a Tory and not really a conservative. He does not have a conservative bone in his body, but they are following him off the cliff, tearing up these institutions we have had since we got here—oil and gas, mining I understand is next, and now it is budget measures.

Mr Bell interjecting:

The DEPUTY SPEAKER: Order! Member for Mount Gambier, stop.

The Hon. A. KOUTSANTONIS: So here we are now. I understand that there are some members opposite who want to make an argument and fight the election campaign on economic credibility. That is fine, but this Budget Measures Bill follows a tax reform package that is unprecedented in this state's history. We have abolished stamp duty on every commercial property in every commercial transaction. No other state is doing that—not one.

I will point out that when we announced we were abolishing conveyance duty on all business transaction, real or non-real, do you know who criticised us first? Business SA, saying that they were the wrong taxes to cut. How wrong were they? Business SA, the Property Council, the banks and the Liberal Party are now saying that we live in extraordinary times and that that justifies tearing up the institutions that have got us where we are today through so much—through two world wars, a depression and a recession—and built up a state that, quite frankly, is not as bad as members opposite want to portray. There are more people employed today than ever before in our history. Our economy has broken the $100 billion mark for the first time in our history. Homes are affordable—

The Hon. M.L.J. Hamilton-Smith: Interest rates are at record lows.

The Hon. A. KOUTSANTONIS: —interest rates are at record lows, the exchange rate is doing the right thing and we are undergoing a massive transition. We are moving from the old automotive sector into a new unknown transition that, quite frankly, is going to be very disruptive and will cause a lot of destruction, but we are there doing what we can.

The way you intervene in an economy is just to raise revenue on parts of the economy that can afford to do so. I am not increasing taxes on small business, but cutting them by $50 million. I am not increasing taxes on mums and dads; we are cutting them. But the Liberal Party is going to forsake those tax cuts on small business because they know that they cannot amend this bill. The only option they then have is to block the entire budget measures, which means that they are saying to small businesses that the opposition are not supporting a tax rate of 2½ per cent on them. They are supporting, instead, a tax rate of 4.95 per cent because this government is not amending this bill. The opposition has one option, and that is to block it in the upper house. When they block it in the upper house, the game is changed forever.

So I urge members: I hope wiser heads prevail, rather than following the closet leftie you have made your leader. In fact, that is not even fair. I have to say that left-wingers are far more responsible. That is not even fair. What do you call someone who is more Green than they are Labor or Liberal? Well, whatever.

I have to say that I was actually personally surprised that the Liberal Party went down this path. I would have thought that if they believe that this tax is so unpopular, if they believe that this is such an electoral victory, why do they not want it as an issue at the election? Why not say, 'Vote for us and we will get rid of it'? Instead, they are saying, 'We don't want it to be an election issue. We want to block it now.' But then again I am not in your tactics room. You guys are much smarter than the rest of us—what would we know? Anyway, we will see how they go.

They have told everyone in the business community that they are going to block this tax. They have staked their entire reputation on blocking this budget. They have told Business SA, they

have told BankSA, Westpac, ANZ and everyone, that they have the numbers to block this. Mr Marshall has put his entire leadership on blocking this measure. Everything hangs on blocking this measure—everything, for this Leader of the Opposition.

I commend the bill to the house. I look forward to the committee stage. I apologise for going past 6 o'clock. I thank members for their contributions and thank them for their support. I have heard the contributions of Independent members about suggestions they are making. I look forward to the debate in the upper house and I look forward to the debates and the remarks of the current shadow treasurer and the former treasurer about his view on the precedent of blocking budgets and what that means.

I also point out to the geniuses opposite that yesterday measures passed the house changing preference flow in the upper house for the upcoming next election. They are banking on having all these numbers in the upper house, but we will see how they go now, given that those changes have been made. You can see the member for Chaffey clicking over in his head; 'What does that mean?' I was not up to date. But, anyway, they know what they are up to. They are the masters of their own destiny. They understand what this means. They can block budgets and get away with it. There will be no consequences. Well, elections have consequences and voting has consequences, and the Liberal Party are about to feel the full consequences of it if they are successful at the next election—that is a big if.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Progress reported; committee to sit again.

At 18:18 the house adjourned until Thursday 10 August 2017 at 10:30.