HOUSE OF ASSEMBLY

Tuesday, 12 November 2019

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

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

Bills

LANDSCAPE SOUTH AUSTRALIA BILL

Conference

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (11:01): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the bill.

Motion carried.

SUPREME COURT (COURT OF APPEAL) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 October 2019.)

Mr PICTON (Kaurna) (11:02): I rise to speak in relation to the Supreme Court (Court of Appeal) Amendment Bill 2019, and I indicate that I am the lead speaker for the opposition. At the outset, I indicate that the opposition will be unable to support this bill. There is a very good reason for doing so: we do not know the position of one of the most important stakeholders—that is, the Chief Justice—and we do not know the position of the courts.

It is pretty remarkable to have an Attorney-General introduce a bill to establish new courts. It is a very long time since the last new court was established. This is not something that they took to the election. This is not something about which there has been a groundswell of opinion saying that such a court is necessary. This is not something about which people have been knocking on my door in my electorate saying, 'What we really need is a new court of appeal in South Australia,' and we as the parliament—particularly, we as the opposition—are definitely not aware of the position of the Supreme Court and the position of the Chief Justice of the Supreme Court in relation to the Attorney-General's proposition to establish this new court.

The Attorney-General has refused so far to release correspondence with or submissions from the Chief Justice that relate to this proposed change. I know the Attorney-General has said that she cannot provide the submission or correspondence from the Chief Justice. As she says, there is a longstanding convention that correspondence between the Chief Justice and the Attorney-General is confidential. However, we do not accept that that should be used as a shield to prevent the views of one of the most important people in this regard from being made public.

What the house is considering here is a very significant change. The members of this parliament, who are considering this change, owe it to our constituents to fully comprehend the ramifications of such a change. We believe it is the height of arrogance for the government and the Attorney-General to insist that this bill be considered without all the information being made available to inform the debate. However, we do know that this is par for the course, sadly, for this arrogant and out of touch government.

The shadow attorney-general in the other place has been trying to find out what the position is in relation to this measure from the Supreme Court, and he has written a number of times to the Attorney-General and also made representations to the Supreme Court in relation to finding out their position. The shadow attorney-general has received a letter now from the Chief Justice dated 8 November 2019. I would like to read that letter into *Hansard*. It is to the Hon. Kyam Maher MLC:

Dear Mr Maher

I refer to your letter to the Attorney-General dated 8 October 2019.

I am hopeful that the Attorney-General will shortly be in a position to provide a fair summary of the Judges' views to Parliament without the necessity to disclose our correspondence. Only if the Attorney-General does not do so will I give consideration to making a public statement about the Judges' views.

Yours sincerely

The Honourable Chris Kourakis

Chief Justice of South Australia

Copy to the Attorney-General

Clearly the Attorney-General has that letter from the Chief Justice, and clearly it is the Chief Justice's representation and belief that the Attorney-General will be making a statement to this parliament that reflects accurately what his position, and the position of the other judges of our courts, is in relation to her proposition.

I hope that it is a fair representation of what their position is, because clearly the Chief Justice has said that if that is not the case, if it is not a fair representation of the case, then he will be giving consideration to making a public statement, which would be quite unprecedented, I believe, in terms of making clear what the judges' views are in relation to what the executive's proposition to the parliament is in relation to establishing this matter.

I hope that we see that statement transpire in the Attorney-General's summing-up to the parliament in relation to that matter. Should the Attorney-General do that, we will want to confirm with the Chief Justice that the summary the Attorney-General provides is in fact an accurate representation of the judges' views and whether or not that means a separate public statement, as he has foreshadowed in that letter to the shadow attorney-general, is necessary.

There are many questions that remain unanswered from this proposal from the Attorney-General. We do not know how court of appeal judges will be selected. We do not know whether there will be fewer trial judges on the Supreme Court. We do not know where the Court of Appeal will be physically located. We do not know what additional resources will be provided to the Court of Appeal. We do not know how this proposal will improve the quality of judgements being made.

Could this proposal impact negatively on access to justice at a Supreme Court trial level? Are we a large enough jurisdiction to warrant this separate court of appeal? Will this proposal unnecessarily create a two-tiered system of Supreme Court judges? Will the court be able to attract the best Supreme Court trial judges? Who has requested that this court of appeal be established at all is still a mysterious question out of all of this.

I would appreciate if the Attorney-General in her summing-up at the committee stage could answer all those questions for the parliament, because they are pivotal pieces of information for us to know, that clearly have not been answered to this day. You only have to look at recent comments from the Chief Justice to the committee in the other place on budget and finance to see what a situation the courts are in under this government. Only a couple of weeks ago, we had a proposition in *The Advertiser* titled 'Judgment day: Chief Justice fires broadside over desperate lack of judges'. The article, an exclusive by Nigel Hunt, stated:

Justice is being undermined, and the state's highest court unacceptably burdened, by the Liberal Government's failure to fill two vacancies on the Supreme Court bench, according to our most senior judge. Chief Justice Chris Kourakis…has revealed Attorney-General Vickie Chapman has declined his 'repeated requests' to fill the two positions and this had reduced the capacity of the court as a result.

This was a spectacular intervention in terms of what the Supreme Court had to make clear to the Budget and Finance Committee. It was done by the Chief Justice in a letter to the secretary of the committee dated 27 September. Interestingly, it was in answer to some questions from the Hon. Terry Stephens—so, not even in relation to questions asked by the opposition. What the Chief Justice said in that letter should raise alarm bells for the administration of justice as it is currently being delivered by this government. The Chief Justice of the Supreme Court said:

The Honourable Justice Vanstone retired from this Court on 13 June 2019. Despite my repeated requests, the resulting vacancy in this Court has not been filled. On 26 July 2019, it was announced that Justice Hinton would become the Director of Public Prosecutions. From that time, it has not been possible, for obvious reasons, to list Justice Hinton to hear any other cases. Despite my repeated requests a permanent replacement for his seat on this Court has not been announced.

The decision not to make permanent appointments to fill those vacancies has effected a substantial, 16 percent, reduction in the capacity of the Court. It has placed an unacceptable burden on the remaining Judges of the Court. It undermines the proper administration of justice by this State's highest court.

The use of auxiliary judges is not an acceptable alternative to maintaining the proper complement of permanent judges required to undertake the underlying long-term case load of the Court. The proper role of Auxiliary Judges is to assist the Court in the event of:

- short term peaks in the number of cases;
- unusually long trials which disrupt the ordinary listing schedule;
- conflicts which preclude all or most of the permanent judges;
- a need to introduce special expertise or facilitate judicial exchanges.

At a meeting with the Attorney-General on 17 September 2019, I again expressed my concern that the Government had not yet made permanent appointments to replace Justices Vanstone and Hinton. The Attorney-General informed me that she believed that auxiliary judges could satisfactorily undertake what would otherwise be part of the ordinary caseload of permanent judges. I explained to the Attorney-General why they could not. I now repeat that explanation for this Committee.

There is a detailed explanation, which is now public through the Budget and Finance Committee, where the Chief Justice goes into great detail about why the Attorney-General's proposition is wrong, why the government's lack of ability to fill these justice appointments has caused significant detriment to the administration of justice in this state and why these appointments need to be filled immediately.

In this context, where concerns have been raised about what is going on in the courts at the moment, here we have the Attorney-General bringing forward a proposition to create a new court of appeal that would turn around the way our Supreme Court has operated since its inception. You only have to read that letter to see the existing concerns of the Chief Justice, let alone what additional concerns there might be following on from this proposal by the Attorney-General.

That letter outlines very concerning elements: the vacancy created by the retirement of Justice Vanstone has not been filled, the vacancy created by the appointment of Justice Hinton has not been filled and there is an issue where, even though Justice Hinton has not taken up his position, he is clearly in conflict with so many of the cases that may have an impact with the DPP and the position he is about to hold. He has not been able to be involved in cases even though he is still technically a member of the court. As such, they are down 16 per cent in their capacity, despite no reduction in their workload.

As an aside, I would also note that the correspondence from the Chief Justice to the Budget and Finance Committee attaches letters from the Chief Justice to the Attorney-General. In the circumstances under which we are debating this bill, i.e., that the Attorney-General has refused to release correspondence from the Chief Justice outlining the judges' position on the establishment of a court of appeal, that is remarkable. It is remarkable that those letters have been provided. It clearly indicates that this court is under significant strain because of the Attorney-General's refusal to replace those judges.

Returning to the substantive issue of this bill, the Attorney-General's refusal to replace those judges, combined with the establishment of a new court, may undermine the proper administration of justice. This is a particular concern because the Attorney-General refuses to advise what resources the court will be allocated or how many judges will be provided. With those words, I indicate again that Labor will not be supporting this measure. Clearly, there are already concerns about the administration of justice in the Supreme Court under this government and, clearly, we do not know the full information about the concerns that have been raised by the Supreme Court.

We are therefore in no position to support this measure if there are concerns that we have not been made aware of and that the Attorney-General is refusing to release. I look forward to the Attorney-General meeting the commitment, which has been made not directly by her but through the

Chief Justice of the Supreme Court, that she will give a summary of the judges' positions to this parliament. I look forward to then seeking to clarify that matter with the Chief Justice to see whether that is an accurate portrayal of the Supreme Court's views and concerns.

We will also see how we can elaborate and get to the bottom of what those concerns are and how the Attorney-General believes that her proposal to establish this new court would address those concerns and not make the problem of the administration of justice worse. We have none other than the Supreme Court Chief Justice saying that we have problems with the administration of justice. We will see how they are going to be addressed in the Attorney-General's proposal.

Parliamentary Procedure

VISITORS

The SPEAKER: Members, please be advised that we may have a photographer in the gallery this morning. I would like to welcome the Women of Courage program group from the City of Onkaparinga to parliament, who are hosted by the member for Reynell this morning.

Bills

SUPREME COURT (COURT OF APPEAL) AMENDMENT BILL

Second Reading

Debate resumed.

Mr TEAGUE (Heysen) (11:17): I rise to commend the bill to the house. It is about the introduction of a new division of the Supreme Court of South Australia to improve consistency and, very importantly, to remove or at least significantly improve the delay in the obtaining of outcomes from that key intermediate appeal court and that important intermediate appeal process.

I have listened carefully to the member for Kaurna as lead speaker for the opposition. I am disappointed to hear that the opposition has formed a view that it will oppose the bill because, as a measure in the interests of improving the judicial process and the justice system, this bill really ought to be uncontroversial. It is certainly uncontroversial so far as the profession is concerned. There is widespread acknowledgement that—

Mr Picton: What does the Supreme Court Chief Justice say?

The SPEAKER: Order!

Mr TEAGUE: —this step demonstrably leads us towards an improvement in consistency of outcome and towards more hasty outcomes and the removal of delay. I will say a little more about that subsequently. In terms of the importance of this level of the court process, the intermediate appellate court, I want to highlight the emphasis that the High Court has repeatedly placed on the importance of consistency of outcome at this level, and that is all the more so since the introduction of special leave being required and the assessment of special leave to appeal to the High Court.

In decisions going back notably to Fox v Percy in 2003, the High Court has had a great deal to say about just how important it is that we have an intermediate appeal court process capable of delivering a high level of consistency and, as I have said now a number of times, prompt outcomes in terms of processing appeal matters. This is not an occasion to deliver a history of appellate process, and I am not going to do so because I do not have time, and it will not be a particularly good one. There are people much better placed than I am to provide a history of process.

But it is, in my view, appropriate to reflect on the fact that appeals are a relatively modern phenomenon overall. They are not part of the process that stems from the common law. They are entirely a creature of statute. The very existence of appeals and their development over the time, let's say particularly from the advent of the judicature acts led by Lord Cairns back in 1873 and 1875, have been a story of progressively reforming the process by which matters before the courts are disposed. So the access to rights of appeal have been aspects of the process that have been expanded and reformed over time, particularly over the course of the last century or somewhat more than that.

Of course, the primary function of our courts is to conduct trials. That is the primary embodiment of the justice system and that is true on both the criminal and the civil side. When we talk about appeals, we are concerned with ensuring that where there is error, either of fact or of law, there is an opportunity to correct that error. Appeals these days are mostly available as a matter of right and, as I have adverted, there remain circumstances in which permission is required in order to appeal, but they remain entirely a creature of statute.

In my view, steps that have been taken to advance access to appeals have been consistently welcome reforms and they have evolved appropriately with a view to delivering merit-based justice in our rule-based system of justice. I note as well that it was not so very long ago that most of the old mechanisms for appeal were not in fact directed to a superior court at all but were often directed either to the original decision-maker or very much to a repeat of the process.

We rather take for granted and readily accept that appeals have become available largely as a matter of right and that they are appeals to different judges to decide the question afresh. Again, these are relatively modern matters. In our South Australian Supreme Court Act, the process by which appeals are heard is the subject of section 50 of the act, and it sets out the framework within which appeals may be directed and from which decisions and in which circumstances. The introduction of a new division within the Supreme Court—the creation of a court of appeal—is a welcome, timely and proper reflection of this jurisdiction's commitment to the central function of appeals.

Without reflecting overly or at any unnecessary length on the member for Kaurna's contribution in the context of questions of resourcing or individual views about the way things might progress, at the core of all this is a question of the centrality and central importance of appeals in our justice system and the need to ensure that we have consistency and the highest level of expertise and diligence directed to the disposition of those appeals.

Perhaps another way to illustrate this, in the context of very recent years, is to point out that, emanating from South Australia over the course of the last 18 months to two years, an unusually high number of appeals from our state's Full Court are being dealt with and overturned by the High Court. Those matters are of course on the public record, and the circumstances and merits of each case are to be determined on their own merits from time to time.

However, the point may be made that an unusually high number of appeals are being granted special leave and being overturned by the High Court. If that is an indication of a need to look closely at how we go about disposing appeals at the intermediate level, it illustrates the point in terms of the situation in South Australia in the immediate short-term past.

In my brief remarks this morning, I want to emphasise the central importance of the appeal process—and what is an uncontroversially positive step, as has been illustrated in jurisdictions throughout the rest of the country and in many states over a long period of time now—having a dedicated division so that we achieve consistency and prompt outcomes. Of course, that means that the members of the court of appeal division are not, as a practical matter, having to deal with the trial work of the court and then having to put that aside in order to sit on the appeal list over a period of time and be distracted by moving from one to the other, with the potential result that that contributes to a less than timely delivery of reasons. Anything we can do to improve the way in which that business can be disposed of, we should be doing. This will be a significant step in that direction.

The bill itself is highly approachable. On its face it does not create any particular complexity of process. Essentially, what it does is establish the Court of Appeal to take the place of the structure within the court as it presently stands. It establishes a Full Court from the general division, as is currently the case, and instead sets it aside as a new division. The Chief Justice will continue to be in charge of the court; there is no change there. There will be a President of the Court of Appeal, who will have administrative responsibility for the new division, but insofar as those who are coming to the court, the profession and so on, there will not be, on the face of the bill, anything unfamiliar about the way in which those appeals will proceed or the structure of appeals from first instance.

I note that, in the course of making the various amendments that it needs to make, the bill has also taken the opportunity to repeal part 3A, which dealt with the Land and Valuation Court, a division of the Supreme Court. It makes a number of unsurprising related amendments, which are

set out in schedule 1 to the bill. Those are similarly approachable and uncontroversial and follow the need to substitute, on the whole, references to the 'Full Court' with references to the 'Court of Appeal'.

I also want to take the chance to advert to the fact that there is, in division 6 of schedule 1, an amendment to the Constitution Act 1934. Wherever I see an amendment to the Constitution Act 1934 I prick up my ears and look to see that it is being done for meritorious reasons. It is not always the case that that might be uncontroversially true, but happily in this case clauses 8 and 9 of schedule 1 provide the necessary changes to part 5 so as to reflect the role that will be played by the Court of Appeal in place of the Full Court.

In addressing the central importance of appeals, as I have in these brief remarks, I want to draw the attention of the house to the full landscape that we are addressing and improving by these reforms. This really is about advancing the proper role of the appeal process within the justice system. It is not something that we can all take for granted as being something that has been with us since time immemorial, but rather, as a creature of statute and very much a modern feature of the justice system, it is something that we ought to continue to advance and reform with a view to the delivery of evermore consistent and evermore timely justice. With those brief remarks, I commend the bill to the house and look forward to its hasty passage through this house.

The Hon. S.C. MULLIGHAN (Lee) (11:34): I rise to speak on the Supreme Court (Court of Appeal) Amendment Bill and, further to the member for Kaurna's contribution on this matter, reiterate that the opposition will be opposing this measure, and for one good reason above all others and that is that no case has been established for this bill. There is no rationale, no justification, no data, no information which has been provided either to this place or to the community to justify this measure.

The Deputy Premier's own second reading explanation makes some vague assertions that this will improve the administration of justice, that it will make it more efficient. How? What is the criticism that is implicit in the government's need to reform the Supreme Court to the extent that a new appellate division within it is created? Nothing has yet been furnished. There is no reason to support this and, in the absence of a reason to support it, that leaves us open to speculate as to why it is being pursued by the government.

We have already heard from the member for Kaurna that there are some issues that the court itself would like addressed. There are currently two, or perhaps 1½, vacancies on the court. We have had the retirement of Justice Vanstone, and that place is yet to be filled. We have the situation involving Justice Martin Hinton, who has necessarily stepped back from his responsibilities with the court before he commences his new responsibilities as the Director of Public Prosecutions—I must say, I think a terrific appointment as DPP. I think the government and the Deputy Premier have done well to secure his services in that role.

That does not detract from the fact that there are currently vacancies on the court. We assume, with the Deputy Premier's recent change to this measure, where the appellate division within the court to be created by this bill, the Court of Appeal, requires three justices not two, that there may be a third justice, at least, who needs to be appointed. We do not know whether the Deputy Premier has plans, let alone funding approval, to appoint more than that entire complement of Supreme Court judges in order to ensure that both the general division and the Court of Appeal division are adequately resourced with justices.

I would have thought that this sort of measure would come at the end of some demand for a change to how the Supreme Court administers and hears these matters, but there has been no such cry. The Deputy Premier's own second reading explanation referred to the process that Western Australia went through in establishing a court of appeal within its Supreme Court, that there was a committee established and, presumably from that, the findings of that committee led the government of the day to establish the Court of Appeal. We have had no such inquiry here. There has been no such committee established by the government, at least not publicly. There has certainly been no committee established by the parliament to consider whether there needs to be such a move as this.

There also does not seem to be any justification based on the data, which the Supreme Court itself publishes, on how it manages its case load. You only need to look at the 2018 calendar year report of the judges of the Supreme Court to the Attorney-General for the year ended 31 December 2018 to see that there does not seem to be any glaring need for this matter whatsoever.

The combined criminal lodgements that are pending at year's end have declined from 2016 to 2018 by 583, or 34 per cent, going from 1,714 to 1,131. Admittedly, that also includes the District Court, which of course makes up the vast bulk of the case load, numerically at least. Insofar as the number of lodgements pending at year's end for the Supreme Court criminal non-appeal cases, that has remained relatively static: 82 last year and 84 this year—not a glaring increase in need of such reform.

It is the same with the Court of Criminal Appeal. Pending lodgements at year's end were 90 in 2017 and 90 in 2018. The number of lodgements more than 12 months old but less than 24 months old has only slightly increased, from four to six, and the lodgements more than 24 months old have decreased, from 10 in 2016 to zero in 2018, so it does not seem to be some escalating problem in the management of the case load by the Supreme Court. But we also see that there is a clearance ratio published as part of these statistics.

The Supreme Court criminal clearance ratio for non-appeals sits comfortably above 90 per cent, as it has for each of the last three years. The Court of Criminal Appeal clearance ratio sits comfortably above 90 per cent. When it comes to civil lodgements, again we see the trend declining of those pending at year's end, from 845 in 2016 to 729, and the number of lodgements more than 12 months old but less than 24 months old has declined, from 128 in 2016 to 100 in 2018. The number of lodgements more than 24 months old has remained static at 15 per cent in 2017 and 15 per cent in 2018, only very slightly numerically changing from 107 to 111.

So there does not seem to be any data that supports the need for this. There does not seem to be any community clamour that supports the need for this and, given that we have a reticence from the Deputy Premier to release or at least summarise the advice that she has received from the Chief Justice, that person who is legally entitled to be and is legally responsible for the administration of the Supreme Court, I make the point that we are only left to speculate why.

There have been some views that have been bandied around the legal fraternity about why the Deputy Premier may be pushing for this reform. The Deputy Premier is quick to claim, of course, that the South Australian bar supports this move, and maybe some of them do, maybe most of them do, maybe even all of them do, but that is not the entirety of the legal profession. It certainly excludes the feedback with which we are yet to be provided from the court itself.

And of course who on the bar, particularly which senior member of the bar, and even more particularly which senior member of the bar who perhaps one day has an ambition of serving on the court, is going to criticise the Attorney-General of the day who has plans to modify how that court is to operate? That is basically signalling very publicly that that senior member of the bar would not be interested in an appointment to the Supreme Court, at least not under a government of that ilk, so I am not surprised that there have not been heads poked up above the parapet from the bar about whether this is a good idea or not. I think it is eminently reasonable to make that connection.

The Hon. V.A. Chapman interjecting:

The Hon. S.C. MULLIGHAN: The Deputy Premier muttered to herself that this is unbelievable. Well, it is absolutely not—it is absolutely not. We have had the same process of making appointments to the Supreme Court in this state for decades. It is no secret to the legal community here in South Australia about how that is done, and I am not surprised that members of the bar have not been willing to poke their heads up and criticise these changes. The Law Society, of course, which perhaps has broader representation than the bar, has raised concerns with this and it also makes the point that again we have had no compelling case or reason put forward to establish this.

In raising the matter of judicial appointments, I also acknowledge that we have a number of unresolved vacancies in the court: definitely one, soon to be two and quite possibly three. I can imagine that the Attorney is very much looking forward to taking up her opportunity of making those appointments and in that way showing her influence upon the composition of the Supreme Court.

While we all know how judicial appointments are made here in South Australia, and indeed similarly in other places around Australia, we have a very different regime of course. We enjoy a very different regime, and a necessarily different regime, from how Supreme Court appointments are made in other jurisdictions and in other places, like the United States, where it is regarded as the

purview of the executive where possible to stamp their ideology and to stamp their particular perspective on the composition of the Supreme Court. We only have to look back at the relatively short tenure of the United States' current President, Donald Trump, to see how he has attempted to do this.

I would hope that an attorney-general faced with the unusual circumstance of having to make up to three judicial appointments in very short time would not be so motivated by the kind of base political motivations we see exerted every time there is a judicial appointment to the United States' Supreme Court. In that regard, perhaps it was inopportune for the member for Heysen to jocularly make reference to an amendment to the Constitution Act that this bill seeks to make. Of course, he and the Deputy Premier are always interested in amendments to the Constitution Act.

Let's get right to the nub of it, and let's not dance around it: this is about how electoral boundaries are drawn. That was the inference from the comments from the member for Heysen. Of course, we all know the truth behind the matter—it was the member for Heysen who did the intellectual heavy lifting for the Liberal Party for their presentation to the boundaries commission. It was not Morry Bales. He only wrote that article in InDaily leading up to the AGM of the South Australian branch of the Liberal Party in order to try to better his standing in an effort to gain Senate preselection. I think this place can be far kinder to the member for Heysen and acknowledge his role in the presentation of the South Australian Liberal Party before the Electoral Districts Boundaries Commission.

In raising the issue of amendments to the Constitution Act, of the oblique reference to change in the Constitution Act insofar as it relates to the drawing of electoral boundaries, we are left to pose the question, again in the absence of no case being made and in the absence of any data being provided as to why this is necessary: is this an effort by the government to try to create and shape the membership of a new court of appeal division to be created within the Supreme Court? This new division will, amongst other things, not just hear appeals of criminal cases or civil cases but may be called on from time to time to exert its particular role in statutory interpretation.

Is this really perhaps this government's opportunity to try to create and then shape the membership of this court of appeal division so that, if these matters of statutory interpretation bubble up to the surface, particularly about interpretation of the Constitution Act, particularly with reference to such matters as, for example, the drawing of electoral boundaries—not that we would ever traverse this area, for example, the appointment of presiding officers to this place, those sorts of important matters—should we be in those sorts of situations, where the court has to interpret significant pieces of law like the Constitution Act, I would hope that this is not a measure by which this government can appoint a number of Supreme Court judges to make sure it has populated to its satisfaction a new court of appeal division within the Supreme Court.

If that is the motivation of this government—and, again, we have no choice here but to speculate, given no case has been made for this change—then that would be an outrage. We know that in the 1970s former attorney-general the late Hon. Len King deliberately established the independence of the Courts Administration Authority, as well as the responsibility for superintendence of the particular courts here within the hands of the Chief Justice, the Chief Judge or the Chief Magistrate. For that to be impinged on by this Attorney-General in an effort to create this new court of appeal, and in an effort to pursue those motivations, would be a very terrible thing indeed.

It is in those contexts that it is entirely reasonable for the parliament to reject this bill. If no case has been made to establish this court of appeal, if no evidence has been provided that the court is failing to handle its case load, and if no evidence has been provided that the current composition of the Court of Criminal Appeal or the Full Court have heard that the results of those appeals are somehow unsatisfactory, then why should it be changed?

Are we in the situation that the Victorian Court of Appeal finds itself in, where there has been criticism by the High Court of some of the rulings, findings and judgements handed down by that appellate division? Are we in that situation? If so, those examples should be provided to the parliament. We need a far more persuasive reason for why this is needed, but we do not have that evidence. There has been no suggestion that the High Court is dissatisfied with how the Supreme

Court, its Court of Criminal Appeal and its Full Court are either constituted or managing their business.

The last point I would make is this: in the Deputy Premier's second reading explanation, there is the claim that having a separately constituted group of Supreme Court justices who only hear appeals will lead to the better hearing of appeals in general. This is an argument we have heard from some clinicians in the hospital system: that you should have a group of surgeons busy doing the one type of surgery because the higher frequency means they get better and better at it. That may be the case in the medical profession, but I cannot imagine it is the case in the legal profession because there is a whole range of reasons why appeals are pursued. It might be because the conduct of a trial in a way or in various ways was deemed unsatisfactory by one side or the other in the case.

I would have thought that having a group of judges who are responsible for not only hearing matters directly but also conducting trials and civil cases directly would make them familiar with and expert in the conduct of trials and the hearing of cases. So, when they come to hear an appeal based on whether the conduct of a case or the hearing of the trial was appropriate or not, they then have greater contemporaneous experience with the conduct of these matters before the Supreme Court.

To say that that should be separate, I think, creates the risk of entirely the opposite occurring: that a small pool of judges becomes increasingly distant from how cases are conducted and heard and, as such, their sympathy for how a case has been conducted and heard, or their understanding of the reasons why a case or a matter has been heard in a particular way, is eroded, and that is to the detriment, not the enhancement, of an appeal. For all those reasons unaddressed and unanswered by the government, as well as not having heard the key evidence in this, which is the Chief Justice's opinion, of course the opposition will be opposing the bill.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:55): In response to the debate on this matter, I start by thanking the Hon. Kyam Maher, who is the shadow attorney-general for the opposition, for discussions with him and correspondence; I will refer to that shortly. He is of course in another place and ultimately may make a contribution in relation to this bill if it is passed in this house. I acknowledge the member for Kaurna's contribution and those of the members for Lee and Heysen.

The flavour of the contributions of the members for Kaurna and Lee suggests that in the absence of there being material before the parliament to consider that outlines the Chief Justice's view on this matter, there is no case to support the passage of this legislation. I will outline a number of aspects relating to that shortly. In relation to the member for Lee's contribution, whilst he sets out a similar path as the basis for his objection, he goes on to speculate as to the merits and motivation of the government in presenting this for the parliament's consideration.

Let me be quite clear on two matters: firstly, the assertion that there may be some motivation to in some way establish an appellate court which would have responsibility, ultimately, in matters such as Electoral Districts Boundaries Commission decisions I find to be, frankly, insulting. Not only that, I remind members that in only a recent case of the Full Court of the Supreme Court—the case of Martin v Electoral Districts Boundaries Commission—five judges, all of whom I point out to this parliament are judges who have been appointed by Labor administrations on recommendation to the governor of the day, made a decision, 5-0, that served to dismiss the appeal of the secretary of the Labor Party.

If there is any suggestion that those five judges in some way had been politically motivated in relation to that—to in some way be grateful for their appointment to a particular government—that smashes that entirely. I do not share that view, and I think all members ought to appreciate that when the government of the day makes a recommendation for judicial appointments, and I have indeed had the privilege of doing so for a number of other appointments to courts already, those judges are always appointed by the governor of the day and, certainly in the time I have been in the parliament, they have been without criticism by me as shadow attorney-general.

I will be perfectly frank in saying that some of them, judges who have been appointed under previous governments, are not people whom I would rush to as my first choice in putting as a recommendation. That is not the point. These people are eminent, experienced people in the

profession and they have been recommended and have accepted positions of appointment of judicial office.

As a member of the executive, I make it absolutely clear that those appointments are made, and there is a respect that must prevail between the three arms of government—executive, parliament and judiciary—that supports the notion that, as a member of the executive or as a member of the parliament, it is entirely inappropriate that we make personal criticism of those who have been appointed. In any event, the assertion that is made about the motivation of the government to in some way have a role in being able to populate a new court to ensure some political outcome on electoral boundaries is scandalous and insulting.

The second aspect suggests that the concept of having specialists, as distinct from generalists in the court that currently exists—some analogy was made by the member for Lee to surgeons in hospitals and the benefit in having a number of cases in which they fine-tune their capacity to undertake a more skilled approach—is one that should not apply to legal structures. I am not sure that I quite understood that analogy but I will just say this. The Chief Justice has made it clear to us and, I think, clear to the member for Lee, who has personally met with the Chief Justice, that this decision as to the structure of the court is a matter for the parliament—not the executive, not him as the head of the council, but a matter for the parliament.

Again, there is an assertion that there is in some way a motivation to establish a court of appeal which is inconsistent with something that might be effective. As I say, I do not fully understand that argument but I make the point—and I will be referring to this shortly—as to the Chief Justice's acknowledgement, indeed, that this is a matter for the parliament.

The extension of that to the argument that the late Len King, a former chief justice of this state and former Labor attorney-general, established the Courts Administration Authority and the superintendence generally in relation to the management of the courts, is not inconsistent with this parliament making a decision about a court of appeal. They are two entirely different matters; therefore, as an argument, it falls somewhat short. Nevertheless, we are here to make a decision because we, as members of the parliament, are the ultimate determiners of how this is to operate.

Finally, I acknowledge the contribution of the member for Heysen. He is fresh from the bar, fresh from the real world, and he is able to bring a perspective of the history of the appellate jurisdiction and the statutory basis for it. He also brings a reflection as a recent and, I think, highly regarded member of the bar who appreciates many of the other contributions that have been made in support of the establishment of a court of appeal.

On the question of the opposition being unable to support the bill, I think largely they are suggesting that there simply has not been enough information available to them to make an informed decision. Complementary to that, they assert that the shadow attorney-general had sought copies of correspondence between the government and the Chief Justice and that the declining of making that available, consistent with precedent, is something that they therefore take objection to.

Let me be very clear about what has happened. First, the government have presented an appeal proposal in this bill to the parliament. Second, briefings have been offered to the representatives, particularly the Hon. Kyam Maher, but I am aware that other members of the opposition have made themselves available for that.

Third, and most importantly, whilst we have declined to provide copies of correspondence, I am aware at least of the member for Lee's meeting with the Chief Justice. I do not know what they did in their meeting, what they discussed, how much detail was outlined as to the view of the Chief Justice on this matter or whether they talked about something else. That is a matter for them.

They had a meeting and the Chief Justice advised me of that. He provided me with a schedule of matters outlining his decision to acquiesce to that request, which I fully endorse, not that he needs my permission to do that. Nevertheless, that has occurred. The shadow attorney-general was also advised by me personally that that meeting was taking place and that he may wish to avail himself of a personal meeting with the Chief Justice should he request to do so. I do not know whether he ever has since, but that is the position that has occurred.

Fourth, and importantly in this area, yes, as the member for Kaurna has pointed out, I had a meeting with the Chief Justice late last week (actually, I think it was on the Wednesday) and advised him that I would introduce the bill to the parliament. He wanted to express his view and I indicated that, if he wished, he could put to me a list of matters that needed to be presented to the parliament. He suggested there be some discussion between us as to an agreed schedule of what was to be presented.

I just want to say to the parliament that I do not see myself as being in a position of wanting to edit what the Chief Justice wants to present to the parliament, nor will I, consistent with precedent, as I have said, disclose correspondence. However, I will be outlining a number of issues that he has raised in this contribution, some of which I think have already been picked up in the debates. As we know, the Chief Justice, as I have already publicly stated and we fully acknowledge, is hardly supportive of this restructure. Nevertheless, to ensure that his view is presented, I will outline that shortly, together with some further information.

Before we go there, I am going to remind members of what others have said in relation to this. Firstly, the Law Society has been referred to. They acknowledge that South Australia is one of the few jurisdictions remaining not to have a court of appeal. They raised some questions, some of which were concerns raised about support of the existing Supreme Court, and suggested that there had been reductions in closing and downsizing of suburban and regional courts and registries. I just want to say that, under the Liberal government, that has not occurred.

Secondly, the Courts Administration Authority, as the agency to receive funding, has been in a way quarantined from efficiency measures. It has had tens of millions of dollars presented to it to enable it to purchase the Sir Samuel Way Building, which will be used as a dedicated court for mainly District Court work and will also be prepared for jury trials for major criminal work, which are Supreme Court matters as well. I just want to make that clear for those who are relying on that submission.

The Law Society also make some recommendations. Some are a little bit unique, I must say, and had not been raised with us by the Supreme Court. There was an aspect of who should be able to hear an application for leave to appeal, which is consistent with a number of other submissions, which I will not go into detail on. One of the ideas raised was only put as an idea because it was really a summary of matters raised by various persons unidentified in the submission. Paragraph 19 states:

> In addition, it has been suggested it may also be appropriate to include a provision to codify the existing practice where a major legal issue is involved, or the Court of Appeal is being asked to overrule an existing Court of Appeal precedent, that a five judge Court of Appeal can be convened.

That is a completely novel idea. Nobody has ever put it to me, except the Law Society, and it seems to be a bit of a light-bulb idea that has been presented. In any event, the Law Society have outlined in their submission a number of aspects which have been picked up in the presentation to us, which has ultimately come into the parliament, and we thank them for it.

The South Australian Bar Association go so far as to welcome the establishment of a court of appeal for South Australia. I might say that that is a far cry from the prediction by the member for Lee that barristers are hiding behind some pulpit of open fire, that they might not be considered and therefore are hiding away from making any submissions. The president of the Bar Association sets out the position of SABA, which of course is the association representing barristers in South Australia, and has come out to openly welcome the establishment of a court of appeal. He says, and I quote:

> The SABA respectfully agrees that there will be benefits in developing appellate expertise and that this should lead to increased quality and efficiency in appellate decision-making.

He goes on to say:

> It is the SABA's hope that this re-structure will also allow for focus on improving timeliness in the trial courts. The South Australian Supreme and District Courts had 'backlog indicators' amongst the highest in the 2019 Report on Government Services. This is no doubt multi-factorial but deserving of attention.

Further, he says:

At least anecdotally, our Supreme Court also lags behind other similar courts around the country in the delivery of judgements after hearings. This may have been partly because of the difficulties in balancing trial and appellate work. There is a perception that the Supreme Court is a less desirable venue in which to litigate, particularly heavy commercial litigation, as compared with, for example, interstate Supreme Courts or the Adelaide Registry of the Federal Court. It is hoped that this new legislation will assist in overcoming those perceptions and improving the performance of the appeal and trial divisions of the Supreme Court of South Australia.

The submission also sets out specific recommendations in respect of the drafting, and we received a more recent recommendation that has also been taken into account. That alerted the government to the fact that the change to section 17 of the Supreme Court Act 1935 may have inadvertently denied, or at least appeared to have denied, the Court of Appeal with the traditional jurisdiction of the English courts and set out the basis for that argument and their suggested remedy.

I am advised that all of that has been accommodated in the draft that we have. I thank them sincerely for their courage under fire, for not hiding away, for actually telling us exactly what they think, and the reasons for it and for being most helpful in their submissions. Should the member for Lee want to quote data, I would urge him, if he would like to have some updated data, to look at data.sa.gov.au/data/dataset/caa-ar-at-a-glance, which gives some updated data in relation to matters that support that contention.

The Legal Services Commission state in their submission that 'the commission supports the establishment of a court of appeal in South Australia'. They go on to make commentary in relation to that and, interestingly, send to us the report of the Hon. Justice Michael Kirby, as he then was, and his 2008 article for the *Sydney Law Review*, in which the political problems that can arise from judicial supersession and their impact on the efficient operation of the justice system were examined. I think we had sent out that article. They must have been so impressed with it that they sent me back a copy, suggesting that this was yet another argument for having a separate court of appeal. Again, I thank the Legal Services Commission for their consideration of the proposal and their support thereof.

I am going to refer to some submissions of the South Australian Employment Tribunal president and also other heads of jurisdiction. It is important to remember that, whilst the Chief Justice is the head of the council, and of course the Chief Justice of the Supreme Court, other courts, jurisdictions and tribunals also rely on the Supreme Court as their ultimate appellate body. They have a vested interest in considering whether or not they support a court of appeal.

I think it is fair to say that in this regard the president sets out examples in his submission of amendments and the applicability of the use of a court of appeal, particularly under the new bill, as it affects the South Australian Employment Tribunal and, in particular, with reference to the constitution of not less than two judges when hearing and determining any matter. He expressed a view which ultimately we declined to accommodate, but that was in deference to accepting the advice of the Chief Justice as to the complement that was required in that regard.

Interestingly, ReturnToWorkSA also presented us with a submission, having reviewed the draft and raised this same issue of the two judges constituting a court of appeal. Again, they are a significant party in relation to workers compensation cases in the tribunal. The Chief Magistrate also presented a submission, which set out some recommendations, largely in relation to the regulation aspects and some administrative implications relating to that, and I thank her for her contribution in that regard. The newly appointed state Coroner said:

Thank you for giving me the opportunity to comment…I should only say that from my perspective the bill gives rise to no concerns about the proposed institution of a Court of Appeal, or the proposed legislative mechanism.

The Judicial Conduct Commissioner (Hon. Bruce Lander QC) set out his view, and of course I value that. He is a former judge and I think has a very good understanding of these matters. He provided some advice as to the proposed legislation and the drafting, and I thank him for that. He acknowledges that this is a matter of policy, so he does not get into the discussion about whether there is one or not.

The Acting Director of Public Prosecutions made a comment in relation to a drafting matter, which we thank her for. In relation to the Commissioner of Police, the police prosecutions unit is a very significant part of our court process because very often the parties are involved in investigation and arrest in relation to criminal matters. They play a role in relation to the prosecution of matters

through the lower courts. They go so far as to say that SAPOL has no concerns in respect to division 26, which is the provision here, and supports the bill generally. I thank the commissioner for that. The Valuer-General set out some amendments because, as members might appreciate, there is a Land and Valuation Division of the Supreme Court. She made some comments about that and reviewed those features but does not make comment otherwise.

All these people have an active and important interest in relation to how our courts are structured and they ought to be considered—and we have. In addition to that, I have met regularly with the Chief Justice, over a significant period of time actually, and given him an exclusive period of time to consider the original draft before it went out to consultation with any of the other parties. Why? Because, as I think it should be acknowledged, he is the Chief Justice. It is his court that is the subject of variation as a result of this legislation and therefore it is important that he be consulted.

I want to assure the house that we have had a number of discussions about a number of these matters and he has made some very helpful recommendations as to how the structure should apply if the parliament determines that a court of appeal be established. In addition to the matters of conversation and correspondence that we have had, as I indicated late last week, the Chief Justice has presented a list of eight matters representing the views of the judges of his court.

I am going to put on the record the views of the current serving judges of the Supreme Court with respect to the proposal, as expressed to me by the Chief Justice. Firstly, one of the issues raised is that a court of appeal has not been formally proposed by the presidents of the Law Society and the SA Bar Association in their meetings with the Chief Justice and, secondly, neither the Chief Justice nor any of his predecessors have recommended the establishment of an appeal division.

I comment on that as follows: that may be so; however, the proposal to establish a dedicated court of appeal was previously raised and discussed with the former attorney-general. In fact, the Hon. John Rau and I had conversations in my role then as the shadow attorney-general in respect of that proposal, and I viewed correspondence in relation to that recommendation.

The decision of the previous government not to progress that is a matter for the previous government, and I do not place any comment in relation to that. That is a matter for them; I just place that on the record. Furthermore, it is important to note that, in its submission on the bill before the parliament, the South Australian Bar Association welcomed the establishment of a court of appeal South Australia, describing it as 'this most welcome legislative development'. As I have already indicated, they also expressed their support of this reform to me personally.

The third matter listed by the Chief Justice is as follows: it has been suggested that the utility and efficiency of a court of appeal is dependent on the population of the state and the extent of the litigation in its courts. The judges do not consider that South Australia has the critical litigation mass to warrant a court of appeal.

I indicate to the parliament as follows: firstly, in regard to population, I highlight that Western Australia was the most recent jurisdiction to establish a permanent court of appeal. Prior to its establishment, a high-level committee was established to examine whether it was desirable and feasible. At that time the committee published its final report in 2001, in which it recommended that such a reform would advance the administration of justice, the population of Western Australia was approximately 1.9 million. I refer to the Australian Bureau of Statistics, *Demography, Western Australia, 2001*.

According to the Australian Bureau of Statistics, the preliminary estimated resident population of South Australia as at March of this year was approximately 1.7 million—I suggest not a huge difference. Moreover, the experience in New South Wales, Victoria, Queensland and Western Australia has proven this to be a superior court structure for both function and efficiency. I want, our government wants—and I think ultimately the parliament will see the benefit of this—our Supreme Court to become a significant player in the federal legal scene. The experience borne out interstate has proven that this reform will improve the efficiency of our court system and will also mean higher quality and more consistent judgements. We have the benefit of seeing whether this court structure produces better results, and it does.

Fourthly, the Chief Justice outlined the following: that the judges have also suggested that an appeal division must be constituted of at least five judges, with additional judges required because of the rigidity of the proposed structure. They have also highlighted that appeal judgements are often written by judges after the appeal has been heard and whilst assigned to matters which do not make as heavy a demand on judgement writing. Judges appointed permanently to an appeal division will from time to time need unassigned months in which to write judgements, hence the need for the additional judges.

In relation to this, I respond as follows: in regard to the requirement of unassigned months in which to write judgements, this touches on one of the reasons a dedicated appeal court is desirable. It has been the experience that, following the establishment of courts of appeal around the country, not only are hearings shorter but judgements are delivered more quickly.

The Western Australia report found that, at the time, statistics from all three jurisdictions were impressive in this respect. It found that it is rare for judgements to be reserved for more than three months after hearing. Most are delivered in between one and two months. The delivery of judgements within a week of hearing is by no means unique.

The report also found that in New South Wales the practice of giving extempore judgements, particularly in criminal sentencing cases, had increased and was occurring in 80 per cent of cases. Furthermore, an extra advantage is that permanent appellate courts have proven to encourage the introduction of innovative practices, which are harder to develop in a court of constantly changing membership. For example, in New South Wales, when it was first established, new practices enabled the expedition of certain appeals or applications for judicial review if urgency could be shown.

Again, I refer to the contribution of Justice Michael Kirby in his speech to the Monash University Law Students' Society inaugural public lecture in memory of the late Honourable Justice Lionel Murphy at the Law Institute of Victoria, Melbourne, on Friday 9 October 1987. In short, dedicated appellate courts are desirable because judgements are delivered more quickly due to the development of appellate expertise. This is a desirable outcome for all South Australian court users.

The fifth matter raised by the Chief Justice is that judges have suggested that the present system of rotation through the appeal and trial lists of the court provides an opportunity to allocate judges to matters requiring their particular expertise and to allow others to deepen their experience in a broader range of matters. It also contributes to a collegial court. In my response, may I firstly say that people appointed to the Supreme Court bench are appointed due to their professional skill and experience. They are highly distinguished legal practitioners, as I have already outlined, and from years of experience have usually developed a significant diversity of expertise.

Furthermore, the bill contains specific provisions to enable the Chief Justice and the president to jointly authorise a judge of the appeal court to temporarily sit in the general division and vice versa. This flexibility will ensure that these concerns are addressed, as well as accommodate periods of time when certain judges are unable to hear particular matters due to absences, on leave, or conflicts of interest.

The bill also ensures that auxiliary appointments can be made directly to the appeal division for these same reasons. On the issue of collegiality, I note that the Western Australian report found that in all other jurisdictions a strong sense of collegiality had been developed following the establishment of the appellate court.

The sixth matter raised by the Chief Justice is that judges have highlighted that the cost of appointing an additional judge with support staff is approximately $1.329 million annually. The cost of an appeal division will be greater if the remuneration is higher than the existing trial judges or if they are not accommodated within the existing Supreme Court complex. In response, may I assure the house that at the heart of this reform is the government's desire to create a more efficient court system for the people of South Australia by improving both the function and efficiency of the Supreme Court. Any expense incurred in the establishment of a court of appeal is an investment in the future efficiency of our courts.

Whilst there may be an up-front cost to implement the new structure, much like when SACAT was established under the former Labor government, the up-front cost can be justified when it results in improved efficiencies and greater access to the justice system. However, I note that no decision

has been made as to the location of where the appeal court will sit, and I will continue to consult with the Chief Justice on that matter.

The seventh matter raised was that it has been suggested that the establishment of an appeal division may make appointment to the Supreme Court less attractive to some senior members of the bar. An appointment exclusively to the trial or appeal divisions will diminish the opportunities for a judge with strength in matters of a particular kind to hear such cases. An appointment to the Federal Court may become relatively more attractive.

In relation to this matter, and on the first point, I note the Bar Association's support for the establishment of a court of appeal for South Australia. I also note that the findings of the Western Australian report were that the courts of appeal around the country have developed a status and authority not previously enjoyed by full courts of earlier days.

The Bar Association's submission on the bill also stated that there is a perception that the Supreme Court is a less desirable venue in which to litigate particularly heavy commercial litigation. In pursuing this reform, the government wants to overcome this concerning perception and see our Supreme Court rank as the best and most efficient in which to litigate.

The eighth and final matter raised by the Chief Justice is as follows. The judges have indicated that matters are usually listed in the Full Court within several months of parties requesting a hearing date but that trial courts generally have longer wait times for a hearing. May I advise the parliament, in response to that, that the data suggests that there has been an overall downward trend in the civil trials since 2016. Despite this, the Supreme Court has failed to meet its own backlog targets since 2013-14.

The court has two key backlog targets: (a) no more than 10 per cent of lodgements pending completion are to be more than 12 months old and (b) zero are to be more than 24 months old. Neither of these targets has been met over the five years since 2013-14 to 2017-18. I refer members to the RoGS, as it is often called, the Productivity Commission's Report on Government Services 2019. For example, civil non-appeal matters recorded backlogs well above the target rate for this entire period. For each year, the percentage of matters pending completion over 12 months old remained above 20 per cent and, in some cases, over 30 per cent.

Furthermore, the Chief Justice, as I have stated publicly, has asked that the Supreme Court be relieved of some other work related to the management of high-risk offenders. That is currently under consideration and, if ultimately progressed, would further reduce the workload of the trial and general division of the court. These are the matters that have been raised by the Chief Justice, and I hope that I have outlined the position that the government sees as important for the parliament to consider.

These are the matters that have been raised by the Chief Justice. The information provided is not something that I have personally expressed, but these matters rely on the data. They rely on the experience of the other jurisdictions. They rely on the reports that have been prepared in Western Australia. They have relied on the recommendations of eminent jurists such as Michael Kirby, formerly of the High Court of Australia. These are not matters to be dismissed. This is not my personal view. I agree with it; how could you not, given the level of eminence that has been presented?

If I may say so, a number of the matters raised by the Chief Justice reflect a concern about what may happen. It is reasonable for any chief justice to be concerned about the collegiality of his court and to respond if there is any criticism of his court. I have made it abundantly clear, both in the second reading in this parliament and publicly, that the proposal to have a permanent court of appeal in this state is in no way based on a criticism of the current members of the Supreme Court and the work they do in this important area.

This is designed, with the support of other eminent people who have looked at these matters, to provide an even better service. It is certainly my objective, and I know it is that of the government, to ensure that our state courts become a significant player in the federal legal scene, that we arrest what I see as a concerning reduction in important commercial cases in our own state's courts and that we restore our Supreme Court to the status it should enjoy.

The other matter I wish to raise is the question by the member for Kaurna, and that is the detail of who is going to populate the appeal court, how they are going to be selected, how many there are to be, where they are to be located, what additional resources they might need. They are all important questions. The former Labor government presented to the parliament a new structure with SACAT in 2013, which was introduced by the Hon. John Rau (former attorney-general) in July 2013, when he outlined that the umbrella legislation was proposed in that first bill and, as to matters such as who is to be appointed, even as president, he said:

> Appointing the President shortly after the passage of this Bill will ensure that she or he plays an integral part in overseeing, assisting and informing the nature, extent and scope of the integration of existing tribunals, boards and other bodies into the Tribunal.

So, too, it is important that, as to the composition and venue in such matters, if it is the will of the parliament to have an independent court of appeal, they be matters where we go back to the relevant parties, particularly the Chief Justice, and continue to work with them in that regard.

I want to place on the record that, notwithstanding the Chief Justice's concerns raised, which I have outlined to the parliament, I consider at least—and I think he has considered; I hope he has——that we have continued to have an excellent working relationship on the machinery matters, apart from all the other matters we have to continually confer on.

I place on the record my appreciation of the Chief Justice having invited me to attend the Supreme Court premises on Gouger Street to view the premises—and, in fact, there is some work being undertaken there for upgrades to various courts—to be able to identify potential areas where members of a court of appeal could be accommodated, if ultimately it is the will of the parliament to have a court of appeal. So I appreciate the provision of that by the Chief Justice.

In October 2013, when the South Australian Civil and Administrative Tribunal Bill was under consideration, the Hon. Stephen Wade of another place asked of the Hon. Gail Gago, who was the minister responsible for handling the matter in the other place, a number of questions about the same machinery questions. For example, he asked:

> I ask the minister what the government intends as the time frame for the appointment of the president?

The Hon. Gail Gago said:

> I have been advised that the Attorney-General's preference is to make the appointment to the president's position as soon as possible after this bill has been proclaimed.

The Hon. Mr Wade said:

> …I am wondering whether the appointment of the president will be an appointment to a current vacancy or whether it will be the appointment of an extra judicial officer.

The Hon. Gail Gago said:

> I have been advised that that has not been decided yet.

The Hon. Mr Wade goes on to ask about funding within the SACAT budget for a judicial officer to which minister Gago said:

> I am advised that we do not have that level of financial detail with us, so I am happy to take that on notice and bring back a reply.

I never found one, incidentally. The Hon. Mr Wade thanked the minister and then asked:

> …how many deputy presidents does the government intend to appoint?

Minister Gago said:

> I have been advised that while there is a capacity to have more than one deputy, the intention at this point in time is to only have one.

As to the venue, minister Gago said:

> Yes, the Sturt Street courts have been considered but no final decision will be made and will not be made until after this bill is in place.

She went on to say:

It is too early to make those decisions. It will depend on who else might come into the building. Those are all decisions that will need to be made at a later date.

Mr Wade asked the question:

Does the government have indicative figures as to the number of staff that it is anticipated the new SACAT will need?

Minister Gago said:

The member has really answered his own question. It is just too early to have those estimates.

The debate goes on, but I make the point that it is for the parliament to determine the establishment or not of the new court. We did it with the tribunal back in 2013. I am presenting to the parliament, on behalf of the government, a proposal for its consideration. If it supports that, these are matters that will then flow and for which, quite appropriately, the SACAT model sets a precedent.

As a matter of interest, the government of the day went on to appoint Supreme Court Justice Parker as the head of SACAT at the time. He has since returned to the Supreme Court, and Justice Judy Hughes is now responsible in a full-time capacity—it went from half-time to full-time. There is no deputy president, but for a short period there was a quarter-time District Court judge for that position. So it has developed and changed.

In fact, I am currently discussing with Justice Hughes her views on some newer refinements in relation to the model of the operation of SACAT now that we have brought two key areas of the work of that tribunal—guardianship and tenancy matters—together into one premises in Adelaide city. These matters will follow, if it is the will of the parliament, to cover the same.

I think that covers the matters that have been raised, except for one issue, that is, the references—according to my notes, they were from the member for Kaurna—in relation to vacancies in the Supreme Court. Can I place on the record the position, because the Chief Justice has made comment. I am not sure that Mr Nigel Hunt has actually accurately recorded all this—

Mr Picton: Oh, really? He got it wrong, did he?

The Hon. V.A. CHAPMAN: —all the information. That is a matter I can discuss with him. However, it confirms a concern of the Chief Justice that there are vacancies in the Supreme Court. As has been pointed out, at least by the member for Lee, there in fact is only one vacancy in the Supreme Court. It arose out of the retirement of Justice Vanstone in mid-June 2019 and acknowledges the imminent retirement of Justice Hinton, who will take up his position as the new director of public prosecutions. That has not occurred, but it is imminent.

Whilst the judge has not been sitting on trials since the public announcement, for obvious reasons, I am advised that he has continued to work diligently on the completion of judgements and to work as a judge. It does not mean that he is not doing anything or that he is not making a contribution: he is making his contribution as he would if he were still there. He is simply not sitting on new trials, and—

Mr Picton: 16 per cent less capacity.

The Hon. V.A. CHAPMAN: The member interjects to talk about a 16 per cent reduction once the two of them are no longer available.

Mr Picton: No, as the Chief Justice says, now.

The Hon. V.A. CHAPMAN: I would just make this point: I urge the members to view the data as to what has actually occurred in the reduction of work at the Supreme Court. There are two things that have occurred; one is that the court has taken the opportunity, probably wisely, to redraft its rules for applications in a number of jurisdictions. My understanding is that Justice Blue has undertaken the lion's share of the responsibility for that. He has been given that responsibility to complete. I certainly hope that it is catching up on some of its judgements and work.

I was listening to Lindy Powell QC on the radio this morning when she outlined her concern of judgements sometimes being years before they are provided, which is a pretty serious matter. Whilst we have under the statutes a Judicial Conduct Commissioner to manage these sorts of

concerns, nevertheless it is still very important that we try to support our court system to ensure that we do not have this delay.

Frankly, it is not such a difficult area in relation to murder or serious indictable matters—we are not going to have any treason cases in South Australia. In murder cases, because frequently there is a jury determination (sometimes not, but mostly a jury), the work of the trial judge is not to determine guilt or innocence but largely to consider sentencing submissions and the like.

The delay in waiting for either a trial or a judgement in a civil matter means that, whatever the determination—whether it is a compensation claim, whether there is a commercial aspect that needs to be considered or whether an estate is in dispute—people's lives are on hold while they are waiting for judgements, so it is very important that we understand the significance of months of delay. Lindy Powell said there used to be a practice of a period of up to six months being an acceptable delivery of judgement, but we have the situation where it goes way past 12 months.

Unfortunately, the data does not give us a very generous interpretation in relation to that, so we have to do everything we can to try to make sure that the court is given sufficient tools and resources to actually be able to bring that up to a standard that not only is effective but ensures the reputation of the court to make it attractive. It is also very important to us as a government that we provide that.

I appreciate to some degree the concern of the opposition in not having the Chief Justice's information in a format that the summary has been provided. That has been provided to me. I have presented it to the parliament. We only got that late last week. I did not see it as a role for me to start editing it, but I make this point: the member for Lee has had an opportunity to meet with the Chief Justice on this matter and an invitation has been put to the shadow attorney-general. I do not have any understanding as to whether or not he has availed himself of that.

I maintain the position and the precedent of not providing correspondence to the parliament that has been provided by the Chief Justice, but I hope that I have comprehensively and fairly set out the concerns of the Chief Justice and his expression of views in relation to this matter. He has presented to me a reflection of the position of the current serving judges, so it is not just his personal opinion but in concert with his judges. I should also thank him for his invitation—indeed, request—to meet with his judges, which I did earlier this year so that they could express their views directly to me. I thank them for taking the time to do that and the Chief Justice in particular.

The house divided on the second reading:

Ayes 25
Noes..... 19
Majority..... 6

AYES

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

NOES

Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brown, M.E.	Close, S.E.	Cook, N.F.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.

NOES

Picton, C.J. (teller)	Stinson, J.M.	Szakacs, J.K.
Wortley, D.		

PAIRS

Treloar, P.A.	Bell, T.S.

Second reading thus carried; bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr PICTON: Who do the people of South Australia trust—

The ACTING CHAIR (Mr Duluk): Member for Kaurna—

Mr PICTON: —the Attorney-General or the entirety of the of the Supreme Court?

The ACTING CHAIR (Mr Duluk): Member for Kaurna!

Mr PICTON: That is what people are being asked to judge on.

The ACTING CHAIR (Mr Duluk): Member for Kaurna, please take your seat for a moment. We are in committee. As you know, committee is where the minister can be asked questions of clauses in the bill. It is not the time for impromptu speeches. If there is a question with your preamble, I am more than happy to hear it, member for Kaurna.

Progress reported; committee to sit again.

Sitting suspended from 13:00 to 14:00.

LEGISLATION (FEES) BILL

Assent

His Excellency the Governor assented to the bill.

SURROGACY BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Speaker—

Ombudsman SA—Investigation arising from a death at the Echunga Police Training Reserve on 4 October 2016 Report October 2019

By the Premier (Hon. S.S. Marshall)—

Employment Tribunal, South Australian—Annual Report 2018-19
SafeWork SA Annual Activity Report—2018-19

Trade, Tourism and Investment—Annual Report 2018-19

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

State Disability Inclusion Plan—Report 2019-23

By the Attorney-General (Hon. V.A. Chapman)—

Regulations made under the following Acts—
- Controlled Substances—
  - (Controlled Drugs, Precursors and Plants)(N-Ethylpentylone) Variation
- Liquor Licensing—
  - (General)(Liquor Review) Variation
  - Fees
- Spent Convictions—(Prescribed Exclusions) Variation

Rules made under the following Acts—
- District Court—Supplementary Rules 2014—Amendment No. 9

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

Regulations made under the following Act—
- Health Practitioner Regulation National Law (South Australia)—(Remote Area Attendance)(No 2) Variation

By the Minister for Primary Industries and Regional Development (Hon. T.J. Whetstone)—

Regulations made under the following Act—
- Primary Industry Funding Schemes—
  - (Cattle Industry Fund)(Miscellaneous) Variation
  - (Sheep Industry Fund)(Miscellaneous) Variation

By the Minister for Environment and Water (Hon. D.J. Speirs)—

Regulations made under the following Act—
- National Parks and Wildlife—
  - (Amendment of Schedules 7, 8 and 9 of Act)
  - (Kangaroo Harvesting)(Additional Species) Variation

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

National Heavy Vehicle Regulator—Annual Report 2018-19

Regulations made under the following Acts—
- Motor Vehicles—(Road Rules) Variation
- Rail Safety National Law (South Australia)—(Application of Law) Variation
- Road Traffic—
  - (Light Vehicle Mass and Loading Requirements)(Load Movement) Variation
  - (Miscellaneous)(Road Rules) Variation
  - (Road Rules—Ancillary and Miscellaneous Provisions)(Road Rules) Variation

Rules made under the following Act—
- Road Traffic—Australian Road Rules Variation

Local Council By-Laws—
- District Council Ceduna—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Local Government Land
  - No. 4—Dogs and Cats
  - No. 5—Roads

No. 6—Waste Management

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

Development Act 1993, Administration of the—Annual Report 2018-19
Regulations made under the following Act—
Planning, Development and Infrastructure—(Swimming Pool Safety) Variation

Parliamentary Committees

JOINT COMMITTEE ON VALUATION POLICIES AND CHARGES ON RETIREMENT VILLAGES

Mr DULUK (Waite) (14:07): I bring up the final report of the committee, together with the minutes of proceedings and evidence.

Report received and ordered to be published.

Question Time

BUSINESS CONFIDENCE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:08): My question is to the Premier. Does the Premier take any responsibility for driving business confidence in South Australia to its lowest level on record?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:08): I am interested in the questions that are coming from the opposition already, always wanting to talk down this state, not looking at a range of surveys that are out for the people of South Australia and Australia to reflect on at the moment.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: We didn't get any questions from those opposite when the same surveys showed that we had the highest business confidence in the entire nation. What have they done since that time?

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: They have opposed tax cuts in South Australia. They have opposed deregulation of shop trading hours in South Australia. They have opposed our record infrastructure spend in South Australia—every single thing that they can do, not only from when they were in government but now in opposition, to put a handbrake on our economy.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: Can I say—

Members interjecting:

The SPEAKER: Order, members on my right and left!

The Hon. S.S. MARSHALL: —I was delighted to read the NAB survey today, which showed that South Australia's business confidence remains in positive territory. They hate that: they love cherrypicking different survey results. They love cherrypicking—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —individual survey results. They can't stand the fact that a government was elected that is putting the people of—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —South Australia first, thriving investment in South Australia with record employment in this state—record employment in this state. That is what happens from a government which is focused on growing the economy. I am the first one to admit that there are plenty of surveys out there. Some deal with individual sectors and individual members of an association. Some are done on a national basis.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: When we look at October, the most recent survey results taken nationally by the National Australia Bank, what do they show? Well, it is very inconvenient for those opposite—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —because South Australia's business confidence remains in positive territory. In fact, for the month of October, business conditions—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —improved in South Australia. They hate that. They love talking down the state. We are not going to be diverted at all. We are focused on growing our economy, creating a better opportunity for our next generation, investing in production and infrastructure, creating more jobs in South Australia—

Members interjecting:

The SPEAKER: Members on my left!

The Hon. S.S. MARSHALL: —and, importantly, providing the skilled workforce that we need in this state to capitalise on the great opportunities that lie out there, and there are plenty of them. I certainly want to take this opportunity to congratulate my good friend the Minister for Innovation and Skills, who has done a sterling job on fixing up the mess, the catastrophe, that we were delivered by those opposite, and you all know who you are. The reality is terrible conditions in TAFE—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —terrible conditions in terms of apprentices, terrible conditions in terms of trainees. Nineteen months in, we are confronted with statistics that show a massive improvement in the number of people in South Australia undertaking an apprenticeship or a traineeship—in fact, a 28.8 per cent increase in a 12-month period. That does not happen by talking down the state. That happens by rolling up your sleeves, doing the work that is required, investing in TAFE, investing in skills, and that is the policy of this government.

Parliamentary Procedure

VISITORS

The SPEAKER: Leader of the Opposition, be seated for one moment please. I welcome to parliament students from Reynella East College, hosted by the member for Hurtle Vale. I also welcome Reynella East College students, who I believe are authors and publishers of the book *3000 Days: A Climate Change Battle*, guests of the member for Hurtle Vale.

I call to order the following members: the Minister for Education; the member for West Torrens; the member for Badcoe, and I warn her; the Deputy Premier; the member for Elizabeth; the leader; the members for Lee, Wright and Kaurna; and the Minister for Energy and Mining. Leader.

Question Time

BUSINESS CONFIDENCE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:12): My question is to the Premier. Does the Premier think his land tax policy has improved or damaged business confidence in South Australia?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:13): Pessimistic Pete—sorry, the Leader of the Opposition was not listening to my answer. The reality is—

An honourable member: Point of order, sir.

The SPEAKER: Yes, I caution the Premier about that sort of discourse.

The Hon. S.S. MARSHALL: Some people refer to the opposition leader by other names; I'm sticking with the official title: the Leader of Her Majesty's Loyal Opposition. As he said only moments ago in the parliament, he basically demonstrated he didn't understand what was going on in South Australia. The most recent statistics are the NAB confidence surveys, which cover the month of October—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: There we go again. We have these problems with those people understanding the calendar because July, August and September actually precede October. October coming after September means that that is the most recent. I don't know whether you've got a friend on that side who can explain it to you.

A lot of people learn this when they are in primary school; some people take a little bit longer to come around to understanding these basic things, but we worked out how the calendar works. It worked pretty well for a couple of thousand years, so we will stick with it on this side. The most recent statistics show—October, after the September quarter—that business confidence in South Australia remains in positive territory and business conditions have improved in South Australia.

We are the first to admit that Australia is facing some headwinds at the moment. Even in the Business SA survey, we see quite clearly the authors of this report talking about great volatility within survey results. Australia is really in a position where the uncertainty and the global turmoil around trade are having effects on confidence and business conditions nationally, so we should compare ourselves nationally—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —and when we do that, which I think is a reasonable thing to do, we see that overall South Australia has improved business conditions as reported by the NAB October results which are out today. This doesn't mean that every single business in South Australia is feeling more confident, because that's not the way that it works. There is a patchy—

The SPEAKER: Premier, there is a point of the order from the member for West Torrens.

The Hon. A. KOUTSANTONIS: Yes, sir. I will go to debate, sir. The question was about whether or not land tax had a detrimental or positive impact on business confidence.

The SPEAKER: Yes, there is a point of order on the point of order.

The Hon. J.A.W. GARDNER: That was a bogus point of order. The Premier's response was germane to the question even as described just then.

The SPEAKER: I have the point of order for debate. With respect to the member for West Torrens, there is a little bit of subjectivity as to whether a certain policy may have led to an

improvement or detriment in the economy. I will allow the Premier some time, and I ask him to come back to the substance of the question. He has had a couple of minutes.

Members interjecting:

The SPEAKER: The Premier has the call. I would like to hear his answer, members on my left.

The Hon. S.S. MARSHALL: Sir, those opposite hate any good news for South Australia. Now, it might serve their interest to continually talk down the economy—

Members interjecting:

The SPEAKER: Order! Members on my left, be quiet.

The Hon. S.S. MARSHALL: —but the reality is that we operate in a national and a global environment and there is significant uncertainty. This is hitting some sectors more than others. As I said, some surveys—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. S.S. MARSHALL: —are with specific cohorts, whether it be the Property Council survey, which looks at Property Council members, or the Business SA survey—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —which looks at Business SA members.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is warned.

The Hon. S.S. MARSHALL: When you look at the national survey results, you see that South Australia's results are generally in line with what is going on in the nation—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —so you see our business conditions for October improving—that means getting better, and this is the fact.

Mr Brown interjecting:

The SPEAKER: The member for Playford is warned.

The Hon. S.S. MARSHALL: We are not going to be diverted from our focus on lowering the cost of doing business in South Australia, and that means lowering taxes, and that is what we've got the ticker to do on this side of the parliament—not like those opposite, who shirked their responsibilities for 16 long, torturous years on the South Australian economy. We are up for that reform. We've got that bill before this parliament at the moment and we are going to be pursuing it for as long as we possibly can.

BUSINESS CONFIDENCE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:17): My question is to the Premier. Do you think your $500 million hike in fees and charges has improved or damaged business confidence in South Australia?

The Hon. J.A.W. GARDNER: Point of order, sir: standing order 97.

The SPEAKER: For someone—

The Hon. J.A.W. GARDNER: The Leader of the Opposition is asking you about matters instead of the Premier.

The SPEAKER: Yes, we are starting to delve into trivial matters here. I would ask the leader to address his remarks through the Chair and to the Premier.

An honourable member interjecting:

The SPEAKER: They may not.

Mr MALINAUSKAS: I am happy to ask the question in a different format, Mr Speaker.

Members interjecting:

The SPEAKER: The leader has the call.

Mr MALINAUSKAS: My question is to the Premier. Does the Premier believe that his $500 million hike in fees and charges has improved or damaged business confidence in South Australia?

The Hon. J.A.W. GARDNER: Point of order, sir: standing order 97. The member's question contains argument—facts introduced without leave, allegedly.

The Hon. S.C. MULLIGHAN: Mr Speaker, I rise on a point of order.

The SPEAKER: I have the point of order. I will take a point of order on the point of order, member for Lee.

The Hon. S.C. MULLIGHAN: That is a frivolous point of order. It is long established in the government's own budget papers what the Leader of the Opposition refers to.

The Hon. J.A.W. GARDNER: Point of order, sir: descriptive language in the question is entirely disorderly.

The SPEAKER: Yes, the point of order has some merit, but I am going to allow the question. I have always allowed some political, albeit slight, characterisation, but if it goes beyond a point, then obviously I will pull questions up. I am going to allow the question, and the Premier has the call.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:19): Well, business costs are very important to businesses, business confidence and job creation in South Australia, and that is exactly and precisely why on coming to government we did everything we could to lower costs on households, families and businesses in South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: By way of demonstration, we halved the emergency services levy in South Australia. We've already put $180 million back into the economy to create jobs and economic growth in South Australia. On 1 January this year, we took the axe to payroll tax. No business in South Australia with a payroll of up to $1.5 million pays a cent in payroll tax anymore. That's what this government is doing. At the moment—

Members interjecting:

The SPEAKER: The member for Elizabeth is warned.

The Hon. S.S. MARSHALL: —we have legislation before this parliament to drive down the cost of land tax—the annual cost of land tax—but we're being thwarted at this stage, opposed at this stage, by those opposite, who somehow want to—

Mr Malinauskas: You're trying to increase the tax. It's a tax increase!

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —defend the fact that we have a 3.7 per cent annual top land tax rate in South Australia. It's disgraceful! Not content with holding back the South Australian economy for 16 years, now they want to do it in opposition. They oppose council rate capping in South Australia because they couldn't care less. They couldn't care less. They're addicted to taxes, absolutely addicted to taxes. By contrast—

Members interjecting:

The SPEAKER: Order! The leader will cease shouting across the chamber.

The Hon. S.S. MARSHALL: —we want to be focused on reducing that burden because we know by reducing that burden we will drive further investment into South Australia, and that's what we want. We know that, as we improve business conditions in South Australia, we create more jobs and we keep more young people in South Australia. I've got to say that we on this side of the house have been delighted with the most recent statistics, which show a very significant fall in the net interstate migration out of South Australia.

Members interjecting:

The Hon. S.S. MARSHALL: Those opposite laugh—laugh! Yet, when they were in government, the net interstate migration was 4,000, 5,000, 6,000, 7,000, heading towards 8,000 people per year. It's halved. The most recent statistics show unequivocally that there was a net interstate migration of 4,000 people—the best for years and years and years—because people are feeling more confident about the future under this government. They are feeling more confident about their future here in South Australia.

The reality is that young people are feeling more confident about their future in South Australia. They are staying in this state, and we are doing everything that we can to create the opportunities for the next generation. We're focused on jobs and training that are going to be rewarding for the people in South Australia.

Again, I reiterate for those opposite who perhaps weren't listening to my earlier two answers: the reality is that Australia is in volatile times in terms of business confidence and business conditions. It's not about pointing the finger; this is a global reality which seems to be completely missing from any of the analysis done by those opposite. So we're not going to be moved off our course. We're going to be focused on lowering taxes in South Australia, focused on delivering a record infrastructure investment in this state, investing in skills to give the people of this state a much brighter future.

The SPEAKER: The member for West Torrens has been most exuberant today and he is now warned for a second time. The member for Colton. I will come back to the leader.

DESALINATION PLANT

Mr COWDREY (Colton) (14:22): My question is to the Premier. Can the Premier update the house on how South Australia is stepping up to support our nation in times of need?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:23): I must say that I thank the member for Colton for his question. This is a time when South Australia has been given an opportunity of stepping up in a very difficult situation: drought conditions across much of our country. I was contacted by the Prime Minister to see what we could do here in South Australia to support that effort. Can I just say, I am absolutely delighted to announce that we have reached an historic agreement with the federal government to switch on the desal plant here in South Australia.

When I say 'switch on', I mean switch it on to achieve its full capacity in this state: 100 gigalitres. I think the taxpayers of South Australia have been bewildered for a long period of time as to why they continue to pay for this massive piece of infrastructure without seeing the benefit from it. Now we have an opportunity to contribute at a national level.

Members interjecting:

The SPEAKER: Member for Ramsay! Member for Reynell!

The Hon. S.S. MARSHALL: Can I say, we will now put this piece of infrastructure through its paces, see its capacity and iron out the problems, and we will be doing it at no cost whatsoever to the taxpayers in our state. In fact, the federal government will be meeting all the costs of the production of this water. They will be meeting all the energy costs. They will be meeting all the pumping costs and the production costs.

In addition to that, the Prime Minister has negotiated a $10 million contribution to a drought resilience fund here in South Australia. We have committed 40 gigalitres this financial year. In the

middle of April next year, we will review the situation. It's our intention to, if possible, provide a further 60 gigalitres of water next financial year.

This is a very important contribution to the national effort to help farmers and communities across this country who are doing it extraordinarily tough at the moment. I think a lot of people looking at the television images and looking into the newspapers at some of the gut-wrenching images are very pleased that the South Australian government has seen fit to be able to sign this historic agreement, or at least reach this historic agreement, with the federal government.

Of course, the federal government will be paying the costs of this water. They will then be selling it back, at a subsidised rate, to farmers along the Murray-Darling Basin, who will produce fodder for livestock in Australia, in particular breeding livestock because we know that if we don't do this the actual road to recovery, post this drought, will take even longer and be even more expensive. We are absolutely delighted to be working with our federal parliament and our federal colleagues in the Coalition to deliver this relief to farmers.

Of course, this subsidised rate to produce fodder will be available to farmers here in South Australia. It's part of a package announced by the Prime Minister last week, which is more than $1 billion. That is $1 billion going into that relief—$1 billion that will provide grants directly to local governments affected by drought conditions. We know many of those are here in South Australia. We also know that there will be loans available: no interest for the first two years, is my understanding, and low interest thereafter to support our farmers at this pretty difficult time.

That's not the only way that we are helping the national effort. I must say, as the Premier of South Australia, that I feel extraordinarily proud at the moment to see the effort that South Australian firefighters—whether they be volunteer members of the CFS, MFS, SA Ambulance or the Department for Environment and Water—are contributing to the effort to fight the fires in New South Wales.

Already, we have sent more than 200 South Australians to assist with that effort. On Saturday morning, I was out at RAAF Base Edinburgh to farewell another 34 brave South Australians who were heading over to New South Wales. We are standing up. We are standing up for our fellow Australians in this time of their need.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the leader, I welcome to parliament today Mr and Mrs Aigner, who are here from Bavaria in Germany and are guests of the member for Schubert. Leader.

Question Time

BUSINESS CONFIDENCE

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:27): My question is to the Premier. How does the Premier explain business confidence now being lower than at any point during 16 years of the Labor government, including during the GFC?

The Hon. J.A.W. GARDNER: Point of order, sir: the member seeks to present facts without the leave of the house.

The SPEAKER: I am going to allow the question, but I am also going to give the Premier great latitude in the answer. Premier.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:27): I refer the honourable member to my previous answer.

Mr Malinauskas interjecting:

The SPEAKER: Leader!

Members interjecting:

The SPEAKER: The member for Badcoe is on two warnings now. Member for Lee.

BUSINESS CONFIDENCE

The Hon. S.C. MULLIGHAN (Lee) (14:28): My question is to the Premier. Does the Premier believe that the 18 per cent decline in merchandise exports over the last 12 months has improved or damaged business confidence in South Australia?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:28): It's unacceptable. It's unacceptable, and we need to be increasing our exports out of South Australia. That's why we are acting decisively. Since coming into government we have opened two new offices in China: we have opened an office in Shanghai and we have opened an office in Guangzhou that complement the offices that existed when we came to government—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee is warned.

The Hon. S.S. MARSHALL: —in Jinan and Hong Kong. We have seen a 9 per cent increase in exports to China. We have also opened an office in Tokyo. We are in the midst of planning for office openings in the Middle East, in Malaysia and also in the US. We have announced that we will be opening an office in Texas—in fact, potentially even two offices in Houston and maybe even somebody in Austin. We know that this is a very important market, North America. It was one that was ignored by those opposite.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: We are absolutely 100 per cent focused, and that's why we had work done by the Hon. Steven Joyce, the former finance minister in New Zealand, to look at the processes that we have put in place to arrest this situation. We are 100 per cent focused on growing the size of our exports, growing the size of our investment attraction into South Australia, increasing tourism in South Australia and also making sure that we can attract more international students.

Can I update the house that in terms of service exports, and in particular international students, South Australia performed well above average in Australia last financial year. We have now put out our international student strategy, which we have published. This was informed by the sector. It was coordinated and facilitated by government, but it is a sector plan that deals with international students.

Currently, the number of international students sits at around 38,000. We have a goal to grow that to 71,000 international students by 2030, and we are working very hard on that. We are ahead of schedule. We are making sure that StudyAdelaide is fully funded. But, yes, there is much, much more work to be done. We are up to that task.

The SPEAKER: The member for Lee and then the member for King.

BUSINESS CONFIDENCE

The Hon. S.C. MULLIGHAN (Lee) (14:30): My question is again to the Premier. Does the Premier believe that a 9 per cent fall in dwelling approvals over the last 12 months has improved or damaged business confidence in South Australia?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:30): We know that the economy in South Australia is moving in the right direction, but it is patchy and not every single sector is doing extraordinarily well. I note that those opposite aren't bringing up—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —sectors that we know are experiencing extraordinarily good conditions because that is not the will and the wont of those opposite. In fact, all they want to do is identify opportunities to talk down the state. This is a choice. You can continue to do this. You can continue to talk down the prospects of our state at every single opportunity, but I don't think that

would benefit our state whatsoever. The reality is there are many good green shoots in South Australia. We have record employment in South Australia, record number of hours worked—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —and record amount of wages here in South Australia.

Mr Brown interjecting:

The SPEAKER: The member for Playford can leave for the remainder of question time under 137A.

The honourable member for Playford having withdrawn from the chamber:

The Hon. S.S. MARSHALL: So we are very proud to be working harder than ever in creating opportunities to grow our economy and to create more opportunities for our next generation.

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition is warned for a second and final time. I announced the member for King. I will come back to the member for Lee.

FIREFIGHTERS, INTERSTATE DEPLOYMENT

Ms LUETHEN (King) (14:31): My question is to the Minister for Emergency Services. Can the minister update the house on the emergency services support South Australia is providing to New South Wales?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:32): I thank the member for King for her interest in this. Those opposite may not care, but the member for King does.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: She is a great advocate for CFS groups in her local region, and also she would be very aware of what South Australia is doing to help New South Wales in their devastating time of need.

The Hon. A. KOUTSANTONIS: Point of order: the member implied improper motives on members opposite, saying that we do not care about bushfire responses in other states. It's disgraceful. He should withdraw and apologise.

The Hon. J.A.W. GARDNER: Point of order: at least half a dozen opposition members gesticulated verbally and loudly when the minister was asked a question. That behaviour was disorderly.

The SPEAKER: I remind members that we do have students in the gallery today watching us. I ask for decorum in this house to lift. What I would also ask is for commentary between the questions and the answers, which came from my left, to cease. Not that it is an excuse, but it may have perhaps thrown the minister off a little bit. I ask him to come back to the substance of the question. He knows better. Do we still require a point of order?

Ms BEDFORD: Point of order: I am keen to know whether the minister includes the crossbench in 'those opposite'.

The SPEAKER: Which is exactly why the standing orders exist. I ask the minister not to reflect on other members perhaps in his answer. Let's come back to it, minister.

The Hon. C.L. WINGARD: Again, I would like to reiterate my thanks to the member for King for her concern on such a serious matter here. I think everyone has seen what has been happening in New South Wales and the devastation that they have been experiencing. It is wonderful that South Australia can play its part in helping out the country in such a devastating time of need.

We have seen the catastrophic conditions across New South Wales. We know it's the first time since the fire danger rating system included 'catastrophic' back in 2009 that they are experiencing these conditions. We know the New South Wales Premier has declared a week-long state of emergency in New South Wales, with up to 60 bushfires burning from the mid-north up to the Queensland border.

We know in South Australia—again, the member for King is very conscious of this—how difficult days do arise here. We are not immune to that. Again, I acknowledge the CFS troops and all the troops who helped out yesterday with the stubble fire in Port Lincoln—and what a great job they did there as well. We do stand united with New South Wales and our counterparts over there in their time of need and during these tragic circumstances. As I mentioned, three people have died over in New South Wales and our hearts go out to their families.

South Australia has been providing a number of deployments. The Premier talked about how on Saturday morning he was there farewelling 34 people heading over from the CFS, the MFS and the Department for Environment and Water to Port Macquarie. I can inform the house that yesterday this crew was deployed to Killabakh, to the fire there, in order to prepare for the catastrophic conditions today.

This morning, a further strike team of 37 left Adelaide Airport and 66 volunteers and staff will head to Armidale tomorrow. It was a pleasure to be there at the Airport farewelling these people. As we mentioned, the CFS, MFS and SAAS are all working together here and all the people from the Department for Environment and Water as well—working together as a team. With the reports that are coming back from interstate about how well they are contributing, we should all be very proud here in this very chamber and right across the state of South Australian firefighters and the team members there.

In addition to this, on Saturday morning South Australia sent 10 CFS appliances, four bulk water carriers, two command cars, two logistics cars and one mechanical support vehicle. They left from Tailem Bend again to go and help with the fires. Brenton Eden from the CFS made a comment something like this when they left: 'When a state is in need, we fight the fire we have got, we prepare for the one we haven't got and we hope like hell we don't get any of these conditions here in South Australia.' I think everyone would agree with that.

The convoy is expected to arrive in Glen Innes for the fire, to hit the ground there on Tuesday evening, ready to assist. I can reassure South Australians that we have 13,000 volunteers here in South Australia and just over 830 firefighting vehicles on stand-by should a significant bushfire take place here, so we have plenty of resources back here in South Australia. The ground fire in New South Wales is vast and it's devastating, with more than one million hectares either burnt or burning as we speak, and they are some of the worst conditions the state has ever seen.

We do want to commend our women and our men who are heading into a dangerous situation, but I know that New South Wales will help us out if we have the need as well. Let's hope that isn't needed. Again, I say to all our brave volunteers and the firefighters who have gone over to help out: stay safe, we thank you for your service and I look forward to you returning home safely and having a beer with you when you do.

BUSINESS CONFIDENCE

The Hon. S.C. MULLIGHAN (Lee) (14:37): My question is to the Premier. Does the Premier believe the fall in state final demand over two consecutive quarters has improved or damaged business confidence in South Australia?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:37): Again, I am happy to talk about the positives in the state; those can talk about the negatives in the state. They love it. The reality is we are doing everything we possibly can in the situation that we are provided with to grow the size of the South Australian economy. We are very proud of the fact that we have the record employment in the history of the state at the moment. We are only 0.01 per cent, I think, off the highest participation rate in the history of our state, so there are more people wanting to participate, increasing the productive capacity of our economy, and that is something to actually really celebrate in South Australia.

I will tell you some other things that are really good to celebrate in South Australia at the moment; one is that Berkshire Hathaway, one of the most significant investment companies in the world, have actually opened an office here in South Australia—no questions from those opposite about that.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: Last week, I was absolutely delighted—

Members interjecting:

The SPEAKER: The member for Mawson is warned.

The Hon. S.S. MARSHALL: —to read about a very significant investment in South Australia, where some interstate and some overseas investors combined together to purchase 50 per cent of the Marion shopping centre; in fact, that transaction was $670 million. It was the largest property transaction in the history of South Australia.

Mr Malinauskas: And that's under the current land tax regime.

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: It was the largest property transaction in Australia this year, and in fact it was one of the largest property transactions globally this year.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: The reason was that investors are feeling more confident about the future in South Australia—a sensible, grown-up government stopping the fake fights with Canada—

The Hon. V.A. Chapman: Canberra.

The Hon. S.S. MARSHALL: —with Canberra—and Canada! We are stopping all those fake fights and we are getting on with growing the size of the South Australian economy. We are very pleased to do that. Yes, there are some headwinds. There are some headwinds nationally, and there are some headwinds globally, but that's not a reason to basically give up, pack up your bat and ball and go home.

In fact, that is an opportunity to double-down. That is an opportunity to do everything you possibly can to push reform in South Australia. That is why we on this side of the house remain absolutely convinced that we need to drop our annual land tax rate, at the highest marginal rate, from 3.7 per cent down to the mainland average of 2.4 per cent. This will stop the flow of capital out of our state from South Australian investors investing interstate and will actually attract more investors from interstate and from overseas to come in, grow the size of our economy and create more jobs.

This is why we are focused in this government on doing every single possible thing we can. Every government has choices: you can whinge and whine or you can blame somebody else. What we saw for 16 years was that every time the going got tough—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Member for Light!

The Hon. S.S. MARSHALL: —we would see the previous government picking a fight with somebody in another state, another jurisdiction, the other political parties, rather than taking responsibility. What we are doing is taking responsibility.

Members interjecting:

The SPEAKER: Deputy leader!

The Hon. S.S. MARSHALL: We are working hard every single day. Every single day the government is focused on growing the size of our economy, and we will continue to do so every single day that we are on the treasury bench.

BUSINESS CONFIDENCE

The Hon. S.C. MULLIGHAN (Lee) (14:40): My question is to the Premier. Does the Premier believe the additional $90 million to be raised through higher solid waste levies has improved or damaged business confidence in South Australia?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:41): We are making sure that we are sending a very strong signal to the community that we want to see less resource going into landfill, and we make no apology for that. We think it is really important to send a strong message that resource—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —should be utilised. I am very proud that in South Australia we have very high diversion rates, whether that be the construction and demolition sector, the commercial and industrial sector or the green organics sector. But still there is too much useful resource going into our landfill, so we want to send a very strong message that if you are going to send resource there then you are going to have to pay for that. That money will then be used for a range of projects which are going to improve environmental outcomes in South Australia. That is the focus of the policy that was announced in the state budget. It is a very important policy and it is one that we are very proud of.

NORTHERN ADELAIDE LOCAL HEALTH NETWORK

Ms BEDFORD (Florey) (14:42): My question is to the minister representing the Minister for Health. Can the minister inform the house what discussions have been held about cuts to surgery budgets in NALHN—that is, the Northern Adelaide Local Health Network—and, in particular, if there has been consideration given to reducing surgery at Modbury Hospital and the quantum of those cuts identified?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:42): That is a question with a very broad component—have there been any discussions at all about a particular topic—and also a very specific component with regard to asking about cuts in a particular service at a particular hospital. For the member for Florey, I would be very happy to engage with the Minister for Health and Wellbeing to try to get a fulsome answer to these things, as I always do for the member for Florey.

But let me just say in general that the Minister for Health and Wellbeing and our government are doing everything that we possibly we can to improve health services all over metro Adelaide. Whether it is CALHN, SALHN, NALHN or country areas, we are putting in an enormous amount of effort with regard to both budgetary contributions and engagement with health providers who actually do the incredibly valuable work that is done in our health system. The Minister for Health and Wellbeing is doing a truly outstanding job in this area, and I will come back for the—

Members interjecting:

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

The Hon. D.C. VAN HOLST PELLEKAAN: I will come back with a detailed answer for the member for Florey.

NORTHERN ADELAIDE LOCAL HEALTH NETWORK

Ms BEDFORD (Florey) (14:43): Supplementary: just to help the minister, it is important that I know and can reassure my electorate that the figure of $6 million is not the figure that is involved.

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:44): That, I suppose, was a supplementary statement rather than a supplementary question, but let me—

The SPEAKER: It was a question.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —respond to it in the positive, constructive way that it was offered and say again that I will get a detailed, fulsome response for the member for Florey from the Minister for Health and Wellbeing.

BUSINESS CONFIDENCE

The Hon. S.C. MULLIGHAN (Lee) (14:44): My question is to the Premier. Does the Premier believe that the additional $90 million in higher motor vehicle administration fees to be raised improves or damages business confidence in South Australia?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:44): We are now being confronted with a range of issues, all asking essentially the same question: what are the—

The Hon. Z.L. Bettison: Fees and charges.

The SPEAKER: The member for Ramsay is warned.

The Hon. S.S. MARSHALL: —contributors to the current range and, if you like, spread of survey results that exist in South Australia? I provided a comprehensive answer to that. It's difficult to go over and over these points with an opposition that is clearly not interested in listening. The reality is that, whether you like it or not, we are operating within a national and a global environment that is experiencing a higher level of volatility. This translates into risk and this means that there are consequences of this.

I note that the Reserve Bank Governor provided a reduction of 75 basis points in the official interest rate in just the last four or five months, and that is being done not because of issues in South Australia to do with land tax rates and solid waste levies; it's actually to do with the response to what is occurring globally. I would have thought that those opposite, wanting to present themselves as an alternative government in South Australia, may just expose themselves to exactly what is going on in Australia and globally at the moment, and inform their policy development in terms of the response to what is going on in Australia.

That is what we are doing on this side of the chamber and that is why we remain completely resolute in our position to pursue further cuts to tax in South Australia. That is why we remain resolute that we will continue to invest in skills development, whether that be through more than $100 million going back into the TAFE budget, $200 million going back into the skills budget in South Australia or our record investment in infrastructure. We have already canvassed a range of programs that we are putting in place—

The Hon. S.C. Mullighan: What, in three years?

The SPEAKER: The member for Lee is on two warnings now.

The Hon. S.S. MARSHALL: —to try to turn around the situation that we have experienced—the unacceptable situation that we have experienced—in recent times with regard to exports, but there are some very good green shoots and we are making sure that we are investing to capitalise on the global opportunities that exist. There are plenty of things that are going in the right direction in South Australia.

At the moment, when you drive towards North Adelaide you can see construction is underway at Adelaide Oval. There are 450 construction jobs currently on that site, which will lead to 120 ongoing jobs on that site, and that is a positive outcome. There are 250 full-time jobs currently in place for the completion of the Gawler line electrification, a project that those opposite were unable to deliver in the 16 years that they were in government.

The Hon. S.C. MULLIGHAN: Point of order: the question was about higher motor vehicle administration fees.

The SPEAKER: The point of order is for debate. With respect to the Premier, he is beginning to deviate. I think he may have finished his answer. He has finished his answer, so I will move to the member for Kavel and come back to the member for Lee.

WOMEN'S DOMESTIC VIOLENCE COURT ASSISTANCE SERVICE

Mr CREGAN (Kavel) (14:47): My question is to the Attorney-General. Can the Attorney update the house on how the Women's Domestic Violence Court Assistance Service is providing assistance to South Australians?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:48): I thank the member for Kavel who, as a legal practitioner in his own area, understands the significance of domestic and family violence and the importance of prevention. Members may be interested to note—

Ms Hildyard interjecting:

The SPEAKER: The member for Reynell is warned.

The Hon. V.A. CHAPMAN: —that this is a service that we have—

The Hon. S.C. Mullighan: No women available to ask that question?

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

The Hon. V.A. CHAPMAN: —maintained. Following a competitive tender process, the Legal Services Commission was announced as the successful tenderer to be the provider of the Women's Domestic Violence Court Assistance Service on 28 May this year. In the first quarter of the service's operation under LSC, the relevant period, that is, 1 July to 30 September—

Ms Hildyard: They have taken it away from a women's run organisation. They have taken it away from the women's organisation. It's outrageous.

The SPEAKER: The member for Reynell is now warned for a second time.

The Hon. V.A. CHAPMAN: The service provided assistance in the form of referrals to 161 women, legal advice to 93 women and both legal advice and representation to 86 women. I give some assurance to the house of the importance of ensuring that under this new regime they have a legal services contract and not a social welfare contract to do the service they are providing.

In total, the service has assisted 340 women in the last quarter, of whom 60 transitioned over from the Victim Support Service. I also want to advise the house that this service has taken a number of steps to connect with all South Australian women, including those who do not speak English as a first language. Their solicitors have engaged with clients from seven different cultural and linguistically diverse communities, as well as Aboriginal women and a client who required Auslan services. Brochures from the service have now been distributed to 14 Magistrates Court locations, in addition to the majority of police stations.

The service also provides victims of domestic family violence with specialist legal support to apply for intervention orders, end tenancy agreements and navigate the processes of the Magistrates Court. Solicitors provide these services in four locations across the state, provide telephone appointments for those who cannot attend in person and in addition, as an extension of these services, I advise that the staff from the services have promoted the service particularly in regional areas and connected with other important bodies, such as the Family Violence Legal Service Aboriginal Corporation and the Port Augusta child and family investigation section.

Finally, and importantly, the service is on track to meet its annual target of supporting 800 women per year. I congratulate the women of the court assistance service on their work under the Legal Services Commission to date.

LAND TAX

The Hon. S.C. MULLIGHAN (Lee) (14:50): My question is to the Premier. Why is the Premier prepared to make further concessions in his land tax policy for upper house crossbenchers but not for his own backbench?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:51): As members opposite know, they were not up to the task of participating in the important reform which is currently before the parliament. They shirked their responsibilities to the people of South Australia. They were wreckers in government and they are wreckers in opposition, but we remain absolutely focused on doing what is in the best interests of all South Australians. In all the time since the state budget came down, it was, first of all, difficult to understand what their position was and then, secondly, they didn't provide any explanation as to why they wanted to entrench an unfair system—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —here in South Australia. By contrast, we have demonstrated since the state budget came down that we are prepared to sit down and listen to people. We would like to see this reform. It's very important reform—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —that is needed, desperately needed in South Australia, so that we can continue with the economic recovery in South Australia. We are listening respectfully to the industry. We are listening respectfully to the people in the Legislative Council. We are happy to sit down with the opposition, if they have a change of heart and want to put the people of South Australia first, but up to this point—

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The member for Lee can leave for the remainder of question time under 137A.

The honourable member for Lee having withdrawn from the chamber:

The Hon. S.S. MARSHALL: —in time they have shown themselves to be completely and utterly incapable—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: If the member for West Torrens would like to object to a ruling, he knows how to do it. I am not accusing him of doing it, but if he wants to he knows how to do it. The Premier has the call.

The Hon. S.S. MARSHALL: We are continuing discussions. We think it's an important reform and we are going to pursue it.

LAND TAX

The Hon. A. KOUTSANTONIS (West Torrens) (14:52): My question is to the Premier. Can the Premier rule out making any further changes to his land tax policy?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:53): I refer the member to my previous answer.

DESALINATION PLANT

The Hon. A. KOUTSANTONIS (West Torrens) (14:53): My question is to the Premier. Can the Premier guarantee that the money South Australia receives to run the Desalination Plant will not lead to any reduction in GST or other grant payments from the commonwealth?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:53): I think that's a detailed question that I could ask the Treasurer, but certainly—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —this is a deal where we have had an assurance from the federal government that we will not be out of pocket at all, so I don't think there will be any problems in regard to that, but I will make an inquiry with the Treasurer and come back to the house.

SKILLS TRAINING

Dr HARVEY (Newland) (14:53): My question is to the Minister for Innovation and Skills. Can the minister update the house about how South Australia's training system is performing compared with previous years?

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:54): I can do that. I thank the member for Newland for his question and his interest in skills training for not just his constituents but for South Australians in general. The Marshall government took to the last election a commitment to fix South Australia's training system to ensure that South Australians are suitably skilled for the jobs in our transitioning economy.

Today, the NCVER's publication 'Government-funded students and courses: January to June 2019' was released and the data is extremely positive for South Australia. It shows that we are leading the nation, that we are getting on with the job. In the first six months to June this year, South Australia experienced a large increase in government-funded VET activity: 48,415 students, an increase of 8,790 students compared to the same time last year. That's a 22.2 per cent increase. South Australia's percentage increase was the second largest in the country. This is the state's first increase in government-funded VET student numbers for the January to June period since the NCVER started counting these figures.

Our apprentices and trainees: 10,185 apprentices and trainees, up from 7,910 this time last year. That is an increase of 28.8 per cent on last year's figures, and of course we are fixing the TAFE system. Remember the mess we inherited from those opposite? There were 31,375 enrolments delivered by TAFE institutes, compared with 24,820 this time last year. That is a 26.4 per cent increase, the second largest again in the country.

Of course, it is not just TAFE that we're seeing good results with. The non-government providers in South Australia are up 22.8 per cent to 10,420 new trainees and apprentices in that time, up from 8,480 this time last year. This was the largest increase in the country of the non-government sector. That is understandable, of course, because those opposite just decimated the non-government sector here in South Australia.

This growth has been supported by an expanded Subsidised Training List. When we came to office, 350 courses were subsidised by the government and only 30 per cent of those were available to the non-government sector. Today, 850 courses are subsidised by the government and each and every one of them is available to the private sector. So, instead of bureaucrats sitting around deciding what should be funded, we've let the industry decide what training they want to do and we will fund it to suit their needs.

Of course, remember, from those opposite there wasn't even a skills policy in the lead-up to the last election. We got to work immediately after being elected, and South Australia was the first state to sign a national partnership agreement with the commonwealth to deliver the Skilling South Australia program.

In our first full year of the Skilling South Australia program, we achieved almost 13,000 new trainee commencements, and in March, the NCVER, for the first time in seven years, reported an increase in apprenticeship and traineeship commencements. Today, there are the terrific figures of 28.8 per cent more trainees and apprentices than for the same period last year.

We are determined to modernise our workforce with higher apprenticeships, new training pathways to support industry such as applied technology, and Microsoft and cybersecurity apprenticeships all released and delivered by this government. Last year, 700 businesses took on an apprentice for the very first time.

DESALINATION PLANT

The Hon. A. KOUTSANTONIS (West Torrens) (14:58): My question is to the Premier. Has the Premier received a written commitment from the commonwealth Treasurer that the desalination payments will be excluded from Commonwealth Grants Commission assessments for payments to the state? Can the Premier advise the house whether the federal Treasurer has issued this direction to the Commonwealth Grants Commission?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:58): I'm happy to make that inquiry of the Treasurer, but what I will say is that incorporated into the principles of the agreement, which came from the Prime Minister's office, South Australia will be no worse off from this deal. Importantly, it was clear that this was not something where we could essentially gain from the system, so it wasn't an opportunity for us to make a windfall gain, and we were happy to accept that because we wanted to play our part in the national effort to support our farmers who are doing it tough through these drought conditions. But I wasn't prepared to sign up to any deal that would disadvantage the taxpayers of South Australia. That was incorporated into the principles which came from the Prime Minister's office.

MOTOR VEHICLE REGISTRATION

The Hon. L.W.K. BIGNELL (Mawson) (14:59): My question is to the Premier. Does the Premier believe it's a good idea to double the cost of vehicle registration for Kangaroo Island people?

The SPEAKER: The Minister for Transport.

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:59): Thank you, Mr Speaker, and I can answer that question for the member for Mawson. This is something that was actually handed down in the budget back in June and a decision that this government has made about the fact that we want to see more investment into regional roads and in doing so actually do what it is that the people of regional South Australia want us to do. There is a clause or a rule that has been in place—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —where there were some very small pockets of far-flung South Australia that did have a differential rate when it came to motor vehicle registration. Can I say that there was a very high degree of irregularity about the way that those concessions were being used—for instance, potentially the difference between where somebody garages their vehicle versus where they live.

The other thing I would say is that what this government wants to do, and the reason for the concession when it was first put in place somewhere decades past, was the fact that there was a recognition that money was not being spent in those areas on roads. Can I say that this government has a fantastic program to turn around and actually deliver improved road funding for South Australia, including for Kangaroo Island. I must admit that when I mention this every other regional MP in this room is going to ask for this same deal. Kangaroo Island actually gets more road funding than other parts of our state get.

There is a $2 million contribution per annum that the state government makes towards local government roads in recognition of the fact that the Kangaroo Island Council has a lot of local roads that it has to maintain. However, as a result of this measure, and also from the last budget, we have an extra $1 million that we are going to be putting back into improving road infrastructure on Kangaroo Island, because at the end of the day what regional people want—and as I hear from the member for Stuart, the member for MacKillop, the members for Kavel and Heysen, the member for Finniss, and every regional MP in this house, and the member for Giles as well—is money spent on fixing their roads.

They are sick and tired of having had a government that would not spend any money fixing their roads, and that is why over the past two budgets we have now put $1.3 billion into fixing roads in regional South Australia. If I look at every member who is going to drive down to the Fleurieu, they are excited by the fact that we, together with the federal government and our great mate ScoMo, are delivering the duplication of Victor Harbor Road down to McLaren Vale, as well as delivering an overtaking lane down to the Fleurieu. There is work going on with respect to the duplication of South Road, which will help all those people who are going down to Cape Jervis to be able to get across to the island.

It actually does not matter what part of the state it is, we are spending money fixing up country roads. In fact, it was only just last week, with the member for MacKillop and the member for Barker, that we talked about $16.5 million that we are putting into fixing up roads in the South-East in the member for MacKillop's electorate, because, again, from the couple of times I have been down there so far they are sick and tired of being forgotten by their city-centric government. Finally, as of 18 March last year, that has ended and the people of regional South Australia now have a government that cares and a government that listens, and that is precisely what we are doing.

The SPEAKER: The member for Mount Gambier.

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

The SPEAKER: I will come back to you. The member for Mount Gambier.

POLICE NUMBERS

Mr BELL (Mount Gambier) (15:02): My question is to the Minister for Police. Will the minister be making a submission to the Productivity Commission highlighting that its recommendation to change fringe benefits tax arrangements will have a detrimental impact on attracting police officers to regional areas?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:03): I thank the member for the question and note that since coming into government we have done a number of things to increase the number of police on the beat, and one them was to reopen and extend the police station opening hours at three metropolitan police stations. What that allowed us to do—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. C.L. WINGARD: —if you just wait a moment—was to put administrative staff back into the operation of police stations, and that actually freed up sworn police officers to go back on the beat. A big focus of ours is making sure that we have ample police on the beat. It is a big focus of all South Australians.

I will very much take the member's point on notice, and I am very happy to discuss with him offline how we can keep growing the number of police we have on the beat in South Australia both in the regions and in the city.

VEHICLE REGISTRATION FEES

The Hon. L.W.K. BIGNELL (Mawson) (15:03): My question is again to the Premier. What does the Premier say to the people of Kangaroo Island who have had their registrations doubled, including a freight operator whose bill will go up by $50,000 to $60,000 a year?

The Hon. J.A.W. GARDNER: Point of order, sir: that question contains argument and seeks to introduce facts without leave.

The SPEAKER: I am willing to give the member for Mawson an opportunity to rephrase.

The Hon. L.W.K. BIGNELL: Thank you again, Mr Speaker, because the people of Kangaroo Island would like an answer. Does the Premier—

Members interjecting:

The SPEAKER: Yes, yes. Member for Mawson, I am now moving to the member for Morphett.

The Hon. L.W.K. BIGNELL: Shutting down the people of Kangaroo Island's requests—there you go.

The SPEAKER: The member for Mawson can leave for the remainder of question time and, when he does, the member for Morphett will have a question.

The honourable member for Mawson having withdrawn from the chamber:

POLICE STATION OPENING HOURS

Mr PATTERSON (Morphett) (15:05): My question is to the Minister for Police. Can the minister please update the house on the extended opening hours of police stations, including in my electorate of Morphett?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:05): I thank the member for Morphett for his very important question—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —and note the great interest in this house about the extended police station opening hours—and what a great policy it has been from our government, after those on the other side shut the police stations in a couple of key areas, namely, the member for Morphett's electorate, Glenelg. As of 1 November, the extended hours are back up and running again for the summer months. As the warmer weather kicks in, the tourists flow down and it's a buzz along Jetty Road, too. I commend the member for Morphett for his wonderful work there.

Of course, as well as in Norwood, with the Norwood Police Station, and also the Henley Beach Police Station, I know that the people in the member for Colton's electorate are very excited about the increased public safety and our focus on public safety and security here in South Australia. I commend the member for Morphett again for the great work that he has done there.

We note that in the last budget the Marshall Liberal government put $52 million into the safety and security of South Australia—that's how important we value keeping people safe in this state—with $16.5 million going into SAPOL's communications centre in the CBD. This is something that the police commissioner was very concerned about and under the previous government had been left to run down.

Had we been in a situation whereby there was an earthquake in South Australia, or a major disaster, there was the potential for that building and the insides of that building to fall down and for the communications centre to be rendered useless. So to make sure that we have that upgraded and that facility available in a time of need is a very big win for SAPOL and also for all the people of South Australia.

I have talked before in this place about the $9.4 million that we put into the rapid response capability. This is a capability within SAPOL that they will now have at their disposal, that the commissioner will have this at his disposal. It is a middle tier. We have the STAR Group at the top end, we have police on the beat at the bottom, and in the middle now we will have this rapid response capability to make sure we are keeping South Australians safe. I think we are the last mainland state to implement this capability—again, ignored by those opposite—but we are very happy to be rolling that out to increase the safety and security element of South Australia.

So $7.7 million has been allocated to replacing the ageing Expiation Notice Branch system—again, a computer system that was allowed to run down and very much needed to be upgraded. It is a big investment in our state and we are very happy to be doing that. The other point, as part of this $52 million, is the district policing model mark 2. There were two phases to this—phase 1 and phase 2. We have put $18.6 million into implementing stage 2, which is a very important part to make sure that the whole district policing model works as efficiently as planned. I know that the commissioner is very excited about this.

DPM1 has rolled out and has been very well received out in the community, and now the commissioner wants to roll out part 2. This will ensure that we have police on the beat proactively policing to keep the people of South Australia safe. The way the model was designed for these two things to work together, the police commissioner has taken me through the process and is really keen to see that rolled out and work together. Again, that was unfunded from the previous government so we've had to pick up the pieces there.

We are very confident and comfortable and very happy that we have been able to put this money into policing here in South Australia because this government has been very focused on the safety and security of South Australians. We know how important that is. We know South Australians are very focused on making sure that we deliver that. We may not be making a big fanfare or a big song and dance about everything we're doing, but what we are doing is delivering. We are delivering for the people of South Australia, and $52 million says exactly that.

Grievance Debate

BUSINESS CONFIDENCE

The Hon. S.C. MULLIGHAN (Lee) (15:09): If you ever wanted an indication as to why the most recent business confidence surveys by Business SA show that South Australia has the lowest business confidence on record, you only had to watch the Premier's performance just then in question time—an absolute head-in-the-sand approach from this government.

First of all, the Premier claims that actually business confidence is good. He cites the National Australia Bank survey on business confidence, saying, 'Well, that says that it's good, so there's nothing wrong here,' and of course ignoring that we have the other three of the big four saying the complete opposite: the ANZ/Property Council Survey, the CommSec State of the States survey and also the survey by the Westpac/St George Bank/BankSA group, which show that business confidence is crashing here in South Australia.

Then, of course, as the Premier realised that that argument was not holding water, it was time to change tack, like the true yachtsman he pretends to be. Then it was, 'It's not our fault. It's not our fault here in South Australia: we're facing headwinds. We're facing headwinds from a national or a global perspective.' The truth of the matter is that South Australia is facing a headwind: it is from the Premier and his Liberal government, and it is blowing hard into the face of the economic progress that South Australians are trying to make.

Twice now, in consecutive state budgets, he has handed down documents that damage economic growth, damage prosperity and hit households and businesses hard in their hip pockets, and now we are seeing the results: two consecutive quarters of state final demand figures are showing a reduction. Can you imagine what we can expect to see in the state's GSP figures to be released on Friday by the ABS? I bet we do not hit the Premier's target of 3 per cent growth. He will be lucky to hit 2 per cent after two consecutive quarters of negative data on state final demand.

Of course, we also know what the Premier has been hard at, and that is ramping up taxes, fees and charges for South Australians. In the most recent budget, there was $500 million in extra taxes, fees and charges. If you now have the misfortune of owning one of the 1.7 million motor vehicles in South Australia, you can expect to contribute to nearly $150 million extra in higher motor vehicle registration and administration charges over the next four years. If you now have the misfortune of being a home owner, you are going to be contributing to the extra $90 million to be raised in the solid waste levy.

If you have the misfortune, under this Liberal government, of being a nurse, a cleaner or even a doctor wanting to park at work at a hospital, there is an extra $30 million of higher hospital car parking fees imposed by this government. Even worse than all those taxes, fees and charges being increased is the shameful debacle of land tax. You only have to ask Business SA which key domestic policy lever in South Australia has been pulled to the absolute detriment of the business community: it is land tax policy.

Even yesterday, there was the sixth different iteration of land tax policy from those opposite—the sixth different iteration. Four iterations ago, we were told by the Treasurer that he will not bend over for the Property Council. Well, it only took another couple of weeks before the Liberal

government was doing exactly that. Of course, it did not matter to the Liberal Party backbench: they had already been duped into supporting land tax version 3, despite versions 4, 5 and 6 consistently changing the goalposts for landowners in South Australia.

Mr Speaker, of course you would be familiar with all those in this place who voted to support these changes to land tax aggregation and who voted for the damage that it has done to the property development sector and the housing construction sector. Even more to the point is the damage it has done to this Liberal government. It has split the parliamentary party, and it has carved off a huge chunk of the Liberal support base to the point now where people seek out members of the Labor opposition and tell us that they are lifelong Liberal supporters and that they are done with this government.

That is the damage that this Premier and this government have wrought on this state. That is the damage that they are wreaking on their own party. Enough is enough. It is time that this government takes some responsibility and does something for the benefit of our economy.

EASTERN ADELAIDE DOMESTIC VIOLENCE SERVICE

Dr HARVEY (Newland) (15:14): Today, I rise to speak about the community quiz night I co-hosted recently with the member for Morialta to raise funds for the Eastern Adelaide Domestic Violence Service. I believe that the Member for Morialta has held this community quiz night for seven years now, and since my election last year this is the second year we have worked together to support this very important cause. The Eastern Adelaide Domestic Violence Service (EADVS) provides an incredibly important service, providing safe and supported crisis accommodation, domestic and family violence counselling services, educational programs and support groups for women and children.

This year's community quiz night was incredibly successful. Almost 400 people attended and over $10,000 was raised for the service. This is certainly the largest quiz night I have ever attended, but what was most pleasing was the way the community got behind this incredibly important cause. We had attendees from right across the parliament. We had tables organised by local businesses, service clubs like Rotary and Lions, schools, sporting organisations and oval committees and many other local community organisations. We also had incredible support from businesses, members of parliament and other individuals who donated silent auction and raffle items. Michael Sfera was also important in hosting the event in his wonderful venue, Sfera's Park Suites and Convention Centre in Modbury.

I would like to thank all those who attended and all those who donated items, helping to make the quiz night a success. I would also in particular like to thank Lainie Anderson for doing a wonderful job as quizmaster. I can certainly say that I have had quite a lot of positive feedback about the incredible job she did on the night. Lastly, I would like to thank the staff from both my office and the member for Morialta's office for their tireless efforts in coordinating the event.

On the night, what I found to be incredibly heartening was how willing and enthusiastic the community was to support this cause. This speaks to the level of community engagement and recognition of the significance of domestic and family violence and the wider community's willingness to do something about it.

There is certainly a long way to go to address the issue of domestic and family violence as well as some of the broader issues that underlie the violence, such as respect for women and gender equality, but I think it is certainly worth acknowledging that community awareness of the issue has come a long way and that the importance placed on supporting those escaping and recovering from domestic and family violence is widespread throughout our community. Specifically, the funds that were raised will be used to facilitate support groups run by the service. In fact, an important part of providing these support groups is providing childcare services for the children of the women involved in the groups.

I would also like to take this opportunity to recognise the fantastic work of the EADVS and the hardworking team led by Kathy Lillis. Following the presentation of the cheque, we were taken on a tour of the site. Since I visited last year, quite a bit of work has been done creating a beautiful central garden. What struck me was the peaceful environment that had been created. Whilst I will

not for a moment pretend to understand the feelings of those who utilise the service, such an environment must have a positive impact on those people who stay there. It is also worth mentioning that this garden was one of many examples within that site that had been constructed with the support of volunteers and businesses.

Likewise, the playground area was full of donations such as cubbyhouses, and again the work had been performed by volunteers and local businesses. The service also receives from the community donations of food, which are particularly important for those women who have only just arrived. At this time of year, the service also receives donations of children's toys and books. The items are grouped by age, and mums who might otherwise not be able to buy Christmas presents for their children can select donated items to gift to their children.

The Eastern Adelaide Domestic Violence Service as well as other Women's Safety Services across the state provide an essential service within our community that is sadly in very high demand. I would like to thank all those who work within those services for all that they do. I also thank the community groups, businesses and individuals who support these services in all sorts of different ways for the important contribution they make to keep such an essential service in operation.

Domestic and family violence is a horrific scar on our community that is terrifying in its impact and shameful in its prevalence. We all, whether in this place or the wider community, must do everything we can to reduce the impact of this issue on our community.

The SPEAKER: The member for Hurtle Vale.

REYNELLA EAST COLLEGE CLIMATE CHANGE BOOK

Ms COOK (Hurtle Vale) (15:19): Thank you, Mr Speaker, and, yes, congratulations on the quiz night. It would be remiss of me not to say that our team won that quiz night and I believe that the Wortleys' team came third and another team from this side of the house came fourth, so I think we are batting above our average.

Mr Speaker, as you have already mentioned, we have a group of fantastic year 10 students present in the gallery from Reynella East College, who are members of my electorate. I have invited them here today to congratulate them on writing, editing and publishing a fantastic book which highlights the issues of climate change—troubling for us and future generations. The class has produced the 70-page self-published book, entitled *3000 Days*, to show their commitment and concern about the environment that they have inherited from us and are forced to grow up in.

I am told the title of the book came from the amount of time experts believe mankind has left to change the ways we eat, travel and produce electricity. Only then might we be able to prevent the irreversible climate catastrophe that looms over us all. Earlier this year, you will remember that a worldwide student climate change protest was held in almost every city in the world. Following this protest, this class of 22 students was inspired to produce this book in the hope that more people will listen to the facts.

There are chapters devoted to the problem with meat, and meat production, and the huge levels of methane produced by cows and other farm animals. Some students have become vegan and vegetarian following the book's publication—that is real commitment. The chapter on waste urges us to buy those odd-shaped fruit and vegetables that supermarkets hate to stock, meaning our struggling farmers dump millions of tonnes per year of waste into the ground.

One chapter I was particularly drawn to focuses on schooling for girls in developing nations. This is important because of our world population skyrocketing. Students explain how educating women and girls in developing countries to have smaller families will help reduce population growth and also then have a knock-on effect for emissions, not to mention the wonderful effect that it has for girls in developing countries being able to develop themselves.

The book was written and published in just one month, which I am sure you will agree is a fantastic effort from the students and their editor, Ms Lara Lang, who is the Assistant Principal at Reynella East College. Today, we held a small celebration in the Balcony Room for students who are about to complete their exams. We were joined by the federal shadow minister for climate change, the Hon. Mark Butler MP, who has been taking up this fight for many years. Also attending was our deputy leader, the member for Port Adelaide, as well as our leader. Also present were the

member for Reynell, the member for Enfield and, from the other place, the Hon. Ms Pnevmatikos joined us.

On behalf of everyone in my electorate—and, I hope, the parliament—I would like to say congratulations. I would like to read the names of the students onto the record in acknowledgement of their fantastic contribution: Jaymee Anderson, Abby Beeche, Britney Bonham, Isabella Brinkworth, Chloe Cousins, Sophie Field, Miki Itoi, George Jahshan, Stephen Jones, Jess Juckes, Ebanie Lenton, Chloe Lines, Caitlin Milne, Chelsea Nicholls, Ashleigh Oakes, Hayden Pearce, Kate Roberts, Ashleigh Scroop, Hannah Weyland, Nathan Wyatt, Sylvia Yang, and Lachlan Olbrich, who also should be congratulated on his achievements playing for Australia in volleyball recently and his outstanding achievements in basketball.

Of course, I want to congratulate and also welcome to parliament Principal Caroline Green. Her enduring support of the students and her nurturing and leadership are beyond reproach and helped contribute to this success. I also congratulate Lara Lang on being their wonderful editor. For those interested, you can obtain a copy of the book from the school. With the students, I have lodged a copy of the book with the parliamentary library for use by colleagues and research staff. I thank you, students.

In the short time I have left, on a personal note I want to thank everybody for their support and messages on the recent loss yesterday of my mother-in-law, Pam, who has passed after suffering from dementia—a long journey. Really, this is not about that. What it is about is saying thank you so much to Cottage Grove, an Eldercare facility in the seat of Hurtle Vale in Woodcroft. The staff have provided so much love and care to my mother-in-law through a long journey with dementia. They are a simply a wonderful, wonderful nursing home and I thank them in a time when often aged care gets a bad rap.

MID NORTH CHRISTIAN COLLEGE

The Hon. G.G. BROCK (Frome) (15:24): Today, I would like to talk about the Mid North Christian College at Port Pirie, which was established while I was Mayor of Port Pirie Regional Council. When I first heard about this school, a lady came in to see me and asked if I could help her establish a new Christian school in Port Pirie. It is not every day you have somebody come into the community and ask to start a school. I did not take it very seriously to start off with, but after about three months she came back. She was persistent and she had some more direction and opportunities. From there, it just grew and within a two-year period we had a new Christian college in Port Pirie.

This school is R-12 and currently has an enrolment of just over 300 students. The school is interdenominational and Christians from many faiths attend this school, and they have no problems whatsoever. Whilst the school is growing and improving, I would like to touch on their aviation academy, which is proving to have great results. This aviation program is open for applications from any student who has a desire to enter the aviation industry.

The program not only is open to people in the electorate of Frome but gets applicants from all over regional South Australia, all of whom are billeted through the college. The program provides a SACE-accredited course of study to students in years 10 and 11, helping them gain invaluable insight into the aviation industry. The program runs for one week every term for two years. As I said earlier, billeting is available with local host families.

Due to its demanding nature, aviation is an industry that is short on applicants and people being able to facilitate it. However, this college offers a variety of opportunities. Some students may want to be challenged working at a high level of competency, while others may want to be a recreational pilot. Some students may even see this course as the start of a fruitful career.

There are numerous students who attend from all over regional South Australia. Only last week, I attended the graduation of all the students who have achieved their certificates. I must mention that Clayton Agnew not only took out every award that was presented on the day but also achieved an apprenticeship with an aviation firm in Alice Springs.

The academy has had many great successes. Just recently, as you are aware, Mr Speaker, three F111 aircraft flew over Adelaide and also over the birthplaces of the pilots. One of those pilots

began his training at the Mid North Christian College at Port Pirie. Can you imagine getting in one of those planes? I have spoken to this particular lad, and he says that once he gets into the cockpit the adrenaline is absolutely fantastic. The controls are all over the place—and there are many, many controls. He said, 'Once you start pulling the thrusters back and you are actually going back into your seat, the feeling is unexplainable. It's unlike anything in this world.'

Many, many more have started their dream at this college, and many are now pilots for commercial airlines. I understand there are a couple who are even in the United States Air Force. The students are ably supported by the very dedicated teachers who cover all aspects of any items that will allow these students to better their career opportunities.

With this great success story, I have encouraged the Port Pirie Regional Council to approach potential aviation training schools to better utilise the existing Port Pirie aerodrome which, for those who do not know, was a training facility for the Royal Australian Air Force in the Second World War, with over 4,000 airmen training out there. However, the Port Pirie Regional Council consider any opportunity to establish such a facility to complement the aviation academy as a low priority only.

Despite their direction and vision, I will not be deterred and will work to get better opportunities to complement the Mid North Christian College aviation academy. This college is currently undertaking vast improvements with not only their curriculum and its buildings but also extra classrooms being put in to increase the size of the aviation academy to enable them to attract more young kids from across all of South Australia. The aviation side of the college will be a major part of that expansion.

They also have a couple of aircraft that were donated. They pull these aircraft down and rebuild them. They have had to manufacture one of their own wings because one of the wings was not working well. I compliment the Mid North Christian College on what they are doing and look forward to helping them achieve greater success for the aviation kids.

ABORIGINAL FLAG

Mr BOYER (Wright) (15:29): Last week, I had the pleasure of hosting students from Surrey Downs R-7 School for a tour of parliament. Like many members of parliament, I greatly enjoy these school tours. I have remarked on many occasions that the questions asked by students, compared with the questions that are normally asked by adults, are often more difficult to answer and not always for the reasons you might think.

For instance, we all know that children tend to look at the world in a different way and in a different light and tend to see logic in questions that evades adults. On this occasion last week, I am pleased to say that Surrey Downs pupils were very knowledgeable about our democratic system and parliamentary processes, but one question in particular greatly took me by surprise and I must say that I was unable to give the student the answer she deserved.

Year 6 student Bella asked me why there were Australian and South Australian flags flying in this chamber but no Aboriginal flag. I did not know the answer to this question but made a commitment to Bella, her classmates and her teachers to investigate and deliver a grievance on the subject, which we will provide to the school as a video so the class can see the results of her fantastic question.

So I direct this grieve through you, Speaker, to those Surrey Downs year 6 students in the hope that it will show them that our representative democracy is actually alive and well. I hope that they all take some inspiration from this and that in some small way perhaps it actually acts to insulate them from the all-pervading cynicism and negativity around politics and politicians that will soon envelop them as they make their way into their young adult years.

At first blush, one may be forgiven for thinking that there must be a very simple and logical reason why there is not an Aboriginal flag flying in this chamber. However, that in itself I think is a lesson to all of us that sometimes there is no sensible or logical explanation for something and that we must always stay diligent in questioning the status quo if we are to do our jobs as members of parliament effectively.

The truth of the matter is that, so far in the investigations that I have made since Bella asked that fantastic question, nobody has been able to give me an answer to why we have an Aboriginal

flag flying very proudly on top of parliament as it should but no Aboriginal flag to accompany those flags that we see here in this place before us today. So, on behalf of Bella and her classmates, I use this opportunity today to start a conversation about whether or not we should move to display an Aboriginal flag in this place.

I certainly do not seek to make this issue a political one because not only would that do Aboriginal people a great disservice but it would also reinforce many of those stereotypes that I mentioned before that Bella and her classmates will soon be exposed to regarding politics, politicians and our motives for doing things. I also note that this should not be a decision made in the absence of consultation with Aboriginal people. That would be to repeat a most grievous mistake that has occurred in parliaments across Australia and the world for hundreds of years.

It is incumbent upon us as members of parliament to take action when our constituents raise issues like the one Bella and her classmates raised with me. I hope this grievance shows them that they do have representatives in this place who are willing to take those questions and turn them into action. It is also incumbent upon our students to make sure they are well informed enough about not only our parliamentary procedures but also the issues that are of concern to them so they can influence the decisions that are made in this place.

I am very pleased to see that Surrey Downs R-7 School is making sure that its students are informed and, even at a very young age, are capable of constructively engaging in the decision-making processes that happen here in this place. I look forward to providing updates to the school on what comes of our conversation around an Aboriginal flag flying here in this chamber, and I look forward to further involvement from those students in that process.

TRAINEESHIPS

Mr BELL (Mount Gambier) (15:33): Before I begin my contribution, I want to thank my trainee, Emily Brown, who will be finishing up with us very soon. This is a speech derived from Emily's perspective and also her insight into a traineeship. Today, I rise to speak about an issue that is highly relevant amongst young people in my electorate, more specifically one group of young people in particular: year 12 graduates. It is an exciting and monumental time in these young people's lives; however, many year 12 students find that the excitement of finally being free from school quickly wears off once reality sets in—the reality being the pursuit of full-time work to undertake a gap year.

Gap years are becoming increasingly popular amongst school leavers for several reasons. For some, it is a chance to ponder a variety of career choices before committing to further study. Others may use this time as an opportunity to travel before buckling down to university. Then there are students from regional areas, many of whom find that they must seek full-time work so that they can earn enough money to cover the costs associated with moving away to attend university in a metropolitan area.

Regional students are at a significantly greater disadvantage to those already located in Adelaide. Students situated in Adelaide have the luxury of remaining at home whilst studying at university and therefore can usually begin their studies straightaway. In addition to the financial support this provides, city students who can continue living at home have the advantage of being in a familiar environment and in the same location as their family and friends. Remaining at home is often not an option for regional students, who are required to leave behind their support networks and familiar surrounds to undergo tertiary education as a result of living more than 100 kilometres from their campus.

Many metropolitan universities offer on-campus accommodation for students. However, some options at city universities can range in price between $400 and $500 per week, depending on the type of accommodation and the duration of the lease. For those students from regional areas, this is a substantial amount of money. On top of this, they must also consider groceries, tuition fees, textbooks, etc. Most students intending to move away to attend university apply for Youth Allowance, which is a fortnightly payment of $455.20 provided by the federal government to assist students with accommodation and living expenses once they are at university.

However, to be eligible for this assistance students must complete a 14-month gap year and show evidence of earning $24,582 over this period. A student's eligibility for Youth Allowance is also

determined by their parents' income. If the joint income of both parents exceeds $160,000 per year, that young person is considered dependent and therefore does not receive the fortnightly payment, regardless of their own financial situation.

School leavers from regional areas do not have access to the same options as those from the city. While some regional students are lucky enough to receive a traineeship, the number of graduates looking for traineeships each year significantly outweighs the number of positions available. Again, these young people are at a disadvantage due to the increase in demand for gap year traineeships, particularly in regional areas. Meanwhile, students from Adelaide have far more options readily available to them should they choose to do a gap year.

Just under $25,000 may not seem like a large amount of money, but we are forgetting that many of these young people are between the ages of 17 and 19 and that, as a result, their pay rates may only just push them over the line. This is even more relevant for those students who do not receive a traineeship, as many who are unlucky find themselves working two or sometimes three jobs, often on casual or part-time wages, which makes it even more difficult.

As a result of the growing demand for traineeship positions, a number of schools within my electorate are now offering anywhere between two and five traineeships. It is with this information in mind that I take the opportunity to strongly encourage more local businesses in my electorate to consider appointing trainees for a gap year. The benefits for both parties are obvious: the business gains an extra staff member for that period and in the meantime, as well as taking the pressure off, young people are able to earn money, which provides them with understanding and experience of the adult workforce, which is beneficial. With that, I thank Emily Brown for her 12 months in my office and for all her work.

Bills

SUPREME COURT (COURT OF APPEAL) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Mr GEE: Sir, I draw your attention to the state of the house.

A quorum having been formed:

Clause 1.

The ACTING CHAIR (Mr Duluk): I believe we are on clause 1. The member for Kaurna is on his feet with a 15-minute preamble, I am sensing. Member for Kaurna.

Mr PICTON: Thank you very much, Acting Chair. It will be slightly shorter than 15 minutes, I assure you. I would like to make a number of comments in relation to what we have heard about this bill. From the outset, it seems apparently clear that we have some very clear differences between the executive branch of the government and the judicial branch of the government as to this piece of legislation. This is a very serious issue for us, as the legislative branch, to consider. On the one hand, we have the Attorney-General saying one thing but, on the other hand, every single member of the bench of the Supreme Court is saying not to proceed with this legislation.

As legislators, we all need to decide who we believe in that regard. As legislators, we all need to decide what branch of government to believe in terms of whether to proceed with this legislation. Clearly, we are concerned that we would err on the side of believing the Supreme Court of South Australia. The Attorney-General has outlined eight separate concerns that have been raised about her legislation by each member, each justice of the Supreme Court.

We asked for that information a number of times and it was only provided once the Chief Justice of the Supreme Court said in a letter to the shadow attorney-general that he would be releasing documents if the Attorney-General did not make a statement that accurately summarised his position to this house. We are not sure whether the statement that was made accurately satisfies his position and the position of all members of the Supreme Court. We will go through the process of checking that.

However, what we have heard is pretty startling enough. What we have heard is that there is a significant difference between the executive government and the judicial government. This is a significant concern for all of us on this side of the house and it really goes to those questions that we talked about earlier in terms of how did this come about, how much is it going to cost, what is going to be the impact on the court, what is going to be the impact upon delays and what is going to be the impact upon the administration of justice. Clearly, we have significant concerns from all those members of the Supreme Court of South Australia. They are saying that there will be an impact on the administration of justice in this state.

I think that it would be a very serious matter for the parliament to ignore that advice, for the parliament to take the word of the executive over the word of all those learned justices. It may well be that this house decides to pass this, which is par for the course in terms of the numbers in this place, but I would like to think that the other place would see it as important enough to be concerned about this position. During the break, we had the Attorney-General's party tweeting a meme saying, 'Here's a list of things we have opposed. Court of appeal, Labor opposed.'

Here we actually have all the justices of the Supreme Court opposing this. Every single member of the Supreme Court is saying that this is a mistake. Every single member of the Supreme Court is saying that we should not go down this path. I think it is pretty incredible that we got to the point where the Attorney-General had to make that statement and did not think, 'Well, maybe I will withdraw this legislation and go back to the drawing board and try to work out a situation where I can get all the justices of the Supreme Court on board.' Clearly that has not happened and clearly we are in this situation.

My first question to the Attorney-General is in relation to the first two concerns which she outlined and which have been raised by all the justices of the Supreme Court, namely, that this was not a matter that was raised by the court by either the current Chief Justice or previous chief justices with the executive, or it was not a matter that was raised with her by the law council or the Bar Association. Where did this come from? Where did this originate from?

I think that is a key question now, particularly given that this is a key question that the Supreme Court has raised in its rebuke of this legislation about the origins of it. It did not come from the court and it did not come from those associations. Of course, I bear in mind what the Attorney said earlier, that the Bar Association is happy with it, the Law Society has some significant concerns that it has outlined and clearly the Supreme Court has outlined significant concerns.

What was the initial motivation before this legislation? Was it that somebody raised it with the Attorney? Were there people who came forward to her, or was it her own idea that has led us to this place and time now?

The Hon. V.A. CHAPMAN: The government's decision to proceed with the establishment of a court of appeal and present this to the parliament culminates from a significant period of consideration. Certainly there have been issues raised with me about the operation of the Supreme Court and in particular the number of appeals from South Australia that were going to the High Court over the last few years. That was a very concerning issue.

In fact, it is a matter about which I spoke to the Chief Justice, together with others, and agreed with him that there had been some stemming of the numbers emanating out of our jurisdiction. I think it manifested itself in a number of concerns raised by members in the legal profession about the status of our jurisdiction. It has been raised with me in the context of the opportunity for a South Australian to one day get on the High Court, which I hope would happen at least in my lifetime, and the reputational position we had from South Australia. That is just one aspect of what has been raised.

It certainly inspired in me a desire to ensure that we do get South Australia's state courts to a level where we are an attractive forum for litigation, and in that regard the biggest single factor that has been brought to my attention by the legal profession—this is more the solicitors than counsel—has been the preference they indicate to me as to why they would issue proceedings, which are more expensive, in the Federal Court (that is, the Adelaide division of the Federal Court) rather than go to the Supreme Court.

That raised a concern with me, again, as to the loss of significant cases, not because we want to be the litigators: we want to see a situation where we offer a service. We have a very expensive court service that is there for good reason. It is important that we present it and provide for it in a way that it can function as best it can.

I was concerned in relation to this information coming to my attention that people were prepared to pay more to go to a Federal Court, have their commercial disputes resolved there, rather than do it in our own Supreme Court. I discussed it with colleagues in Victoria because they told me about a period of time in which they were losing work, so to speak, from their state courts to the Federal Court. They embarked on a considerable exercise to win back the profession and discuss with them how they might best have procedures within their own courts to again be attractive in that forum.

That also led me to make inquiries in New South Wales. There, I received a very clear message that the separation of having an independent appeal court was of very significant benefit to their jurisdiction. They referred me to articles such as that of Justice Kirby, which I read, and his assessment of the advantages.

I met with people in Western Australia, including the then chief justice (recently retired) of the Supreme Court. He was not a convert of a separate appellate court and his very clear position was that, although he was not impressed with this idea to start with, he felt that it had been of benefit to Western Australia. He was very helpful in providing advice as to any aspects that he might do differently were he to start again with a clean slate.

These matters brought about the approval by our cabinet to say, 'Let's have a serious look at how we might advance this.' We went on to consult and found that there was increasing support to achieve the aspirations I have outlined and also to ensure that we actually improve the situation. From that, I had discussions with the Chief Justice. We discussed various data. As I said, there was a consolation period exclusively for him to consider the matter. I met with members of his court.

I was hopeful that we were not continuing a passage of having a high level of appeals to the High Court. In layman's terms, that does not mean much; in legal terms, it has been seen as an indicator that decisions made in our courts could have been better so as not to have produced an appellant regime. The process confirmed in my mind that this would be advantageous for our state and South Australians who require legal services.

Remember, nearly all the other courts they go to have an appellate process up to the Supreme Court. This is not just for the Supreme Court people. This is not just for that select group. This is for all the people in South Australia who use the court processes in other jurisdictions, who might end up in the Supreme Court. This issue is relevant not just to the Supreme Court judges.

If you read the data, and particularly the latest online data to which I have referred the member, perhaps one of the most interesting aspects is the level of work that involves appellant work in the Supreme Court is over 50 per cent of their workload. I was very surprised. In fact, when I conveyed that to others, including the Bar Association, they were also very surprised.

I have no reason to doubt it, but in the discussions I have had with the Chief Justice, which we will no doubt finalise down the track if this bill is passed, as to the number of members that would be needed to populate an appeal court, these matters have certainly been persuasively put to me by the Chief Justice. Therefore, they are matters that we will take into account, given that workload.

To be fair, whilst we have a different view on the concerns in the list that have been raised by the Chief Justice, we do not want his team to feel like there is a level of collegiality that is at risk, and we have pointed to the data that suggests that in other jurisdictions it has been quite the reverse—that it has galvanised that. So it is not a necessarily question of the Chief Justice and I having different views.

The position is that the Chief Justice has raised some concerns and we have looked at them. There are a number of other corroborative events and reports that I would hope help to allay any concern of his and his judges and, most importantly, outline for the people of South Australia the benefit that they will receive.

Mr PICTON: The Attorney mentioned in her summing-up that she had given the Chief Justice and, by extension, the Supreme Court an earlier opportunity to be consulted during the consideration and drafting of this legislation. Could she outline the dates of when the Supreme Court and the Chief Justice were consulted earlier and what response she had? Was the response that she received from the Supreme Court consistent with what she has outlined in the parliament today? Were there any other issues that were raised by the Supreme Court at that time? Did that response include any issues that had been raised and were subsequently dealt with, disposed and changed in the bill before it went to the next stage?

The Hon. V.A. CHAPMAN: I was corresponding with the Chief Justice during April and May. I think that until about June there was provision of data and provision to the Chief Justice of a draft that had been prepared. He got back to me in July, indicating that he had identified two areas of reform that he would recommend in relation to the draft. In my recollection, both of those have been accommodated. They related to the question of leave to appeal—it is the question of who deals with this.

As the member would have seen in the bill before us, it is proposed that the Supreme Court trial division, as such, would continue to be a trier of fact and sentencing and the like. It would still hear the appeals from the Magistrates Court, and the question of leave to appeal would be heard by the appeal court. That was a matter for which he had a suggestion.

Mr PICTON: What was the suggestion?

The Hon. V.A. CHAPMAN: That the appeal court do that—so it has been accommodated in the model. The second suggestion for the trial division is basically on the question of its population, to give it a capacity to hear serious and more complex trials heard in the District Court. We have not canvassed that any further; that is more a question of practice. To be fair, the subject matter relates to, for example, in the criminal area, the Supreme Court hearing matters of treason—it does not happen very often and certainly has not happened to my knowledge—and murder. There are some complicated multi-manslaughter cases.

For example, I remember a case recently in which a person who was providing birthing services had been alleged to have committed manslaughter by allowing a certain number of babies to die, so it was quite a complex matter. From memory, again, Justice Vanstone heard that case. Manslaughter is generally in the remit of the District Court, but the Chief Justice was indicating a capacity to accommodate that. He has since spoken to me about other cases that he thinks they might be able to pick up from the District Court—again, they do not specifically relate to that—and then he wrote to me on 4 October.

There is the question of the constitution of the court, to be three judges unless the parliament determined otherwise, to enable it to be two judges. This is the result of some recommendations that came in during the consultation that make provision for the decision to be made by two judges not three. The practice has been, I am advised—the Chief Justice was most helpful in this regard—that under current law two judges can hear an application for appeal. One would think, 'Alright, it's an even number, so what happens if one says they should come and one they shouldn't?' In those circumstances, the practice has been, I am advised, that leave is granted for appeal, as distinct from having a third person to make a casting judgement.

The only other circumstance in which I think it would be beneficial to enable two judges is if three were hearing an application for leave and one were to die or no longer be available, and then two at least could still provide that decision about whether leave were granted. It is seen as a preliminary application. My understanding is that that has not been a problem in the past, but ultimately we agreed to move to three to satisfy stakeholders that we would avoid the problem even if it did arise, even if it has not arisen historically.

The ACTING CHAIR (Mr Duluk): Member for Kaurna, I assume this is your third question, as opposed to the clarification you sought during the Attorney's deliberations?

Mr PICTON: Correct. You are so fair, Acting Chair. The Attorney-General in her summing-up listed a whole range of people she had received correspondence from and consulted with in relation

to this bill. Is that the entirety of the feedback the government received on this, or were there any other groups or bodies who provided feedback to the government on this proposal?

The Hon. V.A. CHAPMAN: I will quickly run through them: the Law Society; Bar Association; Women Lawyers' Association of South Australia (no response); Legal Services Commission; Aboriginal Legal Rights Movement (no response); Chief Justice, as I have advised; Chief Judge (no response, although I personally had a discussion with him); the senior judge of the environment court, who is the Chief Judge (no response); Licensing Court judge (no response); Acting Chief Magistrate; State Coroner; Judge of the Youth Court (no response); President of SAET and Return to Work; President of SACAT (no response); Judicial Conduct Commissioner; Acting Director of Public Prosecutions; Commissioner of Police; and Office of the Valuer-General.

The only person I have not mentioned was the State Courts Administrator, which is the CAA executive. She did provide a letter. I do not have it with me, but I think it was more technical, from memory, and was just in relation to some technical matters. Of course, I have had repeated consultations with the Solicitor-General and Crown Solicitor, advising me on how this model should operate.

Just to be clear on the previous matter, all applications now have to be heard with a minimum of three judges. As to the proposal by the Law Society, that we in some way codify when five should sit, which is thrown up as a bit of a light-bulb sort of idea, it seemed to me that there is nothing else with it, nobody else has ever asked for it and I did not see it as necessary. It seems to me that the court, whether it is this court or the current Supreme Court, are perfectly capable of making a decision where a matter is of such significance that it would warrant having five members sit as the appeal court. I think they are grown up enough to make that decision.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

Mr PICTON: In relation to the third of the eight concerns raised with parliament by the entirety of the Supreme Court justices, this relates to whether South Australia's size and judicial workload are equivalent to require such a court as the government is proposing and therefore what the impact of it is going to be on the budget, what the impact is going to be on efficiency and what the impact is going to be on various resources. Can the Attorney outline why she differs in her opinion from all the Supreme Court justices in her analysis of whether that is required in South Australia and whether there is the number of cases that would justify this separate court that she is proposing?

The Hon. V.A. CHAPMAN: I think I have already indicated the workload of the current court, which is 12 judges plus the Chief Justice. According to them, more than 50 per cent of their workload is appellant work, so I think most certainly it does. That is information that has come from the court itself. In other words, it is not a situation where they have come to me and said, 'We only do 10 per cent of our work as appellant work, so really it is a month's work for the year and we don't need to have an appeal court. We will just meet when we need to.' The fact is that it is a very busy court in relation to appellant work. It is apparently more than 50 per cent of its workload, and I accept that.

The question will come as to what the numbers should be for an appeal court. The Chief Justice has put to me a view about what he thinks it should be, and I think it is very persuasive, but rather than have a discussion about what that should be yet it will be a matter for detail that we need to consider at the time. I do not have a view different in relation to the money. I think that the Chief Justice, by virtue of the information he has provided us, does relate to, obviously, an expense and it is around about $1.326 million per extra judge.

Whilst we have a fairly high scale of remuneration in South Australia relative to all other jurisdictions—I think only New South Wales pay their Supreme Court judges any more than we do—nevertheless, it is all relative. There is a case, I think, for a small increment, which in some jurisdictions is paid to appellate court judges around Australia, and in other jurisdictions it is all the same, but they are the details of which we will sort out.

Mr PICTON: Is that a decision of government, or is it a decision of the Remuneration Tribunal, and have you sought any advice in terms of what the payments would be? Do you have an estimate in terms of what the costs would be of additional resources to be paid to these justices?

The Hon. V.A. CHAPMAN: If I did not make that clear, the answer to that question is, yes, from the financial advisers to the Courts Administration Authority, which relies on the judicial entitlements. As the member would probably know, that is set by the Remuneration Tribunal. The cost also assumes a certain level of support staff, associates and the like who are necessary per judge. In addition, budget assessments have been prepared by Treasury. I simply make the point that this is not an area of dispute. There will be extra costs.

As I have said, I think both in opening and also in reply, that is a matter that will need to be accommodated, and there will be up-front costs in establishing this court. If the parliament is of the view that this is a model that is to be supported, then we would obviously need to work on that.

Mr PICTON: As part of that estimation that the government has done, obviously the inputs into that are important. What are the inputs that you have put into it in terms of the number of justices that there would be in the general division and in the court of appeal division under this system?

The Hon. V.A. CHAPMAN: As I said before, that is yet to be determined, but we accept that, once we have resolved the number to be in the appeal court and the number to be in the general division, to be very clear, there will be no less resource than what is available in current judges. There is an argument for more but, depending on how many go into the appeal court and how many would be required for the divisional court, that is yet to be determined.

Clause passed.

Clause 6.

Mr PICTON: Would you put out a call to justices of the Supreme Court to say, 'Do you want to put up your hand to be on the Court of Appeal?' What is the process you would go through? There are interviews in other states and federally that have happened from time to time with justices. What is the process you envisage following the passage of this legislation to work out, of those on the current Supreme Court, who would be appointed, or would outside people come on to be on the Court of Appeal?

The Hon. V.A. CHAPMAN: I have an obligation in recommending the appointment of judges to the cabinet to present for commission to the Governor to do a number of things. This follows previous practice, and that is to consult with the Chief Justice, even if it is for a magistrate, but also for other courts; the head of the jurisdiction, if that is separate from what we are talking about, so if it is in the District Court of the SAET then it would be with the head of those jurisdictions; the head of the Law Society; and the head of the South Australian Bar Association.

I usually have a private conversation with each of those to present anyone they think is of merit to be recommended. Obviously, in respect of the Supreme Court, we already have 11 who are in those positions. I have already had a conversation with the Chief Justice about any of his current judges he might recommend, but for obvious reasons I would not advise any further on that.

As I understand it, that is the usual practice and that is something that I have done already since being Attorney-General, to follow that general course. It is not one that goes through any sort of advertised panel process at this level. It does for magistrates, but in other jurisdictions that is not the case. It is a matter where, obviously, one has to consider those who are in the profession and the advice that is given in regard to people who might be suitable.

The process then is that an approach would be made to those who might be suitable and, if they agree to their name being presented, then that is a matter that would follow the course to cabinet. That is as I understand it. That is the process I have been advised that has operated in other appointments, which I would continue. In this case, I can indicate that I have already spoken to the Chief Justice about who he would recommend in his court who would have the special skills to be able to undertake work on the appeal court.

Mr PICTON: The Attorney-General says there is a standard process. Obviously, this is a little bit different in that this is creating a new court where it could be that some members of that court

go onto this new court. Can the Attorney-General advise whether she is open to considering people from outside the court going onto the Court of Appeal, or would she only want to look at the current justices of the Supreme Court to be appointed to the Court of Appeal?

The Hon. V.A. CHAPMAN: All I have done at this stage is ask the Chief Justice to give some consideration to who he might recommend. I am not suggesting that there be a closure of either. For example, it may be that he ultimately does not recommend to fill an agreed number to populate an appeal court. They are matters still to be determined, but I have asked for advice and I would value his advice in relation to those who he might think would have the skills sufficient to undertake that role.

Mr PICTON: In relation to the fourth of the concerns that have been raised, as stated by the Attorney, by all the justices of the Supreme Court, in relation to the government's proposal, this relates to the justices saying that there needs to be five judges because of the rigidity of the proposed structure, also highlighting that appeal judgements are often written by judges after the appeal has been heard whilst assigning matters that do not make as heavy a demand on judgement writing.

Judges appointed permanently to an appeal division will, from time to time, need unassigned months in which to write judgements, hence the need for additional judges, which obviously makes some sense as some of these judgements can take a significant time period to write. Will the Attorney agree with the concerns that have been raised by all the justices of the Supreme Court to have at least five justices as part of this appeal division?

The Hon. V.A. CHAPMAN: As I have said publicly and in these debates, the suggestion of five has some merit, given that the information we have to date is that more than 50 per cent of the work that 12 judges plus the chief judge undertake is appellate work. I think there is no question that the suggestion that an appeal court of five—which would be president and four—has some merit, but that has been by no means finalised at this point.

I make the point—and I think he does as well—that there needs to be consideration of whether seven are going to be enough, even if there is less than 50 per cent work left in the trial court, so to speak, or in the general division. It is more than five obviously, but again that is the machinery of what we need to look at. It may well be that we need extra judges overall to complement a severance into two different divisions—that is, to interrupt the flexibility that he is talking about in that section—but, again, that is the machinery that we will consider.

Clause passed.

Clause 7.

Mr PICTON: I think it might be 12 years since I was admitted to the court, not that I would consider myself an appointment here. In relation to the number of judges, and correct me if I am wrong on the maths, there is currently a Chief Justice and then provision for 12 justices of the Supreme Court. Currently, there is one vacancy and very soon there is going to be a second vacancy, meaning that we are going to have 10 and one, and it seems like that is going to be the case for the foreseeable future, according to answers by the Attorney on that.

If you appointed five, which presumably would include the Chief Justice, to the Court of Appeal, would that leave six? Potentially the Chief Justice is an additional one, so you would have five and five, which would be quite a small number in the general division dealing with the case load there. I guess my question is: does the Attorney agree that at the very least, if this were to come into operation, you would need to make sure that all those judicial vacancies were filled, of which there is currently one and soon to be a second one; otherwise, the workload in the general division might become too great?

The Hon. V.A. CHAPMAN: That is right, correct.

Clause passed.

Clauses 8 to 11 passed.

Clause 12.

Mr PICTON: In relation to the remuneration, this has been touched on by the Attorney already. However, she did indicate that she would imagine that there would be some additional payments that would be required. I do not know if we got an answer to whether the remuneration tribunal had already been consulted and received notification of this and had started considerations as to whether there would be additional remuneration, but clearly there would also be an additional remuneration cost in terms of the president. I am wondering whether any consideration has been given to what that additional remuneration would be. Therefore, not only would we have additional remuneration for the Court of Appeal justices but then also additional remuneration for the president as well.

The Hon. V.A. CHAPMAN: Yes, consideration has been given to both of those, that is, an extra amount for a president and also for the judges of the appeal court. That may or may not translate ultimately to being offered but, yes, we have certainly considered it and costed it. As I have said, some jurisdictions do not offer any extra payment to their appeal court judges, but others do.

Mr PICTON: In relation to the sixth matter raised by the Chief Justice on behalf of all the justices of the Supreme Court regarding concerns they have with the government's proposal, essentially this was one where the Attorney, from my quick reading of the rush of *Hansard,* has not quoted directly but is paraphrasing what the Chief Justice said, and I am seeking some clarification. Is the concern that essentially the cost of the additional judge, being $1.329 million annually, would be better applied elsewhere in the justice system, in terms of making it a more efficient court process, rather than adding additional judges, which would not necessarily, in their belief, add to that efficiency?

The Hon. V.A. CHAPMAN: Looking at article 6 again, which refers to the cost of the additional judge, the $1.329 million, including costs, the cost of an appeal division would be greater if remuneration is higher than the existing trial judges or if they are not accommodated in the existing Supreme Court complex. That is pretty clear. That is what has been raised.

I do not know that I can help other than to say that, in relation to the cost of accommodation, again that is a matter still to be determined. I have indicated that I have already had a site visit with the Chief Justice to consider what available accommodation there would be at the 1 Gouger Street property.

Mr PICTON: So the Attorney is saying that therefore the concern is that having additional cost or an alternative location would make the Supreme Court less attractive. Is that essentially the concern?

The Hon. V.A. CHAPMAN: I do not know what the concern is other than the fact that it will cost more—and I think that is their point—to have a separate appeal court. That is what they are saying and I do not disagree with that. How much that is will depend on how many extra judges there are, and other support staff and any other entitlement there; whether there is any loading for being an appeal court; and the cost of accommodation of those judges, if they are not able to be accommodated at 1 Gouger Street, for example.

They are the sorts of things that are all up in the air. Of course, we have not presumed a position of the parliament on this matter; we have made some preliminary assessments. I do not take any issue with the facts that the Chief Justice has put there. I have just made the point in response as to the efficiencies that would be gained.

Mr PICTON: In relation to that, the Attorney has acknowledged that there is going to be some additional cost, and she has acknowledged that there have been some Treasury costings as to what that additional cost would be. Can the Attorney outline whether this will be additional funding to her agency and to the courts generally, or whether there would have to be any offsets to account for that cost?

The Hon. V.A. CHAPMAN: We have not yet determined what the cost would be, but I would expect that that would be provided for. There is a clear understanding that to establish an appeal court will cost money—I think I have said that several times—not just the up-front costs but the ongoing costs. If, in fact, the parliament determines that we have a separate appeal court, that new cost will need to be accommodated, just as we accepted it would be a new multimillion cost to buy

the Sir Samuel Way Building for use by the courts as an asset that would ensure that they saved $6 million a year in rent.

These are the sorts of efficiencies that we understand have some cost associated with them, but this is one that we think will have a demonstrable benefit, as has been evidenced around the country, that results in our having a better system and the benefits that I have outlined.

Clause passed.

Clauses 13 and 14 passed.

Clause 15.

Mr PICTON: In determining the location of the Court of Appeal, what will be the process that the Attorney and the government will consider? Is it the preference to try to fit it within the existing Supreme Court building? If that does not work, is it the preference to try to locate it within a relatively short distance in the particular courts precinct? What requirements would the Attorney seek in terms of what would be necessary for the Court of Appeal and its location?

The Hon. V.A. CHAPMAN: I will take the latter first. Obviously, the size of the appeal court will determine what would ultimately be required for its accommodation. I make two points; one is that I have accepted the Chief Justice's invitation to attend at 1 Gouger Street and conduct the site assessment, and I have an indication that, in his view, he thinks this would be better accommodated on site where there would be a level of collegiality. That is his view, and obviously I will be willing to have a look at that, but again it depends on what the numbers are and how that might translate.

However, significant work is being done on the Gouger Street property as we speak, which is to be operational within the next few weeks—I think by early December—to start using the new courts that have been rebuilt there and some accommodation.

Secondly, we will take into account where all our other courts are. As the member might be well aware, SACAT is now in the city; SAET, which incorporates the industrial court and the Licensing Court, operates from North Terrace; and pretty much every other court is either in Victoria Square or in Wright Street, the latter accommodating the Youth Court. The Coroner's Court and Magistrates Court are in the square. The Federal Court, which includes the Family Court and now what is called the Family and Circuit Court (I think that's its full name) and the District Court and the Environment, Resources and Development Court all operate in the Victoria Square precinct, in addition to infrastructure that we have in regional South Australia.

There is proximity, obviously, in relation to that fair concentration of courts in that region. There are administrative appeal tribunals, and so on, at the federal level as well dotted around mostly the city precinct. Taking into account the number, we will look at where and obviously the access to other facilities. As the member might also be aware, the Attorney-General's Department, including the DPP and Crown Solicitor's Office, has recently moved to the GPO building, which as he might appreciate sits in Franklin Street just behind the GPO.

Its move to that location, I suppose, would support the concept of remaining in the proximity of the Victoria Square precinct because a good number of people who deal with these courts come from the Attorney-General's Department in one way or another, and we are obviously mindful of the police prosecution facilities, which also have city-based headquarters.

Mr PICTON: In her second reading response, the Attorney stated that there would be flexibility to jointly authorise a judge of the appeal court to temporarily sit in the general division and vice versa. Can the Attorney advise whether the Chief Justice is satisfied with that arrangement?

The Hon. V.A. CHAPMAN: I have no reason to suggest otherwise. Always in the course of these discussions we have had about the proposed appeal court this has been the assumption—that there would be the role of the Chief Justice still sitting as the head of the court and that there be a process of how this would be managed. It is a matter they need to deal with between themselves. Apparently, it works quite well in Western Australia upon which this model has been developed.

I am advised that the Chief Justice saw this in the draft that he had early on and then this most recent draft that culminated in this presentation and did not have any adverse comment to make about it.

Mr PICTON: The last question I have relates to the eighth and final matter raised by all the justices and through the Chief Justice in relation to this bill. What I understand they are saying is that effectively the Full Court hearing appeals—which is being replaced by this provision—hears things within several months of people requesting a hearing date, but trial courts have much longer waiting times for a hearing.

The Attorney has listed a lot of statistics in terms of the concerns raised about the time for appellate hearings. I would like her to clarify whether she has a central issue in terms of the complaint that at the moment it is easier to get an appellate hearing as opposed to a trial. Secondly, can the Attorney assure the house that she believes that, following the implementation of this measure if it were to be passed by the parliament, we would see waiting times for both measures go down rather than up?

The Hon. V.A. CHAPMAN: First of all, in relation to this matter, the information is that Full Court matters (here, we are talking about civil matters, as distinct from court of appeal matters) are heard within several months—and I have no reason to doubt that—and that trial courts would generally take a longer time. I think one of the concerns is that there has been a delay in trial times mainly in civil areas because, for obvious reasons, murders and cases in criminal matters usually receive attention. Keeping people in custody is obviously not desirable, and that is usually the case in those very serious matters.

However, that is not the problem. I think the problem—if the member listened to Lindy Powell QC on the radio this morning—is the delay in the judgements emanating from these hearings in both the Full Court, which is for civil appeal matters, and the civil cases. Lindy Powell QC raised the matter of waiting 18 months to two years for a judgement in the public arena this morning. I have no reason to doubt the information in item 8.

Mr PICTON: I might just ask one last question.

The ACTING CHAIR (Mr Duluk): Might you? Very quickly.

Mr PICTON: Excellent. I did not hear the interview, but I understand that Lindy Powell offered that listeners to 891 could go and get some firewood from her property.

The ACTING CHAIR (Mr Duluk): Is there a question there, member for Kaurna? Member for Kaurna, I was really generous.

Mr PICTON: The very last question, Acting Chair, is: in relation to all these concerns that have been raised by the justices of the Supreme Court, does the Attorney consider this the end of the matter—it is in the parliament and justices will deal with what has been presented—or is she continuing discussions with the Supreme Court to try to resolve those concerns?

The ACTING CHAIR (Mr Duluk): There are two questions there, member for Kaurna. Attorney?

The Hon. V.A. CHAPMAN: I think I understand the question. Having read the presentation by the Chief Justice that was delivered to my office late last week, there are a couple of new things in it, such as population matters, which I had not heard before. Apart from that, whilst I have a different view, which, as I have said, is supported by other matters, as to the concerns that have been raised in the schedule, absolutely I intend to continue to work with the Chief Justice, and with the other judges if he wishes me to do so—as I indicated, I have agreed to meet with them—as to all the detail of any proposed court. I think I have already demonstrated this.

We have been discussing numbers, we have been discussing workload and we have been discussing venue and the division of work. These are all very important matters on which we will continue to work with the court. In addition to that, ultimately who should sit on the appeal court and who should sit in the general division very much involves the Chief Justice. As I have indicated, I have already opened that conversation and I will continue to do so.

Clause passed.

Remaining clauses (16 to 21) passed.

Schedule passed.

The Hon. V.A. CHAPMAN: Just before you put the title, Mr Acting Chair, may I indicate that late last week the Chief Justice also raised the question of the rule-making power in the event that a court is able to be established, if it is the will of the parliament. I think the rule-making arrangements relate to clause 21 and may even relate to an earlier clause. I have indicated to him that I will give some consideration to that. Usually what happens, as I understand it, is that the rules in the Supreme Court are at the moment made in concert by the judges of the Supreme Court. This bill proposes a structure where the rules for the appeal court would be constructed by the members of the appeal court, including the Chief Justice.

That was prepared on the advice that I received from the Crown Solicitor. Notwithstanding that, I indicated to the Chief Justice that I would have a look at that. If it is a matter that we are able to accommodate, then we can consider it between the houses. For obvious reasons, I have not presented an amendment to that effect because we have not yet had an opportunity to do that, but we will have a look at that.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (16:42): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SUMMARY OFFENCES (TRESPASS ON PRIMARY PRODUCTION PREMISES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 October 2019.)

Mr ELLIS (Narungga) (16:43): What a wonderful job you are doing in your role, Mr Acting Speaker. I rise to speak briefly on this bill that rightly seeks to provide specific new penalties for aggravated farm trespass offences in order to better protect this state's economically valuable primary industries, which in 2017-18 supported 152,000 jobs and contributed $19.7 billion to this wonderful state's economy.

This bill comes as a result of a recent surge in antifarm activism. While such activity has primarily occurred interstate, the creation of this amendment bill is a commendable proactive measure so that farmers in this state are not exposed to the results of such offences. Interstate, these offences have included trespass, theft, property destruction and vandalism on family farms, feedlots, abattoirs, intensive pig and poultry operations, research facilities, butcher shops, supermarkets and restaurants—in short, all over the place. The particular concern being addressed by this bill is the fact that such unauthorised access to farms and primary production operations poses significant biosecurity threats to industry and this country's ability to trade.

Yes, it is already unlawful to mistreat animals, steal, trespass on places of residence and in non-residential buildings, use offensive language or behave in an offensive manner, but after broad consultation with primary production industries, the justice sector and the general community, there is evidence of a need for specific aggravated farm trespass offences and additional compensation for commercial loss and damage experienced through aggravated trespass.

Such are the additional risks posed to farmers and food producers, the new laws will appropriately better protect our state's primary producers from food contamination and biosecurity risks that activists, however intentioned, are unlikely to consider or understand. A strong and effective biosecurity system is a priority for the South Australian government and essential for maintaining and increasing access to international and domestic markets.

Trespassing on farm can compromise not only the individual farmer whose property is trespassed, his and her family and his and her workers, but also their livestock, the core of their

business, hence the need for new legislation that specifically protects primary production activities and our farms and the family homes on them.

Quite a few farmers have come to me on this issue, and there are quite a few on the peninsula who do keep stock. As this spate of activism intrusions across the border and in other jurisdictions were happening, quite a few expressed to me their concern that it might find its way over here and that they would be subjected to the same unauthorised access that the farmers interstate are experiencing. I am sure that this will be welcome news for people in my electorate who worry about exposure to biosecurity threats and the invasion of their land, property and homes.

The legislation appropriately specifically defines primary production activities, including agricultural, pastoral, horticultural, viticultural, forestry or apicultural activities; poultry farming, dairy farming or any business that consists of the cultivation of soils, the gathering of crops or the rearing or processing of livestock; and commercial fishing, aquaculture or the propagation or harvesting of fish or other aquatic organisms for the purposes of aquaculture.

The new bill allows for fair compensation for any commercial loss or damage experienced through aggravated trespass, increasing penalties for general trespass and even for specific interference of farm gates. The amendment of section 17B of the Summary Offences Act—Interference with gates and fences, offers penalties for interference with any part of a fence on or immediately surrounding the land in a manner that:

(i) causes the animals to no longer be confined by the fence; or

(ii) gives rise to a risk that the animals will no longer be confined by the fence,

The reports of trespass and protestor activity are shocking. It is one thing to exercise your democratic right to free speech, but it is another to torch a farm shed in so doing, or to steal animals or let them out to get run over on a public road, or demanding sheep in return for unchaining yourself in an abattoir, or invading a feedlot as part of a 100-throng group. There have been examples of ripping down fences or cutting water supply to livestock or severing hydraulic brake lines on vehicles transporting animals. It is incredibly stupid behaviour.

There have also been reports of contaminating packaged meat products in supermarkets, contaminating food supplies for live export animals and spiking trees to prevent forestry operations. The farm trespass bill before us offers tougher laws against such activity and, unfortunately, have proven to be necessary. It is hoped that such illegal activism will be effectively deterred as a result of these laws and that well-meaning people with legitimate concerns about animal cruelty will be encouraged to report this activity to the appropriate authorities rather than take the law into their own hands.

I want to briefly touch on the increased penalties that accompany these amendments. There is the creation of the aggravated farm trespass offence to penalise a person who has entered unlawfully or is unlawfully on a primary production site and gives risk to disease, risk to primary industry or causes damage to an operation, which carries a maximum penalty of $10,000. There is compensation for any commercial loss, as I mentioned earlier, or damage experienced through aggravated trespass.

There is an increase in the penalties for the summary offences of general trespass from $2,500 or six months in prison, up to $5,000 or up to six months in prison, so it is a doubling of the monetary fine. There is also an increase in the penalties for summary offences of interference of farm gates from $750 to $1,500. As I just touched on, there is also a broadening of the scope of the farm gate tampering offence to also cover damage to fences, enclosures and cattle grids to ensure that all acts of interference with a farm property which could see animals leave the area are covered.

As I said, there has been a surge of antifarm activism across the country from people who are obviously oblivious to where their food comes from. It is important that this government take steps to prevent that filtering through to South Australia. It is wonderful to see our government acting. As I said, as those activities were occurring interstate, I received quite a bit of correspondence through my office from local constituents who were concerned that they might find themselves with unwanted visitors on their property damaging their livestock, damaging their fences, opening gates or even, as I read out earlier, cutting brake lines on their trucks or cutting off water supply to their stock.

These are the livelihoods of the farmers and any attempt to damage them or prevent farmers from earning a living or running their businesses should be punished harshly, which is exactly what these amendments seek to do. On top of that, there will be compensation for commercial loss, which is an important consideration for people who are obviously attempting to disrupt the business.

Extensive consultation has occurred as a part of this bill with a long list of people, including the Chicken Growers Council, the Lot Feeders' Association, the Meat Industry Council, commercial egg farmers, Livestock SA, National Farmers' Federation, and the Kangaroo Industry Association, Pork SA, primary producers, and SA Dairyfarmers' Association, as well as a few others I have not listed.

It is wonderful to see this bill being introduced. It is an important bill that will prevent activities that have been happening interstate from occurring here and hopefully we have got on the front foot before it could form too much of a stranglehold on our industry and prevent it from happening at all. The message must be sent that if you break the law and put our farmers and supply chains at risk, you will be penalised.

Our primary producers are critical to the state's economy and this legislation provides better protection to the industry and for hardworking farmers within it. I commend the bill to the house and look forward to its speedy passage through both places.

Mr PICTON (Kaurna) (16:52): I rise to speak in relation to the Summary Offences (Trespass on Primary Production Premises) Amendment Bill 2019 and indicate that I am lead speaker. The Clerk is always waiting for me to press the button on that. I also indicate that the opposition will be supporting the legislation.

This is dealing with offences that, let's be clear, are already offences. Under the Summary Offences Act 1953, it is already an offence to commit the offence of trespass in a variety of different means. This does not change that. This does not add a new offence. It merely increases the penalties for a range of different offences that involve primary production activities. The first point I think is that any of the particular activities that are sought to be captured here are already punishable under the law. I think that there is a question in terms of what has been happening with the existing law that we have at the moment.

Going to a briefing on this matter—and I thank the Attorney-General's Department and the Attorney's office for the briefing—it appears that there is no knowledge or awareness of particular times when this has been used. In fact, the most recent case that anybody was aware of occurring was in relation to a case at Strathalbyn, I believe, which the police investigated and decided to issue a caution instead of taking that case before the courts.

While we are supporting this legislation, I do think that there is a question as to why the current law has not been used. There is nothing that I can see here in this legislation that would make it any more likely that a case, such as what happened in Strathalbyn, would be prosecuted as opposed to a caution being issued, or any other instances where clearly there has been no action taken from the evidence that has been provided to us from the department and the office of the Attorney-General.

It is an interesting question as to why this has not been used. Essentially, all the additions here are about creating offences with higher penalties or increasing the penalties that currently apply to those offences. However, if you are not using the offences that are there at the moment in either trying to prevent this activity occurring or trying to prosecute it when it occurs, I think there is a question mark as to whether this is going to have the effect that the government is proposing.

There are a number of different offences that are being dealt with. Section 17 deals with being on premises for an unlawful purpose. Section 17A deals with trespassers on premises who return within 24 hours. Section 17B deals with interference with gates and fences. Section 17C deals with the disturbance of farm animals while there is a trespass occurring. I will take each in turn in terms of what is being proposed under this legislation.

On section 17, the offence at the moment requires there to be not just trespass but trespass with an unlawful purpose involved in that, so there could be a number of theoretical trespass activities that could involve a lawful purpose. I think there is a question, which I raised in the briefing and I

would be interested in the Attorney-General giving consideration to in her response, as to whether the provisions that are in the Surveillance Devices Act that have public interest defences to them would therefore negate that being used as an unlawful purpose in terms of the application of section 17.

Section 17 is the one that the government has clearly paid the most attention to not only for an offence that would involve six months' imprisonment, if it involved trespassing with an unlawful purpose on an agricultural or primary production activity location or property, but for an aggravated offence, which would double that penalty to 12 months' imprisonment if it met a number of criteria. The criteria are interesting, in that there is a very broad range of matters. In particular, clause 5(1)(a2)(d)(i) and (ii) involves risk. It provides:

(d) does anything that—

(i) involves, or gives rise to a risk of—

(A) the introduction, spread or increase of a disease or pest; or

(B) the contamination of any substance or thing; or

(ii) gives rise to any other risk, or kind of risk, related to primary production activities prescribed by the regulations; or…

It is a very interesting form of drafting. You almost question whether there is any need for the aggravated penalty at all and a non-aggravated penalty. If the aggravated penalty is of such a broad scope as that, we might as well make the offence just the aggravated penalty. I have been trying to think of a circumstance that would not involve any risk whatsoever, and clearly there would be very few circumstances in life that would not involve any risk at all. In fact, going to the length of saying 'gives rise to any other risk or kind of risk' is very broad.

Regarding 'gives rise to any risk or the introduction of a disease or pest or the contamination of any substance or thing', we know that there is a significant risk of contamination. We know that there is a risk of introduction of diseases and the spread of disease and pests. We have a number of biosecurity programs and education in South Australia around that, so it is hard to imagine any circumstance in which somebody entering primary production land or a property under this provision would not have some sort of risk, therefore, unless going in they have fully gowned themselves up and are properly wearing hair nets and swabs, like a CSI unit or something.

It is questionable why the government have proposed it in such a way. There are other ways in which this becomes a very broad offence as well, in terms of whether it involves two or more people. Clearly, a lot of the time that will be the case, so whether that needs to be aggravated or just made the whole offence is a question.

We then go on to the next case, section 17A, which is interesting in that it deals with people who have been asked to leave a premise, premises, property or land and return within 24 hours. I am not aware—and it certainly did not come out in our briefing—of this being particularly used in the context of what the government is seeking to achieve here in terms of primary production activities because, as I understand it, a lot of the time this provision is used more in the retail space, where you might have somebody who is coming onto a premises, has caused problems within a shop or some sort of other business as a customer and is then asked to leave and not return within 24 hours.

I know that concerns have been raised by retailers and retail workers as to whether this should be improved for those workers as well. I know there have been propositions from retailers and retail workers as to whether 24 hours is enough and whether in fact you actually want to extend that to make sure that barring orders could potentially be in place for those sorts of people who conduct that sort of activity. That is not being addressed here. There is no extension to that 24 hours being addressed by the government in this legislation.

Therefore, the question I have is: what applicability would this section have in providing benefit for the owners and operators of that primary production land and property because the circumstances in which there would be an offence made by somebody being asked to leave and then returning within 24 hours, I would imagine, are quite small? I would imagine it is quite a small number of circumstances where that would happen.

The next case involves interference with gates and fences, which once again is already an offence under the act. In relation to this offence, we are not seeking to make it an offence with any gaol time applicable to it, so I think there is a question to the government as to why we have not sought to make this applicable to any imprisonment time in the same way that sections 17, 17A and 17C have been. I would have thought that interference with gates and fences would be of concern to many owners and operators of primary production facilities, so I think there is a question as to whether that would be something that should be considered as well.

In relation to section 17C, I would say that this is probably the most significant change. Section 17C deals with the disturbance of farm animals. The current legislation reads:

> (1) A person who, while trespassing on land on which animals are kept in the course of primary production, disturbs any animal and thus causes harm to the animal or loss or inconvenience to the owner of the animals is guilty of an offence.

The maximum penalty is $750. It is a defence to the charge of an offence under this subsection to prove that the disturbance was not intentional and did not arise from recklessness on behalf of the defendant. There is no change to the substance of that provision. The only change therefore is to change the penalty from $750 to $2,500 or imprisonment for six months, so that is a significant increase.

From my layman's reading of this—and I would be interested in terms of the Attorney's consideration and the advice she has received—it seems to have the lowest threshold in terms of the actual cases that we are talking about and trying to prevent, in that it does not require an illegal purpose to be on the premise, it does not require you to be asked to leave and then to return, and it does not require any particular interference and damage to the property or gates or entry. What it does say is that disturbing any animal 'or loss or inconvenience to the owner of the animals is guilty'. To me, that reads as a relatively low threshold.

It might be that the rationale of this government in introducing this is that they know that sections 17, 17A and 17B are not going to change things very much, but they are hoping that the offences under section 17C will pick up, and maybe there is a theory that section 17C has not been used, in particular, by the police and by the courts because it has had a low penalty and hence, maybe if we increase that to an offence that would involve some gaol time as an option for the courts, that would be applicable to that.

I note as well that the government is not seeking to apply any changes to section 17D, which would involve forcible entry or retention of land or premises or loitering or any other offences. As I said, there are no actual additional penalties and there are no actual additional offences that have been created here; it is merely changing them. I also note that section 17AA—Misuse of a motor vehicle on private land—is not being considered as well.

This is a relatively modest bill. It is always nice to have a short piece of legislation where you can fully digest the meaning of every word. I think that there is an issue in terms of the connection between this act and the Surveillance Devices Act. I would be interested to hear the Attorney's thoughts on that as we deliberate on this. As the shadow attorney-general, I think the Attorney was much more involved than I was in the debating and consideration of the Surveillance Devices Act, but essentially my understanding is that, after various iterations, the parliament eventually agreed to public interest defences to that.

I wonder whether there is an interaction between that act and this act, where clearly there are circumstances where there is public interest in getting the information out there. Clearly, there are instances—and that is why parliament determined that—where there would be public interest in terms of recording and distributing that information. That, of course, is being balanced by the interests of people and the protection of their land. That is why the trespass act has always been a feature of our law for many years.

Certainly, the opposition's view is that we are happy to support these amendments. We see the benefit in terms of providing that additional penalty. We are not necessarily as confident as the government that this is going to lead to significant changes, given that these offences have been around for a very long time and have not necessarily resulted in many prosecutions or much action,

but we wait to see how it transpires. We are happy to support the government and support the bill on this measure.

Mr PEDERICK (Hammond) (17:08): I rise to support the farm trespass bill 2019. I think it is a reflection of what has happened in our communities across Australia in recent times that legislation across the country has had to be beefed up (no pun intended) to take on people who want to disrupt legitimate businesses—people who not just run legitimate businesses but in many cases, and in most cases, live on those businesses and it is their home, as I do at my farm at Coomandook.

It is a severe invasion of privacy when these animal liberation groups, these vegan groups—some would say rabid nutters—think they can walk into your front yard, your backyard and swarm over your property. If you did this where some of these people who have been committing these offences live, they would be outraged, and rightly so. People should think about what they are doing when they think they are acting for the greater good. It is alright for people to have lively debate—we would be a poor society if we all agreed on everything—as long as they can have proper, active debate without disrupting people's lives.

What would these people, who put up maps online showing where mainly commercial piggeries and other intensive farming operations are in Australia right across the board, think if we found their addresses? I cannot remember the name of the organiser of that, but apparently he lives in Melbourne. Perhaps we would like to get their addresses and work out whether or not we would like to visit their premises. That is an illegal activity, so I will not be doing that any time soon in the way that these people are and have been venturing onto farm properties.

It is interesting that it has backfired rather heavily on some of these protagonists, notwithstanding the fact that they have had the light-fingered touch at times in some jurisdictions in regard to invading people's properties. Far be it for me to partially agree with the member for Kaurna, but if we are going to make any legislation work, including this legislation, we need to make sure that police and judges do their part. Several months ago, I witnessed a situation in Queensland—it was there for everyone to see because these people like filming their events—where protestors walked onto a farm (I think it was a feedlot) and moved across a paddock essentially, and the police stood back and supervised what was happening.

I mentioned that to one of my local police officers and he explained the situation and how many police it would take if you started arresting people and the visuals of that. I found that an interesting answer. I do have a lot of respect for the police force, but if we are going to make any of these laws work we have to take proactive action. It does not matter whether it is a primary production premises or whether it is your home, it is the same thing. For 99 per cent of the people involved in primary production, it is their home and they deserve the right to live peaceably and not be invaded, and that is exactly what is going on here.

These people walked across a property, essentially being escorted through, and they got their footage. Another time there was a cafe—I think it was in Victoria, but I could be wrong—run by a fairly green-orientated couple who had a goat taken. Eventually they were pressured to close down. In another situation, a sheep was so-called 'liberated' from a mob of sheep. I heard from one of these events that the liberated animal died because those who liberated it would not have known how to care for it.

The crux of the matter is that farmers and people involved in intensive agriculture do know what they are doing and do know how to look after animals, because that is what you have to do if you have to turn a profit, and when you are in the private sector that is how it works. I think it really went backwards for the protagonists when they took their protests to the cities and held up trams in Melbourne, held up traffic around the place—not much different from Extinction Rebellion activists; they could be the same people—and at least in some cases we have seen some arrests being made.

I am pleased that we are taking strong legislative action because this is exactly what we need in this sphere. We saw an activity several years ago at one of my abattoirs near Murray Bridge, Big River Pork, where some activists broke in and went about 10 metres down into the chamber where the pigs are gassed, essentially, before they are processed. It is all a very calm way to do it. These people broke in and they ran the very real risk of being gassed themselves, and there would

have been outrage if that had happened. You do not wish that on anyone, but you just have to be careful what you wish for if you want to break into premises and do that kind of activity.

As the member for Kaurna indicated, there was a recent time when people at the Strathalbyn abattoirs were on the roof and doing a sit-in and protesting at what went on there. The issue is that we have seen over time in different jurisdictions across Australia where people are arrested, which I support, but then they go before a judge and get a $1 fine; well, that is absolutely pointless.

What we need for these people is a conviction, because a conviction stays for life. That is the way we need to manage this, because if people want to take this sort of rabid action into their own hands and invade people's homes—because that is what they are doing—the right action should be taken, and in regard to not just the invasion itself but also the biosecurity risks that happen with this kind of process.

You see it with intense piggeries, and there are quite a few in my area at Coomandook, and also with intensive chicken farming in my electorate of Hammond across the board. There are a whole heap of biosecurity protocols in place to make sure that those animals are raised in a safe and healthy way and that they are also raised in compliance with RSPCA guidelines.

When these people invade these places they are actually causing harm to animals, and this legislation being put in place will put a stop to some of this activity. If it does not stop the activity when this legislation is made into law and becomes an act, I want it see it acted on appropriately by the police, and when people are put in front of a judge they are slapped with the appropriate penalty.

In terms of its detail, this bill would create a new standalone aggravated farm trespass offence with significant penalties and also increase the existing penalties for trespass-related offending on farms. The amendments include the creation of an aggravated farm trespass offence to penalise a person who has entered unlawfully or is unlawfully on a primary production site and gives risk to disease, risk to primary production or cause damage to an operation. This offence carries a maximum penalty of $10,000.

There is an amendment to allow for compensation for any commercial loss or damage experienced through this aggravated trespass. There is also an increase in the penalties for the summary offence of general trespass from $2,500, which it is currently (or six months' imprisonment, which it is currently) to $5,000 (or up to six months' imprisonment).

Also, there is an increase in the penalties for summary offences of interference of farm gates, from $750 to $1,500. That penalty is quite significant. People may think they are being smart by coming to a property and leaving the gates open, letting cattle, sheep, pigs, chickens or whatever wander on their own, but that does nothing for the welfare of those animals and it does nothing for the cause of those people who are aggravating the situation; it just creates another animal welfare issue.

Amendments in the bill broaden the scope of the farm gate tampering offence to also cover damage to fences, enclosures and cattle grids to ensure all acts of interference with a farm property that could see animals leave the area are covered. 'Primary production premises' in the bill means premises used for the purpose of primary production activities, which is defined to mean agricultural, pastoral, horticultural, viticultural, forestry or apicultural activities.

It includes poultry farming, dairy farming or any business that consists of the cultivation of soils, the gathering of crops or the rearing or processing of livestock. In that regard, it is everything to do with agriculture, whether it is the growing of stock, the cultivation of soil or the gathering of crops. It also covers commercial fishing, aquaculture or the propagation or harvesting of fish or other aquatic organisms for the purposes of aquaculture, and an activity prescribed by regulation.

As I indicated earlier in my contribution, across the country there has been a surge in antifarm activism. While we have been fortunate to some degree and have not seen the level of activism as in other states, our farmers have experienced trespass, halting primary production and impacting on their ability to manage their farms. I indicated where we have seen illegal activity in processing facilities as well. Those who seek to be negligent and damaging to our farmers and primary producers must take responsibility for their actions and their impact on our local farmers.

South Australia's primary industries are a vital part of our state's economy. Spread across the state, South Australia's grains, livestock, horticulture, wine, seafood, forest and dairy sectors are a significant contributor to our exports. Numerically—we had to get some numbers around this—in 2017-18, primary industries and agribusiness supported 152,000 jobs and contributed $19.7 billion to the state's economy, which is generated out of that powerhouse: regional South Australia. That means that where many of our primary producers are—in fact, the most—contributes about $25 billion annually to the state's economy, with just 29 per cent of the state's population.

I will give a bit of background on the legislation. The commonwealth Attorney-General (Hon. Christian Porter MP) wrote to our Attorney-General on 8 April 2019 and requested that we consider taking action to strengthen penalties and enforcement of criminal trespass offences and to consider the adequacy of present trespass and unlawful entry offences.

Subsequently, very broad consultation on the bill occurred over September this year through a YourSAy page. There were also round tables hosted by Primary Industries and Regions South Australia and targeted communication. The stakeholders consulted were in the broad primary production industries, as well as justice sector stakeholders and the general community, including:

- Australian Chicken Growers Council;
- Australian Lot Feeders' Association;
- Australian Meat Industry Council;
- Commercial Egg Farmers Association of South Australia and Tasmania;
- Commissioner of Police;
- Law Society of South Australia;
- Livestock South Australia;
- Minister for Environment and Water;
- National Farmers' Federation;
- Kangaroo Industries Association of Australia;
- Primary Industries and Regions South Australia;
- Pork South Australia;
- Primary Producers South Australia;
- Royal Society for the Prevention of Cruelty to Animals (RSPCA); and
- South Australian Dairyfarmers' Association Inc.

So there has been broad consultation on this legislation. This legislation is vital for our primary production sector, who have seen it tough enough, especially in the last couple of seasons—and some for three seasons. Sadly, drought is part of life. We are the country of drought and flooding rains and, sadly, massive bushfires, as we are seeing on the east coast and also in our own area, on Yorke Peninsula and Eyre Peninsula. I pay tribute to all the firefighters not just in this state but all those across the nation who are doing their bit to keep our communities safe.

People do not need to be targeted by those who are just up to mischief and who quite blatantly want to break the law just because they think it is a great thing to do. As I said, farmers are doing it tough enough. Last year was exceptionally tough for a large section of the state. Some sections in the South-East and at the bottom end of Eyre Peninsula and on Yorke Peninsula were not too bad. When you get to this season, it is really, really tough where I am at Coomandook and Karoonda, or north of Murray Bridge around Sedan and Cambrai. The last thing people need is people invading their homes and their properties to aggravate the situation that much more.

I commend what we do in animal production. In fact, I went to a feedlot the other day, and I tell you what, I have never seen such well-fed beef. There were lots of them. There were hundreds and hundreds, probably thousands, in that feedlot. They were looking very prime, some of them on

120 days' feed and some on 240 days, and getting ready to be processed down the track. We have sheep feedlots in the area, we have millions of chickens being raised and we have the pork industry that has had some very tough times in recent years, especially in light of the outbreak of African swine fever overseas.

The whole biosecurity issue is another reason why we have to keep people off properties. We have to do all that we can to keep African swine fever out of Australia. Some people looking at it think that it is only a matter of time. I hope that they are wrong. I hope that we can keep African swine fever out. Our pork producers are having a little win at the minute but, like every bit of agriculture, it fluctuates up and down. We have to make sure that we can keep these producers going, not just in that industry but also in the grain industry, the chicken meat industry, the beef industry and the lamb industry—we just have to make it work.

I reflect on the assistance that we as a government, together with the federal government, have given to community infrastructure to get the up to $400 million build at Thomas Foods, near Murray Bridge, back on track so that we can get 2,000 jobs and 4,500 jobs supporting them. I commend the bill, and I urge its speedy passage through the parliament.

Mr HUGHES (Giles) (17:28): I also rise to support the bill. Just the other week, I took some time out to go to the west of Buckleboo to spend some time on a farm. I was amazed by the work that they were able to do—that, in a year like this with such low rainfall, they were able to get a crop in. I went on the header with them. They were growing barley—not barley that goes into the beer that we drink but barley with a high protein content that provides feed for sheep on the property.

This was a family farm. Here was a young man who, during the harvest, was driving 60 kilometres to get to his mum and dad's farm, which he will hopefully inherit. He is part of the business at the moment, and he also had a number of other properties around the place. He would drive 60 kilometres there and back in the morning and at night, and during the harvest he would start at 8 o'clock in the morning and work through to 12 o'clock at night. It was a prodigious effort and often in difficult circumstances.

Imagine a farm like this. The people who invade farms are not going to go to a farm like that; they are far too far away from them. They will pick the ones far closer to the city or facilities closer to the city. Imagine a whole bunch of people invading that family farm, trespassing on that farm and the effect it would have on those people just going about their legitimate work. As has been said, and I think we will all agree, one of the strengths of our country is that peaceful protest is supported. I would be one of those people who would argue strongly that there is a role for civil disobedience, but sometimes people go too far.

Last year, I believe it was, when that website was released identifying properties throughout the country almost as targets, you can understand why people on farms were feeling incredibly uncomfortable. I think it was to the disadvantage of those groups, whether they were vegan, whether they were this or whether they were that—when they start engaging in tactics like that, it is to their disadvantage.

A lot has been said about what the bill is going to do in terms of increasing penalties, both prison time and fines. I am one of those people who would have confidence in our court system. When people are before the courts, the overall set of circumstances is taken into account and a penalty will be arrived at, so I do not think this is open to abuse. We have been fortunate here in South Australia that we have nowhere near borne the brunt of the sorts of tactics that have been used elsewhere.

All the farmers I speak to take animal welfare very seriously and would have a very dark view of those very few in number who do the wrong thing. I think action does need to be taken against those who do the wrong thing. One of the powerful forces often at work in country communities is peer pressure, and it operates in a number of different ways, and I am sure that it operates when it comes to issues like this, where potentially there is animal cruelty.

The overwhelming majority of farmers go out of their way to do the right thing. I think it is a reasonable bill, given the circumstances. As I said, ultimately it goes before the courts, and the courts will decide the penalty.

I would encourage other members to get out and about. I know that a number of members over the other side have farming properties and have been heavily involved in primary industries for many years. When it comes to this side, we lack in numbers of people in that situation, even though we do have some on this side who have come off farms. One would hope that eventually people out there in the country will vote Labor in greater numbers and maybe we will have more—we can always live in hope.

I do support this bill. I am sure there are going to be amendments from others when we go upstairs. Sometimes there is the issue about public interest, and we have seen of late what has happened to horses in Queensland; that was appalling. We have seen other incidents like that, and we need to stamp out that type of behaviour. I think this is a measured bill and it is a bill that we support on this side.

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (17:34): I, too, rise to speak in support of the Summary Offences (Trespass on Primary Production Premises) Amendment Bill introduced by the Attorney, and I have been working closely with her. The member Finniss has done an outstanding job to give us and the government a much better understanding not only of what this means but also of how vital the bill is in providing greater support in protecting our farmers and our livestock sector as the focus for strengthening up the support and protection.

There has been broad consultation, and a number of industries have come forward with concerns about what they have experienced over time with trespass, with the activists who have put pressure on them. It is about not just the unwarranted and unneeded pressure on those primary producers but the social pressure it puts on them. By and large, the majority of our primary producers have a conscience and they come away feeling somewhat subjected to the wrath of unwarranted and unjust criticism and almost stalking when those activists come to their gate.

The consultation period with the primary production industries, the justice sector, stakeholders and the communities also included the task force set up under my department through PIRSA to work with the industry and SAPOL on opportunities so that we do get tough and we do put the appropriate penalties in place for people who threaten the viability of a primary industry business. Again, across the country there has been a wave of antifarm activism. While here in South Australia we have seen relatively few incidents, we do have concerns about the protection and the defences against such a threat.

Listening to the member for Giles' contribution, he is right: the activists are opportunists and they will go somewhere close to population, close to their home, probably not off of a bitumen road, for nothing more than to sensationalise, to draw attention to themselves for the simple fact that they have a belief that we should not, by and large, eat meat. They believe that we should not eat any form of animal—that is threatening their beliefs—and it includes the way that we farm animals, the way that we propagate, the way that we raise animals, the way that we care for animals and the way that we keep them in good health.

My family background, for majority of my life, has primarily been in livestock. My father has probably bought more sheep than the majority of any other South Australian in the stocking industry. We had many different animals on farm because we had an enterprise where we slaughtered animals for butcher shops in the South-East, and we did that for a number of years. Primarily, we have seen a number of unfair incidents where properties have been unfairly targeted. Aussie Farms' website comes to mind.

It was an absolute outrage that we could have an organisation that could expose properties, basically putting them there as a target for people to go and harass and torment. Really, it is not just about going to their farm: it is about going to their home. They should be ashamed of the unfair scrutiny and unfair activism that they put on those farming families, but, more importantly, they need to be prosecuted if they are interfering with the operation of the farm or if they are posing biosecurity threats to the operation of that business.

In South Australia, one instance comes to mind where we saw those activists at a Strathalbyn abattoir. They disrupted that business and there was a biosecurity risk to it. There was damage to the property. That meant that that workforce had to go home until they cleared the activists away.

They did that in good faith so that they did not put their workforce at risk. They also had to make sure that their animals were not at a high level of stress.

For many of you who enjoy a good piece of meat, whether it be white meat or red meat, you should know that if an animal is stressed at the slaughterhouse it is a tough piece of meat, and it really is not worth the money that you pay for it. If you present a calm animal to a processing plant and it goes through that process in a calm state, that is your best opportunity to have a great experience in eating any form of meat.

The implications that those activists cause and the stress that they put the animals under should not be understated. If people have concerns about the wellbeing of animals on a farm or at a processing plant, they should contact the animal health officers. If they take actions into their own hands, once this legislation goes through, they are looking for trouble. Animal health officers are the appropriate authorities to go out there and assess the situation.

If there are those who are not doing the right thing, the health of the animal and the condition of the animal need to be of paramount importance, because it is not just about a healthy animal that is part of the food chain but a lot of them are animals for pets, for breeding or for growing. I think that we need to be very mindful of exactly what we see there.

I have seen a lot of instances in Victoria. There was one in particular where Victorian activists stole a goat. The issue that that brought to the sector was of paramount damage to an industry that had been going along quite nicely. The theft of that goat caused ramifications through that industry. It also put a lot of the viability of that business in question, because if they were able to steal a goat they were able to get into that business. It showed that there were faults in keeping those activists out.

Another thing the bill aims to do is to better protect our farmers from the vigilante activists with the key feature of a new aggravated trespass offence. That new aggravated offence would penalise a person who trespasses on primary production land and interferes with the conduct of a business, does anything that puts the safety of people at risk and increases the risk of biosecurity and food contamination impacts.

Those found guilty will face fines of up to $10,000 or 12 months' imprisonment, plus compensation to the farmer. I think that is just. If the farmer has had a loss as a consequence of the invasion of his farm or his business, then there should be some form of recompense if he has not committed the accusation of those activists who have been at that property.

The increased penalties for interfering with farm gates and with the animals also has to be part of the legislation. The fine for interfering with gates has been the same since 2002, and we are now increasing that penalty to $1,500.

There will be the introduction of a new substantial expiation fee of $375 in those cases where an on-the-spot penalty is warranted. I think that is a very good result because there is no point sending those activists, those trespassers or those people who threaten the viability of a farm to the courts. They clog up the courts. They cost taxpayers a lot of money. They get a slap on the wrist and they walk. It really does beggar belief that what we see currently is a lack of enforcement for those who are doing the wrong thing.

There is an increase in the maximum penalty for disturbing animals to $2,500. We are doubling the penalties for existing trespass offences on primary production land and the primary production premise in the bill. Importantly, it includes agricultural, pastoral, horticultural, viticultural, forestry and apicultural activities.

As the member for Hammond rightfully said, he has a number of poultry farms in his electorate, as do I. There are dairy farms in Hammond. There are state-of-the-art dairy farms that do a very good job with animal husbandry and looking after those animals. It is critically important because a calm, healthy, well looked after and maintained animal is the most productive animal that we can have in our paddocks or in our sheds and that is why we continue to push this.

It includes dairy farms, as I said, or any business that consists of the cultivation of soils, the gathering of crops or the rearing or processing of livestock, but we also need to include commercial

fishing, aquaculture or the propagation or harvesting of fish or other aquatic organisms for the purposes of aquaculture and an activity prescribed by regulation.

This set of initiatives will send a message to protesters or activists that here in South Australia if you break the law and put our farmers and supply chains at risk you will be penalised. I implore those who consider going to farms and putting the viability of those farms at risk and putting biosecurity at risk to think again. You will incur these new penalties. They need to be enforced. If they are enforced, it will send a very clear message that we are giving our farmers, our primary producers and our livestock owners equal rights when it comes to the protection of not only their business but their animals.

As I have said, one area I am considering under the consolidation of our biosecurity act in South Australia is penalties for trespass that result in biosecurity implications. Whole supply chains and markets can be affected by trespass on farm. It really is important to note that we are not discouraging legal and peaceful protest, but the law is the law and if you break it you will be penalised.

We want to ensure that there is a deterrent for farm trespassers to act illegally. This is no different from a landowner, an animal owner or a business owner doing the wrong thing; they will cop the wrath too. It is not about activists being a targeted species. Anyone who is doing the wrong thing by those animals or by that business or the guardianship of livestock, they will be penalised too. The bill has been welcomed by the farming community and it is important that the bill has a speedy passage through the parliament.

The Hon. A. PICCOLO (Light) (17:47): I rise to support the bill and make a small contribution. My major concerns about the behaviour that this bill is trying to address are the ones that deal with biosecurity and animal safety. As a child, I worked on a farm for many years, and my electorate until recent times had a fairly big farming community. I interact with farmers quite a bit and this is one of the issues they have raised with me over the years, so I welcome the bill.

I think that what some people do not understand is that there is a huge risk with biosecurity and the spread of diseases from location to location, which could actually be a major problem not only for one farm but potentially for a whole industry. Additionally, animals' lives are in danger if they are spooked or put under stress. I have seen it happen with chickens and pigs, etc. They can be quite hurt and possibly have to be put down.

As my colleague and others have said, there is a legitimate place for civil disobedience in a democratic society and I do not in any way wish to suggest that people should not take some action against behaviour that they see is inappropriate or to promote a cause, but I think invading properties unlawfully is a step too far. I think this is what this law is trying to address.

If somebody wants to protest outside a farm gate on a public roadway, that is one thing—I think that should be covered—but once you actually go through the farm gate or jump the fence, that is something else again and the bill seeks to address that. I would not like somebody to actually do that to my personal property and I would not like that to be done to others. In this case, it is a bit more serious in the sense that it is not only the personal safety of the people involved but also the safety of animals.

The other thing that needs to be said is that if people have concerns about how animals are being treated, and I think the minister touched on this, there are legitimate bodies you can go to to lodge your concerns and they are the ones who undertake the investigations. You should not be allowed to take the law into your own hands.

If people have concerns about how animals are being treated and they have some evidence, they should take it to the relevant authorities for investigation. If they believe that those authorities are not working well, then there is another process to have that dealt with.

The answer is to make the whole process work better and not just ignore it. If people believe, as I am sure some people who undertake these actions do, that the laws are not strong enough, there is a whole democratic process to change the law. You change the laws. We have changed laws in terms of animal welfare over the last 10, 15 or 20 years, and rightly so.

In short, I think the bill does warrant our support and, if we are going to put the safety of animals first, we need to support the bill. If people have concerns about how animals are treated, there are legitimate legal processes to be undertaken to address those concerns.

Debate adjourned on motion of Mr Basham.

At 17:52 the house adjourned until Wednesday 13 November 2019 at 10:30.

Answers to Questions

E-PLANNING SYSTEM

1432 The Hon. A. PICCOLO (Light) (24 September 2019). Which funding sources are financing the development of the e-planning system, and how will the system be financed once operational?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised the following—

DPTI has funded the build of the e-planning solution in previous years and will provide operational support once live (see more detail in question 1433). Costs are being recovered through a council contribution and through a review of fees and charges. The ongoing fees and charges will support the operational costs to ensure the system remains functional and fit for purpose.

For the 2018-19 financial year, I approved $5.3m for planning reform implementation from the Planning and Development Fund.

The implementation of the remainder of the program is being funded primarily through the fund, and revenue from a council levy introduced in 2018-19. From 2019-20 the 50 per cent discount to the council levy has been removed and the full levy will be collected.

Increased assessment fees to support the running of the system will be implemented from phase two for the rural areas (April 2020), and from phase 3 for the metro and peri-urban areas (July 2020).

COUNCIL ASSETS

1437 The Hon. A. PICCOLO (Light) (24 September 2019). Subsequent to a council boundary adjustment, will councils be required to compensate other councils for the acquisition of their fixed assets?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised the following—

Under the Local Government Act 1999 (the Act), the boundaries commission (the commission) is the independent body that assesses and investigates boundary change proposals. Following the referral of a proposal to the commission, it may inquire into the proposal and then publish a public report and make recommendations to the minister.

As part of an inquiry, the commission must explore all potential impacts of a change to council boundaries, to ensure that the principles set out in section 26 of the Act are fully considered. These principles provide a broad overview of how councils are expected to operate, and the nature of the community that they serve. A number of these principles recognise that councils have and maintain significant facilities and services, and must have a sufficient resource base to fulfil their functions.

For this reason, the commission would undertake a full investigation of the impact of a proposal on a council's financial position, particularly if the proposal is for a significant boundary change. It is likely that these investigations would include an examination of the assets within an area that is proposed to be moved from one council to another; and also of the impact that this could have on both (or all) councils affected by the proposed change.

It is therefore possible that a recommendation that the commission makes to the minister may include recommendations that specifically deal with the impact of the transfer of assets, or the management of any other financial impact that a change may have on the relevant councils. These matters may be dealt with in a proclamation that would be made in relation to a proposal, that may 'make provision for the transfer, apportionment, settlement or adjustment of property, assets, income, rights, liabilities or expenses as between the relevant councils.'

It is also expected that these matters will vary depending on the specific details of any proposal that the commission investigates. While the transfer of assets may involve a financial arrangement between the relevant councils, it is not appropriate to describe this as a 'compensation scheme', due to the potential range and complexity of financial and asset matters that may be relevant to any significant proposal.

COUNCIL MEMBERS, CODE OF CONDUCT

1438 The Hon. A. PICCOLO (Light) (24 September 2019). Many member code of conduct disputes involve councils obtaining legal advice, or the support of mediation services through consultants, often at great expense to councils. What is the aggregate cost of council member code of conduct disputes across the state?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised the following—

Under the current provisions of the Local Government Act 1999 (the act), councils are responsible for managing behavioural matters under the Code of Conduct for Council Members (the Member Code). The member code is clear that breaches of part 2 (behavioural code) should be dealt with at a council level, but allows each council to determine a process to do so that best fits their own needs. Councils, therefore, deal with behavioural code matters under their own policies. Some councils choose to implement a policy that requires complaints to be directly handled by external legal firms, or determine when and how mediation may be beneficial, with resultant costs for the council.

As part of the local government reform program, I have asked the local government sector to provide details about the cost of dealing with these matters.

The Reforming Local Government in South Australia Discussion Paper was released on 5 August 2019. A number of the discussion paper's 72 proposals relate to a new conduct management framework for council members. It is anticipated that a new framework will make a clearer distinction between lower level 'behavioural' matters that will continue to be dealt with at a council level, and more serious 'integrity' matters that should be investigated and dealt with by an independent body. This should enable councils to deal with behavioural matters in a way that is suitable and appropriate for them and their communities.

Submissions on the discussion paper have been requested by 1 November.

COUNCIL INFRASTRUCTURE

1439 The Hon. A. PICCOLO (Light) (24 September 2019). Will council expenses be proactively and prominently disclosed to ratepayers, including through online databases which can be linked through social media platforms?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised the following—

The Reforming Local Government Discussion Paper proposes a number of reforms to achieve better disclosure of information about councils' revenue and expenditures for ratepayers. These include requirements to release simple information on rate increases when councils consult with their communities on their draft annual business plans, and also to include information about their salaries and benefits and expenditure on travel and other matters online.

It is essential that information about councils' finances and budget decisions are easily available and easily understood by both council members and communities, however, it is also important that this can occur without creating an undue administrative burden or increasing red tape for councils.

LOCAL GOVERNMENT ACCOUNTABILITY

1440 The Hon. A. PICCOLO (Light) (24 September 2019). Section 245A of the Local Government Act 1999 was inserted to enable councils to require a developer to enter into an agreement to cover the cost of potential damage to council infrastructure, during developer works. However, I have been advised that councils have found it hard to enforce this section—through the payment of either a developer bond or security payment. Can you provide an approximate figure of the damage which has been caused by developer works to council infrastructure, which has not been rectified through remedial works?

1. How can councils be financially protected from potential damage to their existing infrastructure?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised the following—

This issue has been raised by the Local Government Association (LGA) in the context of the local government reform program that is now underway. It will be considered along with other ideas for reform that are now being discussed with the sector.

LOCAL GOVERNMENT ACCOUNTABILITY

1441 The Hon. A. PICCOLO (Light) (24 September 2019). There are several public consultation provisions within the Local Government Act 1999 (the Act) which require councils to publish notices in newspapers. Will these provisions will remain in the act, given the dispersion of news sources now available to ratepayers, including online social media platforms?

1. What feedback have you received regarding costs associated with councils publishing newspaper notices, particularly for small regional councils?

2. If reforms were implemented to remove the compulsion to publish notifications in newspapers, what revenue impact do you estimate this would have on local newspapers and would this be a source of concern?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised the following—

The Reforming Local Government in South Australia Discussion Paper includes a proposal to review the requirements for councils to publish notices.

Submissions on the discussion paper have been requested by 1 November.

OUTBACK COMMUNITIES AUTHORITY

1442 The Hon. A. PICCOLO (Light) (24 September 2019). 2019-20 Budget Paper No. 4, Vol. 3, p. 177 includes a table listing the appropriation for the Outback Communities Authority. The table reveals that in 2018-19, appropriation for the Outback Communities Authority increased by more than $1 million above budget. What explains this significant increase?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning): I have been advised the following—

This increase was approved in order to provide the Outback Communities Authority with a sufficient working capital balance for the 2019-20 financial year (this amount will carryover over as an opening cash balance from 2018-19 to 2019-20). At the time of this approval, it was noted that further adjustments may be required in future financial years in order to maintain an appropriate working capital balance.

PORT AUGUSTA FIRE STATION

1459 Mr ODENWALDER (Elizabeth) (25 September 2019). Has the minister read the Quark and Associates report into claims of misconduct at the Port Augusta Fire Station, commissioned by the MFS this year?

1. What action has the Minister or his agency taken as a result of the Quark and Associates report?

2. Has anyone been stood down with or without pay, or deployed to another site, as a result of this independent report?

3. Will the Minister make any aspect of the Quark and Associates report public? If not, why not?

4. Has the Minister or his office or department ordered any further investigation, inquiry or report into the claims of misconduct at the Port Augusta Fire Station?

5. Have any allegations arising from this report been referred to SAPOL or to the ICAC?

6. Have allegations of misuse of a credit card by a senior MFS officer, reported in *The Advertiser* on 3 September 2019, been referred to SAPOL or to the ICAC? Who is that senior officer, what is his rank and where is he posted?

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

1. I have been provided with a copy of the Quark and Associates report into claims of misconduct at the Port Augusta Fire Station.

2. A long term action plan will be implemented to manage issues at Port Augusta which includes, but is not limited to; psychological support, additional training support, planned supervision and a review of the reporting system.

3. The MFS has suspended an employee who has been referred to the MFS Disciplinary Committee.

4. Consideration as to whether to make any aspect of the report public will await the finalisation of any investigation being undertaken as a result of the allegations arising from the report being referred to the appropriate authorities.

5. Allegations arising from the report have been reported to the appropriate authorities.

6. Allegations arising from the report have been reported to the appropriate authorities.

7. Allegations arising from the report have been reported to the appropriate authorities.

Estimates Replies

MOTOR ACCIDENT COMMISSION MARKETING BUDGET

In reply to **the Hon. S.C. MULLIGHAN (Lee)** (24 July 2019). (Estimates Committee B)

The Hon. R.I. LUCAS (Treasurer): I have been advised the following:

For 2017-18, the Motor Accident Commission spent $11,230,722 on advertising, research, partnerships and sponsorships.

For 2018-19, the Motor Accident Commission spent $10,606,517 on advertising, research, partnerships and sponsorships.

SUPER SA

In reply to **the Hon. S.C. MULLIGHAN (Lee)** (24 July 2019). (Estimates Committee B)

The Hon. R.I. LUCAS (Treasurer): I have been advised the following:

The supplier of the Bluedoor administration platform is SS&C Technologies (formerly DST Systems, who were purchased by SS&C Technologies in 2018).

In December 2015, the former Labor government approved the Minister for Finance (minister Koutsantonis) to enter into a contract with DST Systems for a total value of up to $24.32 million (GST inclusive) for the provision of the Bluedoor solution for a period of 12 years.

The total expenditure incurred with SS&C Technologies over the implementation phase, from 1 February 2016 to the closure of the project on 31 December 2018, totalled $12.9 million.

In addition, Super SA's costs over this period of implementation totalled $10.7 million, resulting in a total implementation cost of $23.6 million.

The supplier costs to implement the system included the analysis, design, development and configuration of the software over 3 years, with a dedicated team of SS&C staff allocated to the project during this period. The amount also includes $1.5 million as an annual fee for an ongoing production statement of work as allowed for in the contract. An annual licence fee of $600,000 is also payable.

The bulk of the membership, being those in the accumulation schemes (Triple S, FRP, Select, and Income Stream) were transferred over to Bluedoor as part of phase 1 of the project on 7 May 2018. This was significantly later than the initial estimated implementation date of 1 April 2017.

Phase 2 of the project (the transition of the defined benefit membership) was originally scheduled for November 2017. In December 2018 the Super SA Board made the decision to abandon phase 2 of the project, with the defined benefit membership continuing to be administered on an upgraded version of the existing Bravura platform.

The Bluedoor project evolved from the licensing of an off-the-shelf software application with limited customisation into more of a bespoke build, which was evidenced by numerous project change requests. This added significantly to the project's complexity, cost and timeframe.

Complexity was exacerbated by a lack of project expertise both within Super SA and the vendor, and this compromised the ability to communicate clear project requirements. Compounding this industry experience deficit, Super SA also experienced significant staff turnover since commencing the project, including the departure of the general manager of Super SA, the project sponsor (twice replaced), the project manager (twice replaced) and numerous other project staff.

There were indications of project delays and cost overruns in November 2017 when the Chair of the Super SA Board wrote to the Chief Executive, Department of Treasury and Finance, advising him that the board had committed extra funding from its reserves to finance additional expenditure required to deliver the project.

At the time, the board advised the chief executive that overall project costs had increased by approximately $7.3 million, taking the implementation cost to $22 million. The board also advised that it had committed funding to maintain the project until the expected completion of phase 1 at end of March 2018, and that it had requested a review of the business case for phase 2 of the project.

A variation agreement (new contract) was signed on 26 May 2019 to amend the previous terms and conditions of the contract, primarily to reflect the Super SA Board's decision not to proceed with phase 2 of the project. Super SA have recently finalised negotiations with SS&C Technologies for the annual production support agreement for 2020, which provides Super SA with greater flexibility to prioritise system enhancements that drive efficiencies from the platform.

PUBLIC SERVICE EMPLOYEES

In reply to **Mr ODENWALDER (Elizabeth)** (26 July 2019). (Estimates Committee A)

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised of the following:

South Australia Police

Between 1 July 2018 and 30 June 2019, there were no executive roles abolished within South Australia Police. During this period there was one executive role created. This was:

- Director Portfolio Support Office (SAES2)

The total employment cost for this role was $259,771 (excluding on-costs).

Emergency Services Sector (SAFECOM, CFS, MFS, SES)

Nil

Department for Correctional Services

Between 1 July 2018 and 30 June 2019, there were no executive roles abolished within the Department for Correctional Services. During this period there was one executive role created. This was:

- Executive Director, Better Prisons (SAES 1)

The total employment cost for this role was $181,601 (excluding on-costs).

Office for Recreation, Sport and Racing

Nil

GOVERNMENT ADVERTISING

In reply to **Mr ODENWALDER (Elizabeth)** (26 July 2019). (Estimates Committee A)

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised that for:

South Australia Police

- At 30 June 2019, 22 FTEs were allocated to communication and promotion functions, costing $2.7 million.
- The table below outlines the budgeted FTEs and estimated employment costs:

Year	No of FTEs budgeted to provide Communication and Promotion Activities	Estimated Employment Expense
2019-20	29	$3.5m
2020-21	29	$3.6m
2021-22	29	$3.6m
2022-23	29	$3.7m

SA Fire and Emergency Services Commission

- At 30 June 2019, 1 FTE was allocated to communication and promotion functions. This FTE commenced part way during the year with a total cost of $20,594.31 for 2018-19.
- The table below outlines the budgeted FTEs and estimated employment costs:

Year	No of FTEs budgeted to provide Communication and Promotion Activities	Estimated Employment Expense
2019-20	1	$0.096m
2020-21	1	$0.102m
2021-22	1	$0.108m
2022-23	1	$0.114m

SA Country Fire Service

- At 30 June 2019, 1 FTE was allocated to communication and promotion functions, costing $120,727.
- The table below outlines the budgeted FTEs and estimated employment costs:

Year	No of FTEs budgeted to provide Communication and Promotion Activities	Estimated Employment Expense
2019-20	1	$120,727
2020-21	1	$122,538
2021-22	1	$124,376
2022-23	1	$126,242

SA Metropolitan Fire Service

Nil

SA State Emergency Service

Nil

Department for Correctional Services

- At 30 June 2019, 2.6 FTEs were allocated to communication and promotion functions, costing $308,227.
- The table below outlines the budgeted FTEs and estimated employment costs:

Year	No of FTEs budgeted to provide Communication and Promotion Activities	Estimated Employment Expense
2019-20	1.6	$221,000
2020-21	1.6	$224,315
2021-22	1.6	$227,679
2022-23	1.6	$231,094

Office for Recreation, Sport and Racing

- At 30 June 2019, there was nil FTE allocated to communication and promotion functions in 2018-19.
- The table below outlines the budgeted FTEs and estimated employment costs:

Year	No of FTEs budgeted to provide Communication and Promotion Activities	Estimated Employment Expense
2019-20	1	$70,000*
2020-21	1	$108,177
2021-22	1	$109,799
2022-23	1	$111,446

*Anticipating partial year engagement.

As an open and transparent government, marketing communications activity reports and annual media expenditure details are proactively disclosed. The reports list all marketing campaigns over the cost of $50,000 and are disclosed on the DPC website:

https://www.dpc.sa.gov.au/about-the-department/accountability/government-marketing-advertising-expenditure.

PUBLIC SERVICE EMPLOYEES

In reply to **Mr ODENWALDER (Elizabeth)** (26 July 2019). (Estimates Committee A)

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised of the following:

Attraction allowances, retention allowances and non-salary benefits paid to public servants and contractors between 1 July 2018 and 30 June 2019:

South Australia Police

Position Title	Classification	Allowance Type	Allowance Amount
Manager Architecture	MAS301	Attraction	$23,733
Integration Technical Lead	ASO704	Retention	$14,621
System Analyst	ASO704	Retention	$9,260
Manager Performance & Governance	ASO803	Retention	$23,323
Senior Analyst Programmer	ASO704	Retention	$21,661
Manager IT	ASO603	Retention	$12,525
Program Manager—Shield	ASO803	Retention	$30,902
Manager Injury Management	ASO704	Retention	$19,495
Applications Administrator	ASO603	Retention	$4,817
Chief Psychologist	AHP404	Retention	$28,864
HR Consultant	ASO603	Retention	$14,451
HRM System Manager	ASO603	Retention	$10,116
Project Manager	ASO803	Retention	$17,492
Senior Analyst Programmer	ASO704	Retention	$6,498
Fingerprint Investigator	TGO203	Attraction & Retention	$28,398
Fingerprint Investigator	TGO203	Attraction & Retention	$25,559
Fingerprint Investigator	TGO202	Attraction & Retention	$27,556
Fingerprint Investigator	TGO201	Attraction & Retention	$26,715
Fingerprint Investigator	TGO203	Attraction & Retention	$28,398
Fingerprint Investigator	TGO203	Attraction & Retention	$28,398
Fingerprint Investigator	TGO203	Attraction & Retention	$28,398

Emergency Services Sector (SAFECOM, CFS, MFS, SES)

Position Title	Classification	Allowance Type	Allowance Amount
SA Fire and Emergency Services Commission			
Manager Information Management Services	MAS301	Retention	$5,500
Principal Industrial Relations Advisor	ASO704	Retention	$10,740
SA Country Fire Service			
Nil			
SA Metropolitan Fire Service			
Presiding Member, SAMFS Discipline Committee	N/A	Retention	$5,050
Manager SACAD	MAS301	Attraction	$47,466
SA State Emergency Service			
Chief Officer	EXECOB	Retention	$30,000

Position Title	Classification	Allowance Type	Allowance Amount
General Manager Corporate Services	MAS301	Retention	$25,000

Department for Correctional Services

Position Title	Classification	Allowance Type	Allowance Amount
General Manager, Port Lincoln Prison	MAS3	A/R	$12,500
General Manager, Port Lincoln Prison	MAS3	Vehicle	$10,370
Manager Industries, Port Augusta Prison	CO7	A/R	$4,000
Director, Operational Support & Performance	MAS3	A/R	$12,500
Director, Strategic Policy, Projects and Partnerships	MAS3	A/R	$12,500
Manager Corporate Communications	ASO6	A/R	$9,634.30
General Manager, Cadell Training Centre	MAS3	A/R	$12,500
Director, Knowledge and Information Systems	MAS3	A/R	$12,500
Director, Knowledge and Information Systems	MAS3	Vehicle	$7,570
Director, Offender Rehabilitation Services	AHP5	A/R	$12,500
Principal Advisor	AHP4	A/R	$5,000
Director, Workforce Management	MAS3	A/R	$6,600
Director, Workforce Management	MAS3	A/R	$12,500
Director, Security & Emergency Management	MAS3	A/R	$12,500
Director, Security & Emergency Management	MAS3	Vehicle	$2,820
Director, Asset Services	MAS3	A/R	$12,500
Director, Asset Services	MAS3	Vehicle	$6,400
Regional Director, Southern Region	MAS3	A/R	$12,500
Regional Director, Southern Region	MAS3	Vehicle	$1,020
Director, Finance	MAS3	A/R	$12,500
Assistant General Manager, Yatala Labour Prison	MAS2	A/R	$8,210
Manager Industries, Mobilong Prison	CO7	A/R	$4,000
Manager Industries, Yatala Labour Prison	CO7	A/R	$4,000
Regional Director, Northern Region	MAS3	A/R	$12,500
Regional Director, Northern Region	MAS3	Vehicle	$6,200
Director, Office for Correctional Services Review	MAS3	A/R	$12,500
Director, Office for Correctional Services Review	MAS3	Vehicle	$3,190
Manager Security, AWP/APC	CO7	A/R	$11,000

Office for Recreation, Sport and Racing

Position Title	Classification	Allowance Type	Allowance Amount
Lead Development Coach Diving	OPS403	Flexible Hours Allowance	5%
Head Cycling Coach	OPS603	Flexible Hours Allowance	5%
Rowing Talent Pathways Coordinator	OPS403	Retention Allowance	$7,081.15
Rowing Talent Pathways Coordinator	OPS403	Flexible Hours Allowance	5%
SASI Scholarship Coach—Swimming	OPS202	Flexible Hours Allowance	5%
Assistant Hockey Coach	OPS301	Flexible Hours Allowance	5%
Senior High Performance Coordinator	ASO504	Retention Allowance	6%
Senior High Performance Coordinator	ASO504	Flexible Hours Allowance	5%
Assistant Cycling Coach	OPS302	Flexible Hours Allowance	5%
Head Coach Rowing	OPS603	Retention Allowance	$10,571.64
Head Coach Rowing	OPS603	Flexible Hours Allowance	5%
Head Netball Coach	OPS503	Flexible Hours Allowance	5%
Lead Canoe Sprint Coach	OPS602	Flexible Hours Allowance	$4,291.70
Head Coach Beach Volleyball	OPS503	Flexible Hours Allowance	5%
Skill Acquisition Specialist	PO105	Flexible Hours Allowance	5%
Head Coach Swimming	OPS703	Retention Allowance	$29,480.96
Head Coach Swimming	OPS703	Flexible Hours Allowance	15%
High Performance Manager	ASO803	Retention Allowance	$4,183.60
High Performance Manager	ASO803	Attraction Allowance	$3,348.40
Head Hockey Coach	OPS503	Retention Allowance	$9,706.08
Head Hockey Coach	OPS503	Flexible Hours Allowance	5%

MINISTERIAL STAFF

In reply to **Mr ODENWALDER (Elizabeth)** (26 July 2019). (Estimates Committee A)

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised the following in relation to staff employed within my office:

Ministerial staff employed as at 5 July 2019 was published in the *Government Gazette* on 18 July 2019.

The following table lists public sector staff employed as at 30 June 2019:

Title	ASO Classification	Non- salary benefits
Office Manager	ASO7 (*)	Nil
A/Office Manager	ASO7 (0.8)	Nil
Personal Assistant to the Minister	ASO6	Nil
Government Liaison Officer	ASO6	Nil
Ministerial Liaison Officer	ASO6	Nil
Ministerial Liaison Officer	ASO6	Nil
Administrative Supervisor	ASO5 (0.6)	Nil
Digital Communications Officer	ASO4 (0.4)	Nil
Ministerial Support Officer	ASO3	Nil
Business Support Officer	ASO3	Nil
Administration Correspondence Officer	ASO2	Nil

* Denotes maternity leave

As at 30 June 2019 there were no staff seconded from a department to my office.

TERMINATION PAYOUTS

In reply to **Mr ODENWALDER (Elizabeth)** (26 July 2019). (Estimates Committee A)

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised of the following:

South Australia Police

There have not been any executive level employees terminated from South Australia Police since 1 July 2018.

Department for Correctional Services

There have not been any executive level employees terminated from the Department for Correctional Services since 1 July 2018.

Emergency Services Sector (SAFECOM, SACFS, SAMFS, SASES)

One executive level employee has been terminated from the South Australian Fire and Emergency Commission since 1 July 2018.

Details of the separation payment of this former executive employee will not be released as it is considered an unreasonable disclosure of personal affairs.

Office for Recreation, Sport and Racing

There have not been any executive level employees terminated from the Office for Recreation, Sport and Racing since 1 July 2018.

PUBLIC SECTOR EXECUTIVES

In reply to **Mr ODENWALDER (Elizabeth)** (26 July 2019). (Estimates Committee A)

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised of the following:

South Australia Police

Since 1 July 2018, the following new executive appointments were made within South Australia Police.

POSITION TITLE	SAES LEVEL
Director Portfolio Support Office	2
Director Information Systems and Technology	2

The total employment cost for these executive appointments was $525,771 (excluding on-costs).

Emergency Services Sector (SAFECOM, CFS, MFS, SES)

Since 1 July 2018, the following new executive appointments were made within the South Australian Fire and Emergency Services Commission and SA Metropolitan Fire Service.

POSITION TITLE	SAES LEVEL
Chief Executive—SAFECOM	EXECOD
Chief Officer—MFS	EXECOC

The total employment cost for these executive appointments was $559,236 (excluding on-costs).

Department for Correctional Services

Since 1 July 2018, the following new executive appointments were made within the Department for Correctional Services:

POSITION TITLE	SAES LEVEL
Executive Director, Better Prisons	1

Individual executive total remuneration package values as detailed in schedule 2 of an executive employee's contract will not be disclosed as it is deemed to be unreasonable disclosure of personal affairs.

Office for Recreation, Sport and Racing

Since 1 July 2018, no new executive appointments were made within the Office for Recreation, Sport and Racing.

GRANT PROGRAMS

In reply to **Mr ODENWALDER (Elizabeth)** (26 July 2019). (Estimates Committee A)

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): In response to questions 13 and 14, I have been advised the following:

South Australia Police

Nil.

SA Fire and Emergency Services Commission

The following table provides the allocation of grant program/funds for 2018-19 and across the forward estimates for the South Australian Fire and Emergency Services Commission:

TABLE 1—Balance of the grant program or fund					
Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result	2019-20 Budget	2020-21 Estimate	2021-22 Estimate
Community Emergency Services Fund	Established to manage the Emergency Services Levy and disbursement of funds to support the Emergency Services Sector.	$26.8m	$26.6m	$27.1m	$27.9m
Natural Disaster Resilience Program (NDRP)	The Natural Disaster Resilience Program supports projects that have: primary regard for the public interest; key benefits being the improvement of emergency management capability and/or community resilience; and consistency with the national resilience agenda.	$1.4m	$4.0m	–	–
Prepared Communities Fund	The Prepared Communities Fund supports projects to improve community preparedness for, and resilience to, disaster.	$0.4m	–	–	–
Regional Capability Community Fund (RCCF)	Funding to provide support to regional, remote and rural communities to protect themselves from impacts of Extreme weather events e.g. Fire, Flood Storms.	–	–	–	–
Surf Life Saving Club Grants	Grant of $5,000 to 22 Surf Life Saving Clubs in South Australia to enable the clubs to upgrade key rescue and emergency response equipment.	–	$0.1m	$0.1m	$0.1m
Shark Spotting Drones	Funding to enable the Recipient to establish an Unmanned Aerial Vehicle program for the benefit of, and in conjunction with, all South Australian Surf Life Saving clubs, including, but not limited to, purchase of equipment,	–	–	–	–

TABLE 1—Balance of the grant program or fund					
	training and education of Surf Life Saving club members				

TABLE 2—Budgeted (or Actual) Expenditure from the Program or Fund					
Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result	2019-20 Budget	2020-21 Estimate	2021-22 Estimate
Community Emergency Services Fund	As per Table 1	$324.3m	$325.2m	$329.8m	$338.6m
Natural Disaster Resilience Program (NDRP)	As per Table 1	$3.1m	$4.0m	–	–
Prepared Communities Fund	As per Table 1	$1.3m	–	–	–
Regional Capability Community Fund (RCCF)	As per Table 1	$0.5m	–	–	–
Surf Life Saving Club Grants	As per Table 1	$0.1m	$0.1m	$0.1m	$0.1m
Shark Spotting Drones	As per Table 1	$0.2m	–	–	–

TABLE 3—Budgeted (or actual) payments into the program or fund					
Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result	2019-20 Budget	2020-21 Estimate	2021-22 Estimate
Community Emergency Services Fund	As per Table 1	$320.3m	$325.0m	$330.3m	$339.5m
Natural Disaster Resilience Program (NDRP)	As per Table 1	$3.3m	–	–	–
Prepared Communities Fund	As per Table 1	$1.7m	–	–	–
Regional Capability Community Fund (RCCF)	As per Table 1	$0.5m	–	–	–
Surf Life Saving Club Grants	As per Table 1	$0.1m	$0.1m	$0.1m	$0.1m
Shark Spotting Drones	As per Table 1	$0.2m	–	–	–

TABLE 4—Carryovers into or from the program or fund					
Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result	2019-20 Budget	2020-21 Estimate	2021-22 Estimate
Community Emergency Services Fund	As per Table 1	$2.2m	$0.9m	-	-
Natural Disaster Resilience Program (NDRP)	As per Table 1	+$0.6m -$4.0m -$1.4m	+$4.0m +$1.4m	-	-
Prepared Communities Fund	As per Table 1	-$0.4m	+$0.4m	-	-
Regional Capability Community Fund (RCCF)	As per Table 1	+0.07m	–	–	–
Surf Life Saving Club Grants	As per Table 1	–	–	–	–
Shark Spotting Drones	As per Table 1	–	–	–	–

The following table details the commitment made to be funded from the program or fund:

Grant program/fund name	Beneficiary/Recipient	Purpose	Value $000
Community Emergency Services Fund	As per State Budget Papers and report to the Economic and Finance Committee	As per Table 1	As per budgeted payments
Natural Disaster Resilience Program (NDRP)	State and local governments, not-for-profit, non-government organisations, research institutions and business	As per Table 1	2,200
Prepared Communities Fund	Not-for-Profit and community groups.	As per Table 1	400
Regional Capability Community Fund (RCCF)	Landholders with preference for rural and remote areas and other risk factors	As per Table 1	412
Surf Life Saving Club Grants	22 Surf Life Saving Clubs	As per Table 1	85

Grant program/fund name	Beneficiary/Recipient	Purpose	Value $000
Shark Spotting Drones	Surf Life Saving South Australia Inc.	As per Table 1	190

SA Country Fire Service

The following table provides the allocation of grant program/funds for 2018-19 and across the forward estimates for the SA Country Fire Service—Controlled:

Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result $000	2019-20 Budget $000	2020-21 Estimate $000	2021-22 Estimate $000
South Australian Volunteer Fire Fighters Museum Inc.	To support operating costs for the preservation and promotion of the South Australian volunteer firefighting equipment, memorabilia and history	35	35	35	-
Country Fire Service Volunteers Association (CFSVA)	Enable the CFSVA to represent and advance the interests of members of the South Australian Country Fire Service organisations pursuant to section 69 of the Fire and Emergency Services Act 2005	389	389	-	-
Department of Fire & Emergency Services (DFES)	Contribution to the operating costs of the Eucla DFES Unit for cross border assistance	5	5	5	5

The following table provides the allocation of grant program/funds for 2018-19 and across the forward estimates for the SA Country Fire Service—Administered:

Nil.

The following table details the *new* commitment of grants in 2018-19 for the SA Country Fire Service—Controlled:

Nil.

The following table details the *new* commitment of grants in 2018-19 for the SA Country Fire Service—Administered:

Nil.

SA Metropolitan Fire Service

The following table provides the allocation of grant program/funds for 2018-19 and across the forward estimates for the SA Metropolitan Fire Service—Controlled:

Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result $000	2019-20 Budget $000	2020-21 Estimate $000	2021-22 Estimate $000
PhD Functional Fitness Project	Industry funded PhD student to conduct MFS functional fitness project	21	21	21	10.5
Commercial Research Agreement	Firefighter Lung Function testing	30	40	66	-

The following table provides the allocation of grant program/funds for 2018-19 and across the forward estimates for the SA Metropolitan Fire Service—Administered:

Nil.

The following table details the *new* commitment of grants in 2018-19 for the SA Metropolitan Fire Service—Controlled:

Nil.

The following table details the *new* commitment of grants in 2018-19 for the SA Metropolitan Fire Service—Administered:

Nil.

SA State Emergency Service

Nil.

Department for Correctional Services

The following table provides the allocation of grant program/funds for 2018-19 and across the forward estimates for the Department for Correctional Services—Controlled:

Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result $	2019-20 Budget $	2020-21 Estimate $	2021-22 Estimate $
Integrated Housing Exits	Provide support for offenders who require accommodation	46,000	—	—	—
Cross Border Family Violence Program	Programs targeting domestic violence for men located in remote communities	667,000	667,000	—	—
Women's Safety Package	Trials of GPS tracking technology for perpetrators of family and domestic violence	100,000	171,000	—	—

The following table provides the allocation of grant program/funds for 2018-19 and across the forward estimates for the Department for Correctional Services—Administered:

Nil.

The following table details the *new* commitment of grants in 2018-19 for the Department for Correctional Services—Controlled:

Grant program/fund name	Beneficiary/Recipient	Purpose	Value $
Cadell Bus Service	Offenders Aid & Rehabilitation	Provision of Cadell Bus service / Partners of Prisoners.	43,182
Pre-release Alcohol and Other Drugs Treatment Program	Offenders Aid & Rehabilitation	Provisions of alcohol and other drug treatment.	67,900
Circles of Support & Accountability Program (COSA)	Offenders Aid & Rehabilitation	COSA is a community-based initiative operating on restorative justice principles. COSA assists individuals who have served a prison sentence for a sexual offence(s) in their effort to re-enter society	30,000
Wellbeing & Resilience	Power Community	Wellbeing and resilience program for offenders.	30,000
Design & Make Pilot Program AWP	University of South Australia	The University of South Australia, Match Studio, trialled the Design & Make concept with prisoners at the Adelaide Women's Prison. The program involved approximately 12 women from the Living Skills Unit at the prison to develop a brand concept and design product/s that can be produced in prison and sold to the public. The program aimed to build on participants' strengths, talents and creativity to develop and produce products/services that can be commercialised to support skill development and optimise employment outcomes on release.	27,500
Aboriginal Visiting Program	Aboriginal Legal Rights Movement	Program for Aboriginal offenders to better the needs of Aboriginal communities.	45,000
Prisoner & Pups Regional Speaking Tour	Cocoon Films	The grant contributed to a regional speaking tour of the Prisoners & Pups film which included a filmmaker Q&A and community forums to discuss issues raised in the film. The tour presented information on DCS programs such as Work Ready, Release Ready, Rehabilitation programs and volunteering opportunities as well as speaking with local communities to reduce stigma and highlight common issues facing women offenders.	5,000

The following table details the *new* commitment of grants in 2018-19 for the Department for Correctional Services—Administered:

Nil.

Office for Recreation, Sport and Racing

The following table provides the allocation of grant program/funds for 2018-19 and across the forward estimates for the Office for Recreation, Sport and Racing—Controlled:

Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result $000	2019-20 Budget $000	2020-21 Estimate $000	2021-22 Estimate $000
Memorial Drive Tennis Centre Redevelopment	One-off approval to Tennis SA for Memorial Drive Tennis Centre Redevelopment	10,000	—	—	—
Racing Industry Fund	Provides assistance for a variety of purposes to the racing industry is South Australia where grants are approved by the Minister for Recreation, Sport and Racing, Treasurer, Premier, Cabinet or State Budget, where there is no public call for applications.	8,000	3,800	3,900	4,100
Grassroots Football, Cricket, and Netball Facility Program	Provides assistance to eligible applicants to increase participation and improving gender equity in Australian Rules Football, Cricket and Netball to support healthier, happier, and safer communities.	6,000	6,000	—	—
Community Recreation and Sport Facilities Program	Provides assistance to eligible organisations to plan, establish or improve sport and active recreation facilities.	4,280	3,173	3,123	3,170
Sport and Recreation Development and Inclusion Program	Provides assistance to eligible organisations to develop and implement projects that will grow the sport or activity, improve services or address barriers to inclusion.	3,395	3,053	3,188	3,188
Active Club Program	Provides assistance to active recreation and sport clubs with minor facilities, and programs and equipment.	2,950	3,150	3,350	3,375
Sport and Recreation Sustainability Program	Provides assistance for the leadership, policies and services provided by South Australian state sport and active recreation organisations and industry representative bodies.	2,644	2,662	3,100	3,100
Sam Willooughby International BMX facility	Reclassification between Capital and Grants to facilitate a payment to the City of Marion to deliver the Sam Willoughby International BMX facility.	1,300	—	—	—
Goodes O'Loughlin UniSA Scholarship	Elite athlete scholarship and UniSA GO scholarship	800	—	—	—
State Facility Fund	Provides assistance to eligible organisations to plan, establish or improve State sport facilities.	500	500	500	500
VACSWIM	Provides assistance to eligible organisations to provide children aged 5 to 13 years old with opportunities to develop a range of water skills and positive experiences.	432	459	470	482
Planning and Research Program	Helps eligible organisations for planning and research initiatives that contribute to the delivery of facilities, programs and services that grow participation in active recreation and sport.	339	—	—	—
SASI Individual Athlete Program	Provides assistance to eligible elite and country athletes who are engaged in an Olympic, Paralympic or Commonwealth Games sport and event.	159	135	135	135
Other Grants	Provides assistance for a variety of purposes to a variety of individuals or not for profit organisations that are	1,891	814	834	855

Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result $000	2019-20 Budget $000	2020-21 Estimate $000	2021-22 Estimate $000
	approved by the Minister for Recreation, Sport and Racing, Treasurer, Premier, Cabinet or State Budget, where there is no public call for applications.				
Sports Vouchers Subsidies	The program provides an opportunity for primary school aged children from Reception to Year 7 to receive up to a $100 discount on sports or dance membership/registration fees. The purpose is to increase the number of children playing organised sport or participating in dance activities by reducing cost as a barrier.	5,753	7,700	8,000	8,200
Subsidies—Parks Community Centre	Operator Subsidy to YMCA for the operation and management of the Parks Community Centre.	876	777	850	948
Subsidies—SA Aquatic and Leisure Centre	Operator Subsidy to YMCA for the operation and management of the SA Aquatic and Leisure Centre	807	970	1,154	1,183
SANFL Payroll Tax Grant		—	240	240	240

The following table provides the allocation of grant program/funds for 2018-19 and across the forward estimates for the Office for Recreation, Sport and Racing—Administered:

Grant program/fund name	Purpose of grant program/fund	2018-19 Estimated result $000	2019-20 Budget $000	2020-21 Estimate $000	2021-22 Estimate $000
Sport & Recreation Fund	The Office has responsibility for two Administered funds; both of which are created and governed by legislation. Moneys in the funds are transferred to Controlled and applied to sport and recreation activities as prescribed in the relevant legislation and approved by the Minister for Recreation, Sport and Racing.	4,100	4,300	4,500	4,525
Recreation and Sport Fund		—	220	220	220

The following table details the *new* commitment of grants in 2018-19 for the Office for Recreation, Sport and Racing—Controlled:

Grant program/fund name	Beneficiary/Recipient	Purpose	Value $000
Sport and Recreation Development and Inclusion Program	Tennis SA Incorporated	Opening Up Tennis Program	35
Sport and Recreation Development and Inclusion Program	Table Tennis South Australia Incorporated	Para Table Tennis and High Performance Athlete Pathway Program	40
Sport and Recreation Development and Inclusion Program	Target Rifle South Australia	Pathways Program	22
Sport and Recreation Development and Inclusion Program	Canoe South Australia Incorporated	Paddle SA State Development Program	70
Sport and Recreation Development and Inclusion Program	City of Onkaparinga	A Guide for Leasing and Licensing of Sports and Community Facilities	25
Sport and Recreation Development and Inclusion Program	South Australian National Football League Incorporated	Female Regional Competition Management	60
VACSWIM	Enventive Incorporated	VACSWIM Management Office	214

The following table details the *new* commitment of grants in 2018-19 for the Office for Recreation, Sport and Racing—Administered:

Nil.

GRANT PROGRAMS

In reply to **Mr ODENWALDER (Elizabeth)** (26 July 2019). (Estimates Committee A)

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised*:*

The government has provided a complete list of grants paid during 2018-19 in question 13.

GOVERNMENT DEPARTMENTS

In reply to **Mr ODENWALDER (Elizabeth)** (26 July 2019). (Estimates Committee A)

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing): I have been advised*:*

Section 4 of DPC Circular 13—Annual Reporting details the use of the annual report template. The template includes sections for an organisational structure and changes to the agency to be included by each agency.

I refer the member to the annual reports published for each of the agencies I am responsible for.