HOUSE OF ASSEMBLY

Tuesday, 5 March 2024

The SPEAKER (Hon. D.R. Cregan) took the chair at 11:00.

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

The SPEAKER read prayers.

Bills

SECOND-HAND VEHICLE DEALERS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 February 2024.)

Ms HOOD (Adelaide) (11:02): I rise in support of this amendment bill, which seeks to reform processes within the second-hand vehicle dealer industry. Many of us will remember the iconic scene from the 1996 movie *Matilda*, based on Roald Dahl's classic novel, where Matilda's dad, a used-car salesman played by Danny DeVito, glues a bumper sticker back on a vehicle, adds sawdust to the transmission and winds back the car's odometer using a drill. Unfortunately, these practices are not confined to works of fiction or Hollywood movies. Consumer and Business Services have ramped up their investigations into dodgy car dealers and have found an increase in unlicensed dealers tampering with odometers and dodging up logbooks.

While we acknowledge most dealers do do the right thing, this amendment bill will target those unscrupulous operators. It will substantially increase penalties for odometer tampering to better protect consumers. The penalties for odometer tampering will go from $10,000 to $150,000 for the first and second offences, and for the third and subsequent offences it will be $150,000 and/or imprisonment for up to two years.

Odometer tampering is when someone winds back the odometer to conceal the true mileage of a vehicle, which is a crucial aspect in determining wear and tear on an engine and the remaining life expectancy of the vehicle. In addition to misrepresenting the value of the car in order to potentially scam consumers, it also means that the necessary checks, services and repairs may not be undertaken at the required times, potentially leaving unsuspecting consumers exposed to mechanical and safety issues. This could have serious consequences on the purchaser and on other parties throughout the life of a vehicle.

Further, our government will assist victims of odometer tampering by introducing a compensation scheme. Courts will now have the capacity to order compensation for victims who purchase a vehicle with a tampered odometer from a private seller. Previously, compensation could only be sought if the dealer was convicted of an odometer-tampering offence, and not if it was sold by a private seller.

This amendment bill also proposes to increase penalties for unlicensed dealing. For first or second offences by an individual, the penalty for unlicensed dealing will increase from $100,000 to $150,000. For third or subsequent offences, the penalty will increase from $100,000 or 12 months' imprisonment or both to $250,000 or two years' imprisonment or both. The maximum penalty for body corporates will also increase, from $250,000 to $500,000.

This bill will also remove current provisions that allow a purchaser to waive their general right to have a vehicle repaired by the dealer under duty to repair obligations. This approach is consistent with Australian Consumer Law requirements that purchased goods must be of acceptable quality

and fit for purpose. The bill will also improve the act to include provisions relating to cooling-off periods and disclosure of information about previous owners and contracts of sale.

I know previous speakers have had a chance to reflect on their very own first vehicles, which often happened to be of a second-hand nature. In my experience, my first car was perhaps not a second-hand car as probably more like a 15th or 20th-hand car by the time it came into my possession. It was a Datsun 180B. To be honest, I would not be able to describe the colour; perhaps a faded version of the green that we sit on today.

It was completely unroadworthy, I would have to say. It had the unique ability, even though it was an automatic car, to stall daily. I ended up having to pretty much stick on the carburettor each afternoon in order to get it home on my drive home from school. It is safe to say we do not want to see those kinds of Datsun 180Bs still on our roads today, and I know that this amendment bill will go a long way in making sure that we have much safer cars on our roads to protect both consumers and the general public. With those comments, I commend this bill to the house.

The SPEAKER: A classic vehicle, the Datsun 180B.

The Hon. V.A. TARZIA (Hartley) (11:06): I was fortunate enough to have a grandfather who worked at Holden for many years, in fact over 30 years, so children and grandchildren of my grandfather were able to buy Australian-made Commodores at a discount. Can I tell you, that was very popular in my family. I went from a black Commodore to then the blue Commodore, the Commodore that I still have today, a VE Series II from, I think, 2012. It has been especially enlightening to hear about members of parliament and their experiences with vehicles, new and second-hand as well.

This brings me to the bill at hand. I also rise to support this bill. We know that consumer protection is a fundamental part of any free market. When consumers feel that they are protected, they have more confidence to spend in that market, so why would we not want to do everything possible to make sure that consumers have protection in that market? I know that this is an area that has been discussed for some time. I am certainly happy to support the bill at hand.

Amongst other things, it will increase the existing penalties for carrying out business as a second-hand vehicle dealer without a licence. Those penalties will go up for a first or second offence and actually for a third or subsequent offence as well. For an offence committed by a body corporate, the penalty will increase to $500,000 from $250,000. These penalties are obviously quite substantial because we want to deter people from engaging in this sort of conduct. If we look at clause 12, it increases the existing penalties—sir, I do not think I have a timer, unless my time is unlimited?

The SPEAKER: Sorry, member for Hartley, your dreams have not been answered. You have 18 minutes.

The Hon. V.A. TARZIA: I was hoping I do have a timer. I do not like the sound of my own voice that much. Clause 12 will increase the existing penalties for interfering with an odometer, which is a really interesting area. I might even ask a question in committee about that particular area because I have had certain constituents raise this very issue with me. There is certainly a lot of intrigue around that issue. That penalty will actually increase to $150,000 from $10,000 per offence, and for third and subsequent offences introduce the option of a maximum of two years' imprisonment.

Clause 13 introduces new sections 34A and 34B which will stop false or misleading statements with regard to an odometer and also grant the Commissioner for Consumer Affairs the power to direct the correction of an odometer that has been interfered with.

Often, if someone has an issue with an engine, what you might see is them purchase another motor and that motor is put into the old body of the car—a new engine. I find that a very interesting part of the Consumer Law that we might ask some questions about.

The remaining clauses of the bill deal with what are predominantly administrative matters. Clauses 3 and 9 somewhat alter the language to ensure that legislation covers electric vehicles. As we know, this is the new frontier. I note that the MTA are supportive of this bill. I thank the MTA for their advocacy in this area. We know that there are many things around which the laws of the day will need to be pretty quickly updated to make sure that we support the new frontier: electric vehicles.

Clauses 7 and 14 remove obsolete references to facsimiles. Not many people I know use faxes anymore. Every now and then someone asks me what my fax number is and those people I find very special. Clauses 5 and 8 remove the requirement for dealers and auctioneers to display the name and address of the previous owner of the vehicle.

This bill amends the Second-hand Vehicle Dealers Act 1995. I am hoping that it will somewhat streamline the purchase for people who buy these vehicles, I hope that it will reduce red tape for second-hand vehicle dealers, but ultimately I hope that it will strengthen those protections for consumers.

After buying a house, buying a car is probably one of the largest purchases a person will make. It is certainly one of the most expensive purchases they will make in their lifetime. We know that there are well over one million licensed drivers in the state. Depending on the stage of your life, you might buy and sell a car and you might need a certain type of car.

At the moment, I am at the stage in my life where I am buying small vehicles for my two-year-old son from Target or Kmart. Once he hits 16, we might be looking at a second-hand, safe vehicle. As a parent—and as I am sure many parents are doing—you want to make sure that when you buy that vehicle for your child you have those consumer protections in place. As families expand, vehicles may change and as people slow down a bit later in life, after they get their sports car, they might return to smaller, more efficient vehicles.

This bill is important because it will modernise and improve parts of the act relating to duties such as repairing vehicles, cooling-off periods, what information you have to disclose about previous vehicle owners, information pertaining to electric and hybrid vehicles and contracts of sale. Also, there has to be a deterrent for people who do the wrong thing. You have to punish people if they do not comply with the law.

I am glad that the minister has made these changes subject to consultation with various industry groups, including the Motor Trade Association and the Royal Automobile Association of South Australia. We have been told they support these changes.

I think it is also important that the bill will actually allow second-hand vehicle dealers to disclose defects that will not be subject to the duty to repair, provided that the vehicle remains roadworthy as well. Of course there are a number of exemptions. All in all, I look forward to seeing this bill pass through this place. I might have a couple of questions when it comes to odometers at the committee stage, depending on whether it is the will of the house to go into committee.

Ms HUTCHESSON (Waite) (11:15): I rise in support of this bill. It has been a long time since I had any dealings with a second-hand car dealer, until earlier this year when my son finally found the car—or should I say the ute—of his dreams. He had been driving around in a Mitsubishi Outlander, which I had owned since he was a baby, making it just over 20 years old, and it was pretty shabby, but really its only task was to drive him to the local on Friday night, and then we would pick it up the next day, or sometimes the day after that. We did lend it to friend of my brother for a few years before my son started driving it, and sadly he was not aware that it needed oil or coolant, and that engine was pretty much cooked when we finally got it back.

Fortunately, there is a great scrap yard down south that deals with Mitsubishis, and they were able to give us a new engine to squeeze a bit more life out of the car. It was not an Outlander engine, though—they only had an old Lancer engine, but we were advised that it was comparable, so the Outlander became the 'Outlancer', and she hung in there for another two years. But, in January this year she was traded in for the new ute.

I am not sure that the car dealer will have much luck in selling it, and I wish him luck. I do not really think it should go anywhere, but we will see what happens. This process, though, did give me a bird's-eye view into the second-hand car dealer process and, to be honest, I was quite surprised at how easy it was for a 20-year-old to get a $25,000 loan. Even though he can afford it, it was a very quick process and actually quite easy. But we had to sign countless forms that were contracts, loan documents and insurance documents, and one to waive the cooling-off period. That one did concern me, but we had agreed to take out cover to fix any warranty issues, so I let it go. It was interesting to have this bill raised, and I can understand the endless forms and red tape that the dealers are obliged

to comply with currently and think that some of changes being proposed here will make it more efficient, with more protections for buyers.

I fell into the trap of buying a car from a friend once; he would not have known the lemon he was selling, as it was mostly okay when he had it. But my alarm bells should have gone off when it was a Holden Cruze. They really should issue a big bingo sheet when you buy a Cruze—a bingo sheet of all the things that are likely to go wrong with it the minute it comes out of warranty. Let me tell you, I would have called out 'bingo' fairly loudly, fairly quickly. By the time I managed to get it running smoothly I think I had spent more than it was worth, with about $10,000 worth of improvements, just to get it to go. Of course I did a lot of research and I thought I would check the advice, which was still current, and today I found the following:

> You are looking one of the worst cars on Australian roads, a car with an appalling record on safety and reliability, a car that encapsulates everything wrong about the local car industry. If you ever wondered what a lemon looks like, this is it: simply, the Holden Cruze. What is really sad is that I knew that, as a friend of mine had bought one previously and had all sorts of issues with it, but I was buying from a friend who was leaving the country, and it did have leather heated seats, so what could go wrong?

I will say, though, that after it had over $11,000 worth of repairs, some covered by Holden themselves, and after I cried, it had been running okay. I only sold it two years ago and it is still going strong. So there you go, Holden: a few more tweaks and it could have been a good car. So, do not buy from friends, and make sure you know what you are doing when you are buying from a dealer.

I cannot say that I have had any issues with winding back the odometer—or at least I do not think so. This bill will go a long way to discouraging dealers from doing it, though. Penalties for odometer tampering will increase from $10,000 to $150,000, or imprisonment for two years, making South Australia's jurisdiction the toughest in terms of penalties in Australia for this harmful activity. Changes to the act will also allow purchasers to apply to the court for compensation from a private seller, where the private seller has been convicted of odometer tampering. Previously, purchasers could only seek compensation from dealers for any disadvantage they had suffered after buying a vehicle with a tampered odometer.

For unlicensed dealing offences, the penalty for a first or second offence will increase from $100,000 to $150,000. The penalty for third and subsequent offences will increase from $100,000 or 12 months' imprisonment to $250,000 or two years' imprisonment, and the maximum penalty for body corporates that engage in unlicensed dealing will also increase from $250,000 to $500,000. Increasing these penalties will act as a deterrent for those who seek to profit from unsuspecting purchasers and better protect the community and licensed dealers from the adverse impacts of these activities.

Additionally, a new offence will be created for false and misleading statements in relation to odometers. Further to this, the Commissioner for Consumer Affairs will be able to direct a person to rectify an odometer that has been altered and to stop a person from selling or disposing of a vehicle with a tampered odometer. These decisions will be reviewable with the South Australian Civil and Administrative Tribunal (SACAT) and failure to comply with the direction will attract a maximum fine of $20,000.

The commissioner will also have the option of paying to rectify an odometer where these costs are not recoverable by other means, such as compensation following a prosecution. It is expected that these new enforcement powers will reduce the risk of unsafe vehicles being driven on South Australian roads like my Outlander, or 'Outlancer'.

The dealer that my son and I went to was great. They seemed honest and the process was quick and seamless. Of course, there was the hard sell of insurance and upgrades, but as an ex-banker I could see it and took time to understand what I was signing. As mentioned previously, there were mountains of paperwork, and this bill goes some way to streamline this process for dealers.

This bill will modernise and improve parts of the act relating to the duty to repair vehicles, cooling-off periods, disclosure of information about previous vehicle owners, electric and hybrid vehicles, contracts of sale, and penalties for noncompliance by dealers. These changes have been

subject to consultation with key industry groups, including the Motor Trade Association and the Royal Automobile Association of South Australia, and have strong support.

This bill will allow dealers to reveal defects to the prospective buyer, which will then not be subject to the duty to repair, as long as the car remains roadworthy. This will need to be provided in writing and the consumer will acknowledge they are aware of these defects on purchase. I can tell you that the 'Outlancer' would have quite a list, and, given it is over 15 years old, it would be exempt from this requirement anyway.

The Second-hand Vehicle Dealers Regulations will also be amended to include a prescribed form that must be used when providing notice about a defect. As an added protection for consumers, the bill will also remove current provisions that allow the purchaser to waive their general right to have a vehicle prepared by the dealer, under duty to repair obligations. This approach is consistent with the requirements that purchased goods must be of acceptable quality and fit for purpose.

We know that we will be seeing more and more electric and hybrid cars as manufacturers move to only manufacturing this technology. As such, this bill will expand the duty to repair to cover the main propulsion battery for hybrid and electric cars within the statutory warranty period specified in the Second-hand Vehicle Dealers Act 1995.

A transitional provision has also been included in the amendment bill to cover hybrid and electric vehicle batteries in vehicles purchased either prior to or following commencement. This provision will begin when clause 9 of the amendment bill comes into operation, and will allow electric and hybrid vehicles that are still under the statutory warranty period to receive the new protections.

The bill also makes changes to reduce red tape for consumers and dealers where a consumer exercises their right to waive the cooling-off period after buying a vehicle. Currently, consumers have two clear business days to consider the purchase of a second-hand vehicle from a dealer. A consumer may cancel the sales contract by written notification before the end of the cooling-off period, unless they have chosen to waive this right. To waive the right to a two-day cooling-off period, a separate form must be signed by the purchaser and a person independent of the sale. This requirement imposes an extra burden on consumers to obtain a witness who will sign the form. As mentioned, we signed this form and we have not had issues—touch wood.

Consumers and dealers will also benefit from changes to disclosure requirements about previous owners of a vehicle. This change will save on paperwork and protect the privacy of previous owners. The information will be available if asked, but it will not need to be displayed in the window of a vehicle on the car lot. This bill makes similar amendments to disclosure requirements where a vehicle has previously used a taxi or hire car. Both of these changes to disclosure requirements will also apply where vehicles are sold at auction.

This bill also makes minor changes to the Second-hand Vehicle Dealers Compensation Fund. Currently, dealers provide financial contributions to this fund, and it is primarily used to compensate consumers where there is no reasonable way of recovering the money they are owed by a dealer. This bill broadens the use of the fund to include programs relating to education, research or reforms that benefit dealers, salespersons or members of the public. This bill has been brought in to not only streamline the process when you are buying a second-hand vehicle but also to provide extra protections for the purchaser and the dealers. I commend the bill to the house.

Mr PATTERSON (Morphett) (11:24): I also take the opportunity to speak today about the Second-hand Vehicle Dealers (Miscellaneous) Amendment Bill 2023. As others have spoken about, second-hand cars form an important part of the overall car sales market. Of course, there is always that wise advice that you get in terms of buying new cars that, the second you drive out of the lot with your new car, the value dramatically drops.

There certainly is appetite in terms of people looking for a second-hand car that is economical compared to a new car. Equally, having a second-hand car market also allows those purchasers of a new car to know that, if they want to purchase a new car replacement down the track, there will be a market for that vehicle to be onsold, whether that is a trade-in through dealers (usually the common way of changing over cars) or potentially as a private seller—but more commonly through dealers.

Of course, there is an advantage for consumers when they make the choice to buy a second-hand car through a dealer: they get greater consumer protections and they also get associated warranties, depending on the age of the car and the price paid for that second-hand car. You get increased warranties that at least cover it in the first few months in some cases after the sale if there are breakdowns. I know a good story around that.

I knew someone who bought a second-hand car through a private sale. I think they paid about a thousand dollars for it and, literally, within a day, the car engine froze and broke down and was undriveable. Of course, it then had to be sold as scrap. They got nowhere near close to the purchase value of $1,000. The fact that there was $4 in gold coins under the footwell was probably the most value in that car if truth be told. That was a sobering lesson as to why it is advantageous to buy through second-hand dealers, because of the warranty, and that will certainly be the advice that I give to my kids when they come to buy their car.

We also saw the important role that the second-hand car market plays with all the massive supply-chain interruptions that came out of COVID. People had trouble getting new cars into the country because of issues around shipping restrictions, and supply-chain issues, and so a lot of second-hand cars defied the usual economic narrative of car values declining over time. In that case, some second-hand cars actually went up in value, which is quite unusual. Of course, the long-term trend is that second-hand cars will lose value. What you do not want to experience as a purchaser of a second-hand car is the situation I described previously: when a car actually becomes undriveable and not only loses value but is basically valueless.

So there is good cause for having consumer protections, and that is what the Second-hand Vehicle Dealers (Miscellaneous) Amendment Bill is looking at. It is looking at what needs to be changed potentially and improved to take into account modern circumstances as well. If we look through some of the changes that are in the bill, one of the big changes to help consumer protections is the increase in penalties for tampering with an odometer.

One thing that consumers look for when they purchase a second-hand vehicle is the age of the vehicle and another is the number of kilometres that have been put onto the odometer. That gives you a bit of a gauge as to not only how old the car is but whether that car has been driven a lot in its life span or a little bit.

The dream, of course, for many, and quite often proclaimed by the salesperson in the car yard, is, 'Well, this car is a bit old, but it has only been owned by one owner and only driven to church each Sunday.' This is to try to elicit confidence in the potential purchaser that the car, while it might be a little bit older, should be in good condition. Of course, the odometer speaks to that. It verifies the veracity of that claim.

Members have spoken about various movies with dodgy car dealers winding back the odometer to reduce the visible display of the number of kilometres driven. It is a practice that really needs to be safeguarded against. The current act has penalties in place for odometer tampering at $10,000. That is to be increased to $150,000. There were occasions when the potential profit to be made by winding back the odometer and underquoting it could be far in excess of $10,000, so in excess of the penalty, and so might encourage that behaviour, whereas now a penalty in the order of $150,000 for the first offence and a third and subsequent offence eliciting two years' imprisonment as well as that $150,000 certainly sends a strong message that that behaviour is not to be tolerated at all.

Further to that, there are changes to the act that make sense to help consumers around false or misleading statements in relation to odometers regarding how many kilometres have been driven. In fact, there is provision in this amendment bill that the commissioner can direct the owner of the second-hand vehicle to correct the odometer and refrain from selling it, so if they do know that the odometer is incorrect it can be rectified so as not to catch people unaware.

Additionally, in terms of this, at the moment the bill allows for some recourse where the odometer has been tampered with if it is with a dealer. However, if it is with a private seller, there is no such provision, so the act seeks to amend that by deleting the reference to 'dealer' and replacing it with 'person' so it means that people who try to sell cars via private means also have to not interfere

with odometers knowing that there will be a significant impost in terms of fines and potential imprisonment as well.

Moving on, I talked about consumer protections and why going through dealers can provide some comfort to consumers and here again there are changes to the penalties for unlicensed dealing. Dealers are meant to be licensed. It gives consumers protection to know they are dealing with a licensed dealer, so again the penalties have been increased from $10,000 to $150,000 in regard to making sure that people selling cars as dealers are actually licensed as well.

In terms of the actual cars themselves, I talked about new cars having a market in the second-hand car market. Electric vehicles are a growing segment of the car market. Of course, they are very new, so on most occasions people are driving around in new electric vehicles. At some stage, those electric vehicles will be sold, and we will need to have a second-hand car market for those.

A significant cost with these vehicles relates to, of course, the battery because there are substantial requirements on their energy usage to propel the car around. A lot of investment goes into those vehicles to try to reduce the weight of them and to make them quite powerful and responsive, so that people get as good or better a driving experience with electric vehicles as with internal combustion engines.

Normally, when you buy those batteries new from the manufacturer the warranty is around eight years. They have a lifespan that the manufacturers are prepared to warrant of around that, which does talk to the fact that one of the issues around electric vehicles is that once they reach that eight to 10-year mark the value of the vehicle decreases substantially because of the fact that a big part of the cost is the battery. Having to replace a battery after 10 years on a car would form quite a substantive cost, whereas modern internal combustion engines can last for 10, 15 or 20 years. People have talked about their Datsun 180Bs; their engines are very old.

There is an issue there. How that is handled with second-hand cars at the moment is that second-hand car dealers are not liable. They have to make sure their cars are roadworthy, but they are not liable for tyres or the normal batteries, the lead acid batteries used to help run ancillary services of the car as opposed to the primary running of the car to actually make sure it can move. There are issues about what can be done with that. This amendment bill seeks to give a duty to repair, within the warranty, the actual EV battery or hybrid battery as well, but still includes the general exclusion on tyres and the normal lead acid batteries that are used to have the ancillary services of the car.

Talking about defects, another aspect of this bill is it gives the ability for the dealer to disclose a defect prior to sale. As long as the car is still roadworthy, there is no duty to repair it if they disclose it. It is trying to give a bit of choice and leeway for negotiation between the dealer and potential purchaser.

Additionally, when we are walking through the car yard we are so used to looking not only at the age of the car, the odometer reading, but also the previous owner, trying to see that it has only been owned by one person and driven just down to the shops once a week, compared to potentially having been driven as a taxi or a hire car. The change here is that the name and address of the previous owner does not have to be displayed. That helps with privacy. Rather than having the details of a person who has owned a car on public display, these can be requested from the dealer.

There are some changes here that will modernise the act. When we talk about having a viable second-hand car market, in my electorate at Morphett there are a number of second-hand car dealers that also sell new cars. We have Eblen Subaru. A lot of these are based along Brighton Road. You will see throughout metropolitan Adelaide that quite often these second-hand car dealers are on main roads, busy thoroughfares, where people can see the cars as they go past.

As I said, Eblen Subaru is based in Glenelg East, on Brighton Road. Not only do they sell new Subarus but they also have used cars, often from trade-ins. People trade in their car to buy a new one, so it will not just be Subarus for sale there. Eblen Subaru are well known in the area. They are a really good operator. What speaks to that is they have won a national retailer of the year award for quite a number of years. In 2017 and 2018, they won two years in a row and, most recently, in

2022 they won the national retailer of the year as well as some other awards for being the Central Australian retailer of the year. So from a South Australian perspective Eblen Subaru is certainly a very impressive car sales company.

Just near them as well, just on the opposite side of Brighton Road, there is also Glenelg BMW. Many people would be used to seeing Dave Potter Honda, which was there previously. Glenelg BMW are a different car dealership in terms of sales of cars but certainly in the same physical location. Again, they sell new and used cars. Just recently the used car sales part of Glenelg BMW has moved to Morphett Road in North Plympton.

Not far along, if we keep moving along Brighton Road, just near The Holdy on that busy Diagonal Road/Brighton Road/Pier Street intersection there is the Challenge Motor Company. That's a smaller vehicle yard, but it has been longstanding there and really sells a lot of quite economically priced cars, you would have to say—at a good buying spot for most people in terms of price. It is one of the places where, previously, I have bought a second-hand car. They provide good service.

A newer company that has just arrived recently and that is further up Brighton Road as we go towards Oaklands Road is High Quality Car Sales. I was lucky enough to go to the opening of that car dealership a few years ago. They have a good relationship, I think, with Glenelg Finance; they were there on the day as well. They have a market niche that they are aiming at—you can see they are high-quality cars. They are really looking to be a bit more upmarket in their offering, and they certainly do a good job in that.

While not in the electorate it is worth pointing out, as we go further up Brighton Road, we have Hamilton MG, which used to be Hamilton Holden for many years. Many will recognise that—

Mr Teague interjecting:

Mr PATTERSON: Yes, and the thing with these cars—and we have also got Jarvis Toyota about to set up there; they have moved from South Road to Brighton Road. They are spending quite a significant amount of money on some new showrooms there, a service centre as well. That really re-enlivens that part of Brighton Road, getting that investment into Brighton Road.

I should say that these companies also have quite a good community focus. A number of them sponsor local sporting clubs. I certainly know, as we were talking there about Hamilton Holden in days gone by, now Hamilton MG, they have provided good support to the Glenelg footy club. Jarvis Toyota also provides good support. In fact, Jarvis Toyota sponsors my daughter, who plays at Glenelg footy club. So they are also looking to sponsor into the emerging women's football programs, which is really important.

In the time remaining, I know others have talked about what their first car was. I know that certainly the shadow minister, the member for Heysen, was keen to hear what mine was. Mine was a red Ford Laser, a hatchback. I bought it from—I can still remember the name of the dealership: Realistic Cars, it was called. You would hope that your car was quite realistic when you buy it, but that is what it was.

I bought it, actually, with the money I earned from my football season. I did quite well in that football season. That is when I got the best and fairest at Norwood.

Mr Teague interjecting:

Mr PATTERSON: I was not quite into buying the expensive sports car. I was sensible. I did not go over the top. In fact, that car served me well. I drove it over to Melbourne to play at Collingwood—

An honourable member: Did it have a name?

Mr PATTERSON: Yes, it did have a name. It was Larry Laser. It was very reliable, Larry Laser. It drove over to Collingwood, and I kept it my whole football time in Melbourne—so I did not get too caught up in the fancy cars—and I drove it home. It did not have air conditioning, so it was quite hot, but I drove it home from Collingwood and back across to Melbourne. It is quite funny that, when I drove over there, I was single; when I came back, I was married, had a child, had a dog and could not fit all my worldly belongings in Larry Laser. I had to get a removalist van to bring things

back, whereas previously I was able to drive over with my bag of footy boots and shorts and get life underway. With that, not wanting to take up too much more time of the chamber, I will conclude my remarks.

Mr FULBROOK (Playford) (11:44): I rise in support of the Second-hand Vehicle Dealers (Miscellaneous) Amendment Bill. I promise you a riveting speech in which I will, midway, reveal my first car as well, just to go with the program. From the onset, it is fantastic that the changes we are discussing have been advocated by industry. To me, this shows the positive relationship government has in South Australia with our industry stakeholders. This is a two-way street.

While a speech from the backbench can often be labelled as simply being pro-government, what I am really homing in on is the effort that comes from our peak bodies and the great lengths they take in creating respect and trust throughout our broader community. It is not something that magically appears; it takes investment, patience, prowess, time and so many other redeeming elements. Importantly, it reinforces how privileged this government and, indeed, past governments have been to work in partnership with industry experts to get the best outcomes for our state.

When I say 'best outcomes' for South Australia, today I am singling out both the industry and the public. As a result of this bill, we will see a streamlining of administrative processes for the second-hand vehicle dealer sector, reducing red tape, while also bolstering consumer protections. While there are quite a few changes that this bill sets out to deliver, I think what will grab most people's attention is the increase in penalties around the winding back of odometers for second-hand vehicles. If we are successful in getting this bill through, it will see offences rise from $10,000 to $150,000.

I am very fortunate to say that I have not been a victim of such a crime. I imagine the reason is due to the hard work undertaken within industry to ensure unscrupulous dealers are driven out of the sector quickly. I also add that this is because I have only ever owned one second-hand vehicle. That was my first car, a blue 1984 Mazda 323—I think a rebadged Laser—that I bought when I was 18.

I imagine we are all going to take the opportunity to talk about our first cars. While mine did serve me well, I have chosen to buy a new car from that point onwards. This stems from some compelling, somewhat shocking, statistics presented to me when I worked as Minister Rankine's road safety adviser, showing a notable uplift in safety features in new vehicles roughly every four years. Put simply, while it has cost me more for a new car, and I accept that it devalues the moment it leaves the dealership, the chances of surviving a crash increase the newer your vehicle is.

I admit it is an expensive choice and one that, before coming to this chamber, proved at times to be difficult to manage. It is also a decision that I appreciate is not something that everyone, particularly young people or those on low incomes, can afford to make. As lawmakers, we therefore have a responsibility to protect second-hand car buyers not only on matters of value but also on the safety front, for we know that the consequence of concealing the true mileage of a vehicle is a crucial aspect of determining the wear and tear on an engine and therefore the remaining life expectancy of a vehicle.

This is not something that should be laughed off and seen as a petty crime, because the last thing we want to do is to allow unsafe vehicles on our roads. When the odometer is sent backwards, there is also no certainty that the necessary checks, services and repairs would have been carried out at set times, and this creates the potential for unsuspecting consumers to be exposed to mechanical and safety issues, pointing to a dangerous road ahead.

I think we should get it welded into *Hansard* that the MTA are advocating for this change, because that blue sticker that we often see on an office door of a car dealership or a mechanical workshop represents so much more than just a familiar logo. This is an organisation that works tirelessly to ensure dishonest and dangerous activities like this do not happen within their membership. They do not need the wrongdoing of others to bring the industry down, and nor do we as a government, and this is why I am pleased to support this element of the bill.

The jump in a potential fine is also quite sizeable but an example provided to me by Minister Michaels' office also reinforces the point as to why this change is needed. In recent times I

have heard of a licensed second-hand vehicle dealer buying a vehicle for $2,170 and selling it for $7,500 after they had wound back the odometer from 205,000 to 164,000 kilometres. They were then also found to have bought another vehicle for $6,400 and sold it for $9,900, after they had wound back the odometer from 219,000 to 167,000 kilometres.

Where this gets interesting is that the guilty party was fined $900 and ordered to pay $5,372 in compensation to the purchasers. After paying compensation and the fine amounts they still walked away with $2,500 in profit. It therefore becomes apparent that we need a change to ensure that our laws are moving with the times.

I also became aware that in the 2022-23 financial year, Consumer and Business Services successfully made nine prosecutions for odometer tampering. Depending on whether you use a bucket half empty or a bucket half-full lens, there are a few ways you can translate these numbers. Firstly, it seems to illustrate that this is still a problem and this deceitful activity continues, and secondly, it shows that the system does appear to be working somewhat, and that there is a reasonable risk of getting caught.

However, I think what I am most mixed about is that for some people what we have in place does not seem to be an adequate deterrent. If anyone thinks that increasing fines from $10,000 to $150,000 for a first and second offence is not off-putting enough, then maybe they will be trembling at the thought of a subsequent offence attracting higher fines (hopefully soon) and also up to two years' imprisonment. The message should be loud and clear that as a community we are not prepared to let buyers of second-hand vehicles suffer from other people's greed.

While I have touched on the safety elements of this concern, we cannot ignore the consequences of community members not receiving value for money on their purchases when this despicable act happens. Let's face it, many people buying a second-hand vehicle are doing so because that is what they can afford. When they are hurt by these dishonest acts the pain felt is considerable, and we must do everything we can to ensure that it is kept to a minimum.

This brings us to another section of reform the bill seeks to achieve, by broadening the compensation for those falling victim to odometer tampering. Currently, victims can only obtain compensation after a dealer has been convicted. Under current laws, when a private seller is found guilty of the same offence there is no compensation available under the act. Under section 34, it is intended to give the courts the power to order compensation for a person who bought a vehicle with a tampered odometer from a private seller where the private seller has been convicted of an odometer-tampering offence. In this case, compensation would relate to any disadvantage suffered by the purchaser, including costs incurred or likely to be incurred to fix the odometer on the vehicle.

Another element of the bill, which is mutually beneficial to both the industry and consumers, is the increased fine for unlicensed dealing. The rules are clear: if you buy, sell or offer for sale four or more vehicles in South Australia over a 12-month period, you must be a licensed second-hand car dealer. This is a reasonable community expectation where consumers have confidence that laws are followed and that they are dealing with a person of reputable character.

We know that this is what the peak bodies want, and that is why I am happy that we are taking their advice to ensure that the penalty for doing the wrong thing rises from $100,000 to $150,000. For third or subsequent offences, the penalty is planned to increase from $100,000 or 12 months' imprisonment or both, to $250,000 or two years' imprisonment or, indeed, both. The maximum penalty for body corporates will also double, from $250,000 to $500,000.

While there are many other elements within the bill, I think I have covered the parts that I feel are the most important to members within my community. Notwithstanding this, this piece of legislation does some great work around disclosure requirements for defects and previous owner details, cooling-off rights, warranties and waiving the duty-to-repair rights. These are quite significant reforms and, as I understand it, again done in consultation with industry.

I do not want to sound like a scratched record, but I do feel it is important, in a bill like this, to acknowledge the effort that has gone into bringing it before us. I do like to do this with most of the bills I speak to. While I have most likely not had the privilege of meeting those who have been working hard behind the scenes on getting it here, I am aware of the effort that goes into making these bills

a reality. To all those within the sector who have been advocating for change, with some efforts dating back to 2016, I offer my thanks and appreciation.

I mentioned earlier that I worked as an advisor to the road safety minister for a few years, back in 2012. That was when I first had the opportunity to meet with the MTA, and I have to say they do a great job not only in advocating on behalf of their industry but also in nurturing young talent through their apprentices and training to create very bright futures.

The RAA also deserves credit, knowing they were instrumental in the call for warranties for small batteries used in electric cars. There are also the very talented teams within Consumer and Business Services and other government departments who helped harness these ideas. These people then worked closely with parliamentary counsel, who also deserve a lot of praise. Creating legislation is not an easy job, but we are blessed to have some fantastic public servants doing their best to make it all happen.

The minister and her great team are also worthy of praise for their hard work in consulting with us and in making sure that we are all aware that there is a great piece of legislation for us as the government, and indeed the opposition, to get behind. It has my support and, with that in mind, I commend this piece of legislation to the house.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (11:56): I was remiss in not disclosing my first car, so, in the nature of the contributions, I will let everyone know that my first car was a light-blue Ford Laser that looked after me, and I looked after her, for my university days and a couple of years past that. She was very reliable.

I want to thank all my parliamentary colleagues, from both sides of the chamber, for their contributions during this debate. I think the large number of speakers we have had on this bill, and particularly the discussion around increased penalties for odometer tampering and unlicensed dealing, really speaks to the need for this reform.

As most members of this place made mention of during their contributions, the purchase of a motor vehicle is a significant investment for most people. It is one of the most expensive undertakings in most people's lifetimes, so to be able to offer greater consumer protection for that I think is an important thing for us to do. We use cars for taking ourselves to work, taking our kids to school, taking elderly parents to doctors, all sorts of things. We rely very heavily on having cars that work, and work properly.

That is why it is so important that we have confidence in these laws, not only to protect our investment when we are purchasing a car but also to provide recourse to consumers and strict penalties for those who choose to do the wrong thing, particularly with odometer tampering and selling cars without a licence. This bill increases penalties substantially, making us the toughest in the country in this regard.

As you are aware, the act and the regulations have not really been comprehensively reviewed for quite some time—in fact, since 2009—despite minor amendments over the years. Since that time, the Australian Consumer Law has been introduced, and there have been changes to technology that have impacted on vehicle standards, the way that dealers operate their businesses and the expectations of consumers. So it is very timely for this bill to be debated in this place.

As mentioned, this bill will modernise and improve parts of the act relating to the duty to repair vehicles. There will be minor changes to cooling-off provisions, disclosure of information about previous owners, electric and hybrid vehicle battery warranties, some minor changes around contracts for sale and, of course, the penalties for noncompliance by dealers.

These changes have been subject to extensive consultation with key industry groups. I want to particularly acknowledge and again thank the Motor Trade Association and the RAA, both of which have been wonderful to deal with in this legislation and have strongly supported it, so I want to thank them. I also want to thank the opposition for their support of the passage of this bill through this house and for their contributions.

I will briefly touch on a query that the member for Hammond had, when his odometer went backwards during some repair work that was done to it and he wondered what to do about it. There is actually a process for what to do in that situation. I have been advised by CBS that if an individual has repairs on their vehicle that actually change the mileage on the vehicle, the individual needs to take steps to have that odometer wound forward to the correct mileage. To do that, there is an application process through the commissioner at CBS. If the commissioner approves that, the individual then takes their car to a mechanic to have the odometer properly altered to rectify that situation. So there you go, member for Hammond; that is what you ought to have done.

I want to thank all members for their contributions. I also want to thank the staff at Consumer and Business Services, particularly principal policy officer Leigh Kinsela for her assistance—she has put a lot of effort into these reforms over quite some time—as well as Emily Sims and our acting commissioner, Fraser Stroud. They have all put a huge effort into this piece of legislation.

I will also briefly take this time to publicly acknowledge the commissioner who started this process with me and who has now gone on to what I will not call greener pastures, but he has moved on, and that is the former commissioner, Dini Soulio. I want to publicly acknowledge him because I have not had the opportunity to do that.

Mr Soulio joined what was then the Office of Business and Consumer Affairs back in 2009 and was appointed commissioner in 2014. He served with distinction under successive Labor and Liberal governments for the following nine years. He has seen substantial reviews and reforms in that time, including state liquor laws, gambling laws, the introduction of the small bar licence which has really reformed the Adelaide CBD, many other legislative reforms on consumer protection, petrol price transparency, the residential tenancies laws that passed through this place late last year—a whole raft of reforms under the leadership of Mr Soulio. I want to thank him and wish him well in his new role as Chief Executive of Super SA, and I want to thank Mr Fraser Stroud for stepping up as acting commissioner.

Again, thank you to all members who contributed. I commend this bill to the house.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr TEAGUE: First of all, I might pick up where the minister left off with some words of appreciation for the outgoing commissioner, Dini Soulio. I also, in what I am often finding myself describing as the nanosecond in which I was in the role with responsibility for Consumer and Business Services, very briefly had the opportunity to work directly with Commissioner Soulio, as well as before that time, over the course of my time in the parliament and over the last two years of this government. It has always been a complete pleasure. Dini has conducted himself, in my experience, with diligence, expertise and with a level of dignity and humanity that I think is a model for all of us. It was a total pleasure working with Dini Soulio over the journey. I wish him well in his new role and just want to record my thanks for his service at this time.

The ACTING CHAIR (Mr Brown): Any questions?

Mr TEAGUE: I do have a question at clause 1. There has been reference in particular in the course of the debate to the fact that the Motor Trade Association has called for and supported the changes the subject of the bill. I wonder if the minister might take the opportunity to put on the record the range of other significant stakeholders who have had input into the bill, and primarily those who are speaking for and on behalf of the industry.

The Hon. A. MICHAELS: I thank the shadow minister for that question. In terms of the organisations involved in the consultation, there were a broad range. As well as the MTA and the RAA as the predominant organisations that were focused on this, the Office of the Small Business Commissioner, Department for Infrastructure and Transport, SACAT, Business SA, Consumers SA, the Society of Auctioneers and Appraisers (SA) Inc, the National Motor Vehicle Theft Reduction

Council, the Legal Services Commission, and the Law Society of South Australia were consulted on this.

Mr TEAGUE: I have a final question on clause 1. If necessary by particularly focusing on the MTA, but there may be others who had particular priorities that have been not yet referred to: is there any particular highlight priority for the MTA (or, as I say, any of the others) that has not found its way into this particular round of miscellaneous reforms and, if not, why not?

The Hon. A. MICHAELS: I think I will just touch on the two main areas that they were focused on that we have decided, for consumer protection, we were not going to proceed with. They asked for a reduction in the statutory warranty period down to 10 years and, I think, 160,000 kilometres, where it is now 15 years and 200,000 kilometres. That would obviously reduce protection for consumers with those older vehicles. South Australia does have the oldest vehicle fleet of all the states, so we decided not to proceed with that. Also, they did request completely abolishing the cooling-off period. We have decided not to do that. We have made it simpler in not requiring an independent witness, and that has been included in this bill. But we decided not to completely abolish it once possession of the vehicle is taken.

Clause passed.

Clause 2 passed.

Clause 3.

Mr TEAGUE: Here we see, by the insertion of new subsection (2), the first circumstance in which we are dealing with the new purpose and operation of a battery in an electric vehicle, being much more central to driving the vehicle and not only a standalone item. I see that this is now going to provide for the universal replacement of a battery, as I read it, wherever there is an identified defect in the battery. The minister has given some indication as to the range of stakeholders that have been consulted on the bill more broadly.

Perhaps the first question is whether or not there has been any consultation with manufacturers or other specialists in terms of understanding the electric vehicle side of things: how batteries might be repaired, how they function and what we are looking to in terms of the future environment in this space, particularly as we start to see these vehicles coming to end of life on battery 1, and whether we are going to see a practice of battery replacement or whether defects are really an odd glitch, an odd occurrence, in circumstances where batteries might be intended to last for the life of the vehicle.

The first question is whether or not there is any particular range of stakeholders—experts, including manufacturers—that have had something to say about this whole move towards repair of a defect by replacement of the battery in electric cars.

The Hon. A. MICHAELS: I draw the member's attention in particular to the Motor Trade Association, with their membership base obviously being motor vehicle repairers. I would expect they would have a certain degree of knowledge on repairing electric vehicle batteries. The issue with electric vehicle batteries is they are such a core component of an electric vehicle, and it is particularly dangerous if they are faulty. This is the ability now to have that repair, if that is possible—I understand repairs are very often very challenging for electric vehicle batteries, but if that is possible—or otherwise a replacement of the battery, in particular for the safety of the people driving those vehicles.

Mr TEAGUE: To explore this matter, I do not claim fully to appreciate the consequences of the change myself, and I do not know how widespread it is already as part of industry practice, this whole question of a defect that might be analogous to the sort of defect that you would have in an ordinary battery, end-of-life types of issues. We are told in the very helpful document that has been prepared by Consumer and Business Services and circulated that, with respect to these changes, which also affect section 23(7):

> Duty to repair requirements will be expanded to cover the main propulsion battery for hybrid and electric vehicles within the statutory warranty period, recognising the growing popularity of these vehicles in South Australia and the need for equivalent protections for these vehicle owners. The duty will apply to electric and hybrid vehicles purchased before or after the commencement of the amendment act.

The first question is one of appreciation overall as to what new cost burden or risk exposure this will bring, given that, as I read it, we are now going to be applying an obligation to replace—and, as I understand it, the replacement of a battery in an electric vehicle is a significant thing, if not an existential thing.

I might take my chance on the next occasion, if necessary, but the next question would be: have we covered the field in terms of the possibility to repair that item instead? We have gone to include that a defect includes the main drive battery of an electric car, and then said 'repair' means replacement. So have we covered off on the economic financial side of doing that? Secondly, have all questions in terms of the possibilities to repair such things also been navigated?

The Hon. A. MICHAELS: In terms of repair versus replacement, my advice is that actually repairing an electric vehicle battery is incredibly difficult, so most commonly they are replaced. Dealers will most often, if there is a fault, go back to the manufacturer. Most manufacturers, I am advised, have a four to eight-year warranty period on those batteries. So, if there is a car that goes back to a dealer because of a faulty battery, they will inevitably go back to the manufacturer and have the battery replaced. That is, as I understand it, the most common scenario when there is a faulty battery.

Mr TEAGUE: That is particularly helpful at least for me and I hope helpful for the record more broadly. Perhaps a final question on the clause: is there an indication or does the minister have as part of the process an indication as to the typical replacement cost of such a battery, just to put it in some sort of perspective?

The Hon. A. MICHAELS: We can take that question on notice. I do not have that advice at the moment.

Clause passed.

Clause 4.

Mr TEAGUE: Clause 4 relates to the penalty provision. As has been referred to at some length during the course of the second reading debate, there are significant increases in penalties for first and second offences and, in turn, for third and subsequent offences, including the addition of a maximum term of imprisonment, and also, while we are at it, a big new fine for an offence committed by a body corporate. The question is: how was the amount in each of those three categories determined? Is it referable to anything else directly, and where do we see it fitting in terms of proportionality elsewhere?

The Hon. A. MICHAELS: We did compare our penalties with those of other states, and we are the highest. For example, New South Wales has a maximum penalty of up to $110,000 for a first offence, and a second offence is $110,000 and/or 12 months' imprisonment. We will now be the highest in the country, but we also took advice, in particular from the MTA, on that particular issue.

Mr TEAGUE: I am grateful to Consumer and Business Services and, in turn, the minister for the provision of the summary of key changes. That sets out the facts, I suppose, the gradation and the provision of a substantial penalty increase for bodies corporate. It sets out there the purpose that has been referred to during the course of the second reading debate: to deter more individuals from flouting the law and better protect the community and licensed dealers from harmful activity.

I hear the minister's response in terms of a comparative. Is there anything else that might be added to explain reasons for applying, firstly, the step up for a third and subsequent offence, including imprisonment, and, secondly, for having a substantially increased penalty, including, as I read it, for a first offence committed by a body corporate?

The Hon. A. MICHAELS: It really is the deterrent effect. We are seeing more of this; we are seeing more and more people selling on Facebook Marketplace and other social media platforms who ought to be licensed and who are not licensed. We are definitely taking into consideration the deterrent factor in this, and it does have huge implications for consumers if they do not have the statutory warranties that are afforded by a licensed dealer.

It really is that deterrent factor; we certainly want to make sure people know what they ought to be doing and that they are doing the right thing. I think the severity of those penalties will indicate that to the general public.

Clause passed.

Clause 5.

Mr TEAGUE: With clause 5 we head into territory to do with previous owner's details, the display of notices, and so forth. The rationale for changing the obligation to display has policy objectives including privacy concerns for the individual previous owner. I understand that the MTA is supportive of the change as well, but not as clear on the reasons, in practice, for its support of the change.

What reasons, advantages or improved practice and so on, has the MTA, in particular—and perhaps other stakeholders as well—identified in terms of the improvements these section 16 changes are expected to bring?

The Hon. A. MICHAELS: This was actually one that was requested by the MTA. They initially requested this change to protect, as the member mentioned, the privacy of previous owners and also to reduce the administrative burden on dealers having to print that on the forms attached to the vehicles; so it is a combination of those two reasons. The information will still be available on request, but it will not be a matter of being able to see people's personal or private details as you walk through a car yard, as you currently do.

Mr TEAGUE: I hear the minister indicating that the information is still to be made available on request. I hear that there is that administrative point about printing and putting those notices in the windows of vehicles, something that we have all become accustomed to over that long practice, whether or not it ever had any particular merit.

My question perhaps then zeros in on the change to subsection (5) that obliges the dealer, on request by a potential purchaser, to disclose the name and address of the last owner or lessee of the vehicle to that potential purchaser before the contract is made. There is a maximum penalty provided there of $5,000. Particularly in light of one of the key purposes of the bill being substantially to increase penalties, as we have just seen in relation to being licensed, is it anticipated that there is actually not a perceived problem about failure to have those records or anticipated failure for dealers to be able to respond to such a request?

Perhaps the end of the line question is: to what extent is there capacity for the commissioner and for Consumer and Business Services and others to do what might be regarded as necessary in the event that we start to see a kind of lackadaisical approach to the holding of those records, a lack of provision to individuals who might ask? A relatively low maximum offence in all the circumstances; is it a potential weak point through which there might be examples of noncompliance for which there is not a great deal provided, at least there, beyond a thwarted potential purchaser?

The Hon. A. MICHAELS: I will make a few comments on the matters raised by the member. As I mentioned, this was an MTA request partly for privacy and partly for easing of administrative burden. To balance that, the RAA requested that that information actually remain available because it is very useful for consumers to know where a car has come from and who owned it previously. We have reached this balancing point of not requiring it to be published in a public forum where people can walk through, it saves the dealers having to print it on those forms that are on the car, but it is still available.

Where the information is genuinely not available to the dealer—and sometimes that happens if the car has come from interstate, for example, and that information is not available to the dealer—I would envisage CBS would take a practical approach to that and if it is genuinely not available and they have investigated for that offence, they would unlikely take any action against that. We do want the information to be available for consumers.

Many other states do not have that information available. We have gone someway down that path, but not fully to the extent of completely removing the requirement. We expect dealers to have that information available to consumers who do ask for it. Frequently it is available to the dealers,

because that is where they are buying their cars from—they know who sold it to them, but in some situations it is not available, and CBS would take that into account with any enforcement action.

Mr TEAGUE: Further in that line—because we do not see anything remotely resembling a provision that provides for the contract to be rendered voidable or terminable for failure to provide any or accurate disclosure—there is a $5,000 penalty. In circumstances where there is a motor vehicle that might be at the more expensive end, $5,000 might be a relatively small percentage of the sale price. Bear in mind that we are dealing with a wide range of circumstances.

I suppose there is the possibility, in an individual case, where the potential purchaser has made clear that it is particularly important that those previous details be provided and, if it is not complete or accurate, that would be regarded as an essential term of a contract and they would be left to litigate that if it was not provided accurately. On the MTA's side, as I understand it, there is a school of thought in the industry that it is now very widespread that cars are bought from auctions nationwide, they routinely come from interstate, and that previous owner details are both not necessarily easily available nor in some industry participants' view are they all they are cracked up to be in terms of being a measure of the value of the individual vehicle—there are other indicators.

In terms of focusing, there is the obvious privacy bit—I think that is clear enough. In terms of then what an individual purchaser might need to contemplate, for whom until now they were presented with a form with a whole lot of information on it and they can form their own view of what is there, now they will be in this territory where, yes, they can request and there is a statutory obligation on the dealer with a penalty attached, is it the case then that individual would-be purchasers need to keep their wits about them, chart their course, and, if it is particularly important to know those details, then to make it clear in relation to the individual contract that, if it turns out that what has been provided is incomplete or incorrect, then it is of unusual importance. Is there any other remedy, and have I otherwise captured the environment that we will now see playing out?

The Hon. A. MICHAELS: I would suspect that in practice, if it is something that is important for people to know, they would probably not enter the contract until they have that information, is my guess. If they are using that information to determine whether the car is of value to them, how much they want to pay for it and all those things, I suspect that they would not enter into the contract. I am not sure there would be many instances where a contract is entered into and then they found out the owner. If it is something that is of importance to a particular consumer, I suspect they would ask, get the information and then decide on what contract they wanted to enter into.

Clause passed.

Clauses 6 to 8 passed.

Clause 9.

Mr TEAGUE: We have covered this to a degree and I am focused on the amendment to section 23(7)(ba). This is now the change of classification of a battery from what has been long excluded, along with tyres, from the general warranty, to now recognising that the battery in an electric or a hybrid vehicle is core to the vehicle and so it is no longer to be excluded.

It is at this point that I might reveal some ignorance: in terms of an electric or a hybrid vehicle, is there not a separate starter battery in any of those vehicles? Once we head into hybrid and electric territory, are they configured universally in such a way that the one and only battery is—and hybrid is where it has its application, of course—the main battery, the drive battery, which also operates as a starter battery for the internal combustion engine?

The Hon. A. MICHAELS: Not having the technical knowledge either, I am advised that in electric vehicles there is the main propulsion battery, which is the battery that is intended to be covered by this and will be covered by regulations. There is a separate starter battery, which is described to me as akin to the normal battery you have in a normal petrol car. The intention is for the regulations to cover the main propulsion battery, which is the one that is integral to being able to drive the vehicle, I guess similar to plugging a toaster in—that is really what gets it going. So it is the main propulsion battery that will be covered, but there is, you are right, a smaller startup battery.

Mr TEAGUE: At this point, I might have misread the substitution. Is it intended, or is it actually there on the face, once you have made the amendment, that we are still separately exempting from the warranty that smaller startup battery? That remains there, does it? At present, of longstanding, is a general exclusion from warranty of tyres and battery. We are moving to say that a defect in the battery of a vehicle that is not a prescribed electric or prescribed hybrid vehicle—and I get that, but what about the defect in the starter battery of a vehicle that is a prescribed, and I had in mind particularly, hybrid vehicle? As the minister is saying, it might be that fully electric vehicles also have a separate starter battery for other electronic items. Have we thrown the baby out with the bathwater in any respect?

The Hon. A. MICHAELS: We might take that on notice. The parliamentary counsel advice is that when we prescribe the vehicle in the regulations we will also be able to cover that particular issue of the starter battery in that. We might take that on notice and, if there is anything between the houses, we will advise.

Mr TEAGUE: Just for my own clarity, as well as maybe for the record, if one thinks about good old Joe's six-cylinder ICE (internal combustion engine) vehicle, age-old, as the economists want to describe it, Joe's six-cylinder vehicle in the second-hand car yard has tyres and it has a starter battery for an internal combustion engine. Those are not covered by the duty to repair. We know that.

What this is now providing is that the starter battery, such as there is, that is in a prescribed electric vehicle or prescribed hybrid vehicle, might without more be unwittingly now covered by the general warranty in a way that would make the warranty extend further than it need to, if we are being consistent, from one type of vehicle to another. That is my understanding of it as it presently sits. I think that is what the minister has just articulated, so I am glad that that matter might be taken on notice. I am not clear, as I read it, how that might be cured to the extent that it needs curing by regulations, seeing as (ba) is talking about the one and only battery.

Again, if that might all be taken on notice and, if there is any necessity to revisit it, I would be interested in navigating that as well.

The Hon. A. MICHAELS: We will take that on notice, but I just want to put on the record that the main propulsion battery will be covered by the duty to repair, and we will ensure between the houses that that is as it is intended.

Clause passed.

Clause 10.

Mr TEAGUE: New section 23A(1)(b) will provide:

> (b) the dealer, in accordance with any requirements set out in the regulations, gives a notice in the prescribed form to the purchaser—
>
> (i) identifying the defect; and
>
> (ii) stating that there is no duty to repair under Part 4 in relation to the defect;

So the question is one in terms of the substance and/or form. We have an indication there that it is a notice in the prescribed form. What sorts of requirements are in prospect in terms of any regulations?

The Hon. A. MICHAELS: As the member mentioned, the prescribed form will be set out in regulations. That form will be subject to further consultation. The intention of 23A is really to align us more with Australian Consumer Law and what happens in other states, where it might be a broken radio that does not affect the roadworthiness of a vehicle. If that is disclosed to the consumer and the consumer acknowledges that and acknowledges that their warranty does not extend to those sorts of defects that are disclosed that is covered by new section 23A.

Mr TEAGUE: If you could just state any requirements set out in the regulations. Is there anything in the nature of those regulations that the minister can shed any light on? As I said, we understand that the notice will need to be in a prescribed form. Are the regulations going to the time

of its provision or whether it is provided on request? How appropriately specified is it, in terms of the description of the defect? Is there anything of that nature? It is an open question.

The Hon. A. MICHAELS: We have something we prepared earlier. I will just indicate for the record that what we will go and consult with is a new form 17 Notice of Defects, where at the start of the form there is a section where there is a description with a blank table so the dealer can put in those defects that are being disclosed under that, such as details of the vehicle in terms of the manufacturer, model number, year of manufacture, registration and VIN, and then an acknowledgment by the purchaser that on this draft states:

I acknowledge that, before the signing of the contract for the purchase of the vehicle referred to in this notice, I received the following information:

(a) the list of defects present in the vehicle prior to sale;

(b) that there is no duty to repair under Part 4 in relation to those defects

A signature is then required for the purchaser. Further information for the consumer is to clarify that there 'is no duty to repair the defects listed in this notice under Part 4 of the Second-hand Vehicle Dealers Act 1995'. That is the form we are looking to consult on. It is fairly self-explanatory: list the defects and the purchaser acknowledges that they know those defects exist and they know that there will be no duty to repair those defects.

Mr TEAGUE: Just to focus on the nature of those defects that might now be covered, we know that they cannot be any defect that could reasonably be expected to affect the ability of the vehicle to be driven safely, so they are not affecting roadworthiness. We have had an example from the minister that one might be that the radio is not working. Another category might be a defect in the nature of cosmetic paint damage and that sort of thing that might be analogous to the sort of thing that might be declared to an insurer and excluded.

Another analogy I can think of is that on a rental car form one often might see a map of the vehicle and identification of pre-existing cosmetic damage that the renter is not liable for on return because it has been identified beforehand. I confess to not having interrogated the prescribed form. I suppose that the natural setting in this regard is that the onus is naturally on the dealer to make sufficient specified disclosure of that defect so that the obligation to repair might be avoided and these things might need to come back to common sense.

To take the example of the radio not working, the radio electronics and overall communication system of cars is more and more central to the car. If a dealer said, again, about good old Joe's six-cylinder that the radio does not work, we know exactly what that means. If you say the radio does not work about a modern car that has a touchscreen and embedded navigation and connection to other internet services and all those things, a description along the lines of 'the radio doesn't work' might just be a pretty vague sort of notion.

Again, that might just be necessary territory and onus on the dealer to effect the exclusion of liability. Is there any contemplation that the regulations are going to stipulate anything there that might further put that on the rails, or are we just in territory where you have a form, you can describe it if you wish, but you better describe it accurately if you really want to be excluding that obligation?

The Hon. A. MICHAELS: As the member says, it is as simple as being very accurate on the description. I take it back to Australian Consumer Law principles. If you go outlet shopping, you might find a dress that has a mark on it. The consumer needs to be aware that that is there, or that there is a rip or whatever it might be. It is a similar sort of process. It is really based on Australian Consumer Law principles.

We will clarify if similar templates are being used interstate in that process, but essentially it is Australian Consumer Law principles. Yes, the dealer will have to be specific as to what the defects are, and of course if a consumer is aware there is a defect in a car I would strongly encourage them to take it to a mechanic or have a mechanic inspect it, to make sure that there are no other consequences of that particular defect.

Mr TEAGUE: Just because it is consumer protection legislation in this sense, where one is weighing up the pros and cons of purchasing with declared defects, is there any indication or

availability of assistance from Consumer and Business Services in terms of assisting consumers to value the nature of the benefit and the risk, or is that something that consumers will need to inform themselves about, how they might value the relevant defects?

We are not talking about 'Okay, there are three category C defects,' and we are all in a kind of framework and we know what a category C defect is worth, roughly. It sounds like we are in a blank form scenario, where on any given vehicle there might be something unique to that vehicle all the way through to something that you would find on every vehicle, and so consumers might have a hard time forming a general view about what that particular defect might be worth.

The Hon. A. MICHAELS: It is really consumer due diligence. It will come down to that. I am not sure if CBS would be in a position to advise on differences in values of different defects. I do not see that as a role for Consumer and Business Services. Obviously, if there are inquiries about the impact of that in terms of a contractual dispute with a dealer, CBS would be there to advise on that, but not in terms of the due diligence side. That would be for the consumer. We say it time and time again: go and get your vehicle checked out by an accredited mechanic. The RAA does inspections. There is a range of mechanics who will do inspections. That is the safest way, and it will continue to be the safest way, to buy a car.

Mr TEAGUE: I put on the record, to the extent that I have not already and it has not come up already in the course of the debate, that it is a regime that I for one welcome in terms of a basic freedom of contract principle. It creates a dynamic of disclosure and exchange of information that can work in the interests of everybody provided that, of course, there is the necessary equality of bargaining power and that consumers are alive to the possibility of saving money as the result, if that is their desire.

At the same time, it might incentivise dealers to be appropriately fulsome in their specifying of defects where they wish to market a vehicle and not be burdened with having to repair something that is in the interests of both purchaser and seller not to be a factor in the transaction. So it seems to me that in these circumstances of change the important thing is to make sure that that is something that is promoted so that both consumers and dealers are aware of the change and encouraged, to the extent that they are utilising it, to navigate that with their eyes open.

Clause passed.

Clause 11.

The ACTING CHAIR (Mr Brown): Are there questions on clause 11? The member for Heysen?

Mr TEAGUE: Yes. Actually, I'm not sure if it's actually here. This is a question about the—

An honourable member interjecting:

Mr TEAGUE: Yes, the limits on the waiver of rights. Perhaps I can squeeze in a question here. To what extent has there been stakeholder engagement in terms of providing arbitrary limits on the waiver of rights, bearing in mind the debate that we just had about the defect disclosure regime that is to be inserted? In short form, why and at what point do you limit the capacity for a purchaser to waive rights?

The Hon. A. MICHAELS: In essence, again being consistent with the Australian Consumer Law so that when an item is purchased, in this case a vehicle, it is of acceptable quality and fit for purpose and, for a car, it is roadworthy and safe, we are attempting to limit the ability of, for example, a dealer asking a consumer to waive their right to have that vehicle repaired where it might be otherwise unroadworthy. So we are certainly in the frame of consumer protection with this particular clause and making sure that a car is safe to drive, and you cannot otherwise waive any rights to have that car repaired to a level that is safe to drive.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:00.

STATUTES AMENDMENT (INDUSTRIAL RELATIONS PORTFOLIO) BILL

Assent

Her Excellency the Governor assented to the bill.

CRIMINAL LAW (HIGH RISK OFFENDERS) (ADDITIONAL HIGH RISK OFFENDERS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

BOTANIC GARDENS AND STATE HERBARIUM (MISCELLANEOUS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

STATE ASSETS (PRIVATISATION RESTRICTIONS) BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Speaker—

Auditor-General—Report 3 of 2024—Update to the Annual Report for the year ended 30 June 2023 [Ordered to be published]

By the Minister for Local Government (Hon. G.G. Brock)—

Government Response to Standing Committees—Environment, Resources and Development Committee: Inquiry into the Urban Forest—
- Interim Report Government Response

Local Council By-Laws—
- District Council of the Copper Coast—
  - No. 1—Permits and Penalties
  - No. 2—Local Government Land
  - No. 3—Roads
  - No. 4—Moveable Signs
  - No. 5—Dogs
  - No. 6—Cats
  - No. 7—Waste Management
- Port Pirie Regional Council—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Local Government Land
  - No. 4—Roads
  - No. 5—Dogs
  - No. 6—Cats
  - No. 7—Waste Management

By the Minister for Planning (Hon. N.D. Champion)—

Regulations made under the following Acts—
- Planning, Development and Infrastructure—
  - Fees Notice—2024
  - Outline Consent

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Mr BROWN (Florey) (14:03): I bring up the 70th report of the committee, entitled Intermediate Remediation of the Lower Murray Reclaimed Irrigation Area Levees.

Report received and ordered to be published.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call questions without notice, I recognise the presence in the gallery today of students from Unley High School, who are guests of the member for Unley. Welcome to parliament. It's a pleasure to have you with us.

Question Time

AMBULANCE RAMPING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:04): My question is to the Premier. Does the Premier stand by his promise to fix ramping? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: This government has now delivered the worst 21 months of ramping in our state's history, including the worst month of February, which saw 3,757 hours lost on the ramp, the worst February on record.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:05): I thank the Leader of the Opposition for his question. Of course the government is utterly committed to addressing the challenges we see within our health system. The best example of that is in transfer-of-care data, otherwise known as ramping. We did see the results in February contain some good news and some more frustrating news. The results in February were an improvement on the spike that we saw in November in particular, which is a particularly challenging month. You will recall that—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —throughout the course of last year there were a number of months in a row where we saw improvement. That was somewhat heartening for those close to the topic. But then in the month of November we saw this extraordinary spike that was of concern to the government, particularly considering there had been progress up until this point. January was a challenging month, but then in February we have seen signs of some improvement.

I do particularly want to acknowledge the Northern Adelaide Local Health Network (NALHN), more specifically the Lyell McEwin Hospital. The Lyell McEwin Hospital throughout the course of the last year was probably the source of the greatest growth in ramping. There are a number of challenges that the Lyell McEwin faces. The first one is a capacity issue. As those who have been following this discussion know, the government is opening up more beds at the Lyell McEwin Hospital. They open later this year. They were on the back of a funding decision made in the Treasurer's first budget a few weeks after being elected. Ever since then, there has been construction activity, resulting in those beds opening up later this year. That will make a difference, we know, because there is a capacity issue.

But the second issue that NALHN faces, particularly the Lyell McEwin, is around the complete cratering of availability to GPs in the northern suburbs of Adelaide. That problem is exacerbated if you are looking for access to a bulk-billing GP. That is a big problem. It's a problem for which no state government, neither the former Liberal government nor the current Labor government, is responsible, because of course GP services are exclusively within the remit of the commonwealth.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: But of course what we see is that, if people can't get access to a GP, they show up to the emergency department or, worse than that, if they don't get access to a GP, they get sicker and then show up to the emergency department, which of course puts pressure on NALHN. Notwithstanding those challenges that remain ongoing—and I don't suspect they are going away anytime soon—what we saw in the month of February was a dramatic improvement in ramping hours at the Lyell McEwin Hospital. That represents good news. We are not claiming victory—far from it. We are not suggesting for a moment—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: We are not suggesting for a moment that one month of good statistics at the Lyell McEwin means that—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —there won't be ups and downs. But what I do demonstrate to the opposition and to the South Australian public more broadly is, as we see those additional resources continue to roll out, expanding the capacity of our health system, making it bigger—more beds, more nurses, more doctors, all over and above attrition—it makes a big difference. We are committed to delivering on that, and we are going to continue to see that roll out throughout the course of this year.

AMBULANCE RAMPING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:09): My question is to the Premier. Will the Premier fix ramping before the next election?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:09): We are determined to make sure that the ramping crisis and its impacts on people—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —are diminished in comparison to what we saw prior to the last election.

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

The SPEAKER: Member for Morialta, order!

The Hon. P.B. MALINAUSKAS: What we made clear—

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

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: Cue the—

The Hon. D.G. Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. P.B. MALINAUSKAS: Cue the false outrage in just a moment. Let me just—

Members interjecting:

The SPEAKER: Order! The member for Morialta is warned.

The Hon. P.B. MALINAUSKAS: I didn't even get the chance to finish the sentence, Mr Speaker, before the interjections ensued. What we made clear—

The Hon. D.G. Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: The member for Hartley interjects, 'Where's Ash?'

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: I'll tell you where she is: she's driving ambulances that are—

The Hon. N.F. Cook interjecting:

The SPEAKER: Member for Hurtle Vale!

The Hon. P.B. MALINAUSKAS: —now rolling up on time. They are now rolling up on time which is very different—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —from the experience that was left behind—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —from those opposite.

Mr Pederick interjecting:

The SPEAKER: Order! The member for Hammond is warned.

The Hon. P.B. MALINAUSKAS: Those opposite—

Members interjecting:

The SPEAKER: Order! Members to my left, we are early in question time and the parliamentary sitting week. I call to order. The Premier has the call.

The Hon. P.B. MALINAUSKAS: What we know is that over the course of a less than two-year period since the last state election, ambulance response times have gone from—

Mrs Hurn: How's ramping going?

The SPEAKER: The member for Schubert is warned.

The Hon. P.B. MALINAUSKAS: Those opposite can't work out if they care about ambulance response times or not.

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is on a second warning.

The Hon. P.B. MALINAUSKAS: One minute—

Members interjecting:

The SPEAKER: Order! Members to my left, order! The Premier has the call.

The Hon. P.B. MALINAUSKAS: I am more than happy to furnish the member for Schubert with an extraordinary—

Members interjecting:

The SPEAKER: Order! The member for Hartley is on two warnings.

The Hon. P.B. MALINAUSKAS: —volume of—

Members interjecting:

The SPEAKER: Order! Premier, please be seated. The member for Hartley will depart under 137A for repeated interjections. There are members queued very closely behind.

The honourable member for Hartley having withdrawn from the chamber:

Mrs Hurn interjecting:

The SPEAKER: Order! The member for Schubert is warned. The member for Morialta is on a further warning for the remainder of question time. The Premier has the call.

The Hon. P.B. MALINAUSKAS: As I was explaining, and as the South Australian electorate well understands, addressing the ramping crisis is important for a couple of reasons, the first of which—addressing it, fixing it—is that when ramping is particularly bad, it means that ambulances don't roll up on time to 000 call-outs.

What we saw two years ago, prior to the election, was that in the month of January, of all the 000 call-outs that occurred that were emergency call-outs, 64 per cent were late—late. Imagine calling 000 and the ambulance rolling up late 64 per cent of the time: a two in three chance that when you call 000 in your time of need, they're not there when they need to be. They're not there when they need to be. Now the opposite is true, and that actually matters because that is the difference between life or death. Now we have turned around, almost completely reversed, the performance of the Ambulance Service in regard to response times, because who would have thought—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —that not cutting the Ambulance Service, and actually investing in it, would make a difference. I tell you who would have thought it: we did and we've done it. Now that we have achieved that outcome, we have now got the challenge—that we are committed to addressing—of ensuring that when people roll up to the hospital in an ambulance having arrived on time, we are able to get them off the ramp and into the hospital.

That requires more beds, which is exactly what this government is delivering and which is definitely the clear contrast between the policy approaches of those opposite and those on the government's side of the house. We believe in extra beds in the system. We believe in extra people and clinicians in the system. Those opposite, including the Leader of the Opposition, have referred to the fact that, potentially—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —extra beds are a waste of money.

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

The Hon. P.B. MALINAUSKAS: We don't believe that, which is why we are delivering them.

The SPEAKER: Premier, there is a point of order—

Ms Clancy interjecting:

The SPEAKER: Order, member for Elder! There is a point of order which I will hear under 134. The member for Morialta.

The Hon. J.A.W. GARDNER: Thank you, sir. Standing order 98.

The SPEAKER: Very well.

Members interjecting:

The SPEAKER: Order!

Mr Teague interjecting:

The SPEAKER: Member for Heysen, order! The Premier has the call; I will listen carefully. Premier—very well. Turning to the opposition.

SA AMBULANCE SERVICE

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:14): My question is again to the Premier. Can the Premier confirm that Eddie's mother, who is his next of kin, will be allowed to have a support person with her, if her choice, when presented with the SAAS report into his death?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:14): I know the South Australian Ambulance Service, through the Chief Executive Officer, Rob Elliott, and its senior staff, have been making great strides to make sure that they are in contact with Eddie's mother to make sure that she has the appropriate information and support that she needs. I have confidence that they will continue to do that.

I will certainly raise the suggestion that the member has raised, if there is any need for a support person. I am certainly very happy as the minister for that to occur, and I am sure that the chief executive would be happy for that to occur. But ultimately, that would be a matter for Eddie's mother, if she would want that or not.

COST OF LIVING

Mr COWDREY (Colton) (14:15): My question is to the Premier. Does the Premier stand by his comments from both 3 February and 25 February? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr COWDREY: In a sit-down interview with the ABC published on 3 February the Premier said, and I quote: 'The cost-of-living challenge is one we will address' and cost of living remains, I quote: 'top of mind.' On 25 February, the Premier said that frequently when politicians try to reduce living costs, and I quote: 'nine times out of 10, it's all bullshit.'

The SPEAKER: I am not sure that that is parliamentary, but I am going to turn to the Premier.

The Hon. D.G. Pisoni: The room is full of nuance.

The SPEAKER: Order! The member for Unley is on a final warning.

Members interjecting:

The SPEAKER: Order, member for Newland! The chamber will come to order. The Premier has the call.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:16): I might just take the opportunity to read precisely what I said because, of course, the quote provided by the shadow Treasurer, not surprisingly, is selective quoting.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: Let me read the quote as reported in the Adelaide A*dvertiser*, as reported by Paul Starick, who was in the room and actually knows what I said. Allow me to read the direct quote:

> We talk about a cost-of-living crisis on a frequent basis and, more often than not, you get a politician saying: 'We're going to try and reduce the price of petrol. We're gonna try and reduce the price of groceries', and nine times out of ten, it's all [BS]…

And it is, because the government doesn't control the price of groceries or the price of petrol, and that is completely different—

Members interjecting:

The SPEAKER: Order! The member for Colton is warned. Member for Florey, order!

The Hon. P.B. MALINAUSKAS: The member for Colton, who submits himself to the people of South Australia as wanting to be the next Treasurer, is now telling South Australians through his interjections, suggesting that we should be setting the price of groceries. But be advised—

Members interjecting:

The Hon. J.A.W. GARDNER: Point of order.

The SPEAKER: Order! Member for West Torrens! The member for Morialta under 134.

The Hon. J.A.W. GARDNER: The standing order against responding to interjections isn't just to prevent interjections, it is to prevent misrepresentation as same—and also, debate.

Members interjecting:

The SPEAKER: Order! That may be. The member the subject of the commentary is not on his feet and there has been a good deal of interjection. I will listen carefully. I do have the standing order to hand.

The Hon. P.B. MALINAUSKAS: Let the shadow treasurer of South Australia go to the next election and tell every small business owner that he is going to walk through the front door—

The Hon. J.A.W. GARDNER: Point of order.

The Hon. P.B. MALINAUSKAS: —and start setting their prices. Let him!

Members interjecting:

The SPEAKER: Order! The volume of interjections to my right and left make it difficult to hear the member for Morialta, who is addressing the Chair under 134.

The Hon. J.A.W. GARDNER: Standing order 98 goes to debate; it goes to preventing people from using rhetorical devices to debate rather than providing an answer to the substance of the question.

Members interjecting:

The SPEAKER: Order! There is some merit in the point of order that has been raised with me. There is some latitude given to ministers. It does not invite debate per se; it might invite a degree of context. I fear that we might have extended beyond context.

The Hon. P.B. MALINAUSKAS: This government is committed to address the cost-of-living crisis in two ways. The first way is what we can actually control—for instance, providing the largest package of cost-of-living relief that we have seen in a state government's history in South Australia. First and foremost, what we have done is sought to insulate the impact of rising bills on pensioners and those on low incomes in South Australia, which is what a good Labor government should do.

But the big long-term challenge and all the big gains that are there to be made to address the cost-of-living crisis are actually about improving the real wages, the real incomes of working families in South Australia, and the way we do that is through high-quality jobs, secure jobs, making sure that the next generation of South Australians are equipped with the skills and the knowledge to be able to participate in the economy of tomorrow, investing in skills, investing in industries that move us up the value chain of wages, improving productivity.

That is how you address a cost-of-living crisis in a sustainable way that puts the state on a footing to generate new wealth that is then shared amongst as many people as possible. That is a serious policy and that is exactly what we were talking about in Whyalla, Port Augusta and Port Pirie as part of the State Prosperity Project. Be under no misapprehension. This is a serious government—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —with a serious ambition, backed up by a serious policy to make a difference.

Members interjecting:

The SPEAKER: Member for Colton, order! The member for Unley is on a final warning, joined by the member for Colton.

Members interjecting:

The SPEAKER: Order! The Treasurer is called to order.

SA WATER INFRASTRUCTURE

Mr COWDREY (Colton) (14:21): My question is to the Minister for Climate, Environment and Water. Will the government supplement SA Water's infrastructure costs to lower or maintain the price of SA Water bills? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr COWDREY: The South Australian government has seen significant increases in stamp duty revenue due to increased property values and will further benefit from the sale of properties in new developments.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:21): I am pleased to be able to answer this question because I think it is important that we understand how SA Water develops its proposal for what it is going to spend customer money on, and the way in which that needs to be balanced both in what investment is required for the state and for the state to grow, as well as to make sure that the price impact isn't too much, if at all, on customers.

When SA Water is developing its proposal, it needs to pay attention to the increase in costs, which we have all seen occurring, to the needs of infrastructure to be maintained so that we are not seeing the infrastructure breakage, and also and crucially to recognise the importance of growth, of the need for our children to be able to have a home in the future. I might take a moment to contrast that with the previous government's attitude, which was that that didn't really matter too much. So while the regulatory proposal that SA Water has put forward—

Members interjecting:

The SPEAKER: Order!

The Hon. S.E. CLOSE: —has over $600 million worth of growth investment, including $365 million dedicated to supporting housing growth in the north of Adelaide, where we know it is desperately needed, the previous regulatory proposal under the previous government had $166 million in total for growth, much of which was taken up by desalination plants which, incidentally, I would say, were vastly underestimated and we have had to pick up the cost that was missed in that proposal.

Of course, what then happens is that you need to look at how much we charge people, how much is that then passed on to the customers? While the previous government's approach was to simply whack on CPI, this government has chosen not to do that in the last two years. This government has chosen to restrain the increases in order to recognise the challenge in the cost of living for people.

The member asked questions like what about government money? What about giving more government money to pay for this infrastructure? Let me have a look at the flow of money between the government and SA Water in contrast to the first two years of the opposition's government and the first two years of this government. In the first two years of the Liberal government, $251 million—

Members interjecting:

The SPEAKER: Order!

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is called to order. The member for Morialta under 134.

The Hon. J.A.W. GARDNER: The point of order goes to standing order 98. We are well past compare and contrast. The minister is yet to go anywhere near answering the substance of the question, which is actually to do with her time in office and what she plans to do.

The SPEAKER: That may be, although, of course, the house is familiar with my enthusiasm for a ruling of Speaker Eastick, which of course, as you will recall, provided that although members, including ministers, may not debate the answer to a question, ministers have always been allowed more latitude than have other members. This has been the practice in this house and in the House of Commons for many years. I have the point of order. I have the standing orders. I will bring the Deputy Premier to the question.

The Hon. S.E. CLOSE: In the first two years of the opposition when they were in government, $251 million came from SA Water customers to government. In the first two years of this government, $125 million—

Members interjecting:

The SPEAKER: Order, member for Colton!

The Hon. S.E. CLOSE: —has gone from government to SA Water in order to keep the prices down. Not only have we managed to keep the prices down—

Mr Brown interjecting:

The SPEAKER: Member for Florey!

The Hon. S.E. CLOSE: —not only are we giving more government money to SA Water rather than taking it, but we are also paying attention crucially to the future. It is so easy to claim that you have lowered water prices because interest rates were low, but the reality is that if you don't invest in future housing—

Members interjecting:

The SPEAKER: Order! The member for Morphett! Deputy Premier, please be seated. Members to my left, I am unable to hear the Deputy Premier and therefore I will have to exercise the relevant standing order very soon unless the house returns to order.

The Hon. S.E. CLOSE: If you don't invest in future housing now, our young people will simply not have anywhere to live. We know that's important and we know that what has to go into SA Water's proposal must be of the highest priority.

Earlier today, I was listening to the radio and I heard the Treasurer talking about perhaps a contrast in priorities and I can note—

Members interjecting:

The Hon. S.E. CLOSE: We are a team. I can note that tens of millions of dollars were paid by SA Water customers, tens of millions of dollars of SA Water money paid by customers was spent in order to open up those reservoirs—

Members interjecting:

The SPEAKER: I will give the Deputy Premier an additional 15 seconds.

The Hon. S.E. CLOSE: —rather than open up housing in the north.

COMPANY DIRECTORS' OBLIGATIONS

Ms CLANCY (Elder) (14:27): My question is to the Treasurer. Can the Treasurer please update the house on the importance to the state's economy of corporations meeting their obligations?

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:27): I am grateful to the member for Elder for her question. Thriving companies and corporations are the backbone of our economy. They deliver significant economic output in South Australia, they employ the vast majority of workers in our state and they support many thousands of suppliers of both goods and services. They rely on a stable regulatory environment, access to capital and skilled labour and they also need to be well led.

Those responsible for leading corporations and companies have a significant responsibility to our community. Given the importance of their role, it's crucial that they meet their obligations as company directors for several reasons. They have to meet their obligations, including paying their taxes, paying their suppliers, paying their workers and providing for employee entitlements, amongst other responsibilities.

Those company directors and their obligations are set out, of course, in the commonwealth Corporations Act. Section 180 of that act sets out that a company office holder must exercise their powers and discharge their duties with care and diligence. The following sections of the Corporations Act go into these responsibilities in some further detail.

It's clear, of course, it is a long-established fact throughout the Australian community that the duties of a company director cannot and should not be taken lightly. The duty of a director is personal to each director, meaning all directors are accountable, even if they have limited involvement in the company's business operations.

It is why many company directors engage in professional training, to fully understand their obligations. Training is provided by professional organisations: for example, the Australian Institute of Company Directors, a very highly regarded organisation that trains budding and current directors in their obligations, both to their corporation and to the broader community.

The training includes learning to identify the duties and responsibilities of a director, and a director's role in evaluating financial statements. It's why, for example, a company director like Ms Anna Finizio, formerly of Grange, in the western suburbs, engaged in such training as a graduate of the Australian Institute of Company Directors—so, by definition, somebody who is directly and deliberately educated in the responsibilities of being a company director. And so it's extraordinary that Ms Finizio would say, after being questioned about what her role was as a company director, that she was, quote, 'just a director on paper'—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —or that she 'had no involvement in it so that's why I wouldn't put something on my CV'—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —'that I wasn't properly involved in'. Despite these statements, it does not absolve Ms Finizio, formerly of Grange, from meeting her duties and responsibilities as a director, particularly as a graduate member—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —of the Company Directors Course. She put her accreditation as a graduate of the Australian Institute of Company Directors on her CV, but not her role as a company director on her CV. And, of course, it now comes to light that she was the director of a company which subsequently collapsed, owing $4.5 million in unpaid taxes and $1.6 million in unpaid workers' entitlements. She was a director from 2009-10, 2011-12 and 2014-17. The responsibility of corporations and those who lead them could not be more significant to our community, despite how they try to flee those responsibilities.

Members interjecting:

The SPEAKER: The Treasurer's time has expired.

Ms Savvas interjecting:

The SPEAKER: Member for Newland, order!

Members interjecting:

The SPEAKER: Order! The exchange between the Treasurer and the member for Schubert will cease.

Members interjecting:

The SPEAKER: Order! The member for Colton has the call.

SA WATER REGULATORY BUSINESS PLAN

Mr COWDREY (Colton) (14:31): My question is to the Minister for Climate, Environment and Water. Has SA Water or ESCOSA considered any of the government's announced land releases as part of the SA Water 2024-28 Regulatory Business Plan?

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:32): I'm not sure that I'm responsible for ESCOSA, and therefore—

The Hon. J.A.W. Gardner: What about SA Water?

The SPEAKER: Order!

The Hon. S.E. CLOSE: —I think the question might be slightly misframed. The regulatory proposal that SA Water has given to ESCOSA—

The Hon. J.A.W. Gardner: Did SA Water provide it to them?

The SPEAKER: Order!

The Hon. S.E. CLOSE: What SA Water has provided to ESCOSA is a plan to spend $365 million on developments in the northern suburbs. As has been mentioned previously, there is a project—

Mr Cowdrey interjecting:

The SPEAKER: Order!

The Hon. S.E. CLOSE: —currently being undertaken, led through the planning area but with Treasury and SA Water actively involved, as well as Premier and Cabinet, to work through the way in which the sequencing is best undertaken so that that $365 million is spent in the most efficient way to make sure that the maximum outcome for housing for young people is able to be delivered. That proposal sits within the regulatory proposal that has been given to ESCOSA. ESCOSA has issued a draft determination, but recognising that that proposal is a section 6 and therefore is something that the government has simply said must happen.

SA WATER REGULATORY BUSINESS PLAN

Mr COWDREY (Colton) (14:33): My question is, again, to the Minister for Climate, Environment and Water. Did the minister note or approve the SA Water 2024-28 Regulatory Business Plan, and does she stand by its contents? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr COWDREY: The SA Water 2024-28 Regulatory Business Plan indicates that SA Water observed several fast-tracked developments during the current regulatory period that were not projected to progress in that time frame. The business plan also references growth pressures as a significant step change in greenfield developments.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:33): That is exactly the point that I was making two questions ago about the fact that SA Water was not equipped in the previous regulatory determination with the financing that was required to be able to meet the demand that is now pressing and causing enormous pressure within South Australia.

The regulatory proposal, for people who understandably might not have gone through this experience before: every four years SA Water has a regulatory determination that's issued eventually

by ESCOSA, saying, 'This is the money that we consider to be reasonable for water customers to pay for.' There are then also projects that are section 6—so the government has determined that they must be done regardless—and ESCOSA automatically deem them to be a legitimate expenditure of money.

The process starts some time before—so we are talking about what happens from 1 July this year. In the previous year SA Water starts to develop its proposal. It recognised early on that there had previously been this underfunding of growth, and was very concerned about making sure it was able to catch that up as quickly as possible so that we could have more housing for people who live in South Australia.

They put together that proposal and it is sent off to ESCOSA, who then consider it and issue a draft determination. It is all public; there is public consultation, various interest groups also participate and give feedback. At present, SA Water is looking at the draft determination and preparing its response, as are other organisations. Finally, there will then be a determination that ESCOSA has recognised the legitimate expenditure.

What is important to understand in all of that is that the role government has is, first of all, in issuing section 6s, and saying, 'You have to spend this money because otherwise there will be no housing for people in the future,' and, secondly, ultimately it is able to set the pricing each year. As I mentioned in my previous answer—although there was a fair amount of noise so not everyone may have been able to hear it—although the rules previously established were that that would always go up by CPI, in the last two years this government has chosen not to have it go up by CPI but to restrain the increase.

That decision will be made nearer 1 July so that we can calibrate what people are able to spend, given the cost of living challenges everybody is experiencing but also recognising the urgency of making sure the infrastructure is present in the future. That is not easy, but that is government. What is poor government is thinking you can just put everything off to the future and let some other government deal with it, someone else—other water payers can do it, other bill payers can do it.

Actually, now is the time we need this housing, now is the time that our young people are either stuck at home with their parents or are crammed into shared housing, or desperately looking for places they can rent, let alone buy. Now is the time we need to be making this investment, and in order to be able to facilitate that we are doing everything we can to restrain all the other costs so that we can both deliver reasonable water prices and invest in the future.

NARACOORTE HOSPITAL

Mr McBRIDE (MacKillop) (14:37): My question is to the Minister for Health. Can the minister advise the house when the report into service delivery and infrastructure requirements relating to Naracoorte Hospital and surrounding regions will be completed? With your leave, sir, and that of the house I will explain.

Leave granted.

Mr McBRIDE: In last year's budget the state government announced $1 million would be spent on investigating service needs at the ageing Naracoorte Hospital. Of that, $250,000 was going to be directed towards examining services across the wider electorate, including Penola, Millicent, Kingston and Bordertown hospitals.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:37): I thank the member for MacKillop for his question, and I thank him for his advocacy for the Naracoorte area but also for health service planning across his region. The member is correct that in the last state budget the government made an allocation of $1 million for a planning study in relation to health services at Naracoorte, and I thank the Treasurer and the Premier for their support of that funding.

I know that has been well received, and it is obviously in excess of our election commitment to invest $8 million in the Naracoorte area. Of course, that was funding that was reallocated from the original $662 million city basketball stadium that was previously proposed. We committed to at least a $100 million investment across regional South Australia.

That $1 million is going to essentially two things. One is that $750,000 is going to specific master planning, detailed planning of future stages of works to be undertaken at Naracoorte Hospital. I know that the member for MacKillop is a strong advocate, and I know there are many other people in the Naracoorte area who, I think it is fair to say, have for many decades have been advocating for substantial capital works to be undertaken at the Naracoorte Hospital.

We have always been very clear that in terms of the $8 million that we are investing at the moment there is clearly just the first stage of works that need to happen for a very aged site at Naracoorte. That $750,000 will go to the detailed planning for the future stages that have to happen, so that when decisions are made by government about future stages we have the plans and strategies ready to go for that.

As the member highlighted in his question, the other $250,000 of that project will be going to a broader regional clinical services plan, covering as the member said not only the services in terms of Naracoorte but also across Penola, Millicent, Kingston, Bordertown, across that region, in terms of making sure that we have a future clinical services plan for the health services for a region which I think the Premier and the whole government have made very clear is very important for the future of this state in terms of the Limestone Coast.

So we will be doing that work, working with the community, working with clinicians to identify that plan. That will be happening through the course of this year. I expect that it will probably be finalised sometime next year but if it can be completed this year then that will be good. I look forward to seeing the results of that because that will help to guide both decisions of the state government, the Department for Health and Wellbeing, and also importantly the Limestone Coast Local Health Network in our devolved governance model for health services as well, in terms of making sure that we have critical planning for health services into the future.

I think clearly when it comes to health services—and I know this is something that the member for MacKillop raises with me often—critical to that is workforce and making sure that we have appropriate workforce in our regional areas. I think we have the opportunity on a number of fronts to really make some positive inroads.

One is that Flinders University has been successful in getting one of the new regional medical schools for Australia that will be established here in South Australia, where students will be based in regional areas receiving all of their tuition, not just a year or six months of it but the entirety of their medical training for the first time, which is really positive. In fact, it also includes an additional 20 medical places coming to the state as part of that arrangement from the commonwealth government.

The second element of that that is critical as well is the work we are doing on the single employer model, which I know people in his area are very excited about, and we are looking forward to positive news hopefully from the commonwealth government on that shortly.

LIMESTONE COAST RADIATION TREATMENT

Mr BELL (Mount Gambier) (14:41): My question is to the Minister for Health. Can the minister inform the house of any developments regarding radiation therapy in the Limestone Coast?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:42): I thank the member for Mount Gambier, another strong advocate for health services in the Limestone Coast. I am detecting a bit of a theme.

The member is right that the state government and the Limestone Coast Local Health Network have committed to undertaking a feasibility study in relation to radiation oncology in the Limestone Coast. This follows a decision that was made by the previous state government and the previous federal government, the previous Liberal state government and the previous Liberal federal government, to reject the proposal for radiation oncology to occur in the South-East in the Limestone Coast at Mount Gambier.

That has obviously caused considerable concern in terms of the Liberal governments of both persuasions' rejection of that proposition. This government, upon hearing the concerns of the community about that, listening and working with the Limestone Coast Local Health Network Board,

has embarked upon a feasibility study. I can update the house that that project has now started. Health Q Consulting has been appointed to lead that work and undertake the feasibility study.

That came following an extensive piece of work, in terms of analysing different avenues for undertaking that feasibility study, which included representatives of the local action group on this matter as part of that assessment process to look at which was the best way to go. I understand in coming weeks, in the next couple of weeks, the first of those stakeholder meetings will be occurring with key people across the region to identify people's concerns. I understand, and my expectation is, that local members of parliament will be part of that process and have the opportunity to have their say as part of that process as well.

Critically, of course, it will be looking at the clinical view, the science and the evidence in terms of the success of these models elsewhere, looking at what the infrastructure needs will be, looking at the financial models that will be in place, then ultimately presenting the Limestone Coast Local Health Network with a report that we expect in the third quarter of this year to get a real, proper analysis of the feasibility of this project.

I think that we all understand the difficulty for people in the Limestone Coast, but also in other regions across the state, who undertake cancer treatment—the difficulties of what is required in terms of regular transport to Adelaide or, in the case of some people, from the Limestone Coast to Victoria, to be able to get those services. I think it is important, particularly given the rejection of this proposal under the previous Liberal government, that we undertake this feasibility study, get all evidence on the table—

Ms Pratt interjecting:

The SPEAKER: Order!

The Hon. C.J. PICTON: —and make a proper assessment of that, which wasn't undertaken by the previous Liberal government when they rejected this proposal.

Ms Pratt interjecting:

The SPEAKER: Member for Frome!

The Hon. C.J. PICTON: I understand the opposition—despite when they were in government, only two years ago, having rejected this proposal entirely—are now saying, 'Do it, no matter what.'

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. C.J. PICTON: They had the opportunity—

Ms Pratt interjecting:

The SPEAKER: The member for Frome is warned.

The Hon. C.J. PICTON: They had the opportunity and they rejected it. Now they are in opposition, suddenly they will do it at any cost. We haven't seen any policy proposition or costings on what they would put forward on that matter. We are actually doing the hard work. I thank the member for Mount Gambier for his serious advocacy on this matter.

Members interjecting:

The Hon. C.J. PICTON: Are you laughing at the member for Mount Gambier? Wow.

Members interjecting:

The SPEAKER: Order!

The Hon. C.J. PICTON: I think it's a disgrace to laugh at the member for Mount Gambier for his advocacy.

Members interjecting:

The SPEAKER: Order! The member for Bragg and then the member for Adelaide, who has been waiting patiently.

KANGAROO ISLAND KOALAS

Mr BATTY (Bragg) (14:46): My question is to the Minister for Climate, Environment and Water. Is the minister aware of reports that koalas have died or been injured as a result of the clearance of timber plantations? If so, when did she first become aware of this? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr BATTY: Channel 7 reported yesterday that, due to clearance of blue gum plantations on Kangaroo Island, koalas have been killed and injured. It has also been reported that 'dozens of koalas have been killed or left for dead during logging of blue gum plantations in South Australia'.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:46): Yes, along with many members of the house and staff, I am well aware of the footage that was aired last night by Channel 7. I have done a follow-up interview with Channel 7 today, locally—because that was screened from Sydney—talking about this quite serious challenge.

I was made aware of some concerns towards the end of last year. I have to confirm which month; I think it might have been September that I received some correspondence. The department went and undertook some compliance activity and were unable to find that there hadn't been appropriate compliance. Given the footage that is now being presented, they are going back to do some more compliance work and to work with Kiland.

For people to understand, what happened is that there are these huge, as everybody would know, Tasmanian blue gum plantations that were encouraged by the John Howard tax scheme, which were ultimately unable to be treated as a proper plantation because, when the other side was in government, they were incapable of making a decision about getting the plantation timber off the island. So ultimately what has happened is there has been a decision to turn it back into agricultural land.

These are weeds; Tasmanian blue gums are not native to Kangaroo Island. They suck up water, they act as a monoculture and they are highly problematic in the fires—unfortunately, it's almost like a toxic waste spill. There are what are called wildlings, which is not from *Game of Thrones* but is actually the name of the spill of this species that has gone on to landholders' properties and along creek lines. The landscape board is desperately working to clear that out. They have become, of course, part of the habitat for koalas. While a number of koalas were killed during the fires, there are still thousands of koalas on Kangaroo Island; again, also not native to Kangaroo Island but introduced in the twenties by Europeans.

In the process of turning this into agricultural land, Kiland is trying to clear this, but—under the guidelines that have been agreed with the department, which I believe are also in place in the South-East, where of course koalas are extremely precious and rare—also make sure that there are koala spotters, there are tags put on the tree where a koala is, and then eight trees around are not to be cleared in order to keep that koala protected. That is a very reasonable approach. That footage suggests that that has not worked. It was extremely serious footage.

So the department is not only now working with Kiland but also seeing whether there is a RSPCA interaction here, because this could be regarded as cruelty to those animals, and they will be working through those processes together.

Make no mistake: everyone in the department takes this seriously. On the island, there are diverse views, understandably, about koalas as a species, because they weren't originally there and because there were at one point so many of them that they risked doing harm to the local environment. At the same time, we recognise how well-loved they are not just in Australia but across the world and also that they are in many ways a remnant population that is capable of producing

more koalas to go to the Eastern States eventually, where they are at serious risk of becoming locally extinct.

This is a complex matter. For that reason, we are working on a koala management plan across the environment department and the landscape board. That management plan is not about managing this clearance. Management of clearance is already being undertaken, although there are serious questions about the compliance, but it is necessary in order to work out what to do about a precious species that is at the same time harmful.

KANGAROO ISLAND WILDLIFE CARERS

Mr BATTY (Bragg) (14:50): Supplementary: again to the Minister for Environment, has the government been approached to provide grant funding to assist wildlife carers on Kangaroo Island?

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:51): Wildlife carers are, of course, extraordinary people, who tend to always have a bit of work to do looking after wildlife that has been injured or orphaned, but particularly during crises. Fire is a good example. This is another example where there appear to have been koalas that have been left injured and require support. Drought can also cause these challenges, and then there are seasonal issues, particularly in spring with small animals and birds falling from trees and needing to be protected and cared for.

One of my favourite election commitments, and one that didn't cost the Treasurer any money, was to have the Koala State numberplates. Surprisingly to some people, they are quite popular. The idea is that you pay an extra $50, and all of that goes into a fund that is able to be distributed to wildlife carers.

There is a larger challenge here about how wildlife is cared for. There are a number of different organisations, and they have different approaches and different priorities. There is always a need for more money, both philanthropic and from government. At times, of course, such as in the fires, there are literally millions of dollars that will pour in from overseas. People are very moved, understandably, by the plight of Australia's native wildlife.

If there is a particular requirement from which this question has come, I will be sure to talk to the local member for Kangaroo Island, the first Labor person to get a majority vote on Kangaroo Island, and discuss whether there is a particular requirement right now to step in and help.

SOUTH AUSTRALIAN TOURISM

Ms HOOD (Adelaide) (14:53): My question is to the Minister for Tourism. How is the government supporting the state's visitor economy in the coming months?

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (14:53): Thank you very much, member for Adelaide. What an exciting announcement we had today, that the Matildas are coming to play at Adelaide Oval for the very first time. We are expecting a huge crowd of supporters coming from all over the country to fill our hotel rooms, our restaurants and our bars.

Football Australia, in partnership with the South Australian government, have secured the match against China on 31 May. It is a prime time slot on Friday evening. It will be one of the last opportunities for fans to see the Australian women's national football team prior to playing in the Olympics. This is set to be a major boost for South Australia, driving visitation to our city at the start of winter, which is often a more challenging time for us. We have seen Australians get behind the Matilda's in fantastic numbers, selling out time and time again. I have no doubt at all that they will do it again here in Adelaide. We can have 53,000 people attend and I think we will achieve that.

I am also excited, as the Minister for Multicultural Affairs, that we are going to be playing China in this international friendly. Having China's women's team here means we have eyes on Adelaide, and that is going to help and be a win for tourism and trade. Visitors from China spent $77 million in South Australia in the year ending September 2023, making it the state's fourth-largest market. When China last played in Adelaide, it was a sold out match against England at Hindmarsh Stadium as part of the FIFA Women's World Cup. At that time, almost 54 million viewers around the

world watched that match here in Adelaide. That made it the highest reach for a single match anywhere in the world for that tournament.

The South Australian government is a big supporter of football and women's and girls' sport in South Australia. Ahead of the 2023 FIFA Women's World Cup the state government—with my colleague the Minister for Recreation and Sport—made an $18 million commitment to create better accessibility to sport for women and girls. This adds on to the fantastic support we had for women's change rooms when we were in government previously. We need to support women and girls to play, and continue to play, at all ages. Football has a proud history in South Australia, with more than 40,000 people playing across 290 clubs.

We are keen for major events and we work as a team. Let me acknowledge the member for Mawson as the chair of the Major Events Attraction Committee. We are looking at how we can fill out our calendar. What we do know is that people are thinking about South Australia differently. What they know is that we do immersive events better than anyone. We hear this feedback: whether it's the rugby here, whether it's going to be the football or, coming up very shortly, the Gather Round. People love the location, they love the ease of access and they love that they feel welcomed here with the best food and wine in Australia.

We are going to be bringing new things as much as possible. We want to fill out our calendar but, more importantly, let's have people talking about our state, time and time again, booking their flights, staying here, going out to our wine regions and having a fantastic time. We cannot wait for this game. We are so thrilled. Everyone is going to be there on 31 May.

The SPEAKER: I see the member for Narungga.

BEACH CAMPING

Mr ELLIS (Narungga) (14:57): Excellent eyesight, Mr Speaker. My question is to the Minister for Climate, Environment and Water. What does the minister think about Yorke Peninsula Council's proposal to return land under the care, control and management of council at Cape Elizabeth to unalienated Crown land, and when can we expect action on other unalienated Crown land beaches like Wauraltee? With your leave and that of the house, I will explain.

Leave granted.

Mr ELLIS: On 19 October last year, I asked the minister a similar question about action in response to the side-effects arising from the rising popularity of beach camping, and was informed that the minister intended to give further information before too long.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:57): I am grateful for the question. South Australia is one of the only states that allows much beach driving at all; we don't tend to notice how unique we are with that, but I can tell you the other states do because they love coming over here and driving on our beaches. While that is a lot of fun, and on many occasions causes no real troubles at all—particularly when they are observing the speed limit set by my good friend the Minister for Police—there are some places which are getting thrashed and/or some places where the environment is simply too vulnerable, such as where there are hooded plovers trying to nest in a little hollow of sand.

Since the Natural Resources Committee, under the leadership of the member for Heysen, produced its report a few years ago, what we have been working through is ways in which we can make sure that the beaches are being better cared for, while at the same time not depriving South Australians of the enjoyment of being able to be out on the beach.

The Hon. L.W.K. Bignell: Hear, hear! It's very important.

The Hon. S.E. CLOSE: Exactly, we've got to find a balance. This is actually government—again, it's finding these balances and striking the right one. The Cape Elizabeth area, which the member for Narungga refers to, is in the category of having been thrashed, partly by overnight camping. It is not helped by the complexity of the land being, essentially, managed by council but not owned by council.

What we are working on, and coming out very soon, is to limit overnight camping as a first step. Prior to declaring that that will be the case, we are sitting down with the council and with other groups representing those who particularly like going there, but I think we are getting to a point where unfettered overnight camping is simply facilitating a very bad outcome for the environment there.

Over summer, we were far more assiduous in the national parks to make sure that where you weren't supposed to drive on the beaches we were actually getting compliance with that. Through education, rather than through issuing of fines—actually putting up the signs, having the rangers remind people that although you can often drive on a beach you can't always drive on a beach and in these national parks it has never been okay, even if it has been custom and practice. That has been quite successful.

We are now working through those beaches that are in a different category, such as around Cape Elizabeth, where we need to work with the council. There are a number of beaches where we are looking to say maybe at this time of year, hooded plovers, you can't drive on it; maybe in this area we are going to cut off just this bit of beach and say that you won't be able to drive anymore. Importantly, what we are doing is working in each case closely with the local communities, because if you have a backlash from a local community that doesn't accept that this is a reasonable approach you then put the whole issue backwards.

I think everyone in this house—and I know, as a bird lover, the Leader of the Opposition—recognises that we have to find a way of not driving over birds, particularly nesting birds and rare birds; not going through dunes in a way that means those dunes are not beautiful any more, not fun to look at or walk on anymore, but at the same time preserves that idea of being out in the wild spaces and enjoying ourselves. That is what we are planning. We will be, of course, talking to you as the local member before any such decision is finally made.

EYRE PENINSULA DESALINATION PLANT

Mr TELFER (Flinders) (15:01): My question is to the Minister for Climate, Environment and Water. What is the minister's response to the Barngarla Aboriginal Corporation's opposition to SA Water's location of a desalination plant—

The Hon. A. KOUTSANTONIS: Point of order.

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: The question involves argument, sir, and is therefore out of order.

The SPEAKER: Very well. I think the matter that has been raised with me is that the form of the question might infringe standing order 97. I will give the member for Flinders the opportunity to recast the question.

Mr TELFER: Sir, thank you. Is the Minister for Climate, Environment and Water aware of the position of the Barngarla Aboriginal Corporation regarding SA Water's location of a desalination plant at Billy Lights Point at Port Lincoln and, if so, what is her response?

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (15:02): Yes, I am aware, as is anyone who has read the paper, of the Barngarla Aboriginal Corporation's view on the location of Billy Lights Point as the location for a desalination plant. I have had a very productive meeting with the leadership of the corporation to discuss that.

This again is one of those challenging areas where there are multiple views about what the right outcome is, although I think everyone agrees—I hope everyone agrees—that we need a desalination plant for Eyre Peninsula. The last of the basins—there were about five that used to be able to be used for water, now there is one left—the scientists tell us is at serious risk of becoming saline from 2026, a risk level that becomes unacceptable for us to sustain, so we need to build a desalination plant.

There are views about the selection of Billy Lights Point that are not just from the local Aboriginal community but also from the people who have aquaculture businesses nearby. The good thing in South Australia is that we have the kind of legal and regulatory framework that means that SA Water can't simply say, 'We don't care about any of that, we're just doing it.' We actually have to go through a process in this state of having developers, even a government corporation like SA Water, prove that they will do no harm. While they have gone through a selection process that gives them enormous comfort that this won't do harm, they will now have to demonstrate that through the development approval process. Part of that is to ensure that any Aboriginal cultural heritage that is there is properly addressed.

One of the reasons I wanted to have that meeting—I have had meetings with the leadership previously and discussions on other issues, but this was particularly targeted to Billy Lights Point—was that, despite the concern that has long been expressed by the corporation about that site, we would nonetheless like to see SA Water and the corporation being able to engage on it so that they are able to talk about what is there, so that when SA Water puts in its proposal it does so in a way that seeks to completely avoid doing any harm to the cultural heritage. That is the process that is occurring at the moment. Simultaneously, of course, there are the environmental concerns that have been raised about salinity. The scientists have been pretty clear in the peer reviewed research that has been done that the variation in salinity will be at background level, so no greater than the normal level, but that will be tested, and it will be tested not only through the development approval process but also by the EPA.

Grievance Debate

COUNTRY FIRE SERVICE

Mr PEDERICK (Hammond) (15:05): I rise today to speak about the Country Fire Service, an organisation that is close to my heart as I am a member, as are other members in this house. A committee was proposed to be set up in the other place late last year. When that select committee was proposed, it was initially thought that we had support to get that committee up. That fell away so we held our ground, and I must congratulate the Hon. Ben Hood for getting that committee up the other day, through another forum. I note that what was called for was:

That a select committee of the Legislative Council be established to inquire into the Country Fire Service (CFS), with particular reference to:

(a) assessing support mechanisms available to volunteer firefighters throughout the state;

(b) examining the processes, procedures, criteria, and timeliness of investigations into volunteer conduct;

(c) examining the adequacy and state of facilities at CFS stations across regional South Australia, with an emphasis on change rooms, bathrooms, and other essential amenities;

(d) determining the transparency and effectiveness of the CFS's capital programs, including facility and appliance replacement programs;

(e) evaluating the communication channels and procedures within the CFS, especially concerning volunteers' ability to voice their concerns and the organisation's responsiveness;

(f) assessing the role and responsibility of the minister in addressing and supporting the concerns of the CFS volunteers;

(g) exploring the adequacy of proposed investments into station upgrades, equipment provisions and other support mechanisms for the CFS volunteers; and

(h) any other relevant matters related to the functioning, governance, and support structures of the CFS.

The other place was asking that a select committee be put up, but an amendment was moved and it is now going through to a standing committee.

I have certainly had contact from many CFS volunteers and staff who are afraid to speak up for fear of being suspended or dismissed. This is a major issue. A referral to the standing Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation will allow all stakeholders—volunteers, the CFS Volunteer Association and CFS staff—to raise issues on all matters whether about structures and processes, disciplinary matters, capital programs, equipment

and training, or any other matter. This inquiry has been supported by hundreds of current volunteers, former volunteers and staff of our Country Fire Service who have signed a petition.

The opposition believes that over 100 CFS volunteers and at least four CFS staff members have spoken out about the disciplinary process and shared their personal experiences of being the subject of investigations, suspensions and terminations, and that is just over the last six months. These volunteers and staff have told of a lack of procedural fairness and denial of basic rights. Regulation 21 investigations have also had a big impact on the mental health of volunteers and their families and friends, and damage to their reputation in their communities.

These issues need to be brought to the surface and ventilated. We need to listen to our volunteers and make sure we retain their great service and their confidence in the organisation. In Victoria, we have seen thousands of volunteers leave the Country Fire Association in great numbers over recent years and we cannot afford for that to happen here. We already have many people serving with farm fire units—and some of us do it concurrently with our CFS service—which are a great help when fires erupt, but we still need people volunteering for the CFS. I commend the Hon. Ben Hood in the other place and the other members who supported this motion. I look forward to seeing volunteers and staff have their opportunity to raise their issues.

I note, as was stated in the other place, that the minister launched an inquiry in August, pre this inquiry, but that discussion was mainly internal between the CFS, the CFS Volunteers Association and the Office of the Commissioner for Public Sector Employment. We have not seen anything come out of that.

I commend this cross-parliament committee. I want all volunteers, all staff, all former staff and volunteers who feel aggrieved to make submissions either in writing or personally. If they are still concerned, and they should not be because they get parliamentary privilege in this place, they can do it in camera.

REGIONAL COMMUNITY NURSING SERVICES

Mr McBRIDE (MacKillop) (15:10): I rise today to highlight changes announced by the Riverland Mallee Coorong Local Health Network and the Limestone Coast Local Health Network, where the Coonalpyn, Tintinara and Lucindale community health clinics have transitioned from a drop-in service to an appointment-only service with no consultation with the community. This has negatively impacted the delivery of community nursing services to these towns. I am calling for an immediate review to this change with the view to have it reinstated to its original form as soon as possible. I disagree with SA Health's assertion that:

> An appointment-only service will provide certainty for consumers, who can book in their care either in the clinic or at the consumer's home and know that the care will be provided.

This has certainly not been the experience of many of my constituents who have raised this issue with me.

I would like to provide a small snapshot of some of the negative feedback that has been brought to my attention in recent weeks. This includes people required to drive 50 kilometres from Lucindale—a 100-kilometre round trip—to get a blood test in Naracoorte, after fasting for 12 hours. Or, in the case of those who live in Tintinara, having to drive to Murray Bridge on the busy highway, which is a 2½ hour round trip.

Many of these people are elderly and after fasting for such a long period of time, the risk of an accident is increased. Some elderly patients are also unable to drive or have restricted licences and do not have family or friends to take them. There is also no public transport available for these people.

Nurses local to the area have now been replaced by nurses from out of the region, compromising continuity of care. The nurses are also required to fill out extra paperwork for patients, adding an extra 30 to 40 minutes in patient consultations prior to any treatment commencing. People are resorting to doing their own wound care because they cannot get an appointment. The intent of the change was justified by SA Health, which said:

These services are extremely valuable to the community and the intention is not to reduce services but rather to deliver them in a new model that maximises the precious resource of nursing care.

Again, this has not been the experience of my constituents in these towns.

It has also been justified that the service is not large enough for exclusive administrative support, so appointments will be managed by the central Country Health Connect line. For those in Coonalpyn/Tintinara, it means ringing the Murray Bridge hospital, and for those in Lucindale, the Naracoorte Hospital.

Centralising of the switchboard has left many patients with no idea when they can come in and receive care. A constituent in Tintinara phoned to make an appointment for a blood test, left a message on an answering machine and was called back a week later to be told they needed to go to Murray Bridge due to the service no longer being available in Tintinara. So, a five minute walk down to their local community nurse in Tintinara has now become a two to three hour round trip to Murray Bridge.

The clinics have also changed the scope of their practice and no longer offer certain services, including ear syringing, ECGs, removal of sutures and point of care INR testing services. To think that patients who present needing sutures removed now have to book an appointment with the doctors at Lucindale whose waitlists are already close to four weeks makes no sense and is far from an efficiency gain.

I reiterate: locals in regional areas rely on community health nursing services. They negate the need to travel to larger towns such as Naracoorte, Keith or Tailem Bend. These services have helped keep people out of hospital or from needing to see a doctor. We know there is a major doctor shortage and these changes will impact the entire medical system.

I honestly believe that if community nursing is not easily available, people, especially the elderly, will think it is too hard. They will not bother trying to make an appointment and so their health outcomes will suffer. Rural communities need experienced nursing staff who can do a broad range of procedures. There is no one-size-fits-all approach when it comes to the health needs of small communities.

In small towns like Lucindale, whose resilience has been tested in recent years with three fires and, more recently, the tragic loss of their police officer, Jason Doig, why change a healthcare model that was servicing a community well and providing a huge community value? I am calling for community nursing services to be reinstated to their original form in Tintinara, Coonalpyn and Lucindale as soon as possible.

It is very sad to hear all of these sorts of issues come to a head where it has been well catered for. It has been suggested that Gayle's Law is getting in the way of security for some nurses, but it is not even meant to apply south of Adelaide. We know that GPs are being backed up by community health nurses and services. It is absolutely outrageous to think that the doctor shortage in regional South Australia cannot be backed up by better community services, which these clinics used to provide.

COST OF LIVING

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:15): I do not think that it will come as a surprise to anyone who has been knocking on the doors of constituents and residents in South Australia that the cost of living has become if not the most significant issue it is certainly right up there with health in the minds of our supporters, those who vote against us, our residents—those who we represent. Cost of living gets raised time and time again and it is across the board.

Whether people are renting or landlords, whether people are running small businesses or larger businesses, or whether they are employees, pensioners or students, the cost of living has become the most significant stress point in people's lives to the point where, in my 14 years in this place, it has never been this significant. It is often something people talk about, but there has never been a moment when the anxiety felt by people in their daily lives has been this pointed. Across my electorate of Morialta, it is keenly felt as well.

Recently, I conducted an online survey of residents and had hundreds and hundreds of responses. The first question was whether people feel better off or worse off than they did prior to the election of the Malinauskas Labor government in March 2022. The hundreds of respondents—89 per cent of them—reported being worse off. Of the remaining 11 per cent, 8 per cent said they were about the same and fewer than 2 per cent reported being better off. Fewer than 2 per cent reported feeling better off now than they were prior to the election of the Malinauskas Labor government.

Members opposite may ask the question: 'Are they Liberal Party supporters? Are they the member for Morialta's supporters? Are they the only ones answering this questionnaire and saying that they feel worse off?' I dare them to do so frankly if that is the point that they would make, because the truth is that this is felt across the board and I think any member would feel it in their own electorate as well. It is not just one thing because, of course, different pressures hit people in different ways.

We know that the average mortgagee in South Australia and in Australia is tens of thousands of dollars worse off per year than they were two years ago. That has impacted on people's capacity to live in their houses and meet their mortgage repayments, let alone the choices and decisions that they are able to make in their lives. In my survey, we were talking about some 29 per cent of interest payments being their greatest cost-of-living stress. Others are hit by other things: 86 per cent of my local residents report increases in the cost of food being a major expense that is giving them great anxiety; 78 per cent reported electricity; 73 per cent reported insurance; council rates were giving anxiety for 61 per cent of residents; and water bills for 54 per cent of residents.

Today in the house we have asked the government a series of questions about the decisions that they are making in relation to SA Water and the regulated asset base. This is in stark contrast to the point made by the Premier a few days ago, when he seemed to throw up his hands in incapacity and impotence at the ability of politicians to do anything about the cost of living. Yet, this is a government that is happy to put out regular press releases from ministers across the government, from the Premier on down, saying that they are seeking to address the cost of living, but the Premier says that they are not.

I come back to SA Water and the decisions this government made, reflective of the decisions of the Weatherill government and the Rann government, to jack up people's water prices as a result of government decision-making as a result of how the regulated asset base used to be treated.

The former Liberal government, by stark contrast, when the member for Black, when the Leader of the Opposition, was the minister for the environment, brought water prices down. We had an inquiry into the regulated asset base and we brought water prices down—just as we brought electricity prices down, just as we abolished payroll tax on small businesses, just as we halved people's ESL bills.

Governments can make decisions, and governments are responsible not only for the decisions and imposts they put on people directly but also for the business environment and the economic environment they create for residents. For the Premier of South Australia to throw up his hands as if it is not possible for him to deliver anything for South Australians, that people have to understand there is nuance, that politicians, as he said, 'are telling BS' if they say they can fix things, is, I think, a sign of the government's hypocrisy, the government's arrogance, and the fact that this is a government that is not focused on the priorities the people of South Australia want.

This is a government that is happy to spend millions and tens of millions of dollars on all sorts of flights of fancy that we know about all too well, yet when it comes to cost of living, the thing that is impacting people in their households, in their families, more than anything else in South Australia is that this is a government that has declared it is all too hard. South Australians deserve a lot better than that.

UPPER SPENCER GULF

Mr HUGHES (Giles) (15:20): I am almost tempted to respond to some of that. Clearly some of the members opposite have a great deal of difficulty when it comes to telling the difference between correlation and causation, and what is driving and what has driven some of the costs of living pressures—

An honourable member interjecting:

The SPEAKER: Order!

Mr HUGHES: —not just in this state but in every other state as well. However, I want to talk about another issue, and that is an issue about generating prosperity in this state. If any of the members opposite had attended Whyalla, Port Augusta or Port Pirie the other week they would have seen the degree of confidence and the degree of enthusiasm about what is being proposed for the Upper Spencer Gulf, how we are looking to build on our natural resource base in that part of the state not just to benefit the Upper Spencer Gulf but also to benefit the state.

The first of the projects is the government-backed project, the world's first hydrogen power plant and associated developments. People in Whyalla were very keen to ask questions about the power plant, and were very keen to see construction start—which is scheduled to start in the final quarter of this year. As a measure of the curiosity, as a measure of the support, over 500 people registered to attend the economic summit in Whyalla on a Sunday evening. I have been to a lot of meetings in Whyalla over the years—and there have been meetings about very controversial subjects—but I would be very hard pressed to name a meeting where that many people turned up.

There were good questions. There were questions about how we manage some of the stresses that come with a very positive thing, about managing growth instead of managing decline, questions about accommodation, questions about health services, all things that will need to be addressed. The big one in Whyalla was the hydrogen power plant, and once again there was discussion about GFG and green iron and green steel, and the massive magnetite resource on our doorstep, as well as the fact that we do have a steelworks and we do have a port in an area of the world with massive energy resources.

The other one was copper, and the potential to grow copper production in this state. We are looking at a threefold increase in copper production in South Australia. Obviously there is a way to go, with BHP now owning Carrapateena. We went out and had a look at Oak Dam and all the drilling rigs that are now out at Oak Dam, and of course there was a visit to Olympic Dam. If there was a threefold increase in copper production in this state, that would have a massive impact.

Of course, the enablers of all this are those other natural resources we have in abundance, and one is renewable energy. When we talk about cost of living pressures, it is interesting to reflect that over the last quarter the wholesale generating cost in South Australia was amongst the lowest in Australia, far lower than both Queensland and New South Wales, with their dependence on black coal. Victoria is also moving in to a reasonable space as well.

That is because of the penetration of renewables in this state, and that penetration of renewables in this state is going to set us up when it comes to developing stuff like hydrogen, when it comes to developing green iron and green steel, and when it comes to developing our copper resources in this state. In the north of the state it is highly prospective for other potential copper resources.

For the Upper Spencer Gulf this is a really exciting time. Now we have to work through some of the practical on-the-ground issues and with really tight time constraints generate the accommodation that is going to be needed for the influx of construction workers. When we look at the hydrogen power plant alone in Whyalla, we are talking about up to a thousand workers taking part in the development of that world-first initiative. These are positive things to be engaged in, in order to ensure prosperity for generations to come.

STIRLING COMMUNITY

Mr TEAGUE (Heysen) (15:25): Last Wednesday evening, 28 February, I was proud to attend and to speak at yet another full hall meeting at the Stirling RSL, this time brought together by Stirling Rotary, in particular Greg Russell leading the way as a member of Stirling Rotary. Stirling Rotary has distinguished itself over such a long period of time, including in recent years putting together the Echunga field days as an initiative to bring together, to educate, to inform and to promote community activity and awareness across a range of interests that are relevant to the Hills. Last Wednesday's forum at Stirling was no exception to Stirling Rotary's tremendous contribution to the community over a long period of time. So thanks very much to Greg Russell in particular.

The forum was on the occasion early on in this new year of 2024 to reflect on, to hear some information about and to regalvanise ourselves as a village, as a community, to face the challenges and opportunities ahead.

Now, we know that we went through the bulk of last year having to get to grips with what had been presented to the community by the Stirling Hospital Board as an existential challenge that was taking the shape of a proposal possibly to sell and to move to Mount Barker and take up rented premises. The Stirling community spoke up very loudly and clearly in opposition to that and the end of the year saw words of positive reassurance from the board, working together with the Save Stirling Hospital association. The president of the Save Stirling Hospital association, Dr Scott Brumby, was there in attendance on Wednesday evening and addressed the hall.

Of course, in the later part of last year—and I am so grateful to those from outside the Hills who have followed this and expressed their sympathy and empathy—on 15 October, the most catastrophic of individual fire events that the Stirling CFS brigade has ever seen in its history totally devastated the Woolworths at Stirling and the precinct surrounding it. It was only through the great skilled capacity, dedication and bravery of those of the Stirling CFS brigade, Aldgate brigade and those responding neighbouring brigades throughout the Hills, together with the efforts and commitment of MFS officers working alongside them, which saw both defensive and offensive measures applied to putting that fire out.

In the time since then, Stirling residents have been witness to the gradual orderly demolition of that site, the clean-up of the site and the work towards restoring that site as the centre of the Stirling community activity. In the meantime, it has been a significant disruption. The owner of the site, who was not long in ownership when the fire came along, is Leyton Funds, as is well known. Its leader, Warwick Mittiga, was also present on Wednesday night and addressed the hall and set out, in straightforward, clear and well thought-through ways, the plan ahead for the site. Warwick Mittiga was able to advise that, working together with Woolworths and alongside other stakeholders in the precinct, the work is well underway towards planning and then building to complete what will be a state-of-the-art shopping centre at that site. He indicated that that planning, with a view to the work, is well underway in order to get that done as soon as possible.

There were representatives there from the Adelaide Hills Council. I thank, in particular, the council's new CE, Greg Georgopoulos, for being there and presenting—after having had six months in the role it was good to hear from him. Sarah Burchell, the president of the Stirling Business Association, also presented to the meeting and spoke up for local business, including the markets, Tim's Hokey Pokey—which is doing very well and is well known—Red Cacao, retail stores as well as the professional services that are coming along at Stirling. It is a time for resilience and is a time of challenge, but it ought to be a time for opportunity. I say: viva the future of the village of Stirling.

ADELAIDE CITY FOOTBALL CLUB

Ms WORTLEY (Torrens) (15:31): I recently had the pleasure of being invited to the 2024 season launch of one of the great football clubs based in the Torrens electorate, Adelaide City Football Club. The season launch was attended by almost 200 invited guests, who were presented with the 2024 teams, coaches and officials and heard about the valuable contribution of those who built the foundation of the club.

By way of history, Adelaide City Football Club was founded in 1946 as Adelaide Juventus football club, formed by hardworking and dedicated Italian migrants who primarily brought together and served the Italian community across Adelaide. Its contribution is deeply ingrained in the fabric of Australian football. The club, whose senior home ground is Adelaide City Park on Fosters Road in Oakden, is an amazing place to visit on game day because children from right across Adelaide support the club there.

In 1977, Adelaide City Football Club became one of the founding members of the National Soccer League, Australia's top-tier football competition at the time. The club enjoyed considerable success and, in 1986, won its first title under the guidance of legendary coach Zoran Matic. Proudly, the club went on to win two more NSL championships under Matic, in 1992 and 1994. This year, in 2024, the club is celebrating the 30th anniversary of that memorable 1994 championship. Proudly, to honour its history, the club has reintroduced the Italian flag into its black-and-white logo.

Adelaide City has historically been one of the most prolific producers of players selected for the Australian men's national team, the amazing green-and-gold Socceroos. Notable players over the years include John and Ross Aloisi, Aurelio and Tony Vidmar, Carl Veart, Sergio Melta, John Perin, Milan Ivanovic and Alex Tobin, to name just a few. Significantly, more than 50 Adelaide City Football Club players have donned the green-and-gold strip.

Not prepared to be only a 'women behind the scenes' club, the Adelaide City Football Club added women's teams to their club three decades ago and today boast a strong junior girls base. Adelaide City players have gone on to represent our national women's team, the Matildas, including Alex Chidiac and Dylan Holmes and, as a junior Matilda, Grace Abbey.

Yesterday's announcement that the Matildas will be playing at Adelaide Oval for the first time ever on 31 May is receiving overwhelming accolades from our South Australian soccer-loving supporters. The friendly soccer match against China, to be played prior to the Matildas heading to Paris for the 2024 Paris Olympics, will be the first time the Matildas have played in Adelaide since 2019, when they beat Chile at Hindmarsh Stadium. Their spot in the Paris Olympics was secured only last month, when they beat Uzbekistan 10-0 in Melbourne in front of a crowd of 54,000.

Significantly for women's soccer, on the back of the FIFA Women's World Cup in Australia Adelaide City Football Club have had a 40 per cent increase in female players this year and they are not alone in seeing this significant increase in demand. In 2024, Adelaide City Football Club, which claims the title of the oldest club in South Australia, is fielding six senior teams: three men's teams (one NPL, one reserves and an under 18s) and three women's teams (one NPL, one reserves and a women's community team). In addition, the club is home to over 40 junior boys' and girls' teams. That is 486 players, based in the Parklands off Unley Road and Hutt Street in the CBD, where they train on Park 18 and Park 19.

It was also announced on the evening of the 2024 season launch that the board, chaired by president Angelo Carrozza, vice-president Charlie Zollo and secretary Tony Antenucci, among others, is currently working through an invitation to join the National Second Tier, a football initiative to reinvigorate football nationally and be played alongside of the A-League.

Private Members' Statements

PRIVATE MEMBERS' STATEMENTS

The Hon. D.G. PISONI (Unley) (15:36): Last week, I had the pleasure of having four 5/6 classes from Goodwood Primary School tour Parliament House. One of those students, Sasha, took the opportunity to present to me a letter from her sister and asked me to present it to the Premier, so I will do that in the parliament. It says:

> To Premier
>
> Please ban horseracing because people hurt and whip horses. Also people gamble on horses, and gambling is bad. I think that animal cruelty is very bad and hurtful to the animal. If you can't ban horseracing, at least stop using a whip.
>
> From a little kid

—who is Sasha's little sister. Part 2 of the letter says:

> To Premier
>
> Please also ban duck shooting because people make killing animals fun, which is bad because killing is very, very bad. I think that because I like animals a lot and I don't think that would be nice for animals and it is animal cruelty.
>
> From the same little kid

—who is Sasha's little sister. The letter finishes with:

> Ban horseracing and ban duck shooting.
>
> PS: Please answer. If you don't, I will be sad.

Mr ELLIS (Narungga) (15:37): I had the wonderful privilege of being invited by the local media to a photo opportunity at the Bute to Port Broughton road last week to celebrate the announcement of $600,000 for some patchwork along that notoriously poor stretch of road. By all

means this is a tremendous announcement, a wonderful initiative, but I think the community would agree with me in saying that we need more. We need to do it once and do it properly: there is no sense in doing a patchwork job and then continuing to lobby for a proper road rebuild to make sure this road is brought up to standard.

While I do not mean to be ungrateful to the minister, and we thank him sincerely for acknowledging that this road is worthy of an upgrade, we do need more funding. We need millions of dollars, not hundreds of thousands, to build this road up to standard and, in an ideal world, not just between Bute and Port Broughton but the entire stretch of the Upper Yorke Road, from Arthurton to Kulpara initially, and then from Bute to Broughton thereafter.

I reiterate that we do not want to be ungrateful, but we would like to see these roads fixed. The Arthurton to Kulpara stretch was featured on the GPSA list of bad grain roads—I think it was number one—highlighting its current state of affairs. It would be well worth and well overdue an upgrade. I know it has been on the cards for quite some time for a number of years. There is no time like the present to make these changes. So thank you, minister, for identifying that this road needs work, but please come to us with a greater amount of money so that we can do it properly.

Mr BATTY (Bragg) (15:39): The opening of two new tobacco and vaping stores in our local community has been of great concern to my constituents. Last year, a new one of these stores opened in Stonyfell, less than 100 metres from St Peter's Girls' School. Just as recently as last week, a similar store opened on Kensington Road in Marryatville, close to both Marryatville Primary School and Marryatville High School.

My community has some significant concerns about these new stores. I wrote to the Minister for Health about the Stonyfell store last year to highlight some of these concerns, including its proximity to a school, whether it is complying with relevant advertising and consumer standards—noting that it is, in fact, undertaking letterbox drops advertising cigarettes and that the store logo is a stylised cigarette—and also whether the store holds appropriate licences to be selling tobacco and e-cigarettes.

I hope the minister can take some fairly urgent action on this issue. We certainly do not want illegal tobacco and vape stores operating in our area, and we do not really want them operating near our local schools at all.

Ms SAVVAS (Newland) (15:40): I thought I would take the time today to talk about my two recent successful seniors' forums, which have been really well attended in my community. We had one in November and one on the Friday just gone by. Firstly, I would like to thank the member for Torrens for her assistance in putting those together. She has been running some really successful seniors' forums in her electorate for many years.

In the electorate of Newland, we have the most individuals living in aged and retirement living of any electorate, and roughly a third of our electorate are over the age of 70. We do have an aged electorate and it has become clear to me, in my almost two years as the member, that there is a great need for better access to services in our community for seniors.

I would like to put on the record my thanks to some of the people involved in that set-up: first of all, the Campania Club. John Di Fede, who would be known to many of you here in the chamber, attended our forum on Friday. We had Luisa Greco, the president of the club, who has been of great assistance, as well as Rocco, who organises the set-up and set-down of the club. They have been really helpful, as have the local businesses who have been involved. We cater our event from local businesses. I would particularly like to mention Frankie and the Grocer, the greengrocer at the St Agnes shops, who has been providing us with milk on tap in old-school glass bottles for our forum, which has been a real success in our community as well.

Ministerial Statement

AVG DETECTION IN THE SOUTH-EAST

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (15:42): I table a ministerial statement made

in the other place by the Hon. Clare Scriven, Minister for Primary Industries and Regional Development.

FRUIT FLY OUTBREAK

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (15:42): I table a ministerial statement made in the other place by the Hon. Clare Scriven, Minister for Primary Industries and Regional Development.

Bills

SECOND-HAND VEHICLE DEALERS (MISCELLANEOUS) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 11.

The ACTING CHAIR (Mr Brown): The member for Heysen was asking a question.

Mr TEAGUE: I do not think there is anything further at clause 11. There might be an opportunity to come back to the topic later.

Clause passed.

Clause 12.

Mr TEAGUE: There are perhaps a number of more discrete topics in relation to cause 12, addressing as it does the first of the provisions in the bill going to the imposition of penalties and the extension of scope in relation to interference with odometers. I have asked a question in a previous context about licensing of dealers in terms of the rationale and the proportionality of those increases for offences. I will not repeat those unless the minister wishes to add anything more particular about reasons why those particular amounts have been set that we find at the substituted section 34(1)(a) and 34(1)(b), except to say that those penalties are significant.

I might therefore address the change that we find at clause 12(2) that is, going to the scope point, broadening out the previous application of what has been a longstanding offence provision that was directed at dealers, and substituting there 'person' for 'dealer' everywhere that occurs. As I read it, that is now to apply without limit to anybody engaged in the activity of odometer interference. That, as I read it, is the chief expansion of scope of the application of what has otherwise been the longstanding provision prohibiting such interference and, as it has been directed of some long standing, interference in the context of sale and value.

Is there, in terms of feedback from the MTA or any other stakeholder in particular, a particular driver for that expansion of scope to go from applying to a dealer to any person, and if that is otherwise driven as an initiative of government, what is the rationale for that expansion of scope that we see at the amendment at clause 12(2)?

The Hon. A. MICHAELS: Before I answer that question I just want to clarify something I said earlier when I talked about the MTA seeking to abolish—the 'cooling-off period' was the language I used; I meant the 'cooling-off form'. I just want to clarify that in case the member has any other questions on that.

Just to clarify on the compensation provisions expanding it beyond dealers, that is a consumer protection. In terms of many of these, now private sales through Facebook Marketplace and other mechanisms are far exceeding what has happened in the previous years. We know that when an odometer has been tampered with and it has been sold on the private market, the cost and the losses faced by those consumers are regardless of whether or not it has been sold by a dealer. That is the reason why we have amended that, so that it is not just dealers that need to compensate for losses. Anyone who sells privately that is caught odometer tampering will need to compensate for those losses. That is the intention for expanding that. We have received no opposition to that amendment, and I understand that is supported by those who have put submissions in.

Mr TEAGUE: This is sort of a supplementary arising from that, but I am in the Chair's hands as to how that might be characterised. In terms of asking for it to be put on the record, about the relevant driver, not only highlighting the seriousness by having increased penalties but identifying the driver of the change, I appreciate that there is the prevalence for this kind of practice to be applied in a private sale, in an unregulated environment, and that from a consumer protection point of view, going after any such interference with an odometer has a consumer protection upside.

Like all of these things, licensed dealers might put the case in parallel that if you are buying privately and you are out there in the jungle, you are not in an environment that is regulated in the way that licensed dealers are regulated. So, on the one hand, while it is a provision that applies only to dealers, it might provide that greater level of confidence for consumers to deal with dealers because they know that the dealers are subject to the sanctions. This is clearly going broad, and in that sense it will need to be coupled with an appetite and an ability to root out such behaviour in private transactions one by one. I guess that is a challenge that goes beyond effectively regulating those licensed dealers.

The question that arises, and the reason why I say it might be a bit supplementary, is that if there has been engagement, as I understand there has, with dealers about the prevalence of odometer tampering and the damage that it can cause and so on, are we understanding the situation in the terms that dealers are also potentially vulnerable to such tampering, or is it something that dealers, particularly with electronic odometers and so on, are capable of applying relevant technology to identify that tampering and therefore protecting themselves against direct damage? Do we know therefore the landscape of that sort of odometer tampering and who it is likely to damage most?

The Hon. A. MICHAELS: I take the member's point about whether it would drive people toward licensed dealers if they could only be compensated by buying through a licensed dealer. The intention of the government to expand it is to make sure that, with the current market being such that so many people are buying on private, unlicensed Facebook Marketplace and others, we offer that consumer protection against odometer tampering, whether they buy from a licensed dealer or not. I would say that most people would buy from a licensed dealer for the reason of being able to get compensation if their odometer has been tampered with.

It would be for all the reasons of statutory warranties, making sure the vehicle has been inspected properly and all these things. From that perspective, that is the government's position. To protect consumers, we are expanding it beyond just dealers. It also puts on notice those people who are thinking about odometer tampering in an unlicensed context, and that it will come out of their pocket as well.

To your second question about the prevalence, there have been—I will confirm the numbers—I believe two prosecutions for odometer tampering in recent times, which have been by licensed dealers. So the technology is available to wind back digital odometers, as well as our old-fashioned dials. So that technology is there. We are seeing it become more prevalent in terms of the prosecutions in recent years, so this is something that we are keen to see progress through the parliament to make sure that people are protected and are able to be compensated if that happens.

Mr PEDERICK: I want to refer to section 34 in the act. Obviously, it is about prohibited interference with odometers. One part is you cannot alter the reading, the second is you cannot remove or replace the odometer and the third is you cannot render the odometer inoperable.

I think you addressed this earlier in relation to comments I made about my 34-year-old utility when I took it to someone to get the temperature gauge fixed. The easiest way to replace it, and he did this under his own volition, was to get a dash out of a wreck and put it in there. As I said in my contribution, that reading is 190,000 kilometres short. Can you tell me if technically that is breaking the law? If I went to sell that vehicle, which is unlikely, if I cannot physically turn up that odometer is it legal to make a statement saying that I believe it is 190,000 kilometres short?

This is going to impact vehicles sold on Marketplace—and my boys watch it too much—and you might get someone selling a vehicle and they might have the dash out for whatever reason, not tamper with the odometer, and put it back. Is that an offence as well, because you have pulled the dash out? They would innocently post pictures, as they do, on Instagram, Facebook or somewhere or send it to their mates. Have they contributed to an offence?

I am interested in what the explanation is. If you cannot speed up the odometer to where it should be, which is tampering with an odometer anyway, is there an out? The other thing is, and I understand what we are doing here, how do we make sure that we protect those who are innocently doing something without trying to break the law?

The Hon. A. MICHAELS: The advice I have, and it confirms what I said earlier in terms of the process that is provided for under the act at the moment, is to apply to the commissioner to have the odometer wound forward, in your case, and have that done by a mechanic, if it is approved by the commissioner.

In terms of the member's question about removing the dashboard and putting it back in without any change to the odometer, if there is no change to the odometer by removing and replacing it, putting it back in, I do not see that that would be an issue. That is not misleading anyone as to what the kilometres are if the odometer has not changed, if I am understanding that correctly. So, take it off, put it back in, and the odometer reading is still the same; is that what—

Mr PEDERICK: For clarification, this alteration, what the previous act says and what we are doing with this bill says that you cannot tamper and you are tampering with an odometer. I heard what you said about having to get the odometer sped up. If that was in an engineering form—because I do not know; I have never been involved in odometer tampering—if it could not be done, surely a statutory declaration would suffice and be made part of the selling process.

The Hon. A. MICHAELS: The further advice I have received is the commissioner may also approve a plate of some description being applied to the car to notify people of the correct odometer reading at that particular time, so that consumers will know if it is not physically able to be wound forward. That is the advice from CBS.

Mr PEDERICK: Just for clarification—and you might have KCs at 20 paces on this; I do not know—you might be wanting to get behind a dash to install a sound system or something and, if you are removing the odometer, I would suggest that according to the bill and the act you are breaking the law. Should there be an amendment to say that some of this is not an adjustment made? I do not know, I am not a lawyer, so I am just seeking clarity around that.

The Hon. A. MICHAELS: In that case, it would be highly unlikely that there would be a prosecution. If there is no damage or loss to a consumer, there would be no prosecution if the odometer reading is the same upon taking it out and putting it back in. Without that fraudulent intent the offence would not be prosecuted.

The Hon. D.G. PISONI: How would the government recover the fine? I understand that any process will now need to be dealt with in the District Court, with the size of the fine and imprisonment. Is the government's intention of this legislation that the first option of up to the maximum penalty is the desired outcome of any conviction, or is prison the desired outcome? What is the government's intention: the fine or prison?

The Hon. A. MICHAELS: The judge will decide. The judge in all sorts of criminal offences has options on fines, maximum jail time. The judge will decide what is appropriate in those circumstances. It will be case by case. I cannot step into the shoes of the court in making that decision.

The Hon. D.G. PISONI: Will there be additional funds in the budget to prosecute those on this offence now that it has been moved to the District Court, which I understand is a more expensive court for processes?

The Hon. A. MICHAELS: It will be covered by existing resources. In terms of consumer affairs, investigators will be covered by existing resources; in terms of prosecution, it will be covered by the DPP and their prosecutions—so there will not be any additional. We have seen an increase in prosecutions in recent years. That has been covered by existing resources and we will continue to do that. We certainly hope that the increase in fines and penalties will dissuade some people from carrying out such offences.

The Hon. D.G. PISONI: Does the maximum penalty include a cap on the amount of money that can be awarded as a penalty? What would happen if the penalty was not paid? Could interest

and any other cost recovery charges be added to that $150,000, or is the absolute cap $150,000 regardless of any cost to government of extracting that money from the person who has been convicted of such an offence?

The ACTING CHAIR (Mr Brown): There were a few questions there. Minister.

The Hon. A. MICHAELS: The process would be as with any other fine imposed by the government if it is not paid: sought through the courts. There is an act—the name escapes me—that deals with fines and penalties, allows for interest to be charged, allows the courts to intervene and assets might be sold or payment plans might be entered into. Those sorts of things that apply to any other fine imposed by the government would apply to this as well.

The Hon. D.G. PISONI: A supplementary—

The ACTING CHAIR (Mr Brown): I'm sorry, member for Unley: you have already had—

The Hon. D.G. PISONI: If I may, you have been granting supplementaries previously.

The ACTING CHAIR (Mr Brown): Go ahead.

The Hon. D.G. PISONI: Thank you, sir. If a fine that has been imposed as a penalty is not paid, does the government or the courts then have an option to resort to a jail term, does the jail term need to be the first penalty, or is the jail term there in case the fine has not been paid? What I am trying to get clarity on here is that if someone has been told they must pay $50,000 and you have been chasing them for 12 months and they still have not paid it, can that penalty then automatically be changed to a jail term, or would that require another court process?

The ACTING CHAIR (Mr Brown): It is essentially moving away from the bill into the general area of justice administration, but I will let the minister answer the question if she wishes.

The Hon. A. MICHAELS: I might take the question on notice. I can confirm to the member that the process would not be that if a fine is not paid then there is some automatic conversion into the maximum imprisonment term under this act. I cannot confirm whether there might be an opportunity to imprison someone who has not paid a fine under the act that relates to fines and penalties. I can check that particular act, but not under this. It would not be a process of simply automatically switching over. It is then a breach of another provision in another act that we are talking about if a fine is not paid.

Mr BASHAM: My question follows on from the member for Hammond's questioning around odometers, particularly now with the increased fines for multiple penalties, the effect it has going forward. My concern is the way the act is worded. It says that 'interfere' is to remove or replace, that that is one of the reasons you are 'interfering', whereas my understanding—from your answer to the member for Hammond—is that your interpretation is that interfering is changing the readings either by making them inoperable or changing the actual numbers.

I was just reading about where, with the newer technologies, they store the odometer readings as they are recorded, and they often store them in multiple places, including in the central control unit of the vehicle as well as on the dash itself as well as in the seat management system as well as in the reversing system. Those are places where they are stored.

Someone could easily be altering those parts of their vehicle having no knowledge whatsoever that they are connected to the odometer and that they are therefore effectively tampering with the readings of that section of the recording. I guess my question is: should we have a definition of interfering that actually talks about changing the readings more specifically rather than just removing or replacing?

The Hon. A. MICHAELS: I thank the member for the question. Those particular provisions are existing provisions; that definition is not changing. I have not been advised of any clarification needed, in terms of any cases going through court where that has been an issue. If there are any specific examples where a prosecution has been attempted in that case I would be happy to hear from the member, but we have not been advised that has been an issue, and that is existing language in the act.

Mr BASHAM: I understand that, but my concern is that now with the increased penalties there may be a will to pursue that case. Putting that aside, I also want to understand that we are just talking about odometer readings. So vehicles like trucks—and tractors are also registrable vehicles on the road—do not actually have odometers necessarily. Some trucks certainly have odometers but also have hour clocks. It is a measure of the operation of the hour clocks. I assume an hour clock is not covered by this legislation.

The Hon. A. MICHAELS: No, hour clocks are not covered. We are talking about odometers on second-hand vehicles as described in the current section 34(1):

A person must not interfere with the odometer on a second-hand vehicle.

Mr TEAGUE: I guess before we all get too excited about the changes in section 34 alone, because there has been some addressing of needs to correct odometers, to wind them forward and maybe even to put a sign on the dash about what an odometer reading might have been at a time—which all sound like interesting and creative workarounds. I am not sure that I have seen it expressed in a way in the legislation, but there might come a chance to ask questions about that in relation to some of the provisions that go forward.

This might lead to a question about the existing subsection (7). So that we are clear about what the changes to section 34 are doing, they are significantly amping up the penalty from $10,000 to $150,000 or two years' imprisonment. I think the member for Unley has adverted to the possible jurisdiction change that that might necessitate. But to go to the questions that have been asked by members, including the member for Hammond just now, those provisions that are of long standing include the prohibition against interference with an odometer, now albeit with a significantly increased penalty, and the prohibitions are those kinds of physical-type references to altering, removing and rendering inoperative that may or may not be well suited to the whole range of the electronic world that we have heard about.

But the whole section is couched within pretty broad-ranging defences to any proceedings that include broadly where the action is not taken for the purposes of enhancing the value of the vehicle, and that ought to provide people in the normal course with a fair amount of comfort that this is not going anywhere too startling. But where it is significantly expanding the scope is in subsection (6) where we go from applying to a dealer to applying to any person that obligation to pay compensation to a purchaser.

The question really comes back to the point the member for Unley was addressing, which is existing subsection (7). I might put this to the minister more particularly. We have subsection (7) presently saying that rules of court may be made under the Magistrates Court Act, and that would have made sense when we were talking about a maximum penalty in subsection (1) of $10,000.

In circumstances where the penalty is now $150,000 or two years' imprisonment, and where a person convicted of the offence in subsection (6) is now liable for compensation to the purchaser, then we are talking about a considerably wider ranging scope of proceedings that is against a whole range of new defendants and resulting in now what could be a very significant range of penalties—large amount of fine, large amount of compensation payable to purchasers. Has there been any particular consideration about the jurisdiction point in subsection (7) and has there been any more particular consideration of the range and scope of additional burden on the courts generally in terms of enforcing these new provisions, particularly the subsection (6) change?

The Hon. A. MICHAELS: I am advised that this was considered. It is possible, due to the range of the fine and the potential compensation, that third or subsequent offences for unlicensed dealing, or odometer tampering, or where it is a body corporate, because of the amount of the penalties, could be required to appear before the District Court. However, the impact on the higher courts is likely to be minimal because of the very low number of prosecutions each year for unlicensed dealing and/or odometer tampering. I think we are talking certainly less than a dozen. I think there might have been nine in the last two years. There were six prosecutions in the last financial year. The volume of prosecutions is very low, so I do not think it would have an impact on the resources of the court in that sense.

The other point I want to make is in relation to subsection (7) of the existing act, which provides:

Rules of Court may be made under the Magistrates Court Act…regulating procedures with respect to applications for compensation under subsection (6).

So not the penalties, just the compensation, and that is not unusual. I think there are some other areas where it might be initiated in the Magistrates Court and may need to be referred up to the District Court. I think some of the building work contractors provisions are similarly commenced in the Magistrates Court and, depending on the value, need to be moved up to the District Court. So there are various other types of provisions where it is very similar to that: it will start in the Magistrates Court, and if it needs to be referred up to the District Court it will be.

Mr TEAGUE: It sort of begs the question about the prevalence of the odometer-tampering problem per se and the amount of resources needed. It is just that they are sort of mentioned in an editorial, I suppose. You would like to think there would be more prosecutions.

The ACTING CHAIR (Mr Brown): Maybe it does not happen very often.

Clause passed.

Clause 13.

Mr TEAGUE: I think the member for Finniss has raised this point about different forms, effectively, of odometer and the fact that, for various registered motor vehicles that are used predominantly in industrial and agricultural ways—tractors are a good example—the only odometer measure will be the hour meter. It would be a sure determinant of value if an hour meter is represented inaccurately—and there are plenty of examples in which such a vehicle is not actually covering very much territory at all but is running for lots of hours, and the hour meter is the thing that is giving the indication of engine wear and is therefore one of the key indicators of the value.

In terms of the scope of section 34A, the minister has already given an indication that an odometer, as is presently understood in the legislation, does not extend to other measures of use, including chiefly perhaps those hour meters that we see on various machines. Is it the case also that new section 34A is not, as is presently expressed, capable of capturing statements that might be made in relation to the hour reading of a second-hand vehicle?

The Hon. A. MICHAELS: Because we do not have information necessarily about that particular hour reading, we will take that on notice and come to you between the houses.

Mr TEAGUE: I appreciate the minister's indication there. This is not anything more than working it through as we go; it is not something that I have raised previously. Perhaps for these purposes and for section 34 purposes, in taking the matter on notice I wonder if consideration might be given to the insertion of an hour meter at the same point that an odometer reading is made. If there is not any particular good reason for not including it, perhaps it might be possible to indicate that in between the houses.

The Hon. A. MICHAELS: I will take that on notice and look into it. If that is required and if we have had any examples of the hour clocks being tampered with, I will find out.

Mr BASHAM: In relation to hour meters, to put it in context when you are considering this, hour meters are very much about the life of the engine. In particular, for example, a truck may replace its engine and reset its hour meter to zero. If it is included, it needs to be related to the engine life, not necessarily the life of the vehicle.

The Hon. A. MICHAELS: We will take that on notice, and we will seek expert advice on hour meters.

The ACTING CHAIR (Mr Brown): The question before the Chair is that clause 13 stand as printed. Those in favour say aye, against say no. The ayes have it. Any questions on clause 14? Member for Heysen, you might indicate if you have any further questions at all?

Mr TEAGUE: It is moving along rather quickly. I did have a question or two about section 34B, within clause 13, but I might have missed my chance.

The ACTING CHAIR (Mr Brown): Okay, go ahead and ask it now.

Mr TEAGUE: I appreciate it, Acting Chair. Because it is the second of these novel clauses and we might all benefit from understanding how the commissioner might be able practically to undertake those powers, new section 34B will provide to the commissioner power to direct the owner of a second-hand vehicle to correct the odometer and refrain from selling the vehicle, etc. That is the heading, so a whole range of things are foreshadowed in the heading. What we see is a whole range of things, 15 of them over the ensuing several pages. It takes up the bulk of the content of the bill in one overall proceeding.

To understand this, the commissioner will be granted that power to direct the owner of the second-hand vehicle to do something, so it is an unusual provision that mandates the doing of something as opposed to prohibiting something or penalising something that has occurred. In terms of the owner that we are talking about for these purposes, I stand to be corrected but it does not seem to me to be directed before or after the sale.

Is it possible or even usual that this might be caught up in proceedings under section 34? You are not voiding the sale but, rather, the owner of the second-hand vehicle is the purchaser who has purchased it with the erroneous odometer. They might even have been paid compensation and the seller might have been fined, but the commissioner can now go to that purchaser and direct correction of the odometer and direct that that person not sell the vehicle—or is it intended to apply and, as it were, catch it before the sale occurs? It seems to me there is no reason why it would not apply before or after a sale.

Is that the case, that the commissioner is going to have this wideranging remit to come along and make these directions in any of the circumstances, including where there has been proceedings and you have an innocent owner of an odometer-tampered vehicle who is now being directed by the commissioner to do things in the interests, presumably, of whoever might be a future purchaser, and being the subject of a direction not to sell before doing so, even though they are entirely innocent?

The Hon. A. MICHAELS: The member is correct. It is more likely to be used before a sale, but it might be the innocent consumer who might need to do some of these things, in terms of correcting an odometer. That is exactly what this is intended for. I draw the member's attention to subsection (2) where if there is a direction by the commissioner it might be quite appropriate for it to be at the expense of the commissioner, if it is an innocent victim, but we would need to correct the odometer to make sure that the problem does not continue for subsequent sales.

Mr TEAGUE: I am grateful already for the indulgence of the Chair. I am conscious that this well and truly takes up questions for clause 13, even though clause 13 had been moved on from. If there is opportunity for one more question—

The ACTING CHAIR (Mr Brown): On clause 13?

Mr TEAGUE: On clause 13.

The ACTING CHAIR (Mr Brown): Let's make this the last one on odometers.

Mr TEAGUE: I appreciate subsection (2) and subsection (10) as well, which both refer to the commissioner copping the expense of those directions and circumstances in which costs might be recovered by the commissioner. Particularly in circumstances where subsection (10) applies, the commissioner appears to be able to recover those costs against the guilty party, but only in circumstances where there has been a completed proceeding, in terms of section 34. So there are three possibilities where it is post-sale: firstly, to bear direction; secondly, that the commissioner might decide to take on the expense of the action as a result of the direction; and thirdly, the commissioner might take up the power to recover the costs of those actions against a person who has been found guilty of tampering, but only if there has been a completed proceeding under section 34.

The Hon. A. MICHAELS: That is correct; that is entirely how it will apply in practice.

Clause passed.

Clause 14 passed.

Clause 15.

Mr TEAGUE: Clause 15 deals with the Second-hand Vehicles Compensation Fund, which begs the question about the capacity to draw on the fund. As I understand it, the scope of purposes of the fund is directed elsewhere than the 34B type activities, and 34B is brand new. Commissioner's expense certainly does not mean at the expense of the fund but, as I understand it, there might be an answer to that question. The core point, though, is having covered this territory about the new opportunities for dealers and purchasers to exclude defective items from warranty and so on, it is welcome that there is a review of the scope of the use of the fund for education programs. Are there any such activities that are in the offing that have been identified that are going to go along with the passing of these changes?

The Hon. A. MICHAELS: I can confirm to the member that we are intending to look at an education program, should these provisions pass the parliament. We have recently—last year, I think it was—undertaken a campaign with the Motor Trade Association to educate consumers on purchasing second-hand vehicles. The best way to purchase second-hand vehicles, of course, is statutory warranties that apply if you buy from a licensed dealer. We have run an education campaign in that sense in recent times, and we will certainly look at running another one again should these provisions pass the parliament.

Clause passed.

Schedule.

Mr TEAGUE: Just to understand, therefore, 'Transitional provision'—the subject of the schedule, and 'Duty to repair', the section 9 change—and I am just trying to bring it up by reference to the summary as well that is said to apply before or after. I stand to be corrected, but is it the one that captures the change to the status of battery for a prescribed electric vehicle and prescribed hybrid vehicle? That being the case, the provision is therefore making clear that the operational battery at least, the drive battery at least, will be covered whether or not it is the subject of a sale before the passage of the bill, so there is retrospective coverage for the battery.

I guess the rationale for that is that, to the extent it is retrospective, it is basically treating the battery as being core to the engine in a way that it might have been recognised previously. I guess the question is: it is a retrospective provision of sorts, but is it more a matter of carving out from the existing description of 'battery' something which we all regard as really something that ought to be categorised or have its own separate treatment?

The Hon. A. MICHAELS: It is intended to make sure that, for those main propulsion batteries and electric and hybrid vehicles, they are covered and that duty to repair or replace that battery if it is faulty will apply if you bought an electric vehicle last year, for example, before this commences. It is fundamental to the operation of the vehicle and that is why it has that, I guess, retrospective nature in making sure those vehicle batteries are covered.

Mr TEAGUE: I note the minister's observation that, in the bulk of cases, where there is a defective drive battery, if we call it that, that is generally accepted as a manufacturing issue in practice so far, and so, to the extent that those problems have arisen already, there has been a remedy available so that the old-fashioned exclusion of the battery has not worked as a problem.

Is the minister aware of any sort of twigging to that issue that has actually caused a problem in practice, because on the face of the act, as it presently stands, one might take the point and not stand by a warranty claim for a failed drive battery in an electric vehicle or a hybrid vehicle? Is there any evidence of a dealer or anybody else taking advantage of the words of the act as they presently stand in terms of second-hand electric or hybrid vehicles?

The Hon. A. MICHAELS: We do not have any evidence to suggest that it is a problem. As I said earlier in my comments, the manufacturers' warranties are between four and eight years on electric vehicles, I am advised, so it has not been a problem, but it is making sure it is covered by that transition provision.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (16:37): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CONSTITUTION (COUNTERSIGNING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 September 2023.)

Mr TEAGUE (Heysen) (16:38): Firstly, I indicate that the opposition supports the passage of the bill. Secondly, I indicate—no drum roll required—that I am the lead speaker for the opposition. The bill is a short one. It is nonetheless of some significant moment because it is affecting a change to the Constitution Act 1934, and any change to the constitution is one that ought to attract some particular and special attention.

The amendment to the constitution that the bill would affect is an amendment to section 71, which provides for the signature and countersignature of certain orders and warrants. For the second time in the house in not so very long we see a section heading that includes the expression 'etc'. It is a general provision in section 71 of the Constitution Act that provides for the signature and countersignature of a range of orders, warrants and documents of that nature.

What it presently provides for is for the countersignature of such documents by a minister of the Crown. That means, as I understand it, it is both the practice and regarded as necessary under section 71 for the attendance of a minister with the Governor to countersign the order or such other relevant document.

I understand that until 1978, the countersignature provision provided for the chief secretary to perform that function of countersignatory. By act No. 8 of 1978, that provision was changed so that the requirement was instead that a minister of the Crown be the countersigning person. I understand as well that until 1978, it had been the practice of considerable long standing that the chief secretary performed that function. It has been changed in such recent times.

There has also been change by virtue of an omnibus amendment act in 1987 but that, as I read it, was rather more mechanical in that it expanded the relevant scope of warrant for those purposes from any warrant for the payment of money to therefore expand the scope of the provision.

In terms of the personalities participating in the countersigning process, we have seen that substantive change in 1978 from the chief secretary to a minister of the Crown and that has been the practice for those ensuing 46 years or so. The change that would now be applied to both the heading and then relevantly the body of the provision is to remove that requirement for countersignature altogether, so no longer will it be required for any form of countersigning to be done.

We bear in mind that these are documents that have come after having been the subject of executive consideration. I just make clear that notwithstanding the change in 1978, and the then longstanding practice of countersignature by a minister of the Crown, the practice of countersignature went back a considerable long way prior to that. So what has changed?

Well, the Premier in bringing this bill to the house—introducing it and explaining to the house the rationale for doing so back in September last year—indicated it is really not making any substantive change to any power that the Governor has to approve the expenditure of public money or to make or revoke appointments or otherwise, as I have already said. The longstanding practice is that there are three signatures obtained in a meeting of Executive Council: a recommendation by a minister of the Crown on behalf of Executive Council, the Governor's signature and then also the countersignature of the minister of the Crown. As I indicated, it is already the subject of executive consideration by the time the Governor's signature is sought.

We have heard that this has come along, in part inspired by the changes of circumstances that are forced upon us—the result of the COVID-19 pandemic and what has been, as I understand it, further highlighted in the course of practice both during the pandemic and since—and they are really being made to make sure that those decisions of the Governor will not find themselves vulnerable to being deemed invalid for reasons only to do with a currently necessary meeting being held virtually.

I think the Premier conceded that the Legislation Interpretation Act 2021 already allows for meetings that would otherwise be required to be held in person to be held via audiovisual means, but there is a caution as to whether that applies in circumstances where a person needs to be physically present to witness the signing of documents.

It has been regarded that the second minister must be physically present to witness the Governor's signature of the instruments before countersigning, so the bill removes the requirement for countersigning completely and as a result removes any need for that interpretation in terms of whether or not there is a vulnerability in circumstances of a virtual meeting. As I understand the Premier's argument in favour of the bill, the merits of moving in this way apply regardless of that particular context. It might be an expression of both convenience and necessity.

We have seen already—at least in part, I think—that there are many members of the house who can attest to the change of arrangements to the holding of meetings that might otherwise have been held invariably in person and not virtually, to now it really having become very much the norm that meetings, right up to and including that of national cabinet, might be held virtually. The capacity to do so ought to be something that can remove uncertainty from the process of applying these relevant orders, warrants and so forth.

While this is indeed a significant matter, involving as it does the process for the Governor to bring orders into force and the removal of the participation oversight of a minister of the Crown from that process, I hope that the explanation of the circumstances in which that has occurred that has been provided by the Premier have put on the record the reasons for doing so.

I do not understand the Premier to be indicating, or I am not aware of any indication from the Governor—and one would not ordinarily be given any such indication—but I do not understand it to be necessarily the Premier's or the government's intention now to conduct Executive Council meetings other than in person, but the possibility is afforded by making the change.

There are some important questions, although discrete, that I think the Department of the Premier and Cabinet and the Cabinet Office have had to grapple with in terms of the practice that will now ensue. There has been some engagement about that by me and my office, particularly with DPC and, I think, through DPC to the Cabinet Office. I think this is a worthwhile matter to place on the record in the course of the debate. It has been put that, in response to those inquiries, as I understand it:

> The Governor may only exercise a statutory power with the advice and consent of Executive Council. The Governor may exercise statutory powers with the verbal advice of Executive Council, however decisions are recorded in writing as best evidence of the exercise of those powers. This is unaffected by the countersignature requirement in section 71 or its proposed removal.
>
> The countersignature measure in section 71 was included in the 1934 version of the Constitution Act and required certain decisions to be countersigned by the Chief Secretary (a portfolio held by a Minister of the Crown). This was amended in 1978 to require countersignature of a 'Minister of the Crown'.

I pause there before proceeding just to indicate that particular context. It was an introduction of a flexibility but of one of that category as opposed to the individual identified of Chief Secretary. I continue:

> While it is not definitive, it is likely that the intention of the countersignature requirement was to show evidence that a Minister was physically present to witness the Governor's signature, and as a check on the Governor's powers. We are not aware of any other legal consequence brought by a countersignature or any other additional benefit, meaning it is not necessary.

The indication is that the current recording of meeting minutes and longstanding meeting protocols likely provide sufficient evidence that the exercise of the Governor's statutory powers have been

made on the advice and consent of Executive Council and that the quorum requirements have been met. And further:

> In addition, the Governor in Executive Council makes significant decisions, for example makes regulations, that are not covered by the countersignature requirement. These decisions are still countersigned as a matter of convention rather than legal necessity. Therefore, matters that do not currently require countersignature, will be expanded to include matters of public expenditure, appointments and dismissals, with the proposed amendment to the Constitution Act.

I am grateful for that engagement. I think it demonstrates the nature of the consideration of the practicalities of the Governor exercising those duties with and without countersignature in those different circumstances.

With those words, I again indicate that the opposition will support the passage of the bill and looks forward to then seeing what the practical outworking of it will be, particularly in terms of how Executive Council might be conducted in the future, indicating that, where practical—and I might be speaking just personally in this regard—it would be my preference that those meetings in particular continue to occur in person unless there are particular reasons for not doing so. There will be no such need for meetings that were occurring only for the purpose of countersignature, and the amendment to section 71 will provide certainty in terms of the efficacy of those orders as well. With those words, I again indicate the opposition's support and commend the passage of the bill.

Mrs PEARCE (King) (16:59): I, too, rise to speak in support the Constitution (Countersigning) Amendment Bill 2023, which will amend section 71 of the Constitution Act 1934 to remove the requirement for certain decisions of the Governor to be countersigned.

The COVID-19 pandemic has certainly shown us that there are many areas that we can improve upon and where we can update our ways to be more reflective of the circumstances that we find ourselves in. One way we can go about such an improvement is by delivering greater flexibility in the ways that we work, with everyone across the community having been challenged in some way or another over these last few years. This has allowed us an opportunity to think about how work can be done differently or more efficiently by better using technologies that are available to us in our post-COVID era to undertake our responsibilities with greater flexibility, should we need to.

I see technology's influences in my neighbourhood every day: when I am knocking on doors and meeting the people who continue to have working-from-home arrangements; in businesses that have embraced new ways to provide their services; and, of course, in community organisations that have also adapted how they meet and how they service our community.

This amendment bill before us has come about as, in recent years, we have been shown clearly that meeting physically is not always a possibility, be it for reasons of practicality, personal safety or when you are feeling unwell. The amendment is therefore an important but simple update to the way the government conducts its business and brings the processes and systems in place up to date and on par with the contemporary world of business.

To provide a brief outline of a meeting of the Executive Council, currently three signatures must be collected. These signatures include the recommendation signature of a minister of the Crown, the Governor's signature and a countersignature of a second minister of the Crown. The second minister of the Crown who provides a countersignature is currently required to be present physically to witness the Governor sign the instruments, before they can provide their countersignature. While the Legislation Interpretation Act 2021 allows for meetings to be held virtually, which may otherwise cover such meetings of the Executive Council, it does not allow for this where a person must be physically present to witness the signing of documents. It is thus currently not allowed for meetings of the Executive Council.

But while we here, as well as the business community outside of this place, know that meeting virtually is something that is not just able to be accommodated, in many cases across the business sector virtual meeting arrangements, such as those that this amendment may allow, are often just standard procedure.

The interruptions we have faced and the technologies we have used throughout the COVID period help to showcase just how important it is to be able to have flexibility. Supporting this amendment will allow for greater continuity of government measures where there is a need to

accommodate such meetings, be it for practical reasons or for safety. It is a small but sensible change to make, and it is one amongst many that have been made across many sectors of South Australia, with businesses and workers now finding the benefits firsthand.

It is due to these changes, which have been made possible by the quick advances in technology and our equally quick adoption of them due to necessity, that we are now able to see different ways of working as more than just a possibility. For example, at the beginning of the pandemic around 13 per cent of people reported that they were working from home at some point throughout their week. This swiftly peaked throughout the pandemic, more than doubling across Australia, to be around 26 per cent to 31 per cent.

While we can see that working from home has begun to come down from its pandemic peaks, more flexible working arrangements have become possible following the pandemic. Data from the ABS's latest working arrangements release shows that the proportion of workers now doing more of their work by telecommuting—due to access to flexible arrangements—has increased from 13 per cent in 2015 to 39 per cent in 2023. We have seen how our ability to incorporate these new technologies into our everyday working lives can lead to increases in productivity and other benefits that may come from having more flexible working arrangements.

Across both the private and the public sectors, these moves have been received with boosts to employee satisfaction, especially for people with a disability, workers from across our regions and workers who have caring responsibilities. Greater flexibility to attend to the various commitments of work have also helped others to be able to attain positions at work that may otherwise have been out of reach for them. In turn, that has helped to boost the levels of diversity that we are seeing in our workplaces. Just about every worker has in some way stood to benefit from these changes, changes which have often come about out of necessity but have also come from the collective desires of the workers themselves, who have sought better and more flexible conditions in their own workplaces.

Importantly, what this amendment will not see are any changes made to the Governor's powers to approve the expenditure of public money or making or revoking any appointments. Nor will it see Executive Council meetings moving to be entirely online as the new expected norm, but instead it will allow for the flexibility of moving such meetings online where there is a need based on extenuating circumstances, which do arise from time to time, and where such a decision to move the meeting online is approved by Her Excellency as the Chair.

What it will do is allow for the use of virtual meetings as an option for the Executive Council in extenuating circumstances and remove the requirement that a minister of the Crown countersign instruments which are signed by the Governor. It will ensure that, where decisions of the Governor are made, these decisions will not be held invalid just because the meeting may have been held virtually, as is often business as usual for many sectors across our state.

As the Premier succinctly captured in his second reading speech to this bill, this is about allowing for flexibility in decision-making and, just as businesses across our community are delivering greater flexibility in their workplaces, this too will see the government brought into line with what is often standard practice outside of this place. I therefore commend the bill to the house.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (17:06): I thank members for their contribution on this. I understand that there is a will for a short committee stage as well.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr TEAGUE: I do have a question on clause 1 and the question is one of context. I record my appreciation for both the briefing on the bill and DPC's further engagement in response to some questions. I have referred to the 1978 change from a requirement for countersignature by the Chief Secretary, as one of the ministers of the Crown, to any minister of the Crown and also to advice

in relation to the Governor in Executive Council making a variety of significant decisions that are not covered by the countersignature requirement. Is this removal of countersignature now just doing away with such a countersignature requirement once and for all? Is there any other remaining requirement? Are meetings such as this able now to be done comprehensively virtually if necessary?

The Hon. J.K. SZAKACS: I thank the member for his question. I will answer the question whilst also jumping ahead to explain, or at least to try to advise of, instances in which the Governor will not be able to execute matters virtually. I am advised that royal commissions and commissions will not be able to be executed virtually or not in person. That is because of the seal and the seal requirements; it is not pertaining to the countersignature but is simply a matter of process with respect to the seal.

I am advised that there is some consideration being undertaken on those matters. I cannot advise at this stage on progress, but there is certainly advice being taken as to what reform may be required or could be prudent in respect of the seal, in which case all matters, including those of royal commissions and commissions executions, would be able to be understood and executed virtually.

Mr TEAGUE: Also at clause 1, rather than focusing on the particular change, again, I am grateful for the indication of the range of significant decisions that are taken by the Governor in Executive Council that are not covered by the countersignature requirement. The indication is that those decisions are still countersigned as a matter of convention rather than legal necessity. Is that practice going to change as a result of these changes as well, so that that convention is no longer to apply?

The Hon. J.K. SZAKACS: The member is correct in his assertion that it is a matter of convention that those other matters are countersigned. It is not my place to speak on behalf of Her Excellency the Governor as to the way that she will seek to exercise the ongoing or otherwise execution of that convention, but I have no advice to the contrary or to suggest a change. I am also advised that would be a reserved matter for the Governor in Executive Council to determine, should she, whether that convention will remain and continue.

Clause passed.

Remaining clause (2) and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (17:13): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CHILD SEX OFFENDERS REGISTRATION (CHILD-RELATED WORK) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 February 2024.)

Mr ODENWALDER: I draw your attention to the state of the house, reluctantly, sir.

A quorum having been formed:

S.E. ANDREWS (Gibson) (17:16): I rise to speak on the Child Sex Offenders Registration (Child-Related Work) Amendment Bill. This bill creates a default rule that registered child sex offenders, and those accused of registrable child sex offences, may not work in businesses that employ children, if their employment would involve contact with child employees. Accused and registered child sex offenders are already generally prohibited from engaging in child-related work; however, the current definition of child-related work does not extend to working with child employees. This bill broadens that definition.

The Malinauskas Labor government is committed to protecting the most vulnerable members of our community. This reform complements the strong suite of commitments we have already delivered since the 2022 election. Every South Australian has a right to be safe. Every worker also has a right to be safe, no matter their age, gender identity or cultural background. We know that many young people start out working in fast food or retail services.

We also know that if you want to ensure that your safety and other rights at work are protected then you should join your union. In these industries it is the Shop, Distributive and Allied Employees' Association (SDA) that is most likely your union to join. The SDA have publicly called for reform in this area. As has been reported, employers in these industries can have a somewhat casual attitude to the safety and care of their employees, with the SDA reporting underpayment of wages, denial of breaks, denial of allowances and many other breaches of employment law.

I urge all workers to join the union that represents their workplace and make sure they are getting all their entitlements. I am a proud member of the Australian Services Union which represents workers in social, community and disability services; the energy sector; local government; and not-for-profits, among other sectors. Solidarity to my fellow ASU members.

Every young person has a right to be safe, respected and supported appropriately and within the law in their workplace. They certainly do not deserve to be put at risk by their fellow employees or their management. As a parliament we owe them that—the freedom to work, gain skills, build their confidence and earn their first wages in a safe environment. I support this bill and commend it to the house.

Ms CLANCY (Elder) (17:19): I rise today in support of the Child Sex Offenders Registration (Child-Related Work) Amendment Bill 2023, which seeks to broaden the definition of child-related work to ensure South Australians under the age of 18 are not working alongside registered sex offenders or those accused of registrable child sex offences, including the persistent sexual abuse of a child, gross indecency and the production or dissemination of child exploitation material.

At present, accused and registered child sex offenders are already generally prohibited from working in a narrow cohort of roles that provide services directly to children, such as child care, foster care or coaching in sports. This is a clear flaw in our current laws that South Australians would rightfully expect we fix. South Australian parents and caregivers—all parents and caregivers—would hope and expect that when their children go off to work for the first time, whether it be stacking shelves at the Cumberland Park Woolies, taking orders at the new McDonalds in Pasadena or weekend shifts at one of our excellent local coffee shops, they are working in a safe environment.

Young people are already some of the most vulnerable in a work environment, and we must do everything we can in this place to keep children safe wherever they may be. This bill supports our commitment to take the toughest action ever in the history of our nation against those who exploit children. In addition to this reform, we are also seeking to fast-track tough new child sex offender laws which would see serious repeat child sex offenders subject to indefinite imprisonment and face lifetime electronic monitoring.

This reform also complements the suite of commitments we made to the South Australian people at the last state election that we have already delivered upon, including closing loopholes that once made it easier for South Australians who possess child porn or childlike sex dolls to get bigger sentence discounts or bail, increasing penalties for a range of child sex offences and boosting funding for victim support services.

South Australian Labor has a proud and long record of improving community safety, providing support for victims and reforming our justice system. It was Labor who removed the statute of limitations on child sex offences, established our first child sex offender register and appointed the state's first Commissioner for Victims' Rights.

But we also know that justice is about so much more than just punishing criminals. Those of us on this side of the house appreciate we must place those who are victims of criminal activity at the centre of the government's response to crime and ensure they are treated as more than just a witness or survivor. South Australian victims of crime, regardless of their economic circumstances or the language they speak at home, should feel respected, supported and safe. The trauma of victims,

which can easily be aggravated by court proceedings, anniversaries and publicity, needs to be addressed safely, compassionately and confidentially.

We were all shocked by reports in March 2022 that a fast-food manager who had been arrested for being in possession of child sexual abuse was allowed to continue working with and supervising underage workers because his employers had not been told of his charges. That is completely unacceptable. South Australians were again disgusted in August 2023 when a 23-year-old man was arrested for sexually abusing an underage co-worker and sexually harassing two underage co-workers at a regional KFC.

When we send our kids off to work for the first time, we prepare them for the grumpy customers, the passionate micromanagers and the stress of balancing homework and shift commitments. If you are anything like my parents, you also make sure they get to work 10 minutes before their shift starts so they can go to the toilet beforehand and be ready to begin the moment their shift starts. But what we often do not prepare them for—and we should not have to and, obviously, we do not want to have to—is the risk of sexual assault and harassment at the hands of their adult colleagues.

As parents and caregivers, we often do not prepare our children for this because we do not expect it to be an issue and we desperately do not want it to be. South Australian parents and caregivers rightfully expect the law and the criminal justice system to keep their children safe from predators when their children are not at home, especially so in a workplace.

Today, the Malinauskas government hears those parents and caregivers and will provide additional protections to ensure South Australian children who are working are not working alongside registered child sex offenders or those who have been accused of registrable child sex offences. Just saying that sentence out loud, it seems so obvious. It is something that we should not have to say out loud. It is something that should already exist. So I am really proud that we are making that happen.

Under this proposed reform, registered child sex offenders, and those accused of registrable child sex offences, would be unable to work for a business that hires underage workers, where the offender would be in contact with those children, regardless of whether that is in person, over the phone or via email. It is about keeping these children safe through as many mediums as possible. Those who have been accused of registrable child sex offences and who have underage co-workers would be required to notify their current employer within seven days of being arrested. This bill does not seek to apply this prohibition to employment where the workplace contact with a child is only ever fleeting or incidental, such as during a change of shift.

Upon successful passage of this bill, registered child sex offenders, and those accused of registrable child sex offences, could apply for variation of these reforms once in place only where it may be deemed that they pose no risk to child employees in their workplace. This would be at the discretion of the bail authority for the accused offender or the Commissioner of Police for convicted registered offenders.

In closing, I would like to thank the SDA for their ongoing efforts. They always do great work and have publicly called for this reform in this area for years. They can now finally see their efforts pushed forward in this place. A big shout-out to that union's secretary, Josh Peak: good job. I would also like to thank the Attorney-General and his team for their ongoing work on criminal justice reform since we came to government, as we strive together to keep all South Australians safe and well, wherever they may be.

I am very proud to be part of this Malinauskas Labor government, a government that is committed to fairness and committed to keeping people safe in our community. It has been a pleasure to speak on a number of Attorney-General bills in my two years so far in this place and I hope to be here for many more years talking on even more extra excellent reforms brought to us by our Attorney-General.

This bill is an important step forward in protecting vulnerable young South Australians at work. I know all the people in this place, regardless of whether a parent or a caregiver, care passionately about making sure the most vulnerable people in our community are protected. This bill

goes some way in doing that. I want to make sure that our young people get to go to work and be as safe as possible.

My daughter turned seven on Sunday, so we are a while away from having to send her to any kind of workplace. But when I do—because I will be making sure she does go to a workplace as soon as she is able; it teaches them a good work ethic—I hope that she is safe and that the worst thing she comes home with from her shift at KFC or Maccas (maybe she will have a paper round like I did when I was little) is just that there was a grumpy customer. Let's be honest, they are children; a 14 year old is a child. I want to know that that 14 year old is safe, that there are not people who have committed awful offences in the same workplace as them, working beside them. It is completely unacceptable.

I think it is really important to get this bill through our parliament because it will make such a difference and give many parents and caregivers in our community peace of mind that when they send their children to maybe serve someone a two-piece feed their child is in a safe place. I am just really proud about this important step and that we are moving forward and protecting vulnerable young South Australians at work. I commend the bill to the house.

Debate adjourned on motion of Mr Odenwalder.

HERITAGE PLACES (PROTECTION OF STATE HERITAGE PLACES) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

STATE ASSETS (PRIVATISATION RESTRICTIONS) BILL

Final Stages

The Legislative Council agreed to the amendments made by the House of Assembly without any amendment.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Legislative Council informed the House of Assembly that it had appointed the Hon. T.A. Franks to the committee in place of the Hon. F. Pangallo (resigned).

Bills

INTERVENTION ORDERS (PREVENTION OF ABUSE) (SECTION 31 OFFENCES) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 17:32 the house adjourned until Wednesday 6 March 2024 at 10:30.