LEGISLATIVE COUNCIL

Thursday, 7 August 2014

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:15 and read prayers.

Condolence

CREEDON, HON. C.W.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:16): With the leave of the council, I move:

That the Legislative Council expresses its deep regret at the passing of the Hon. Cecil William Creedon, former member of the Legislative Council, and places on record its appreciation of his distinguished public service and, as a mark of respect to his memory, the sitting of the council be suspended until the ringing of the bells.

I rise today to pay respect to Mr Cecil William Creedon. Although I did not know Mr Creedon personally and, although he was born in Tasmania, I understand that he raised his family of five children in Gawler, where I understand that he was a very active member of that local community. I understand that he ran a local dry cleaning business and was associated with various sporting and community organisations in the Gawler area.

Mr Creedon was also the president of the Gawler Adult Education Centre. He was clearly passionate about the local community as he served as a councillor on the Gawler council between 1960 and 1968 and then went on to become mayor between 1972 and 1978. In 1973, under a re-elected Dunstan government, Mr Creedon, along with Mr Chatterton, become the first Labor members of the Legislative Council to win seats outside the metropolitan area. At the time the Liberal and Country League, as it was known then, held a significant majority in the upper house, and this win by Labor is said to be the start of the pulling back of that majority, which we have been doing ever since.

Somewhat of a reformist, Mr Creedon was one of the first members to make an affirmation to The Queen instead of swearing on the Bible, and it was considered quite controversial at the time. Mr Creedon spent his time in parliament pursuing his interest in local government, and he also was a strong advocate for consumers. In his maiden speech he raised concerns about unscrupulous land agents, whom he described as willing 'to make as great a profit as possible at the expense of the aged or of young, inexperienced couples'.

Mr Creedon served as a member of the Legislative Council until 1985, and during that time he was a member and acting chairperson of the Joint Committee on Subordinate Legislation and also a member of the Public Works Committee. In closing, I commend Mr Creedon for his service to South Australia and to this parliament and pass on my condolences to his wife, Jessie, children, grandchildren and, I understand, great-grandchildren. We express those condolences at his passing.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I rise to second the motion and endorse the comments made by the Leader of the Government, and add some of my own. I was saddened to hear of the passing of the Hon. Cecil Creedon. As a fellow member of this place, I extend my condolences to his family and recognise the services to South Australia that he provided during his time in the Legislative Council.

The Hon. Cecil Creedon was first elected to the Legislative Council on 10 March 1973, firstly to the Midland District and, from 1975, the state. This came after two previous attempts to enter the parliament in 1962 and 1968. Mr Creedon went on to serve in the Legislative Council for over a decade, leaving parliament in December 1985.

Mr Creedon's parliamentary career was marked with various committee memberships. He sat on the Parliamentary Standing Committee on Public Works as well as the Joint Committee on Subordinate Legislation, where he served as acting chairman in 1975. His career was also not without controversy. In 1973, along with two other members of parliament, he declined to take the

oath of allegiance on the Bible, instead making an affirmation of allegiance to the Queen. When asked why he refused to swear on the Bible, Mr Creedon replied, 'That's my personal business.' The other members also commented that they would rather affirm their allegiance to Australia than the Queen.

Cecil Creedon was never afraid to stand up for his beliefs, even when it landed him in a little hot water. Mr Creedon was also slightly embarrassed in 1973 when he failed to vote on the Criminal Law (Sexual Offences) Amendment Bill which was defeated by—it says in my notes 'the Speaker's' but I suspect it was the President's casting vote. Apparently Mr Creedon was on the phone when the bells for the division were ringing and he failed to hear them, resulting in him missing the vote. I am sure members would find it almost impossible to even speak on the phone here above the loudness of the bells in some of our offices today.

During his time in parliament, Mr Creedon fought for increasing service delivery for poorer members of the community. He fought tirelessly to expand public patient access to the Hutchinson Hospital. He also campaigned for better vehicle access and parking in the Gawler central commercial district. Before entering parliament Cecil Creedon ran a dry-cleaning business (Creedon's Dry Cleaners) and he had been a member of the Gawler corporation for eight years. He was also mayor of Gawler from 1972 to 1978, and the president of the Gawler Adult Education Centre. Married with five children, Mr Creedon lived in Gawler for much of his life and was heavily involved in the community, especially with sporting and community organisations.

I am sure Mr Creedon will be sorely missed by his family and his parliamentary colleagues. I thank him for his services to South Australia and pass on our condolences to his family and friends.

The Hon. R.I. LUCAS (14:22): I rise to support the statements made by both leaders in this chamber. Obviously, I am the only member in this chamber who served for a brief period with Cecil Creedon (or Cec Creedon), affectionately known to me and some others as Cecil B. DeCreedon, for what might not be obvious reasons.

I served for the first three years of my parliamentary term learning the ropes in the Legislative Council and, as the leaders have outlined, he was one of the more experienced members of the Legislative Council at that stage, having served for approximately a decade. He was, as many of the members in the Legislative Council were in those days—both Labor and Liberal—a thoroughly decent person, a gentleman in terms of his handling of relationships with other members of parliament and, to my knowledge and understanding, certainly with the staff of the Legislative Council and parliament at the time.

My colleague the Hon. Mr Ridgway has referred to one or two of the more controversial elements of the Hon. Mr Creedon's career but I suspect (certainly to my knowledge) there were not a significant number of those in his 12 years or so of service. He was not noted to be a controversial contributor to the parliament or to the Legislative Council during his 12 years. He was a loyal servant of his party and the communities that he sought to represent.

As I said, he was not a noted and controversial contributor. For example, in recent years we have referred to the service of the Hon. Norm Foster who was known as 'Stormy Normie'. In that case it was for obvious reasons because he was a stormy and controversial contributor on a range of issues in the parliament. I only have one recollection of having a disagreement with the Hon. Mr Creedon (or Cecil B. DeCreedon) and that was in his valedictory contribution, or his parting speech to the Legislative Council. Having served loyally for 12 years or so in the Legislative Council and having thanked everybody and acknowledged his 12 years of service, he then called for the abolition of the Legislative Council—which, as I pointed out to 'Cecil B. DeCreedon' afterwards, I thought it was rather convenient that, having served 12 years in the Legislative Council, he then started the battle for the abolition of the Legislative Council.

The Hon. I.K. Hunter: Timing is everything.

The Hon. R.I. LUCAS: Timing is everything as the Hon. Mr Hunter indicated. I thought, perhaps, if he wanted to take up that battle he might have started it a bit earlier than his farewell contribution to the Legislative Council. Obviously, on that issue we disagreed, and disagreed strongly, in terms of our view as to the merits and usefulness of the role of the Legislative Council in our system of parliament in South Australia.

My recollections of the three years that I served with the Hon. Mr Creedon, as I said, are fond memories and, certainly, I would like to join with the two leaders in passing on my condolences to his family and friends and also acknowledge the service he gave to his party, the parliament and his community.

The Hon. J.S.L. DAWKINS (14:25): I rise to support the motion. It seems as if, other than the Hon. Mr Lucas, I might be the only other member of this chamber who knew the Hon. Cecil Creedon (Cec, as he was well known).

I suppose I remember him well initially because he served in this chamber with my father for nine years, and they also shared another similarity in that, as was mentioned, the Hon. Mr Creedon was mayor of Gawler and for part of the time he was mayor of Gawler he served in this chamber. That was quite common at the time because, when my father first became a member of this place, he was the chairman of the district council of Mudla Wirra, which most of you would never have heard of, but I will keep the name Mudla Wirra alive forever. It was quite a common thing for members of parliament. The Hon. Dr Bruce Eastick was mayor of Gawler when he first entered parliament and went back to being mayor of Gawler at the end of his parliamentary career. That cannot be done now, by law.

Certainly, Cec Creedon was well known for his dry cleaning business in Gawler and for his strong support of his family. I made mention of the Hon. Mr Creedon in my maiden speech because, as a former mayor of Gawler and a dedicated Labor stalwart, he was the most recent resident of the town in which I lived to serve in this chamber, and I said at the time that I enjoyed our conversations when we occasionally met at community functions.

I have not seen a great deal of the Hon. Mr Creedon in recent years. The last time I saw him he was showing the effects of age, and there is no doubt about that, but he greeted me with as much friendship as I ever received from him previously. I appreciate the humour and the regard with which the Hon. Mr Lucas has referred to the Hon. Mr Creedon, because he was one of the first country ALP MLCs, as the Leader of the Government mentioned, but he was always someone who enjoyed friendship across the chamber. Certainly, I know that my father and he got on very well, considering that they were both MLCs based within a very short distance of each other. In saying those things, I extend my condolences to the Creedon family.

Motion carried by members standing in their places in silence.

Sitting suspended from 14:29 to 14:44.

Parliamentary Committees

PRINTING COMMITTEE

The Hon. K.J. MAHER (14:44): I bring up the first report of the committee.

Report received and adopted.

Question Time

SITE CONTAMINATION, EPA NOTIFICATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:45): I seek leave—

Members interjecting:

The PRESIDENT: Order! Let the honourable member ask his question.

The Hon. D.W. RIDGWAY: Thank you, Mr President. I seek leave to make a brief explanation before asking the Minister for Environment, Sustainability, and whatever else he is responsible for, a question about the EPA.

Leave granted.

The Hon. D.W. RIDGWAY: The EPA website lists a number of suburbs where site contamination has been discovered which are listed under either current or past EPA assessment areas. Residents in a number of these areas have been notified by the EPA not to use bores because of the contaminants, but it is unclear whether residents are reminded of this or that notification was

made to ensure newer residents are kept informed. For instance, in Beverley, listed as western suburbs on the website, TCE was discovered in 2008 at a concentration of 6,000 micrograms per litre in shallow groundwater. Incidentally, the World Health Organisation's water drinking guideline at the time was 20 micrograms per litre; this was at 6,000 micrograms per litre.

An investigation by SA Health and the EPA revealed significant levels of TCE in several domestic bores. A public health bulletin was published in 2008 and it states there are several bores which were used regularly in that area with a particular concern for direct human exposure via inhalation and dermal contact where the groundwater was extracted and used for irrigation or in swimming pools.

Another example is the suburbs of Keswick, Ashford and Forestville where residents were notified in December 2013 not to use their bores because of a range of chemicals, including TCE, in the groundwater. A report on this preliminary work was expected to be available at the end of May 2014. My questions to the minister are:

1. What process does the EPA have to keep residents informed about the risks to their health from the groundwater contamination or does it rely on the original notification?

2. Has any follow-up testing been conducted in Beverley and adjacent suburbs since 2008? Wouldn't it be prudent to undertake further testing given the high levels of TCE in the shallow groundwater? Has this area been considered for groundwater prohibition notification and, if not, why not?

3. Is a report for Keswick available and, if not, why is there a delay given it was due in May 2014?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:47): I thank the honourable member for his questions. I can advise him that the EPA provides information to residents based on their assessment of risk. The EPA advises where necessary for people with bores not to use those bores and they also advise bore users generally, I am advised, to have their bore water tested at least once every year or every two years.

The honourable member asked me this question in relation to communication to Hendon residents earlier this week and I can advise that letters went out on 14 May 2012 which talked about testing private domestic groundwater bores in the assessment area. In further correspondence to residents they were told on 16 December 2013 as well not to use groundwater for any other purpose until further notice and updated residents about further work to be required, so the EPA does advise residents about usage of bore water based on risks.

In relation to the other areas the honourable member asked about, I will get an answer from the EPA and bring him back that answer as soon as I can.

SITE CONTAMINATION, EPA NOTIFICATION

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:48): A supplementary: I accept Beverley and these issues from 2008 but, in particular, the TCE groundwater preliminary work was expected to be available at the end of May 2014. Given that is a current issue, what is the status of that particular report?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:48): I said I will find out the answers to the other questions that I have not answered and bring them back as soon as I can.

SA WATER CONTRACTS

The Hon. J.M.A. LENSINK (14:49): I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray regarding SA Water's contracts.

Leave granted.

The Hon. J.M.A. LENSINK: On ABC radio this morning a gentleman by the name of Dane, one of the labourers who has worked on the Kingscote water main replacement, said that he was

forced to become a subcontractor before he could work on the project. Matthew Abraham put the question to him as follows, 'So you're a labourer and you had to get an ABN?' Dane says, 'Yes, there was no other option given to me.'

On radio this morning, SA Water chief John Ringham mentioned that BJ Jarrad is in the process of undertaking 11 projects for SA Water. The Liberal Party is in receipt of a leaked 2011 memo relating to a company which was contracted to the government to provide services, and in particular that it was flouting federal laws to avoid paying leave entitlements, superannuation and payroll tax to enable it to undercut its competitors when bidding for government contracts. The crown law advice in this instance to the CEO of DCSI was that this company should engage its interpreters and translators as employees and not contractors.

One of the Kangaroo Island subcontractors for the Kingscote project today contacted Fair Work Australia to inquire as to whether they should have undertaken work as PAYE taxpayers or subcontractors, and it has been confirmed that they should have been engaged as employees. My questions are:

1. Can the minister advise whether all BJ Jarrad's contracts which are being undertaken for SA Water are not in any way breaching federal laws?

2. As part of its due diligence, does SA Water seek to ensure that anyone who is engaged in work on behalf of SA Water is receiving their entitlements and coverage, including public liability insurance, WorkCover and superannuation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:51): As I said in this place yesterday, I understand that on the morning of last Friday, SA Water was advised that BJ Jarrad had been placed into voluntary administration under the administrator Ferrier Hodgson. BJ Jarrad is currently contracted by SA Water to complete 11 projects, which I am told are at various stages in their delivery, including the almost completion of a Kingscote water supply upgrade.

SA Water, as I said, is working closely with the administrator, ensuring that current projects continue as per the contracts. SA Water aims to ensure as little disruption as possible to stakeholders and project time frames as can possibly be managed. I understand the administrator intends to minimise disruptions by keeping BJ Jarrad trading whilst a buyer for the business is sought.

I am very pleased that SA Water is working closely with the administrator in ensuring the best outcome for the parties involved as best as we can manage it. All due payments, I want to advise the council again, have been made by SA Water, is my advice, to the contractor, including a most recent payment made directly to the administrator. SA Water is willing to consider expediting payments to hasten cash flow, to assist the administrator, generating revenue to meet current obligations.

The government recognises, of course, that this is a distressing time for those contractors who are still owed money by this company. Subcontractors of BJ Jarrad should contact Ferrier Hodgson, the administrator, if they have any more queries about those issues. SA Water and the government are unable to impose conditions as to who the administrator will pay and on what basis that payment will be made. This, I would imagine, will be determined by the agreements between BJ Jarrad, or now the administrator, and the subcontractors. It certainly would not be normal practice for SA Water to pay subcontractors directly, because SA Water has no commercial or legal relationship with those subcontractors. I covered that yesterday.

I am also advised that the administrator will hold a meeting next Tuesday which will be a forum for all creditors to receive an update on the status of BJ Jarrad. My office has asked SA Water to encourage the administrator to take into account the concerns of those creditors who may be unable to attend the meeting and travel from Kangaroo Island. SA Water monitors its key suppliers on an ongoing basis for any potential signs of financial difficulty. BJ Jarrad's performance has been acceptable in recent years, I am told.

SA Water approaches the market for capital project delivery in several ways. SA Water evaluates a number of key criteria in all tenders, including price, methodology, personnel, relevant

proven experience and risk, including financial liability, and the majority of capital projects involve subcontract elements as part of normal business. That would not be unusual, either for SA Water or indeed other businesses.

I understand that BJ Jarrad had entered into voluntary administration in September 2011. SA Water's response at the time was to work with BJ Jarrad to complete existing work whilst they refinanced their business. Over this period of administration, I am advised that BJ Jarrad was not invited to tender for any new work from SA Water.

Upon refinancing of the business and leaving voluntary administration, SA Water only invited BJ Jarrad for new opportunities once a review of their revised financial strength and retained capability was undertaken and, I am also advised, once they received a written financial undertaking provided by a key investor. Since this period, BJ Jarrad have been closely monitored in line with other panellists who may be given contracts through SA Water, and they have performed to an acceptable standard and, to SA Water's knowledge, until last week met all of their requirements.

SA WATER CONTRACTS

The Hon. J.M.A. LENSINK (14:55): I have a supplementary question. Notwithstanding that the minister didn't answer either of my questions at all, can the minister advise whether SA Water will be changing its key criteria, given that BJ Jarrad is potentially in breach of federal laws?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:55): I imagine that it is normal business practice for SA Water to keep under constant review its criteria for putting its work out to contract. I am not aware of the claims the Hon. Michelle Lensink has made, but I am quite sure that SA Water would be on top of these issues. They have a very stringent process of managing their contracts, and I would imagine that the board will keep that under active review.

UNEMPLOYMENT FIGURES

The Hon. S.G. WADE (14:55): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question relating to unemployment in South Australia.

Leave granted.

The Hon. S.G. WADE: On Tuesday 5 August, the minister, in answering a question on ANZ job ads, ducked and weaved between monthly and yearly statistics and newspaper and internet figures to attempt to paint a picture that suggested that South Australia was part of a national trend. In doing so, she clearly ignored the words of the ANZ report itself, which said:

> Newspaper job advertising is trending comfortably higher in a number of states, particularly in New South Wales and Victoria. However, the trend remains quite weak in ACT and South Australia.

Notably, South Australia and the ACT are the only two jurisdictions with Labor governments in Australia. My questions are:

1. Can the minister explain why the yearly trend for negative job ads for South Australia, at 38 per cent negative, is the worst of any state or territory in Australia and more than double the average of other states?

2. Can the minister explain why, for the month of July, South Australia had almost double the rate of decline of the next worst performing jurisdiction, the Labor jurisdiction in the ACT, and more than five times the decline of Tasmania and more than 56 times the decline of Queensland and New South Wales?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:57): I thank the honourable member for his questions. I refer him to today's monthly employment figures that have came out and note that South Australia was the only state to have a drop in headline unemployment. We are very pleased to see that we were the only jurisdiction to have a drop in headline unemployment.

We are also pleased to see that there was a large drop in youth unemployment as well, which is a very pleasing result, and also that the participation rate remains stable and reasonably strong at 62.5 per cent, which, of course, indicates a degree of confidence in employment job prospects, and that, in fact, we have had nine consecutive months of increasing full-time employment, at an average of nearly 800 jobs per month. Although we are very cautious in the way we interpret these figures—these monthly figures have a great deal of volatility to them, they bounce about—nevertheless, we are very pleased to see these monthly figures trend in that particular way.

We see that this government strongly prioritises jobs. We have a jobs plan that aims to stimulate the economy, to encourage investment, to grow business and, of course, to also build a skilled workforce. We have a plan that is focusing on accelerating and transforming our manufacturing sector—

Members interjecting:

The PRESIDENT: She hasn't given up; she is only halfway through her answer.

Members interjecting:

The PRESIDENT: She has every right to answer the question in silence. The honourable minister.

The Hon. G.E. GAGO: Thank you, Mr President. We have a jobs plan that aims to accelerate and transform our manufacturing sector into a more advanced manufacturing sector through a number of initiatives—the supporting of clusters and suchlike. We also have a plan to accelerate significant infrastructure projects to help create jobs during that transition and help lift productivity. We have the creation of a new Jobs Accelerator Fund, we have a retraining program for displaced automotive workers, and a number of initiatives. The 2014-15 state budget included more than—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher, please show respect to the Leader of the Government in the house, please. The honourable minister.

The Hon. G.E. GAGO: Thank you, Mr President. Our 2014-15 state budget included $10 billion towards productivity infrastructure growth, infrastructure such as roads and rail, to help boost our economy and create jobs. We have seen the state government recently approve the Rex Minerals application to build an $850 million open cut copper, gold and iron ore mine on Yorke Peninsula, again hundreds of jobs for the construction stage and also ongoing.

Mitsubishi recently announced that it will establish a diesel import terminal at Port Bonython, a $110 million investment in South Australia anticipated to create 150-odd jobs. The Adelaide Airport authority recently announced a massive expansion of a new terminal and hotel, likely to create thousands of new jobs. We see ALDI looking at investing $300 million to create 50 new stores with about 900 permanent employees. Masters plan to invest. We see the Brickworks Marketplace development, a $65 million investment. BP is announcing a $138 million contract to Bristow Helicopters. We see the opening up of new Caltex service stations. We see expansions and additions to companies like Coles, Jetstar, On The Run, Tindo Solar, Hewlett-Packard, Hills—the list goes on and on. I could spend the rest of question time outlining the new projects and investments to be made here in South Australia that will generate business and new jobs.

Of course, the other element of our strategy is that we have developed detailed plans for jobs and we have supported this through a raft of measures to help grow business. We see initiatives such as increases in payroll tax concessions, reforming WorkCover—an estimated $180 million in savings to businesses—and building a skilled workforce. I have spoken on those initiatives in this place time and time again. Supporting skilled migration and providing more help to business to win government work are recently announced initiatives, and, of course, the new private sector development coordination role of the chief executive of Premier and Cabinet to assist in lodging projects valued over $3 million.

As I said, we have put in place a raft of measures to assist business, to help them improve their confidence, to help them grow their business, and also to help attract new businesses here.

Why? It's for jobs—jobs, jobs, jobs. That's what this government is about. We are about creating job opportunities, about growing our economy and about creating jobs.

BURSILL, PROFESSOR DON

The Hon. J.M. GAZZOLA (15:04): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about the role of the South Australian Chief Scientist.

Leave granted.

The Hon. J.M. GAZZOLA: I understand that the South Australian Chief Scientist, Don Bursill, is about to retire. Will the minister inform the council how the position of Chief Scientist benefits the citizens of South Australia?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:05): I thank the honourable member for his most important question and his interest in this area. I know that he holds our Chief Scientist, Don Bursill, in very high regard. He is a great man.

Tomorrow, Professor Don Bursill, our current Chief Scientist, will retire. In reviewing his career, and his three-year term as Chief Scientist in particular, we see how the working life of this very hardworking passionate scientist has generated some truly farsighted initiatives for South Australia. From his beginnings in 1967 as an 18-year-old laboratory assistant in the State Water Laboratory, Professor Don Bursill's wonderful career has spanned more than four decades, progressively building to a position of state, national and international leadership in the water industry, particularly.

As the CEO of the Cooperative Research Centre for Water Quality and Treatment and as the Chief Scientist for the Australian Water Quality Centre, just to name two of his appointments, he has been at the forefront of the science in his chosen field. With this leadership came well-deserved awards too numerous to mention but, suffice to say, they include the Order of Australia, the inaugural Premier's Gold Medal Award and numerous academic honours from around the world. He has also authored more than 90 publications, major reports and many presentations.

In view of this prodigious output, it is hardly surprising that in early 2011 both he and his wife, Margaret, opted to retire, with a view to travel, and I think Don wanted to do a spot of fishing. However, when the hook of the job of the Chief Scientist was offered, Don couldn't resist the temptation, and he plunged headlong into the role. I don't think his wife, Margaret, has quite forgiven him, but I think they have some very wonderful plans for his second attempt at retirement.

In those three brief years, Don has created a comprehensive strategy to boost our state scientific research resources and then forge links with industry that will translate that research into tangible commercial benefits for South Australians. Don can depart the Chief Scientist position with considerable satisfaction, knowing that he leaves behind:

- the Investing in Our Prosperity strategy, which outlines the pathway to reach this goal;
- the Premier's Science and Industry Council, which makes a truly invaluable contribution;
- the Catalyst Research Grants, creating opportunities for early career scientists to establish themselves as independent researchers; and
- the Innovation Voucher Program, which drives connectivity between industry and research sectors.

These last two are part of the Premier's Research and Industry Fund, which contains a suite of programs that support our extensive research capabilities and the creation of productive links with industry.

In total, South Australia's Investing in Science Action Plan is our comprehensive response to the well-considered advice Don has given to the state government during his term—and all this from a man who has, notionally at least, been more or less retired and doing a part-time job.

Right from the start, Don really threw himself into the Chief Scientist role, bringing a phenomenal capacity for work and a tireless passion to his job. Accepting a substantial challenge is not new to Don Bursill. It is said by some of his colleagues that Don has been a 'water man' from start to finish in his career. It is a mark of his determination and prescience that, in a state where water can be a life-and-death matter, he chose to work in a scientific area with particular daunting challenges for South Australia.

Don Bursill turned a dream into reality. His career has always been propelled by the spirit of inquiry that is the hallmark of his vocation, and there are always fascinating questions to investigate, good science to be done and of course, importantly, solutions to be found, and Don did all those things.

This last point is significant because, although Don loves basic research, he loves applied science, especially when it comes to water. He has been known to detain people at some length on the finer points of the chemistry of improving water quality—obviously a significant issue here in South Australia. Don has also done an enormous amount for SA that is not highly public or well known. His role, for instance, in the establishment of the Renewable Energy Institute is not widely known, and he is clearly not a man to blow his own trumpet, but he gets on and works effectively in the background to achieve great results.

Another example of his wonderful work capacity is around connecting people. He has an extremely broad and widespread network upon which he draws, and he has been known to often introduce researchers to each other when they might work in the same building, even close by each other and in the same kind of research, but have not known that each other existed. So he is good at connecting people.

Don's tenure as Chief Scientist leaves a complex and rich legacy, and one of his important achievements is the strong link that he has championed between science and industry. The initiatives that sprung from that connection will deliver impressive results in years to come. There is also another more personal aspect of his approach to the job, and that has been his great generosity in helping scientists, particularly at the beginning of their careers. The Early and Mid-Career Researcher Forum and the Catalyst Research Grants he established now allow the best and brightest of our scientists to move into cutting-edge research.

Don's enthusiasm, his engaging charm, his sheer force of personality, has given this cohort of scientists a terrific boost of confidence and motivation and it will be this collection of scientists, as they go on to produce high quality research and science, that is possibly Don's greatest legacy. As Minister for Science and Information Economy I place on the record my appreciation of Professor Bursill's contribution as Chief Scientist, and we have been very fortunate to capture Don's unique intellect, knowledge, passion and wit for the three years he has performed this role.

WATER PRICING

The Hon. R.L. BROKENSHIRE (15:12): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question regarding water charges.

Leave granted.

The Hon. R.L. BROKENSHIRE: After many years of delay, over the last six to 12 months water allocation plans have been signed off by the minister for both the Eastern and Western Mount Lofty Ranges. I have been advised by several constituents that, whilst water charges were only supposed to come in from 1 July this year, some of them have already received significant accounts for a water levy. I am also advised that there are expectations by the department of a possible licence as well as that to come in during each year. My questions to the minister are:

1. Why are irrigators in the Eastern Mount Lofty Ranges Water Allocation Plan being charged a water levy when things went quite well before the water levy came in?

2. Is it true that the irrigators will be charged a megalitre or kilolitre levy charge every year on their allocation, whether or not they use that allocation?

3. What benefits does the minister see for irrigators in the Eastern and Western Mount Lofty Ranges by receiving these charges, particularly when the charges have come in before they have used any water for this season?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:14): I thank the honourable member for his most important questions. I did adopt the Water Allocation Plan for the Eastern Mount Lofty Ranges prescribed water resources area on 17 December 2013. The plan represents a major step towards securing sustainable water supplies for the community, the industries in the area and the environment for future generations and future industry.

The plan was developed by the South Australian Murray-Darling Basin Natural Resources Management Board, working in partnership with the community, stakeholders and other agencies. Many people in the community and the peak industry groups have worked very hard over many years to help develop this plan. The plan will guide water management decisions throughout the Eastern Mount Lofty Ranges so that water is fairly shared between all users, including the environment. The Eastern Mount Lofty Ranges is an important agricultural region and having a plan for the sustainable use of water resources helps to protect the investment made by enterprises that rely on water for future prosperity.

The Eastern Mount Lofty Ranges prescribed water resources area was prescribed in September 2005 and covers the eastern slopes of the Mount Lofty Ranges to the River Murray. The prescription deals with surface water, groundwater and watercourses. There are currently, I am advised, 19 water allocation plans across the state. These are reviewed at least every 10 years. In terms of licensing, the Department of Environment, Water and Natural Resources commenced the process of issuing licences to existing users in the Eastern Mount Lofty Ranges in November 2013.

I am advised that there are approximately 945 water licences to be issued to existing users in the Eastern Mount Lofty Ranges. Water licences are being issued in a staged rollout, commencing with the issue of proposed licence packages. This gives water licence applicants the opportunity to request an amendment to their licence prior to the licence being issued. This process commenced, as I said, in November 2013 and, as at 11 April this year, proposed licence packages have been sent to 633 existing users, about 70 per cent of the 945 users I mentioned earlier. It is expected that the majority of proposed licence packages will be sent to existing users by mid-2014, and proposed licence packages will be sent to any remaining existing users by December 2014.

The total demand, of course, for water is higher than the sustainable extraction limit in some areas of the Eastern Mount Lofty Ranges which poses a risk for the long-term sustainability of the resource and the long-term sustainability of industry and agriculture. So, a risk-based approach has been taken to manage high water demand in those areas. Existing users will be allocated their full entitlement under the NRM Act in the first instance. For the highest risk zones, active partnerships will be developed with the community to identify appropriate strategies for reducing water demand. In other high demand zones, water resources and dependent ecosystems will be monitored to identify whether action needs to be taken to address negative impacts or risks. Allocations may be reviewed if monitoring indicates that the resource or ecosystem condition is under threat or declining or there is ongoing risk of negative impacts.

Both the board and the department will want to work closely with the community and industry, in fact all stakeholders across the Easterns, to develop and implement a strategy to manage allocations and water use where demand exceeds the sustainable capacity of a high demand zone. So, clearly, the benefits to licence holders are that their water allocations will be sustainable for the long term, that water will be there into the future—and that has to be managed and it has to be managed in a way that looks at all uses across the Easterns.

In terms of the different charging for allocations versus actual usage, of course this creates a right that people who have an allocation can trade, as opposed to usage. They all use water in a particular year in accordance with the climatic conditions and the crops they are growing, they can buy and sell water. They can also buy and sell, I think, their allocations. They can use these resources that are now being licensed for in very flexible ways to suit their own business and will be able to trade those in the market, provided that there is sustainable water to be traded.

WATER PRICING

The Hon. R.L. BROKENSHIRE (15:18): I have a supplementary question based on the minister's answer. Is it the intention of the government to charge the irrigators who are licensed the whole amount each year for your set charge per kilolitre or megalitre, irrespective of whether they use the whole amount or not each year?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:18): The honourable member is I think talking about usage and they will be charged for their usage. There also is a fee that will be associated with an allocation. As I said, there are benefits in property owners having these two different components. Allocations are something that they have and they hold and they can trade dependent on their usage in a particular year. There will be different set fees for those. We do have a process in place, of course, of cost recovery and everybody here, I think, would think that that was an appropriate way for the department to issue licences.

WATER PRICING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:19): Supplementary, Mr President. The minister said there will be variations or differences in set fees. I asked the question, I think earlier in the week, around the $2.67 per kilolitre for forestry users, which is the charge for their allocations. If a landowner has a right to a certain number of kilolitres, what is the charge per kilolitre? Is that the same across the entire region and, if not, why not?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:20): The fees are set by the NRM board and NRM boards are designed to respond to local communities and local geographic and climatic conditions and the sorts of crops that are grown in those areas. NRM boards set those fees and they set them in consultation with their stakeholders (the landowners) and they are different from region to region. That takes into account the regional differences between what is grown in those regions and the water allocations that are available based on the sustainability of the water resource.

WATER PRICING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:20): Further supplementary: so they do not vary within the regions? It will be $2.67, for example, in the Lower Limestone Coast and in the Eastern Mount Lofty Ranges it will be the same fee in that particular region?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:20): That is my understanding, sir.

WATER PRICING

The Hon. J.A. DARLEY (15:20): Can the minister advise whether licences are issued for dams that are used for stock and domestic use only; and, if so, why?

The PRESIDENT: That is a supplementary, is that right?

The Hon. J.A. DARLEY: Yes.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:21): I thank the honourable member for his supplementary. I think his question is getting to the question of whether water is being used purely for stock and domestic situations or whether it is also being used for commercial agriculture.

It goes to the question, of course, whether stock and domestic dams are metered, if they are over five megalitres in volume. Of course, we do that because we need to know how much water is being taken out of the resource. If water is being used purely for stock and domestic purposes, there is no requirement to pay a fee.

WATER PRICING

The Hon. R.L. BROKENSHIRE (15:21): I have a supplementary based on the minister's answer. Can the minister explain—and I did listen and it was one of the more specific responses the minister has given—why we have to charge people for this water, and what happens with the money that you will be receiving for this water, given that things have gone along for years without a charge prior to now?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:22): The honourable member just clearly did not listen to my answer.

The Hon. G.E. Gago: He never does.

The Hon. I.K. HUNTER: He doesn't. I understand he is in a difficult position right now but, really, he needs to go back and read *Hansard*. Clearly, things have not been working well. Water resources are under pressure and they must be managed, and that management must be paid for. That is why fees and charges are applied. It is a cost recovery process.

ADELAIDE WOMEN'S PRISON

The Hon. J.S. LEE (15:22): I seek leave to make a brief explanation before asking the Minister for the Status of Women about Adelaide Women's Prison.

Leave granted.

The Hon. J.S. LEE: It was reported in *The Advertiser* on 12 May that a mother has avoided an immediate gaol sentence over a raft of driving offences because her six-month-old baby will only breastfeed not bottle feed. The woman's lawyer, Heather Stokes, said that the incident highlighted yet another problem with the state's prison system. She also said, 'South Australia is the only state that does not allow women to keep babies with them in custody, and we are once again behind the eight-ball compared with other states.' Ms Stokes said the prison system's refusal to allow women to care for their babies created heartache, turmoil and stress.

The mothers and babies program was a promise made by the Labor government in 2012. In South Australia, female prisoners are not permitted to have children with them in custody. My questions to the minister are:

1. Has the Minister for the Status of Women advocated for women facing this issue and discussed the problem with the Minister for Correctional Services?

2. When will the mothers and babies program, promised in 2012, become operational in the women's prison?

3. Can the minister provide assurance that she will look at a range of options to improve and support mother-child contact for female prisoners?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:24): I thank the honourable member for her most important questions. I am not able answer her questions; I do not have that information. They are mainly matters for the minister for corrections. I am, obviously, keenly interested in this area and am happy to work with the minister and bring back a response to the member.

KITCHEN GARDENS

The Hon. K.J. MAHER (15:24): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister update the house about the Kitchen Garden program running through the Botanic Gardens?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:25): I thank the honourable member for his very important question about this very important program which he has an ongoing interest in.

The Hon. T.A. Franks interjecting:

The Hon. I.K. HUNTER: I am about to give the answer. Mr Baba Dioum, a Senegalese conservationist, has become well known for the following saying attributed to his speech to the General Assembly of the International Union for Conservation of Nature.

The Hon. G.E. Gago interjecting:

The Hon. I.K. HUNTER: Can't you hear me? Do you want me to start again? Sorry, I will speak into the microphone. Mr Baba Dioum, a Senegalese conservationist, has become well known for the following saying attributed to his speech to the General Assembly of the International Union for Conservation of Nature in India, 1968:

> In the end, we will conserve only what we love; we will love only what we understand; and we will understand only what we have been taught.

These words remain pretty relevant today and demonstrate how important it is that we support programs and initiatives that will instil in people a love of nature from a very early age. I have talked in this place previously about our programs in terms of Nature Play, but today I want to talk about international research that shows that it is very good for children to get involved in kitchen gardens.

They learn about nurturing seeds, understanding where food comes from, are more likely to eat healthy food, I am told, and engage in exercise, and have a better understanding of the critical importance of the natural environment through these processes. I am not sure that that would have worked with me with broccoli when I was growing up, but I could never get the broccoli to set heads, of course.

The Hon. G.E. Gago: Brussels sprouts?

The Hon. I.K. HUNTER: I love brussels sprouts and they are very easy to grow too. There is even evidence to suggest that children engaged in kitchen gardens develop better social and life skills, particularly empathy and responsibility (except for empathy with snails and slugs and earwigs). The positive effects of participation in gardening are broad, long lasting, and are strongest for young children and for people at risk of disadvantage.

There are some excellent programs available, such as the partnerships with the Stephanie Alexander Kitchen Garden Foundation and the Community Kitchen Gardens program facilitated by the Botanic Gardens of Adelaide. We want to ensure that as many children as possible can have access to such programs and, in particular, it is important for preschool and young school-age children, because a growing body of research tells us that investing in development from an early age can offer substantial rewards and returns in the long run in children's lives.

This is why I am pleased this government will provide funding of $400,000 each year for four years to the Botanic Gardens of Adelaide to support a kitchen gardening program located at the Botanic Gardens. The Botanic Gardens has a great track record of successfully delivering community focused edible gardening programs since 2009. I think the last program I was associated with there was growing barley for turning into malting barley and beer. I am not sure that it was actually directed at children, I hope not, more than likely to their parents, but it shows what the Botanic Gardens can do.

With the support of the Department for Education and Child Development, these programs will be expanded to focus on children and young people in schools and early learning settings. This $1.6 million of funding will support the building of a hands-on kitchen garden at the Botanic Gardens of Adelaide. This kitchen garden will be a hub of activity around plants and food, and will inspire and help young people to grow food at home and in schools and their communities. The kitchen garden will provide an ideal demonstration space for students and teachers. It will be a place where children can learn how to grow and prepare food. It will also provide valuable resources for school staff to connect the gardening activities to sections of the Australian curriculum, supported by resource materials produced by program staff.

School and preschool staff will also be able to access professional development opportunities through the program and the program will offer professional training delivered both in

the garden and in schools, and will work with school and preschool staff to extend sustainable kitchen gardening programs across our state.

While the space will primarily be used by children and school students, it will also be used by vocational students from the Australian Centre of Horticultural Excellence and by the community. This is a very important government initiative to ensure that South Australian children have greater opportunities for outdoor learning and social engagement.

This initiative goes hand in hand with another recent announcement about the launch of Nature Play, an independent not-for-profit organisation that will also assist parents, grandparents, schools and community groups to put a focus on outside, unstructured play. I am very proud that we, the government, are investing in helping us get back to a balance and providing opportunities for children to experience, appreciate and respect the beautiful natural environment that we have in this state. It is my hope, and the government's hope, that children will take back to their homes and their communities great stories about planting seeds and seeing their own veggies grow, and of course, they can enjoy getting their hands dirty as kids used to do and am sure will do into the future. We want them also to learn to love the nature that surrounds them.

KITCHEN GARDENS

The Hon. T.J. STEPHENS (15:30): I have a supplementary question. Will the program be expanded to the Grace Portolesi memorial gardens on the APY lands and what is the status of those gardens at the moment?

The PRESIDENT: You can answer that if you wish, honourable minister.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:30): I can say the answer to that question is, not at this stage. I have been awaiting a report for DCSI on the review of that program for the last couple of years.

SNAKES

The Hon. M.C. PARNELL (15:30): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about snakes.

Leave granted.

The Hon. M.C. PARNELL: I have been contacted by a number of people involved in the snake catching and relocation business who are frustrated over what they see as unnecessary and cumbersome bureaucratic hurdles that get in the way of them providing a service to South Australians, including catching and removing venomous snakes from people's homes.

At the heart of the problem is the environment department's venomous snakes policies (VSPs), which date back to 1988 and which, together with related standard operating procedures, regulate the permit system for catching or keeping venomous snakes. One of the problems with the current system is a requirement for a person to keep a venomous snake, such as a red-bellied black snake, for 12 months before being licensed as a snake catcher.

Industry people tell me that such a requirement makes no sense, as many people who want to become involved in the industry do not necessarily want to keep venomous snakes in their own home and the 12-month requirement is a disincentive for people to get involved. I understand that changes to the venomous snakes policies were agreed between the department and industry representatives back in February this year but have yet to be approved or adopted by the minister. I understand the new policy is more flexible and allows for more specific training, including on-the-job training with experienced snake catchers, as a prerequisite to obtaining a permit. My questions are:

1. When will the new venomous snakes policies and associated standard operating procedures be adopted?

2. Can the minister assure us that the new policies will be in place before warmer weather arrives and snakes start to become more active in the environment?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation)

(15:32): I am aware that some stakeholders in the snake catching industry would like to see a lessening of regulation around what is required in terms of becoming accredited to deal with snakes, particularly venomous snakes. That is not necessarily a good thing. The department has been working with the stakeholders about the policy. I do not believe it is correct (but I will check) that there is actually an agreed policy. I think that are still outstanding matters that need to be addressed and that is why it has not been brought to me to finalise as yet.

Those matters need to be negotiated. I understand that some stakeholders believe that they have that agreement, but that is not the advice that I have had from the department. Until that time, I will not be lessening any regulations around the ability of a person to become accredited to handle particularly venomous snakes. I want to make sure that anyone who is accredited to do so has had the appropriate training and does meet the requirements for community safety.

MULLIGHAN INQUIRY RECOMMENDATIONS

The Hon. J.S.L. DAWKINS (15:34): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding child sexual abuse on the APY lands.

Leave granted.

The Hon. J.S.L. DAWKINS: It has been over five years since former judge Ted Mullighan conducted his commission of inquiry which exposed widespread child sexual abuse on the APY lands. The late commissioner Mullighan stated at the time of the inquiry that 141 children had been sexually abused on the APY lands and more than 70 of those had contracted sexually transmitted infections, although he believed these numbers were not entirely accurate as abuse was likely to be underreported.

Late last year, the state government presented its fifth and final report in response to this inquiry and claimed that it had achieved all but three of the commissioner's 46 recommendations. However, recent media reports have stated that sexual abuse is continuing on the APY lands, relating to children of both genders. The Mullighan report, released several years ago, stated that:

> There is an urgent need to implement strategies to prevent sexual abuse of children on the APY lands. It is not appropriate to merely react to disclosure or detection of sexual abuse.

With that in mind, my questions are:

1. Will the minister advise the council whether he is aware of the number of child sexual assaults that have been reported by Nganampa Health on the APY lands since the government's last report?

2. Will the minister advise the council how many children have been removed from the APY lands to Adelaide and whether the government has provided the necessary accommodation and care at any new places of residence, as was committed to by the government in response to recommendation No. 11 of the Mullighan inquiry?

3. Will the minister advise the council how many safe houses for children in need of sanctuary have been built in the APY lands, as was committed to by the government in response to recommendation No. 33 of the Mullighan inquiry?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:36): I thank the honourable member for his most important questions. The government continues to be very strongly committed to the wellbeing of residents on the APY lands. In the 2013 state budget, the government provided additional funding of $3½ million over two years to continue an expanded therapeutic service to children and young people on the lands. This state funding for two years provides 2½ FTE child protection workers to provide forensic child protection services to the lands and five FTE child and adolescent mental health staff to provide therapeutic support to a number of communities across the APY lands, I am advised. I am advised that all new positions to address problem sexualised behaviours have been recruited and have begun to provide services on the APY lands.

The increased funding has allowed for additional staff providing therapeutic services to those communities. Services include working with communities to develop plans to ensure children are safe, providing education to staff and schools and other agencies about supporting children who have been exposed to trauma and involved in inappropriate behaviour, as well as working with children and families to assist them to support children and to keep them safe. In addition, since 2010, under the Council of Australian Government's Indigenous national partnership, funding has been provided for two lands-based child and adolescent mental health workers, based in two communities on the APY lands, to provide mental health assessments and interventions. This funding was recently extended for a further three years, to June 2016, is my advice.

I can say more broadly about some of the questions the honourable member asked that I am aware that the Women's and Children's Health Network's Child and Adolescent Mental Health Service has been providing a service to the APY lands since 2006. There is a coordinated approach being undertaken by Families SA, SAPOL, CPS and CAMHS to investigate matters further and to share other relevant information. These efforts are being supported by regular operational meetings attended by agency representatives. Regular community engagement is being undertaken by Families SA and Child and Adolescent Mental Health Service. Safety plans are being developed for children and their families, along with therapeutic support for children and the families who require it.

The more detailed questions the honourable member has asked I will refer to the minister who is responsible in the other place and seek a response on his behalf.

ADULT COMMUNITY EDUCATION

The Hon. G.A. KANDELAARS (15:38): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about adult community education (ACE).

Leave granted.

The Hon. G.A. KANDELAARS: It can be very difficult for people to find and keep jobs if they have low levels of education or they have low levels of skill in using new technology. Can the minister advise the chamber of funding provided to assist with adult community education to help people with these foundation skills?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:39): I thank the honourable member for his most important question. It is true that the adult community education (ACE) programs are a gateway through which many people with low education levels or those with low levels of digital literacy can participate in learning and training.

ABS data in 2006 identified that over half a million South Australians between 15 and 74 years of age failed to meet the literacy and numeracy levels required to meet the demands of work and life. Often these people consider vocational education and training and university to be out of their reach.

Adult community education is a vital first step or starting point for people to see their potential and ability to learn new skills and to participate in training. That is why this government recognised the importance of this link to learning and committed some $11.7 million between 2010 and 2016 to assist adults who find themselves in this position to participate in learning and training. I am pleased to advise the chamber that around 1,500 people a year participate in ACE programs in their local communities.

In the 2013-14 year, $2.5 million was provided for Adult Community Education Foundation Skills grants, supporting people in both accredited and non-accredited training. This funding also supports community centre staff and volunteers to undertake skills training to build their professional capacity to deliver foundation skills. In 2014-15 the ACE grants program has awarded around $800,000 to 26 adult community education providers across the state. This amount of funding equates to roughly 1,800 training places to boost things like reading, writing, numeracy and computer skills in both accredited and non-accredited training. This training is designed to improve the skill

levels of adults who face social and economic barriers to move into high-level training and to improve their prospects of finding a job.

I am pleased to advise the chamber that some of the selected organisations include the Hutt St Centre based here in the city, in the Barossa region, the Hewett Community Function Centre and Lutheran Community Care, the Eyre Futures Organised for Life program, in Port Augusta, UnitingCare Wesley, and in the Murray Mallee region, Loxcare—just to name a few. I congratulate all of the community-based groups that have been successful in achieving grants this year and look forward to hearing about their progress throughout the year.

This Labor government is committed to supporting South Australians who might be missing out on jobs because they lack foundation skills such as literacy, numeracy and digital literacy. That is why we fund adult community education programs and that is why this year's budget awarded an additional $1.9 million over the next four years to the adult education sector. It included Don't Overlook Mature Expertise (DOME), $600,000, to assist over 1,200 older workers, with a target of around 600 employment outcomes.

Community Centres of South Australia will be provided with $1.1 million to assist people who have never worked or studied to learn foundation skills and to get job ready, and the University of the Third Age will be funded $250,000 to support the vital work they do in the community by marketing their programs and purchasing much-needed equipment.

Again, it is disappointing that while this state Labor government looks to provide more avenues to learning and training the federal Liberal budget is set to make savage cuts to the training sector. As I have said, around $154 million is to be taken out of our VET system over the next four to five years. This equates to around 20,000 training places lost—equivalent to 20,000 training places that will be defunded, that will not be available in South Australia or to those South Australians who want to improve their skills and better their chances of getting a job. And what have those opposite done about this? What have they done? Nothing—nothing but stony silence on this issue, stony, weak-kneed silence.

Make no mistake, this government will work with industry and businesses, community groups and local communities to help to provide opportunities for South Australians to participate in learning and training so that they can put themselves in the best possible position to find a job, to keep a job and to improve their skill base.

GOLDEN NORTH

The Hon. J.A. DARLEY (15:45): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions regarding Golden North.

Leave granted.

The Hon. J.A. DARLEY: This morning, once again we heard of another local business being passed over for a multinational. Golden North announced that they will no longer be supplying ice-creams to the Adelaide and Monarto zoos as Zoos SA has entered into an exclusive contract with Streets, which is owned by the global conglomerate Unilever.

I understand that, in response to being educated about palm oil and its association with deforestation, Golden North changed their business model to ensure that none of the products they manufacture, or products used in the manufacture of their products, uses palm oil. I understand this was largely due to Zoos SA's conservation message in relation to the destruction of habitat for orangutans.

Whilst I understand that Unilever has made a global commitment to ensure that any palm oil used in their products will be sourced from certified sustainable sources by the end of 2015, there is concern that this still goes against the information on the Zoos SA website, which states that Zoos SA has been working to ensure that our zoos are palm oil free.

Notwithstanding the apparent hypocrisy surrounding the palm oil issue, this is just yet another example of government choosing a multinational or interstate company over local businesses. I understand that this is only the most recent exclusive deal Streets has managed to

secure at government affiliated sites, including Adelaide Oval and the South Australian Aquatic and Leisure Centre.

This seems to contradict the message the government is promoting in their Buy South Australian campaign, which encourages consumers to support and choose products and services from South Australian producers, growers, suppliers, manufacturers and service suppliers. After all, according to the government, when we buy something truly South Australian we benefit our state's economy and ensure its long-term future. My questions are:

1. Does the minister intend to raise this issue with the board of Zoos SA?

2. Will the government give recognition to local businesses and by South Australian, as they encourage consumers to do through their campaign?

3. Will the government consider negotiating contractual arrangements to allow South Australian companies like Golden North and Gelista to be sold at venues such as Adelaide Oval?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:48): I thank the honourable member for his important question. It is indeed disappointing to hear today on the radio that Zoos SA has decided to end its contract with a local producer such as Golden North and commence one with a—

The Hon. T.J. Stephens: Honey Giant Twins are the best.

The Hon. I.K. HUNTER: We all have our favourites, Mr Stephens, and we now know what yours are and how susceptible you are to that.

The Hon. T.J. Stephens: I would almost change parties for one of them!

The Hon. I.K. HUNTER: You're on! I will encourage the Hon. Mr Maher to go out straight away and buy a carton for you, Mr Stephens, and see where you are when we come back in September.

The Hon. K.J. Maher: Minister Stephens!

The PRESIDENT: Order!

The Hon. I.K. HUNTER: Well, Mr President, I am known for making sacrifices for my side. However, to get back to the question I have been asked, it is disappointing, given that the zoo has had a record of standing up against unsustainable palm oil use, but I did hear the CE of the zoos, Ms Elaine Bensted, on the radio this morning—although, I should say that I didn't hear her; I read a transcript of what she had to say—and I understand that she with other zoos around the country are pressing on the new supplier similar requests about removing unsustainable—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: —getting it done is the important thing—palm oil from their products, just as the zoo did with Golden North. Zoos SA has worked very hard in this campaign, and I encourage them to continue. They have a bit of a selling job ahead of them, but let us remember they are an independent body. They have had some financial difficulties, which the state government has been helping them with for some time now. I understand that the board has been considering this matter and thought about it fairly carefully over some time. I am not in the position to criticise the board for trying to manage their finances in a sustainable way and, whilst I do say that it is a disappointing decision, Zoos SA will need to justify that to their stakeholders.

Bills

APPROPRIATION BILL 2014

Second Reading

Adjourned debate on second reading.

(Continued from 6 August 2014.)

The Hon. T.J. STEPHENS (15:50): I rise to make some comment on the Appropriation Bill which, as promised by the opposition, passed the other place unfettered, as I predict it will here. Despite the predictable scaremongering from the Treasurer that we planned on blocking supply, no such thing occurred. However, the opposition does have a few concerns with the budget—in fact, we have many concerns with the budget—and in particular some nasties the government refers to as reforms. I refer, of course, to the new car park tax and the increases to the emergency services levy.

It is important to recognise that having concerns or even recommending amendments, which is all we are constitutionally limited to do in this place, is not the same as blocking supply. I do note that in addition to this bill it has been foreshadowed that a budget measures bill will be introduced, and it is this bill that has much of the proverbial devil within in its detail.

The glaringly obvious thing about this budget is that it does not fix the problems it is intended to fix—or that the government says that it will. As many of my colleagues, both here and in the other place, have acknowledged, one of the major problems right now is, of course, unemployment. In the last 12 months South Australia has lost in excess of 19,000 jobs. The unemployment level is currently well over 7 per cent, the highest in mainland Australia. In May alone unemployment jumped by 0.6 per cent, although that may change soon, given the upturn in business confidence we have seen in Tasmania as a result of the election of the reformist Liberal government under Premier Will Hodgman.

South Australia is on track to become the worst performing economy in the commonwealth. The growth figures are poor also. In the last three quarters the South Australian economy has contracted. It is unsurprising why our young people are leaving in droves. Last year we had a 30 per cent increase in net interstate migration. It is an easy enough pattern to see: growth is poor, confidence is low, emigration is up.

The Liberals went to the election promising significant payroll tax relief, and Labor matched that commitment, only to say a mere three months later that it cannot afford it and that that relief will end. Not much of significance has changed in the last three months. There was not another financial crisis, which we know ministers opposite like to carp about a good six years later. If the situation is so dire now that payroll tax relief can no longer be granted to small business, why did the government promise it at the election in March? The Premier and his government could not possibly have been lying to the people of South Australia, could they?

Perhaps the Premier recognised his own incompetence and that is why he gave the job to the member for West Torrens. Either way, it is a broken promise and, frankly, an unnecessary one. Why would Labor promise tax relief it could not afford? It was forced into matching the commitment the Liberals made as it was popular with business people, the job creators of this state. It is pretty simple: either do not make the commitment when it is clear that it was unsustainable, or cut spending to ensure it is sustainable. Neither was done, and now we have a broken promise which has broken the will of business people in this state. Is it any wonder that confidence is down?

A common scare tactic used by Labor against cutting spending is that services will be reduced—services to the most vulnerable in the community. It is the same tired argument that Labor has been rolling out for the entire life of this government. It is hard to sustain that line when there has been almost $4 billion of unbudgeted expenditure. This expenditure is not the crucial social programs in communities. This is not doctors, nurses, teachers and police, which are always budgeted for. This is spending on the run. In household budget terms, this is not your meat and vegetable money, this is your chewing gum and magazine money, and those opposite spent $311 million last year alone. The figure is $4 billion and growing over the life of this government.

This is frustrating to families and business owners who have to stick to their budgets. They only have a finite amount to spend, which is the exact point of a budget; yet they are still being slugged taxes—families even more so now with the latest increases to the emergency services levy which is linked directly to land value, 98 per cent of which will not be spent on emergency services.

An emergency services levy which is not spent on emergency services sounds as silly as the save the River Murray levy for a river with record flows and charging a victims of crime levy for a victimless crime. If the government wants to raise a tax without taking it to an election, at least have the stomach to call it what it is: a land tax. Labor loves to talk about how it looks after the most

vulnerable in the community and deliver services better than the Liberals, therefore, it would be reasonable to expect that if taxes are going up South Australians would be receiving better services. Strangely, this is not the case.

If we look at the health portfolio the government has shelved upgrades to the following hospitals: Flinders Medical Centre, worth $100 million; The Queen Elizabeth Hospital, worth $125 million; the Noarlunga Hospital, worth $31.3 million; and, finally, the Modbury Hospital expansion, worth $27.8 million. I think those voting Labor in the electorates of Cheltenham, Croydon, Elder, Florey, Kaurna, Mawson, Newland, Reynell and Torrens have every right to feel betrayed by this government's action. Would Elder, Florey and Newland have returned a Labor member if they knew that their local hospitals were no longer being upgraded?

Another broken promise (and one that Labor previously formed as the backbone of their platform in the past) is no privatisations. This has been promised by Labor governments past at almost every election, and the promise continues to be broken. This time it is the Motor Accident Commission which is going. The understanding is that the money stowed away for compulsory third-party insurance claims will now be moved into consolidated revenue and the insurance offered via contract.

The problem here is that, in a similar way to the Lotteries Commission and the forests before it, is this a long-term benefit for all South Australians? Revenue from the lotteries, for instance, went back into hospitals and community sport. Is there any chance of that steady funding source being replaced? A once-off payment for the sale of an income-producing asset to pay wages is not a very smart way of going about your business.

A more efficient way of doing it would be to reduce Public Service numbers, as promised. Divestiture and borrowing to fund wages is, at the very least, short-sighted and, at worst, gross economic and financial mismanagement. This lack of action constitutes another broken promise from this Labor government—this time around Public Service reduction targets. Before we got to the figures we saw the usual game playing from Labor. The farce that was estimates was on show for all to see. The Treasurer stated that specific figures of targeted voluntary separation packages were not in his area; they were under the purview of the Minister for the Public Sector. When it was the minister's turn, she then said that it was the responsibility of Treasury to give those figures. Once again, more smokescreening and delaying tactics.

Finally we got the numbers, and a new figure of 208 reductions out of a target of 2,240. On top of that, the Minister for Health stated that his department had only met 277 reductions out of a targeted 959. Why are ministers not being forced to meet their targets before taxes are raised and assets are sold?

To compound this issue the government has been promising surpluses on top of its increases in spending. In 2008, the government predicted that this year the state budget would be in surplus. We know that the ministers opposite love to blame the global financial crisis. According to the Minister for Employment, Higher Education and Skills, the global financial crisis is still alive and well here in South Australia—it is so rife and so global that New South Wales, Victoria, Queensland and Western Australian are all running budget surpluses and have positive growth. The minister is half correct: there is still a crisis but it certainly is not global; it is limited to South Australia and it is a crisis of the making of the minister and her colleagues.

Rather than fudging figures and using fanciful predictions to prop up income levels resulting in false surpluses, why not work hard to actually produce fair dinkum surpluses which would not then embarrass the government and make Labor look like it is such a basket case. What those opposite continually fail to realise is that their actions affect and reflect on the entire state and everyone in it. Supporting the local economy should be basic for the government; however, we have seen continually decisions made that adversely affect the local economy.

Take stationery contracts for instance. Following the disgraceful cartridges scandal ('cartridgegate' as the Hon. Mr Lucas likes to call it), rather than weed out the bad eggs, the malpractice and toxic culture which led to this happening, the government decided to centralise all stationery contracts and limit purchasing to two overseas companies. The result was that good contracts between schools, departments and local suppliers were torn up. If not for the good work of

KW Wholesalers to lobby the government on behalf of its workers, there would have been significant job losses as a result of this autocratic and arbitrary decision. I know there were good stationers in this state who lost significant contracts as a result. To them, the government should apologise.

Another example of this is the purchase of Victorian-made state flags which electorate officers give out to organisations and schools in the community. One would assume that, at the very least, we should purchase state flags from a local manufacturer. South Australian flags from Victoria. Imagine what Knuckles Kerley would say!

Finally, I want to talk about the waste of taxpayer money in government advertising. Last year, we had the It's More Than Cars campaign with Chinese-made shirts which, of course, did nothing to stop the closure of Holden. More recently, we have had $1 million spent on an advertising campaign condemning the federal government for its budget, which is extraordinary insofar as it flagrantly violates government advertising rules by using the likeness of the Premier. It was blatantly political and did nothing to benefit the people of this state. If anything, it demonstrates that this government's priorities are wrong, wrong and wrong. I commend the bill to the council.

The Hon. J.S.L. DAWKINS (16:00): In supporting the passage of this bill, I recognise its importance in providing $11.496 billion to the various programs incorporated in the 2014-15 budget of the government. It is my intention to focus on several particular areas that have come to my attention as they relate to the priorities of the government and the manner in which public servants carry out those wishes.

First, I want to deal with mental health issues in the northern suburbs. As a community, our country is facing serious mental health challenges. Currently, one in five people, or 20 per cent of the national population, will experience a mental health problem or illness each year. Forty-five per cent of the national population will experience a mental health issue or illness at some point during their lifetime and, of that 45 per cent, 75 per cent of these individuals will have their first episode before the age of 25.

What I would like to highlight to honourable members is the key thing to remember about mental health issues is that they do not discriminate. Mental illness can affect men, women and children of all ages and from all cultural backgrounds.

The City of Salisbury has recently published its draft Regional Public Health Plan in which you can find some harrowing statistics about mental health issues facing the second largest city in metropolitan Adelaide. The draft plan paints an acute picture of the state of mental health in the Salisbury council region when it states that 13.8 per cent of the population of the City of Salisbury have reported high or very high levels of psychological distress, which is above the South Australian metropolitan average; 11.1 per cent of males and 12.6 per cent of females have been estimated to be suffering from long-term mental and behavioural conditions, which again is above the South Australian metropolitan average.

The City of Salisbury has a higher level of individuals aged 18 years and above who were clients of a government funded community mental health service than the South Australian metropolitan average. Most alarmingly, there are more deaths by suicide before the age of 75 in the City of Salisbury than the metropolitan average.

Having demonstrated the impact of mental health issues in South Australia's northern suburbs and the need for services across the region to support individuals in crisis, I would like to turn to the government's recent response to the issue. Before the election, the government undertook a review of non-hospital-based health services across the state to identify savings. Following this review, the Women's and Children's Health Network has advised it has finalised service sites for youth health services in Adelaide, as well as its new workforce structure. The transition to the new service has occurred over June and July and impacted those who are eligible, opening hours and the services that are available.

One of the crucial youth health services available to those in the northern suburbs is known as Shopfront. Shopfront is a service that was established by the department of health and the City of Salisbury in 1983 and it has taken the brunt of the government's restructure of the youth health service delivery structure. It was established over 30 years ago as a service to the youth in the north

and is now more specifically targeted at young people in and around the northern suburbs who are battling mental health, drug and alcohol issues.

It also provided vulnerable youths in the community with other services such as needle exchange programs, lawyers and counselling. Over its three decades in operation it has become a one-stop shop for vulnerable youths facing issues in the wider northern community. The future of the Shopfront service has been on the chopping block for this government for a number of years until it committed to retaining the service just before the 2014 state election. This commitment by the government was brought about after much advocacy by the City of Salisbury, local members and community leaders on behalf of the vulnerable individuals who use the service.

After the government's commitment, the Shopfront service on John Street operated as it has for in excess of 30 years, with the exception of the fact that it was unable to take on new clients up until July this year. From this point the government reduced the Shopfront service to a one day per week outreach service, serving vulnerable youth between the ages of 12 and 25,with a specific focus on those under the age of 18 who are Indigenous, under the guardianship of the minister and/or who have a range of complex vulnerabilities such as teen pregnancy, parenting, refugee, homelessness, newly identified as same-sex attracted, transgender or gender questioning. This has significantly reduced Shopfront's ability to service its client base and provide a place for at-risk youth to visit in a time of crisis. Whilst Shopfront has remained open, this new service structure has significantly reduced the scope of individuals the service can assist across the community.

Statewide changes to youth health service delivery tell the same story as the Shopfront saga unfortunately. The WCHN has devised a hub and spoke service delivery model, with fixed youth health services at two hubs based at Elizabeth and Christies Beach, and only outreach services provided at several other locations around metropolitan Adelaide. This service delivery model has been devised by the department to save money; however, it seems that this government's priorities for spending money seem to be badly out of kilter.

Whilst the new service delivery model for youth health services will save the government money, it appears the Premier and Treasurer have no compunction spending over $1.1 million of taxpayers' money funding blatantly political attack ads directed at the federal government. Whether it is in print, on radio or on television, this is an appalling misuse of taxpayers' money and is an affront to what government funded advertising is meant to be for. The Labor Party's flagrant disregard for the notion of politically neutral and unbiased government advertising, which is meant to be designed to broadcast necessary community messages, is an utter disgrace.

Imagine what Shopfront or other youth health services could do with that money. Imagine what community organisations, especially those working in the field of suicide prevention, could do with that money. Most of these organisations are mainly volunteer-based and they run off the smell of an oily rag. They step into a void that the government has been unable to fill. As I say, just imagine what those organisations could do with $1.1 million.

I would like to turn to suicide prevention. There are a number of community organisations that work in the field of suicide prevention and postvention. My passion for this subject would be well known to honourable members in this place and I took particular interest in the government's funding commitments to this area in the recent budget. The member for Morphett in another place, during the estimates process, asked a number of questions to the Minister for Health regarding funding for community-based organisations engaged in providing suicide prevention services to those in crisis. The minister boasted the government has committed $150,000 to small grants for suicide prevention initiatives and activities, as well as further commitments of $200,000 to Lifeline South-East and Lifeline Adelaide, and $278,000 to *beyondblue*.

I commend the government for committing these funds, particularly off the back of Liberal policy prior to the last state election in this area, which I am proud to have championed. What I am disappointed about is the lack of funding for other community programs such as MATES in Construction. I know many colleagues on the other side are well aware of the great work that MATES in Construction does in the construction industry.

Indeed, in the estimates process in another place, the minister lauded that the government is continuing to work with non-government organisations in the area of suicide prevention and

specifically mentioned the work MATES in Construction does in the construction and mining industries. Yet the government has yet to give this organisation and the important work it does a single dollar, although it has a state government officer appointed to its board.

The state government gives MATES in Construction no money at all but then uses it to hold up as an example of its great work in that sector. That is hypocritical to me, and I think disappointing to many. MATES in Construction's only source of government funding is the federal government. It is a great organisation which shows what can be done with a very small amount of support. They are another group that would have loved to have had a share of that $1.1 million spent on blatant political advertising.

On a more positive note, the government's suicide prevention strategy has helped establish a number of local suicide prevention networks across the state. Once one of these networks has been established and a local action plan created and endorsed, that local network will receive $5,000 in funding from the government to assist in their work.

I have been privileged to work with a number of these groups since their formation and also those that are in development at the moment. Suicide prevention networks have been established in the City of Mount Gambier, the Town of Gawler and the Clare & Gilbert Valleys Council. In the City of Playford and The Rural City of Murray Bridge networks are also very much along the way to having their action plans adopted, and I have been privileged to work with them.

In addition, suicide prevention networks are in the establishment phase in the City of Whyalla, where I understand some 40 people attended a meeting last night, including the former Liberal candidate for Giles, Mrs Bernadette Abraham, who is a great advocate for suicide prevention. The City of Victor Harbor is also in that phase and next week on 12 August I will be in Naracoorte for the development of one of the networks in the Naracoorte Lucindale Council area.

I look forward at the end of September to the 'Network of Networks', which has been organised for all these networks and the prospective ones to get together at a one-day free conference which is being organised by the Office of the Chief Psychiatrist. I am also pleased to know that while some of the council areas are just starting to get involved in this work, including Mid Murray and the Karoonda East Murray council, the existing groups, like the Wesley LifeForce group in Strathalbyn, the Suicide Intervention Life Preservation Action Group in Port Augusta and the CORES program run with the assistance of the local government bodies in the Riverland, will all be included in that 'Network of Networks' conference. It will be held on 26 September. It is also worth noting that an Indigenous suicide prevention network has been established in Mount Gambier, bringing together two Aboriginal communities in that region in suicide prevention work.

It was also heartening to hear the Minister for Mental Health advise, in the estimates process, that an additional one full-time equivalent staff allocation has been committed to the rollout of the suicide prevention strategy. I think that this is a crucial addition to this process as, at the moment, all this work is being done by one single officer, who has been doing a great job.

I was disappointed, however, that in the estimates process the minister did not commit to specific funding for suicide prevention in the lesbian, gay, bisexual, transgender and intersex community. For a multitude of reasons, both social and emotional, the LGBTI community does have a higher than average rate of suicide and, in many other jurisdictions, has been identified as needing separate commitments from government in that area. Prevention and postvention programs for members of the LGBTI community in crisis are far more effective when specifically targeted at issues affecting that community. While the minister indicated that an application for grant funding would be given favourable consideration, I think that it would be much better if the minister worked with that community to identify some targeted funding commitments.

One of the areas where I would like to see a significant change of direction from the government is on the issue of Modbury Hospital. In the recent state budget, the government scrapped a promised $27.8 million upgrade to the hospital, an upgrade which was promised before the 2014 election and which was scrapped almost immediately afterwards. What is more concerning is that, when the Hon. Mr Snelling, the Minister for Health, was questioned about whether he would commit to not closing any more hospitals in South Australia, he stated, 'No, I'm not going to play the rule in, rule out game.'

Before the last state election, the South Australian Liberal Party promised to reopen the paediatric ward at Modbury Hospital. This was a ward that the Labor health minister closed. He thought that it was okay to shunt all serious paediatric cases to the Lyell McEwin. The community did not think that was acceptable and, sir, I can tell you that they certainly will not think that it is acceptable to make all residents of the north-eastern suburbs go to the Lyell McEwin for all their emergency health needs.

Modbury is a vital community hospital and needs to be supported. I think that anybody who lives in the north and north-eastern suburbs and the inner country northern areas is well aware of the pressure on the Lyell McEwin hospital. While it has had a significant upgrade, it is certainly a hospital that is under great pressure most of the time.

I want to turn to the delay in the electrification of the Gawler rail line. Figures recently released by the Minister for Transport have shown that passenger numbers on the Gawler line over the past 12 years have consistently outpaced that of its Seaford counterpart, often by at least 15 per cent. This is despite the southern rail network being extended by the government by an additional 5.7 kilometres past Noarlunga. Despite passenger numbers on the Seaford rail line increasing by only 12.7 per cent over the same period, electrification of this southern service, at the expense of over $1.5 billion, was prioritised by the government over the often promised, yet never delivered, Gawler rail line electrification.

Gawler rail line commuters have been left dudded yet again by the government despite patronage of the service increasing by over 38 per cent since 2008. The government's promised electrification of the Gawler line has been started then stopped, then started again, then scrapped, then re-announced and now delayed until at least 2017.

I would just like to put on the record today the government's record on the Gawler line. It is a sad tale but one that I believe many honourable members would be interested to note. On 5 June 2008 Labor announced the electrification of the Gawler line all the way to Gawler. On 31 May 2012 Labor scrapped the electrification of the Gawler rail line, despite having already begun the installation of the poles that would be used to hold the wires for the electric trains. On 6 June 2013 Labor announced that it would electrify the Gawler rail line to Dry Creek, mainly because otherwise they would be unable to get the new electric trains for the Seaford line from the depot to the Adelaide Railway Station and back without using another diesel train to tow them.

On 3 December 2013 Labor announced it was scrapping the planned electrification to Dry Creek. Then on 16 February this year, just before the election, Labor announced the electrification to Salisbury. I must add here that much of the publicity was about the electrification of the Gawler line, but the fact that it was only going to be as far as Salisbury was obviously in the fine print. It was a bit of a ruse for many people.

A few short months after the state election, on 19 June this year, Labor again dudded the growing number of commuters on the northern suburbs rail line and announced that the planned electrification would be delayed until at least 2017-18 and outside the forward estimates. The cynical part of me cannot help but wonder if the seats along the Gawler line and the northern suburbs were more marginal we may have got some more action on this line, because it is obviously used much more than the Seaford line.

Now the Minister for Transport has decided to announce to the long-waiting commuters of the Gawler line that, as the government rolls out its new electric trains on the Seaford line, the Gawler line commuters will get handballed hand-me-down 3000 series diesel trains as more become available. The minister says this as if it is some kind of favour, some kind of consolation prize for the commuters of the northern suburbs.

As someone who uses the Gawler rail line reasonably regularly, and for many others who use it on a daily basis, I think we deserve better, especially as these hand-me-down trains, as I have described them, would be travelling past the countless unused electrification poles that are along the Gawler line all the way to Gawler, reminding us of the countless broken promises.

I call on the government to honour its commitment to the people of Gawler and the northern suburbs and to get on with the electrification of the Gawler line. The way it has used that rail line to dud, confuse and mislead people about what it is actually doing is a testament to the very bad

management of this government. As I said, if you were to go anywhere near that line, you would see all of those empty poles standing there as a testament to the bad management of this government.

With those words, and in the hope that the government will refocus some of those priorities, I support the passage of the Appropriation Bill.

The Hon. J.A. DARLEY (16:24): I rise today to speak on the Appropriation Bill. The government's budget comes at a time when South Australian families are struggling and our unemployment levels are the highest of the nation and rising. Last month, it was reported that our unemployment rate was up from 6.9 per cent to 7.4 per cent—the highest levels we have experienced since around 2002. The government's response to this is, 'Let's make it even more difficult for our struggling communities.'

Although we will consider the government's budget measures more closely when we consider the Budget Measures Bill, I would like to elaborate further on a few of them are now. First, at a time when the cost of living is increasing exponentially, the government has decided to deliver a big hit to the hip pockets of homeowners, businesses and primary producers.

The removal of remissions for the emergency services levy is akin to reintroducing a land tax on all properties, including the principal place of residence of an owner, other than pensioners, and land tax on rural properties. The more your property is worth, the more you will pay, with residential properties with a capital value of $400,000 having to find an additional $150 per year for the increased emergency services levy. This is in addition to the extra moneys they will need to find to pay the increases in council rates, water, electricity and gas prices.

Businesses will be hit even harder with the removal of remissions for the emergency services levy, given the differential rate they are charged. An industrial business on a property with a valuation of $5 million will have to find over $2,000 extra for their emergency services levy. The Treasurer said that an increase in the emergency services levy is needed to help fill the health budget hole left by the commonwealth Liberal government. However, it seems that the hole may have already been in existence, given the recent reports of ramping in our hospitals only one month into the new financial year.

The Treasurer has also said that the government is expecting a reduction in payroll and property taxes this year. In my view, this is a direct result of the higher rates in taxes that we have here in South Australia. For years, businesses have told me that there is no point investing in South Australia because its uncompetitive land tax especially been a bugbear.

Businesses go interstate or overseas and by doing so take their jobs with them. Even local businesses are beginning to wake up and send jobs overseas. Just the other week, a small business owner told me that he had to send a job offshore because, after crunching the numbers, it was cheaper to do this than employ another person in South Australia due to the payroll tax. This is indeed a sad state of affairs.

The fact that local jobs are going overseas should not surprise the government, as they have been opting for multinational or international companies, rather than local companies, for years now. When the state does not have confidence to invest in the local economy and local businesses, how does it expect everyone else to? It is a pity because South Australia and our people have so much to offer; they deserve better.

I am proud of my state and the people who take the risk to start their own business. I am proud of the products we manufacture and proud to support the local businesses who showcase these products. If the transport development levy, or car park tax, is passed many of those local businesses situated in the CBD will be hit yet again. Again, I want to place on the public record that I am completely opposed to this measure. One of the reasons behind the ill-conceived car park tax is to ease congestion in the city.

The government says, 'Let's get workers out of their cars and onto public transport or bikes and make more room for those visiting the city.' Introducing a new tax may go some way towards encouraging people to seek alternative transport if they come into the city for work; however, I doubt that it will have the same effect on those who want to visit the city for recreational purposes. City

shops have a lot to offer; however, when this is weighed up against the increased cost of parking, I imagine many will opt to visit their local suburban shopping centre instead.

Another way the government may be encouraging decongestion is through increased compulsory third-party premiums motorists will face if the Motor Accident Commission is privatised. Motorists may simply be unable to afford the premiums and be forced to give up their vehicle altogether. This is unlikely, given the poor public transport alternatives available to many, especially in the outer suburbs. However, it is one way to highlight yet another bad decision.

The proposal to privatise the Motor Accident Commission is also expected to drive up the prices motorists pay for compulsory third-party premiums. The Motor Accident Commission reported that it had control of $2.54 billion in its 2012-13 annual report; $2.54 billion that has been given by motorists of South Australia to the government to hold as a safeguard should they be injured in a motor accident. Under the proposal, the Motor Accident Commission's assets are to be transferred to general revenue and the matter of insurance given to private insurance agencies—private insurance agencies whose primary purpose is to turn a profit rather than look after the injured. Again this is a bad decision for South Australia.

I do not see much benefit in the new $8,500 incentive for people over 60 to downsize their homes. The stamp duty in this state is so high that in most cases the grant would only account for half of that payable at best.

Finally, I oppose the government's decision to cut the leave entitlements of temporary or contract teachers if they have more than a three-month break in service. The government has said that this is to bring contract teachers in line with other public servants—not other teachers, other public servants—and there is absolutely no recognition of the fact that contract teachers face different conditions to other public servants. Just yesterday I was contacted by a constituent who highlighted that, as a contract teacher whose contract concludes on the last day of term 4, it is virtually impossible for him to get another contract position for five weeks due to the school holidays. This is markedly different from other public servants, and would leave him with just over two months to find another position before his leave entitlements are affected.

The government also proposes to make this measure retrospective, which would remove the leave entitlements dating back to 1972. If this measure gets through, that is 42 years of accrued leave entitlements gone. Even if they did not know about the entitlements until 2005, I am sure there are plenty of teachers who have taken these entitlements into account in planning their futures and their retirements. At a briefing with the AEU representatives, organised by the Hon. Tammy Franks, we were presented with a letter from the education department dating back to 2005. That letter states:

> The Department of Education and Children's Services has taken legal advice as to the matter of appointing persons to temporary teaching duties. The purpose of this letter is to inform you of the proposed changes to practise on the basis of that advice.
>
> In the past contract teachers and temporary relieving teachers were appointed under section 9 subsection 4 of the Education Act. It is proposed that contract teachers, now to be known as temporary teachers, and temporary relieving teachers will be appointed under section 15 of the Education Act on a temporary basis.

From 2005, the department itself acknowledged that temporary teachers were to be treated in the same way as permanent teachers. The decision of the High Court in AEU v DECS 2012 also confirmed that position, yet the government has stated that it was not the intention of successive governments to provide a more generous entitlement accrual of long service leave to temporary teachers than is available to public sector employees. Once again I remind honourable members the government is proposing now, somewhat conveniently, that temporary teachers should be distinguished from permanent teachers and treated like other public servants.

The government has also advised of a $15 million ex gratia payment scheme for some affected teachers. No explanation has been given as to how that figure was arrived at, how the government intends to determine eligibility for such ex gratia payments, or indeed what the total estimated cost of the High Court decision would be, yet we are being asked once again to trust that the government will do the right thing by teachers. These arguments beggar belief!

I have only touched on a handful of issues that we will be considering as part of the Budget Measures Bill, but I think we all get the picture. I understand that we are living in a tough economic

climate, but kicking those who are already down will only exacerbate the problem. It is about time the government faced up to the facts of life, the same way as families are being forced to do, and live within their means. I urge the government to rethink all of these measures and find more workable alternatives.

The Hon. S.G. WADE (16:34): I rise to support the Appropriation Bill 2014. I do so in my new role as shadow minister for health. In the health area the recent state budget abandoned four major hospital redevelopments worth $284 million; it suspended the electronic patient health record (EPAS); it added $178 million to the state health savings targets; and it passed on $322 million in federal cuts. It was a budget of broken promises. The government is breaking promises a matter of four months after they were made. The government is cancelling a $100 million FMC upgrade which was not dependent on commonwealth funding; it is simply a broken Labor promise.

The government has also gone back on commitments of previous budgets: the redevelopments of TQEH, stage 3, Modbury Hospital and the Noarlunga Health Service stage 2A redevelopments. Nor has the government honoured its commitment to the member for Brock in relation to palliative care at Port Pirie. The South Australian healthcare system faces a triple whammy. First, the healthcare system has weakened over 12 years of state Labor mismanagement of the health system; secondly, it faces more than $1 billion of state cuts to health; and now hundreds of millions of dollars in federal cuts.

Let's be clear: the state Liberal team does not support the federal cuts to health. In our view, they are a breach of a national agreement and we consider them to be ill conceived. In particular, we have highlighted our concern about the Medicare co-payment which, at a time when we are trying to strengthen primary health care, in our view that undermines it. I personally met with the federal Minister for Health, Mr Dutton, in Canberra and conveyed the fact that the South Australian Liberals do not support the federal cuts to health.

However, let's keep these cuts in context. The federal cuts are dwarfed by state cuts. From 2012-13 to 2017-18 state and federal governments are planning to cut more than $2.5 billion from the funding of health services in South Australia. Of that $2.5 billion, the state government is planning to cut $1.87 billion and the federal government is planning to cut $655 million; in other words, more than two-thirds of the total cuts to health state cuts.

In this budget alone, the additional state savings target on health was $97.8 million. The federal cut to the national health reform agreement in 2014-15 is $37 million. The state cut is almost triple the federal cut. State Labor is using federal cuts as a smokescreen for cuts of its own. When the Premier was questioned on ABC radio on 19 May, he revealed that he would not back down on his cuts. The presenter asked, 'Will you suspend your billion dollar worth of cuts to health in light of the $600 million federal cuts to the SA health system?' The Premier replied, 'No.'

The state government is playing the blame game. It was business as usual while health faced $1 billion in state cuts, yet when federal cuts increased the task by a third, the state government calls 'catastrophe'. We call on the state and federal governments to work together to develop a plan which maintains services and quality. Budget initiatives need to be based on well-coordinated reform and fiscal discipline. In contrast, the state government has no strategy to achieve either the state or federal cuts—this is after 12 years of mismanagement. Their response to the current situation is to form a series of committees.

The state government has also responded by initiating a $1.1 million taxpayer-funded Labor Party propaganda campaign against the federal government budget cuts. At a time when outpatients at eye clinics are waiting for clinically dangerous times for treatment, the government's priority is to spend $1.1 million on a politically motivated advertising campaign. At a time when people with mental health issues are crying out for additional services in the regions, the government gives priority to spending $1.1 million on a politically motivated advertising campaign. At a time when the ramping of emergency patients has spread to the Royal Adelaide Hospital for the first time, the government is giving priority to spending $1.1 million on a politically motivated advertising campaign.

The government's thinly veiled attack seems to be gaining very little traction. The indication of this is that on the campaign website the indications of those who support the campaign number fewer than 100 of South Australia's 1.1 million adults. Many of those who are listed as supporters

are paid Labor Party activists. As usual, the Labor government's approach is confrontational rather than strategic and their lack of statesmanship is made all the more visible by their high profile campaign. They would rather be seen to be putting up a fight than to actually secure a better deal for South Australians.

The Premier's mantra during the 2014 election campaign was that he would get into a fight with the federal government. The Premier wants to be seen as a brawler rather than a leader. I fear that it will be the elderly, the sick and the vulnerable South Australians who come away from that fight bruised.

The Treasurer (Mr Koutsantonis) seems to delight in threatening a callous menu of healthcare pain. He said the government may close hospitals, sack health workers, close beds, increase taxes and increase waiting times. In the House of Assembly estimates the Minister for Health (Hon. Jack Snelling) refused to guarantee that hospitals would not close. Specifically, he refused to commit to the future of the Repat hospital.

In our view, that is a grave offence to those veterans who served in our community. The kind of people who will be bruised in this fight may well be older South Australians and veterans supported by the Repat hospital. The government is spending taxpayers' money to convince people to back its fight with the federal government but where are they when it comes to supporting those who fought for our country?

The minister has also refused to back critical hospitals such as TQEH, the Noarlunga Hospital and the Modbury Hospital. The Weatherill government is directly threatening the future of these hospitals, even though federal funding for hospitals is increasing over the forward estimates. The minister has refused to back South Australia's regional hospitals on which many of our regional communities depend. The government promised to stand up for the regions. Now they are considering cutting these communities off from essential medical care.

The Liberal team believes that, instead of the Koutsantonis priority hit list, the first items on a state health agenda should be three initiatives—sound management, waste reduction and decentralisation. The Labor Party has failed to deliver sound management in health. In the last financial year, Labor overspent in the health sector by $163 million. If Labor had managed to live within its means last year, they would still have in the kitty more than half what they are looking to cut over the next four years. In the last 12 years, Labor has overspent in health by $2.2 billion. If they lived within budget, they could have funded the new RAH.

In terms of waste reduction, Labor has a $40 million blowout in the Oracle IT system. It is now facing cost blowouts approaching $100 million in other IT projects. In terms of decentralisation, we have the most centralised bureaucratic health structure in the nation, which is far too expensive.

The state Liberal Party is taking a stand against the Weatherill Labor government's cuts to public hospitals. We oppose the closure of any public hospital in South Australia. For every South Australian to get the quality health care they deserve, our hardworking doctors and nurses need first-class facilities. Unlike Labor, the Liberal team is committed to saving our hospitals and improving health outcomes through reforms, not through cuts to services. In our view, no community should pay for Labor's failure to manage the state's finances or the health system with the closure of its hospital.

The Hon. J.S. LEE (16:44): I rise today to make a few remarks about the Appropriation Bill 2014. I agree that the government has the right to set its budget and the role of the opposition is to question and challenge how taxpayers' money is being spent. This process is supposed to enhance our likelihood of having good government in this state so, in theory, the government can bring down its budget, followed by the estimates process, which is the committee stage of the budget bill.

I have to say that the whole process is causing a great deal of frustration. There has to be a better and smarter way in terms of the money and time that are spent in the process that we currently have. One of the most annoying things about the whole estimates process is that it does not matter whether a minister is appointed from the House of Assembly or from the Legislative Council, the minister can come into the chamber to answer questions as the minister responsible for his or her portfolio. I do not understand why, if we have a shadow minister who is appointed in the Legislative

Council, that shadow minister cannot come into estimates to ask questions. Isn't that an illogical and unreasonable convention?

Historically there is no reason why that should be the case. In the federal parliament it is the upper house, the Senate, that does the estimates. There is absolutely no reason from any historical or practical perspective why the South Australian parliament should not allow the shadow minister responsible for a portfolio to be the person charged with and allowed to ask questions about the budget itself.

The estimates is definitely not a very inspiring experience given the government's poor performance. Why can ministers not provide direct answers to the opposition, particularly when you think about the enormous resources available to ministers? They have their ministerial staff, their advisers and their departments, and supposedly they should be working at least 80 hours a week on their respective portfolios. You would think that they would be full of knowledge and information and hardly have the need to seek advice, but unfortunately through the budget estimates process we see the lack of capacity of the ministers in the Labor government. This is extremely disappointing for South Australia. A change of treasurer and a few new faces on the frontbench, but still the same old tired government with the largest deficit in the state's history.

The budget they have presented to South Australia is filled with these unrealistic assumptions in terms of growth and improvement in productivity, so we go through this annual groundhog day exercise which we refer to as budget estimates. It is a really frustrating process because we can never get any useful answers for the people of South Australia.

When the Liberals highlighted key issues in the budget, the Treasurer went out attacking the federal government. He went to great lengths to say that all the problems that are associated with the horrible Labor budget were to do with the federal government. It is always easier to blame somebody else for their problems. Instead of being accountable for the mess that the Labor government has created in the last 12 years in office, the state Labor government just shifts the blame to the federal government—how convenient!

The government went to a huge effort on page 6 of Budget Paper 3 to outline $885 million of what they refer to as federal government cuts. What the Treasurer failed to do is provide a corresponding table of the federal government increases in revenue to the state. The government is very deceitful by not giving the people of South Australia a clear picture of what their budget is all about. It is time for the Labor government to have the guts to admit that it is their incompetency and bad economic management that put South Australia in a bad financial position, with the largest deficit in the state's history.

We already know that the federal government has written up GST revenue to the state by a significantly large amount. Page 55 of Budget Paper 3 clearly shows that in each and every year of the forward estimates, GST revenue to this state from the commonwealth is significantly increasing. It is ridiculous for the Labor government to say that the federal government is ripping GST money from the state; it is not true. The public need to know that the federal government is actually increasing it by 7.3 per cent. The federal government is increasing the GST distribution to this state many times over the inflation rate each and every year of the forward estimates. This is the true picture in South Australia. This is about the government having mismanaged the economy of this state. Labor has put all of us in a most outrageous financial position with $14.3 billion of debt that will cost the people of this state $2.6 million each and every day.

Our budget is in crisis and various government departments here in South Australia are simultaneously in crisis. The environment department is in crisis, Families SA is in crisis, the Department for Education is in crisis, and the Small Business Commissioner's office is in crisis. There is no confidence in a number of ministers handling a series of tragic events in this state. The people of South Australia have completely lost confidence in so many ministers and in this government in the way they handle the economy and the wellbeing of individuals, particularly their handling of the child protection issue.

If we remember, the government said that this spending was about creating jobs. In that case, let's talk about jobs, shall we? Maybe it should be the lack of jobs. South Australia has retained its unenviable position of having the highest unemployment rate on mainland Australia, according to

the latest ABS job data released today, 7 August. This is bad news. What is of most concern is that unemployment has been trending upwards for 23 consecutive months—nothing to be proud about. In fact, South Australia's trend unemployment rate is at its highest level in more than 12 years. In the last four months, South Australia's jobless rate has risen from 6.3 per cent to 7.2 per cent. Today's figures confirm the extent of South Australia's deepening unemployment crisis on Premier Weatherill's watch.

Under the Weatherill Labor government, South Australia has the highest taxes in the nation, the worst performing workers compensation scheme in the nation and low consumer and business confidence. With South Australia's unemployment rate the highest on mainland Australia, it is time for Premier Weatherill to drop the pretence that Labor will create 100,000 new jobs by 2016. Earlier this week, ANZ jobs ad data revealed that in both trend and seasonally adjusted figures South Australia recorded the worst performance for the month of July 2014 and the year to July 2014 of all states and territories in the nation.

South Australians are really good people; we have been extremely patient with the Labor government. They have been promising surplus; they have been promising jobs. Remember that—100,000 promised in 2010? What the government has delivered instead are massive debt levels and failure in all main economic and social indicators, whether they be employment, education, debt or taxation. As the shadow parliamentary secretary for trade and investment and someone who has a personal and professional connection with South-East Asia, I cannot help but notice that the Labor government and Premier Jay Weatherill have conveniently adopted another state Liberals' policy. Specifically, it is the state Liberals' trade policy for South-East Asia. During a visit to South-East Asia in 2012, state Liberal leader Steven Marshall announced that if we were elected to government in 2014 the state Liberals would develop a whole of region strategic plan for South-East Asia with industry-led trade missions.

This Labor government has missed so many golden opportunities presented by years of dramatic growth in Asia. It is failing to meet its export target of increasing South Australia's annual exports to $25 billion by 2013, and now the Weatherill government is actually following the Liberal opposition's lead in recognising the importance of South-East Asia. If there is anything to congratulate you for, maybe I will congratulate you guys on this one. Since the 2011-12 budget, Labor has almost halved its funding for programs designed to increase exports. In 2012-13, SA Labor closed seven trade offices across the world to save $2.7 million and focus on trade with China and India. South Australia's interstate counterparts have an advantage across South-East Asia due to their trade office presence. We do not have that.

The state Liberals have recognised the economic importance of South-East Asia for many years, whilst Labor has ignored many of our trade partners, stifling export and jobs growth. Due to its close proximity, South Australia remains well placed to take advantage of the growth potential in the South-East Asia region. Under Labor, South Australia has lost vital market share to the Eastern States and failed to capitalise on growing international markets, including the rapidly growing Asian markets.

The other concern I really have is the organisational structure of the Department of State Development. It is a very noble campaign to have a state development department and we should be proud of that, but the problem is that there are six ministers responsible for 13 programs, each of which have multiple subprograms all tied up in state development. Many of my colleagues on this side remain exceptionally concerned that those six ministers do not all hold the same views and do not all share the same values on a lot of issues. How will they move toward a shared vision for the state in terms of development of the state when they are competing at so many levels? They compete ideologically, operationally, financially and commercially for their own areas of responsibility. How are they going to manage that?

It is imperative that industry stakeholders understand which minister is accountable for what and also that they have the confidence that the government will be able to merge all of these operating departments and ministerial offices into state development. They include minister Gago, minister Snelling, minister Koutsantonis, minister Hunter, minister Hamilton-Smith and minister Close. Well, let's see whether they can do that smoothly.

It is a privilege to be the shadow parliamentary secretary for small business. I am extremely proud of our resilient small business sector. The small and family business sectors are the driving force of our economy. Many of these family and small business operators come from the multicultural community, so I see them regularly and work closely with them. These business people are doing it really tough. Collectively, the sector is the largest employer for the state, so it is important that they stay viable. They need to survive in order for many individuals to have a job in order to cater for their family needs.

I am particularly concerned to find that quite a number of programs that existed previously have been taken out of this year's budget for small business. Unemployment in our state is now the highest in the nation. Small and medium-sized businesses, manufacturing and innovation are the areas we really have to focus on to try to make sure that people have a secure job into the future. That has to be one of the most important priorities of any government: to provide an environment whereby businesses can offer secure employment and generate wealth for the state.

The government continues to fall short on its Strategic Plan target of 45,000 international students. This year it is 15,000 short. I am aware that other states, such as Victoria, New South Wales, Queensland and Western Australia, are working very hard on attracting international students, and they have been effective in their policies. They have a long-term vision, and that is something we are lacking in South Australia, particularly with enticing those students to come here to study, and also retaining qualified graduates to convert them into permanent residents via the Skilled Professional Migrants Program. However, even if they become permanent residents, where are the jobs? The Hon. Mr Maher, you are looking at me frowning? Well, you should be frowning because, you know what—

The Hon. K.J. Maher: I'm getting smashed by Ms Lee now.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): The honourable member should address her remarks through the Chair.

The Hon. J.S. LEE: I am sorry, Mr Acting President.

The Hon. K.J. Maher: Protect me, Mr Acting President, I'm getting smashed here.

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order!

The Hon. J.S. LEE: Usually, we look forward to the start of a new financial year, but how can we do that when South Australian families are expected to pay another $1,100 out of their pocket, thanks to the increased taxes and fees and charges from the Weatherill Labor government? An average South Australian household will experience increased taxes and charges for items such as bus tickets, electricity bills, the emergency services levy and motor vehicle registration. Life just keeps getting harder and harder for South Australians thanks to the Weatherill Labor government's escalating cost of living pressures.

This $1,100 hit to families does not include the impact of other savage budget cuts, such as the Weatherill Labor government's decision to scrap pensioner council rate concessions and to introduce a fun tax for events with more than 5,000 attendees—I am not sure how many family members I can take to the Royal Adelaide Show now—such as the Royal Adelaide Show and football games at Adelaide Oval. At a time when families are struggling with higher cost of living expenses, Labor has no hesitation in ripping even more money out of their household budget.

I am a proud shadow parliamentary secretary for multicultural affairs. I want to make a brief contribution to this area because many members of the multicultural community have complained to me about the lack of support coming from the Labor government since the merging of Multicultural SA into the Department for Communities and Social Inclusion. The resources of Multicultural SA really have been reduced to a minimum. The website is not running properly, and people are finding it really hard to find out what events are on within their own community, so it is very difficult. I encourage the new minister to have a close look at that. With those few words, I conclude my contribution to the Appropriation Bill.

The Hon. J.M.A. LENSINK (16:59): I rise to make some remarks in relation to the budget appropriation and reluctantly support it. It is very disappointing that after 12 years of Labor at the helm we find ourselves in the sort of budgetary situation that we are in. When the Liberal Party was last in office we had returned the budget to surplus. Since that time I think this government has only obtained one surplus and has seen revenues go from $8 billion to $16 billion. It is just beyond belief that they could have got themselves into so much trouble.

We are paying some $2 million in interest every day of the year and the government tries to blame the Abbott government, which was only elected in September last year. They really only have themselves to blame but, as my colleague the Hon. Jing Lee was saying, they seek to blame everybody else.

In my areas of responsibility on behalf of the Liberal Party, it is particularly disappointing that the environment has become the whipping boy of any budget cuts that take place. I have actually done a spreadsheet which goes back to 2008-09, which has been provided to numerous media outlets and has been published in various forms. I should add that the cuts started earlier than that, in 2006-07 when the Hon. Kevin Foley was still the treasurer of this state. He used to be rescued every budget. The government would overspend and it would be rescued by increasing revenues which would come via the GST and property taxes.

Following the GFC, if the government had been able to exercise some restraint, they probably would not have had to go into deficit and they certainly would not find themselves in the phenomenal situation that we are in now, facing some $800 million to be found. The environment portfolio has been the whipping boy of this government. If we go back to 2008-09, the funding collectively for what was then the department of water, land and biodiversity conservation (DEH); NRM funding; the EPA; and Zero Waste SA was some $258 million, which is not a huge amount by any stretch.

In this current budget, 2014-15, the combined appropriation from Treasury towards that set of agencies—there have been a number of amalgamations but the functions should still exist—is $107.5 million. So that has gone from $258.3 million to $107.5 million. I should add that in this current budget some of that is because of the Waste to Resources Fund, which is actually not spent on environmental purposes. It is sitting in an account—some $54 million, I think, as at 1 July—to offset this government's phenomenal debt. It is a very sad tale.

Over the same period, 2008-09 to 2014-15, the FTE staff working in these areas has gone from 2,236 to 1,709. Environment is getting to the point where there are functions which should be considered core business for this state government which no longer are. I think in all of this the finger certainly needs to be pointed in some way at the Greens. While they profess an environmental agenda, where have they been in this whole issue over these years? In fact, I remember after one of the budget lock-outs, when the budget had been presented to the parliament, the Hon. Mr Parnell was duplicitous in calling divisions which prevented a number of us from actually being able to examine the budget papers. I think their role in this, continuously preferencing the Labor Party when this is what happens, shows a level of political impotence or naivety.

In this most recent budget, we had the combined department, DEWNR as it is known, going from some $170 million to $120 million. The Treasurer (the member for West Torrens), in fact joked at the budget lockup this year that one of the ways he could help fund the black hole would be to shut down the environment department. It was an extraordinary admission, really. When he was questioned about the next day, he tried to make light of it and said, 'I didn't want to do it. It was the first thing that came into my head.' I think that in itself speaks volumes about where the environment department sits in the priorities of this government.

We are facing areas that are very much core business being cut. Through the Budget and Finance Committee and via other ways, people who have contacted the Liberal opposition, we found out that there will be the number of things that will happen. We know that 100 jobs will be lost within DEWNR, and the park ranger position has been pretty untenable for some time.

The government states that it has in the order of 88 rangers; I think that in fact it is a lot fewer than that because they are adding the positions for fire management, which you could argue have some ecological function. However, I think it is more about public safety than it is an environmental

importance. When the Liberal Party was last in office—the party the Hon. Mark Parnell claims is less green friendly than the current administration—had 300 park rangers, and we had made promises that we would increase those numbers.

The native vegetation unit is losing a huge number of positions and, through discussions in the media particularly, it has come to light that a lot of those positions are the technical scientific based ones. Associate Professor David Paton I think is to be commended for blowing the whistle on the ABC about the massive cuts to the environment department. He has certainly highlighted this is taking place so that people are coming to realise what is going on.

We are also going to lose the visitor centre at Innes National Park, and the Murray-Darling Basin Authority funding, which runs a whole range of environmental programs and protects Adelaide's drinking water quality (and I will talk about that in a moment) is being halved. I understand that the state will have to pick up the tab to fund those and that there is also the likely closure of community-based natural resource centres in the Adelaide Hills.

Over recent years, there has been the loss of expertise from DEWNR, particularly in relation to hydrology, and those positions are important to manage the water side of natural resource management. I predict that there will be great difficulties in managing water allocation plans into the future because the department has just lost so much of its corporate knowledge from that area. It is a problematic area already, particularly when the government has to implement plans for the first time and then, in subsequent plans, when it is reducing allocations to particular irrigators, clearly there will be difficulties, and I think that it will be quite chaotic.

In this current round of cuts, we have also seen the grants program through the NRM axed, and it has been reduced a few times over the last several years. It was actually implemented by the Hon. Jay Weatherill when he was environment minister, so it is ironic that it is now disappearing under his watch.

That funds a range of groups, such as Greening Australia, Trees for Life, Friends of Parks, the NRM LAP groups, Foundation for Australia's Most Endangered and Landcare. While we do have great volunteers—and they are to be commended (the Friends of Parks groups and a lot of the NRM LAP groups all perform an incredibly task in tree planting, weed eradication, and so forth)—they do need assistance from time to time through contract work to do some of the much heavier lifting.

I have been out a couple of times with Friends of Scott Creek, and a number of their volunteers are in their 70s and 80s—very fit and healthy, and they obviously love the outdoors. They have really become the backbone of our conservation efforts in South Australia as the environment department continues to face cuts. Those grants programs have been quite an iconic part of the loss in the agencies that we have seen over these years now that this program is gone.

It speaks volumes too that, while the environment department budget is in such a dire situation, what does the government fund? It funds $600,000—it can find $600,000—for this artificial reef, which while people enjoy them—and that is great when you have lots of money available—in comparison to the NRM grants program this is a very poor priority indeed. The government also has seen fit to return half the funding to what is currently Zero Waste SA. The decision was made in a previous Mid-Year Budget Review to axe that agency effectively, so it is pleasing that it will continue in some form and we will look forward to the legislation coming to this place in due course, and on which I think I have sought a briefing. That is a very common-sense decision that has been made.

In relation to Murray-Darling Basin cuts, we have had much commentary in this place, particularly during question time about that. This government has decided to halve its contribution. It keeps pointing the finger at New South Wales. Once again, it is always someone else's fault, so if you can find yourself a scapegoat you can get away with anything really. The New South Wales government has just reinstated some of its funding—certainly not the full amount—so it will be interesting to see whether the government reinstates its funding, as it said that it would if New South Wales moved, and that it would reconsider its position.

I have received a letter from Mr Neil Schillabeer, a well-known advocate for the Murray-Darling Basin and the Lower Lakes area, who has written in some detail about what the impact of these cuts to the Murray-Darling Basin will result in. He refers to deteriorating water quality as a result

of reduced operation of salt interception schemes. I think that will impact on the operations of SA Water if that takes place, and there will probably need to be an increase in the amount of work they are doing as a result of this short-sighted, robbing Peter to pay Paul exercise of cutting MDBA funding. He goes on to say:

> Impacts on tourism and recreation as a result of reduced operation of locks and weirs and reduced scrutiny of river operations and water quality as a result of cuts to monitoring and water resource assessment and accounting activities.

He goes on to say:

> To minimise these impacts it would be necessary for the South Australian government to undertake and directly fund many of the activities currently funded under the joint programs. It is likely that this will cost more than the savings made by cutting joint funding and will still not deliver the same level of outcomes or benefits. The members of the Lower Lakes and Coorong Tourism and Environment Group are particularly concerned at the potential impacts in their region as the influence of decisions such as these is often magnified as we move downstream.

To that I say, 'Hear, hear!'

I also add that because these impacts are in regional South Australia I think that the government views most of regional South Australia as expendable. That is alright because that is not going to impact on marginal seats in South Australia unless these matters are brought to the attention of people in metropolitan South Australia.

It is a very sad situation that we are in. I have spoken about budget cuts in this place numerous times. I feel like a broken record at times. I am pleased that it has made the mainstream agenda now, and I commend Associate Professor David Paton and Mr John Walmsley for speaking publicly on these issues because I think that is what it has taken.

There are a number of people who work in this field within the department, within NRM and in other areas who would like to speak but I think they have been silenced and feel that they cannot comment or there will be consequences for them. To those people I say, do try to keep the faith; there are still a lot of South Australians who care about this field. With those comments, I support the bill.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:16): I do not believe that there are any further contributions to the Appropriation Bill so I rise in support of the bill and conclude the debate with a couple of very brief comments about the budget.

The federal Coalition government made brutal cuts that have profound ramifications across the nation and, as such, there is no way for the South Australian state government to quarantine these reckless decisions. In fact, given the size and magnitude of the cuts, there is no state within Australia that could absorb these brutal tax cuts without reparatory measures or asset sales.

For the record, I will just quickly list some of the cuts that the Treasurer has highlighted in his speech. Over the next four years South Australia will lose $898 million because of cuts by the Prime Minister Tony Abbott. Over the next 10 years hospital and school funding cuts equate to a whopping $5.5 billion. These cuts include $655 million reduction across the forward estimates in health spending alone.

The reduction in national reform payments will be more than $4.6 billion across the next 10 years, compared to what was contained in the commonwealth's 2013-14 Mid-Year Economic And Fiscal Outlook. Other cuts and broken promises include $123 million in funding for pensioner concessions over four years and $47 million in skills and vocational education—and that only includes the national partnership money cuts. The total cuts across the SA VET sector will be in the vicinity of $154 million. There is $45 million in school funding under the Gonski funding agreement which will rise to a reduction of more than $200 million in 2019. As I said, they are savage cuts.

These are such large sums of money being drained from the state's finances that they are almost abstract—but they are not: they have a very profound and very real impact, a flesh and blood impact on people's lives. The Joe Hockey budget cuts to South Australia's health system of $655 million over four years will have devastating consequences and it is equivalent to the loss of

600 hospital beds or 3,000 nurses or will double elective surgery times in our state's hospitals. I urge members opposite to consider that last Joe Hockey budget impact—doubled elective surgery times—and that will literally mean more pain for a large number of people waiting for an operation or surgical procedure.

To people waiting for surgery, those numbers are not abstract economic data or columns of figures on a page: they are real and tangible impacts that inflict pain and suffering on people. When the Premier launched the Federal Cuts Hurt campaign, its key message is a statement of fact and I urge all South Australians to join our Premier and this Labor government in the fight against the Abbott government cuts. Together with a united voice, we can all call on the Prime Minister Tony Abbott to end the assault.

While we cannot ignore these cuts, we will not follow the same path as the Abbott federal Liberal government and walk away from commitments made before the election. We cannot, in all conscience, simply copy the federal slash and burn approach to funding services and wash our hands of any responsibility. In contrast, we must work hard to achieve a responsible outcome, and proportionate savings measures have been put in place. Savings include:

- a further efficiency dividend on government agencies to the tune of 1 per cent in 2015-16 and a further 1 per cent in 2017-18;
- pay freezes for executive and ministerial advisers in 2014-15;
- merging the departments of DMITRE and DFEEST to create our new Department of State Development;
- reducing expenditure on non-service consultants and contractors;
- procurement efficiencies; and
- public sector wages growth will be contained at 2.5 per cent.

They are some examples. So you can see these measures would have been in place regardless of the commonwealth budget. These measures are prudent and appropriately balanced where we need to cut our own cloth to ensure our election commitments are delivered sensibly. I thank members in this chamber for their contributions and support for this bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BUDGET MEASURES BILL 2014

Second Reading

Adjourned debate on second reading.

(Continued from 6 August 2014.)

The Hon. R.I. LUCAS (17:23): I rise to support the second reading of the Budget Measures Bill. As has been outlined by the Leader of the Opposition in another place, and publicly, the Budget Measures Bill and the appropriation package generally includes a significant number of elements that the Liberal Party strongly opposes. As the Leader of the Opposition indicated, they certainly would not have been part of any budget that a potential Liberal government would have brought down should the election result have ended differently.

Again, as the Leader of the Opposition has indicated, areas of the budget such as the car park tax, the increase in the emergency services levy, the fun tax and, indeed, other aspects of the budget, have all been publicly opposed by the Leader of the Opposition on behalf of the Liberal Party. As he has indicated on our behalf, generally, the Liberal Party accepts the right of governments to make and implement decisions in relation to their budget packages. It has only been very rarely in South Australia's history that we in the Liberal Party have adopted a different position. In the last decade I think there have been one or two examples in relation to a biosecurity levy and the issue of court costs where budget measures have been opposed by the Liberal Party and also members of the Legislative Council as well.

By and large, whilst the parliament, I suspect, or non-government members of the parliament, may well have objected to significant aspects of the government's budgets, they have generally accepted that convention with rare exception. On this occasion, as the Leader of the Opposition has outlined, this is one further example in this budget, in our view, where there is the rare exceptional circumstance. The Leader of the Opposition, the member for Dunstan, has outlined our very strong and sustained opposition to the imposition of the car park tax, something which was campaigned on for—I am not sure exactly how long, but I am guessing—about 12 months prior to the last state election. The Leader of the Opposition has indicated in the debate in the assembly, and I do so on his and our behalf in this chamber, that we intend to proceed with our opposition to the car park tax in this Budget Measures Bill.

On my behalf, I have today filed amendments which will test the will of the Legislative Council in relation to the provisions of the Budget Measures Bill which relate to the car park tax. For the benefit of members, given that we have a five-week break ahead of us, they are in exactly the same form as the amendments that were moved by the Leader of the Opposition in the House of Assembly, which were ultimately unsuccessful.

I did note in that particular debate the irony as I viewed the transcripts of the debate of the member for West Torrens, the Treasurer, making comments in relation to 'stupid members of parliament', in his view. I noted, as I said, with a smile on my face the statements and the commentary being made by the member for West Torrens in relation to members of parliament that he believed were stupid. I would have to say that most observers would probably make the observation that the current Treasurer is not as sharp as the former treasurer, Mr Foley. Whatever one thought of Mr Foley, I think most observers would probably agree with the assessment that the current Treasurer is not as sharp as the former treasurer.

The Hon. J.S.L. Dawkins: Especially Mr Foley.

The Hon. R.I. LUCAS: I am sure that Mr Foley would take that position as well. Given the fact that Mr Foley described himself as 'not the sharpest tool in the shed', I am not sure what that says about the current Treasurer, because I looked at the argument of the Treasurer in relation to the Liberal Party's position on the car park tax and in the space of 60 seconds he directly contradicted his own argument and for the benefit of members I will just quickly outline.

He started off by saying that the Liberal Party's position of opposing the car park tax as one of the budget measures was in his view breaking years and years of precedent and years and years of convention; that is it was unheard of, unprecedented, for the opposition, for the Liberal Party, to amend a Budget Measures Bill in this way. Having argued that argument—that is, this was unprecedented—he then went on within a 60-second cycle to argue that his definition of stupidity is that:

> If you do one thing and it does not work, and you continue to do it over and over and over again, and you do not change your actions, well, that is just stupid. It has been said of the Liberal Party that not only are they stupid but they are stupid often.

He then went on to say:

> …you are setting a dangerous precedent by following the old through the same tactics that have failed you in the past.

The logicality of all of that I think is apparent to everyone. On the one hand, the Treasurer was arguing that this particular action on the car park tax was breaking years and years of precedent and convention and then he was saying that the Liberal Party would never learn if we do one thing and it

does not work and we continue to do it over and over again. What he was arguing in essence was that this was something that we were doing over and over again and it was not some new strategy, tactic or decision.

Indeed, it is a rare position for the Liberal Party to adopt. It is different to generally the position the Liberal Party has adopted over a number of decades in relation to significant budget measures, so how the current Treasurer can rationalise in his own mind within the space of a 60-second argument directly contradicting himself on any number of occasions only he could understand and perhaps only he could seek to explain to other members.

I am going to seek leave to conclude my remarks, but I did want to place on record some questions which hopefully would allow the government and its advisers in the next five weeks to provide some information to me and to other members. The first one relates to the complex issue of the long service leave provision for teachers. I will speak at greater length on this issue when we return in September, but I have to say as a former shadow minister and minister for education through significant parts of the eighties and nineties that I agree with the government's position and the department's position on this, and I disagree with those who put a different view, in particular those from the Australian Education Union.

During that period as shadow minister and minister for education, it was always my view and understanding, based on the advice of the department—and it was also my view that contract teachers and temporary relieving teachers also knew—that in the circumstances that have been outlined they were not entitled to long service leave.

During that period, contract teachers and temporary relieving teachers were not working for a week and then having a six-month break and working for another week, and then having a six-month break and working for another week, and assuming and expecting that they were accruing long service leave. The position of the department and the Labor and Liberal governments of the time was that the legal position was that they were not entitled to accrue long service leave, so I do not accept the argument from the AEU that people during that period were working under the assumption that they were accruing long service leave.

I have not been minister or shadow minister for education for the last number of years and clearly, from about 2005-06 onwards, it was the view of the AEU, and maybe some others, that the department and previous governments had been wrong in their interpretation of the law, and therefore the law was tested. As the record shows, it was tested in the industrial court. The union lost. The government and the department were shown to be correct.

The union then protested and appealed it to the Supreme Court. Again, the union lost, and the department and the government had their position confirmed. The union, as was its right, then took it to the High Court and ultimately the union was proved correct, because in 2012 they won the decision; the department and the government lost in 2012. That set up the set of circumstances that we have now.

I do not accept the position that for 40 years temporary relieving teachers and contract teachers had been working under the understanding that they were accruing long service leave if they were in the circumstances, as I said, where they had worked for a week and then had a year off, and then worked for a week and had a year off, and worked for a week. Ultimately, the High Court has ruled differently. That is the set of circumstances we are in at the moment.

My colleagues in the assembly, on our behalf, have put a range of questions to the minister, which one would not expect the Treasurer to reply to, and he was not able to do so but, clearly, they are issues that the education department will have to address. I certainly repeat those questions; I will not go through them in exact detail again. We are looking forward to an early response to that hopefully being provided to us before the debates in the first or second week of the next sitting and not being delivered on that particular day and expecting debate to continue on that date.

In relation to those questions, a significant number of them were in relation to this $15 million ex gratia fund. My colleagues the member for Bragg and the member for Unley have asked a series of questions as to how that fund is to operate, and I repeat those questions. The minister said, 'At this stage, cabinet hasn't considered the detail.'

I think that, prior to this issue being resolved, it will be important for cabinet to have considered the detail as to how that fund is going to operate, which minister will be responsible for it and what the general nature of the criteria in terms of the ex gratia payments will be, because it will be important for members in this chamber to be aware of how that is going to operate.

It will not be sufficient, in my view, just to say, 'Cabinet hasn't worked out the detail yet.' The minister and the government will need to be able to outline to this parliament how this $15 million ex gratia fund, in general terms, is going to operate, who will be responsible for it, and, in broad terms at the very least, what the criteria might be.

The AEU are claiming that the education department has told them that the total cost of this court decision, if this amendment does not go through, will be somewhere between $100 million and $200 million. I am seeking a response from the government as to whether it is correct that that is what the department told the AEU. The minister is now saying, 'We can't say how much it will be, etc.' Clearly, someone in the education department has told the AEU that, so it is clear that someone in some section of the department has done a back-of-the-envelope calculation or whatever, and we seek greater detail in relation to that.

I do not accept the argument. Therefore, if the government wants to maintain the position that, in some way, releasing a ballpark estimate of the cost would in any way prejudice the current action in the Supreme Court on this issue, I seek from the government a summary of the legal advice which backs that argument; that is, that in some way revealing a possible ballpark estimate as broad as $100 million to $200 million on the public record would in any way jeopardise the government's position in the current Supreme Court action.

The second series of questions are really in relation to the practicality of all this. My colleagues did put some broad questions, but I want to be quite specific. If this amendment is not agreed, my understanding is that more than 40 years of records of employment in the education department will need to be accessed in some way. My questions are as follows. Where are the records of employment of temporary relieving teachers and contract teachers held going back to 1972, if that is the operative start date? Are they all still centrally held? Clearly, in the early years—and possibly even up until recent years—a lot of them would have been, I assume, manual records.

Let me give you a practical example. In some cases schools actually employ temporary relieving teachers out of funds they are provided with at the local level. So the department, up until recently, has always provided the overall staffing for schools, but schools were sometimes given grants for literacy or numeracy or special education, or whatever it might be. So they might have had $100,000 in special education grants and, through that, employed teachers at the local level to provide special education help for half a day a week, one day a week, three hours here, three hours there—at the local level. What I want to know is: where are those records kept? Are they and were they kept at the local school level? Were they all centralised? My understanding is that they were not all centralised. For example, with the many schools that have closed over the last 40 years, if they were being held at the school level, where are those records actually kept?

If this particular provision is not there then there will be a legal entitlement for everyone, or anyone, in the circumstances going back 40 years. How will the government and the department do those calculations, access the information, to in essence pay out all teachers covered by the current High Court ruling? I think that is important in terms of the practicality of implementing some alternative position to the one the government has currently outlined to the parliament.

In relation to this issue, in a quick discussion with parliamentary counsel, I have not been able to find the detail, so I will put a question to the government. Certainly people from RevenueSA, people potentially from justice or the Attorney-General's Department or people from the education department will have access to much more detailed information than I. However, I do have a recollection that in the last decade we as a parliament have been asked to vote on legislation which as a result of a court decision meant that the government of the day (the current Labor government) asked us to retrospectively tidy up a particular issue.

As I said, I am struggling to remember the detail, whether it was in the stamp duties or the tax area as a result of an appeal in the tax area, or whether it was in relation to WorkCover when we did the 2008 WorkCover legislation. I am not sure, but I have a recollection and I seek from the

government any indication where this parliament has been asked to retrospectively fix a problem that previous governments and departments never envisaged would occur but, as a result of a court decision, this parliament ultimately did agree to retrospectively tidy up a particular issue that had been created by a court decision.

Finally, in terms of questions, there are some complicated provisions regarding the new provisions in relation to royalties, but also in relation to private mines. There have been some recent changes in the ownership of mines in South Australia which might be impacted by these new provisions—the change in ownership of the Penrice mine, the announcements today in relation to Adelaide Brighton and Southern Quarries. My question to government is: how will these new provisions in the Budget Measures Bill impact, if they do, on royalty payments from the mines that are involved in both of those transactions?

I seek clarification as to what the impact might be. I guess in part that means: what is the operative date? Is there any retrospective element in relation to the provisions, or what is the operative date for the provisions in this particular legislation for royalty payments? Will they catch the recent ownership changes in relation to the Penrice transaction and the Adelaide Brighton transaction as well? With that, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

SURVEILLANCE DEVICES BILL

Committee Stage

In committee.

(Continued from 5 August 2014.)

Clause 1.

The Hon. G.E. GAGO: So that members understand my intention today, some questions were asked by the Hon. Stephen Wade and the Hon. Tammy Franks both in terms of second reading contributions and earlier in debate at the committee stage on clause 1. I seek this opportunity to provide some answers to those questions to go onto the record over the break, and then I will seek leave to report progress and further adjourn at clause 1.

In relation to a question asked by the Hon. Tammy Franks about which farmers had made submissions or representations to the government asking for this Surveillance Device Bill to be put to this parliament in this form, I am advised, as I stated yesterday, that no farmer has made representations to the government asking for this Surveillance Devices Bill to be put to the parliament in this form.

I indicated in the second reading speech that farmers had expressed a view to the Legislative Review Committee that animal rights activists should be banned from filming on farms, but I did not indicate that they had engaged with the government. So, my comments in relation to the committee contribution and the second reading I think are consistent.

The Hon. Tammy Franks also asked if the government could give examples of where current laws have been proven to be unworkable in regard to surveillance devices used by media in this state in the past decade and what attempts had been made to prosecute. I am advised that the answer to this does not exist, although the Office of Crime Statistics will be asked what it has. The current act is regarded by the government as largely unworkable, given modern technology. It very generally regulates listening devices, but it does not regulate optical surveillance devices, tracking devices or data surveillance devices at all.

It necessarily follows that no prosecution is currently possible. Government amendments proposed would allow for the media to use surveillance devices in the public interest and public material in the public interest. They would also allow for material gathered by others to be published in the public interest. If the media is acting in the public interest, it should not be afraid of prosecution.

I was also asked whether the government could also produce any examples of where the government claims that activism has crossed the boundaries and, indeed, why the current laws of trespass, for example, are not appropriate, etc. I am advised that the laws of trespass do not make

it a criminal offence to jump onto someone's property or to go onto their land. It has been a careful policy under both Labor and Liberal governments to make it clear that mere trespass is not a criminal offence: it requires something more.

In the Summary Offences Act 1953, you will find offences of not closing gates, of trespassing after being asked to leave by an authorised person, and so on. Moreover, this bill is not about activism; it is about technology and intrusions into people's private lives and interests. It seeks to establish a regulatory regime regarding the use of surveillance devices and allows for the use of these devices in the public interest.

The member has indicated that she is concerned about animal cruelty and unsafe work practices. The government is not trying to penalise those who seek to expose criminal behaviour and never has. The Attorney-General has already indicated publicly—and I am happy to indicate again—that the government believes that exposing either animal cruelty or unsafe work practices is in the public interest, and the relevant exemptions in the bill would apply.

I was further asked a question, 'If this bill existed would the RSPCA have been able to use the footage to call for the community to stand up for those puppies?' The RSPCA is the prosecuting authority for animal cruelty. The information about animal cruelty is in the lawful interests of the RSPCA. There is an exemption in clause 9(1)(c) for lawful interests and publication for these purposes. So far the as the media is concerned, I have indicated that exposing of animal cruelty is in the public interest.

I was asked the question, 'Where in the bill are those provisions, and would they stymie cyberstalking?' I have been advised that there is no need for this bill to deal with cyberstalking. The subject is comprehensively dealt with in section 19AA of the Criminal Law Consolidation Act 1935. I was asked questions about offences committed interstate and overseas, and I am advised that this is dealt with by the provisions of part 1A of the Criminal Law Consolidation Act 1935, in particular by sections 5E and 5I.

The Hon. Stephen Wade asked, 'Who has the government consulted about the proposed amendments?' I am advised that the government has had a number of discussions with groups representing animal welfare industrial matters and the media. The views of these organisations were considered in the drafting of amendments.

In relation to the question, 'Would it not have been better to have engaged media organisations on the proposed amendments?', my response is that that has already been answered. I was asked, 'What conversations have been had with SAPOL, etc., in enforcing and monitoring breaches of the act?' I am advised that SAPOL has indicated that it has no concerns regarding enforcement of the bill.

I was asked the question, 'What statistics exist about prosecutions for humiliating and degrading images?' I am advised that the Office of Crime Statistics has been asked for a report. A recent media report quoted police statistics that said that the number of offences was rising, and I am advised that the number of indecent filming offences has increased from just seven in 2009 to 37 last financial year. Distribution of images also arose from just two in 2009 to 29 last financial year.

Progress reported; committee to sit again.

STATUTES AMENDMENT (SACAT) BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:54): I move:

That this bill be now read a second time.

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

Leave granted.

The Statutes Amendment (SACAT) Bill 2014 seeks to amend a range of Acts for the purposes of conferring jurisdiction upon the South Australian Civil and Administrative Tribunal ('Tribunal'), established by the *South Australian*

Civil and Administrative Tribunal Act 2013 ('SACAT Act'). The task of conferring jurisdiction upon the Tribunal is a significant undertaking, to occur in five proposed stages over the next two years.

This Bill comprises stages one and two of the conferral of jurisdiction upon the Tribunal. Stage one comprises the work of the Residential Tenancies Tribunal, the Guardianship Board and the Housing Appeal Panel, as well as the appeals presently lying from those bodies to the District Court, and is proposed to take effect from the date the Tribunal becomes operational in around September 2014. Stage two is comprised of the work of the Public Sector Grievance Review Commission and appeals to the Administrative & Disciplinary Division of the District Court under the *Freedom of Information Act 1991* plus appeals to the Magistrates Court under the *First Home and Housing Construction Grants Act 2000*. It is proposed that these amendments allocated to stage two will come into effect in around early 2015.

In summary, this Bill proposes to transfer to the Tribunal:

- functions of the Residential Tenancies Tribunal ('RTT') established under the *Residential Tenancies Act 1995* ('RTA'), and to make related and consequential amendments to the *Retirement Villages Act 1987* and the *Residential Parks Act 2007*;
- functions of the Guardianship Board established under the *Guardianship and Administration Act 1993*, and to make related and consequential amendments to the *Advance Care Directives Act 2013*, *Mental Health Act 2009*, *Aged and Infirm Persons' Property Act 1940*, and *Consent to Medical Treatment and Palliative Care Act 1995*;
- functions of the Housing Appeal Panel ('HAP') under the *Community Housing Providers (National Law) (SA) Act 2013* and the *South Australian Housing Trust Act 1995*;
- functions of the Public Sector Grievance Review Commission ('PSGRC') established under the *Public Sector Act 2009*;
- functions of the Magistrates Court under the *First Home and Housing Construction Grants Act 2000*;
- functions of the Administrative and Disciplinary Division of the District Court under the *Freedom of Information Act 1991*; and
- District Court appeals from the RTT and Guardianship Board.

In addition to conferring jurisdiction on the Tribunal, the Bill proposes to make amendments to the SACAT Act. These amendments correct omissions and further refine appeal mechanisms in response to feedback and advice received since the SACAT Act was proclaimed and the President of the Tribunal, Justice Greg Parker, was appointed.

The general approach taken by the Government to drafting the Bill has been that where provisions in the conferring Act replicate measures in the SACAT Act, the conferring Act provisions are to be deleted. The consequent effect of this is that the SACAT Act and the relevant conferring Act, as amended by this Bill, will operate concurrently in the respective jurisdiction. Consultation has occurred with the affected panels, commissions, tribunals and boards, which has assisted enormously in the drafting process and has enabled ongoing communication during this period of transition to SACAT about the changes that lie ahead.

The Bill (with some exceptions) preserves in each of the conferring Acts that are subject to amendment measures that provide specific functions, processes and powers that are unique or necessary to the respective jurisdiction. If special arrangements or powers are preserved by the amendments to the conferring Acts, and these differ from the provisions of the SACAT Act, existing provisions in the conferring Act will prevail.

Transitional provisions will be inserted into each conferring Statute that is subject to amendment in this Bill. The transitional provisions address the status of directions, orders, applications, referrals, reviews or appeals before and after the amended provisions take effect.

Further, for the RTT, Guardianship Board, HAP and PSGRC, the transitional provisions confirm that these bodies will be dissolved and that any member holding office at this time will cease to hold office and that any contract of employment, agreement or arrangement relating to the office held by that member is terminated. This approach has been necessary to ensure that the recruitment process for members of the Tribunal is done on a merits basis, with openness and transparency, so as to ensure the appointment to the Tribunal of members with appropriate skills for a generalist tribunal that will have a focus on Alternative Dispute Resolution. The Government notes that this was the approach taken with respect to recruitment of members in the Western Australian State Administrative Tribunal, established in 2005, and which the Tribunal has been modelled upon.

Turning now to the main features of the Bill.

Residential Tenancies Tribunal

The RTT is the State's busiest administrative tribunal, hearing upwards of 8000 matters each year. The RTT primarily makes original decisions and resolves disputes relating to tenancies in privately and publicly owned housing, retirement villages and residential parks. It is important to note that the significant legislative reforms made by the Government recently in the *Residential Tenancies (Miscellaneous) Amendment Act 2013* will largely remain untouched by this Bill.

This Bill amends the *Residential Tenancies Act 1995*, the *Residential Parks Act 2007* and the *Retirement Villages Act 1987* to transfer responsibility for the RTT's functions to the Tribunal.

Amendments to the *Residential Tenancies Act 1995*

In summary, the amendments in this Bill to the RTA are for the Tribunal assuming and amalgamating the roles of the RTT and the Administrative and Disciplinary Division of the District Court when it hears appeals from decisions of the RTT. The powers of the Tribunal, as set out in Part 8 Division 3 of the RTA and the question of representation in proceedings before the Tribunal, will however remain unchanged.

In keeping with the approach to drafting outlined previously, provisions at Part 3, Divisions 1 and 2 of the RTA, which relate to the membership of the RTT and how proceedings are conducted in the RTT are repealed by this Bill. This is also the case with respect to Part 3, Divisions 9 and 10, in addition to Part 8, Division 1 of the RTA. These said provisions address reservations of questions of law and appeals, in addition to miscellaneous provisions regarding entry and inspection of property and contempt.

The measures relating to appointment and functions of bailiffs have required a departure from the current status quo. Currently section 98 of the RTA provides that the Governor may appoint a person to be a bailiff of the RTT. Given the RTT is to be abolished, the Bill proposes that section 98 be deleted and inserted (by amendment) into the SACAT Act. This is necessary to ensure that the President of the Tribunal is responsible for the appointment of any person to the role of bailiff and to provide the necessary flexibility for the functions of bailiffs, and the categories of persons that may be appointed to this role, for future growth.

Amendments to the *Retirement Villages Act 1987*

This Act is subject to consequential amendment in light of the amendments made to the RTA. In summary, the amendments propose that decisions currently made by the RTT under sections 31 and 32 of the Retirement Villages Act will instead be exercised by the Tribunal. This is necessary as the RTT will no longer exist.

The amendment proposed to section 31 of this Act is minor, related to the new appointment mechanism for bailiffs being deleted from the RTA and inserted into the SACAT Act.

The amendment to section 32 proposes to delete subsections relating to arbitration; the ability to make and grounds upon which an application can be declined; the ability to make ancillary and incidental orders; and the criminal offence of failing without reasonable excuse to comply with an order or direction of the RTT. These provisions are to be repealed on the basis that they replicate provisions in the SACAT Act. For the same reason, section 39, which sets out the appeal mechanism under this Act, will also be repealed.

Amendments to the *Residential Parks Act 2007*

This Act is amended in light of the amendments made to the RTA, which aside from consequential amendments, will result in decisions currently made by the RTT resolving disputes about residential parks agreements now being made by the Tribunal.

Housing Appeal Panel

Currently, the jurisdiction of the HAP includes the review of administrative decisions made by the South Australian Housing Trust under the *South Australian Housing Trust Act 1995* and decisions made by community housing organisations or the Minister under the *Community Housing Providers (National Law) (SA) Act 2013* ('National Law Act').

The Bill proposes to amend the *South Australian Housing Trust Act 1995* and the National Law Act for the purposes of the Tribunal assuming the functions of the HAP, which will be abolished. The Bill will preserve the status quo in terms of review rights under these Acts.

The other type of matter that is currently heard by the HAP, which is also proposed to be transferred to SACAT, is appeals against a decision of the Regulator, or an action brought by a community housing provider, as provided in Schedule 1 of the National Law Act. The appeal against these matters to the Supreme Court is preserved in the Bill, as this will generally be about standards and funding of community housing providers.

The *South Australian Housing Trust Act 1995* will be amended to delete section 32B, which establishes the HAP and to make consequential amendments to the definition of 'Appeal Panel'.

Public Sector Grievance Review Commission

Under the amendments proposed in this Bill, the PSGRC will be abolished and its functions transferred to the Tribunal. Accordingly, Schedule 2 is proposed to be deleted and substituted with two provisions relating to the Tribunal hearing matters that fall within the *Public Sector Act 2009*.

Firstly, for the purposes of proceedings before the Tribunal, there is to be a panel of public sector employees nominated by the Commissioner for Public Sector Employment and a panel of public sector employees nominated by public sector representative organisations.

Secondly, in exercising its powers under the SACAT Act for the purposes of this Act, the Tribunal will be constituted by 3 members of whom one will be selected from the panel of nominees of the Commissioner for Public

Sector Employment by the President of Tribunal; and one will be selected by the applicant from the panel of nominees of public sector representative organisations. This measure will also retain the current requirements placed upon the PSGRC, which places an onus to have completed any review within 3 months and in any event, to proceed as quickly as a proper consideration of the matter allows. This preserves the status quo for these types of proceedings.

Amendments to *Freedom of Information Act 1991* ('FOI Act')

Currently, pursuant to section 40(1) of the FOI Act, an agency that is aggrieved by a determination made on a review under Part 5, Division 1 of the FOI Act (by the Ombudsman or Police Ombudsman), may, with the permission of the District Court, appeal against the determination to the District Court on a question of law. Members of the public also have certain appeal rights to the District Court under section 40(2) of the FOI Act. It is proposed that the Tribunal assume the function of the District Court under sections 40(1) and (2) of the FOI Act.

Amendments to the *First Home and Housing Construction Grants Act 2000*

Appeals against decisions of the Treasurer on objections are currently heard by the Magistrates Court. The amendments in the Bill propose that SACAT assume the functions of the Magistrates Court, the consequent effect of which will be that the Court no longer has any functions under the Act.

The Guardianship Board

The Guardianship Board is a State tribunal tasked with making decisions about people with impaired decision-making capacity, including those suffering from mental illness or dementia.

Currently the Board has two separate functions:

- appointing Guardians and Administrators for people with a mental incapacity, pursuant to the *Guardianship and Administration Act 1993*; and
- in certain circumstances, making compulsory treatment orders for people with a mental illness, pursuant to the *Mental Health Act 2009*.

The Board has also recently assumed dispute-resolution functions under the new *Advance Care Directives Act 2013*, which commenced on 1 July 2014.

The existing legislative scheme, particularly within the mental health review function, is multi-tiered and complex, involving a review by the Board, a review in the District Court and a further review by the Supreme Court. The amendments in the Bill propose that the Tribunal will assume the Guardianship Board's role in making original decisions as well as, in some cases, its ordinary review jurisdiction. In addition the changes to the conferring Acts will enliven the Tribunal's internal review jurisdiction and the further right of appeal to the Supreme Court under the SACAT Act.

Amendments to the *Guardianship and Administration Act 1993*

The Bill proposes to repeal Part 2 Divisions 1 and 2, which relate to the establishment, functions, powers and constitution of the Guardianship Board in addition to providing for various officers of the Board. As stated, these measures will instead be governed by the SACAT Act.

A further significant change is proposed to section 32 of this Act, which currently provides the Board with special powers to place and detain protected persons. There are two limbs to the amendment proposed to section 32, which are necessary in the view of SA Health. Firstly, the amendment clarifies that any reference in the Act to 'residing in a specified place' includes a reference to residing in the place on a temporary basis, for example, a hospital. Secondly, this amendment further refines the restriction on where a patient on the relevant order under this Act can be placed in a hospital according to their clinical need.

Currently the Act at section 32(3)(b) prohibits placement or detention of a person 'in any part of an approved treatment centre under the *Mental Health Act 1993* that is set aside for the treatment of persons with a mental illness.' This amendment proposes that a ward of a hospital or other facility that is an approved treatment centre under the *Mental Health Act 1993* will not be taken to be a part of an approved treatment centre unless the whole of the ward is set aside for the treatment of person with a mental illness. SA Health submits this will provide necessary flexibility whilst ensuring that persons subject to orders under this Act are protected.

Part 6, which relates to appeals and references of questions of law, is proposed to be substituted with modified provisions relating to reviews and appeals. The modified provisions will operate in connection with the application of Part 5 of the SACAT Act.

Part 6A is to be inserted into the Act and modifies certain existing provisions so as to work in conjunction with the SACAT Act. These provisions include the requirement to give notice of proceedings, reasons for decisions and the ability to require persons to submit to a psychiatric or psychological report, a measure currently provided for in section 15 of the current Act.

Amendments to the *Advance Care Directives Act 2013*

The amendments to the Advance Care Directives Act propose to transfer the role of the Guardianship Board in resolving disputes under this Act to the Tribunal.

Section 47(b) which concerns priorities being given to wishes of persons who gave advance care directives (ACD) is proposed to be amended. If retained as currently drafted, it would require the Board/Tribunal to take reasonable steps to notify anyone who has been given a copy of an ACD of its revocation. This was thought to be an impractical requirement that is best addressed by the Tribunal making appropriate directions/consequential orders upon revocation.

Part 7 Division 5, which currently addresses reviews and appeals under the Advance Care Directives Act, will be deleted and substituted with new measures that will operate in connection with Part 5 of the SACAT Act. Part 7A is to be inserted into the Act, with respect to addressing special provisions relating to the Tribunal, such as the requirement to give prescribed persons notice of proceedings, a requirement to provide reasons for decisions and other like measures.

Amendments to the *Mental Health Act 2009*

The amendments proposed to the Mental Health Act are either consequential or related to the conferral of jurisdiction upon the Tribunal, or are at the specific request of SA Health to address current issues that will be of direct benefit to Tribunal efficiency if the opportunity is taken to address them in this Bill.

Firstly, this Bill proposes to remove the onus upon a psychiatrist or an authorised medical practitioner to send copies of a notice to both the Guardianship Board (soon to be Tribunal) and the Office of the Chief Psychiatrist and require that it only be sent to the Chief Psychiatrist. The Chief Psychiatrist will then be responsible for advising the Tribunal. This is necessary to address practical difficulties currently encountered by the Office of the Chief Psychiatrist as a result of dual notifications.

The second major reform proposed is in relation to Part 11, Division 2, which addresses appeals to the Guardianship Board against orders, representation on appeals and appeals to the District and Supreme Courts. This is necessary to operate in conjunction with the SACAT Act. Section 81 of the Mental Health Act will be amended so that it 'plugs into' section 34 of the SACAT Act, with the consequent effect of deleting section 82 (operation of orders pending appeal). Sections 84 and 85 of the Mental Health Act will be deleted and substituted with new measures relating to reviews and appeals that operate in connection with Part 5 of the SACAT Act.

Special provisions relating to the Tribunal will also be inserted into the Mental Health Act by this Bill. These relate to the constitution of the Tribunal for proceedings under this Act, the requirement to give notice and other similar miscellaneous matters. It should be noted that the requirement that the Board (now Tribunal) include a psychiatrist for *Mental Health Act 2009* matters is being deleted from the *Guardianship and Administration Act 1991* at the request of SA Health. This is consistent with the general legislative approach to leave the constitution of the Tribunal for various matters for the President of the Tribunal to determine as appropriate and also affords the desired flexibility for those proceedings under the *Mental Health Act 2009* that may involve only legal or procedural questions and for which a psychiatrist is not needed or suited.

Amendments to the *Consent to Medical Treatment and Palliative Care Act 1995*

The *Consent to Medical Treatment and Palliative Care Act 1995*, has been substantially amended by the *Advance Care Directives Act 2013*. The amendments in this Bill predominately relate to Part 3A of the Act, which sets out a dispute resolution mechanism for 'eligible persons' regarding consent (or lack thereof) and the provision of medical treatment

The key amendment to Part 3A of the Act relates to Division 4, which is proposed to be deleted and substituted with new measures regarding reviews and appeals that are to operate in connection with the application of Part 5 of the SACAT Act.

Amendments to *South Australian Civil & Administrative Tribunal Act 2013*

Since the passage of the SACAT Act in 2013, the Act requires further refinement to address issues arising from the conferring of jurisdiction identified in the drafting of this Bill and to further refine existing provisions in response to feedback received by the Attorney-General's Department.

Firstly, it has become apparent that certain conferring legislation is unclear on whether the jurisdiction being conferred will invoke SACAT's original or review jurisdiction, or there is clarity but it would lead to an anomalous result. It is therefore proposed to amend section 34 of the SACAT Act to insert a definition of a 'reviewable decision'.

Also proposed are a number of amendments to section 71 of the SACAT Act regarding appeals from the Tribunal to the Supreme Court. Firstly, it is proposed to insert into section 71 that the Rules of the Supreme Court may provide that a matter that would otherwise go to the Full Court under subsection (1) will instead go to a single Judge of the Supreme Court, and vice versa. A further amendment will clarify that an appeal to the Supreme Court against a decision of the Tribunal in the exercise of its original jurisdiction may not be instituted under section 71 unless or until a review of the decision has been conducted by the Tribunal under section 70 of the SACAT Act, or unless one of the prescribed exceptions set out in (2b) apply. Thirdly, an amendment to section 71(3) proposes to clarify the nature of the appeal undertaken by the Supreme Court, which will be by way of rehearing, together with an amendment to section 71(4)(c)(i) to clarify the powers of the Supreme Court on appeal.

It is also proposed to insert a new offence into the SACAT Act, being the offence of disrupting proceedings of the Tribunal, which will attract a maximum penalty of a $10,000 fine or imprisonment for 6 months. The offence is designed to address disruptive conduct during Tribunal proceedings by persons who may be present but who are not involved in the proceedings, such as members of the public. This is necessary as current offences in the SACAT Act do not capture conduct by persons who are not parties to the proceedings.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Advance Care Directives Act 2013*

4—Amendment of section 3—Interpretation

These amendments to the definitions are consequential on the transfer of jurisdiction under this Act from the Guardianship Board to SACAT.

5—Amendment of section 27—Substitute decision-maker may renounce appointment

This amendment is consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

6—Amendment of section 31—Tribunal to be advised of wish for revocation

This amendment clarifies that although the word 'review' is used, a review by the Tribunal under this section will form part of SACAT's original jurisdiction.

7—Amendment of section 32—Revoking advance care directives where person not competent

8—Amendment of section 45—Resolution of disputes by Public Advocate

9—Amendment of section 46—Public Advocate may refer matter to Tribunal

The amendments to these clauses are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

10—Insertion of section 46A

This amendment inserts new section 46A.

46A—Public Advocate may refer question of law to Supreme Court

This clause makes it clear that the Public Advocate may refer a question of law for the opinion of the Supreme Court.

11—Substitution of heading to Part 7 Division 3

12—Amendment of section 47—Tribunal to give priority to wishes of person who gave advance care directive

These amendments are consequential.

13—Amendment of section 48—Resolution of disputes by Tribunal

The amendments to this clause are consequential. They also make clear that a review under this section falls within SACAT's review jurisdiction and that a declaration or direction under this section will fall within the Tribunal's original jurisdiction.

14—Amendment of section 49—Tribunal may refer matter to Public Advocate

15—Amendment of section 50—Failing to comply with direction of Tribunal

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

17—Substitution of heading to Part 7 Division 4

The amendments to these sections and heading are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

18—Substitution of Part 7 Division 5

This clause substitutes current section 53 to set out the provisions in relation to reviews and appeals made to SACAT under Part 5 of the SACAT Act.

Division 5—Reviews and appeals

53—Reviews and appeals

The proposed new section sets out who may make an application for an internal review of a decision by SACAT, in addition to matters in relation to costs and appeals of the Tribunal's decision to the Supreme Court.

19—Insertion of Part 7A

This clause inserts new Part 7A to make special provision for proceedings before SACAT under this Act.

Part 7A—Special provisions relating to Tribunal

54—Tribunal must give notice of proceedings

The proposed new section sets out the notice requirements in relation to SACAT proceedings, and allows for matters to be dealt with urgently.

54A—Reasons for decisions

This proposed section provides that SACAT must provide reasons for the Tribunal's decision to certain persons on request.

54B—Representation of person who is subject of proceedings

In addition to the provisions that deal with representation set out in the *South Australian Civil and Administrative Tribunal Act 2013*, the proposed new section provides that a person may be represented in Tribunal proceedings under this Act by the Public Advocate or (except for internal reviews) a recognised advocate, who is defined to be someone recognised by SACAT to be qualified to act as an advocate for the person.

20—Transitional provisions

This clause sets out the transitional arrangements in relation to the transfer of jurisdiction from the Guardianship Board to SACAT. The effect of the provisions is to transfer any proceedings before the Guardianship Board to SACAT to proceed as if they had been commenced before SACAT, and any right to make an application to the Guardianship Board that existed before these amendments, may now be exercised by making an application to SACAT.

Part 3—Amendment of *Aged and Infirm Persons' Property Act 1940*

21—Amendment of section 30—Relationship between this Act and *Guardianship and Administration Act 1993*

This amendment is consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

22—Transitional provision

This clause sets out the transitional arrangements in relation to the transfer of jurisdiction from the Guardianship Board to SACAT to provide for the provision of a notice with respect to a protection order to be forwarded to SACAT.

Part 4—Amendment of *Community Housing Providers (National Law) (South Australia) Act 2013*

23—Amendment of section 3—Interpretation

This amendment is consequential on the amendment to section 25 to remove the reference to the District Court.

24—Amendment of section 5—Meaning of certain terms in *Community Housing Providers (National Law)* for the purposes of this jurisdiction

This clause substitutes the South Australian Civil and Administrative Tribunal (SACAT) for the Housing Appeal Panel as the appeal body for the purposes of the Community Housing Providers National Law.

25—Repeal of section 14

This clause removes section 14 which sets out the provisions that relate to an appeal for the purposes of the national law. This section is no longer required as the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* (the SACAT Act) will be relied on for the purposes of such an appeal.

26—Amendment of section 25—Appeals

Section 25 provides for an appeal against certain decisions of the Minister and the South Australian Housing Trust. The amendment substitutes the reference to the Administrative and Disciplinary Division of the District Court with a reference to SACAT as the body to which the appeal can be made.

27—Amendment of Schedule 2—Internal disputes

Schedule 2 of the Act sets out the provisions in relation to appeals regarding internal disputes between tenants and the community housing provider. The amendments to this Schedule substitute the references to the body to whom an appeal can be made in relation to certain decisions of the housing provider from the Housing Appeal Panel to SACAT. The amendments also delete those provisions that are no longer required on the basis that the provisions of the SACAT Act will now apply.

28—Amendment of Schedule 3—Repeal, related amendments and transitional provisions

Schedule 3 of the Act sets out the transitional arrangements that apply in relation to the transition of the registration of community housing providers to the national registration scheme. These transitional arrangements provide for an 18 month period in which current community housing providers must transfer to the national scheme and provide that, during this period, provisions of the repealed *South Australian Co-operative and Community Housing Act 1991* may still apply (including the ability to appeal certain decisions to the Housing Appeal Panel). The amendments in this clause amend these transitional provisions to take account of the dissolution of the Housing Appeal Panel under this measure and the transfer of any proceedings that may have been instituted by the transitioning housing providers to SACAT.

29—Transitional provisions

This clause sets out the transitional provisions in relation to any proceedings that may have been commenced in the Housing Appeal Panel under the Act. The effect of the provisions is to transfer any proceedings to SACAT to proceed as if they had been commenced before that Tribunal. Any decisions, directions or orders of the Appeal Panel made before the commencement of these amendments will be taken to be decisions, directions or orders of SACAT. Any right to make an application to the Housing Appeal Panel that existed before the amendments to the Act by this measure, may now be exercised by making an application to SACAT. The transitional provisions also allow for SACAT to receive any evidence before the Appeal Panel and adopt any of its findings, decisions or orders where relevant (including in relation to proceedings that are fully heard), and to take such other steps to ensure the smooth transition of the proceedings to SACAT.

Part 5—Amendment of *Consent to Medical Treatment and Palliative Care Act 1995*

30—Amendment of section 4—Interpretation

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

31—Amendment of section 14—Interpretation

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

32—Substitution of heading to Part 3A

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

33—Amendment of section 18A—Interpretation

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

34—Amendment of section 18C—Resolution of disputes by Public Advocate

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

35—Amendment of section 18D—Public Advocate may refer matter to Tribunal

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

36—Insertion of section 18DA

This clause inserts new section 18DA.

18DA—Public Advocate may refer question of law to Supreme Court

The proposed section provides that the Public Advocate may refer any question of law for the opinion of the Supreme Court. This is consistent with current section 18H.

37—Substitution of heading to Part 3A Division 3

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

38—Amendment of section 18E—Resolution of disputes by Tribunal

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

39—Amendment of section 18F—Tribunal may refer matter to Public Advocate

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

40—Amendment of section 18G—Failing to comply with direction of Tribunal

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT.

41—Substitution of Part 3A Division 4

This amendment sets out certain matters in relation to reviews and appeals made to SACAT under Part 5 of the SACAT Act.

Division 4—Reviews and appeals

18H—Reviews and appeals

The proposed new section sets out who may make an application for an internal review of a decision by SACAT, in addition to matters in relation to costs and appeals of the Tribunal's decision to the Supreme Court.

42—Insertion of Part 3B

This amendment inserts new Part 3B.

Part 3B—Special provisions relating to Tribunal

18I—Tribunal must give notice of proceedings

The proposed new section sets out the notice requirements in relation to SACAT proceedings, and allows for matters to be dealt with urgently.

18J—Reasons for decisions

This proposed section provides that SACAT must provide reasons for the Tribunal's decision to certain persons on request.

18K—Representation of person who is subject of proceedings

In addition to the provisions that deal with representation set out in the *South Australian Civil and Administrative Tribunal Act 2013*, the proposed new section provides that a person may be represented in Tribunal proceedings under this Act by the Public Advocate or (except for internal reviews) a recognised advocate, who is defined to be someone recognised by SACAT to be qualified to act as an advocate for the person.

43—Transitional provisions

This clause sets out the transitional arrangements in relation to the transfer of jurisdiction from the Guardianship Board to SACAT. The effect of the provisions is to transfer any proceedings before the Guardianship Board to SACAT to proceed as if they had been commenced before SACAT, and any right to make an application to the Guardianship Board that existed before these amendments, may now be exercised by making an application to SACAT.

Part 6—Amendment of *First Home and Housing Construction Grants Act 2000*

44—Substitution of heading to Part 2 Division 6

This is a consequential amendment.

45—Insertion of section 27A

This clause inserts a new section into the Act, which is in similar terms to the current section 30 of the Act, which is being repealed. This is a consequential amendment that has the effect of removing the reference to the appeal to the Magistrates Court so that it only applies to decisions of the Commissioner.

27A—Objection not to stay proceedings based on relevant decision

This clause provides that if an applicant has lodged a written notice of objection with the Treasurer in relation to a decision of the Commissioner of State Taxation, the Commissioner is able to act as though

that decision is correct until the objection is decided. Once decided, the Commissioner must take any necessary action to implement that decision.

46—Substitution of section 28

The current section 28 of the Act provides that a person who is not satisfied with the decision of the Treasurer on the objection against a decision of the Commissioner, may appeal to the Magistrates Court within 60 days. The new section 28 provides that the person may instead seek a review of the Treasurer's decision by SACAT within 60 days.

47—Repeal of sections 29 and 30

These clauses are no longer required as the SACAT Act provides for the powers of the Tribunal in relation to making a decision on a review and in relation to the staying of the original decision.

48—Transitional provisions

This clause provides for rights of appeal under the current section 28 of the Act that exist before the commencement of these amendments, but which have not yet been exercised, to be exercised instead by commencing proceedings before SACAT rather than the Magistrates Court. Any proceedings already before the Magistrates Court will continue to be dealt with by that Court.

Part 7—Amendment of *Freedom of Information Act 1991*

49—Amendment of section 4—Interpretation

These amendments are consequential and operate to remove the definition of the District Court which is no longer required, and to insert a definition of SACAT.

50—Amendment of section 14A—Extension of time limit

This amendment, which is consequential, substitutes the reference to appeal with a reference to review.

51—Amendment of section 23—Notices of determination

This amendment, which is consequential, substitutes the reference to appeal with a reference to review.

52—Amendment of section 25—Documents affecting inter-governmental or local governmental relations

This amendment, which is consequential, substitutes the references to appeal with references to review.

53—Amendment to section 26—Documents affecting personal affairs

This amendment, which is consequential, substitutes the references to appeal with references to review.

54—Amendment of section 27—Documents affecting business affairs

This amendment, which is consequential, substitutes the references to appeal with references to review.

55—Amendment of section 28—Documents affecting the conduct of research

This amendment, which is consequential, substitutes the references to appeal with references to review.

56—Amendment of section 36—Notices of determination

This amendment, which is consequential, substitutes the reference to appeal with a reference to review.

57—Substitution of heading to Part 5

This amendment is consequential.

58—Substitution of heading to Part 5 Division 1

This amendment is consequential.

59—Substitution of heading to Part 5 Division 2

This amendment is consequential.

60—Amendment of section 40—Reviews by SACAT

Section 40 of the Act provides that an agency that is aggrieved by a determination made on a review under Division 1 may, with permission, appeal to the District Court on a question of law. The effect of this amendment is to provide that any such review of that determination is to be by SACAT instead. It maintains the requirement for permission and that the review is only to be as to a question of law. It further provides that the question of law must be referred to a Presidential Member of the Tribunal. This clause makes other consequential amendments to the section to substitute references to the District Court with references to SACAT, and references to appeal with references to review.

61—Amendment of section 41—Consideration of restricted documents

This clause makes consequential amendments to the section to substitute references to the District Court with references to SACAT, and references to appeal with references to review.

62—Amendment of section 42—Disciplinary actions

This clause makes consequential amendments to the section to substitute references to the District Court with references to SACAT.

63—Transitional provisions

This clause provides for rights of appeal under the current Part 5 Division 2 of the Act that exist before the commencement of these amendments, but which have not yet been exercised, to be exercised instead by commencing proceedings before SACAT (and not the District Court). Any proceedings already before the District Court will continue to be dealt with by that Court.

Part 8—Amendment of *Guardianship and Administration Act 1993*

64—Amendment of section 3—Interpretation

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT. The amendments substitute references to the Board with references to the Tribunal and cross-reference certain terms with those in the SACAT Act.

65—Amendment of section 5—Principles to be observed

This amendment is consequential.

66—Repeal of Part 2 Divisions 1 and 2

This clause deletes the provisions of the Act that set up the Guardianship Board and provide for the officers of the Board.

67—Amendment of section 28—Investigations by Public Advocate

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

68—Amendment of section 29—Guardianship orders

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

69—Amendment of section 30—Variation or revocation of guardianship order

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

70—Amendment of section 31—Powers of guardian

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

71—Amendment of section 31A—Guardian to give effect to advance care directive

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

72—Amendment of section 32—Special powers to place and detain etc protected persons

The amendments in this clause clarify that a ward of a hospital that is an approved treatment centre under the *Mental Health Act 2009* will not be taken to be part of an approved treatment centre unless the whole of the ward is set aside for the treatment of persons with a mental illness. It also clarifies that a person may be taken to reside in a place, even if the person is residing there on a temporary basis.

73—Amendment of section 33—Applications under this Division

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

74—Amendment of section 35—Administration orders

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

75—Amendment of section 36—Variation or revocation of administration order

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

76—Amendment of section 37—Applications under this Division

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

77—Amendment of section 38—Copy of order must be forwarded to Public Trustee

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

78—Amendment of section 39—Powers and duties of administrator

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

79—Amendment of section 40—Administrator's access to wills and other records

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

80—Amendment of section 41—Power of administrator to continue to act after death etc of protected person

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

81—Amendment of section 42—Power of administrator to avoid dispositions and contracts of protected person

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

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

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

83—Amendment of section 45—Reporting by Public Trustee

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

84—Amendment of section 46—Remuneration of professional administrators

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

85—Amendment of section 49—Withdrawal of applications

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

86—Amendment of section 50—Criteria for determining suitability for appointment

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

87—Repeal of section 53

This section which deals with the timing of the commencement of orders of the Board is no longer required.

88—Amendment of section 54—Termination of appointment

89—Amendment of section 55—Tribunal must give statement of appeal rights

90—Amendment of section 56—Restriction of testamentary capacity of protected person

The amendments to the Act in these clauses substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

91—Amendment of section 57—Review of Tribunal's orders

This clause makes consequential amendments and clarifies that even though the word 'review' is used in this section, a review of an order by SACAT under this section is in fact an exercise of its original jurisdiction.

92—Amendment of section 61—Prescribed treatment not to be carried out without Tribunal's consent

93—Amendment of section 63—Tribunal's consent must be in writing

The amendments to the Act in these clauses substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

94—Substitution of Part 6

This clause replaces the current provisions in Part 6 which deals with appeals and references of questions of law. The relevant provisions of the SACAT Act will now apply, and the new Part 6 sets out provisions to operate in relation to these.

Part 6—Reviews and appeals

64—Review and appeals

The proposed new section sets out who may make an application for an internal review of a decision by SACAT, in addition to matters in relation to costs and appeals of the Tribunal's decision to the Supreme Court. It also sets out special provisions in relation to particular types of decisions being reviewed in relation to timing.

65—Representation on reviews or appeals

This proposed new section sets out the ability of a person to be represented in relation to a review or appeal under the SACAT Act. This replicates the current provisions of section 73 of the Act.

Part 6A—Special provisions relating to Tribunal

66—Tribunal must give notice of proceedings

The proposed new section sets out the notice requirements in relation to SACAT proceedings, and allows for matters to be dealt with urgently.

67—Reasons for decisions

This proposed section provides that SACAT must provide reasons for the Tribunal's decision to certain persons on request and sets out the time in which the request must be made.

68—Representation of person who is subject of proceedings

In addition to the provisions that deal with representation set out in the *South Australian Civil and Administrative Tribunal Act 2013*, the proposed new section provides that a person may be represented in Tribunal proceedings under this Act by the Public Advocate or (except for internal reviews) a recognised advocate.

69—Tribunal may require reports

This proposed section replicates the provisions of current section 15 of the Act in relation to SACAT to allow the Tribunal to require the provision of psychiatric, psychological or medical reports.

95—Amendment of section 74—Tribunal may give advice, direction or approval

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

96—Substitution of section 82

This clause substitutes a new, updated service provision for the purposes of the Act.

97—Repeal of section 84

Section 84, which is an evidentiary provision, is no longer required as this is provided for in the SACAT Act.

98—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the Guardianship Board to SACAT. The effect of the provisions is to transfer any proceedings before the Guardianship Board to SACAT to proceed as if they had been commenced before SACAT, and any right to make an application to the Guardianship Board that existed before these amendments, may now be exercised by making an application to SACAT. It also preserves the effect of certain orders, directions or determinations of the Board, which will be taken to be those of SACAT. The clause also dissolves the Guardianship Board and terminates the office held by members of the Board, along with any associated contracts of employment or other arrangements or agreements. No right of action will arise against a Minister or the State on account of that termination.

Part 9—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

99—Amendment of section 25—Tenancy order

This section provides that a copy of a tenancy order under the Act is to be given to the Registrar of the Residential Tenancies Tribunal. This clause makes a consequential amendment to this section to substitute the reference to the Residential Tenancies Tribunal with a reference to SACAT.

Part 10—Amendment of *Mental Health Act 2009*

100—Amendment of section 3—Interpretation

The amendments to this section are consequential on the transfer of jurisdiction from the Guardianship Board to SACAT. The amendments remove references to the Board and include references to the Tribunal and cross-reference certain terms with those in the SACAT Act.

101—Amendment of section 7—Guiding principles

The amendment to this section substitutes a reference to the Board with a reference to the Tribunal and is consequential on the transfer of jurisdiction to SACAT.

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

The amendments in this clause clarify the requirements as to notification in relation to level 1 community treatment orders.

103—Amendment of section 15—Tribunal to review level 1 orders

This clause makes consequential amendments and clarifies that a review of a level 1 treatment order by SACAT under this section will fall within SACAT's original jurisdiction.

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

These amendments are consequential.

105—Amendment of section 17—Chief Psychiatrist to be notified of level 2 orders or their variation or revocation

These amendments are consequential.

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

The amendments in this clause clarify the requirements as to notification in relation to level 1 inpatient treatment orders.

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

The amendments in this clause clarify the requirements as to notification in relation to level 2 inpatient treatment orders.

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

The amendments to this section are consequential on the transfer of jurisdiction to SACAT.

109—Amendment of section 30—Chief Psychiatrist to be notified of level 3 orders or their variation or revocation

The amendments to this section are consequential on the transfer of jurisdiction to SACAT.

110—Amendment of section 42—ECT

The amendments to this section are consequential on the transfer of jurisdiction to SACAT.

111—Amendment of section 43—Neurosurgery for mental illness

The amendments to this section are consequential on the transfer of jurisdiction to SACAT.

112—Amendment of section 46—Copies of Tribunal's orders, decisions and statements of rights to be given

The amendments to this section are consequential on the transfer of jurisdiction to SACAT.

113—Amendment of section 48—Patients' right to communicate with others outside treatment centre

The amendments to this section are consequential on the transfer of jurisdiction to SACAT.

114—Amendment of section 70—Transfer from South Australian treatment centres

The amendments to this section are consequential on the transfer of jurisdiction to SACAT.

115—Repeal of heading to Part 11 Division 1

The amendments to this section are consequential on the transfer of jurisdiction to SACAT.

116—Amendment of section 79—Reviews of treatment orders and other matters

This clause makes consequential amendments and clarifies that although the word 'review' is used, reviews by SACAT under this section are an exercise of SACAT's original jurisdiction.

117—Amendment of section 80—Decisions and reports on reviews of treatment orders

The amendments to the Act in this clause are consequential on the transfer of jurisdiction to SACAT.

118—Repeal of heading to Part 11 Division 2

This amendment is consequential on the amendments to section 81.

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

The amendments to this section are consequential on the transfer of jurisdiction to SACAT and to ensure the consistent use of the terms 'review' and 'appeal' in accordance with the SACAT Act. A review under this section will fall within the original jurisdiction of SACAT.

120—Repeal of section 82

This clause deletes section 82 which is not required, as the relevant provisions of the SACAT Act will apply.

121—Amendment of section 83—Review of directions for transfer of patients to interstate treatment centres

The amendments to this section are consequential on the transfer of jurisdiction to SACAT and to ensure the consistent use of the terms 'review' and 'appeal' in accordance with the SACAT Act.

122—Substitution of sections 84 and 85

This clause replaces sections 84 and 85 which deals with representation and appeals and inserts new Part 11A.

83A—Reviews and appeals

The proposed new section sets out who may make an application for an internal review of a decision by SACAT, in addition to matters in relation to costs and appeals of the Tribunal's decision to the Supreme Court.

84—Representation on reviews or appeals

This proposed new section sets out the ability of a person to be represented in relation to a review or appeal.

Part 11A—Special provisions relating to Tribunal

85—Tribunal must give notice of proceedings

The proposed new section sets out the notice requirements in relation to SACAT proceedings, and allows for matters to be dealt with urgently.

85A—Reasons for decisions

This proposed section provides that SACAT must provide reasons for the Tribunal's decision to certain persons on request and sets out the time in which the request must be made.

85B—Representation of person who is subject of proceedings

In addition to the provisions that deal with representation set out in the *South Australian Civil and Administrative Tribunal Act 2013*, the proposed new section provides that a person may be represented in Tribunal proceedings under this Act by the Public Advocate or (except for internal reviews) a recognised advocate, who is defined to be someone recognised by SACAT to be qualified to act as an advocate for the person.

123—Amendment of section 101—Errors in orders etc

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

124—Amendment of section 107—Prohibition of publication of reports of proceedings

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

125—Amendment of section 108—Requirements for notice to Tribunal or Chief Psychiatrist

The amendments to this section substitute references to the Board with references to the Tribunal and are consequential on the transfer of jurisdiction to SACAT.

126—Transitional provisions

This clause sets out the transitional provisions in relation to the transfer of jurisdiction from the Guardianship Board to SACAT. The effect of the provisions is to transfer any proceedings before the Guardianship Board to SACAT to proceed as if they had been commenced before SACAT, and any right to make an application to the Guardianship Board that existed before these amendments may now be exercised by making an application to SACAT. It also preserves the effect of an order, consent or decision of the Board, which will be taken to be those of SACAT.

Part 11—Amendment of *Public Sector Act 2009*

127—Amendment of section 3—Interpretation

This clause makes consequential amendments to insert a definition of 'decision' (so that it has an equivalent meaning to that in the SACAT Act) and to insert a definition of 'Tribunal' as being a reference to SACAT. It also removes the definition of Public Sector Grievance Review Commission, which is no longer required as it is being replaced by SACAT.

128—Amendment of section 25—Public Service employees

This is a consequential amendment to remove the reference to the Public Sector Grievance Review Commission.

129—Amendment of section 49—Remuneration

This is a consequential amendment to remove the reference to the Public Sector Grievance Review Commission and substitute a reference to SACAT.

130—Amendment of section 62—External review

Section 62 provides for an aggrieved employee to apply for the review by 'an appropriate review body' of an employment decision of a public sector agency that directly affects the employee. This clause makes a consequential amendment to remove the reference to the Public Sector Grievance Review Commission and substitute a reference to SACAT in the definition of 'appropriate review body'. This clause also inserts a new subsection to provide that section 71 of the SACAT Act (which provides for appeals against a decision of SACAT to the Supreme Court) does not apply to a decision of SACAT where it is the body that conducts the review under section 62, which maintains the current position under the Act.

131—Substitution of Schedule 2

Schedule 2 of the Act relates to the establishment and proceedings of the Public Sector Grievance Review Commission and the nomination of panel members. This clause deletes the current Schedule 2 as a consequence of removing this Commission and substituting SACAT.

Schedule 2—Special provisions relating to Tribunal

The substituted Schedule 2 provides for the nomination of a panel of public sector employees for the purposes of SACAT proceedings in a similar manner to the current Act in relation to Public Sector Grievance Review Commission proceedings. The Schedule also sets out particular requirements for the constitution of SACAT for the purposes of proceedings under this Act.

132—Transitional provisions

This clause sets out the transitional provisions that provide that a right for a review of a decision by the Public Sector Grievance Review Commission that existed before the commencement of these amendments (but which has not yet been exercised) is to be exercised instead by commencing proceedings before SACAT. However, any proceedings before the Commission commenced before these amendments come into operation will not be affected. The transitional arrangements also provide for the Public Sector Grievance Review Commission to be dissolved by the Governor by proclamation and that members of the Commission or panel constituted for the purposes of Commission proceedings will cease to hold office at that time.

Part 12—Amendment of *Residential Parks Act 2007*

133—Amendment of section 3—Interpretation

This clause makes consequential amendments to various definitions so that the references to bailiffs, the President and Deputy President, and the Registrar and Deputy Registrar align with those persons who hold these offices under the SACAT Act rather than the equivalent officers of the Residential Tenancies Tribunal. It also substitutes the meaning of 'Tribunal' to refer to SACAT rather than the Residential Tenancies Tribunal.

134—Amendment of section 87—Enforcement of orders for possession

Section 87 of the Act provides for the enforcement of orders for possession made by the Residential Tenancies Tribunal by bailiffs. This clause makes consequential amendments to this section to provide for the enforcement by bailiffs, in a similar manner, in relation to orders for possession made by SACAT.

135—Substitution of heading to Part 11

This is a consequential amendment.

136—Repeal of Part 11 Divisions 1 and 2

This clause deletes Divisions 1 and 2 of Part 11, which relate to the Residential Tenancies Tribunal as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will be relied upon.

137—Amendment of section 103—Jurisdiction of Tribunal

This is a consequential amendment to ensure that a court can exercise the relevant powers of SACAT under the *South Australian Civil and Administrative Tribunal Act 2013*, as well as this Act in relation to proceedings brought before the court should they exceed the jurisdictional limits of SACAT as set out in this section.

138—Repeal of section 104

This section, which provides for the procedure in relation to applications made under the Act to the Residential Tenancies Tribunal is being deleted as it is no longer required. The *South Australian Civil and Administrative Tribunal Act 2013* and the Rules made under that Act will apply in relation to applications to SACAT.

139—Substitution of heading to Part 11 Division 4

This amendment is consequential.

140—Repeal of Sections 105 to 109

These sections, which provide for prescribed matters before the Tribunal to be referred for mediation by the Commissioner for Consumer Affairs, are being deleted because the mediation process set out in the *South Australian Civil and Administrative Tribunal Act 2013* will apply.

141—Amendment of section 110—Representation of parties in mediation

This amendment retains the substance of this section, which provides for the representation of parties in mediation, and applies it to matters referred for mediation by SACAT.

142—Repeal of section 111

This section, which deals with evidence obtained in the course of mediation, is not required as a similar provision of the *South Australian Civil and Administrative Tribunal Act 2013* will apply.

143—Substitution of Part 11 Division 6

The sections in this Division provide for the procedural and evidentiary powers of the Residential Tenancies Tribunal and are no longer required as the *South Australian Civil and Administrative Tribunal Act 2013* sets out the procedural and evidentiary powers of SACAT. The only provision to be retained is current section 115(2) which is renumbered as section 113. As a consequence the heading of the Division has been amended to reflect the content of proposed section 113.

144—Amendment of section 117—Special powers to make orders

This clause makes a consequential amendment to subsection (2) and deletes those subsections not required on the basis that they are covered by the provisions of the *South Australian Civil and Administrative Tribunal Act 2013*.

145—Repeal of section 120

This section, which provides for the enforcement of orders of the Residential Tenancies Tribunal by registering it in an appropriate court, is no longer required as the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply.

146—Amendment of section 121—Application to vary or set aside order

The amendments to this section retain the ability to apply to the Tribunal to vary or set aside an order, but changes the time within which the application must be made to within 1 month of the order (instead of 3 months) and inserts new subclause (3), so that the time for making such an application runs only from when written reasons for the decision (if requested following the decision) are provided. These amendments are consistent with recent amendments to a similar provision in the *Residential Tenancies Act 1995*. This clause also inserts new subclauses (4) and (5) to clarify that this section does not limit the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* and that proceedings under this section are not intended to constitute a review for the purposes of section 34 or 70 of that Act.

147—Repeal of section 122

Section 122 of the Act is being deleted as the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* in relation to costs will apply.

148—Substitution of section 123

This clause substitutes section 123 and inserts a new section 123A.

123—Reasons for decisions

The current section 123 provides for a person affected by a decision of the Residential Tenancies Tribunal to be provided with written reasons if requested. The substituted clause 123 makes a similar provision in relation to a decision of SACAT.

123A—Time for application for review or instituting appeal

This clause makes clear that the time for making an application for a review or appeal under the *South Australian Civil and Administrative Tribunal Act 2013* runs from the time written reasons are provided if the request is made within 1 month of the decision. This is similar to the provision in current section 125(3) of the Act which is being deleted by this measure.

149—Repeal of Part 11 Division 9

This Division provides for the reservation of questions of law and appeals in relation to Residential Tenancy Tribunal proceedings. These provisions are being deleted as the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply.

150—Amendment of section 126—Representation in proceedings before Tribunal

This amendment makes clear that the provisions as to representation of the parties currently set out in this section also applies to a conference or mediation under the *South Australian Civil and Administrative Tribunal Act 2013*.

151—Repeal of Part 11 Division 11

This Division provides for various procedural powers of the Residential Tenancies Tribunal (such as entry and inspection of property and contempt of the Tribunal) which are no longer required as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply.

152—Transitional provisions

This clause sets out the transitional provisions in relation to any proceedings that may have been commenced before the Residential Tenancies Tribunal under the Act. The effect of the provisions is, (subject to the directions of the President of SACAT), to transfer any proceedings before the Residential Tenancies Tribunal to SACAT to proceed as if they had been commenced before SACAT. Any decisions, directions or orders of the Residential Tenancies Tribunal made before the commencement of this measure will be taken to be decisions, directions or orders of SACAT. Any right to make an application to the Residential Tenancies Tribunal that existed before the amendments to the Act by this measure, may now be exercised by making an application to SACAT. The transitional provisions also allow for SACAT to receive any evidence before the Residential Tenancies Tribunal and adopt any of its findings, decisions or orders where relevant (including in relation to proceedings that are fully heard), and to take such other steps to ensure the smooth transition of the proceedings to SACAT. Nothing in this clause affects the ability to register an order under section 120 of the Act, or to appeal to the District Court, in relation to orders, decisions or directions of the Residential Tenancies Tribunal made before the commencement of the amendments to the Act by this measure.

Part 13—Amendment of *Residential Tenancies Act 1995*

153—Amendment of section 3—Interpretation

This clause inserts and makes consequential amendments to various definitions to ensure that the references to bailiffs, the President and Deputy President, and the Registrar and Deputy Registrar refer to those persons who hold these offices under the *South Australian Civil and Administrative Tribunal Act 2013* rather than as part of the Residential Tenancies Tribunal. It also substitutes the meaning of 'Tribunal' to refer to SACAT rather than the Residential Tenancies Tribunal.

154—Amendment of section 5—Application of Act

This amendment is consequential and substitutes the reference to the Residential Tenancies Tribunal with a reference to SACAT.

155—Substitution of heading to Part 3

This amendment is consequential.

156—Repeal of Part 3 Divisions 1 and 2

This clause deletes Division 1 of Part 3 which sets up the Residential Tenancies Tribunal and provides for the appointment of its members and the Registrar. It also deletes Division 2 of Part 3 which provides for procedural matters before the Residential Tenancies Tribunal. This is no longer required as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply.

157—Amendment of section 24—Jurisdiction of Tribunal

The amendment to section 24(1)(c) is consequential and the amendment to section 24(4) is to ensure that a court can exercise the relevant powers of SACAT under the *South Australian Civil and Administrative Tribunal Act 2013*, as well as this Act, in relation to proceedings brought before the court should they exceed the jurisdictional limits of SACAT as set out in this section.

158—Substitution of section 25

This clause substitutes the current section 25 as the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply to applications under this Act. It also inserts new section 25A.

25—Application to Tribunal

This clause retains the effect of section 25(3) of the Act which is being substituted by this clause. It provides that a requirement to give notice of an application under the Act may be directed to an occupier or subtenant of the premises and need not address the occupier or subtenant by name.

25A—Registrar may make orders in certain cases

This clause retains the effect of section 16 of the Act which is being repealed by this measure. It provides that the Registrar or a Deputy Registrar of SACAT may make an order in relation to a tenancy dispute with the written consent of the parties. Such an order will operate as an order of the Tribunal.

159—Substitution of heading to Part 3 Division 5

This amendment is consequential.

160—Repeal of section 31

This section provides for the power of the Residential Tenancies Tribunal to gather evidence and is no longer required as the *South Australian Civil and Administrative Tribunal Act 2013* sets out the evidentiary powers of SACAT.

161—Amendment of section 32—Intervention of designated housing agency

This clause amends this section to remove those procedural powers of the Residential Tenancies Tribunal that are no longer required because they are set out in the *South Australian Civil and Administrative Tribunal Act 2013* in relation to SACAT. The provisions in relation to the intervention of a designated housing agency in SACAT proceedings are retained.

162—Substitution of section 33

The effect of this amendment is to delete subsection (1) of this section, which is covered by the *South Australian Civil and Administrative Tribunal Act 2013* and retain the content of current subsection (2).

163—Substitution of heading to Part 3 Division 7

This clause is consequential.

164—Amendment of section 35—Special powers to make orders

This clause makes a consequential amendment to subsection (2) and deletes those subsections not required on the basis that they are covered by the provisions of the *South Australian Civil and Administrative Tribunal Act 2013*.

165—Repeal of section 36

This section, which provides for the enforcement of orders of the Residential Tenancies Tribunal by registering it in an appropriate court, is no longer required as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply.

166—Amendment of section 37—Application to vary or set aside order

This clause inserts new subsections (4) and (5) to clarify that this section (which relates to the ability for a party to proceedings before SACAT to apply to vary or set aside an order made in the proceedings), does not limit the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* and that proceedings under this section are not intended to constitute a review for the purposes of section 34 or 70 of that Act.

167—Repeal of section 38

Section 38 of the Act is being deleted as the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* in relation to costs will apply.

168—Substitution of section 39

This clause substitutes section 39 and inserts a new section 39A.

39—Reasons for decisions

The current section 39 provides for a person affected by a decision of the Residential Tenancies Tribunal to be provided with written reasons if requested. The substituted clause 39 makes a similar provision in relation to a decision of SACAT.

39A—Time for application for review or instituting appeal

This clause makes clear that the time for making an application for a review or appeal under the *South Australian Civil and Administrative Tribunal Act 2013* runs from the time written reasons are provided if the request is made within 1 month of the decision. This is similar to the provision in current section 41(4) of the Act which is being deleted by this measure.

169—Repeal of Part 3 Divisions 9 and 10

Division 9 of Part 3 provides for the reservation of questions of law and appeals in relation to Residential Tenancy Tribunal proceedings. These provisions are being deleted as the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply. Division 10 provides for various procedural powers of the Residential Tenancies Tribunal (such as entry and inspection of property and contempt of the Tribunal) which are no longer required as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply.

170—Substitution of heading to Part 5 Division 8

This amendment is consequential.

171—Repeal of section 98

This section, which provides for the appointment of bailiffs, is not required as this is provided for by the *South Australian Civil and Administrative Tribunal Act 2013*. (The provisions in relation to bailiffs are being inserted by amendment to the *South Australian Civil and Administrative Tribunal Act 2013* by Part 15 of this measure.)

172—Amendment of section 99—Enforcement of orders for possession

The amendments to this section, which provides for the enforcement of orders of SACAT for possession, are consequential. Subsection (8) is to be deleted as the protection of bailiffs from civil or criminal liability in carrying out their functions will be addressed by the amendments to the *South Australian Civil and Administrative Tribunal Act 2013* in Part 15 of this measure.

173—Amendment of section 101—Application of income

This amendment is of a consequential nature to maintain the current position and is required because SACAT will have proceedings instituted under numerous other Acts and not just those currently dealt with by the Residential Tenancies Tribunal.

174—Amendment of section 106—Definitions

This amendment is consequential on the deletion of section 108(2).

175—Amendment of section 107—Conciliation of dispute by Commissioner

These amendments are consequential. There is provision under the *South Australian Civil and Administrative Tribunal Act 2013* for more than 1 Deputy Registrar.

176—Repeal of Part 8 Division 1 Subdivision 3

This Subdivision provides for the referral of a tenancy dispute by the Residential Tenancies Tribunal to a conciliation conference. This is no longer required as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* in relation to conferences and mediation required by SACAT will apply.

177—Amendment of section 108A—Functions of Commissioner in conciliation of dispute

This amendment is consequential on the amendments that limit the provisions on conciliation conferences to those referred to the Commissioner of Consumer Affairs under this Act.

178—Amendment of section 108B—Procedure

The amendments to this section limit the reference to 'conciliator' to apply only to conciliation conferences conducted by the Commissioner for Consumer Affairs. The provisions that relate to conferences conducted by SACAT are set out in the *South Australian Civil and Administrative Tribunal Act 2013*.

179—Amendment of section 113—Representation

This clause amends this section to ensure that the provisions relating to the representation of parties apply to conferences and mediation under the *South Australian Civil and Administrative Tribunal Act 2013*.

180—Amendment of section 114—Remuneration of representative

This clause amends this section to ensure that the provisions relating to the remuneration of representatives of parties apply to representation at conferences and mediation under the *South Australian Civil and Administrative Tribunal Act 2013*.

181—Transitional provisions

This clause sets out the transitional provisions in relation to any proceedings that may have been commenced before the Residential Tenancies Tribunal under the Act. The effect of the provision is (subject to the directions of the President of SACAT) to transfer any proceedings before the Residential Tenancies Tribunal to SACAT to proceed as if they had been commenced before SACAT. Any right to make an application to the Residential Tenancies Tribunal that existed before the amendments to the Act by this measure, may now be exercised by making an application to SACAT. The transitional provisions also allow for SACAT to receive any evidence before the Residential Tenancies Tribunal and adopt any of its findings, decisions or orders where relevant (including in relation to proceedings that are fully heard), and to take such other steps to ensure the smooth transition of the proceedings to SACAT. Any decisions, directions or orders of the Residential Tenancies Tribunal made before the commencement of this measure will be

taken to be decisions, directions or orders of SACAT. Nothing in this clause affects the ability to register an order under section 36 of the Act, or to appeal to the District Court, in relation to orders, decisions or directions of the Residential Tenancies Tribunal made before the commencement of the amendments to the Act by this measure. This clause also dissolves the Residential Tenancies Tribunal and provides that members of the Residential Tenancies Tribunal will cease to hold office at that time. Any contract of employment, agreement or arrangement in relation to the office held by a member is also terminated and there is no right of action against the Minister or the State in relation to that termination.

Part 14—Amendment of *Retirement Villages Act 1987*

182—Amendment of section 3—Interpretation

This clause amends section 3 to include definitions so that the references to bailiffs, the President and Deputy President refer to those persons who hold these offices under the *South Australian Civil and Administrative Tribunal Act 2013* rather than the equivalent officers of the Residential Tenancies Tribunal. It also substitutes the meaning of 'Tribunal' to refer to SACAT rather than the Residential Tenancies Tribunal.

183—Amendment of section 31—Termination of residents' rights

This clause makes a consequential amendment to section 31 as 'bailiff' is now defined in section 3 of the Act.

184—Amendment of section 32—Resolution of disputes

This clause removes section 32(3) to (5) (which deal with the arbitration of a dispute), as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply instead. This clause also inserts a new subsection (3) to retain the requirement of the current Act that the express consent of the parties is required before a matter is referred by the Tribunal for mediation. This overrides section 51(3) of the *South Australian Civil and Administrative Tribunal Act 2013* which provides that a referral may be with or without the consent of the parties. Subsections (6)(b), (7), (10) and (11) are deleted as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply. New subsection (8a) is being inserted to ensure consistency with the equivalent provisions in the *Residential Tenancies Act 1995* and *Residential Parks Act 2007*, such that an order of the Tribunal that provides for a remedy in the nature of an injunction or specific performance may only be made with the approval of the President or a Deputy President of the Tribunal. The deletion of subsection (13)(b) is consequential on the deletion of the provisions of the Act dealing with the conciliation of a dispute.

185—Repeal of section 39

Section 39, which provides for the appeal of a decision of the Tribunal to the District Court, is being deleted as the relevant appeal provisions in the *South Australian Civil and Administrative Tribunal Act 2013* will apply.

186—Amendment of Schedule 1—Proceedings before Tribunal

The current Schedule 1 of the Act sets out the provisions in relation to proceedings before the Residential Tenancies Tribunal under the Act. This clause amends those provisions to apply to SACAT and takes into account the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013*. Clause 3, which provides for a party to apply for the variation or setting aside of an order of the Tribunal, is amended to be consistent with the equivalent provisions in the *Residential Tenancies Act 1995* and *Residential Parks Act 2007*. Such an application must be made within 1 month of the order being made and does not constitute a review for the purposes of sections 34 and 70 of the *South Australian Civil and Administrative Tribunal Act 2013*. Clauses 4, 5, 7 and 8 (which deal with Tribunal applications, the procedural powers of the Tribunal, conciliations and costs) are deleted as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply. The amendment to clause 9 reflects the fact that the relevant section of the *South Australian Civil and Administrative Tribunal Act 2013* in relation to the referral of a question of law to the Supreme Court will apply, but retains the current provision of the Act in relation to costs in relation to such a referral.

187—Transitional provisions

This clause sets out the transitional provisions in relation to any proceedings that may have been commenced before the Residential Tenancies Tribunal under the Act. The effect of the provisions is, (subject to the directions of the President of SACAT), to transfer any proceedings before the Residential Tenancies Tribunal to SACAT to proceed as if they had been commenced before SACAT. Any decisions, directions or orders of the Residential Tenancies Tribunal made before the commencement of this measure will be taken to be decisions, directions or orders of SACAT. Any right to make an application to the Residential Tenancies Tribunal that existed before the amendments to the Act by this measure, may now be exercised by making an application to SACAT. The transitional provisions also allow for SACAT to receive any evidence before the Residential Tenancies Tribunal and adopt any of its findings, decisions or orders where relevant (including in relation to proceedings that are fully heard), and to take such other steps to ensure the smooth transition of the proceedings to SACAT. Nothing in this clause affects the right to appeal to the District Court (as the right existed before the repeal of section 39 of the Act), in relation to orders, decisions or directions of the Residential Tenancies Tribunal made before the commencement of the amendments to the Act by this measure.

Part 15—Amendment of *South Australian Civil and Administrative Tribunal Act 2013*

188—Amendment of section 33—Original jurisdiction

This amendment is consequential on the amendment to section 34 and also clarifies the action of the Tribunal in the exercise of its original jurisdiction, depending on the nature of the proceedings.

189—Amendment of section 34—Decisions within review jurisdiction

This clause amends section 34 to clarify that for the purposes of the exercise of SACAT's review jurisdiction a reviewable decision is a decision made by the Crown, or an agency or instrumentality of the Crown. However, the provision also allows for flexibility by providing that the regulations can prescribe decisions or classes of decisions or decisions made by prescribed persons or bodies to also fall within, or be excluded from, the Tribunal's review jurisdiction. These may instead fall within the original jurisdiction of SACAT.

190—Amendment of section 39—Principles governing hearings

This clause substitutes section 39(1)(b) in order to clarify that SACAT may adopt any findings, decision or judgment of a court or other tribunal if it considers it relevant to the SACAT proceedings.

191—Amendment of section 43—Practice and procedure generally

This amendment to section 43 clarifies that SACAT may proceed with hearing a matter if a party is not present.

192—Amendment of section 53—Parties

This clause inserts a new paragraph in section 53(1) to make it clear that a person who is a respondent to an application, or a person against whom a claim is being made, or a person who is a party to a dispute before the Tribunal, will be taken to be a party to the proceedings before SACAT.

193—Amendment of section 70—Internal reviews

This clause amends section 70 to enable a decision made by a registrar or other staff member of the Tribunal to be subject to the internal review process under this section. An application for review of a registrar's decision is only with leave of a Presidential member of the Tribunal.

194—Amendment of section 71—Appeals

This clause amends section 71 of the Act which deals with the ability to appeal decisions of SACAT to the Supreme Court. Section 71(1) provides for the constitution of the Supreme Court as either a single judge or the Full Court depending on the circumstances. The amendment to insert new subsection (1a) ensures that the Supreme Court Rules may provide for the Court to be constituted differently to that contemplated by subsection (1). New subsection (2a) provides that before a decision made by SACAT exercising its original jurisdiction, or a decision made by the Tribunal constituted by a registrar or other staff member, can be appealed to the Supreme Court, there must first be an internal review of the decision under section 70 of the Act. The need for an internal review is subject to any Supreme Court Rules, regulations, provisions of a relevant Act, or determination of the President of the Tribunal. The requirement that an appeal of a decision is only by leave of the Court is maintained. New subsection (3a) provides that an appeal to the Supreme Court under section 71 is by way of rehearing and new subsection (3b) makes it clear that the Court may draw inferences of fact from evidence or material before the Tribunal and allow further evidence or material to be presented to it in conducting the appeal. The amendment to subsection (4)(c) removes the ability of the Court to substitute a new decision but retains the ability of the Court to set aside the decision and return the matter to SACAT for reconsideration in accordance with any directions of the Court.

195—Amendment of section 79—Immunities

This clause amends section 79(5) in order to ensure that the protection and immunity provided by this section extends to a person who produces books, papers or documents to the Tribunal.

196—Insertion of section 89A

This clause inserts new section 89A

89A—Bailiffs

This new section provides for the appointment of bailiffs by the President and provides that a bailiff may (but need not be) a public servant or a person appointed under the *Courts Administration Act 1993* or the *Sheriff's Act 1978*. In the exercise of his or her functions, a bailiff is given similar protection and immunity against civil or criminal liability as that of the staff of the Tribunal. This section also provides that the regulations may prescribe fees to be paid in relation to action taken by a bailiff.

197—Amendment of section 92—Annual report

This clause inserts a new subsection to provide for the regulations to prescribe information that must be included in the annual report of the Tribunal to be provided to the Attorney-General.

198—Insertion of section 93A

This clause inserts new section 93A.

93A—Disrupting proceedings of Tribunal

This new section makes it an offence for a person to wilfully interrupt Tribunal proceedings, behave in a disorderly or offensive manner or use offensive language.

199—Amendment of section 95—Regulations

This clause amends the regulation making power in the Act to ensure that the regulations may make provisions of a saving or transitional nature in relation to the vesting of jurisdiction in the Tribunal under another Act and such regulations may operate retrospectively.

Part 16—Amendment of *South Australian Housing Trust Act 1995*

200—Amendment of section 32A—Interpretation

This amendment removes the definition of 'Appeal Panel' and inserts the definition of 'Tribunal' to mean SACAT. It also makes clear that a complaint about a matter that is before SACAT in the exercise of its jurisdiction under another Act is excluded from the operation of Part 3A of the Act.

201—Repeal of section 32B

This clause deletes section 32B which establishes the Housing Appeal Panel and sets out other provisions in respect of the Panel.

202—Amendment of section 32D—Appeals

This clause makes consequential amendments to those provisions of section 32D being retained to substitute references to the Appeal Panel with references to the Tribunal (SACAT). It deletes subsections (3) to (5) which deal with procedural matters in relation to the Appeal Panel as the relevant provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will apply instead. This clause also inserts new subsection (9) which provides that section 71 of the *South Australian Civil and Administrative Tribunal Act 2013* will not apply to a decision of the Tribunal under section 32D. This maintains the current position under the *South Australian Housing Trust Act 1995*, where there is no statutory right of appeal of Housing Appeal Panel decisions to the Supreme Court.

203—Transitional provisions

This clause sets out the transitional provisions in relation to any proceedings that may have been commenced before the Housing Appeal Panel under the Act. The effect of the provisions is, (subject to the directions of the President of SACAT), to transfer any proceedings before the Housing Appeal Panel to SACAT to proceed as if they had been commenced before SACAT. Any decisions, directions or orders of the Appeal Panel made before the commencement of this measure will be taken to be decisions, directions or orders of SACAT. Any right to make an application to the Housing Appeal Panel that existed before the amendments to the Act made by this measure, may be exercised by making an application to SACAT. The transitional provisions also allow for SACAT to receive any evidence before the Housing Appeal Panel and adopt any of its findings, decisions or orders where relevant (including in relation to proceedings that are fully heard), and to take such other steps to ensure the smooth transition of the proceedings to SACAT. This clause also dissolves the Housing Appeal Panel and provides that members of the Housing Appeal Panel will cease to hold office at that time. Any contract of employment, agreement or arrangement in relation to the office held by a member is also terminated and there is no right of action against the Minister or the State in relation to that termination.

Debate adjourned on motion of Hon. T.J. Stephens.

PARLIAMENTARY COMMITTEES (ELECTORAL LAWS AND PRACTICES COMMITTEE) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (17:54): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Parliamentary Committees Act 1991* to establish the Electoral Laws and Practices Committee.

In the last parliamentary term, the Government was responsible for the introduction of some significant reforms to South Australia's electoral laws, in an effort to strengthen our State's democracy and restore public confidence in electoral processes.

To further the Government's continued commitment to protecting the integrity of the electoral system and ensuring maximum participation in the democratic process, the Government believes it is important to establish a non-partisan parliamentary committee that can inquire into and report on matters relating to electoral laws and practices.

Electoral reform consistently raises significant interest and debate. Since polling day earlier this year, there has been considerable discussion about many aspects of our system and speculation about how improvements can be made.

By establishing a standing committee, the Government is creating a constructive forum to investigate and consider electoral matters. The Federal Parliament has a joint standing committee on electoral matters. This Government considers that it has and will continue to undertake very valuable work.

The intended functions of the Electoral Laws and Practices Committee are outlined in clause 15R of the Bill and include the following:

- to inquire into, consider and report on:
- the conduct of parliamentary elections and referendums in South Australia;
- the administration and operation of, and practices associated with, the *Electoral Act 1985* and any other law relating to electoral matters;
- any other matter referred to the Committee by the Minister responsible for the administration of the *Electoral Act 1985*; and
- to perform other functions assigned to the Committee under this or any other Act by resolution of either the House of Assembly or the Legislative Council.

The Committee will consist of eight members, four of which must be appointed by the House of Assembly and four by the Legislative Council. As provided in clause 15Q, the eight members will include appointments from both major parties, in addition to independents or members of minor parties.

This approach endeavours to ensure the work undertake by the Committee exceeds political interests, in contrast to other partisan committees formed, that are so obviously intent on political point scoring as opposed to genuine reform.

A Minister of the Crown is not eligible for appointment to the Committee. To provide for the remuneration of members of the Committee, the Bill amends the schedule in the *Parliamentary Remuneration Act 1990*.

It is intended that once established, the Committee first inquire into all aspects of the conduct of the 2014 State election and matters related thereto.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Parliamentary Committees Act 1991*

4—Insertion of Part 5F

This clause inserts new Part 5F:

Part 5F—Electoral Laws and Practices Committee

Division 1—Establishment and membership of Committee

15P—Establishment of Committee

The Electoral Laws and Practices Committee is established.

15Q—Membership of Committee

The Committee is to be comprised of 4 House of Assembly members and 4 Legislative Council members.

Division 2—Functions of Committee

15R—Functions of Committee

The functions of the Committee are to inquire into, consider and report on matters relating to electoral laws and practices (including the conduct of parliamentary elections and referendums in South Australia) and to perform other functions assigned to the Committee. The Minister responsible for the administration of the *Electoral Act 1985* may also refer matters to the Committee for it to inquire into, consider and report on.

Schedule 1—Related amendment to *Parliamentary Remuneration Act 1990*

1—Amendment of Schedule—Additional salary

The Schedule is amended to provide for remuneration of the presiding member and other members of the Electoral Laws and Practices Committee.

Debate adjourned on motion of Hon. T.J. Stephens.

STATUTES AMENDMENT (LEGAL PRACTITIONERS) BILL

Final Stages

The House of Assembly agreed to the bill with the amendment indicated by the following schedule, to which amendment the House of Assembly desires the concurrence of the Legislative Council:

No. 1 New Clause, page 4, line 1–Insert:

8—Amendment of section 95—Application of certain revenues

Section 95(1)—after 'practising certificate fees' insert:

, fees paid by corporations under Schedule 1 clauses 4(1) and 5(2).

CRIMINAL LAW (SENTENCING) (SUSPENDED SENTENCES) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 17:57 the council adjourned until Tuesday 16 September 2014 at 14:15.