LEGISLATIVE COUNCIL

Thursday, 20 June 2019

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 11:00 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15pm.

Motion carried.

Bills

SUPPLY BILL 2019

Second Reading

Adjourned debate on second reading.

(Continued from 18 June 2019.)

The Hon. C.M. SCRIVEN (11:02): I rise to speak to the Supply Bill 2019. I note, of course, that the opposition will not be opposing the bill, but it is a good time to review the Marshall Liberal government over the past 12 months. One thing the Marshall Liberal government made clear before the election was that they would apparently deliver lower costs and better services. What is clear is that over the last 12 months they have not delivered either of those promises.

Let us look at the Marshall Liberal government's record on lower costs. Over the past few weeks the Treasurer has slowly provided announcements to the public that South Australians should prepare for an increase in fees and charges far beyond the rate of inflation.

Car registrations will rise by 5 per cent, driver's licence renewals by 4 per cent and hospital car parking by a whopping 20 per cent, including at Modbury Hospital, where local members, the member for Newland and the member for King, have remained tight-lipped about these increases and once again have remained silent instead of standing up for the north-east. Public transport costs have increased, and individual contractor licences have risen by up to 10 per cent and registrations fees for tradies by 10 per cent.

On top of this, many small businesses in this state in the entertainment and hospitality industry will be hit with what has been labelled the entertainment tax, where small businesses are facing increases of 500 per cent in fees and charges, which no doubt will leave business owners no option but to pass on the increases to consumers, who will therefore once again face further hikes.

Of course, if all that was not enough, we now see increases being proposed to the solid waste levy, where councils across the state, who have already consulted with their communities on their budgets, will be left to choose between three most unpalatable options: they can increase council rates to cover the extra charges, which will thus be passed on to the ratepayers and increase their cost of living; they can cut previous capital works planned in the community for upgrades to sports and community clubs, road or footpath upgrades or other key services that councils deliver in the community; or they can increase council debt, which is of course something the Marshall Liberal government seems to enjoy doing—increasing debt—but it is certainly not a desirable option for many councils across the state.

All of these charges I have just listed will significantly impact on the cost of living of South Australian residents and make them have to dig that bit deeper. It is going against everything that the Marshall Liberal government claimed they would deliver prior to the election. We know that wage growth in this country is stagnant. Wages are not rising and, indeed, many people in our community are struggling. Many have had their penalty rates slashed, yet we see this Liberal state government continuing to recklessly increase the cost of living for many South Australians.

The other mantra that the Marshall Liberal government used consistently in the lead-up to the state election was better services, but the people of South Australia are right to ask: where are they? The Marshall Liberal government is closing three key Service SA centres across the state, including in Modbury, where data shows that the patronage numbers continue to grow every year. Once again, I must ask, where are the members for Newland and King in advocating for their communities? What are they doing to ensure this centre remains open? The answer, as we know, is absolutely nothing.

Has this Marshall Liberal government delivered better services in the health portfolio? Clearly, the answer to that is a resounding no. They forced the Keith and District Hospital in the South-East to crowdfund money to ensure that they can remain open and, in the end, had to rely on the local council just to keep the hospital operating. This is despite, prior to the election, the member for MacKillop and the now health minister promising Keith and District Hospital the world and then delivering them almost nothing. Local councils, it would seem, are now responsible for health services.

They have forced The Queen Elizabeth Hospital cardiology unit into a position of having to make public appeals for donations, cutting funding for the position of the Mental Health Commissioner and cutting funding for mental health by 25 per cent. They have closed 25 beds at the Hampstead Rehabilitation Centre, 16 beds at the Flinders Medical Centre and 20 at the Women's and Children's Hospital, and they have privatised the patient transfers between Modbury Hospital and the Lyell McEwin in the north-east.

Then, of course, there is the debacle the Minister for Health has presided over when it comes to the rollout of the influenza injections. During one of the worst flu seasons on record, 116,000 flu vaccines sat in a warehouse in Adelaide while the health minister made excuse after excuse for them not being available. This, apparently, is better health services. I would hate to see what they describe as worse health services.

The Marshall Liberal government has provided $46 million in cuts to the transport system, which has an impact on some of the state's most vulnerable, including the elderly and people with disabilities. Many commuters will face massive increases of up to $849 per year with the scrapping of the two-section ticket. The state government has also announced plans to increase fares across the board by up to 2 per cent. It is clear that the Marshall Liberal government has not delivered on its promises of lower costs and it has not delivered on its promises of better services.

Another key part of this Marshall Liberal government's promises before the election, and since, has been in regard to apprenticeships and traineeships; indeed, a promise to deliver 20,800 new apprenticeships and traineeships over four years. But what have we seen? Minister Pisoni recently claiming increases that are at odds with the official, independent information from the National Council on Vocational Education Research.

Particularly in the regions, it is important that we concentrate on jobs for young people and, indeed, jobs for all. The Marshall Liberal government and Minister Pisoni have failed to deliver anything near the amount needed in order to achieve the targets they have set for themselves. We have seen commencements decline, far from the promises that the people of South Australia have heard from this Marshall Liberal government.

As I mentioned, the opposition will not be opposing this bill, but it is only fitting that the Marshall Liberal government is called out on the fact that they have not delivered lower costs, they have not delivered better services and they are not delivering on one of their key promises in terms of apprenticeships and traineeships.

The Hon. M.C. PARNELL (11:04): Normally in addressing the Supply Bill I would go through a similar exercise to the Hon. Clare Scriven. We would look at the government's fees and charges,

we would look at their skewed priorities and we would forensically examine who the winners and losers are in relation to government finances. But I do not want to do that today.

The Hon. R.I. Lucas: Hear, hear!

The Hon. M.C. PARNELL: No, you will not be thanking me soon. I want to focus on what might seem one fairly small aspect of the state's finances, but I want to expose it for the cruelty that it will cause to some of the most vulnerable people in our society. The issue that I want to talk about is the abolition of two-section fares on Adelaide Metro buses, trains and trams. This was an early budget announcement. It was originally dropped to the media on 23 May as part of what is now standard operating procedure for a government in a pre-election period to keep the ball in their court and to keep everyone talking about them rather than anyone else. It is just how things work these days. The difficulty with this move is as follows: currently, a person travelling a short distance, usually under three kilometres, only pays $2 per trip rather than the full price of $3.70 using a regular Metrocard.

These two-section fares have been around for decades. They recognise the fact that it is unfair for a person travelling just a couple of stops to pay the same fare as a person travelling 40 kilometres or more. These two-section fares were aimed at passengers who do not receive any other concession—for example, a part-time worker who is not in receipt of Centrelink payments.

When the story first came out, the opposition, as you would expect, jumped on it. They put out a media release claiming that the additional cost to a person travelling a short distance in peak times five days per week would be $17.70 extra per week or almost $850 per year. The opposition said that this is a huge annual increase from the government that was promising only very modest increases in public transport fares. Unfortunately, the opposition botched its calculations, and that gave the Treasurer a free kick. The Treasurer could rightly point out that a person in that position could buy a 28-day pass for only $101, which would mean that they were nowhere near $850 worse off. In fact, they were only $250 worse off per year. That is still a very hefty annual increase.

Unfortunately, it does not tell the full story. Under the government's new pricing structure, there are no winners; there are only losers. The biggest losers are not those who are travelling every day; it is part-time and casual workers who are travelling short distances three or four days per week. These commuters are really copping it in the neck from the abolition of two-section tickets.

I have crunched the numbers and discovered that a person who currently works three days per week and travels on public transport fewer than three kilometres each way to work will be worse off under these changes by a massive $489.60 per year. That is because they are paying an extra $10.20 per week or an extra $40.80 per month, yet it is not worth their while to buy a 28-day pass because that would be even more expensive and they do not need to travel every day.

This part-time worker, the three-day-a-week worker, will need to find an extra $489.60 per year just to get to and from work. The only person who is worse off than this is another part-time worker who travels a short distance on public transport four days a week. Let's say they get a lift home from a work colleague on one of those days, so they only need to use the bus, the train or the tram seven times per week going to or from work. That worker is $540 worse off every year as a result of these changes.

What that means is that the hit to this part-time worker is more than twice the hit to a full-time worker, who is only $252 a week worse off under these changes. Whilst the opposition might have botched their initial calculations, they were certainly on the money. These supposedly modest public transport fare increases are actually a huge hit for those who are not even on a full-time wage or salary. Our part-time and casual workers are the biggest losers.

Of course, if a person in the situation I have described does not have a Metrocard and they buy an individual ticket for each trip, they are put massively out of pocket by these changes. I have not modelled those figures because I do not want the government to shirk the unavoidable consequences of their decision. In the scenarios that I have described, the passengers have taken every possibility to keep their fares as low as possible. There is nothing more that they can do other than walk to work.

I now seek leave to incorporate into *Hansard* a purely statistical table showing the impact of these fare increases on various classes of passengers. I note, for the benefit of Hansard, that I will provide this table electronically to them.

Leave granted.

Comparison of Adelaide Metro fares before and after abolition of 2-Section fares on 7th July 2019

Situation	Current fare per trip	From 7/7/19 per trip	Current fare (pw)	From 7/7/19 (pw)	Difference (pw)	Current fare (per 28 days)	From 7/7/19 (per 28 days)	Difference (per 28-days)	Current fare (pa – 48 weeks)	From 7/7/19 (pa – 48 weeks)	Difference (pa—48 weeks)
Two Section Full fare Metrocard Peak (10 trips per week)	$2.00	$3.77	$20.00	$37.70	+ $17.70	$80.00	$101.00*	+ $21.00	$960.00	$1,212	+ $252.00
Two Section Full fare Metrocard Interpeak (10 trips per week)	$1.55	$2.07	$15.50	$20.70	+ $5.20	$62.00	$82.80	+ $20.80	$744.00	$993.60	+ $249.60
Concession Metrocard Peak (10 trips per week)	$1.83	$1.87	$18.30	$18.70	+ $0.40	$49.00*	$50.00*	+ $1.00	$588.00	$600.00	+ $12.00
Concession Metrocard Interpeak (10 trips per week)	$0.98	$1.00	$9.80	$10.00	+ $0.20	$39.20	$40.00	+ $0.80	$470.40	$480.00	+ $9.60
Two Section Full fare Metrocard Peak (6 trips per week)	$2.00	$3.70	$12.00	$22.20	+ $10.20	$48.00	$88.80	+ $40.80	$576.00	$1,065.60	+ $489.60
Two Section Full fare Metrocard Interpeak (6 trips per week)	$1.55	$2.07	$9.30	$12.42	+ $3.12	$37.20	$49.68	+ $12.48	$446.40	$596.16	+ $149.76
Concession Metrocard Peak (6 trips pw)	$1.83	$1.87	$10.98	$11.22	+ $0.24	$43.92	$44.88	+ $0.96	$527.04	$538.56	+11.52
Concession Metrocard Interpeak (6 trips pw)	$0.98	$1.00	$5.88	$6.00	+ $0.12	$23.52	$24.00	+ $0.48	$282.24	$288.00	+ $5.76
Worst case scenario is person on full fare taking 7 two section short trips pw.	$2.00	$3.70	$14.00	$25.90	+ $11.90	$56.00	$101.00*	+ $45.00	$672	$1,212.00	+ $540.00

*28-day pass is cheaper than Metrocard fare where 7 trips per week or more are taken.

The Hon. M.C. PARNELL: So why is the government abandoning short distance two-section fares? The government claims that 'hundreds of passengers are rorting the system by paying less but travelling further'. That may or may not be the case, as there is no evidence provided, but what we do know is that the number of people who will be disadvantaged by the removal of these two-section fares is in the thousands.

According to figures obtained by the Parliament Research Library from the Department of Planning, Transport and Infrastructure, over 75 million trips were taken on public transport in the last financial year. Of these, around 1.36 million trips were taken on two-section tickets, with 90 per cent of those being the two-section Metrocards rather than people buying an individual ticket. Overall, nearly 2 per cent of all trips on Adelaide Metro were undertaken using two-section tickets. All of these would have to be full-fare paying passengers because there is no two-section ticket available for concession cardholders, given that the concession fare is already lower than the $2 two-section fare.

To be fair, the impact of the government's other increases for concession cardholders on public transport is minimal. In most cases, the increase over a year is $12 or less, but heaven help the unemployed if they manage to get a part-time job. If their three or four-day job takes them off Centrelink benefits, they then join the ranks of the biggest losers under this government's transport fare changes. I now seek leave to incorporate into *Hansard* another purely statistical table, showing the use of various types of Adelaide Metro tickets over the last three years. Again, I will provide that electronically to Hansard.

Leave granted.

Total patronage by passenger category and ticket type, showing Metrocard types

	2015–16	2016–17	2017–18
Regular			
Metrocard	17,743,144	18,071,364	18,548,151
Metrocard 2 Section	1,292,302	1,263,244	1,214,490
Singletrip	1,842,874	1,613,430	1,487,206
Singletrip 2 Section	200,334	164,578	144,511
Daytrip	425,282	392,889	347,144
Concession			
Metrocard	18,544,114	18,613,369	18,370,925
Singletrip	4,848,111	4,615,299	4,261,771
Daytrip	872,341	843,213	674,796
Student			
Metrocard	11,115,062	11,373,089	11,237,625
Singletrip	1,131,120	985,851	884,181
Seniors	7,818,063	7,736,606	7,615,564
Special passes	467,905	425,400	436,254
Total (ex. free travel)	66,300,652	66,098,332	65,222,618
Free travel	8,514,987	8,664,688	9,804,556
Total (including free travel)	74,815,639	74,763,020	75,027,174

Source: Department of Planning, Transport and Infrastructure

The Hon. M.C. PARNELL: Coming back to the government's rationale for imposing this additional charge on public transport users, what it says to me is that their solution to an alleged problem of compliance with the rules is not to employ more ticket inspectors but to penalise those who are doing the right thing, paying the right fare, and then slug them hundreds of dollars per year in extra costs.

What we also need to remember is that not everyone has alternatives available to them. Many public transport passengers are what is sometimes referred to as 'captive' of the system. They do not have cars, they do not have a licence, or they do not have anywhere affordable to park. These include people with disabilities, young people or, most distressingly, people on very low incomes. Not everyone can walk or cycle three kilometres, and neither should they have to when we have public transport available.

The opposition claims that the move will discourage people from using public transport. I agree. I think for many it will. It is also counter to the government's professed objective of increasing public transport patronage. Another possible consequence might be that it actually discourages people from working. A person on minimum wage working three days a week needs to find an extra $489 per year to get to and from work. That represents nearly an entire week's wages just to pay the extra fare. A person in that position is already paying over a week's worth of wages in public transport fares as it is.

The bottom line is that this part-time worker, working three days a week at a workplace only three kilometres from their home, will end up paying two weeks' worth of wages in fares just to get to and from work. However, if they are also earning just enough to be completely cut off from Newstart Allowance, the impact is even greater, as they are not entitled to a concession, or any other concessions that help lower the cost of living for people reliant on social security.

We already know that parents returning to work who have young children often find that the cost of child care eats up much of their salary, even with the changes to rebates that were introduced last year. Adding an extra $489 in public transport fares will make it even less attractive to return to work. These are the sorts of unintended consequences and perverse incentives that accompany short-term decisions like this.

The Greens believe that a far better option would have been for the government to invest more in compliance, such as ticket inspectors, who also serve an important public safety role, rather than penalising those who are doing the right thing, paying the correct fare and just want to use the public transport system for short distances on a part-time basis. I think it is important to point out to the council that what might appear in the budget or in a pre-budget announcement to be an insignificant, small change actually has a massive impact on some of those in society who most need our help. They do not need barriers put in their way.

The Hon. J.E. HANSON (11:21): Like many other honourable members here, I rise to speak on the Supply Bill. As I do, it is worth noting a certain elephant in the room that looms over our state. I have mentioned previously in this place that a federal Productivity Commission report exists, which indicated a number of possible scenarios that were being put forward that would impact South Australia's share of the GST. Well, they now have.

South Australians are being slugged by the federal Liberal government to the tune of almost $0.5 billion in lost GST revenue—$0.5 billion. In response, what do we get? Well, South Australians are being slugged again by a state Liberal government. What has been the response of the state Liberal government to their federal colleagues? Instead of standing up to them, as I think everyone on this side would like them to, their response has been something different. They have thanked them. Many members here, and in the other place, have celebrated and indeed thanked their federal colleagues for removing hundreds of millions of dollars in revenue from this year and every year going forward.

While kowtowing like this to those taking hundreds of millions of dollars out of their own budget, those same members then turn around and present South Australians with a long list of increased costs on essential services and items. It is the equivalent of thanking the school bully for eating your lunch and then asking if they want to come home to have dinner with you. Well, it is not good enough.

Regardless of partisan views between the major parties in this place, it is fact that when the Labor Party left the treasury benches South Australia had been consistently rated in *The Economist* as the fifth most liveable city in the world for six years running. During this time, that being the final years prior to the last election, our state also ranked highly in the *Lonely Planet* guide and international magazines that promote both living and tourism. Right up until the last election,

confidence in the South Australian economy was the best it had been for the best part of a decade. Critically, almost one in three businesses said that they were directly aware of the opportunities provided by the previous state government administration to assist them.

Why do I mention all these things? Because it is truly worth noting a short grab of what the National Australia Bank's quarterly business survey for South Australia said in its most recent quarterly report, that being for April of this year, and I quote:

> Both business conditions and confidence declined in the quarter. Conditions continued its downward trend since peaking in early 2018 and is now only just above average, suggesting the loss of momentum in the business sector has continued into early 2019. Confidence and forward orders turned negative in the quarter suggesting the outlook for conditions remains weak. The falls in trading and profits in Q1 were significant. Also medium term expectations for conditions (3 and 12 months) and capital expenditure eased further. While the slowing in activity indicators continues unabated…

In terms of alarm bells that our state is drifting unabated, they do not get much louder than that. It seems they will not be heeded by the current government. I recall during the last Supply Bill debate before this house, I noted that it was vital that this government look to the farmers suffering from significant drought, to look to farmers and small retailers who are being squeezed by the large end of town in terms of pricing and supply, and to look to those who face cuts in their local public services the closure of their TAFE or increases in their housing rents.

Why did I do all this? Well, it is good economic principle to say that co-investment in sectors of the economy will drive private investment and good micro-economic reform. Indeed, it was a hallmark of the economic growth in South Australia during the early 2000s. Just one example of this, of course, is the defence industries that called our state home during those years and created such significant tax receipts and employment while they did so.

That said, I am hardly surprised that the government did not listen to me or those on the opposition benches during our previous supply speeches, but I draw their attention to the comments of their own friends in the banking industry and their projections in relation to what has come of their approach versus that taken by the outrageously successful Labor government. The facts are that the Liberals are racking up record debt now. We are projected to see $13.5 billion next year. This will go to $16.7 billion in the year after, and $18.1 billion net debt the year after that. By 2022, of course, we are projected to be in over $21 billion worth of net debt. This is Liberal Party net debt. Interest payments on that are projected to be more than $1 billion per year or nearly $3 million a day—$3 million.

It is important that we all sit here and realise what this means. The principal of debt is in itself not a bad thing. We do not run the government like a household. Debt and the use of debt can be useful at manageable levels for a government entity. But it bears pointing out that $3 million a day could fund many tax initiatives the Liberals may have proposed. To give some further relative context to this, the new state-based bank tax of 0.015 per cent on liabilities was forecast to raise about $370 million over four years. The Liberals stridently opposed that. Over four years, the Liberal increase in net debt will have us paying over eleven times what that measure alone sought to raise—11 times more, every day $3 million. That $3 million a day could similarly fund a lot of free transport like that mentioned by the Hon. Mr Parnell or health programs to disadvantaged South Australians.

I will have more to say on those aspects later but, in short, at this stage in a purely economic sense, at $21 billion the Liberals will have doubled net debt from where we are today to where we are projected to be in just 2022. Over such a short time frame, I do not think it is justifiable as good economic management. In fact, it gets an F from me. Such is the level of debt, the Treasurer has somewhat famously now publicly admitted that the debt probably will not be paid off during his lifetime, or at least as he has since qualified, however long he may live. It seems very unlikely that he will be well over 150 by the time we are paying it off, but who knows? Let us hope the Treasurer lives a long life so he can see it happen.

Without being glib, as I just have been, this may be fine and well for the Treasurer, as he is at the end of his career. He is on the way out the door. That is fine. He has been here a long, long time. But it will be the rest of us, no matter what your political stripe, everybody sitting over there on the government benches now and those sitting on this side, who will be saddled with this Liberal debt for many, many years to come. It will affect all the programs and initiatives you seek to perform.

In any economic sense what we need in any Supply Bill in this state is a bill that should be looking to address the falls in business confidence, address the concerns about momentum in this economy, and address the alarm that there is slowing activity and expenditure in not just the short term but also the medium term. It would surprise no-one that I believe the initiatives of the current government that fund this Supply Bill will not achieve any of those ends. In fact, I think it is frankly bizarre that not only will it not achieve those ends, it actually fails to deliver on them by driving up debt at the same time as it drives down the cost of living through taxes and fees. The fact is that inflation is just 1.3 per cent, yet the Liberals are jacking up taxes way above that inflation rate.

Driving a car will become more expensive, with hikes to motor registration; they are up 5 per cent. Driver's licence renewals are up 4.5 per cent. If you do not want to drive and you are expecting to catch a bus, I have bad news for you there, too. Catching public transport is going to be more expensive, with hikes to fares; they are up 2 per cent. The axing of the two-section card, as has already been mentioned here today, will cost some commuters up to $850. Free Metrocards will now cost $5 each.

Going to the hospital will be more expensive, with hospital car parking up $725 per year for nurses, cleaners and other staff, while patients, their families and friends will pay 20 per cent more than that. Free two-hour parking at TQEH got axed. Ambulance fees are up 5 per cent, meaning it now costs more than $1,000 just to catch an ambulance.

The Liberals are taxing tradies, of course, with their famous tradie taxes. Those licenses are up 10 per cent. Trailer registration is up 10 per cent. Ute registration is up 10 per cent. Any plumber, electrician or gasfitter will have to pay those charges from 1 July before they even lift any of their tools. If you do not think that is going to be passed on to the consumers you are wrong; it will be.

The Liberals are even taxing jobs. They have a 70 per cent hike in mining taxes. The Liberals are taxing entertainment, with hikes worth thousands of dollars on small bars and pubs. The Liberals are even taxing major events with their police rent tax. The Liberals are even taxing a day out with the family to Cleland Wildlife Park; they have hiked the entry fee by 25 per cent, which will particularly disappoint my son. A family pass is now well over $70 for entry, which is more than 10 per cent of the average minimum weekly income for a full-time South Australian worker.

One thing I really want to focus on, which I think is particularly unfair in this budget, is the wheelie bin tax. Even putting out your garbage, that is right, under the Liberals, is going to be more expensive. The Liberals are increasing the solid waste levy by 40 per cent—40 per cent—which means higher council rates. So much for rate capping, right? The impact of this increase alone would blow away any savings made this year by the now hypocritical position of the Liberal Party on their foolish rate-capping proposals.

To give some context to this, the impact on the West Torrens council is $270,000 for the remaining six months of this year alone. That is an equivalent of a 0.5 per cent rate increase. This single decision represents almost 20 per cent of the total rate increase that was contemplated by that council already for the financial year. For the Tea Tree Gully council it will be about a million dollars or a 1.5 per cent rate increase. For Marion council the figure is $400,000, and for Gawler it is more like $600,000.

One would think, with a measure racking up this kind of punishment on local government, that the minister might pick up the phone, that the Treasurer might do so or that the Premier might at least make it known that he was going to take such measures and let the sector know. But, no, the Premier, the Treasurer and the minister asked this sector to adjust their budgetary processes, which are many months in train, by many hundreds of thousands of dollars, or perhaps millions, with just seven days of the completion of their budgets to come.

It clearly did not occur to anyone in the Liberal Party that this kind of adjustment for local government is outside the terms of community consultation in the Local Government Act, but maybe they do not care about that. Governance suits the Liberal Party for local government when it suits them, not when it is good governance for the sector. In short, this is such poor economic practice and governance that it borders on the insane. Where is the good economic sense in any of this? Where is the good governance? Where is the view, as put by the Premier before the last election, that he will be reducing costs? It does not exist.

The $2.5 million that the government has made available to councils and the industry for waste and recycling projects over the next four years is a complete farce when you consider that councils will be asked to contribute $42.5 million through the levy for the next six months of the coming year alone. It is even more farcical when we consider that the Treasurer himself wrote to a prominent South Australian council, probably one council among many, to state his commitment to the priorities for local government if they formed government.

The Treasurer gave a commitment in this correspondence, and possibly the same to some other councils, that a Marshall Liberal government will not continue Labor's cost shifting to local councils. This correspondence, to which I refer, was in February of 2018. Obviously, there is one rule for the Treasurer outside of government and another one for when his federal colleagues come and raid his coffers. In a policy sense, so much for ending cost shifting, so much for reducing costs, so much for rate capping. In a practical sense, of course, for the people of South Australia the Liberal Party has quite simply lost all credibility on any of these matters.

Having outlined that the current state government is praising a federal government that is cutting our GST revenue, doubling the net debt over the forward estimates and engaging in massive hikes in fees and services, one would think that this would be enough. They would be wrong. There are cuts proposed in the supply to this government. The tourism department budget is cut by $100 million, Brand SA and the I Choose SA campaigns—two champions of our state's small business and agriculture—are being closed down.

Reclink have had a cut of $50,000 a year. Their grant, which they have received for the past 14 years—a decade and a half—has been completely cut, and we have seen all the funding to RecFish be cut as well. There are cuts to crime prevention grants, discontinuing crime prevention and CCTV camera grants. The Legal Services Commission had cuts of $1.2 million a year put into it, and the Communications Partner Service grant was cut by $390,000 a year. This grant, which previously supported adults and children with complex communication needs who come into contact with the criminal justice system, arguably a vital service, has been cut, too.

There is $46 million in cuts to public transport which leave many people without the vital transportation they need, impacting on the most vulnerable, such as the elderly and the disabled. There are proposals, as I have already mentioned, to scrap two-section fares on buses. This means that a worker who relies on public transport to get to work may have to pay an extra $150 a year just to get there. Many South Australians will have to bear the brunt of the cuts, with over 1,170 services affected. I note that the state government has also, of course, cut the Footy Express and free public transport for the Christmas Pageant—how mean.

Then, of course, we have SA Pathology. We know that there are plans to cut services across hospital laboratories, cut staff and shut down collection centres with unrealistic KPIs and budgetary processes applied to them. Then, at the end of the day, after all these cuts, the Liberals of course, famously, will not rule out the sale of the trains and the trams and SA Pathology in any event anyway. What kind of vision is this for our state?

The fact is the Marshall Liberal government is hitting South Australians very hard. They are hitting them hard with massive tax hikes way above the inflation rate. Steven Marshall promised lower costs and yet he is jacking up taxes on every South Australian. He has broken his promise. Every time South Australians drive their car, catch public transport, go to hospital, or even put out their wheelie bin, the Marshall government is there taxing more and more money.

The Liberals are also racking up a record debt while they were doing it of more than $21 billion. Interest payments, as I have said, will be $3 million a day. Under a Marshall government, South Australians are paying more now through higher taxes and we are paying more later with skyrocketing debt. Under a Marshall government, South Australians are having their services cut now so that the government can spend up big on infrastructure projects and the majority, by their own papers, will not be seen until after the next state election.

With so little economic sense and so much pain for working families, it is little wonder that so many South Australians are wondering what it is that the Liberal Party even stands for these days. We will have to continue to wonder for at least the next two years, as I have to support this bill.

The Hon. R.I. LUCAS (Treasurer) (11:39): I thank honourable members for their contribution to the debate. Whilst it is technically the Supply Bill, the various presidents have appropriately interpreted very liberally much of what has been discussed in today's contribution more appropriately, I guess, in the Appropriation Bill debate, which we will be having soon again in a few weeks. But that is not something I will take issue with in terms of allowing members to vent if they need to.

In responding to some of the issues that have been raised, I think in more detail when I have more time I will respond appropriately in the Appropriation Bill debate to some of the issues, but I do just want to pick up a handful of issues raised briefly this morning and just correct the record. I am not sure what parallel universe the Hon. Mr Hanson lives in, but it is clearly not the real world. As I said, I can address most of his issues on another occasion, but if I can just correct the record for some of the claims he made, purported to be fact but are not.

The first point is that the commonwealth government has not cut GST payments to all the states, in fact, but in South Australia in particular. As I have indicated in this house on any number of occasions, the $2.1 billion cut in the forward estimates for GST is completely beyond the control of the commonwealth government. In the first instance, federal Treasury just estimates the size of the GST pie that is being collected—that is how much money people are spending on GST-able goods and services, if I can put it that way, and their most recent estimates are a significant reduction because of the softening national economy and the fact that more money is being spent on goods that do not attract GST and not as much as was predicted on goods that do attract GST.

The second issue, which is again completely beyond the control of the commonwealth government, is the independent Commonwealth Grants Commission, which we support, and which made a decision in March that South Australia's share of the national GST pie will be smaller next year than this year. This year we get $1.47 for every dollar, but next year we will only get $1.46 for every dollar. It is only a 1¢ difference, but it actually costs South Australia about $170 million a year as a result of that decision from the independent Commonwealth Grants Commission. So it is not accurate for anyone to say that the commonwealth government has made this particular cut. It is a decision completely independent of them, and it would not matter whether there was a Labor government still here in South Australia or a new Liberal government jumping up and down about it; it would not change the situation. The federal government does not have the power to change those two particular issues.

The second point that is clearly wrong and demonstrates, I guess, the lack of financial competence that characterised the former Labor government's management of the state's budget and economy, is the claim that taxpayers will be paying $1 billion interest a year, or $3 million a day, as the shadow Treasurer (the Leader of the Opposition) and now the Hon. Mr Hanson have been claiming. That is just a demonstration of the inability to read the budget papers, or a deliberate attempt to make up a particular number.

As I put on the public record, the new Australian accounting standards require a number of items, including gambling and revenue expenses but also interest expenses, to be reported in 2019-20 onwards in a gross expense or revenue fashion, whereas previously under Labor and Liberal governments for many years it was reported in a net revenue or interest expense fashion.

So the reality is that next year the state will be paying around $350 million-ish in interest on its debt, and it is forecast to be paying in the mid-500s, I think it is—535, or something like that—in the fourth year of the forward estimates period. It is certainly not the billion dollar number or the $3 million a day number that the Hon. Mr Hanson has claimed.

The point that needs to be made, if one puts aside the partisan positioning of the Labor Party on this particular issue, is that the critical determinant of this is the view of the independent credit rating agencies. Moody's have said that for a government with a $22 billion budget with the debt profile that we are forecasting, it is a manageable level of debt; that is, with our budget and with the level of debt that we forecast, it is manageable. On that basis they have maintained the credit rating improvement that we got last year at the second highest level of any of the states in Australia.

Even more significantly, Standard & Poor's, the other independent credit rating agency, in maintaining, again, the second highest credit rating for the state of South Australia of all the states,

said that 'one of the reasons for doing so was the solid financial management record of the new government', a very interesting phrase to use after 16 years of the former Labor government and with now just over a year of a new Marshall Liberal government.

Both of those independent credit rating agencies have looked at the budget. They have had a look at the debt profile, they have looked at these claims about interest expenses and those sorts of things and they have said, 'Solid financial management of the new government, tick; manageable level of debt, tick; keep the credit rating agency improvement that we gave you last year, tick.'

It is their judgements which are more important than, frankly, those of the Hon. Mr Hanson. Why they are more important is not only that they have more credibility; they are more important because ultimately it is the credit rating which dictates the level of interest rate that we have to pay in the market. Just two weeks ago, SAFA on behalf of the state of South Australia went into the marketplace and borrowed $500 million at 1.66 per cent. The reason for that is the solid financial management record of the government, the liquidity that it has kept in terms of its debt profile and its assets and liabilities, and also the fact that we have achieved an improved credit rating for the state of South Australia as a result of last year's budget.

As I said, there are many other things I could address, but there is one final thing, because I do not want to delay the Supply Bill debate. I think now we have had a clear indication from the Hon. Mr Hanson. Very importantly, he has put the bank tax back on the agenda for the Labor Party. His leader indicated today that they will be outlining their position supposedly sometime early next year, and the Hon. Mr Hanson has clearly today defended the former Labor government's position on the bank tax. He is clearly a very strong supporter of the bank tax, and this is a clear indication of the direction the former Labor government and now Labor opposition is heading in—that is, a bank tax in relation to this particular issue.

I think the people of South Australia need to bear that in mind because the former Labor government's approach to budget management was: anything that moved, they would try to slap a new tax on. There was the car park tax. There was the bank tax. There were any number of new taxes from the former Labor government. As I said, if it moved, they would seek to whack a particular tax on it. It is clear—

The Hon. I.K. Hunter: And you have introduced a rubbish bin tax. That is your legacy: a rubbish bin tax. Brilliant! Really clever!

The Hon. R.I. LUCAS: I think everyone else has been listened to with great respect during this debate, but the Hon. Mr Hunter interjects out of order. He talks about the rubbish bin tax. The rubbish bin tax started off at $5 under a Labor government and then increased to $100 a tonne. It went from $5 to $100 under the former Labor government, so if one is talking about what they euphemistically call a rubbish bin tax, it was indeed one of their own making, and it went from $5 to $100.

The important point I wanted to make in concluding is that given the Hon. Mr Hanson, the Leader of the Opposition and the shadow treasurer in the last few days have attacked the level of state debt, clearly it is the intention of the Labor Party, if elected in 2022, to reduce the level of the state's debt. That will mean—

The Hon. J.E. Hanson: Like we did before.

The Hon. R.I. LUCAS: Mr Hanson has just confirmed that—like they did before, or so he claims. He has just confirmed that is their policy position for 2022. What it will mean is that a significant number of infrastructure projects will now be cut or would be cut if a Labor government was elected.

All of those people who will be looking for major transport projects beyond 2022, major regional road upgrades and major intersection and level crossing upgrades in the metropolitan area will be at risk under the prospect of a future Labor government because the Hon. Mr Hanson and, indeed, his lower house representatives have confirmed that they are going to reduce the level of the state's debt. The only way you can do that is by slashing the infrastructure programs that are being funded.

What will also be at risk will be the Women's and Children's Hospital development. The north-south corridor project will be at risk because of the new policy position of the Australian Labor Party. A significant number of important school upgrades will be at risk and thrown into chaos because of this policy of the Australian Labor Party.

I can say on behalf of the Marshall Liberal government that we will very happily campaign right through to the year 2022. We will put on the public record that we will happily campaign, that we are going to build infrastructure in South Australia and we are going to build and construct and renovate new schools and existing schools. We are going to undertake new health and hospital projects: the Women's and Children's Hospital but also major hospital upgrades as well. We will undertake significant road and transport projects in the metropolitan area and in the country area.

All of those are going to be at risk under the new policy direction of the Australian Labor Party. We will have no concerns at all in terms of campaigning right though to 2022 on that particular policy platform difference between the two major parties.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: I am wondering if the Treasurer can put on record at this point the total amount that the Supply Bill seeks to provide for? Is the Treasurer able to outline how the amount that is in the second reading explanation is calculated?

The Hon. R.I. LUCAS: Treasury provides governments with that particular estimate. It is basically calculated on trying to work out how much the government needs to spend on maintaining public services until it is expected that the Appropriation Bill will pass for next year. The Supply Bill allows us to pay the Public Service and keep our ordinary annual services going through to an estimated date of the Appropriation Bill passing through the parliament no later than about October or November of the year.

They work out, roughly, five months' worth of expenditure in the Public Service on normal spending. It is enough money to keep paying the services. If ultimately the Appropriation Bill does not pass by then, then we run out of money and we have either an election or a significant problem. The normal expectation is just how much it costs to fund the ongoing annual services for the five months or so before we actually pass the Appropriation Bill, which gives you the funding for financial year 2019-20.

The Hon. K.J. MAHER: In regard to the amount of funding that the Treasurer assures us is in the second reading explanation but does not have it in front of him at the moment, how is that funding financed? That is, how much, for example, will SAFA be raising for the financing requirements?

The Hon. R.I. LUCAS: SAFA does not operate on the basis of just raising money for this particular Supply Bill. SAFA will have an ongoing series of funding arrangements. We will have bonds which come due this year, next year and almost every year into the future. It has a rolling program of debt financing. Some will be shorter term; some will be longer term. I think I said to the Press Club yesterday that, when I was last in government and I arrived, we were rolling over bonds that had been raised 20 years previously.

There is a bond currently, not a SAFA bond, in the market at 30 years at 3.1 per cent from one of the other state entities evidently. SAFA does not raise specific money just for this $5 billion or $6 billion, whatever the number is, outlined in the second reading of the Supply Bill. It just continues its ongoing financing program for the total level of the state's debt as it exists at the moment, not this particular component of it.

The Hon. K.J. MAHER: I am sure the Treasurer will not have this with him, but will he take on notice and bring back a reply as to, at this point in time, how the total amount of SAFA financing is structured? What are the interest payments and what are the length of terms for the various bond

rates? Historically, over the last four years, at the end of the financial year, what have been the terms and conditions, length of time and interest rates for the bonds at that point in time?

The Hon. R.I. LUCAS: I think we have recently placed on record some sort of debt profile, but I am happy to take it on advice and provide some information in relation to that. I am advised that the exact number evidently in the Supply Bill second reading was $5.5 billion, and the time period is a four-month period. We have anticipated that the Appropriation Bill, given that we have introduced the budget at the usual time of June—last year it was September—is to finance us through to the end of October.

Clause passed.

Remaining clauses (2 and 3) and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (11:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (YOUTH TREATMENT ORDERS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 14 May 2019.)

Clause 7.

The Hon. S.G. WADE: If I could pick up on our last meeting: when the committee last met I undertook to come back with further advice on costs. In the first instance, treatment orders will be applied to those children and young people already engaged with the youth justice system who have drug dependency problems. There has been some work done on costs in relation to stage 1, but not in relation to stage 2.

The estimated costs will crucially depend on the model of care developed by the interagency working group and the type of services and facilities needed to develop that model. Within that model of care, the estimated cost per young person will vary depending on the treatment pathway determined by specialist clinicians and the court, the length of time for which a treatment order will apply, and the services and facilities used.

It is not possible to make useful estimates of the cost of detaining young people involuntarily until the interagency working group has concluded its work on the model of care. Funding allocations will be announced when made. In that context, I draw honourable members' attention to the recent state budget and in particular Budget Paper 5, page 53. The government has made its first budget allocation to the implementation of youth treatment orders. The budget provides $250,000 in 2019-20, increasing to $500,000 per annum from 2020-21.

The funding will provide a government-funded legal representation scheme for children subject to a youth treatment order application. This commitment reaffirms our determination to fulfil the 2018 election commitment to provide greater support for families who have children struggling with drug addiction.

The CHAIR: We have a number of amendments. I am going to put them in sequence of time when they were filed. The first amendment is the minister's amendment No. 1.

The Hon. S.G. WADE: I move:

Amendment No 1 [HealthWell–1]—

Page 3, after line 20 [clause 7, inserted section 54]—After the definition of *assessment order* insert:

business day means a day that is not—

(a) a Saturday or Sunday; or

(b) a public holiday;

This amendment will allow that orders can only expire during the day, at 2pm on a business day. This is to ensure that the transfer of young people out of services or between services will take place during business hours when maximum support services are in operation. A similar provision currently exists within the Mental Health Act 2009 and operates effectively to ensure the transition of young people to their family or between services.

The Hon. K.J. MAHER: I rise to indicate that this is largely a technical amendment and the opposition will be supporting the government.

Amendment carried.

The Hon. J.A. DARLEY: I move:

Amendment No 1 [Darley–1]—

Page 3, after line 20 [clause 7, inserted section 54]—After the definition of *assessment order* insert:

controlled drug does not include cannabis, cannabis resin or cannabis oil;

This amendment will remove cannabis, cannabis oil and cannabis resin from the list of drugs that an application can be based on. Under the Controlled Substances Act, cannabis is treated differently in terms of the severity of the penalty and there is a worldwide movement in the change in attitude towards cannabis. This is especially important for instances which only involve cannabis oil, which has different effects from when cannabis is smoked. As such, a young person should not be forced to undertake mandatory rehabilitation if their only dependence is upon cannabis oil.

The Hon. C. BONAROS: I rise to indicate that SA-Best will not be supporting this amendment. Whilst we have been hugely supportive, and continue to be hugely supportive, in relation to the use of cannabis for medicinal purposes, I do note that this amendment goes beyond just cannabis oil and includes cannabis and cannabis resin. I also note that for a number of minors, which is the cohort we are addressing in the bill, cannabis can be problematic; it can be an addictive drug that goes to the root of their drug addiction.

I do not dismiss for one moment the beneficial effects of cannabis. We have clearly stated that we support the medicinal use of cannabis, but I think it is also important to note that a court will be able to make a determination as to whether they are of the view that somebody is using cannabis for those purposes or using it in some detrimental way. My position and SA-Best's position is that that should remain within the realm of the courts to determine.

The Hon. S.G. WADE: The government strongly agrees with the Hon. Connie Bonaros and will not be supporting this amendment. The bill focuses on health factors. The issue is dependency. It should be left as a matter for the court with input from relevant assessment services and medical evidence whether any particular child or young person should be subject to orders in respect of any particular controlled drugs on which he or she has a dependency. This is intended to be beneficial legislation and the government does not support limiting the reach of the scheme in the legislation.

The Hon. K.J. MAHER: While we appreciate the intent of the Hon. John Darley's amendment, the opposition will not be supporting it.

Amendment negatived.

The Hon. S.G. WADE: I move:

Amendment No 2 [HealthWell–1]—

Page 3, lines 23 and 24 [clause 7, inserted section 54, definition of *domestic partner*]—Delete 'a respondent if the person lives with the respondent' and substitute 'a child if the person lives with the child'

I would like to put to the council that this would be an appropriate test clause for a series of related amendments. This amendment is one of many changes where the government is seeking to change the reference to 'respondent' and substitute it with a reference to 'a child' or 'children'. As children are the principal subjects of the bill, it is appropriate that the legislation is framed to reflect that reality. 'A child' is defined for the purpose of the legislation as a person under the age of 18 years. Section

54H deals with young people for whom an order was made before they reached 18 years and the court, in making the order, did not specify that the order was to expire upon them reaching 18 years of age. I put it that this would be an appropriate test clause.

The Hon. K.J. MAHER: I rise to indicate that the opposition will be supporting this amendment, and we agree that it is the test for many more to come. I think a total of 47 out of 63, or 74.6 per cent, of the government's amendments relate to this and we will be supporting all of them.

The Hon. C. BONAROS: I rise to indicate I will be supporting this amendment on behalf of SA-Best.

Amendment carried.

The CHAIR: We come to amendment No. 3 [HealthWell-1]. Is this one of those that follows on?

The Hon. S.G. WADE: Yes. Could I suggest that in terms of the ones that are coming in this immediate burst, amendments Nos 3, 4, 5, 6, 7 and 8 are all consequential on amendment No. 3 [HealthWell-1].

The CHAIR: In that event, unless any honourable member wishes to speak on any of these individually, I propose to put them all in the one question to the committee, but I am happy to put them individually if an honourable member objects. No honourable member has indicated they object.

The Hon. S.G. WADE: I move:

Amendment No 3 [HealthWell–1]—

Page 3, line 26 [clause 7, inserted section 54, definition of *family member*]—Delete 'respondent' and substitute 'child'

Amendment No 4 [HealthWell–1]—

Page 3, line 27 [clause 7, inserted section 54, definition of *family member*, (a)]—Delete 'respondent' and substitute 'child'

Amendment No 5 [HealthWell–1]—

Page 3, line 28 [clause 7, inserted section 54, definition of *family member*, (b)]—Delete 'respondent' and substitute 'child'

Amendment No 6 [HealthWell–1]—

Page 3, line 29 [clause 7, inserted section 54, definition of *family member*, (c)]—Delete 'respondent' and substitute 'child'

Amendment No 7 [HealthWell–1]—

Page 3, line 32 [clause 7, inserted section 54, definition of *respondent*]—Delete the definition of *respondent*

Amendment No 8 [HealthWell–1]—

Page 3, lines 33 and 34 [clause 7, inserted section 54, definition of *spouse*]—Delete 'respondent if the person is legally married to the respondent' and substitute 'child if the person is legally married to the child'

Amendments carried.

The Hon. S.G. WADE: I move:

Amendment No 9 [HealthWell–1]—

Page 3, after line 35 [clause 7, inserted Part 7A]—After inserted section 54 insert:

> 54AA—Best interests of child are paramount consideration
>
> The paramount consideration in the administration, operation and enforcement of this Part must always be the best interests of the child that is, or is proposed to be, subject to an order under this Part.

A number of stakeholders have been concerned that this is a punitive bill rather than a therapeutic one. That is definitely not the intention of the government, so it is appropriate that that be made clear. This amendment explicitly declares that the best interests of the child or young person will be the

paramount consideration to inform all decision-making. This amendment affirms the government's commitment that the interests of the child should be central.

The Hon. C. BONAROS: I rise to indicate our overwhelming support for this amendment.

Amendment carried.

The CHAIR: Amendments Nos 10 to 14 [HealthWell-1] look like they follow on.

The Hon. S.G. WADE: Mr Chair, you seem to be moving on to what is suggested section 54A. I thought we might need to at least acknowledge that amendments Nos 3 and 4 [Bonaros-1] are in this clause but they are consequential, in my view. I think Ms Bonaros is saying she will not be moving them.

The Hon. C. BONAROS: That is correct. I think I had noted it was amendments Nos 1 to 6 that were consequential but in fact it was Nos 1 to—

The Hon. S.G. WADE: I think there are two in this cluster.

The Hon. C. BONAROS: Yes. Well, if we deal with those now.

The Hon. S.G. WADE: At least they are consequential.

The CHAIR: Just out of an abundance of caution and clarity, in the myriad amendments I have in front of me there are two: amendment No. 7 [Bonaros-1] and amendment No. 8 [Bonaros-1]. It is my understanding, from what members of the committee are telling me, that those two are not going to be moved.

The Hon. C. BONAROS: Amendments Nos 1 to 39 [Bonaros-1] will not be moved.

The CHAIR: So those two will not be moved.

The Hon. K.J. Maher: Do you want me to give my view to help?

The CHAIR: I am not sure anything the Leader of the Opposition would do would assist me at this point in time, but if the Leader of the Opposition would allow me to concentrate we can progress this with a minimum of fuss. I have now, minister, 10 to 16 of your first set. I intend to put them in the one question unless you or any other member advises me to take an alternative course of action.

The Hon. S.G. WADE: If the council could indulge me, could I suggest that amendments Nos 10, 12, 13, 15 and 16 are all consequential on amendment No. 3 [HealthWell-1]. I propose to separately address amendments Nos 11, 14, 17 and 18.

The CHAIR: Because of that I am going to put amendment No. 10 now to the committee. We will do that and then you can speak to amendment No. 11.

The Hon. S.G. WADE: I move:

Amendment No 10 [HealthWell–1]—

Page 4, line 4 [clause 7, inserted section 54A(1)(a)(i)]—Delete 'person (the *respondent*)' and substitute 'specified child'

I put to the council that that is consequential on amendment No. 3 [HealthWell-1].

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 11 [HealthWell–1]—

Page 4, line 8 [clause 7, inserted section 54A(1)(a)(ii)]—After 'applicant' insert ', the child (or a person representing the child)'

This amendment would require that a copy of any assessment report be provided to the child or a person representing the child. Under the bill it would currently only be provided to the applicant and the court.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 12 [HealthWell–1]—

Page 4, line 9 [clause 7, inserted section 54A(1)(a)(ii)]—Delete 'respondent' and substitute 'child'

Amendment No 13 [HealthWell–1]—

Page 4, line 11 [clause 7, inserted section 54A(1)(b)(i)]—Delete 'person (the *respondent*)' and substitute 'specified child'

I suggest to the council that amendments Nos 12 and 13 [HealthWell-1] are both consequential.

Amendments carried.

The Hon. S.G. WADE: I move:

Amendment No 14 [HealthWell–1]—

Page 4, line 15 [clause 7, inserted section 54A(1)(b)(ii)]—After 'applicant' insert ', the child (or a person representing the child)'

Whilst this is not consequential, it is similar to the amendment that the council just supported in amendment No. 11. Amendment No. 11 related to providing copies of an assessment report. This amendment No. 14 would require that a copy of any treatment report be provided to the child or a person representing the child, not merely the applicant and the court.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 15 [HealthWell–1]—

Page 4, line 16 [clause 7, inserted section 54A(1)(b)(ii)]—Delete 'respondent' and substitute 'child'

Amendment No 16 [HealthWell–1]—

Page 4, lines 18 and 19 [clause 7, inserted section 54A(1)(c)]—Delete 'person (the *respondent*) for the purpose of ensuring compliance with an assessment order or a treatment order' and substitute:

> specified child for the purpose of ensuring compliance with an assessment order or a treatment order made in relation to the child

I suggest to the council that these amendments are consequential on amendment No. 3 [HealthWell-1].

Amendments carried.

The Hon. S.G. WADE: I move:

Amendment No 17 [HealthWell–1]—

Page 4, line 22 [clause 7, inserted section 54A(2)]—Delete 'respondent who is under 18 years of age at the time the order is made' and substitute:

> person who is a child at the time the order is made (but an order can be made despite the fact that the person will cease to be a child during the term of the order—see section 54H)

This amendment seeks to make clear that an order may only be made in relation to a child under the age of 18 years at the time the order is made. In conjunction with section 54H, it proposes that an order can be made despite the fact that the young person who is the subject of the order will reach the age of 18 years before its expiration. Section 54H provides that treatment may continue beyond the young person's 18th birthday, except where the court, when making the order, specifies that the order will expire at that juncture.

Amendment carried.

The CHAIR: We now come to amendment No. 18, [HealthWell-1] and amendment No. 2 [Maher-1]. I will ask the minister to move his—

The Hon. K.J. Maher: Which goes first?

The CHAIR: Leader of the Opposition, thank you for your commentary, seated. I put amendment No. 18 [HealthWell-1] first. Depending on that vote, then I put yours.

The Hon. K.J. Maher: Can I just seek clarification: is that because they were filed first in time?

The CHAIR: No, in the sequence of the bill.

The Hon. K.J. Maher interjecting:

The CHAIR: They are mutually exclusive. So what I am going to do is ask you both to move them and we will speak to them but, in effect, if in the sequencing the minister's gets up, yours cannot be put. Really, the vote on the minister's amendment is a vote in relation to your own amendment.

The Hon. K.J. Maher interjecting:

The CHAIR: Yes; you cannot vote for them both because the minister is seeking to remove subsection (3) in his amendment and you are deleting, in subsection (3), a word. That word will not exist if the minister's amendment gets up.

The Hon. S.G. WADE: I do not mind who goes first.

The CHAIR: Either way it is a test case because if I put the Hon. Kyam Maher's first and he amends a word then, by implication, the council has suggested that they want the clause to remain. So, in effect, if the Hon. Kyam Maher wants his amendment to get up he is going to vote against your amendment. I want them both moved and we can debate them but that has to be the sequence I put them in.

The Hon. K.J. MAHER: I understand that but the suggestion that I think both the minister and I are making is that there may be some members, as frequently happens, who do not support a bill but want to make a bad bill a little bit better, and it might be the case that—

The Hon. S.G. Wade: The opposition is supporting this bill.

The Hon. K.J. MAHER: We are, but it could be the case, though, that members might want this clause deleted but if the clause ends up not being deleted would prefer it to be amended with what the opposition wants. So they may wish the clause to be deleted but if that does not eventuate, may want it to be here and were not given that opportunity, should we do it in that order.

The CHAIR: That is why I am going to have you both move and then we will have the debate in relation to both amendments. They are both going to be moved. I am not going to put them. Then we are going to have a debate in committee about the amendments as a whole. I would ask honourable members to indicate to the Chair what their preference is and then I will consider how I am going to put the questions, to be fair to everyone in the council. Are we all happy with the course of action I suggest? Yes.

The Hon. Kyam Maher, actually your lot is in 54A, so I will get you to move, after the minister has moved, amendments Nos 2 and 3, so a debate on your two amendments and the minister's one amendment. Minister, you can kick off. I warn you that I intend to put a question, so all relax.

The Hon. S.G. WADE: I understand that I am talking about amendment No. 18 [HealthWell-1].

The CHAIR: Correct.

The Hon. S.G. WADE: I move:

Amendment No 18 [HealthWell–1]—

Page 4, lines 24 and 25 [clause 7, inserted section 54A(3)]—Delete subsection (3) and substitute:

(3) Until the prescribed day, an order may only be made under this Part in relation to a child who is subject to detention in a training centre at the time the order is made (whether or not the child has commenced the period of detention).

(4) Subject to subsection (5), an order operates for the period specified in the order which—

(a) must end at 2 pm on a business day; and

(b) in the case of a detention order, must be the shortest period the Court thinks appropriate in the circumstances; and

(c) in any case, must not exceed 12 months.

(5) A detention order must be reviewed by the Court, at regular intervals determined by the Court, until the child is released from detention (and the Court must, when making a detention order, make appropriate orders to ensure this will occur).

(6) In this section—

prescribed day means a day declared by the Governor by proclamation.

This amendment proposes a two-stage implementation approach. It sets out that, until a date is prescribed for the implementation of the initiative more broadly, the court will only be able to make orders in relation to children who are in detention in a youth training centre. This ensures that children most at risk are able to get access to drug assessment and treatment. The ability for the court to make orders in relation to all other children would only commence on the day prescribed.

The amendment will also mean that orders can only expire at 2pm on a business day. This echoes an earlier amendment and is to ensure that the transfer of children and young people out of services or between services will take place during business hours when maximum support services are in operation.

The amendment would also establish that a detention order should only be made by the court for the shortest possible period deemed appropriate by the court. In that sense, it could be a very short period; it certainly could be fewer than 28 days. This is to protect children and young people from being in detention for any periods longer than is absolutely necessary to carry out the treatment.

The amendment would require that the court must review detention orders regularly until the child is released from detention, which must be part of the order. This ensures that there are further protections for children and young people who are the subject of a detention order, and they are not held in detention for any longer than absolutely necessary. It ensures that the court is monitoring the detention and progress of the child or young person in their treatment and is able to respond, particularly to any changes in circumstances. We believe that this flexible, regular review is to be preferred to the 28-day provision proposed by the opposition.

The Hon. K.J. MAHER: I note the difficulty we have with this is that the government is proposing to delete the subsection and put in a new subsection, and the opposition is proposing to amend a part of the subsection that will no longer exist because the new one will instead be in its place.

The Hon. S.G. WADE: Can you amend ours?

The Hon. K.J. MAHER: I am about to get to that. Technically, I think the way it will be put is that, if you support the government amendment to delete a subsection and put in a new one, necessarily the opposition amendment fails. I am wondering, to seek the guidance of the Chair: essentially subsection (5) provides that a detention order must be reviewed by the court, and the government's proposal is at regular intervals, but determined by the court. The opposition's proposal is at least every 28 days.

Those words are the essential difference: 'at least every 28 days'. The government's proposal is 'at regular intervals'. I am wondering, for the ease of the chamber, whether I am able from the floor to not move the amendment as it currently stands but agree to the amendment that the government is putting and then the opposition move a further amendment to what the committee has just agreed to, but move the amendment to change 'at regular intervals' to 'at least every 28 days', if that is permissible.

The CHAIR: Yes, it is technically possible because before we vote on the minister's amendment No.18, you could move an amendment to that amendment. Let's not get wrapped around the axle on the procedure. From my perspective, I would like to hear from members. It would assist me if we had the policy debate now about whether it is 28 days and then, if honourable members can indicate to me their views on that, that would inform the most convenient way forward.

The Hon. K.J. MAHER: The thrust of what we are doing is whether regular intervals should be the review time or at least every 28 days. The opposition submits that these are significant steps to take—to have one of these orders implemented—and it is not unreasonable that it is clarified more than just at 'regular intervals', which is a very subjective term and might not give a child who is subject to these orders the possibility to have regular reviews.

A period of at least 28 days makes it clear. They are—necessarily—reasonably draconian orders that children will be facing, and it gives a regular time period when those orders need to be assessed. We think 28 days is quite a reasonable period to have these orders assessed rather than leaving it to the subjective measure of what is a reasonable time period.

For those reasons I commend this to the council—and it is only a very slight difference here; it is at regular intervals as it stands, whereas the opposition is suggesting it be at 28 days, to actually make sure they happen. We are legislators, and I think it is better, when there is doubt about a time period, rather than leave it up to the discretion of those that are administering this act, to give some direction from parliament about how often it should be.

For children who are subject to these orders we do not think a review every 28 days is particularly onerous, given they are significant orders that curtail very greatly a child's freedom and ability to live their life. Twenty-eight days is a reasonable review time to have rather than parliament not making any statement and leaving it up to those who administer the act to decide what they think is a reasonable time period.

The Hon. S.G. WADE: On that last point I think it is really important for the council to realise it is not the people who administer the act that decide what is a regular review time. A detention order must be reviewed by the court at regular intervals determined by the court. In relation to 28 days, one possibility is that it is too long. As I said in moving my motion, we want detention orders to be for the shortest possible time. My recollection is that there is a Canadian jurisdiction that as a default has detention orders of 10 days. If the model of care develops that sort of pattern of short-term treatment orders, reviewing it in 28 days is not actually helpful.

The second possibility is that 28 days is appropriate, but that would be almost by accident in relation to any particular case. The other scenario is that 28 days is too soon. The court may have somebody before them whose dependency is so chronic that reviewing it every 28 days for the first four months has got them not far beyond starting to engage in the program. The detention order must be reviewed by the court, and there are advocates for the child who will put the case to the court which, presumably, would include not only the nature of the order but the time frame for review.

Let me take this opportunity to stress: the opposition and the government are in agreement that, in the best interests of the child in making sure that the order is of the shortest duration possible, reviews are important. However, we would say that every child is different; every circumstance is different; that is why we have courts. We believe that the review time frame should be left in the hands of the court.

The Hon. K.J. MAHER: I thank the minister for that clarification and, yes, he is right: there is a requirement of the court to specify the time period according to the government's amendments. I do agree with the minister that 28 days may well be far too long, and the minister cited what was I think an overseas example, a North American example, from memory of what the minister just said, of a 10-day length of detention order, which is certainly much shorter than 28 days.

I will make the point that it is not a requirement in the opposition's amendment that it happens regularly on the dot of 28 days. It is a review at least every 28 days. So the 10 days that overseas experience has shown as being more appropriate may be what the court ends up doing. It is not a requirement that they have to review at 28 days and then after another 28 days. It is at least every 28 days, so if it is 10 days, as the North American experience shows, as the minister cited, it might be that the court said every 10 days.

The Hon. S.G. WADE: I will just reiterate my last example, which is that if it was a longer order, repetitive reviews may be a waste of resources. I would rather have health professionals engaging young people in therapy rather than doing reviews that are not relevant to them.

The Hon. C. BONAROS: Can I just indicate for the record that I appreciate what the opposition is trying to achieve here, but our position is that we will be supporting the government. I appreciate that the wording of the opposition's amendment does say 'at least every 28 days'. We know in this instance that, at the commencement of one of these orders, we may need very frequent reviews depending on the length of the order. As time progresses, they may need to be less frequent.

I think what is important to remember here again is that we are dealing with highly experienced judges who have lots of experience with dealing with youth in their court. We need to ensure that they have the flexibility to tailor these orders to the needs of the child whose interests are being considered. I am confident that giving them the discretion to do that will result in the best outcomes for that individual.

I agree also that repetitive reviews, while on the face of it may seem like a sensible thing, may not be just repetitive; they may also prove to be somewhat disruptive to the actual order itself. I think that we ought to leave it to the courts to make that determination. I think they will understand and I think they already do when they make various orders and make appropriate judgements as to what are appropriate intervals in terms of conditions that they impose in their orders. For those reasons, we will be supporting the government's position.

The Hon. T.A. FRANKS: The Greens will be supporting at least every 28 days.

The Hon. J.A. DARLEY: I agree that reviews at regular intervals should be left to the court's discretion, so I will be supporting the government's amendment.

The CHAIR: Thank you, honourable members, for indicating where you sit on the matter. Leader of the Opposition, are you intending to move your amendment to the minister's amendment? I cannot put the question on the minister's amendment No. 18 if you want to move an amendment to that amendment. If you do, you do it now.

The Hon. K.J. MAHER: Thank you, Mr Chair. You are both wise and brave in your guidance of us in this chamber. I move to amend the amendment as follows:

Delete the words 'at regular intervals determined by the Court' in subsection (5) and replace with the words 'at least every 28 days'.

The Hon K.J. Maher's amendment negatived; the Hon. S.G. Wade's amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 19 [HealthWell–1]—

Page 4, line 28 [clause 7, inserted section 54B]—Delete 'respondent' and substitute 'relevant child,'

Amendment No 20 [HealthWell–1]—

Page 4, line 31 [clause 7, inserted section 54B(a)]—Delete 'respondent' and substitute 'relevant child'

Amendment No 21 [HealthWell–1]—

Page 4, line 36 [clause 7, inserted section 54B(b)]—Delete 'respondent' and substitute 'relevant child'

Amendment No 22 [HealthWell–1]—

Page 4, line 41 [clause 7, inserted section 54B(c)(i)]—Delete 'respondent' and substitute 'relevant child'

Amendment No 23 [HealthWell–1]—

Page 5, line 10 [clause 7, inserted section 54B(c)(v)]—Delete 'respondent in relation to the respondent's' and substitute 'relevant child in relation to the child's'

I put it to you and to the council that amendments Nos 19 to 23 are consequential on amendment No. 3 [HealthWell-1].

Amendments carried.

The Hon. S.G. WADE: I move:

Amendment No 24 [HealthWell–1]—

Page 5, line 15 [clause 7, inserted section 54C(1)]—After 'assessment order' insert 'in relation to a child'

This amendment seeks to make it clear that orders under this part are issued in relation to a child in circumstances where the court is satisfied that the conditions of making such an order are met.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 25 [HealthWell–1]—

Page 5, line 16 [clause 7, inserted section 54C(1)(a)]—Delete 'respondent' and substitute 'child'

Amendment No 26 [HealthWell–1]—

Page 5, line 18 [clause 7, inserted section 54C(1)(b)]—Delete 'respondent' and substitute 'child'

I put it to you as Chair and to the council that amendments Nos 25 and 26 are consequential.

Amendments carried.

The Hon. S.G. WADE: I move:

Amendment No 27 [HealthWell–1]—

Page 5, lines 20 and 21 [clause 7, inserted section 54C(1)(c)]—Delete paragraph (c) and substitute:

(c) the child has refused to voluntarily seek a relevant assessment; and

(d) no other appropriate and less restrictive means is available to ensure the child receives a relevant assessment.

This amendment sets out the conditions that must be met before assessment orders can be made to ensure that they function as a last resort. These amended conditions include that the court is satisfied that the child has refused to voluntarily seek an assessment and that no other appropriate and less restrictive means is available to ensure the child receives an assessment. These added conditions are in keeping with the government's determination that the paramount consideration in the administration, operation and enforcement of the youth treatment system will always be the best interests of the child for whose needs and care it is designed.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 28 [HealthWell–1]—

Page 5, line 22 [clause 7, inserted section 54C(2)]—After 'treatment order' insert 'in relation to a child'

Amendment No 29 [HealthWell–1]—

Page 5, line 23 [clause 7, inserted section 54C(2)(a)]—Delete 'respondent' and substitute 'child'

I put it that amendments Nos 28 and 29 are consequential on amendment No. 3 [HealthWell-1].

Amendments carried.

The Hon. S.G. WADE: I move:

Amendment No 1 [HealthWell–2]—

Page 5, line 23 [clause 7, inserted section 54C(2)(a)]—After 'has been assessed' insert:

by a medical practitioner

This is another amendment that underscores the fact that this bill is a therapeutic health bill; it is not a punitive bill. This amendment makes it clear that assessments of children and young people must be undertaken by medical practitioners. This will ensure the assessment is conducted with the benefit of the skills and training of a qualified medical practitioner and in compliance with relevant professional obligations applying to medical practitioners.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 30 [HealthWell–1]—

Page 5, line 31 [clause 7, inserted section 54C(2)(b)(i)]—Delete 'respondent' and substitute 'child'

Amendment No. 30 is similar to amendment No. 3 [HealthWell-1]. It is commonly known as consequential.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 2 [HealthWell–2]—

Page 5, lines 33 and 34 [clause 7, inserted section 54C(2)(b)(ii)]—Delete subparagraph (ii) and substitute:

(ii) the child has refused to voluntarily seek relevant treatment; and

(iii) no other appropriate and less restrictive means is available to ensure the child receives relevant treatment; and

(iv) the treatment and care of the child pursuant to the order will be governed by an appropriate treatment and care plan directed towards treating the child's dependency on controlled drugs.

This amendment sets out conditions that must be met before treatment orders can be made, to ensure that they function as intended as a means of last resort. These include that the court needs to be satisfied that the child has refused to voluntarily seek treatment and that no other appropriate and less restrictive means are available to ensure that the child receives such treatment.

This is in keeping with the government's determination that the paramount consideration in the administration, operation and enforcement of the youth treatment system must always be the best interests of the child for whose needs and cares it is designed. This amendment will also require the Youth Court to be provided with an appropriate care and treatment plan before it makes a treatment order in respect of a child or young person, so that the court knows what treatment is proposed for the child or young person.

The CHAIR: Does this amendment supersede amendment No. 31 [HealthWell-1]?

The Hon. S.G. WADE: Yes, it does.

The CHAIR: Does any honourable member have a contribution on this amendment?

The Hon. C. BONAROS: I just indicate our support for the amendment.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 32 [HealthWell–1]—

Page 5, lines 35 to 37 [clause 7, inserted section 54C(3)]—Delete 'if the Court has made an assessment or treatment order and the respondent has failed to comply with that order' and substitute:

in relation to a child if—

(a) the Court has made an assessment or treatment order in relation to the child and either the child has failed to comply with that order or the Court is satisfied that it is likely that the child will fail to comply with that order; and

(b) no other appropriate and less restrictive means is available to ensure the child complies with the order.

Having moved it, I would indicate that it is similar to amendment No. 27 [HealthWell-1] but is not strictly consequential. These amendments set out conditions that must be met before detention orders can be made, to ensure that they function as intended as a means of last resort. These include that the court needs to be satisfied that the child has refused to comply with their order and that no other appropriate and less restrictive means are available to ensure the child complies. This is in keeping with the government's determination that the paramount consideration in the administration, operation and enforcement of the youth treatment system must always be the best interests of the child.

Amendment carried.

The Hon. S.G. WADE: Mr Acting Chair, with your agreement, I would like to move amendment No. 33 [HealthWell-1]. I put it to you and the council that it is consequential on amendment No. 3 [HealthWell-1]. I move:

Amendment No 33 [HealthWell–1]—

Page 6, line 1 [clause 7, inserted section 54C(5)]—Delete 'respondent' and substitute 'child'

Amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 4 [Maher–1]—

Page 6, after line 7 [clause 7, inserted section 54C]—After inserted subsection (5) insert:

(6) If the Court makes a detention order, the Court must ensure that the Chief Executive of the Department is notified of the making of the order.

I indicate that I do not wish to move this amendment; I actually, in fact, emphatically do move this amendment standing in my name. I think the amendment is an important one.

The Hon. S.G. WADE: He is having a go.

The Hon. K.J. MAHER: No, no, I am complying with the former chair.

The Hon. S.G. WADE: New Chair, new rules.

The Hon. K.J. MAHER: This amendment clarifies the court must ensure they notify the chief executive of SA Health whenever they make a detention order. I would submit that communication between the department and the court system with these orders and with this regime will be incredibly important and that is why this amendment is being moved.

The Hon. S.G. WADE: The government agrees with the opposition and we support the amendment.

Amendment carried.

The Hon. S.G. WADE: I move:

Amendment No 34 [HealthWell–1]—

Page 6, lines 9 to 17 [clause 7, inserted section 54D(1)]—Delete subsection (1) and substitute:

(1) Subject to this section, the Court must not make an order under this Part unless the Court is satisfied that the child is assisted or represented in the proceedings by a family member or advocate.

(1a) However, the Court may make an order under this Part in the absence of the child, or representation for the child, if—

(a) the Court is satisfied that the order should be made as a matter of urgency; or

(b) the child was required by summons to appear at the hearing and failed to appear at the time and place appointed for the purpose; or

(c) the Court is satisfied that the child has made an informed and independent decision not to be present or not to be represented (and that the child is capable of understanding the nature and possible consequences of the proceedings).

(1b) If the Court is making the order in accordance with subsection (1a)(a), the Court must make an interim order and summon the child to appear before the Court at a hearing to show cause why the order should not be confirmed as a final order.

This amendment ensures that the child has representation in the court in relation to any order made under this part. In this context, I acknowledge the Hon. Connie Bonaros' interest in legal representation and I also refer her to the state budget and the allocation there.

The child may be represented by a parent or another family member or by an advocate, which could include legal or other representation as deemed appropriate by the court. This amendment includes additional criteria regarding the circumstances under which the court can make

orders when either the child or representative of the child is absent from the court. This includes when the matter is a matter of urgency, when the child was required to attend by summons and did not attend and when the court is satisfied that the child made an informed and independent decision not to attend.

It also requires that the court can only make an interim order when it is a matter of urgency and must summons the child to appear before the court at a hearing to show cause why the order should not be confirmed. This amendment seeks to further protect the child by ensuring representation in the court for the child and ensuring that orders made in the absence of the child or their representation are guided by robust criteria.

Amendment carried.

The Hon. S.G. WADE: With your agreement, Mr Acting Chair, I would suggest that amendments Nos 35 to 37 [HealthWell-1] inclusive are consequential on amendment No. 3 [HealthWell-1], which has received the support of the council. I move:

Amendment No 35 [HealthWell–1]—

Page 6, line 20 [clause 7, inserted section 54D(2)(a)]—Delete 'respondent' and substitute 'child (or the person representing the child)'

Amendment No 36 [HealthWell–1]—

Page 6, line 28 [clause 7, inserted section 54D(3)]—Delete 'respondent' and substitute 'child'

Amendment No 37 [HealthWell–1]—

Page 6, line 32 [clause 7, inserted section 54D(4)]—Delete 'respondent' and substitute 'child'

Amendments carried.

The Hon. S.G. WADE: I move:

Amendment No 38 [HealthWell–1]—

Page 6, line 40 [clause 7, inserted section 54D (6)]—After 'An' insert 'interim'

This amendment and others to section 54D dealing with proceedings in the absence of a child allow a distinction to be made between an interim and a final order and sets out the requirements for each to have effect.

Amendment carried.

The Hon. S.G. WADE: With your agreement, Mr Acting Chair, I would like to move amendments Nos 39 and 40 [HealthWell-1] and I put it to you and the council that they are consequential. I move:

Amendment No 39 [HealthWell–1]—

Page 6, line 42 [clause 7, inserted section 54D(6)(a)]—Delete 'respondent' and substitute 'child'

Amendment No 40 [HealthWell–1]—

Page 7, line 2 [clause 7, inserted section 54D(6)(b)]—Delete 'respondent' and substitute 'child'

Amendments carried.

The Hon. S.G. WADE: I move:

Amendment No 41 [HealthWell–1]—

Page 7, line 3 [clause 7, inserted section 54D(6)(b)]—After 'confirms the order' insert 'as a final order'

Whilst it is not consequential on a previous decision of the council, this is similar to amendment No. 38, which was supported by the council. This amendment and others to section 59 dealing with proceedings in the absence of the child allows a distinction to be made between an interim and final order and sets out the requirements for each to have effect.

Amendment carried.

The Hon. S.G. WADE: With your agreement, Mr Acting Chair, I would like to move amendments Nos 42, 43 and 44 [HealthWell-1]. I put it to you and the council that they are consequential on previous decisions of the council in relation to amendment No. 3 [HealthWell-1]. I move:

Amendment No 42 [HealthWell–1]—

Page 7, line 4 [clause 7, inserted section 54D(6)(b)(i)]—Delete 'respondent' and substitute 'child'

Amendment No 43 [HealthWell–1]—

Page 7, line 7 [clause 7, inserted section 54D(6)(b)(ii)]—Delete 'respondent' and substitute 'child'

Amendment No 44 [HealthWell–1]—

Page 7, line 8 [clause 7, inserted section 54D(6)(b)(iii)]—Delete 'respondent' and substitute 'child (or the person representing the child)'

Amendments carried.

The Hon. S.G. WADE: I move:

Amendment No 45 [HealthWell–1]—

Page 7, line 9 [clause 7, inserted section 54D(7)]—After 'confirm an order' insert 'as a final order'

Whilst not strictly consequential, this is similar to amendment No. 38 and also relates to the distinction between interim and final orders.

Amendment carried.

The Hon. S.G. WADE: If the Acting Chair is agreeable, I propose to move amendments Nos 46, 47 and 48 [HealthWell-1] as all three, in my view, are consequential to amendment No. 3 [HealthWell-1]. I move:

Amendment No 46 [HealthWell–1]—

Page 7, line 15 [clause 7, inserted section 54E(1)]—Delete 'respondent' and substitute 'relevant child'

Amendment No 47 [HealthWell–1]—

Page 7, line 18 [clause 7, inserted section 54E(1)(b)]—Delete 'respondent' and substitute 'child'

Amendment No 48 [HealthWell–1]—

Page 7, line 20 [clause 7, inserted section 54E(2)]—Delete 'respondent' and substitute 'child'

Amendments carried.

The Hon. J.A. DARLEY: I move:

Amendment No 2 [Darley–1]—

Page 7, after line 26 [clause 7, inserted section 54E]—After inserted subsection (3) insert:

(4) An assessment order, treatment order or detention order will be taken to be revoked if—

(a) in the case of an assessment order or a detention order authorising detention for the purpose of ensuring compliance with an assessment order—a person responsible for undertaking the assessment; or

(b) in the case of a treatment order or a detention order authorising detention for the purpose of ensuring compliance with a treatment order—a person responsible for undertaking the treatment,

certifies (in accordance with the requirements, if any, prescribed by the regulations) that the assessment or treatment to which the order relates has been completed.

This amendment is to address circumstances where a young person has successfully completed treatment early. As the bill currently reads, even if treatment is successfully completed, the treatment and detention orders still remain in force until they expire or are revoked by the courts. My amendment will change this so that if a person who is responsible for assessment or treatment agrees that the treatment has been completed successfully, then the order will be revoked from that point in time. It is pointless to have a treatment or detention order continue if treatment has been successfully completed.

The Hon. S.G. WADE: Whilst I acknowledge the good intent of the Hon. Mr Darley, it is not the government's intention to support this amendment. The amendment is largely unnecessary as it is a matter for the court to deal with the duration of orders when making assessment treatment and detention orders. In any event, the government does not consider it appropriate for a health practitioner or a social worker to revoke an order which has been made by a judicial officer.

The Hon. K.J. MAHER: I rise to indicate that, whilst we support the intention, we also support the amendment. We think it is a common-sense amendment allowing for the completion of the order where the relevant treatment or assessment has been completed. We are supporting the amendment.

The Hon. C. BONAROS: I rise to indicate that whilst we accept the underlying intention, we think that the court is best placed to make these decisions and, therefore, we will be supporting the government.

The Hon. T.A. FRANKS: The Greens will be supporting the opposition.

The Hon. S.G. WADE: We are going to object on this or we will be sending it back on this, so we might as well divide. You just cannot have social workers turning over judicial orders. That is the point. Could I very briefly restate the government's concerns? The government agrees that it is pointless having a treatment order that is of no ongoing effect but, as a matter of principle, we object to a social worker or a health practitioner cancelling an order that has been put in place by a judicial officer. I ask the committee to consider that so that when we next meet, we might consider the amendment formally.

Progress reported; committee to sit again.

Sitting suspended from 13:01 to 14:15.

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the written answer to a question be distributed and printed in *Hansard*.

PAPERS

The following papers were laid on the table:

By the President—

Report of the Independent Commissioner Against Corruption titled 'The Trusted Insider: An examination of Issues from Two ICAC Investigations'

By the Minister for Human Services (Hon. J.M.A. Lensink)—

South Australian Aboriginal Children and Young People in Care and/or Detention—Snapshot from the Report on Government Services 2019

By the Minister for Health and Wellbeing (Hon. S.G. Wade)—

Review of the performance of South Australian health systems, the health of South Australians and changes in health outcomes over the reporting period 2015-18—SA Health's formal response to the Health Performance Council's four-yearly review—June 2019

Social Development Committee: Review of the operation of the Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013—Response from the Government of South Australia—June 2019

Question Time

MINISTERIAL TRAVEL

The Hon. K.J. MAHER (Leader of the Opposition) (14:17): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment about overseas travel.

Leave granted.

The Hon. K.J. MAHER: During question time on 1 May this year, the minister was asked whether he had sent any follow-up emails after a trip to Europe. The minister responded to that question and stated, 'I have already sent some emails and I have received some' emails. The minister went on to say about the emails that he had sent, 'Only a couple, only single syllable words.'

Since then, the opposition has submitted an FOI request seeking copies of those emails. The documents provided to the opposition contained no emails from the minister. There can only be two possible reasons for this: the first is that the minister did not in fact send any of the emails as he so boldly claimed to this parliament and he has deliberately misled this chamber, and there are significant consequences; or, secondly, the minister did in fact send the emails and the law has likely been broken by not disclosing them under the FOI regime, or he sent them from a personal account, thus likely breaching the State Records Act and the FOI regime.

The simple question is: did the minister in fact send the emails or not? Did the minister send the emails that he claimed in parliament or did he mislead parliament by not sending them?

The PRESIDENT: Leader of the Opposition, I will rule out of order not the question but most of your lead-in since you cannot argue, you cannot debate, in your short explanation. But I am allowing the question, ruling the question itself in order, and the short reference to the emails to which the question refers.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:19): I thank the honourable member for his question. My recollection is that I received an email or two and I forwarded them into the office to respond to them.

MINISTERIAL TRAVEL

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): Supplementary in relation to the answer given: who were the emails from and what email addresses were used for this correspondence?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:20): I can't recall the actual names of the people. I know I am not allowed to use props but I would have been handing out my business card, which has the government email address—that is the address, on my recollection, that they came to (I don't have any other information that I provide when I am overseas)—and I forwarded those emails into the office so that a file could be created.

MINISTERIAL TRAVEL

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): Supplementary arising from the original answer: what possible reason is there that they weren't disclosed under the freedom of information regime if, as the minister claims, they were sent to his ministerial email address?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:20): I will check the records. I can't offer a reason, but my understanding is that the email, or emails, were received and forwarded into the system. I will check for the honourable member.

The PRESIDENT: That was hypothetical, Leader of the Opposition. Be mindful of those types of questions.

MINISTERIAL TRAVEL

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): Supplementary arising from the original answer in relation to emails being sent after the European trip: has the minister ever used a personal email address to conduct what would be ministerial business?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:21): No.

MINISTERIAL TRAVEL

The Hon. C.M. SCRIVEN (14:21): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding international travel.

Leave granted.

The Hon. C.M. SCRIVEN: On 18 October 2018, the minister was asked why SATC closed its Indian operations and the minister gave a glib response about Indian weddings. On 2 May 2019, when the minister was asked about trade with China, he accused the Mayor of Shandong of being 'in the habit of throwing out the cards from Australian businesses'. On 1 May 2019, the minister was asked about attracting European space companies, and the minister claimed that he sent single-syllable emails to important international contacts. So, apart from his diplomatic gaffs, when will the minister provide tangible outcomes from his trade missions and, in particular, when will the minister release a public 12-month forward calendar of trade missions, as per the Joyce review?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:22): I thank the honourable member for her ongoing interest in international travel. She is obviously wanting me to take her on a business mission.

Members interjecting:

The Hon. D.W. RIDGWAY: If they want to listen I am happy to speak, but if they want to talk over me I will just sit down.

Members interjecting:

The PRESIDENT: Order! Let the minister speak.

The Hon. D.W. RIDGWAY: Since our election in March 2018, the Marshall Liberal government has sought to create an environment for businesses to thrive, that builds our economy and creates jobs for South Australians. The Joyce review, released in March 2019, was commissioned to assist with these key aims, and one of the key recommendations of this review was to realign our international and interstate engagement and connect South Australian businesses to sectors in the international community.

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY: Would you like to listen, Russell? Just listen, please. Several of the responsibilities of these recommendations fall within my purview as Minister for Trade, Tourism and Investment and I am looking forward to guiding the government as we seek a new approach to external engagement. One of my responsibilities is the coordination of all outbound and inbound missions and I am delighted today to announce the release of the 2019 business missions calendar. This calendar—

Members interjecting:

The PRESIDENT: Go on, minister.

The Hon. D.W. RIDGWAY: They don't like good news, Mr President, that is their trouble. They don't like it, they just don't like it.

Members interjecting:

The PRESIDENT: Order! Let the minister finish.

The Hon. D.W. RIDGWAY: I have a lot of good news, Mr President.

The PRESIDENT: Do you wish to continue to deliver it?

The Hon. D.W. RIDGWAY: I would like to continue.

The PRESIDENT: I am interested in your good news.

The Hon. D.W. RIDGWAY: This calendar has been developed in consultation with multiple industries, and I couldn't be happier to discuss it here today. The business missions are organised

according to the key sectors that the Joyce review identified for growth: defence and space, energy and minerals, tourism, international education, food and agribusiness, creative industries, health and medical industries and the high-tech industries. The calendar offers a range of missions for businesses to nominate to be part of, incorporating a tailored program of events designed to provide opportunities for businesses to build and grow.

This is the first of what will be an annual business missions calendar, with the 2020 calendar already in development. There are already 27 business missions on the calendar this year, both inbound and outbound, which cover a wide range of sectors and events. Some involve site visits, some involve networking and business matching, and some involve exhibitions and trade shows. It is important that we are focused in our approach and that we are targeting companies from the key sectors and activities that will add economic value to our state.

For example, the Department for Trade, Tourism and Investment will lead a delegation to Melbourne in October to attend the Australian Cyber Conference. This will offer South Australian companies an opportunity to showcase their brands and capabilities and encourage further investment interstate. Additionally, South Australian will host the World Routes aviation conference in September this year, which brings experts in aviation and route development together from around the world to plan and strategise right here in Adelaide.

In November there is particular focus on China, and there are opportunities for businesses from a diverse range of sectors to get involved. StudyAdelaide will lead a group of education workshops and direct one-on-one meetings with local education representatives with the China-South Australia Education Roadshow. Austrade and the Department for Trade, Tourism and Investment will lead a delegation to China for the China International Import Expo, which again will be a huge opportunity for local businesses to forge connections and introduce their products to international markets.

Tourism Australia and the South Australian Tourism Commission will head along to the Australian Marketplace China event and establish business connections with travel agencies and tour operators from the region. Finally—and I know honourable members are excited about this one—Australia and the Department for Trade, Tourism and Investment will take a group to ProWine in China.

These activities are critical to providing a chance to welcome potential investors, businesses and business partners from around the world to South Australia, and we want to let the world know that South Australia is open for business and that businesses are world-class. I encourage everyone who may be interested in getting involved to visit the Department for Trade, Tourism and Investment's website, where they can express an interest.

I am pleased to announce the release of the calendar today, and I hope you will all get a chance to explore it and the comprehensive program we have planned to continue building our economy. The quick facts are—before the members opposite say, 'We can't find it on the website'—it is about 33 minutes before it goes live at 3 o'clock, and the website is: http://dtti.sa.gov.au/trade/businessmissions.

The Hon. K.J. MAHER: A point of order: as the minister was quoting directly from the document, I seek that he table that document so we can all see it.

The PRESIDENT: They are actually his notes, so I am not going to uphold that. It wasn't a document which he said he was reading from, Leader of the Opposition. Be very careful to ask for that sort of stuff; otherwise, you could be called for your own notes. The Hon. Ms Scriven.

TRADE MISSIONS

The Hon. C.M. SCRIVEN (14:28): Supplementary: given that the minister has been taking far fewer—something like 88 per cent fewer—businesspeople on outbound missions compared to the previous Labor government, what percentage of the trade missions does the minister expect will be actual businesspeople from South Australia?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:28): I thank the honourable member for her supplementary question. I think they have missed some of the points. This has been developed in consultation with industry. We are asking industry to tell us where they

want to go and what they want to be involved in, whether it is inbound or outbound missions. We are not saying, 'Let's take 200 businesses to a foreign market and'—

An honourable member: Get a photo opportunity.

The Hon. D.W. RIDGWAY: —'and have a photo opportunity and have like a travelling roadshow.' Somebody explained to me once it was like a travelling wedding party with a bigger gala event every night in a new city. This is about taking businesses to the places they want to go or indeed supporting businesses to invite clients and potential customers into Adelaide and South Australia. As we all know, on a perfect day South Australia sells itself. We are about making sure we deliver what business wants. We are sitting down and negotiating with business. It is an industry-led program, not government.

The Marshall government wants to do what industry wants. We want to help industry grow. We are not as arrogant as the former government, which said, 'We know where you want to go.' We actually want to make sure that we take industry where they want to go or provide industry with the opportunities that they want.

TRADE MISSIONS

The Hon. C.M. SCRIVEN (14:29): Supplementary: does the minister have any targets for how many businesses will engage with these trade missions and, if so, what are those targets?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:29): The target that we have is to grow the economy by 3 per cent. What we are targeting is a range of sectors. We don't have targets in any one particular sector. The overall target for the government is to grow the economy by having it grow by as much by 3 per cent. That is our target and that is what we will strive to do.

TRADE MISSIONS

The Hon. K.J. MAHER (Leader of the Opposition) (14:30): Supplementary arising from the original answer: in relation to the trade mission schedule that the minister outlined, who has the final sign-off on that trade mission? Is it the minister himself or is it his acting chief executive?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:30): I thank the honourable member for his question, but I don't think I quite understand. The trade missions calendar is something that is taken to cabinet for the cabinet to look at, but it is a live document. So, if an opportunity jumps up and we think, 'Hey, that's a great opportunity,' or a couple of businesses say, 'We would like to go somewhere. There's a group of businesspeople that would like to go to a particular market and it's worth going to,' we are happy to look at that. While it is a document that goes to cabinet, it is also live on the website so that people can actually have a look at it.

TRADE MISSIONS

The Hon. C.M. SCRIVEN (14:31): Further supplementary: what will the minister's indicators of success be? Will he put number of jobs attracted, amount of investment attracted, number of businesses engaged? Does he have any performance measures that he is willing to share with the chamber?

The Hon. R.P. Wortley interjecting:

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:31): I am tempted Mr President, to respond to that—

The PRESIDENT: Through me.

The Hon. D.W. RIDGWAY: —but I won't. We will have a robust reporting process back to cabinet on exactly what the missions have achieved, the number of business introductions and the number of business opportunities that have come from it, because cabinet is really interested in making sure that we try to deliver on our target of 3 per cent growth.

TRADE MISSIONS

The Hon. C.M. SCRIVEN (14:31): Further supplementary: so the minister is saying there is a target of growth but no target specifically in relation to trade missions; is that right?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:31): I don't think the honourable member has been listening. We are about growing the economy in every place we possibly can by 3 per cent, whether it is international education—we have made it quite clear that we are trying to double the number of students. Tourism has a target. Our target is to grow the economy annually by 3 per cent. We know that is an ambitious target, but we are going to continue to strive for it.

INTERNATIONAL TOURISM MARKETING

The Hon. E.S. BOURKE (14:32): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding tourism data.

Leave granted.

The Hon. E.S. BOURKE: The latest data from Tourism Research Australia shows that South Australian international business spending is down 7 per cent, or approximately $80 million, for the year ending March 2019. The Liberal government also intends to cut international marketing expenses by 7 per cent in 2019-20. My question to the minister is: why is the Liberal government cutting international marketing at a time when international tourism numbers are down?

The Hon. K.J. Maher: It didn't happen under Biggles.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:32): A fair bit of other stuff happened under him. I thank the honourable member for her question. The government is absolutely committed to realising the potential of tourism as one of our key growth sectors. As part of this budget, we have invested an additional $30 million into marketing South Australia to the world. That is on top of the additional—

Members interjecting:

The Hon. D.W. RIDGWAY: They just can't help themselves, Mr President.

The PRESIDENT: Just get on with the answer.

The Hon. D.W. RIDGWAY: I notice in the other place there is some sort of discipline in the opposition—there is clearly none here—some sort of respect. Clearly, there is none here.

The Hon. C.M. SCRIVEN: Point of order: I think the minister is reflecting on your ability to impose discipline on this chamber. I think that is outrageous and disrespectful to you.

The PRESIDENT: No, he is breaking another standing order, which is reflecting poorly on the other place, but I am okay with that.

The Hon. D.W. RIDGWAY: Sorry, Mr President, I was distracted. Our first budget set a vision for South Australia and in 2019 it is now time to start building. Here is a snapshot of how we are investing in tourism. We are putting an additional $43 million into tourism marketing to sell South Australia to the world.

There is money going to regional roads across South Australia, including $1 million for regional infrastructure on Kangaroo Island, $20 million towards the refurbishment of the Granite Island causeway, $1.8 million to upgrade regional airstrips and $10 million over three years for mobile phone blackspots.

Members interjecting:

The Hon. D.W. RIDGWAY: I am sure the honourable member opposite would love the investment in infrastructure on Kangaroo Island so he can get to his palatial holiday home. There is $9.3 million of investment in infrastructure in national and conservation parks across South Australia. There is $52.4 million to improve both metropolitan and regional coasts, $30 million to progress the South International Centre for Food, Hospitality and Tourism Studies at Lot Fourteen, and

$9.2 million to renew the national wine centre precinct and partnering with the federal government on projects like Monarto Zoo.

Governments are not the only ones investing. We have a strong pipeline of private accommodation investment both in our CBD and regions, signalling that investors are confident in the long-term growth of our tourism sector. In terms of showcasing the state, the $43 million of additional investment, including the $3 million for the current Rewards Wonder winter campaign solidifies the Marshall government's commitment to marketing South Australia over the forward estimates.

The former Labor government failed to make this long-term commitment to marketing our state, and the South Australian Tourism Commission and the industry can now move forward with the certainty of a significant base level of funding, which we will look to build on in future budgets. I make the point, while this budget has faced some significant challenges with an estimated reduction of $2.1 billion in GST revenue, we have maintained our investment in tourism on top of the massive infrastructure program I have just outlined.

We acknowledge that the recent international visitor statistics were less positive and come off the back of a record year in 2018. It is clear that people are taking shorter trips and visiting fewer states. In turn, smaller states like South Australia, Western Australia and Tasmania have all seen a recent decline in international visitation. This strengthens the government's case to focus effort on promoting our state internationally and making South Australia front of mind for overseas visitors.

In the context of the soon-to-be-released Tourism 2030 plan and growth agenda, our efforts and investment in tourism will continue to drive us towards our targets. At $1.1 billion, international expenditure is still above the March 2019 waypoint of $1.06 billion and is on track to reach the $1.2 billion goal of international expenditure. The South Australian Tourism Commission will continue to focus on how South Australia's industry can remain strong and competitive in a challenging environment.

We will work collaboratively with Tourism Australia as we look to address the national issues such as the general decline in the China market and the contraction in the tourism market globally. The SATC will continue to interrogate the figures and refocus their strategies to suit. We are building a better South Australia. We are maintaining our investment in tourism and showcasing our state to the world. We will look to build on our investment in future budgets.

Members interjecting:

The PRESIDENT: Order! I wish to hear the Hon. Ms Bourke.

INTERNATIONAL TOURISM MARKETING

The Hon. E.S. BOURKE (14:37): Thank you for those less positive comments. Supplementary: can the minister confirm why the government is cutting $12 million from the South Australian Tourism Commission over the forward estimates?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:38): I don't think the honourable member actually understands that the winter campaign that was in this current budget isn't in the next budget, because we are awaiting the outcomes of that campaign. If you look at that $3 million investment across the forward estimates, that would amount to $12 million.

What we tasked the Tourism Commission with and what they came up with is a proposition of a winter campaign. The government said we will fund that campaign. We actually want to have a look at the results. We want to make sure that we can measure those results. We have record hits on the website, record inquiry. We actually want to make sure—

Members interjecting:

The Hon. D.W. RIDGWAY: I thought I heard somebody say we were down for internet. The winter campaign is targeted. Our biggest growth sector is intrastate and interstate visitors.

The PRESIDENT: I will allow one more. We have been on this for a while.

INTERNATIONAL TOURISM MARKETING

The Hon. E.S. BOURKE (14:39): Yes, thank you. Supplementary: has the government done any modelling about the potential impact of these less than positive cuts?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:39): I just outlined a range of measures that we are implementing to grow our tourism sector. We have a 2030 plan. I could go back through the whole list, but I think that would be an abuse of question time. We have some significant strategies in place to keep driving South Australian tourism numbers towards the goal of $8 billion by 2020 and on to our goal of what we will have at 2030. We are investing in tourism. There is record investment in infrastructure and record investment in tourism marketing.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hood is on his feet. Just stay there, the Hon. Mr Hood, we will wait until they burn it out.

Members interjecting:

The PRESIDENT: I ask the crossbench to take note of the opposition benches. Please show some respect for the crossbench. I am trying to get to their questions. Push me much further and next sitting week we might have a crossbencher day. The Hon. Mr Hood.

EMERGING TECHNOLOGIES

The Hon. D.G.E. HOOD (14:40): My question is to the Minister for Trade, Tourism and Investment. Can the minister inform the council how the South Australian government is providing a platform for industries to build closer connections to assist in accelerating the uptake of new technologies?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:40): I thank the honourable member for his ongoing interest in new technologies. A fortnight ago, I had the pleasure of speaking at the Disruptive Technologies in Manufacturing event, where over 200 members from the business and academic communities gathered to hear experts in emerging technologies under the new initiative set up by the Marshall Liberal government. In fact, the organiser said that under the former government they would only get a handful of people there; we had 200 people there.

My department, the Department for Trade, Tourism and Investment, has established emerging technology interest groups to build closer connections between advanced manufacturers and to provide a platform for companies to share their experiences and to help accelerate the uptake of new technologies. The emerging technology interest groups will be established around virtual reality, machine learning, additive manufacture and data-driven decision-making and will leverage the expertise of South Australian universities and lead researchers.

These cross-industry business groups will meet on a regular basis to discuss technology use within the industry, share experiences and collaborate on potential projects. They will also participate in events such as presentations, tours and workshops on the topic. It was at Adelaide Oval, and the room was absolutely bursting with the number of people and also bursting with excitement for this particular initiative of the new Marshall Liberal government.

The initiative is the next phase of a pilot project the government ran at Flinders University in setting up a robotics and automation interest group. The feedback from participants in this group has been overwhelmingly supportive, which has encouraged us to expand into more subsectors. The evolution of industry towards Industry 4.0 represents several unique challenges for South Australian businesses, including access to knowledge and independent advice, strategic view of technology, digital maturity and access to the necessary skills.

A higher uptake of these emerging technologies will enable businesses to become more competitive and leverage technology to enter new global markets. As new technologies reach industrial maturity, the interest group model can be expanded to include new emerging sectors, such as block chain or other technologies that have the potential to improve industry productivity and global competitiveness.

This work aligns with our goal to grow South Australia's economy by driving exports and encouraging investment to meet our growth agenda ambitions of 3 per cent annual growth. Membership of these interest groups for South Australian companies and researchers is free, and I encourage anyone with an interest in these emerging sectors to get involved. They can register their interest by participating in the great initiative on the Department for Trade, Tourism and Investment's website.

EMERGING TECHNOLOGIES

The Hon. K.J. MAHER (Leader of the Opposition) (14:43): Supplementary arising from the answer: what criteria were used to come to the groups that were mentioned? How were they selected as the growth groups?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:43): The groups were selected, I suspect, by industry wanting to be involved. It's free, so people can join, they can volunteer to be involved. Again, this is an initiative where we are talking about industry leading things, not the government telling them what is good for them. It's about industry leading it. I mentioned the names of some of the groups there. Blockchain is one and some of the others that we are dealing with, it's an opportunity for industry to get involved. Industry-led is what this new government is about. It is not about trying to tell people what is good for them. It is about sitting down and listening to industry and giving them an opportunity to thrive.

BIOMEDICAL SECTOR

The Hon. K.J. MAHER (Leader of the Opposition) (14:44): Further supplementary: was the biomedical sector considered as one of the interest groups, and can the minister outline what the value of the biomedical sector is to the South Australian economy, compared to some of the other groups he has mentioned?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:44): Health and medical is one of our growth sectors and we are working through the sector plan with them at the moment. The sector is significant for South Australia. We obviously have the largest biomedical research precinct in the Southern Hemisphere, anchored by the most expensive building in the world, which the previous government built. It is an important sector. We will continue to work with that sector and to grow its capability and its value to South Australia's economy.

INDUSTRY AND SKILLS

The Hon. K.J. MAHER (Leader of the Opposition) (14:45): Supplementary arising from the answer: the minister mentioned Industry 4.0, can the minister outline what programs the government has supported to help industry make the transition to Industry 4.0, particularly with reference to full life cycle manufacturing and simulation abilities?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:45): I don't have the details of those full life cycle capabilities with me, but what we are doing is we are sitting down and talking to industry about what industry wants.

ASBESTOS WASTE DISPOSAL

The Hon. J.A. DARLEY (14:45): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about asbestos removal at SA Health properties.

Leave granted.

The Hon. J.A. DARLEY: I was recently contacted by a constituent who had expressed concerns about the removal of asbestos from an SA Health property. In particular, there is concern that the protocols surrounding asbestos removal have not been followed at the women's health service clinic in North Adelaide.

In such circumstances, I understand that asbestos would have to be removed by licensed asbestos removalists and that public notification, particularly to the staff at the centre, should be made to advise of when the removal will be undertaken. This is to ensure that management and staff can make adequate arrangements to ensure their safety. My questions to the minister are:

1. Can the minister advise if there was or is asbestos at the site of the women's health clinic in North Adelaide?

2. Has or will this asbestos be removed or disturbed?

3. If so, what steps have been taken to notify staff and the public?

4. Can the minister provide an assurance that correct procedures for asbestos removal have been adhered to at this site?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I thank the honourable member for his question. I am certainly keen to have a conversation with the member after question time to identify which particular clinic he is referring to and whether that is part of the Women's and Children's Hospital precinct or elsewhere. I don't recall any issues being raised with me about concerns about asbestos removal.

As the honourable member alludes to, there are strict requirements enforced by law in relation to asbestos removal and I would be keen to follow up the concerns that have been raised with the Hon. Mr Darley.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I give the next member the call, I welcome members of the Nepalese government, who are in the gallery. Welcome to the Legislative Council.

Question Time

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. R.P. WORTLEY (14:47): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding the Women's and Children's Hospital.

Leave granted.

The Hon. R.P. WORTLEY: The budget allocated only $550 million for the Women's and Children's Hospital, which the government itself has admitted is less than it needs to complete. The SA Health website previously said that the Women's and Children's task force would identify the capital cost of the project by the end of 2018. This has recently been deleted from the website. The Premier told the other place that there is nothing in the cost estimates that we have received to date that would scare us.

My question to the minister is: what are the cost estimates the government has received for the new Women's and Children's Hospital, and on what date did the minister receive cost estimates for the Women's and Children's Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): The honourable member is criticising the government in terms of what he is suggesting is an inadequate commitment to this hospital. Let's remember the record of the former Labor government, which he was part of. They announced their commitment to the Women's and Children's Hospital in 2013. The 2014 budget: not a single dollar allocated to the project; 2015 budget: not a single dollar allocated to the project; 2016 budget: not a single dollar committed to the project; 2017: not a single dollar committed to the budget.

I am a relatively new minister. I have only been here for my second budget but I am very proud that in the second budget of the Marshall Liberal government we have committed $550 million to this project—$550 million. I don't want to start referring to Rob Lucas' doughnuts but $500 million has a lot more doughnuts after it than Labor's single zero—not a dollar over four budgets, not a single dollar. You are pathetic, absolutely pathetic. Let's think about how pathetic they are. When we were in the middle of the federal election campaign, the Malinauskas opposition got excited about $50 million. Mr Shorten, another failed Labor leader, promised $50 million—

Members interjecting:

The Hon. S.G. WADE: They were excited about that. In fact, what they put on their website is, 'This $50 million is a great opportunity to get this important project started'—$50 million and it is a great opportunity to get this project started. What happens today? The latest Labor post—I am not sure whether this is a post actually or whether this is just another rant by their leader—criticises us for a $550 million commitment to the project. So I am sorry, $550 million is more than 10 times. I won't go back to the honourable Rob Lucas' doughnuts, but all I can say is that I am very proud of the investment because we are doing the hard yards.

We are doing the planning for the project, we are consulting with clinicians and we are making sure that we get the finances right. Why would we be so careful? Let me give you 700 million reasons why we would be careful. Under this failed opposition, over 10 years they built a hospital at the end of North Terrace. It was about 17 months late, almost $700 million over budget and failed to have a whole lot of key clinical facilities—hybrid suites, we didn't even have adult changing places. We had a modern hospital which didn't even have basic disability access rights and they want to preach to me about how to build a hospital. No, thank you.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. R.P. WORTLEY (14:52): Supplementary—I would like to think it is arising from the answer but it was pretty vague. We have obviously hit a raw nerve so this is worth pursuing.

Members interjecting:

The PRESIDENT: Order! Please don't argue against your own supplementary.

The Hon. R.P. WORTLEY: Did the Women's and Children's task force provide the government with the capital cost of the project and when, as was stated on the South Australian Health website? A simple question: did they?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:53): My understanding is that the honourable member is just misquoting the website.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. R.P. WORTLEY (14:53): Supplementary arising out of the answer: was the minister telling the truth when he told ABC TV in December last year that the task force is going to finalise its report by the end of the year?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:53): In April 2018, the South Australian government established a task force to develop a fully costed plan and recommend a location for the new Women's and Children's Hospital. This is the one that Labor promised in 2013 and couldn't find the money, not a single doughnut. The task force has completed its objectives and produced a report, and work is continuing on a business case because we want to get it right.

The PRESIDENT: The Hon. Mr Wortley, a further supplementary?

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. R.P. WORTLEY (14:54): Yes. Is the full budget for the Women's and Children's Hospital incorporated in the budget contingencies?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:54): I dare not be the Treasurer but my understanding is that the $550 million is in the four years.

Members interjecting:

The PRESIDENT: Be careful! I don't particularly want to have your phone tabled, Leader of the Opposition, do I?

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. K.J. MAHER (Leader of the Opposition) (14:54): Supplementary question arising from the answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: In the plans for the new Women's and Children's Hospital, what emergency management procedures and anti-terrorism procedures were considered with the co-location of two major hospitals?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:54): I can't wait to post that for the Women's and Children's clinicians. I went there this morning and I met with a family. Only last weekend, the mother delivered her baby with great joy at the Women's and Children's Hospital, very soon after she started significant bleeding, so severe that she needed to be retrieved to the Royal Adelaide Hospital. The very clear message from the clinicians is: this is a risk that we should not have to cope with. This is a risk to women; it's a risk to children.

Your former government's commitment to strand the children's hospital at North Adelaide for some indeterminate future and to separate mothers and babies in that very important phase was a complete abandonment of quality care. I can assure you that when we can get the Women's and Children's Hospital co-located with the Royal Adelaide Hospital, completely smashing Labor's plans to have a stranded, orphaned children's hospital at North Adelaide, babies, children and adolescents will be able to get medical retrieval to the site of their care.

The former Labor government was willing to tolerate for an indeterminate future that the babies, children and young people of South Australia would have to be taken to and from the children's hospital, stranded at North Adelaide, when the helipad is at the co-located hospital. I can assure the Leader of the Opposition that in terms of emergency response, particularly for babies, children and young people, our decision is a very good one.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. F. PANGALLO (14:56): Supplementary to the Minister for Health and Wellbeing: considering the fiscal disaster that the new Royal Adelaide Hospital was, is the government considering financing this through a private-public partnership? Can the minister explain what will happen to the current site of the Women's and Children's Hospital when the plans are finalised and the move will happen?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): The Hon. Frank Pangallo's question highlights that this is a project of state significance. This is the largest investment in health for more than a decade, so I'm very pleased to have the backup of my cabinet colleagues in this task. To be frank, my understanding is that the Hon. Stephan Knoll will be responsible for the long-term management of the disposal of the North Adelaide asset.

Certainly, as always on financial matters, I take the lead from the Hon. Rob Lucas. But it is my responsibility to make sure that, when I go to the Treasurer to seek the funding for the project, I have done due diligence, to make sure that I am building a hospital that meets the best needs of South Australians, that it is value for money in terms of capital and it will be delivered on time. The former Labor government failed on the new RAH on all three of those. I am working hard to make sure that I don't repeat their failures.

Members interjecting:

The Hon. S.G. WADE: And I don't mind a bit of mocking while we are getting on and doing the job. We are going to be a workmanlike government, delivering better outcomes for South Australians, and they will be our paragons of what to avoid.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. F. PANGALLO (14:58): My question was, minister: will it be another private-public partnership?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I am sorry, but the point of my answer was that that is primarily a matter for the Treasurer, not for me.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. I.K. HUNTER (14:58): Supplementary arising from the minister's answer: the minister said to one of the questions that he has received the report from the task force. Minister, does the report that you have received include the capital costs for the build of the new hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I am happy to take that on notice.

The PRESIDENT: The Hon. Mr Wortley, a further supplementary.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, someone is standing up behind you. The Hon. Mr Wortley.

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. R.P. WORTLEY (14:59): To the minister: why did SA Health delete from their website references to the Women's and Children's task force, delivering to the government the capital cost of the project by the end of 2018?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): As I have said earlier, I am not going to take the Hon. Russell Wortley's rendition of what the Internet is showing, considering the technological skill of the honourable member. He even has trouble turning off his mobile phone.

HEALTH INFRASTRUCTURE

The Hon. J.S.L. DAWKINS (14:59): My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on health infrastructure initiatives in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): I certainly can. I thank the honourable member for his question. The Marshall Liberal government's second budget is a budget that is building for the future of South Australia. That is as true in health as it is right across the government.

As I have already mentioned to the house, I had the pleasure of visiting the Women and Children's Hospital with the Premier this morning and talking to clinicians and patients about the importance of this government's commitment, supported by an initial investment of $550 million—slightly more than 50—to co-locate the new Women's and Children's Hospital with the Royal Adelaide Hospital. This is an exciting investment but it is not the only public health infrastructure investment this government is undertaking.

First and foremost, our plan is to reactivate the Repat as a genuine health precinct, after Labor closed the Repatriation General Hospital and broke their promise to never, ever close the Repat. Building on the work that we have undertaken on this site, this week's budget includes $60 million for further works to expand the services offered at the Repat health precinct.

We have begun the stage 3 redevelopment of The QEH. Labor cancelled the redevelopment, redirecting the funds towards Transforming Health. We are upgrading the cardiac cath lab and we have restored the 24/7 cardiac services to the western suburbs after Labor stripped them from The QEH under Transforming Health. Work has begun on the $96 million upgrade to Modbury Hospital, another metropolitan hospital which was downgraded as part of Transforming Health. Both of these upgrades are part of undoing the damage of Labor's disastrous Transforming Health experiment. They are a sign that this government is actively cleaning up Labor's mess.

We are continuing to address the backlog of country capital works left under 16 years of Labor's neglect, with an investment of $140 million over 10 years. We have invested a further $50 million in individual projects across regional South Australia, including $2 million for renal dialysis at Mount Gambier, and nearly $8 million for the Murray Bridge Soldiers' Memorial Hospital.

The Marshall Liberal government is working to fix Labor's mess and, in doing so, we are building the infrastructure needed to support the ongoing delivery of public health services in South Australia today and into the future.

ILLICIT DRUG USE

The Hon. C. BONAROS (15:02): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about South Australia's illegal drug consumption.

Leave granted.

The Hon. C. BONAROS: Once again, Adelaide has won the dubious distinction of being the meth capital of Australia and, to make matters worse, South Australia also has the highest detections of a dangerous new synthetic drug. The latest report from the Australian Criminal Intelligence Commission's annual wastewater data analysis reveals that SA has the highest number of mephedrone—street name, meow meow—detections in the country. The report also shows cannabis readings at the nine test sites in SA—four in Adelaide and five in regional areas—were the highest since testing began in 2011.

As we know, only a few short months ago, Mount Gambier had the unenviable label of being Australia's ice capital. In March the federal health minister, Greg Hunt, announced a $20 million package for in-need drug and alcohol treatment services across Australia. At the time, the minister acknowledged, and I quote: 'Methamphetamine use in South Australia is well above the national average both in urban and regional areas.'

My question to the minister is: what is the government doing to address the latest disturbing findings of the Australian Criminal Intelligence Commission's report, and what, if any, extra funds were committed in this week's budget to tackle head-on the scourge of drug abuse and addiction in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04): I think it is important to realise that the budgets are in four-year cycles, and in the last budget year we welcomed an additional $23 million invested by the commonwealth, some of which is being delivered within the DASA suite of services part of the Southern Adelaide Local Health Network. There certainly is a range of data published under the National Wastewater Drug Monitoring Program. The main findings in relation to methamphetamine were that the highest consumption levels in August 2018 were in Perth and in regional Western Australia, with average regional consumption levels above those in capital cities. The exception to this was in South Australia, where average consumption was actually higher in Adelaide than in the regional areas.

But, methamphetamine consumption levels declined substantially in Adelaide between February and June 2018. There were increases in consumption for August 2018, but these levels still remain lower than those from earlier in 2018. That is monitoring in terms of what is being consumed.

In terms of treatment services, the presentation rates, the capacity for people to realise they have a problem and seek help, also fluctuates. In terms of the government's commitments, in the first Lucas budget we committed to the Matrix drug rehabilitation program in the Riverland, and I am looking forward to visiting that facility very shortly and discussing with them the outcomes of the pilot. That is a pilot program that has been well established in the United States. It has been facilitated within the metropolitan area, particularly with funding from the primary health networks from the commonwealth.

One of the key goals of the Marshall Liberal government in undertaking a pilot in the country areas was to assess the efficacy of that model in a regional context. It is an outpatient-based program, which is therefore likely to be more easily undertaken by a person in country South Australia. They do not have to move to the city; they have a live-in program and they can continue to deal with their drug dependency and stay in their own communities and engage with their own workplace and families. I certainly appreciate that the drug stats, in terms of the wastewater monitoring, do fluctuate, but we are continuing to roll out both state-funded programs and programs in partnership with the federal government.

ILLICIT DRUG USE

The Hon. C. BONAROS (15:07): Supplementary: I hope that answer was not to detract from the fact that we have analyses that reveal that SA has the highest number of this new street name, meow meow, drug in the country. My specific question in relation not to regional areas but to South Australia as a whole is: have any additional funds been allocated in this budget for drug abuse and addiction in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): Yes, there has. We have put in $1.8 million over four years to help fund the youth treatment order program. We believe that will be a valuable last resort program for young people.

TRADE, TOURISM AND INVESTMENT DEPARTMENT

The Hon. J.E. HANSON (15:08): My question is to the Minister for Trade, Tourism and Investment. Has a new chief executive for your department been appointed, and has your department's structure been finalised?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:08): Can I ask the honourable member: I have very much difficulty hearing him. He looks up when he starts his question, and then he goes right down like this and you can't hear him. So can he please repeat the question?

Members interjecting:

The Hon. D.W. RIDGWAY: I can't answer if I can't hear him.

Members interjecting:

The PRESIDENT: Don't engage. Leader of the Opposition, minister, please stop exchanging.

The Hon. J.E. HANSON: My question is to the Minister for Trade, Tourism and Investment. Has a new chief executive for your department been appointed? Has the department structure been finalised?

The Hon. D.W. RIDGWAY: It's so good to hear it clearly. The selection process for a new chief executive is well under way. It is not quite complete, but it is well under way, and I hope that somewhere in the near future we will have some exciting announcements for the new chief executive. My understanding is that the restructure of the Department for Trade, Tourism and Investment is largely complete, but there is still some small finetuning to undergo. It is again a bit like the chief executive—well underway but not quite complete.

TRADE, TOURISM AND INVESTMENT DEPARTMENT

The Hon. J.E. HANSON (15:10): Supplementary: how many staff in the Department for Trade, Tourism and Investment have been made redundant, had their hours cut or been made to work as contractors; and how many unfilled position vacancies are there in your department?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:10): I thank the member for a very clear question. I don't have all of those figures around number of contractors, number of unfilled positions, the number—

Members interjecting:

The Hon. D.W. RIDGWAY: I'm surprised that members would expect me to have those figures at my fingertips, but I will take that question on notice and provide the honourable member with a clear and concise answer.

The PRESIDENT: Mr Hanson, a further supplementary?

INTERNATIONAL TOURISM MARKETING

The Hon. J.E. HANSON (15:10): Yes. Given that at the Tourism and Transport Forum chief executive, Margy Osmond, of that described South Australia's drop in international tourist numbers as incredibly worrying for the state and blamed the drop on the lack of investment in tourism promotion, what is the minister doing about it, given that he hasn't finalised anything yet?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:11): I won't repeat the answer that I gave one of his colleagues. I outlined significant investment that we are making in tourism, significant commitment to ongoing marketing, something the members opposite, when they had their fortune and South Australia's misfortune for them to be in government—they didn't have any long-term investment in marketing. We have the long-term investment in marketing.

We are on track to get to $8 billion by 2020. We are investing in the future of tourism, and we will continue to interrogate the figures. We will always look at ways we can improve our performance. We will meet our target of $8 billion by 2020, and I am sure we will meet the next target set for 2030.

TOURISM EXPENDITURE

The Hon. F. PANGALLO (15:12): Supplementary to the minister: we are unable to see how much is actually being spent in tourism, because there was a promise made by the Liberal Marshall government last year that there would be monthly activity reports posted on the Department of the Premier and Cabinet website of where the spends were going, and that promise was duly kept until February this year. Can you explain why we haven't had updated monthly reports since February this year?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:12): I thank the member for his question. Of course, as he mentioned, it is the Department of the Premier and Cabinet's website that he is referring to, so I will take that question on notice and refer it to my very good friend and the fabulous Premier of South Australia, the Hon. Steven Marshall, to bring back a reply.

VISION IMPAIRMENT TECHNOLOGY

The Hon. J.S. LEE (15:13): My question is for the Minister for Human Services and is about the use of future technology in a disability sector. Can the minister please provide an update to the council about an important project being undertaken by the Royal Society for the Blind and Adelaide-based SAGE Group?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:13): I thank the honourable member for her question. It was my great privilege to attend the Royal Society for the Blind corporate International TechFest breakfast last week, which they informed me is the largest assistive technology type of event of its kind in Australia. We heard from the Royal Society for the Blind's global ambassador Derek Rabelo, who some members may be familiar with. He is a very famous individual from South America who is blind. He first learnt to surf at 17 and became a professional surfer, and he outlined his story of how he has tackled some of the most challenging waves in the world, which, when we saw videos of them, I have to say gave me the complete heebie-jeebies. As someone who has their sight, I have the greatest admiration for his bravery. We also were privileged to hear from Rachael Leahcar, who performed *This Is Me* from *The Greatest Showman* soundtrack.

At the conclusion of the breakfast, SAGE signed a memorandum of understanding with the Royal Society for the Blind. With SAGE being an Adelaide-based technology and engineering company, the purpose of the memorandum of understanding is to give RSB a greater voice in the development of transport technologies of the future while assisting SAGE engineers to further understand the needs of the vision-impaired community. It is a very exciting partnership that has been developed, which can potentially lead to some very helpful technology for people with vision impairment.

The International Techfest had a range of events, with break-out sessions and presentations connecting people who are vision impaired with a range of providers and therefore enabling them to avail themselves of potential technology. This included one entitled 'Braille on display: making sense of today's braille solutions', where people can utilise iPhones and iPads and use built-in, off-the-shelf technology accessible, such as VoiceOver and Zoom. The session was to explain and demonstrate the various braille devices, including notetakers and braille displays.

There was a session on print for impaired persons using IrisVision, OrCam, NuEyes and Aira, another technology called Reveal 16i from Humanware, which is an intuitive, easy-to-use and foldable digital magnifier that offers crystal clear images to assist people to be able to read books, and a range of other exciting technology. I commend the Royal Society for the Blind, their ambassadors and Rachael Leahcar for their involvement with this important organisation and for advancing technology for people with disabilities.

RACING INDUSTRY

The Hon. T.A. FRANKS (15:17): My question is to the Treasurer on the topic of the racing industry support package. The budget papers state that from 2019-20, the industry will receive 1.5 per cent of net wagering revenue from the betting operations tax, providing around $4 million per annum to improve its ongoing viability and sustainment of jobs around the state. Is the government saying that the more the racing industry can get people to gamble, the more revenue they will receive back from the Marshall government or, indeed, vice versa?

The Hon. R.I. LUCAS (Treasurer) (15:17): I am delighted to receive a question today on the budget from someone in this particular chamber. Can I thank and congratulate the Hon. Ms Franks for asking the first question today to me as the Treasurer, two days after the budget, on the budget. I think the only question I have had from the Labor Party was basically when I was going to die, and it was very kind of them to inquire. In relation to the honourable member's question, the answer is yes; the higher the—

Members interjecting:

The PRESIDENT: Leader of the Opposition, if you want to have a conversation with the Minister for Tourism and Trade, you have it outside. Treasurer, please go on. By the way, Leader of the Opposition, it is showing gross disrespect not only to the Treasurer but to the Hon. Ms Franks, who is sitting at the back of the council room.

The Hon. R.I. LUCAS: Thank you. The formula that is to be used, which is exactly the same formula as is being used in Victoria under a Labor government and in New South Wales under a Liberal government, is a percentage of the net wagering revenue. In South Australia it's going to be 1.5 per cent. In Victoria it is 1.5 per cent. I think it is 2 per cent in New South Wales.

As a percentage of net wagering revenue, in and of itself it is quite clear that, if the net wagering revenue increases, then the share—if it is a fixed percentage, 1.5 per cent—clearly increases. I think it is self-evident that, if the formula which is used in all other jurisdictions in relation to distributions to the racing industry is a percentage of net wagering revenue, then, as the net wagering revenue either increases or in fact decreases, the return to the racing industry either increases or decreases.

Bills

STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL

Committee Stage

In committee.

(Continued from 19 June 2019.)

New clause 21A.

The CHAIR: We have completed clause 21. We have a series of amendments that are seeking to insert additional clauses after clause 21 but before clause 22. The first one filed is amendment No. 25 [Scriven-1].

The Hon. C.M. SCRIVEN: The intention of this amendment was to ensure that where a person was receiving money in prostitution for herself only, as in a sole operator, but was supporting a dependent child up to the age of 25, the child would not be criminalised, with the intention that penalties for the exploiters would be retained. However, based on the outcome of discussions last night in this chamber, I will not proceed with that amendment. I would note, though, that it illustrates that there are amendments that can be made to address some of the issues in the current law without the full decriminalisation model but, based on the expressed will of the chamber in regard to some similar amendments, I will not be continuing with this one.

The Hon. K.J. MAHER: I move:

Amendment No 1 [Maher–1]—

Page 6, after line 14—Insert:

21A—Insertion of section 26A

After section 26 insert:

26A—Review of decriminalisation of sex work etc

(1) The Attorney-General must cause a review to be undertaken of the operation of—

(a) this Act, to the extent that it was amended by the *Statutes Amendment (Decriminalisation of Sex Work) Act 2019*; and

(b) a provision of any other Act that was amended or inserted by the *Statutes Amendment (Decriminalisation of Sex Work) Act 2019*.

(2) The review and the report must be completed before the third anniversary of the commencement of this section.

(3) The Attorney-General must cause a copy of the report submitted under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

This amendment inserts a review clause, as oppositions tend to do. They find reviews very useful in a piece of legislation. This one in particular is a significant reform that we are proposing to make in passing this bill. It does change the way part of our society and a sector of our economy operates quite fundamentally, which I am very much in support of, but with such change I think it is appropriate that we do revisit and look at how the laws are operating, if they are operating as effectively and efficiently as they need to, particularly to protect people involved in this industry.

We have heard in this chamber, particularly from the Hon. Tammy Franks, that other jurisdictions, when they have enacted different models, have found, some very quickly, some over time, that they need to revisit them to make them work, depending on the reality of how it works in that jurisdiction. It is not being pedantic or anally retentive to want to put such a clause in. I think it is sensible to put in such a clause to have a review of the operation of this new scheme.

The Hon. T.A. FRANKS: I indicate that I will be supporting this amendment. A review clause is indeed something that oppositions want to do, and it is very welcome in this case. I understand it is also welcomed by the government. I would hope that that review will be quite comprehensive and will address some of the issues that I raised last night in regard to police powers and this industry.

The Hon. J.A. DARLEY: I indicate that I will be supporting the opposition's amendment.

The Hon. C. BONAROS: For the record, I indicate that I will also be supporting this amendment.

The Hon. F. PANGALLO: I will be supporting it, Chair.

The Hon. I. PNEVMATIKOS: I will be supporting the amendment.

The Hon. J.M.A. LENSINK: I will be supporting this amendment.

New clause inserted.

New clause 21B.

The CHAIR: We now come to amendment No. 26 [Scriven-1].

The Hon. C.M. SCRIVEN: This amendment is in regard to what are colloquially called exit programs. This is an acknowledgement of the fact that there are many women who have expressed their experiences in a prostitution environment, in a decriminalised environment. As members who listened to my second reading contribution may recall, those experiences of women are often of severe abuse and many of the improvements that are supposed to come from decriminalisation certainly did not come in their circumstances. This is in acknowledgement of their voices. It intends that the minister will be required to put in place some programs to assist those people who want to leave prostitution.

I fully acknowledge that the amendment is not perfect. It is somewhat vague. As a member not in government, I cannot attach any dollar figures to it. I acknowledge that that is a limitation within this amendment. However, it is, nevertheless, important to support it because it starts the process of

acknowledging that there are people, predominantly women, who are exploited, trapped, abused and who have post-traumatic stress disorder in a trade where PTSD rates are similar to those experienced by people in the armed forces in battle.

We are told that, under decriminalisation, women will be able to report to police more easily. Even if that does prove to be the case, that does not address any of the issues in terms of assistance to exit. The mover of the bill says that having the conviction spent will be of assistance to women exiting. Of course, not all women in the sex trade have convictions so that will not affect every woman by any means. In any case, it is only one very small part of assisting women who want to exit the sex trade. What is needed is support to be able to do that. I encourage members to support the amendment.

The Hon. D.G.E. HOOD: I rise to indicate my strong support for this amendment. Whilst I acknowledge that there will be some women in particular—I understand there are men as well, but largely women—involved in this business who are happy doing so, there are of course, I suggest, a not insignificant number who are not happy doing so and who would look for a way out if there were one.

In fact, my conversations with a few individuals who have found themselves in this line of work have indicated to me that if there was a way out, they would take it. That has been over an extended period, not in recent times, I would confess, but a number of years ago. It was my experience in talking with at least three women who were involved in the sex trade that they would seek to get out if they could. I also spoke with a couple of parents of young girls involved in the sex trade who were seeking to assist their daughters to leave the trade.

If we are serious about providing a framework that actually assists people, there will be those who do not want to leave—I accept that—but there certainly will be those who do. I think the Hon. Ms Scriven is quite right: this amendment probably is not perfect; maybe there is more work to be done in the other house or before the bill is proclaimed. This forms a good basis, I think, to acknowledge that there will be women in particular, probably some men as well, but especially women, looking to leave the trade. For that reason I support the amendment.

The Hon. T.A. FRANKS: I support this in principle. I ask the mover if she is willing to change the language—which I find demeaning and offensive and I know that many in the industry do as well—from 'a person who is engaged in prostitution', where that appears or 'who wishes to leave prostitution', where that appears, to reflect the decriminalisation model with the use of the term 'sex worker'.

The Hon. J.A. DARLEY: For the record, I will be supporting the opposition's amendment.

The Hon. C.M. SCRIVEN: To answer the Hon. Ms Franks' question, I would acknowledge that to change the language is certainly somewhat insulting to those women who consider that they have been in abuse. However, if that is the requirement to have support for this amendment, I think that the women who are experiencing this abuse and who are desperate to exit, would certainly prefer that there was some opportunity for an exit program to be set up, even if it did mean using the language that they object to. My question then is: is the Hon. Ms Franks proposing that amendment, and I ask, Mr Chairman, whether I should move it in amended form.

The CHAIR: I think probably the best course of action at this point in time is that you can actually amend your own motion, the Hon. Ms Scriven. I cannot ask the Hon. Ms Franks to speak on it, but if we could have some understanding of what words are and are not, and then we could probably frame a motion if that is to the concurrence of the council.

The Hon. T.A. FRANKS: Thank you, Chair. You understood correctly, I did ask the honourable member to change her own amendment to reflect the more appropriate wording, and I think those words have been well canvassed in this debate.

The Hon. I.K. HUNTER: Again, I appreciate the intention of the mover of the amendment and what she is trying to do here, but I have some significant concerns. One of them is to deal with the language, and I am very happy to see if she can change the language on the fly, but it is incompatible with determinations we have already made in terms of the clauses so far. I also have

difficulty in plugging into a decriminalisation bill, if you like, something that is essentially a program that should be run by the government in another forum, not as part of legislation.

If the government wants to come forward with a program to do these things, that is good and proper, but this is a decriminalisation bill, and this is ancillary to it, and I do not think part of the process. Whilst we seem to be very free with our intentions in this debate, particularly this afternoon, I have to say the wording of the amendment is incredibly open-ended, and if I was in government and I was faced with such a proposition I would be concerned about what it might mean in terms of budgetary appropriation and programs.

As I say, I think it is more appropriate—and I will be opposing the amendment—that if the government wants to put in place schemes to address the issues raised by the amendment, then they should do that through appropriate programs, but not by putting addendums to a bill which is essentially meant to decriminalise the industry.

The Hon. J.M.A. LENSINK: I will be opposing this amendment.

The Hon. I. PNEVMATIKOS: I will be opposing this amendment.

The Hon. C. BONAROS: For the record, I think there is some merit in this amendment but I am mindful of the concerns that have just been outlined, particularly by the Hon. Mr Hunter, and I do wonder if we could get some clarification in relation to exactly what is being proposed and perhaps this is one of those amendments that we might give further consideration to between houses.

The Hon. C.M. SCRIVEN: Certainly, I note those who have expressed support either for the amendment directly or for the intent. I will make some changes to the wording, but I will put on the record that the sole reason I will be making those changes is to assist the passage of the amendment because it is such an important one for the women who are being abused in the sex trade. If we then pass that amendment, obviously there is an opportunity between the houses for other amendments to be proposed for the lower house, but it will ensure at the very least that the voices of those women who want to exit the trade, who feel that they are trapped in it, who feel that they are exploited and abused, will be given some attention. I therefore seek leave to move it in an amended form.

The CHAIR: That is the easy way of doing it, because you actually have not moved the amendment. I suggest—but it is a matter for you—that you move the amendment standing in your name as amended by deleting the word 'prostitution' where it appears, and inserting in its place 'sex work'. That is my reading, but I am happy to be guided by honourable members. If that was moved, I think that achieves what the debate has been seeking; so if you move it in those terms.

The Hon. C.M. SCRIVEN: I am happy to move it in those terms. Do I need to therefore repeat that for the record?

The CHAIR: No, we will take it as read.

The Hon. C.M. SCRIVEN: I am happy to move it in those terms, as follows:

Amendment No 26 [Scriven–1]—

Page 6, after line 14—Insert:

21B—Insertion of section 26A

After section 26 insert:

26A—Minister to arrange assistance for persons leaving sex work

(1) A person who is engaged in sex work and who wishes to leave sex work may apply (without charge) to the Minister for assistance under this section to do so.

(2) An application under this section must be made in a manner and form determined by the Minister.

(3) On receipt of an application under this section, the Minister must cause such assistance as the Minister thinks appropriate to be offered to the applicant for the purposes of making their transition from sex work as easy as is reasonably practicable.

(4) Without limiting the kinds of assistance that may be offered to an applicant, such assistance may include 1 or more of the following:

(a) the provision of information about Government and other resources and services available to the applicant;

(b) the provision of education and training services;

(c) assistance in finding accommodation;

(d) assistance in finding employment;

(e) assistance in accessing legal advice and health services;

(f) counselling and support services.

(5) If an applicant accepts an offer of assistance, the Minister must take reasonable steps to provide such assistance, or cause such assistance to be provided, to the applicant.

(6) However, an offer of assistance under this section does not create legally enforceable rights or entitlements.

(7) In this section—

Minister means—

(a) if the regulations prescribe a Minister for the purposes of this definition—that Minister; or

(b) if the regulations do not prescribe a Minister for the purposes of this definition—the Attorney-General.

The CHAIR: Before I put the question, is there any more debate on that matter?

The Hon. T.A. FRANKS: I have one final question, because the mover in the entire time has only referred to women. Will this also refer to men and trans members of our community?

The Hon. C.M. SCRIVEN: The amendment says 'a person', so obviously it will apply to all people.

The CHAIR: The question is that new clause 21B, as proposed to be inserted by the Hon. C.M. Scriven, in this case as filed and then subsequently amended on the floor, be so inserted.

The committee divided on the new clause:

Ayes 11
Noes 8
Majority 3

AYES

Bonaros, C.	Bourke, E.S.	Darley, J.A.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lucas, R.I.	Ngo, T.T.	Parnell, M.C.
Scriven, C.M. (teller)	Wortley, R.P.	

NOES

Hanson, J.E.	Hunter, I.K. (teller)	Lensink, J.M.A.
Maher, K.J.	Pangallo, F.	Pnevmatikos, I.
Ridgway, D.W.	Wade, S.G.	

PAIRS

Stephens, T.J.	Dawkins, J.S.L.

New clause thus inserted.

The CHAIR: We now come to amendment No. 27 [Scriven-1], which seeks to insert a new 21C.

The Hon. C.M. SCRIVEN: I will just draw to the attention of members that this was in relation to police powers and sought to ensure that while police would retain powers they would not have been able to enter a sole operator house unless there was underage prostitution or exposure to children and underage prostitution suspected. However, given the passage of the amendment to police powers that proceeded last night, I will not proceed with this amendment.

Clause 22.

The CHAIR: We are now on clause 22 and there is an amendment filed. In fact, there are two amendments filed: the first one is amendment No. 1 [Ngo-1] and then amendment No. 6 [Bourke-2].

The Hon. T.T. NGO: I move:

Amendment No 1 [Ngo–1]—

Page 6, lines 15 and 16—Delete clause 22 and substitute:

22—Substitution of Part 6

Part 6—delete Part 6 and substitute:

Part 6—Restrictions on provision of commercial sexual services

Division 1—Preliminary

27—Interpretation

In this Part—

commercial sexual service means an act engaged in for payment involving physical contact (including indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons, but does not include an act of a class excluded by regulation from the ambit of this definition;

council area, in relation to a local council, means the area for which the local council is constituted under the *Local Government Act 1999*;

local council means a council constituted under the *Local Government Act 1999*;

payment includes any form of consideration;

premises includes a part of a premises;

restricted area means an area declared to be a restricted area under section 29;

sex worker means a person who provides commercial sexual services.

Division 2—Provision of commercial sexual services near certain premises prohibited

28—Offence to use premises for purposes of sex work near certain kinds of premises

(1) An owner or occupier of premises must not provide, or cause or permit the provision of, commercial sexual services at the premises if the premises are located within the prescribed distance from protected premises.

Maximum penalty: $5,000 or imprisonment for 3 months.

(2) However, subsection (1) does not apply—

(a) in relation to premises that first become protected premises after the owner or occupier of particular premises has commenced providing, or causing or permitting the provision of, commercial sexual services at the premises; or

(b) to an owner or occupier of premises who causes or permits the provision of commercial sexual services at the premises if—

(i) the sexual services are only provided to the owner or occupier; or

(ii) the sexual services are provided to another person and the owner or occupier is genuinely acting in the course of their duties as a carer (however described) for that person; or

(c) in any other circumstances prescribed by the regulations.

(3) In proceedings for an offence against subsection (1), it is a defence for the defendant to prove that the defendant did not know, and could not reasonably have been expected to have known, that particular premises were protected premises.

(4) In proceedings for an offence against subsection (1), it is not necessary for the prosecution to establish that—

(a) a service of a kind referred to in the definition of *protected premises* was, in fact, being provided at the protected premises at the time of the alleged offence; or

(b) that a child or other person was, in fact, at the protected premises at the time of the alleged offence.

(5) In this section—

Adelaide central business district means the area of the City of Adelaide bounded—

(a) on the north by the southern alignment of North Terrace; and

(b) on the south by the northern alignment of South Terrace; and

(c) on the east by the western alignment of East Terrace; and

(d) on the west by the eastern alignment of West Terrace;

child care centre means premises in which more than 4 young children are, for monetary or other consideration, cared for on a non-residential basis apart from their parents or guardians;

prescribed distance, from protected premises, means—

(a) if the protected premises are located within the Adelaide central business district—50 m; or

(b) in any other case—100 m;

protected premises means premises that are regularly used—

(a) as a child care centre; or

(b) to provide kindergarten, preschool, primary school or secondary school services; or

(c) to conduct religious services; or

(d) to provide any other class of service declared by the regulations to be included in the ambit of this definition, but does not include a home school, a private residence or any other premises of a kind excluded by the regulations from the ambit of this definition.

Division 3—Restricted areas

29—Declaration of restricted area

(1) Subject to this section, the Attorney-General may—

(a) on an application by a local council made in a manner and form determined by the Attorney-General; or

(b) on the recommendation of the Commissioner; or

(c) on the Attorney-General's own motion, by notice in the Gazette, declare a defined area comprised of 1 or more public places to be a *restricted area* for a period, or periods, specified in the declaration.

(2) A local council may only apply for a declaration of a restricted area within the council area of that local council.

(3) The Attorney-General may only make a declaration in relation to an area under subsection (1) if satisfied that—

(a) sex workers regularly loiter, or solicit persons, in the area for the purpose of providing commercial sexual services; and

(b) there is a reasonable likelihood that such conduct, or other conduct relating to the provision of such services, is adversely affecting, or is likely to adversely affect, public use or enjoyment of the area; and

(c) the declaration of the area is a reasonable response to the adverse effect on public use or enjoyment of the area.

(4) For the purposes of subsection (3)(b), the conduct referred to in that paragraph—

(a) need not be that of a sex worker providing commercial sexual services in the area; and

(b) may, but need not, amount to a risk to public order and safety.

(5) The Attorney-General must cause notice of a declaration under this section to be published on a website determined by the Attorney-General to which the public has access free of charge.

(6) The Attorney-General may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1).

30—Offence to provide commercial sexual services in restricted area

(1) A person who provides a commercial sexual service in a restricted area is guilty of an offence.

Maximum penalty: $2,500.

(2) A person who—

(a) accosts or solicits a person in a restricted area for the purpose of providing commercial sexual services; or

(b) loiters in a restricted area for the purpose of providing commercial sexual services, is guilty of an offence.

Maximum penalty: $2,500.

31—Police officer may order certain persons to leave restricted area

(1) If a person is in a restricted area, or a group of persons is assembled in a restricted area, and a police officer suspects on reasonable grounds that—

(a) the conduct of the person, or of 1 or more of the persons in the group, is adversely affecting, or is likely to adversely affect, public use or enjoyment of the area; or

(b) an offence of a kind that may pose a risk to public order and safety has been, or is about to be, committed by the person, or by 1 or more of the persons in the group, the police officer may order that person, or persons in that group, to leave the restricted area.

(2) However, subsection (1) does not apply in relation to a person who resides, or is lawfully employed, in the restricted area.

(3) A person who, having been ordered to leave a restricted area under this section—

(a) remains in the restricted area; or

(b) re-enters, or attempts to re-enter, the restricted area during the following 24 hours, is guilty of an offence.

Maximum penalty: $2,500.

(4) If a person fails to leave a restricted area when ordered to under subsection (1), or re-enters a restricted area in contravention of subsection (3)(b), a police officer may use reasonable force to remove the person from the restricted area.

Division 4—Prohibition on advertising commercial sexual services

32—Prohibition on advertising commercial sexual services

(1) A person must not advertise the provision of commercial sexual services.

Maximum penalty: $2,500.

(2) An owner or occupier of premises must not cause or permit a person to advertise, at or on the premises, the provision of commercial sexual services.

Maximum penalty: $2,500.

(3) Subsections (1) and (2) do not apply to an advertisement or other action of a kind prescribed by the regulations.

(4) For the purposes of this section, a person *advertises the provision of commercial sexual services* if the person—

(a) places or displays a sign in, or that is visible from, a public place that promotes the provision of commercial sexual services; or

(b) distributes to the public any unsolicited leaflet, handbill or other document, that promotes the provision of commercial sexual services.

(5) In this section—

sign includes a painted or printed sign, lettering, image, signboard or visual display screen.

Division 5—Miscellaneous

32A—Power of police to enter premises used for commercial sexual services

A police officer may, at any time of the day or night, exercise all or any of the following powers in respect of premises at which commercial sexual services are provided:

(a) the officer may enter into, break open and search the premises if the officer has reasonable cause to suspect that—

(i) an offence has been recently committed, or is about to be committed; or

(ii) there is anything that may afford evidence as to the commission of an offence; or

(iii) there is anything that may be intended to be used for the purpose of committing an offence;

(b) the officer may break open and search any cupboards, drawers, chests, trunks, boxes, packages or other things, whether fixtures or not, in which the officer has reasonable cause to suspect that—

(i) there is anything that may afford evidence as to the commission of an offence; or

(ii) there is anything that may be intended to be used for the purpose of committing an offence;

(c) the officer may seize any such things to be dealt with according to law.

I move, in an amended form, that only divisions 1, 2 and 3 be voted on; divisions 4 and 5 I want to be withdrawn. So it is only divisions 1 to 3. I have also been told that I need to move the whole lot, divisions 1, 2 and 3, but I am able to, hopefully, speak on them separately and vote on them separately.

The CHAIR: You can do that. Just so that I understand: you are moving as your filed amendment, amendment No. 1 [Ngo-1] which deletes clause 22 and inserts a substitute clause. In that substitute clause as filed there are a number of divisions. You do not intend to pursue divisions 4 and 5 as filed, but you also wish me to put the question per division.

The Hon. T.T. NGO: That is correct, yes, so that honourable members get an opportunity to vote on them separately, not as a whole.

The CHAIR: I will just get some clarification on the sequencing of amendments. Just to set the scene: we have two amendments, and the Hon. Mr Ngo has indicated how he wishes the question to be put in relation to his amendment. We also have amendment No. 6 [Bourke-2]. Both

amendments seek to remove clause 22 and place other clauses in the body of the bill. Both sets of amendments, in the sense of the clauses they are both seeking to insert in the body of the bill, are not mutually exclusive.

After the debate I will be putting the question, so that we know where we are going to end up, that clause 22 stands. That means that, if you do not like either the Bourke amendment or the Ngo amendment, you will vote yes because you want clause 22 to stand. But if you either want one or both of them, you must vote no because you want 22 out. I am giving you the landing point before we start the debate. How I propose to go forward is that I think we need an understanding of the Hon. Mr Ngo's amendment but also the Hon. Ms Bourke's so that a decision can be made by members whether they want 22 to remain in. Does anyone object to that course of action?

The Hon. R.I. Lucas: No for Ngo.

The CHAIR: And no for Bourke.

The Hon. R.I. Lucas: And no for Bourke.

The CHAIR: We do not necessarily need to have the Hon. Ms Bourke move her amendments at this point in time. The Hon. Mr Ngo, you can speak to your amendments, please.

The Hon. T.T. NGO: New section 28 really tries to restrict a brothel from operating too close to certain premises. I have certain premises, such as childcare centres, religious places and schools. I have set the CBD around 50 metres and metropolitan areas 100 metres. I think it is a fair compromise because, at the end of the day, I believe some of those premises need some kind of protection from a brothel operating too close to them. I believe it is a reasonable distance—I am not asking too much.

This clause also protects an existing brothel from, say, a new childcare centre or new place of worship coming in after them and then requesting the brothel move away. It protects an existing brothel from being asked to move because it is too close to a school. It also deals with a number of unintended consequences, such as if a residence is being used for some kind of sexual services due to a person having a disability, in which case it is exempt. To cut it short, proposed section 28 is really to restrict brothels from operating too close to an existing school, childcare facility or other premises which are outlined clearly in the definition.

Division 3 contains proposed section 29—Declaration of a restricted area. Proposed sections 29, 30 and 31 deal with the issues I consider very important, since the council last night passed the provision to allow street sex workers. Proposed section 29 allows the Attorney-General to declare an area—it could be a road or a place like Rundle Mall—a restricted area in terms of public soliciting at the request of the police commissioner or a local council.

There is no strict period, and I am not specifying any area in this clause. I know some honourable members thought I was adding Hanson Road in there, but I am not. I am leaving it up to the Attorney-General of the day to decide, based on whatever advice he or she has, to declare whether any area is appropriate for public soliciting or not.

This provision activates tools for the Attorney-General to use. It may never be used; however, at least it is there. We do not know how the street sex worker provision that we voted on last night will operate in five or 10 years' time, but I just thought it would be great for the Attorney-General, at the end of the day, to have that ability to restrict an area if it causes some nuisance. I will just read out some of the conditions under which a restricted area can be declared. I have:

(a) sex workers regularly loiter, or solicit persons, in the area for the purpose of providing commercial sexual services; and

(b) there is a reasonable likelihood that such conduct, or other conduct relating to the provision of such services, is adversely affecting, or is likely to adversely affect, public use or enjoyment of the area; and

(c) the declaration of the area is a reasonable response to the adverse effect on public use or enjoyment of the area.

Proposed section 30 just outlines the penalties. In terms of proposed section 31, once the Attorney-General signs off, a police officer may order a certain individual to leave the restricted area for

24 hours. If a police officer suspects on reasonable grounds that the conduct of an individual is adversely affecting or is likely to adversely affect public use or enjoyment of the area, then they can be ordered to leave. Also, if an offence of a kind that may pose a risk to public order and safety has been or is about to be committed by a person or group of people, then an officer can order them to leave, so it is not necessarily about public soliciting.

Proposed section 31 also addresses some of the potential unintended consequences. It states in subsection (2) that if a sex worker lives in the area, then he or she is protected and this clause does not apply to them. It also allows the police officer to use reasonable force to remove someone if they refuse to leave. That is the bulk of my two amendments.

The Hon. M.C. PARNELL: I want to address division 2, which relates to what we know in the trade as separation distances. I will start by saying that the concept of separation distances is not unknown in regulatory regimes. The EPA famously publish a list of separation guidelines where they say, for example, that you should not build houses closer than one kilometre, I think it is, to an abattoir. The reason is that abattoirs are pretty smelly places and if you build a house close to a smelly place, clearly it is going to cause nuisance and it is going to create problems.

The concept of separation distances is not unknown. What is, I think, almost unknown is to arbitrarily try to second guess the impacts that might arise from a certain activity and to entrench separation distances in an act of parliament. Let's go back to first principles. The idea of a separation distance is that you have an activity that causes a problem. It causes a nuisance, it causes traffic snarls, it causes noise pollution or whatever, then you try to have some separation distance from what they often call a sensitive receptor, which is most commonly a residential property. That is the concept of how it has worked.

Where this division fails, I think, is that it is arbitrary. There is no wriggle room and no room for variation. It makes some assumptions and I think the number one assumption is that every place that is used for commercial sex work will cause a nuisance, that it will be noisy and that it will create traffic snarls. Light spill is another one. You often get people opposing ovals putting up light towers because they are worried about light spill. So there is some assumption that a premises used for commercial sex work will create a nuisance.

As we discussed for several hours last night, some of the places we are talking about are private homes. They are private homes where a room in that home might be used for commercial sex work. I think it misses the target by assuming nuisance value will associate with every premises used for commercial sex services. That is the first thing.

The second thing is that what we call the sensitive receptors are limited to childcare centres, kindergartens, schools, churches, places where religious services are conducted or anything else the government can think of and put in regulation. I find that quite a perplexing list. If we take kindergartens, for example, and we take the honourable member's separation distance of 100 metres, what we could be looking at is a premises that is a private home that might be used for the provision of commercial sexual services. It could be 100 metres away in a different street from the kindergarten with no common point of access.

They might be one-way streets: access to the kindergarten is one street and access to the house is on another street. There might be, in a practical sense, absolutely zero interaction between those two premises. It makes no sense at all to have an arbitrary rule like that, which is why I said last night that the proper way to manage these things is by using existing town planning principles and, on a case-by-case basis, work out what type of land use might be incompatible with another type of land use.

I think that what is at the heart of this, whether the honourable member will concede this or not, is more the idea. It is the idea that you know something is going on in that premises down the road. You know that something you do not like is happening. It is called commercial sex work. Otherwise, I cannot see what the connection is with a place conducting religious services. Unless there is some notion that the commercial sex premises are going to be interrupting the church service, in all likelihood it is more likely to be the other way around. I do not pretend to have done acoustic testing at brothels or places providing sexual services, but I have been past some noisy churches. There are people singing, they are worshipping, they are making noise.

I think what is at the heart of this is that there will be people—people of faith, people who strongly disagree with commercial sexual services—and it is in their heads that they do not like what is going on 100 metres from those premises. That is what this is about. It has nothing to do with there being a real, live, proven nuisance impact from one activity to the other. I think it makes no sense at all.

Whilst I am not saying that every property that might be used for commercial sexual services is appropriately located next to every other property, whether it is a school or a house or a kindergarten or whatever—I am not saying that—but you certainly do not try to say in legislation, 'This is the rule,' because the rule does not make any sense. You have to look at it on a case-by-case basis.

It may well be that, when the decriminalisation regime goes through, council start looking at their industrial estates and start thinking, 'Yes, that's a good spot.' They might have different rules in relation to the size of operations, if it is in a person's house and it is not interfering with anybody else. I can think of other businesses that I would like next to me less than I would like a home where a neighbour was offering sexual services—a doctor's surgery, with cars coming and going; a takeaway food outlet, with cars coming and going. There are lots of land uses that would be far more disturbing to a person's residential amenity than the places that are sought to be regulated under this amendment.

Like I say, I will be generous enough to say the concept of separation distances is not unknown to the South Australian planning system. It is inappropriate to try to put it in legislation, and it needs to be evidence-based and focused on what exactly is the nuisance that is sought to be overcome. This is too crude a tool to actually achieve the result that I think the member wants.

The Hon. C.M. SCRIVEN: This is a question for the mover of the amendment arising out of the Hon. Mr Parnell's statements. My understanding, and perhaps the member could confirm, is that in regard to section 29(3), the Attorney-General could only make a declaration if indeed there were adverse effects on public use or enjoyment of the area. Rather than simply saying, 'I don't like what is happening around the corner', the Attorney-General could only make declaration if indeed there was a problem. Is that a correct understanding?

The Hon. M.C. Parnell: It's the next division; that is division 3. I just addressed division 2.

The Hon. R.I. LUCAS: I am going to support the amendment in an endeavour to keep it alive. I think this is the sort of amendment that lower house members are going to be particularly interested in. I expressed my views on the second reading—that is, I believe there will be a lot of local communities and a lot of local members who represent their local communities, who will say, 'I don't want a large or medium-scale brothel operating next door to a childcare centre. I do not want a medium or large-scale brothel operating next to the primary school.' I think and I hope that a number of local members representing their local communities will take up the battle in relation to this particular issue.

I think there are some issues in relation to the right distance—the premises that are to be protected, I guess, or given this special designation, are they the only ones that should be or are there other definitions? I read the amendment differently to the way the Hon. Mr Parnell has read the amendment, I must admit. He has made great play of the fact that it could be a private home. But as I read the definition of 'protected premises', it says 'does not include a…private residence or any other premises of a kind excluded by the regulations'.

It seems pretty clear to me that the sort of example the Hon. Mr Parnell was referring to is actually a bit of a furphy used by the Hon. Mr Parnell to try to deflect attention in relation to the true intent of the mover's amendment. That is fair enough. The Hon. Mr Parnell is not supporting amendments to the legislation, and he can interpret the amendments. I think, to be fair, the amendment is pretty clear. It does exclude a private residence, and the sort of example that the Hon. Mr Parnell was talking about is not accurate, in my view.

I do think that these sorts of issues are difficult, and ultimately I would accept there is probably a better way of drafting something along these lines, but this is an endeavour to keep this issue alive and to put a flag in the sand to lower house members to say that there are at least some

members in this chamber who actually do believe that the notion of trying to stop a full-scale brothel next to a childcare centre or a primary school is a cause worth fighting for.

Should we be unsuccessful in the Legislative Council, I hope there will be a full-scale debate in the House of Assembly, because it is House of Assembly members who are going to be answerable to their local constituents should the end result of this be great concern from a local community when a full-scale operating brothel is approved right next to a childcare centre or, indeed, a church or a primary school.

The Hon. M.C. PARNELL: I did make a reasonable contribution, and if the honourable Treasurer had not challenged my legal analysis, I would not have jumped up. Where he is wrong is that where it says the words, 'does not include a home school, a private residence or any other premises of a kind excluded by regulations' that is from the definition of 'protected premises'. That is nothing to do with the definition of the place in which the sexual services are provided, which can be a private home.

Basically, what it is saying is, if we use the example of the school, you cannot operate the sex work premises within 100 metres of the school, but if the school is a home school, that does not count. That is really what the definition says. I just want to make sure members clearly understand that. The way this is crafted is that a person would be subject to a $5,000 fine or three months' imprisonment for undertaking sex work in a private home that just happens to be within 100 metres of a church, that might only meet on Sunday mornings and that is in a different street, and the people attending both premises never even pass in the street or anywhere else. That is a consequence of this.

I know the Treasurer said, 'Let's just keep the idea alive.' I do not think that there is enough merit in this to keep it alive at all, because I think it is the wrong tool. These separation distances do not belong in an act of parliament. They belong in a case-by-case look, mostly done at the local council level. Let's look at each case on its merits. These arbitrary rules make no sense at all and, as I say, they do not meet that threshold test of nuisance, because whilst the Treasurer can talk about these massive brothels, presumably with huge car parks and lots of people coming and going, they equally cover a single person operating part time from a private home. I just do not think that it belongs in the legislation at all. I certainly will not be supporting division 2.

The Hon. I.K. HUNTER: The Hon. Mr Parnell has stolen my thunder, in a much more eloquent manner than I could possibly have talked about. I just wanted to raise the same issues. The Treasurer talked about large-scale brothels and medium-scale brothels being built next door, but the bare wording of this amendment also applies to small home-based sex work establishments as well.

My concern about such a rigid set of rules being put in place in this legislation is that effectively it will mean there will not be an ability to conduct sex work almost anywhere, certainly not in the City of Adelaide and certainly not, probably, in most of the places where it currently is being conducted, notwithstanding the fact that the Hon. Mr Tung Ngo has a provision in there to grandfather existing places of sex work, I think, as I read it.

The Treasurer spoke about the exclusion 'but does not include a home school, a private residence' etc. The Hon. Mr Parnell talked about that. My concern is paragraph (d), which provides 'any other class of service declared by the regulations to be included in the ambit of this definition'. Yes, a childcare centre is included; yes, kindergartens, preschools, primary schools, secondary schools are included; places for religious services are included; and then you have paragraph (d), which provides 'any other class of service declared by the regulations to be included in the ambit of this definition'.

Forgive me for being a sceptic, but if I am drafting legislation to decriminalise sex work and there is an ability to put into a regulation that sex work cannot be conducted within 50 metres or 100 metres of any other class of service declared by regulations, then effectively, I think, you do not have decriminalisation of sex work. For that reason, I will be voting to keep clause 22 as it stands.

The Hon. F. PANGALLO: I will be voting in support of the Hon. Tung Ngo's motion. I support the views of the Hon. Rob Lucas in terms of the manner in which this amendment has been drafted. In terms of what the Hon. Mark Parnell says, I think the intent of the Hon. Tung Ngo's amendment is

to actually prevent a place becoming a nuisance. It is not to say that they are a nuisance and we do not want them here. As the Hon. Rob Lucas pointed out, there will be people who will probably support and who are in support of decriminalising sex work but who would prefer that it not be in the types of areas that the Hon. Tung Ngo has indicated.

The other part of his amendment is the restricted areas, which again I fully support, particularly in light of the move last night where, if this bill is passed by both houses, street work will be allowed. I can see that, once that does happen, there will be a stronger visible presence of street workers than we actually see now. If it is going to be legal, we are going to see a very strong presence and this amendment actually safeguards areas, events or places where families and others gather and they would want to be able to control the activities that go on there.

The aspect of the increase in streetwalkers and pimps has been further confirmed today by an interview on ABC's *AM*. I do not know whether my colleagues have heard this, but Abul Rizvi, former deputy secretary of the immigration department, says that there has been a tripling of numbers of those who have arrived on planes—something like 60,000—mostly from China and Asia, on temporary visas who then have applied for asylum.

The issue there, apparently, has been that many of these people have been exploited by dodgy labour hire operators, putting many of these people into underpaid work. Another aspect that was highlighted by Abul Rizvi was that a great number of them actually find themselves forced into sex work. They were highlighting the fact that human trafficking is happening, it is happening right under our noses, it is quite significant and it has been on the increase for some time.

I can imagine that, once sex work has been legalised and we have the ability for sex workers to use the streets, we are also going to see many of these people who are being forced into sex work probably being forced into that kind of work there. So it has been confirmed, and by official sources, that human trafficking is actually happening. It is happening at quite an extensive level, to a worrying level, where a federal department is so concerned about it that it has gone public and released these figures.

You may recall that in my second reading speech I highlighted the account of a person who came to see me, who has been conducting his own intelligence in the city at various locations, and he has reported to the police—he has also been in contact with some of these people who have been engaged in sex work—that they are coming here, either on these temporary visas or tourist visas and then overstaying and seeking a protection visa, basically to extend the time that they are here, and then either being coerced or going into sex work. It is obvious that it is happening and I would imagine that it would happen in the areas that the Hon. Tung Ngo has mentioned, in the city and the CBD. So I think there is merit in his amendment.

I do not share the same views as the Hon. Mark Parnell in relation to the distance from churches and childcare centres, and that you cannot have an arbitrary figure. I think if a person is going to carry out legal sex work, once this bill is passed, they need to be mindful of where they are going to conduct their business. If they live in a place or they rent a place that is within a childcare centre, a church, a place of worship, a kindergarten or a school, I think they are going to have to go and look for somewhere else to ply their trade because I do not think the community is going to be accepting of it. In saying that, I will be supporting the Hon. Tung Ngo's amendment.

The Hon. T.A. FRANKS: I will not canvass the areas around planning and local government because I think my colleague Mark Parnell has done that quite admirably, very honourably indeed. What I would say on that topic, however, is that the New South Wales experience has had teething problems, absolutely, but we have a lot to learn from their experience. I think in these next few weeks and months, there is an opportunity to engage more fully with councils, and I would hope that that will be undertaken.

I do believe that, while the Hon. Tung Ngo is being well-meaning with these amendments with regard to that, they are a blunt tool and they are not the tool at the moment that is actually the way forward, but the conversation is certainly one to be had. While I will be opposing, I certainly do not see that I need to support that amendment to keep this issue alive because this issue will be well and truly alive in the other place.

On the declared public precincts and restricted areas, I commend the Hon Tung Ngo for being quite open and transparent with his intention that he does not want to see sex work on Hanson Road. At that point, I want to talk about what happens to sex workers on Hanson Road. I have actually raised this before, Chair, but it was in fact before your day and so I refresh members' memories, for those who were around in 2010, but perhaps provide a new insight for other members of this council and, indeed, the public.

The ANZAC Day long weekend of 2010 saw the 'Anzac long weekend hooker catch and release game' encouraged on Facebook. A group of some 241 members were encouraged to taunt and harass street workers and record their antics on Facebook. The game was created and promoted by a founder of another sex worker hate site 'Hooker spotting on Hanson Road'. That Facebook group at the time had some 1,000 members. Sex workers that weekend were abused and harassed. They had eggs, rocks and beer bottles thrown at them. One member of the game even claimed that he squirted chilli sauce in the face of the worker. Quoted on Facebook, he wrote:

> I couldn't help myself the game was quite appealing, Did 1 game of catch and release at 11.30pm fri but added a part i like to call spray the bitch with chilli sauce lol. Petrol = $20 Bottle of squeezable chilli sauce = $3.45. The look ya get when ya spray em in the face wid chilli sauce = Priceles…

One sex worker was badly bruised when she was hit in the chest by a marble thrown from a car. Another sex worker was cut and bruised by a full bottle of beer hurled straight at her. Both had been also pelted with eggs. Sex worker Sophie was quoted in response in *The Advertiser*:

> We knew the attacks were on the cards over the weekend because a few of us saw it on Facebook…There were more idiots out than normal. We're easy targets. These idiots don't see us as someone's sister, daughter or mother, they just see us as whores.

Or, indeed, prostitutes. Well, I see these sex workers as workers and people, and I see Hanson Road as a problem that does not need a criminalising solution because when you criminalise these people you make them victims of crime.

In terms of the amendment the honourable member brought today, in regard to a declared public precinct, it does differ from the current operations of a declared public precinct in that it continues to criminalise sex work itself. It does not focus on the public order and nuisance provisions that are currently available under current laws. I note that, where the declared public precincts currently exist, it is indeed the police commissioner who asked the former attorney-general for these powers and the Attorney-General that grants these powers.

I strongly oppose this amendment in this form, but I do also put on record that is my understanding that both the Attorney-General and the police commissioner oppose this amendment. Could the Hon. Tung Ngo or any other member of the committee please provide me with clarity on that?

The Hon. J.M.A. LENSINK: Yes, Mr Chair, I am happy to advise that that is the case. I have received advice from the Attorney-General's office. In relation to restricted areas, they are similar in concept to declared public precincts. I will attempt to read from my phone.

The CHAIR: Be careful what you do, the Hon. Ms Lensink.

The Hon. J.M.A. LENSINK: In relation to declared public precinct legislation, this was:

> …enacted to maintain public order and safety in a defined area for which there is an apprehended level of danger to personal safety or property for a specific period or periods.
>
> There must be an apprehension of danger to personal safety and property in the precinct and the declaration is warranted to ensure public order and safety. At present, SAPOL are required to clearly articulate recommendations to the Attorney-General on the establishment of a DPP with regard to the heightened risk to public order and safety to persons using the specified public space during that specified time.

The amendment would legislate for that being sufficient ground for declaring a public precinct, bearing in mind that we are talking about restricted areas. The explanation continues:

> Sex workers operate fluidly across various areas depending on the time of day and associated offence in the vicinity. Sex workers would simply work adjacent to the declared area. They could cross a street and operate outside the declared area. SAPOL's position is that a DPP is not 'fit for purpose' for sex work. The declaration of an area for sex workers would also potentially affect all other persons using the area without their knowledge or participation.

The proposed amendment would allow a Council to apply for a DPP. This would create the potential for dozens of DPP's across the metropolitan and regional areas of varying sizes affecting varying population sizes. SAPOL's position is that this concept is operationally unworkable. Similarly, the reporting obligations contemplated by the amendment are too onerous for SAPOL to administer.

Clearly, SAPOL do not support this amendment and the Attorney's office has advised me that neither does she. If I can try to paraphrase: part of the reason is that it is going to delete the existing use of those precincts and police would find that there are too many loopholes. I think the best approach to this would be for consideration to be given between the houses and amendments, as appropriate, adopted in the House of Assembly.

The Hon. S.G. WADE: I would like to follow on from the remarks of the Hon. Michelle Lensink and echo both elements of the contribution of the Hon. Rob Lucas and the Hon. Michelle Lensink, in that I think there is a lack of consensus here on models that deal with issues such as street work and, shall we say, the proximity of premises. Considering that the other place has both the Minister for Police and the Attorney-General in the one chamber, and considering, shall we say, the particular interest of House of Assembly members about the impacts within their local communities, I will not be supporting this amendment, but I do express my interest in further consideration of these issues by the house.

The Hon. C. BONAROS: With all due respect to some of the comments that have been made, including those of my colleague in support, I have to say that I am not even brave enough to challenge the analysis that the Hon. Mark Parnell provided today, despite the Hon. Tung Ngo's best intentions. However, I am keen once again to let the lower house do some of the heavy lifting that we have alluded to and consider some alternatives and, indeed, to hear back from councils in relation to this same issue.

I want to make one point in relation to the nuisance issue, and perhaps I could give an example. That is, for a number of years I frequented one of my local ethnic supermarkets in the western suburbs. It was a small family business and I probably visited there for about five or six years before somebody said to me, 'Do you realise that there's a brothel next door?' I said, 'Where?' They said, 'That place right there,' and so I was caught by surprise. Indeed, an amazing little French bakery then opened in the adjoining building to the brothel, so they were effectively connected by a wall. I continued to visit that French bakery for as long as it was there. I can say without hesitation that on not one occasion—

An honourable member interjecting:

The Hon. C. BONAROS: I never visited the brothel if that is what the honourable member is asking, but I can say without hesitation—

Members interjecting:

The Hon. C. BONAROS: Ironically, it was next door to a bakery. I can say without hesitation that I never once witnessed a sex worker and I never once witnessed any disruption for any of the tenants in that little group of shops and commercial entities that I have alluded to. As I have said before, and I will say again, the western suburbs—my neck of the woods and I understand that it is also the Hon. Tung Ngo's neck of the woods—is peppered with brothels, but you would not know unless you went looking for them. I know I have said it on the record before that I did go looking for them and I found them but not because they were causing a nuisance or any sort of disruption. They are there, they are going about their business and they are not impacting anybody.

For those reasons, and while I appreciate the intent behind the amendments, I am also not supportive of this amendment, certainly not in this form. I am also extremely mindful of the advice that has been provided—formally or informally—by the Attorney but also by SAPOL, and so on that basis I will not be supporting this amendment but I certainly welcome any further developments that transpire between the houses.

The Hon. D.G.E. HOOD: I will be relatively brief. I think members have had a good say on this one but there are just a few points I would like to pick up on. The first one is that a number of members have mentioned that the lower house members will be particularly interested in this issue and I think that is absolutely right. In fact, just today, while I was in the Blue Room quickly grabbing some lunch, I was approached by two of them randomly. I had not discussed this issue with them

previously, and their interest was in exactly this issue; that is, where can these premises be and where can't they be essentially?

There is interest in this issue, particularly for lower house members. They, in a sense, because their seats are much smaller, can be argued to be closer to their constituency, and the exact location of these sorts of premises are certainly of interest to at least two of them—that much I can confirm. They are to me, too. I think a number of people will have a strong feeling, rightly or wrongly, that these sort of premises, brothels or otherwise, are best located not near certain other premises, as the Hon. Mr Ngo has outlined in his amendment. I am broadly supportive of that approach.

Turning to the comments of the Hon. Mr Parnell, he made some valid points, as he usually does, but one of the major points on which I would differ with him is, by the very nature of the sort of sexual services being sold in these premises, it often but not always can occur late or very late at night or in the early hours of the morning. That is not exclusive to this business; of course, you have some fast food venues that operate 24 hours a day as well, but these sort of things tend to happen in the evening, late at night, maybe even in the early hours of the morning.

Despite the other reasons that I would support for having restrictions on where they can or cannot be, I think that alone means they have the potential to cause greater disruption than a bakery, for example, or a church, as the Hon. Mr Parnell used as an example. I am conscious that people can come and go from these sort of premises all hours of the day and night, and that can cause disruption, as just one example of the potential for disruption.

Turning to the amendment itself, I agree with the general commentary, namely, this is not a perfect amendment at all. I mean no criticism of the Hon. Mr Ngo, but there are a number of issues in here that I will not go through now but I have outlined on my reading of it will pose questions that will need to be answered before this bill passes into law.

Briefly, proposed section 28(1) talks about the owner of the premises. Does that include landlords, for example? I presume it does. There are questions. We do not want landlords pulled into these things if things are happening on their premises that they know nothing about; they should not be punished. There are questions about people sharing a home, for example, in subsection (2)(b). The distances, as the Hon. Mr Parnell raised—50 or 100 metres—do seem somewhat arbitrary. Is that the right measurement? We need to look to other legislation to get a better feel on whether or not that is right.

There are a number of things, and I will not go on through all the details, but I have made a number of notes here that outline genuine questions and full debate that needs to be had, and no doubt will be had in the other place. That said, I think the premise is right; I think we do need to have some control on where these places can and cannot be, and that alone is enough to get my support. Furthermore, I think the honourable member has gone into some detail and forms the basis of what is a pretty good model, sufficient to draw my support, anyway.

The Hon. K.J. MAHER: I rise briefly to make comment and say that I appreciate the intent of these amendments, but I will not support them. I echo some of the comments I made previously. Whilst it might be by regulation or by further debate on this in the other place that some sort of scheme is brought in, there are planning laws that dictate how and when businesses can operate.

As the Hon. Connie Bonaros pointed out, there are many, many brothels in operation everywhere that most of us would not know about because they operate without interfering in the lives of everyday people. Quite some time ago my wife and I lived in a cottage in the CBD. There were six cottages in the row, and for many years, until someone much more worldly-wise than I pointed out, two of the six cottages operated as brothels. We had no idea for years that two of the six cottages operated as brothels.

I remember a time when former premier John Bannon drove in, parked his ute in our street, just after we had found out what two of these six cottages were used for, and we were all very concerned about what former premier Bannon was doing, but he was going to the crash repairers across the road. It just showed that there are these operating all throughout the city, throughout the suburbs, and most of us are completely oblivious to it. Once under the decriminalisation model, we will continue to be completely oblivious to it; it does not change that.

The Hon. C.M. SCRIVEN: I would like to reflect particularly on the most recent comment from the Hon. Mr Maher and others who are talking about the fact that apparently brothels cause no disruption. When I lived in Adelaide I lived up the road from a small home brothel, and I can assure you it did cause disruption. We had people knocking on our door at all times of the night. At the time I had three young girls—my three daughters—and it was very disruptive, I can assure you.

However, that is not the main point of my comment. We are talking about what it has been under a criminalised regime where brothels cannot advertise, where they cannot easily have perhaps 10 people providing services and therefore many, many more numbers of clients. We are talking about what has been, whereas the potential disruption under a totally decriminalised model will surely be very different; otherwise we would not be debating it. If nothing was going to change, then we would not have any need for this debate.

The point is there may well be larger brothels that may not be contravening any planning laws; there may well be far more disruption to local neighbourhoods or to local people. At the moment there will be nothing to stop people walking up and down the front of those premises to advertise themselves for sexual access. So all of that can easily change and would be likely to change under a decriminalised model, so to argue that because under a criminalised model there has been little disruption—although some of us have different experiences—and that there therefore would not be under a decriminalised model I think is not taking into account all of the facts.

In regard to an earlier contribution by the Hon. Mr Hunter with respect to his concern about the provision relating to sex work not occurring near certain kinds of premises in proposed section 28 and his concern that there is a part that refers to 'any other premises of a kind excluded by the regulations from the ambit of this definition', my understanding is that parliament has the opportunity to disallow regulations; therefore, I would think that that should not be such a concern. I am happy to be corrected if that is not the case, being still relatively new to this place, but that is my understanding.

In terms of the substantive nature of the various amendments, I join with other members in saying that they are certainly not perfect. I have considerable concerns about moving prostitution into one area and not another—whether it just moves it around. I have some issues around the distances—whether in fact they are the right distances—and so on. Again I do not think these are ideal, but they do go some way to addressing the valid concerns of people in the community who will have to live with the effects of this bill when it does pass into law.

The CHAIR: Have honourable members exhausted what they wish to say in relation to the Hon. Mr Ngo's amendments? Because I will now ask the Hon. Ms Bourke to talk to her amendment No. 6 [Bourke-2].

The Hon. E.S. BOURKE: I move:

Amendment No 6 [Bourke–2]—

Page 6, lines 15 and 16—Delete clause 22 and substitute:

22—Substitution of Part 6

Part 6—delete the Part and substitute:

Part 6—Licensing of sex worker establishments and related matters

Division 1—Preliminary

27—Interpretation

(1) In this Part—

child means a person under 18 years of age;

commercial sexual service means an act engaged in for payment involving physical contact (including indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons, but does not include an act of a class excluded by regulation from the ambit of this definition;

Commissioner for Consumer Affairs means the Commissioner for Consumer Affairs under the *Fair Trading Act 1987* or the person for the time being acting in the office of Commissioner for Consumer Affairs;

council area, in relation to a local council, means the area for which the local council is constituted under the *Local Government Act 1999*;

criminal intelligence means information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or endanger a person's life or physical safety;

director of a body corporate includes—

(a) a person occupying or acting in the position of director or member of the governing body of the body corporate, by whatever name called and whether or not validly appointed to occupy or duly authorised to act in the position; and

(b) any person in accordance with whose directions or instructions the directors or members of the governing body of the body corporate are accustomed to act;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

licence means a licence under this Part;

licensee means the holder of a licence under this Part;

local council means a council constituted under the *Local Government Act 1999*;

operate a sex worker establishment and operator—see section 29(2);

payment includes any form of consideration;

premises includes a part of a premises;

prescribed organisation—the following are prescribed organisations:

(a) a declared organisation within the meaning of the *Serious and Organised Crime (Control) Act 2008*;

(b) a criminal organisation within the meaning of Division 1 or Division 2 of Part B of the *Criminal Law Consolidation Act 1935*;

(c) any other organisation prescribed by the regulations for the purposes of this definition,

and a reference to a *member* of such an organisation is to be construed in accordance with the relevant Act;

sex worker means a person who provides commercial sexual services;

sex worker establishment means premises in which 2 or more sex workers provide commercial sexual services (whether at the same time or otherwise, and whether or not other services are also provided at the premises) but does not include premises at which accommodation is normally provided on a commercial basis if the commercial sexual services are provided under an arrangement initiated elsewhere.

(2) For the purposes of this Part, 2 persons are *close associates* if—

(a) 1 is a spouse, domestic partner, parent, brother, sister or child of the other; or

(b) they are members of the same household; or

(c) they are in partnership; or

(d) they are related bodies corporate (within the meaning of the *Corporations Act 2001* of the Commonwealth); or

(e) 1 has a right to participate (otherwise than as a shareholder in a body corporate) in income or profits derived from a business conducted by the other; or

(f) 1 is in a position to exercise control or significant influence over the conduct of the other.

28—Application of Part

This Part is in addition to, and does not derogate from, any other Act or law.

Division 2—Requirement for licence to operate sex worker establishments

29—Requirement to hold licence to operate sex worker establishment

(1) A person must not operate a sex worker establishment unless licensed under this Part to do so.

Maximum penalty: Imprisonment for 2 years or $100,000.

(2) For the purposes of this Division, a person (the *operator*) *operates a sex worker establishment* if the person, whether alone or with others—

(a) employs or supervises a sex worker to provide commercial sexual services at the sex worker establishment; or

(b) receives or retains all or a portion of the proceeds of commercial sexual services provided at the sex worker establishment;

(c) determines or otherwise has control over the provision of commercial sexual services at the sex worker establishment (whether or not the person provides sexual services) including by determining—

(i) when or where an individual sex worker will provide commercial sexual services in relation to the sex worker establishment; or

(ii) the conditions in which sex workers provide commercial sexual services in relation to the sex worker establishment; or

(iii) the amount of money, or proportion of an amount of money, that a sex worker receives as payment for the provision of commercial sexual services at the sex worker establishment; or

(d) employs or supervises a person who does any of the things referred to in paragraph (c) in relation to the sex worker establishment; or

(e) undertakes any other activity prescribed by the regulations for the purposes of this paragraph.

Division 3—Application and grant etc of licence

30—Application for licence

An application under this Part—

(a) must be made in a manner and form determined by the Commissioner for Consumer Affairs; and

(b) must be accompanied by the documents and information required by regulations and any other documents or information required by the Commissioner for Consumer Affairs; and

(c) must be accompanied by the prescribed fee.

31—Applications to be given to Commissioner of Police

(1) The Commissioner for Consumer Affairs must give a copy of each application under section 30 to the Commissioner of Police.

(2) As soon as reasonably practicable following receipt of an application, the Commissioner of Police—

(a) must make available to the Commissioner for Consumer Affairs information about any criminal convictions; and

(b) may make available to the Commissioner for Consumer Affairs other information to which the Commissioner of Police has access,

relevant to whether the application should be granted.

32—Discretionary powers of Commissioner for Consumer Affairs

(1) Subject to this section, the Commissioner for Consumer Affairs may, in the Commissioner's absolute discretion, grant or refuse an application under section 30 on any ground, or for any reason, the Commissioner for Consumer Affairs considers sufficient.

(2) An applicant for a licence must satisfy the Commissioner for Consumer Affairs—

(a) that the applicant is a fit and proper person to hold the licence; and

(b) if the applicant is a trust or corporate entity—that each person who occupies a position of authority in the entity is a fit and proper person to occupy such a position in an entity holding a licence.

(3) An application must be refused if the Commissioner for Consumer Affairs is satisfied that to grant the application would be contrary to the public interest.

(4) A minor must not—

(a) hold a licence; or

(b) occupy a position of authority in a trust or corporate entity that holds a licence,

(but a minor may be a shareholder in a proprietary company or a beneficiary of a trust that holds a licence).

(5) A person may hold 2 or more licences.

(6) If the Commissioner for Consumer Affairs considers that an applicant should satisfy the Commissioner for Consumer Affairs as to a certain matter for the purposes of determining the application, the Commissioner for Consumer Affairs may, if the Commissioner thinks fit, nevertheless grant the application on the condition that the applicant satisfies the Commissioner for Consumer Affairs as to the matter within a specified period.

(7) If a licence is granted on a condition under subsection (6), the Commissioner for Consumer Affairs may, on failure by the applicant to comply with the condition, cancel the licence.

32A—Annual fee

(1) A licensee must, in each year, pay to the Commissioner for Consumer Affairs an annual fee in accordance with the regulations.

(2) Without limiting the matters that may be dealt with in the regulations, the regulations may—

(a) fix the day of the month on or before which the fee is to be paid in each year; and

(b) fix the period of 12 months (the *annual fee period*) in respect of which the fee is to be paid.

(3) If a licensee fails to pay the annual fee in accordance with the regulations, the Commissioner for Consumer Affairs may, by written notice, require the person to make good the default as specified in the notice and, in addition, pay to the Commissioner for Consumer Affairs the amount prescribed as a penalty for default.

(4) If a licensee fails to comply with a notice under subsection (3), the Commissioner for Consumer Affairs may, by further written notice, cancel the licence.

Division 4—Cancellation of licence

32B—Cancellation of licence by Commissioner for Consumer Affairs

(1) Subject to this section, the Commissioner for Consumer Affairs may, at any time and in the Commissioner's absolute discretion, cancel a licence by notice in writing to the licensee.

(2) The Commissioner for Consumer Affairs must cancel a licence—

(a) if the licensee is convicted of a prescribed offence; or

(b) if the Commissioner for Consumer Affairs is satisfied that the licensee is no longer a fit and proper person to hold a licence; or

(c) in any other circumstances prescribed by the regulations.

Division 5—Prohibition on profit sharing

32C—Prohibition on profit sharing

Subject to this Act, if a licensee—

(a) enters into partnership with an unlicensed person in relation to the sex work establishment carried on under the licence; or

(b) enters into any agreement or arrangement under which an unlicensed person may participate in the proceeds of the sex work establishment carried on under the licence; or

(c) remunerates an unlicensed person by reference to the proceeds of the sex work establishment carried on under the licence; or

(d) permits an unlicensed person to conduct, superintend or manage the sex work establishment carried on under the licence; or

(e) permits an unlicensed person to exercise control or substantial influence over the sex work establishment carried on under the licence,

the licensee and the unlicensed person are each guilty of an offence.

Maximum penalty: Imprisonment for 2 years or $100,000.

Division 6—Authorised officers

32D—Powers of authorised officers

(1) An authorised officer may, at any reasonable time, do 1 or more of the following:

(a) enter, remain on and inspect premises to which a license relates (and, if entry is refused, may employ such force as is reasonably necessary to gain entry);

(b) require any person (whether on such premises or otherwise) who has possession of any records relevant to a business conducted under a licence to produce those records for inspection;

(c) examine, copy or take extracts from such records;

(d) remove and retain such records for so long as is reasonably necessary for the purpose of making a copy of the record;

(e) require any person found on premises to which a licence relates to state their full name and address and date of birth.

(2) A person who—

(a) hinders or obstructs an authorised officer in the exercise of powers under this section; or

(b) fails, without reasonable excuse, to comply with a requirement of an authorised officer under this section; or

(c) falsely represents that the person is an authorised officer,

is guilty of an offence.

Maximum penalty: $5,000.

(3) In this section—

authorised officer means—

(a) the Commissioner for Consumer Affairs; or

(b) a police officer; or

(c) authorised officers under section 76 of the *Fair Trading Act 1987*; or

(d) a person, or a class of persons, authorised by the Commissioner for Consumer Affairs to be an authorised officer for the purposes of this Act.

Division 7—Prohibition on advertising commercial sexual services

32E—Prohibition on advertising commercial sexual services

(1) A person must not advertise the provision of commercial sexual services.

Maximum penalty: $2,500.

(2) An owner or occupier of premises must not cause or permit a person to advertise, at or on the premises, the provision of commercial sexual services.

Maximum penalty: $2,500.

(3) To avoid doubt, subsections (1) and (2) apply whether the advertised commercial sexual services are provided in accordance with this Act or otherwise.

(4) Subsections (1) and (2) do not apply to an advertisement or other action of a kind prescribed by the regulations.

(5) For the purposes of this section, a person *advertises the provision of commercial sexual services* if the person—

(a) places or displays a sign in, or that is visible from, a public place that promotes the provision of commercial sexual services; or

(b) distributes to the public any unsolicited leaflet, handbill or other document, that promotes the provision of commercial sexual services.

(6) In this section—

sign includes a painted or printed sign, lettering, image, signboard or visual display screen.

Division 8—Miscellaneous

32F—Offence to employ child for a purpose related to provision of commercial sexual services

(1) A person who employs a child for a purpose related to the provision of commercial sexual services is guilty of an offence.

Maximum penalty: Imprisonment for 2 years or $100,000.

(2) For the purposes of subsection (1), but without limiting the generality of that subsection, a person who performs any of the following services and functions will be taken to be doing so for a purpose related to the provision of commercial sexual services:

(a) acting as a receptionist, or otherwise making or receiving telephone calls or other communications, related to the provision of commercial sexual services;

(b) driving a sex worker to a place for the purpose of providing commercial sexual services (whether at that place or elsewhere);

(c) provide cleaning services at premises at which commercial sexual services are provided;

(d) purchasing goods (however described) intended to be used in the provision of commercial sexual services.

(3) It is a defence to a charge of an offence against subsection (1) for the defendant to prove that—

(a) the defendant required the child to produce evidence of their age; and

(b) the child made a false statement, or produced false evidence, in response to that requirement; and

(c) in consequence, the defendant reasonably believed that child was 18 years of age or older.

(4) In this section—

employs a child includes—

(a) enters into a contract for services with the child; and

(b) allows a child to undertake work as a volunteer.

32G—Offences by bodies corporate

(1) If a body corporate is guilty of an offence against this Division, each director of the body corporate is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless the director proves that they could not by the exercise of due diligence have prevented the commission of the offence.

(2) The regulations may make further provision in relation to the criminal liability of a director of a body corporate that is guilty of an offence against the regulations.

32H—False or misleading statements

A person must not make a statement knowing that it is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular) in information provided under this Part.

Maximum penalty: $20,000.

32I—Evidentiary provision

(1) In proceedings for an offence against this Act, an allegation in the information—

(a) that a specified person is or is not, or was or was not on a specified date, the holder of a licence under this Part; or

(b) that a specified person is or is not, or was or was not on a specified date, an authorised officer,

will be accepted as proved in the absence of proof to the contrary.

(2) In any legal proceedings, a document apparently certified by the Commissioner for Consumer Affairs to be a notice or other document issued under this Part, or to be a copy of such a notice or other document, will be accepted as such in the absence of proof to the contrary.

32J—Regulations

The regulations may make further provisions in relation to the licensing of sex worker establishments (including, to avoid doubt, by prohibiting the granting of licences, or the establishment of sex worker establishments in specified areas).

This is an amendment to substitute part 6. Part 6 of the bill would repeal part 6 of the Summary Offences Act, which includes the interpretation of 'brothel' and 'keeping and managing a brothel'. Amendment 6, which I have tabled, seeks to introduce a level of protection for the industry and community and, importantly, to bring this adult commercial service in line with other adult commercial services.

This amendment introduces a positive licensing scheme for sex work establishments and related matters. As highlighted in my second reading speech, regulation is imposed on other adult commercial services to provide a level of protection to the community, workers and other businesses. There are several other jurisdictions that have moved down the path of licensing, including New Zealand. The New Zealand parliament passed a Prostitution Reform Act in 2003, establishing a licensing regime. New Zealand has a system of regulations such that the operator of a sex work business must be licensed and certain persons are disqualified from holding a licence.

The New South Wales parliament's Select Committee on the Regulation of Brothels inquiry handed down in 2015 recommended that New South Wales' decriminalised framework be modified to introduce a licensing scheme for most premises where sex work takes place. The commissioner found that a licensing system would help solve identified problems in the industry, assisting the proper enforcement of planning laws protecting sex workers from being exploited and being in danger, assisting to fight organised criminal elements in the industry and ensuring that only fit and proper persons control and operate a brothel.

While this licensing scheme proposed in amendment No. 6 is not as onerous as a liquor licensing scheme, it will provide a number of oversights to ensure a person not deemed as a fit and

proper person cannot run a sex work establishment. A licensing scheme will also provide an opportunity for the government or a Commissioner for Consumer Affairs to address other proximities of sex work establishments to address the concerns we have just been discussing about where a brothel can be located.

An application for a licence would need to be undertaken in accordance with any other document or information required by the Commissioner for Consumer Affairs and it would be unlawful to run a sex work establishment without a licence. Like many other licensed commercial services, including car yards, the applicant would be required to be a fit and proper person to hold a licence. An applicant must be refused if the Commissioner for Consumer Affairs is satisfied that to grant the application would be contrary to the public interest.

The Commissioner for Consumer Affairs must cancel a licence if the licensee is convicted of a prescribed offence or if the commissioner is satisfied that the licensee is no longer a fit and proper person. A person may hold two or more licences. If a licence fails to comply with the notice under subsection (3) of paying an annual fee, the Commissioner for Consumer Affairs may, by further written notice, cancel the licence.

Consideration has been given to police powers, as suggested by SAPOL. The identical part of this amendment was passed yesterday and reflected what the Hon. Mr Wade put forward. There are another two provisions within the licensing scheme: one has already been supported and I believe the other one probably will be.

The prohibition of advertising reflects the same amendments that will be tabled shortly. Division 8 will make it an offence to employ a child for purposes related to provisions of commercial sexual services. Again, that is highlighting the Hon. Rob Lucas' Baker's Delight-Brothel's Delight analogy. I am happy to take you through the amendments if that is the best way—

The CHAIR: It is up to you, but it is normal practice.

The Hon. E.S. BOURKE: As this amendment seeks to introduce a licensing scheme, interpretations have been included. For the sake of the committee, I feel some of them are more relevant interpretations the committee members may wish to note. The interpretation of a sex worker remains as interpreted by the bill before us. Therefore, it does not require an individual sex worker to apply for a licence under this amendment such as is seen in the Northern Territory, where a worker must register with the police. They will remain as the bill has sought to do: a standalone sex worker.

A sex work establishment means a premises in which two or more sex workers provide commercial sexual services. However, I understand this does not prevent, for safety purposes, another adult being present on the premises at the same time, as long as they are not providing commercial sexual services.

Section 28—Application of Part, is just a standard administrative amendment to highlight this licence exists in addition to other South Australian laws relevant to this industry. It is just a new regulation to overlay the existing scheme. Section 29 is the requirement for licence. This amendment provides the foundation of the licensing scheme and requires that you cannot operate a sex work establishment without a licence. It highlights the roles and responsibilities of an operator and sex work establishment. Section 30 is just a procedural step to gain a licence.

Section 31—Applications to be given to Commissioner of Police. This is a licensing process where the Commissioner for Consumer Affairs must give a copy of each applicant's application to the Commissioner of Police, where they will be required to make available, as soon as reasonably possible, information of any criminal convictions to the Commissioner for Consumer Affairs. Again, this is just bringing back to the thought that I had in my second reading speech about having a fit and proper person.

Section 32—Discretionary powers of Commissioner for Consumer Affairs. Under this section, the Commissioner for Consumer Affairs may, in the commissioner's absolute discretion, grant or refuse an application under section 30 on any ground that the Commissioner for Consumer Affairs considers sufficient. This comes back to the locality of a premises. If the Commissioner for Consumer Affairs deems that it is not an appropriate location for the brothel, they can deem that they cannot be there. The commissioner will have similar powers to that of other licensed industries, such

as used car yards, to be satisfied that a licence holder is a fit and proper person. A person will not be limited to a number of licenses that they can hold.

Section 32A provides that there is an annual fee, and that date would be set on an annual basis. Section 32B—Cancellation of licence by Commissioner for Consumer Affairs. If the licensee is convicted of a prescribed offence or if the licensee is satisfied the person is no longer a fit and proper person, the Commissioner for Consumer Affairs may, at any time, cancel a licence. That has to be done in writing. Again, these regulations are similar to any other adult commercial service, but probably not as onerous as some, and car yards as well.

Section 32C seeks to keep income within the licence of a sex work establishment. This is making sure that those that are licensed and are legitimately meant to be receiving the money are the ones receiving this money. It is to stop other people coming over the top and forcing that money from those establishments. Section 32D supports the call from SAPOL, which I have previously discussed, and minister Wade has already moved that amendment.

Section 32E is the prohibition on advertising, which, again, will be moved shortly, and I believe will be supported. I support that as well. Section 32F is the same as the one Hon. Ms Bonaros moved recently and was supported by this chamber. Section 32G—Offences by bodies corporate. This is to ensure that people cannot hide behind a corporate veil, essentially, and that their unlawful actions will be deemed as unlawful. I am happy to take comments.

The Hon. T.A. FRANKS: Why has the mover chosen a positive licensing scheme rather than a negative licensing scheme, given SAPOL's recent public comments?

The Hon. E.S. BOURKE: It was something that I tussled over for quite some time, I have to say—whether to go with a positive or a negative. I felt that a register of some kind or a way of administrating the licence would be easier under a positive licensing scheme.

The Hon. T.A. FRANKS: What is the Law Society advice on this licensing scheme that is being attempted to be inserted into a decriminalisation model?

The Hon. E.S. BOURKE: I appreciate the member's feedback. I have not sought their advice, as I have not had time on my side to do that. Again, I take that on as my responsibility that I have not done that. I feel that the bill before us today is missing an element of regulation, as reflected across all other adult commercial services, but I note that I probably have not been able to advocate widely enough for this.

The Hon. C.M. SCRIVEN: Does the mover anticipate that that kind of consultation would happen in between the bill being considered by the upper house and by the other place?

The Hon. E.S. BOURKE: I am most happy to consult on this much further. I will sit down and have a discussion with anyone I need to have a discussion with about this amendment. I completely appreciate what the Hon. Ms Franks is saying, but unfortunately I have not had time on my side in regard to this amendment.

The Hon. R.P. WORTLEY: I would like the Hon. Ms Franks to enlighten me now on what is the Law Society's position on licensing and the decriminalisation bill.

The Hon. T.A. FRANKS: Certainly, with the tattooing industry, the Law Society has grave concerns. With this bill, which was consulted on over many years now, which is the replication of the previous bill, a select committee took three separate submissions from the Law Society, which gave some suggestions for amendments but supported full decriminalisation and not a licensing scheme.

I note that both the Northern Territory and Queensland currently have what you would call licensing schemes. Both of those governments' attorney-generals have now admitted that the licensing scheme is in fact a failure. It does drive parts of the industry underground. It continues to have the police as both prosecutors and protectors. It sets up that dual purpose. You cannot have the police being both the prosecutor and the protector. It simply does not work, particularly with this industry.

In the Northern Territory, they are quite far advanced with a discussion paper into decriminalisation, and they hope to beat us to the punch to have basically the model of decriminalisation that we are debating now by the end of the year.

The Hon. E.S. BOURKE: I have the Reforming the Regulation of the Sex Industry in the Northern Territory document here. In the Northern Territory, it is currently illegal. I know a licence is required for the specific planning requirements. A licence is required for an individual, and you have to register that with the police. I am not seeking that an individual needs to have a licence. I am purely seeking that an establishment is required to have a licence, just like a car yard, just like a pub, just like a tattoo parlour (which I appreciate is a negative licensing scheme), just as many other adult commercial services have a licensing scheme.

The Hon. T.A. FRANKS: For the elucidation of members of the council, you have that report because I provided it to all members of this parliament. I am so glad that some people have actually read it. I do hope that some people understand that they have acknowledged the failures of their system there, that these attempts, well-meaning as they were at the time, to overly regulate what is called 'legalisation'—but that is a confusing word; your licensing is indeed a legalisation model, as was the Northern Territory, as has been Queensland, as has been Victoria—have actually criminalised people.

I spoke briefly yesterday about Ireland, which has pursued a Nordic model, which was supposed to criminalise buyers and supposed to criminalise these people who are supposedly pimps. Of course, two women, one of whom is pregnant, are facing prison for nine months because they were both working in the same building, in the home where they lived with each other. Both have been charged with pimping each other because they were working together.

In Queensland, what happens is that in fact a worker must be solo. The regulations around this, requiring certain things of workers, requiring certain words not to be used, requiring them to work alone, mean that they cannot even make a phone call to a friend or family member and tell them that they are about to take a job. It means that they are unable to do the vetting that ensures their safety, that allows the screening.

They are not able to use services in Ireland, such as Ugly Mugs, which can actually promulgate information about clients who have been abusive or aggressive or who have failed to pay. That is what we are talking about when we are talking about these types of regulations around this industry. That is why we are seeking decriminalisation, where in fact what we are doing is moving the criminal element away from these people and treating them as workers with all the rights, of course, but all the responsibilities and all the regulations that go with those responsibilities applying to them.

Again, this is a legalisation or a licensing model. There are the three types of models that we have discussed, that Michelle Lensink has ably outlined many times in this place. These are the three options. This is a decriminalisation model. It is the model supported by sex workers themselves. It is the model supported by 100-plus organisations the last time the bill, in a different form in the lower house, came before the parliament.

Those organisations included the Working Women's Centre, SA unions and they also included the support of Amnesty International, the World Health Organization, and locally, of course, organisations like SHINE SA and the ASU. Decriminalisation has been well promulgated, put out for proper feedback from groups such as the Law Society and, indeed, there have been many submissions and many witnesses. Quite extensive community consultation has taken place for the bill and this particular clause as part of the bill over many, many years—not even just months, but many, many years.

So at the last minute, the day before and the day of the debate this time, when we have in fact had this piece of legislation in this parliament this time for over a year, and we had two months' notice that we were going to debate it, this is substandard. I understand that the intentions may be that there is a better way. If the member believes there is a better way, the bill should come before us as a standalone bill, be sent to the Law Society and sent out for feedback, take that consultation process, go to a select committee if need be, and then come back to us in a form that is not attempting to insert itself into a decriminalisation bill.

The Hon. C.M. SCRIVEN: I want to note a number of the examples that the Hon. Ms Franks has just referred to. She talked about the Nordic model and various other models that are not being

presented, as I understand it, in this amendment, so I do not think most of those examples are relevant. While on the topic, I might take the opportunity to respond to some—

The Hon. T.A. FRANKS: Point of order: I know that I talked about the Nordic model yesterday and gave examples about how that, while well intentioned, criminalises women. I hardly see how that is irrelevant to a debate about decriminalisation.

The Hon. C.M. SCRIVEN: It was brought up in regard to what the Hon. Ms Franks calls the 'licensing model' that Ms Bourke is talking about in this amendment. That is why I point out that the examples are referring to a different model from that which the Hon. Ms Bourke is moving in this amendment.

I want to put on the record that there have been a number of discussions from the Hon. Mr Wade that he is willing to be open to supporting other models that have not been brought to this parliament. I would like to remind members that some members have not been here for eight years, 10 years, 16 years, 20 years, 200 years in the case of the Hon. Mr Lucas and that is why we need to make sure that anything we vote for is a better model. Other models may well come forth, but simply because something has not come before the parliament in the past is no reason to say that we will vote for something that is clearly very flawed, as I believe this is.

I have a specific question for the Hon. Ms Bourke in terms of section 32(5) which provides that a person may hold two or more licences. My concerns, as I have outlined a number times in this chamber, are around the exploitation of others as opposed to an individual selling sexual access to themselves only. I want to clarify: does that mean that a person could be the licensee for many, many different brothels? Is that correct?

The Hon. E.S. BOURKE: As it stands, that is correct.

The Hon. C.M. SCRIVEN: Thank you for the clarification.

The Hon. F. PANGALLO: As I have made quite clear, I am supportive of decriminalising sex work. I think the most fundamental aspect of decriminalising it is having proper regulation. I commend the Hon. Emily Bourke for going down that path. I also appreciate the words of the Hon. Tammy Franks, where she does not think that this is the right path to take in the bill for that.

Nevertheless, we need to have this discussion and perhaps, again, there are aspects of this amendment that may have to be reworked or rehashed. In essence, it is imperative that we do have regulation and that we know who is actually running this industry, not so much the women and the men or those who work in it but also those who control the brothels. We need to know whether they pass character tests and that they do not have a criminal history where they are going to be exploitative.

There are a lot of questions that need to be asked about the people who are going to be running these brothels. As the Hon. Clare Scriven pointed out, in a note I have made here, 'A person may hold two or more licences.' I am a bit uncomfortable with that. If this is correct, Ms Bourke, you are actually inviting people to monopolise this industry. Can you see that that could pose an issue? Do you not have a problem with that?

The Hon. E.S. BOURKE: I appreciate that that could be an issue. Again, I would be happy to discuss this and make amendments between this house and the following house but I guess, if we were to reflect what is trying to be achieved here, where this is becoming an industry, then they could have multiple licences. But, if that is a concern of the chamber, that could be addressed as well.

The Hon. F. PANGALLO: In proposed section 32—Discretionary powers of Commissioner for Consumer Affairs, there does not seem to be any mention about whether the ownership of these licences should be only made available to Australian citizens or permanent residents. Should it preclude foreign owners for instance?

The Hon. E.S. BOURKE: That would come back to the commissioner's discretion of what is a fit and proper person.

The Hon. F. PANGALLO: Another question: I do not know if you clarified it, or I may have missed it, but is there some requirement for sex workers themselves to be licensed or some form of registration?

The Hon. E.S. BOURKE: Again, this is not about the individual, this is about the owner of a sex worker's establishment. An individual would not have any licence on them unless they are within a facility that has two or more people providing a commercial sexual service. An individual working within their own home would not require a licence. If they had another person in their home who was not providing a commercial sexual service at the same time they would still not need a licence, but they would need a licence the second there are two or more people within one residence.

The Hon. F. PANGALLO: Should licence holders be listed publicly on a business and consumer affairs website?

The Hon. E.S. BOURKE: I am not aware of what happens currently for other businesses but I am happy to see if that is what happens with other businesses.

The Hon. F. PANGALLO: If you go to the website for the office of Consumer and Business Services, you can actually find out whether people have appropriate building licences and whatever. Should this apply in this case? Should we know who holds the licence for a particular premises?

The Hon. E.S. BOURKE: I do not believe there is an element that would make sure that that would be publicly available but, again, I am happy to look at that if that is something that the chamber so seeks.

The Hon. F. PANGALLO: Division 4—Cancellation of licence. Where consumer affairs can cancel a licence, how long is it before they can get it back? Should there be a provision in there in relation to the length of time for them to be able to reapply for a licence?

The Hon. E.S. BOURKE: I think that that would come back to the commissioner determining whether they are a fit and proper person to hold a licence.

The Hon. F. PANGALLO: You do not see a need that there should be a restriction on them returning back into the industry if there is a serious breach of the conditions?

The Hon. E.S. BOURKE: I think, if they seek to apply, the commissioner would determine that they would not be a fit and proper person to have that licence. So the person applying for that licence would be wasting their time because the commissioner would say that they were not a fit and proper person if they had a conviction. When the commissioner provides the application to the police, the police would advise the commissioner that that application cannot be approved because they have a criminal conviction.

The Hon. F. PANGALLO: I refer to division 6, proposed section 32D—Powers of authorised officers. Subsection (1)(b) states:

> require any person (whether on such premises or otherwise) who has possession of any records relevant to a business conducted under a licence to produce those records for inspection;

Can you be specific on what you mean by 'records'? Do records include telephones, laptops, tablets, any other digital data or phone accounts?

The Hon. E.S. BOURKE: I will seek to clarify that for you. I feel I have been given a lawyer's answer to this, so I am not sure if it is going to make sense for me. If it was deemed as a piece of information, usually this would come down to documentation, but if the phone itself was seen as a piece of information it could be.

The Hon. F. PANGALLO: I refer to proposed section 32D(3), authorised officers. You mentioned the Commissioner for Consumer Affairs and police officers. I imagine it is only the local jurisdiction? Would it be SAPOL or would federal police fall under that? Under section 76 of the Fair Trading Act, authorised officers requires that persons or a class of person authorised by the Commissioner for Consumer Affairs be an authorised officer for the purposes of this act. Can you expand on that? Would this include council inspectors, SafeWork SA, border security or perhaps home affairs on a federal level?

The Hon. E.S. BOURKE: Again, I will seek advice on that. Paragraph (b) 'a police officer' is a South Australian police officer. Paragraph (c) is the Commissioner for Consumer Affairs, and paragraph (d) is in regard to whoever—it could be whoever the commissioner deems fit to appoint.

The Hon. F. PANGALLO: Division 7—Prohibition on advertising commercial sexual services. I know we will be covering that again but I might as well throw some questions at you now. I am actually leaning towards not supporting a prohibition on advertising for some reasons that I will outline later. However, how can that be controlled effectively when there is extensive advertising that happens online, on Twitter, Facebook and newspapers? It is going to be difficult to control. Do you see that there could be an issue with that?

The Hon. E.S. BOURKE: As I understand it this would not impact advertising within a newspaper and, therefore, that would not change. Is that what you were asking?

The Hon. F. PANGALLO: Regarding 32E(1) 'A person must not advertise the provision of commercial sexual services.' Why would a newspaper be exempt from that?

The Hon. E.S. BOURKE: The definition of advertising provisions is highlighted in subsection (5) and the provision of advertising in a newspaper does not appear within those two—either paragraph (a) or (b)—so, therefore, you would be able to advertise in a newspaper still.

The Hon. F. PANGALLO: Why a distinction with newspapers? Also, you have not answered the question in relation to advertising online: what happens with that?

The Hon. E.S. BOURKE: I completely appreciate that advertising online will be an issue but it does not fall within the powers of the state parliament to be able to control that area.

The Hon. F. PANGALLO: You can see where I find this is going to be quite unworkable, to try to ban the advertising. I would like some clarification, even though it is probably obvious, in division 8—Miscellaneous, 'to employ child for a purpose related to provision of commercial sexual services', and (2)(d) 'purchasing goods (however described) intended to be used in the provision of commercial sexual services.' Can you clarify for me or expand on 'goods'? What type of goods are we talking about here?

The Hon. E.S. BOURKE: This has already been passed by this chamber under the Hon. Connie Bonaros but that would be, as I understand, if they were asked to go and purchase a product on behalf of that establishment.

The Hon. F. PANGALLO: Could this also catch out the Uber Eats or the Domino's delivery boy or girl?

The Hon. E.S. BOURKE: No, because they would not be paid by that organisation—they would only be delivering a product to that organisation.

The Hon. F. PANGALLO: I have no other questions.

The Hon. I.K. HUNTER: Just for clarity for the Chair, I will be voting in support of clause 22 as it stands. I think the interaction between the Hon. Mr Pangallo and the Hon. Ms Bourke illustrates very clearly for me why I would caution the Hon. Mr Pangallo, attracted though he is to a regulatory model, not to vote for this one. I know that other members may well be attracted to a regulatory model also, but I say this: the model put forward by the Hon. Ms Bourke essentially is an attempt to bolt on to a decriminalisation bill a deregulatory and a licensing model, which, not to be disrespectful to the Hon. Ms Bourke, has not been well-thought out, has not been through the select committee process, whereas an actual decriminalisation bill has been examined by a select committee process. That bill has been consulted on widely through the community and through parliament. The Hon. Ms Bourke's deregulation and licensing regime has not.

The Hon. Mr Pangallo has asked some tricky questions, which should be asked and should be thrashed out through a much more thorough process. My strong recommendation to those who favour a licensing model is to take the same process that the decriminalisation bill has done: draft a bill, take it to a select committee, thrash it out, go through all those problematic areas that people have been raising and can think of and correct them through that process and then present the bill to the parliament for consideration. I do not think it is appropriate to do it through an amendment to a decriminalisation bill today for the reasons I have just outlined.

I say that without any disrespect. I know the Hon. Ms Bourke has thought this through very heavily and carefully and has come up with a position that she thinks she can support, but for the reasons I have outlined I think it is flawed. I encourage people who may be attracted to further

regulation and licensing to not support it today and to perhaps consider going down the path we took with decriminalisation, which admittedly took a number of years to get there, but to thoroughly go through it, research it, perhaps put it through a select committee process and consult very broadly on it. For those reasons, I will not be supporting the Hon. Ms Bourke's amendment and, as I alluded to previously, nor will I be supporting the Hon. Mr Ngo's amendments: I will be voting to support clause 22 as printed.

The Hon. C. BONAROS: I only have one question for the mover, and that is: assuming that some of us are happy with the current criminalised model that exists and do not want to move towards a decriminalised model, why is it that the penalties under a licensing regime are so much higher than the penalties that currently apply under provisions? I note that there are provisions in the Criminal Law Consolidation Act, but specifically under provisions in the Summary Offences Act that already apply with these issues.

For instance, section 27 of the Summary Offences Act deals with brothels and in that provision the maximum penalty that somebody could receive is an imprisonment term of three months for a first offence or a penalty of $1,250, and $2,500 for a subsequent offence or imprisonment for six months. I note that the same penalties apply also in the provisions relating to soliciting, procurement and living on the earnings of prostitution. Why is it under this model that the penalties are so much higher?

The Hon. E.S. BOURKE: Yes, you are correct. They do not align, but the penalties provided within this amendment are seen to bring it in line with other modern penalties that align with the tattooing and hydroponic industries. So again the reasoning for this amendment is to bring it in line with other adult commercial services, and that is why the penalties would be similar.

The Hon. C. BONAROS: I accept that—if we were going down that path, but again for the record I think it is worth noting that the penalties that already exist under our current laws, which if this bill were to fail will be the penalties that continue to exist, are significantly lower, even in terms of subsequent offences. As I said before, three months for a first offence and six months for a subsequent offence are the absolute maximum imprisonment terms that you could receive under the existing provisions, and $1,250 and $2,500 are the maximum penalties you could receive under the existing provisions versus a term of up to two years' imprisonment or a $100,000 penalty under the proposed changes. I just make that point for the record.

Also for the record, for the reasons that I think have been thrashed out in some detail, I indicate that whilst I acknowledge the work that has gone into this and whilst I acknowledge the Hon. Ms Bourke's intentions, I will not be supporting these measures.

The Hon. C.M. SCRIVEN: Whilst acknowledging some of the concerns about the model that has been put forward in this amendment, I would just like to contrast that with what we will have if this clause in its form as moved by the Hon. Ms Franks passes. People with rape convictions will be able to run brothels. People with histories of exploitation, with significant criminal histories, will all be able to run brothels. The total decriminalisation model does mean that there will not be any limit on who will be able to run brothels; therefore, that problem of potential exploitation, possibly extreme exploitation, is a bigger risk in my opinion than the concerns that are being raised with the model being put forward in this amendment.

The Hon. R.P. WORTLEY: I just want to put my position on the table. I do have some attraction to the distance from a childcare centre or a school or whatever, as moved by the Hon. Mr Ngo. I do not support restricted areas. I think, at the end of the day, once this bill is passed and sex workers are working in a legal framework, there should not be a position where they can be moved on at the whim of a council or anybody else.

In regard to licensing, I do believe there should be some sort of licensing regime. All businesses and the like are somehow registered or licensed. I grew up as a plumber and gas fitter, and I was always licensed, and there were all sorts of things I had to do to keep my licence. I would have thought being licensed would provide some sort of protections for the people in the industry. But as the forensic questioning by the Hon. Mr Pangallo has shown, it is not all straightforward, and there are a lot of issues that need to be looked at.

I suppose we are learning now that, even though sex work has been therefore a million years, with it now becoming decriminalised the realisation comes that there is a lot of work to be done when we are looking at trying to get a licensing regime for that industry. But as I said, I would have thought that it would actually provide some protections for people who work in the industry.

This particular amendment from the Hon. Ms Bourke is well-intentioned and, as I said, I do have some sympathy with introducing a licensing regime, but maybe this is not the time. Maybe there has to be a process we go through to thoroughly consider all those issues. There are probably many more that are there that have not been highlighted today.

I will probably be opposing the licensing regime, but I am sympathetic to it. If it was properly done and there was a regime put in front of us that we could look at, dissect and the like, I would probably support it, as long as all the t's are crossed and the i's are dotted.

The Hon. I. PNEVMATIKOS: Can I just indicate that I appreciate the sentiments expressed by the Hon. Tung Ngo and also the Hon. Emily Bourke. I am unable to support Mr Ngo's amendments, which I would colloquially refer to as 'not in my backyard'. Likewise, I am unable to support the amendments of the Hon. Emily Bourke for two reasons. One is we are currently discussing a bill to decriminalise sex work. We cannot superimpose on that bill a model that requires licensing. I think the two need to be separated and possibly considered separately, but it will only confuse and complicate this bill if we attempt to include amendments that are at the heart of licensing.

The Hon. T.T. NGO: Could I just quickly summarise? My first amendments are regarding certain premises. I know they are not perfect; however, there are people out there who would not like a brothel to be operating near a school, a childcare centre or even, as I said in my second reading speech, a place of worship. This is to give those people to an opportunity to have their concerns heard. I know the Hon. Mr Parnell raised some concerns and I acknowledge some of those concerns, but I hope when this bill gets to the lower house, they have some time to consider maybe moving better amendments.

In regard to proposed section 29—Declaration of restricted area, like I said, at the end of the day, it is up to the Attorney-General of the day to declare whether it is a restricted area or not. The council can put in a request, but if the Attorney-General disagrees, he or she will not approve it. I do not know where the loophole is in there.

At least a tool is there for the Attorney-General to decide in future years, if they find what we approved last night potentially causes some issues that we do not know of in terms of street sex workers. I think it is important that we provide some tools just in case what this house approved last night does not work out. I hope that honourable members support it because it is, at the end of the day, not fixed but it is something that is there.

The Hon. E.S. BOURKE: Very briefly, I appreciate that this is the bill before us today, but I do feel that it needs to be brought in line with other commercial services. That is why I brought the amendments forward that I have tabled in this chamber.

The Hon. D.G.E. HOOD: I will be brief as well. My suspicion is that both of these amendments will fail but, for the record, I will be supporting them both.

The CHAIR: Both the Hon. Mr Ngo and the Hon. Ms Bourke have moved their amendments. Both amendments seek to delete clause 22. The question I am putting is that clause 22 stand as printed, which means that if you are against both amendments, or one of the amendments, you vote yes. If you are for one or both of the amendments, you vote no.

The committee divided on the question:

Ayes 11
Noes..... 8
Majority..... 3

AYES

Bonaros, C.	Darley, J.A.	Franks, T.A. (teller)
Hanson, J.E.	Hunter, I.K.	Lensink, J.M.A.
Maher, K.J.	Parnell, M.C.	Pnevmatikos, I.

AYES

Ridgway, D.W.	Wade, S.G.	

NOES

Bourke, E.S.	Hood, D.G.E.	Lee, J.S.
Lucas, R.I.	Ngo, T.T. (teller)	Pangallo, F.
Scriven, C.M.	Wortley, R.P.	

PAIRS

Dawkins, J.S.L.	Stephens, T.J.

Question thus agreed to; clause passed.

New clause 22A.

The Hon. I. PNEVMATIKOS: I move:

Amendment No 1 [Pnevmatikos–1]—

Page 6, after line 16—Insert:

22A—Insertion of section 26A

After section 26 insert:

26A—Prohibition on advertising commercial sexual services

(1) A person must not advertise the provision of commercial sexual services.

Maximum penalty: $2,500.

(2) An owner or occupier of premises must not cause or permit a person to advertise, at or on the premises, the provision of commercial sexual services.

Maximum penalty: $2,500.

(3) Subsections (1) and (2) do not apply to an advertisement or other action of a kind prescribed by the regulations.

(4) For the purposes of this section, a person *advertises the provision of commercial sexual services* if the person—

(a) places or displays a sign in, or that is visible from, a public place that promotes the provision of commercial sexual services; or

(b) distributes to the public any unsolicited leaflet, handbill or other document, that promotes the provision of commercial sexual services.

(5) In this section—

commercial sexual service means an act engaged in for payment involving physical contact (including indirect contact by means of an inanimate object) between 2 or more persons that is intended to provide sexual gratification for 1 or more of those persons, but does not include an act of a class excluded by regulation from the ambit of this definition;

payment includes any form of consideration;

sign includes a painted or printed sign, lettering, image, signboard or visual display screen.

I want to make a few comments about this amendment. I will start by saying that we have heard a lot of discussion and debate on this bill over the last few days and also in the second reading speeches. I must admit, if somebody heard or saw the debates yesterday and today, or read *Hansard* this morning, they could be forgiven for thinking that these debates occurred a century ago. They did not.

The input from members on the debate ranged from positive and constructive through to ill-conceived and ill-informed. The issues and arguments raised by those opposed to the decriminalisation bill were in most cases not new or helpful. They were simply a rehash of longstanding arguments, allegedly on the basis of concerns for women or the community. However, the proponents of those views have not provided any alternatives or a bill to reflect their issues and concerns; not this time or any time before when these matters have been discussed.

This is not to ignore that there were attempts by some members to understand and make a positive contribution through debate and suggested amendments. At the end of the day, this bill offers the only alternative for change on sex work. This bill proposes, in decriminalising sex work, to afford increased safety and reduced discrimination for sex workers in South Australia.

The reality is that sex work operates irrespective of its legal status. Various studies by the UN and others have illustrated that there is no evidence that the occurrence of sex work increased with decriminalisation. In fact, the Ministry of Justice in New Zealand reported in 2008, some five years after sex work was decriminalised, that the sex industry had not increased in size.

We need to dispel some of these myths; it is our obligation as lawmakers. The research on sex work has been compelling for a decriminalised model in the sex industry. The bill is not about protecting pimps, but any suggestion that criminalising certain aspects of the sex industry whilst affording protections for sex workers is without foundation. The reality is that any laws which criminalise brothels, for example, often result in sex workers being arrested and prosecuted under so-called pimping laws.

Licensing of the sex work industry should not be regarded as a sizeable or appropriate legislative response. Experiments of licensing have in the most part failed. This is what the research and the actual realities tell us. One of the unintended consequences has been the threats to public health of a model of licensing.

Decriminalisation, however, does not equate to deregulation. This bill will be seen by some as going too far and some others as not going far enough. For the majority, this bill will do what it has set out to achieve and that is decriminalisation of the industry and rights and protections under existing laws for sex workers.

To be frank, some of the questions by ministers and shadow ministers on this debate have been appalling. We as lawmakers have a responsibility to inform ourselves and at least undertake the necessary research to have an understanding, particularly in the areas of our portfolios. I am not criticising concerns and questions that have arisen from amendments, as they have come at the eleventh hour. However, this bill has been here for some time. I believe there would have been fewer amendments had it been given the due consideration it deserves. We are not placing sex workers above the law, but as equal citizens, with laws to protect sex workers against exploitation, discrimination, abuse and trafficking.

The amendment that I move in my name is in part a response to concerns raised by members throughout the discussion of the bill. The reality is that we have myriad laws, regulations and rules that govern advertising for adult services. These amendments acknowledge and restate those keys elements. I will not read out the provisions of the amendment. I think it is abundantly clear.

The Hon. S.G. WADE: I acknowledge that the Hon. Emily Bourke's amendments came late, but as a person who has grumbled over years about the lack of alternative models being put forward, I thank the Hon. Emily Bourke for giving the parliament an opportunity to consider other models. It is not preferred, but it was a contribution to the debate, which I appreciated.

The Hon. T.A. FRANKS: I will be supporting the Hon. Irene Pnevmatikos' amendment and I think it strikes a balance between the concerns raised by many members and, indeed, the realities of the industry in terms of the discretion that they use and the means by which they conduct their business. While there has been a lot of talk about people worrying about brothels being next to them, there has just been a UK study done in Brighton where people actually quite like brothels as neighbours because they are good neighbours. I imagine it will go some way to giving peace of mind to the community that they will continue to be good neighbours.

The Hon. C. BONAROS: For the record, I indicate that I support these amendments. I was hoping the mover would also clarify or confirm that they would apply to instances that were raised yesterday, I think it was, with respect to the careers expo, for instance, and whether or not we would be able to advertise commercial sex work at those expos.

The Hon. I. PNEVMATIKOS: The provisions in the amendment clearly indicate that one would not be able to advertise in a public place and, therefore, if there was advertising of commercial sexual services at the expo, that would be prohibited.

The Hon. C.M. SCRIVEN: I have a question following on from that: the amendment says that a person must not advertise the provision of commercial sexual services. Can the member explain how, in the example given by the Hon. Ms Bonaros, advertising career options could be interpreted as advertising the provision of services?

The Hon. I. PNEVMATIKOS: From my perspective, I think they are one and the same thing. You cannot advertise that you are providing commercial sexual services or hold yourself up in that way in a public place.

The Hon. C.M. SCRIVEN: So a careers expo that talks about job opportunities is not advertising, the organisation that is providing that? We have all been to careers expos and there might be, for example, an organisation that might have many different outlets, which will talk about the various job opportunities within its outlets. It appears to me as though that would not be prevented by this amendment.

The Hon. M.C. PARNELL: They are legitimate questions. If the question is an advertisement for a job, for example, whether that is at the career expo or anywhere else, in a place that is providing commercial sexual services, the way I look at this provision is it says that a person must not advertise the provision of commercial sexual services. I think that is broad enough to cover someone who is being invited to apply for job in a place that provides commercial sexual services. That reference would be there and I think it would cover it.

You also have a regulation-making power that can help expand on the definition. I think it works for the purpose that has been intended. If people, out of an abundance of caution between the houses, want to add a clause which says you cannot advertise for people to work in brothels, we can look at that between the houses, but I think this does it.

The Hon. R.I. LUCAS: I will support the amendment but I agree with the Hon. Mr Parnell and the point I think the Hon. Ms Scriven is making. I think the issue that has been raised there is not covered by the amendment. If this is going to pass this chamber, which I think it is given the lateness of the hour, and given that there is the capacity I suspect in the other house to improve this particular amendment, I suspect there will be support for the sort of area members have raised in relation to this.

If you are not actually advertising a particular brothel but you are saying, 'Here is a career opportunity in the sex work industry generally,' and I do not believe it would be covered by the current drafting. It may well be that it does need to be tightened up, but I think we have two options at this stage: we can try to do it on the run now in the remaining time that we have, or my preference is that we pass the amendment. We have noted it, and I am sure the Attorney-General and others will take the issue up in the House of Assembly.

The Hon. E.S. BOURKE: Surprisingly, I find myself agreeing with the Hon. Rob Lucas once again on this.

Members interjecting:

The Hon. E.S. BOURKE: It is a sad day in this state. I understand as well that this amendment does not seek to prevent someone from advertising for a position that is vacant within an organisation. I had tried to seek to amend that in other amendments that failed within this house. I do agree that this provision, however, provides a much better restriction around advertising in the community, something I think the community would anticipate that we would do. I would seek to support that this is addressed in the lower house, but I support this amendment.

The Hon. F. PANGALLO: Can I take issue with the Hon. Irene Pnevmatikos. I know she is quite passionate about this issue, but there are members in this chamber who have views and they have expressed them. It is a conscience vote and if you do not agree with them, okay, you do not, but to attack them as people who are almost like dinosaurs going back to the last century just because they have a point of view I think is a little unfair. I do not think that type of attack is necessary in this debate.

I will acknowledge something that the Hon. Tammy Franks has alluded to because this debate, this bill, for all intents and purposes, began as a cake mix. I think, by the time it goes through the House of Assembly, we are going to get back a pizza with the lot, and this is because everyone has—

The Hon. T.A. Franks: No, it is going to be like on *Madmen* when they took the dried egg out of the cake mix because people liked to add their own egg. That is actually justice.

The Hon. F. PANGALLO: That is how it should be, but I think a lot of stuff has gone into it that has made it a bit unworkable. I will be supporting this amendment even though I do believe it is unworkable, simply because of the modern world we actually live in. It is just going to be difficult to enforce something like that. I have a question for the mover, and I know it is going to sound a bit silly, but can she give me her definition of advertising, apart from what we have come to accept as the norm?

The Hon. I. PNEVMATIKOS: Can you say that again?

The Hon. F. PANGALLO: What does your definition of advertising encompass?

The Hon. I. PNEVMATIKOS: I think I am going to answer that a bit differently, that is, there are numerous regulations, rules and codes that apply, as well as laws, in relation to advertising. Most of the existing models are self-regulating models. You would be familiar with that in terms of your complaint about the firm and what happened with that complaint about the firm to actually change that. That was based on a self-regulated model, and most of the advertising is that way.

Advertising covers a range of areas: radio, TV, paper, etc. There are numerous and not all of them are covered by this amendment. Only in broad terms are the issues covered because there are various regulations that apply. When we look at films, publications and computer games, there are regulations on that issue. When we look at signage, there are council laws and by-laws on the issue. When we look at television commercials, free-to-air TV covers those and there is a code of practice about those as well. The list goes on. I can list all of them if you like but—

Members interjecting:

The Hon. I. PNEVMATIKOS: No, I will not. I have not said much over this whole debate, I might add.

The Hon. F. PANGALLO: I am just trying to point out this is a very complex world we are living in today with advertising. I just wanted be a devil's advocate here. Would you consider a street worker sex worker as a form of advertising?

The Hon. T.A. FRANKS: The amendment itself actually states what advertising is. It provides:

> (4) For the purposes of this section, a person advertises the provision of commercial sexual services if the person—
>
> (a) places or displays a sign in, or that is visible from, a public place that promotes the provision of commercial sexual services; or
>
> (b) distributes to the public any unsolicited leaflet, handbill or other document, that promotes the provision of commercial sexual services.

If, like Nick Xenophon did down Rundle Mall, a street worker placed a sign on herself and walked down Hanson Road, that would fall foul of this legislation, but if she did not place that sign on herself, it would not.

The Hon. I. PNEVMATIKOS: Can I just also say that, no, it is not an advertisement just like the Hon. Frank Pangallo is not an advertisement.

The Hon. F. Pangallo: I would debate that.

The CHAIR: Not today.

The Hon. C.M. SCRIVEN: My question is to the mover of the amendment. Given the definition, is it correct to say that a woman displayed in a window would be allowed, that it would not be covered by this prohibition on advertising?

The Hon. I. PNEVMATIKOS: This issue has been addressed in numerous ways. It is addressed in terms of various regulations that apply to sex shops. It is addressed even in terms of online. Facebook removed photos of the breasts of women who had suffered breast cancer. So we have regulations. We have enough regulations to cover all aspects. I am sure that would be covered in some regulation. I am not an authority on all of them.

The Hon. C.M. SCRIVEN: Perhaps the question needs to be addressed to the mover of the bill. Is there anything in the bill or any specific regulations that you are aware of that would prevent the display of a woman or a sex worker, as she likes to call it, in windows, similar to how it operates in Amsterdam?

The Hon. T.A. FRANKS: No. Perhaps I am a little older than the honourable member because I certainly remember Rundle Mall in the late eighties after school and the women in the windows. They were not sex workers but they were in the windows. I certainly did not find any need to prohibit that activity. People quite enjoyed the displays in the windows. I grew up in New South Wales where they have women and men and children sometimes doing performance arts in windows. It does not have to entail sex work.

The Hon. C. BONAROS: Can I make a very brief contribution to that, and perhaps add that, if we recall, just some time ago there was an issue with bikini-clad women at a massage parlour. Is that what we call them?

The Hon. J.M.A. Lensink: Bikini girls?

The Hon. C. BONAROS: Bikini girls. Our planning by-laws and our councils were able to deal with those. In a number of instances, where it was deemed not appropriate, they were no longer allowed to stand on the streets outside their premises and promote themselves or their business for so-called massages.

The Hon. T.T. NGO: I rise to support this amendment by the honourable member. A couple of years ago when this bill came up, I tried to move very similar amendments. Unfortunately, at that time, we lost eight to 13, so I am glad that after two years those members who voted no at that time have had a change of heart. Hopefully, in a couple of years' time, I might move some of my amendments that lost today and hopefully they get up.

The Hon. D.G.E. HOOD: I rise to indicate that I will be supporting this amendment. Members may recall that it was one of the issues that I raised in my second reading contribution which I am pleased to see looks as if it will have the support of the chamber. This is not a perfect amendment, either, obviously. There are a number of things in here that I think require further scrutiny, and I presume that will happen in the other place mainly, or maybe it will come back to us, who knows?

However, one of the issues that I would raise just briefly on this is the amount of $2,500. It is certainly a reasonable amount of money to most people, but if you are running a very large business with 50 or more women involved then $2,500 could be seen as a reasonable fine and just a cost of doing business. My view is that that amount falls well short of what it could be.

Courts are sensible and they make reasonable adjustments if it is an individual. They might impose a fine of $1,000 or $500 or something but if it is an entity of many women—typically women; it can be men, I understand—involved in selling sexual services then $2,500 could be just a fraction of what extra business they could attract by advertising if others are not advertising. I think that is something that needs to be thought through as well. That said, as I said, it is not perfect but it will enjoy my support.

New clause inserted.

Remaining clauses (23 and 24), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. T.A. FRANKS (18:04): I move:

That this bill be now read a third time.

The Hon. I.K. HUNTER (18:04): I rise with some trepidation to put on the record my acknowledgement at least of those honourable members of this place and the other place who have done the hard yards on this and similar legislation over many years: the Hon. Carolyn Pickles, the Hon. Gail Gago, the Hon. Michelle Lensink, the Hon. Steph Key, and the Hon. Tammy Franks, and of course the other honourable members currently present who have been integral to the passage of this bill here tonight, which should pass on the third riding. I just want to say that patience may very well be a virtue. We will see where this goes in the other place. But to those women who have led this debate over the last decade or so, I express my gratitude.

The Hon. C.M. SCRIVEN (18:05): It is worthwhile summarising where we are at. This debate has resulted in some small improvements to a bill, which I have stated throughout I think is fundamentally flawed. The reason for that is that it normalises that women are mere products, that they can be objectified. Many women in the community know that it is demeaning for all women, for any women, to be sold. This bill lessens the protections for women in the sex trade because the exploiters will be decriminalised.

There is absolutely no recognition for the women who have talked about the increased abuse and expectations by the sex buyers, the men who demand sexual access as their right. It has not addressed any of the concerns raised by councils. It would appear that the changes to the Equal Opportunity Act may well prevent people even putting the view that prostitution is harmful. As it appears currently under this bill, there is nothing to stop prostitution being promoted at careers expos.

Children will be able to be on the premises where prostitution is taking place, whether in a home brothel or in a large brothel with many, many sex buyers. There is nothing to improve the situations for women with little or no English, and the additional risks of vulnerability, if this bill passes, particularly since the pimps will no longer be criminalised. It will increase the likelihood of women and girls being accosted for sex, because street walking will be able to happen anywhere and any time.

In summary, the bill increases the objectification of women, it gives more freedom for the exploiters and it increases risks to children. So this is still a fundamentally flawed bill that will create far more problems in our communities, and I therefore urge members to vote against it.

The Hon. F. PANGALLO (18:07): As we know, South Australia has always been renowned for being a progressive state when it comes to legislation, and I think the passage of this bill from this place today really exemplifies that, and it sort of channels that era of the 1970s when we had Don Dunstan as the Premier.

I would like to commend all the contributions that have been made by all members here, and I think it has been a worthwhile exercise for us all in being able to understand the complexities of this topic that we have had to comprehend and grasp. I would particularly like to congratulate and mention the advocacy of the Hon. Michelle Lensink and the Hon. Tammy Franks. I think she has worked exceptionally hard to get this bill to where it has got today. So, congratulations to both of them, and thank you.

The Hon. T.A. FRANKS (18:08): I rise just briefly to echo the statement made by the Hon. Ian Hunter and thank those women who have come before in this debate: the Hon. Carolyn Pickles and Steph Key (former minister), both of whom have followed this debate closely and perhaps are listening right now; of course, the former leader of this place for the then government, Gail Gago; and, indeed, the Hon. Michelle Lensink, now Minister for Human Services; and, also, the women to come in the other place: the member for Reynell, Katrine Hildyard, and the Deputy Premier, the member for Bragg, Vickie Chapman. All of those women have put so much effort into this, and I absolutely commend again this bill to this chamber.

The PRESIDENT: Thank you for summing-up the debate, the Hon. Ms Franks. I now put the question that the bill be read a third time.

The council divided on the third reading:

Ayes 13
Noes 6
Majority 7

AYES

Bonaros, C.	Darley, J.A.	Franks, T.A. (teller)
Hanson, J.E.	Hunter, I.K.	Lensink, J.M.A.
Maher, K.J.	Pangallo, F.	Parnell, M.C.
Pnevmatikos, I.	Ridgway, D.W.	Wade, S.G.
Wortley, R.P.		

NOES

Bourke, E.S.	Hood, D.G.E.	Lee, J.S.
Lucas, R.I.	Ngo, T.T.	Scriven, C.M. (teller)

PAIRS

Dawkins, J.S.L.	Stephens, T.J.

Third reading thus carried; bill passed.

CRIMINAL LAW CONSOLIDATION (ASSAULTS ON PRESCRIBED EMERGENCY WORKERS) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (18:14): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and the detailed explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

Today I introduce the Criminal Law Consolidation (Assaults on Prescribed Emergency Workers) Amendment Bill 2019. The Bill achieves a number of things with the intention of better protecting the State's police, emergency services workers and other law enforcement officers and front-line health workers.

The major consequence of this Bill is to create a new offence in the *Criminal Law Consolidation Act 1935* where a person spits at or throws or otherwise applies blood, saliva, semen, faeces, urine or vomit on a prescribed emergency worker acting in the course of their duties.

A prescribed emergency worker is defined to mean a paid worker or a volunteer who is a police officer; prison officer; community corrections officer or community youth justice officer; youth training centre officer; person performing duties in the accident or emergency department of hospital or performing duties in the course of retrieval medicine; a medical or health practitioner attending an out of hours callout or an committed the offence against a police officer, prison officer or other law enforcement officer knowing the victim to be acting in the course of his or her official duty or in retribution for something the offender knows or believes to have been done by the victim in the course of his or her official duty. The Bill adds employees in training centres to this list of workers as they are not strictly speaking 'prison officers'. This change will ensure that the aggravated form of offending extends to those victims whose duties include the supervision of youths detained in a training centre. The Bill also adds to this list the occupations of community corrections officers and community youth justice officers.

Section 5AA(1)(k)(ii) extends the aggravated form of offending to victims who are engaged in other classes of prescribed occupations or employment. The Regulations currently prescribe for the purposes of section 5AA(1)(k)(ii) emergency work; employment as a medical practitioner in a hospital; employment as a nurse or midwife in a hospital; an occupation consisting of the provision of assistance or services, in a hospital, to a medical practitioner, nurse or

midwife acting in the course of his or her employment in the hospital; and passenger transport work. Emergency work means work carried out (whether or not in response to an emergency) by or on behalf of the Country Fire Service, Metropolitan Fire Service, State Emergency Service, SA Ambulance Service, St John Ambulance, Surf Life Saving, Royal Flying Doctor Service, a member of Volunteer Marine Rescue, and the accident or emergency department of a hospital.20 of the Act, the offence of recklessly causing harm in section 24(2) of the Act, and the offence relating to acts likely to cause harm in section 29(3) of the Act.

The Bill also amends the *Sentencing Act 2017* so that when a court is sentencing an offender for an offence the court must take into account in setting a penalty the need to protect police and other emergency services workers.

Finally, the Bill repeals the assault police offence in section 6(1) of the *Summary Offences Act 1953.* The maximum penalty for this offence is a $10,000 fine or imprisonment for two years. The Government expects that these assaults will instead be charged as aggravated assaults under section 20 of the Criminal Law Consolidation Act where the maximum penalty as amended by this Bill will be five years imprisonment or, where the assault causes harm, seven years imprisonment.

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 Criminal Law Consolidation Act 1935

4—Amendment of section 5AA—Aggravated offences

This section adds to the circumstances in which an offence will be considered to be aggravated, namely where an offence is committed against a community corrections officer, a community youth justice officer or an employee of a training centre.

In cases of offences against the person, volunteers acting in the course of their duties and engaged in a prescribed occupation or employment are also captured by the aggravated offence regime by way of this amendment.

5—Amendment of section 19—Unlawful threats

This section adds a harsher penalty for the section 19(2) offence where the unlawful threat is made towards a person captured by the amended section 5AA(1)(c) or (ka); that is police officers, prison officers, training centre employees, other law enforcement officers or persons engaged in prescribed occupations or employment.

6—Amendment of section 20—Assault

This section similarly adds a harsher penalty for assault where the offence is committed against the same persons as outlined in the explanation of clause 5.

7—Insertion of sections 20AA and 20AB

Section 20AA creates a new offence of intentionally causing, or threatening to cause, human biological material (blood, saliva, semen, faeces, urine or vomit) to come into contact with a prescribed emergency worker, which is defined to include a number of persons including police officers, employees in training centres, persons performing duties in emergency departments or members of the SA Ambulance Service Inc. The list of prescribed emergency workers is comprehensive and can be further expanded by regulation. The offence will apply whether the victim was acting in a paid or voluntary capacity, and the penalty for this offence is greater where harm is caused.

Section 20AB creates a similar offence to that in section 20AA, but with lesser penalties, of intentionally causing, or threatening to cause, human biological material to come into contact with any person.

Section 20AC provides an avenue for a jury to find a defendant guilty of assault (section 20) as an alternative verdict to the section 20AA and 20AB offences.

8—Amendment of section 24—Causing harm

Similarly to the amendments made to sections 19 and 20, this section amends section 24 to add a harsher penalty for causing harm where the offence is committed against certain persons as outlined in the explanation for clause 5.

9—Amendment of section 29—Acts endangering life or creating risk of serious harm

This section similarly adds a harsher penalty for the section 29 offence where the offence is committed against certain persons as outlined in the explanation for clause 5.

Schedule 1—Related Amendments

Part 1—Amendment of Criminal Law (Forensic Procedures) Act 2007

1—Amendment of section 20A—Interpretation

This section amends the *Criminal Law (Forensic Procedures) Act 2007* to allow, in accordance with section 20B of that Act, a senior police officer to require a person to provide a blood sample where they, inter alia, have been charged with an offence against proposed section 20AA.

Part 2—Related amendments of *Sentencing Act 2017*

2—Amendment of section 4—Secondary sentencing purpose

This section adds to the list of secondary sentencing purposes to include the deterrence of defendants and others in the community from harming certain persons, including police officers, emergency services workers and certain health workers. This section specifically refers to prescribed emergency workers within the meaning of proposed section 20AA.

Part 3—Amendment of Summary Offences Act 1953

3—Amendment of section 6—Hindering police

This section removes the subsection (1) offence of assaulting a police officer in the execution of the officer's duties.

Debate adjourned on motion of Hon. I.K. Hunter.

STATUTES AMENDMENT (SACAT) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (18:14): I move:

That this bill be now read a second time.

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

Leave granted.

The Statutes Amendment (SACAT) Bill is the next in a series of Bills conferring jurisdiction on the South Australian Civil and Administrative Tribunal.

SACAT was established in March 2015 and initially conferred with jurisdiction to deal with:

- housing disputes, including residential tenancy disputes;
- guardianship and administration;
- consent to medical treatment;
- advance care directives; and
- mental health.

Following passage of the *Statutes Amendment (SACAT No 2) Act 2017* in late 2017, SACAT took on the functions of reviewing a wide range of administrative decisions, including in the areas of local government, land and housing, taxation and superannuation, environment and farming, energy and resources, and food safety and regulation. This was stage three of SACAT expansion.

This Bill comprises the functions identified for transfer to SACAT in stage four of a planned five-stage conferral programme.

In particular, this Bill will amend various Acts to transfer to SACAT:

- the functions of the South Australian Health Practitioners Tribunal under the *Health Practitioner Regulation National Law (South Australia) Act 2010',*
- the disciplinary functions of the Architectural Practice Board under the *Architectural Practice Act 2009;*
- the disciplinary functions of the Veterinary Surgeons Board under the *Veterinary Practice Act 2003;*

as well as a raft of administrative reviews currently exercised by the Administrative and Disciplinary Division of the District Court under the:

- Air Transport (Route Licensing—Passenger Services) Act 2002

- Architectural Practice Act 2009
- Boxing and Martial Arts Act 2000
- Building Work Contractors Act 1995
- Controlled Substances Act 1984 (and eventually Controlled Substances (Pesticides) Regulations 2017)
- Dangerous Substances Act 1979 (and eventually Dangerous Substances (Dangerous Goods Transport) Regulations 2008)
- Electoral Act 1985
- Gene Technology Act 2001
- Hairdressers Act 1988
- Health and Community Services Complaints Act 2004
- Health Care Act 2008
- Health Practitioner Regulation National Law (South Australia) Act 2010
- Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013
- Motor Vehicles Act 1959
- Plumbers, Gas Fitters and Electricians Act 1995
- Research Involving Human Embryos Act 2003
- Second-Hand Vehicle Dealers Act 1995
- South Australian Public Health Act 2011
- State Lotteries Act 1966
- Tattooing Industry Control Act 2015
- Training and Skills Development Act 2008; and
- Veterinary Practice Act 2003.

In relation to the transfer of the work of the Health Practitioners Tribunal this has always been intended for transfer to SACAT at the appropriate stage. In those States and Territories that already had generalist civil and administrative tribunals at the time of enactment of the Health Practitioner Regulation National Law, the relevant jurisdiction was conferred on those tribunals, whereas South Australia did not at that time have SACAT and so the specialist Health Practitioners Tribunal needed to be established. The forthcoming retirement of the President of the Health Practitioners Tribunal is a convenient time to now effect this planned transfer to SACAT and dissolution of the Health Practitioners Tribunal.

The Bill will also transfer to SACAT the disciplinary functions currently exercised by the Administrative and Disciplinary Division of the District Court under the:

- Building Work Contractors Act 1995
- Motor Vehicles Act 1959
- Plumbers, Gas Fitters and Electricians Act 1995; and
- Second-Hand Vehicle Dealers Act 1995.

From the Supreme Court the Bill will transfer to SACAT the function of hearing reviews against certain hospital licensing decisions of the Minister under the *Health Care Act 2008.*

From the Magistrates Court the Bill will transfer to SACAT the functions of dealing with reviews and applications for approvals in relation to applications for change of a child's sex or gender identity under the *Births, Deaths and Marriages Registration Act 1996* as well as appeals against licensing decisions under the *Employment Agents Registration Act 1993.*

Also conferred on SACAT by this Bill are certain existing reviews by Ministers under the *Architectural Practice Act 2009* and *Motor Vehicles Act 1959.*

Lastly, the functions of determining equal opportunity complaints and exemption applications under the *Equal Opportunity Act 1984*—that is the jurisdiction at one time exercised by the former Equal Opportunity Tribunal and currently by the South Australian Employment Tribunal—will be transferred to SACAT by this Bill.

The jurisdiction of the former Equal Opportunity Tribunal had been transferred to the South Australian Employment Tribunal by the former Government in 2017.

While many complaints of discrimination are employment related, many are not, including complaints of discrimination in areas such as goods and services, accommodation, education, clubs and associations, sale of land or granting of qualifications. For this reason, the Bill will transfer the equal opportunity jurisdiction to SACAT, which is a more appropriate fit for these matters and consistent with arrangements interstate.

However, in those circumstances where a discrimination complaint is related to other proceedings on foot in SAET, for example, the discrimination complaint is factually linked to a workers compensation claim, the Bill provides the Commissioner for Equal Opportunity or SACAT with the power to refer the discrimination complaint to SAET so that the two proceedings may be heard together by SAET. This will avoid delay and double handling.

In addition to the amendments to confer additional jurisdiction on SACAT, the Bill addresses a number of anomalies identified in previous conferral Acts and makes other changes requested by SACAT to address uncertainty or increase efficiency in legislation used by SACAT.

The Bill amends section 93A of the *South Australian Civil and Administrative Tribunal Act 2013* to extend the offence of disrupting proceedings to disruption of hearings conducted by telephone or video-link. SACAT has advised that merely 'hanging up' in these circumstances does not address the problem.

The Bill amends section 22 of the SACAT Act to provide that assessors are to be appointed by the Attorney-General on the recommendation of the SACAT President, rather than by the Governor on the recommendation of the Attorney-General as currently. It is Ministers who appoint assessors currently for use in District Court proceedings under their Acts. In light of this, and since Acts contemplating the use of assessors generally require panels of multiple assessors to be appointed, the requirement for Governor appointment for each assessor is overly burdensome.

The Bill amends section 90 of the SACAT Act dealing with public access to documents and other material received by SACAT to address uncertainty in the terminology. It replaces the references to 'material admitted into evidence' and material 'taken or received in open court', since it is not always clear when material falls within these terms due to SACAT's procedural informality.

The arbitrary restriction on access to photographs and video recordings under section 90 will also be removed in favour of permission being required by SACAT for access when material is sensitive in nature, regardless of which form the material takes. Photographs are not always sensitive in nature, particularly the many photographs submitted to SACAT in tenancy matters, and SACAT's permission should not always be required to access such photographs.

The Bill also addresses a number of anomalies in legislation conferring jurisdiction on SACAT.

The Bill repeals section 121 of the *Residential Parks Act 2007* and Schedule 1 clause 2 of the *Retirement Villages Act 2016,* allowing for applications to vary or set aside Tribunal orders. This is consequential on the repeal of the equivalent provision previously contained in section 37 of the *Residential Tenancies Act 1995.* Section 37 of the *Residential Tenancies* was repealed by the *Statutes Amendment (SACAT No 2) Act 2017* on the recommendation of the Honourable David Bleby QC in his statutory review of SACAT, as well as an equivalent provision contained in the *Housing Improvement Act 2016.* This was because of abuse of the provision in circumstances where other provisions in the SACAT Act are sufficient for re-visiting orders to make non-substantive changes; with the provision inappropriately being used to avoid the need to apply for internal review where there was disagreement with an order.

It was overlooked in repealing those provisions that the *Residential Parks Act* and *Retirement Villages Act* also contain the same provision, which will now be repealed for consistency.

Finally, in terms of addressing anomalies, the Bill amends section 10(3a) of the *Mines and Works Inspection Act 1920* to fix a minor drafting error arising from the SACAT No 2 Act.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of Air Transport (Route Licensing—Passenger Services) Act 2002

4—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

5—Substitution of Part 4

Part 4—Reviews

15—Reviews

Under current section 15 certain decisions of the Minister affecting the holder of a route service licence or an existing operator may be appealed against to the Administrative and Disciplinary Division of the District Court. The effect of proposed section 15 is to transfer jurisdiction from the Court to SACAT, making such decisions reviewable by the Tribunal.

6—Transitional provisions

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

Part 3—Amendment of Architectural Practice Act 2009

7—Amendment of section 3—Interpretation

This clause deletes the definition of *District Court* and inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

8—Amendment of section 7—Terms and conditions of membership

This amendment deletes section 7(5) of the Act. As a result of the transfer of jurisdiction to SACAT, subsection (5) will no longer be required as the Architectural Practice Board will no longer have jurisdiction in relation to disciplinary proceedings under Part 4 of the Act.

9—Amendment of section 13—Functions of Board

This amendment deletes section 13(4), which deals with administrative processes of the Architectural Practice Board for handling complaints. This subsection is no longer required as this jurisdiction is to be exercised instead by SACAT.

10—Amendment of section 15—Delegations

This amendment deletes the reference to proceedings of the Architectural Practice Board under Part 4 of the Act and is consequential on the transfer of jurisdiction to SACAT.

11—Amendment of section 16—Board's procedures

These amendments delete the references to proceedings of the Architectural Practice Board under Part 4 of the Act and are consequential on the transfer of jurisdiction of the Board to SACAT.

12—Repeal of sections 18 to 21

This amendment deletes sections 18 to 21 of the Act, which deal with proceedings before the Architectural Practice Board. As a consequence of the transfer of jurisdiction to SACAT under this Part, these sections are no longer required as the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will be relied upon instead.

13—Amendment of section 23—Annual report

This amendment provides that the annual report of the Architectural Practice Board must include information about the outcomes of proceedings before SACAT under Part 4 of the Act.

14—Amendment of section 27—General provisions relating to registers

This amendment inserts a reference to SACAT proceedings to make it clear that a certificate of the Registrar will be accepted as proof of registration (or lack of registration) under the Act in such proceedings (in the absence of proof to the contrary).

15—Amendment of section 28—Registration of natural persons as architects

This amendment inserts the equivalent of section 53(1) of the Act (which is being deleted) into this section. The provision allows for the variation or revocation of a condition imposed on a person's registration under this section by the Architectural Practice Board.

16—Amendment of section 31—Reinstatement on register

This amendment is consequential on the amendment of section 47 and the transfer of jurisdiction in relation to disciplinary proceedings from the Architectural Practice Board to SACAT.

17—Amendment of section 36—Reinstatement on register

This amendment is consequential on the amendment of section 47 and the transfer of jurisdiction in relation to disciplinary proceedings from the Architectural Practice Board to SACAT.

18—Substitution of heading to Part 4 Division 3

This amendment is consequential.

19—Amendment of section 46—Obligation to report unprofessional conduct of architect

This amendment substitutes references to the Board with references to the Registrar.

20—Amendment of section 47—Hearing by Tribunal as to matters constituting grounds for disciplinary action

This clause amends section 47 to give jurisdiction to SACAT for the hearing of matters that are alleged to constitute grounds for disciplinary action against a person. Under current section 47, this jurisdiction is exercised by the Architectural Practice Board. The proposed clause also makes other amendments to this section that are consequential on the transfer of that jurisdiction.

21—Substitution of section 48

This clause deletes current section 48 (which deals with the constitution of the Board for disciplinary proceedings, and thus is no longer required) and substitutes new section 48.

48—Participation of assessors in disciplinary proceedings

Proposed new clause 48 provides for the establishment of a panel of assessors for the purposes of disciplinary proceedings before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

22—Substitution of section 49

This clause deletes current section 49 which deals with Board proceedings and substitutes new section 49.

49—Related provisions

Proposed clause 49 provides for matters related to SACAT proceedings under Part 4 of the Act. These include provisions regarding the giving of notice of disciplinary proceedings before the Tribunal in relation to a person that is a member of a partnership to other partners of the partnership, and also provides that such partners have the right to appear and be heard in such proceedings.

23—Substitution of heading to Part 5

This amendment is consequential.

24—Amendment of section 50—Review by Tribunal

Current section 50 of the Act sets out the appeal rights to the District Court in relation to various decisions of the Architectural Practice Board regarding a person's registration under the Act. The effect of the amendments to this section are to provide for this jurisdiction to be exercised instead by SACAT.

25—Repeal of section 51

This section is no longer required as the provisions of the *South Australian Civil and Administrative Tribunal Act 2013* will be relied upon instead.

26—Amendment of section 52—Variation or revocation of conditions imposed by Tribunal

These amendments are consequential on the transfer of jurisdiction from the District Court to SACAT and provide for a party to apply to the Tribunal for variation or revocation of registration conditions imposed by the Tribunal in review proceedings under the Part.

27—Repeal of section 53

This clause deletes section 53 as the equivalent provisions are now to be included in section 28 of the Act.

28—Amendment of section 66—Review by Tribunal of decisions relating to courses

This clause transfers jurisdiction for review of a decision of the Architectural Practice Board in relation to the approval of a course of education or training, from the Minister to SACAT.

29—Amendment of section 70—Evidentiary provision

This amendment clarifies that the reference to legal proceedings in this section includes a reference to proceedings before SACAT.

30—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the Board and the District Court to SACAT. In the case of proceedings before the Architectural Practice Board, matters that have proceeded to a listing before the Board (that is, a substantive hearing or a directions, interlocutory or other preliminary hearing) will continue to be heard and finalised by the Board. Any decision or orders of the Board arising out of

determining these 'part heard' matters will be taken to be a decision or orders of SACAT, including for the purposes of any review or appeal under the SACAT Act. Any matters before the Board before the commencement of this Part that have not proceeded to a listing will be transferred to SACAT to be heard and determined by SACAT. The transitional provisions further provide that the right to appeal to the District Court from proceedings or decisions of the Board (other than disciplinary proceedings) that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead. Existing rights of appeal in relation to disciplinary proceedings heard by the Board will be in accordance with the provisions of the Act as in operation before the commencement of this measure. Furthermore, any proceedings commenced before the District Court before the commencement of this Part will continue before the Court.

Part 4—Amendment of Births, Deaths and Marriages Registration Act 1996

31—Amendment of section 29J—Application to change child's sex or gender identity

This clause amends section 29J to transfer jurisdiction for the approval of the making of an application under the section from the Magistrates Court to SACAT.

32—Amendment of section 29P—Application for identity acknowledgement certificate in respect of child

This clause amends section 29P to transfer jurisdiction for the approval of the making of an application under the section from the Magistrates Court to SACAT.

33—Amendment of section 29S—Registrar may limit number of applications

Section 29S currently provides that a person aggrieved by a decision of the Registrar under the section may appeal to the Magistrates Court against the decision. This clause amends section 29S to provide for an application for review of such a decision to be made to SACAT instead.

34—Transitional provisions

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

Part 5—Amendment of Boxing and Martial Arts Act 2000

35—Substitution of heading to Part 6

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

36—Amendment of section 16—Review by Tribunal

This clause amends section 16 to provide that a person who is dissatisfied by a decision of the Minister on a review under section 15 may apply to SACAT for review of that decision within 1 month of the decision being made. This section previously provided for such an application to be made to the Administrative and Disciplinary Division of the District Court.

37—Transitional provisions

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

Part 6—Amendment of Building Work Contractors Act 1995

38—Amendment of section 3—Interpretation

This clause deletes the definition of *District Court* and inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

39—Amendment of section 10—Reviews

Section 10 currently provides that an applicant for a licence may appeal to the District Court against a decision of the Commissioner to refuse the application. This clause amends section 10 to provide for application for review of such a decision to be made to SACAT instead.

40—Amendment of section 17—Reviews

Section 17 currently provides that an applicant for registration as a building work supervisor may appeal to the District Court against a decision of the Commissioner to refuse the application. This clause amends this section to provide for application for review of such a decision to be made to SACAT instead.

41—Amendment of section 19A—Commissioner may suspend or impose conditions on licence or registration in urgent circumstances

This clause amends section 19A to provide that an application for review may be made to SACAT for review of the decision of the Commissioner to suspend a licence or registration, or to impose conditions on a licence or registration, in urgent circumstances. This section currently provides for appeals against such decisions to be made to the District Court.

42—Amendment of section 19B—Commissioner may cancel, suspend or impose conditions on licence or registration

This section currently provides for appeals against a decision of the Commissioner to suspend or cancel a licence or registration, or impose conditions on a licence or registration, to be made to the District Court. This clause amends section 19B to provide that an application may be made to SACAT for review of such decisions instead.

43—Amendment of section 22—Complaints

This clause amends section 22 to provide that a complaint setting out matters that are alleged to constitute grounds for disciplinary action under Part 4 may be lodged with SACAT rather than the District Court, as currently provided by the section.

44—Amendment of section 23—Hearing by Tribunal

These amendments are consequential on the transfer of jurisdiction from the District Court to SACAT.

45—Substitution of section 24

This clause substitutes section 24.

24—Participation of assessors in disciplinary proceedings

Proposed new clause 24 provides for the establishment of panels of assessors for the purposes of reviews before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

46—Amendment of section 25—Disciplinary action

These amendments substitute references to the District Court with references to SACAT and are consequential on the transfer of jurisdiction from the Court to SACAT.

47—Amendment of section 26—Contravention of orders

This amendment substitutes reference to the District Court with reference to SACAT and is consequential on the transfer of jurisdiction from the Court to SACAT.

48—Amendment of section 47—Commissioner and proceedings before Tribunal

This clause makes consequential amendments and also provides for the inclusion of cross-references to Parts 3A and 3B of the Act (under which proceedings before SACAT can be brought).

49—Repeal of Schedule 1

This clause repeals Schedule 1 which deals with the appointment and selection of assessors for the District Court. Those provisions will be superseded by proposed section 24.

50—Transitional provisions

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

Part 7—Amendment of Controlled Substances Act 1984

51—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal*. This is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

52—Amendment of section 11A—Application of Commonwealth therapeutic goods laws

This clause substitutes a reference to the District Court with a reference to SACAT and is consequential on the transfer of jurisdiction from the Court to SACAT.

53—Substitution of section 11L

11L—Tribunal may sit with assessors

Currently section 11L makes provision for the Administrative and Disciplinary Division of the District Court to sit with assessors in proceedings for review by or on an appeal under the applied provisions of the Commonwealth Therapeutic Drugs Act. Proposed section 11L provides for the establishment of a panel of

assessors for the purposes of proceedings before SACAT under the applied provisions of the Commonwealth Act and for the President of SACAT to determine whether SACAT will sit with assessors.

54—Amendment of section 55—Licences, authorities and permits

Currently decisions to suspend or revoke licences, authorities and permits may be appealed against to the District Court. The effect of this clause is to transfer jurisdiction from the Court to SACAT so that such decisions are reviewable by the Tribunal.

55—Amendment of section 57—Power of Minister to prohibit certain activities

Currently orders made by the Minister under section 57 may be appealed against to the District Court. The effect of this clause is to transfer jurisdiction from the Court to SACAT so that such decisions are reviewable by the Tribunal.

56—Transitional provisions

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

Part 8—Amendment of Dangerous Substances Act 1979

57—Amendment of section 2—Interpretation

This clause inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

58—Amendment of section 29—Provisions relating to seizure

This clause substitutes a reference to the Administrative and Disciplinary Division of the District Court with a reference to SACAT. The effect is for SACAT, instead of the District Court, to have the power to allow a period of longer than six months, on application by the Competent Authority, within which a prosecution for an offence against the Act relating to a seized thing may be commenced.

59—Amendment of section 33—Notices

This clause requires a notice issued under section 33 to state that a person may seek a review of the decision to issue the notice by the Tribunal. This is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

60—Substitution of section 37

37—Reviews

Currently certain decisions may be appealed against to the Administrative and Disciplinary Division of the District Court. The effect of this clause is to transfer jurisdiction from the Court to SACAT so that those decisions are reviewable by the Tribunal.

61—Amendment of section 50—Regulations

This clause substitutes a reference to the Administrative and Disciplinary Division of the District Court with a reference to SACAT and is consequential on the transfer of jurisdiction from the Court to SACAT.

62—Transitional provisions

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

Part 9—Amendment of *Electoral Act 1985*

63—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

64—Amendment of section 31A—Itinerant persons

This amendment is consequential.

65—Amendment of section 32B—Enrolment or transfer of enrolment

This amendment is consequential.

66—Amendment of section 35—Determination of objection

This amendment is consequential.

67—Amendment of section 42—Registration

This amendment is consequential.

68—Substitution of heading to Part 12

This amendment is consequential.

69—Substitution of heading to Part 12 Division 1

This amendment is consequential.

70—Amendment of section 100—Reviewable decisions

This amendment is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

71—Amendment of section 101—Review by Electoral Commissioner or Tribunal

Currently, certain decisions may be appealed against to the Administrative and Disciplinary Division of the District Court. The effect of this clause is to transfer jurisdiction from the Administrative and Disciplinary Division of the Court to SACAT so that those decisions are reviewable by the Tribunal.

72—Transitional provisions

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

Part 10—Amendment of Employment Agents Registration Act 1993

73—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Magistrates Court to SACAT.

74—Amendment of section 7—Application for a licence

This clause requires a person who is denied a licence by the Director to be notified of the person's right to a review by SACAT of the decision to refuse to grant the licence. This amendment is consequential on the transfer of jurisdiction from the Magistrates Court to SACAT.

75—Amendment of section 9—Application for renewal of a licence

This clause requires a person who is denied the renewal of a licence by the Director to be notified of the person's right to a review by SACAT of the decision to refuse to grant a renewal. This amendment is consequential on the transfer of jurisdiction from the Magistrates Court to SACAT.

76—Substitution of section 15

15—Reviews

Currently certain decisions may be appealed against to the Magistrates Court. The effect of proposed section 15 is to transfer jurisdiction from the Court to SACAT so that those decisions are reviewable by the Tribunal.

77—Transitional provisions

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

Part 11—Amendment of Equal Opportunity Act 1984

78—Amendment of section 5—Interpretation

This clause inserts a definition of *SAET* and substitutes the definition *Tribunal* and is consequential on the transfer of jurisdiction to SACAT.

79—Amendment of section 92—Tribunal may grant exemptions

This clause states that a decision of the Tribunal under section 92 of the principal Act may not be subject to internal review under section 70 of the *South Australian Civil and Administrative Tribunal Act 2013*.

80—Amendment of section 95B—Referral of complaints to Tribunal

This clause amends section 95B of the principal Act to provide for the circumstances in which the Commissioner may refer a complaint directly to SAET.

81—Amendment of section 96—Power of Tribunal to make certain orders

This clause deletes section 96(4) and (5) of the principal Act.

82—Substitution of Heading to Part 8 Division 2

This clause substitutes the heading to Part 8 Division 2.

Division 2—Reviews and appeals

83—Amendment of section 96B—Review of refusal to extend time

This clause makes amendments to section 96B of the principal Act that are consequential on the transfer of jurisdiction to SACAT.

84—Insertion of section 96C

This clause inserts section 96C into the principal Act, which provides that a decision or order of the Tribunal under the Part may not be the subject of an application for an internal review under section 70 of the *South Australian Civil and Administrative Tribunal Act 2013*.

96C—No internal review by Tribunal

85—Insertion of sections 98 to 98C

This clause inserts proposed sections 98 to 98C into the principal Act.

98—Representation

This provision sets out the circumstances in which a person appearing in proceedings may be represented by a registered industrial association.

98A—Appeals

This provision sets out the right of appeal to the Supreme Court for decisions by the Tribunal relating to exemptions and decisions or orders by the Tribunal under the Part.

98B—Transfer of proceedings

This provision sets out the circumstances in which proceedings may be transferred from SACAT to SAET where there are related matters under another Act before SAET.

98C—No application for review

The provision makes it clear that a decision under proposed section 98(1) may not be the subject of an application for internal review under section 70 of the *South Australian Civil and Administrative Tribunal Act 2013*.

86—Amendment of section 100—Proceedings under *Fair Work Act 1994*

This clause amends section 100 of the principal Act to ensure that the relevant proceedings under the *Fair Work Act 1994* remain with SAET.

87—Repeal of Schedule 1

This clause repeals Schedule 1 of the principal Act.

88—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from SAET to SACAT.

Part 12—Amendment of Gene Technology Act 2001

89—Amendment of section 10—Definitions

This clause deletes the definition of *District Court* and inserts a definition of *Tribunal* both of which are consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

90—Amendment of section 19—Review of certain decisions

This clause amends the note in section 19 to refer to review of a decision under Part 12 by SACAT. This amendment is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT in Part 12 of the Act.

91—Amendment of section 183—Review of decisions by South Australian Civil and Administrative Tribunal

This clause amends section 183 to transfer jurisdiction for the review of decisions under the section from the Administrative and Disciplinary Division of the District Court to SACAT. An application for review must be made within 28 days after the making of the decision the subject of the review. SACAT may, if the President so determines, sit with 1 or more assessors from a panel of assessors.

92—Transitional provisions

This clause provides that a right of appeal under section 183 of the principal Act in existence before the commencement of this Part (but not exercised before that commencement) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before SACAT rather than the District Court.

Nothing in this clause affects any proceedings before the District Court commenced before the commencement of this Part.

A member of the panel established under section 183 of the principal Act holding office immediately before the commencement of this Part will cease to hold office on that commencement.

Part 13—Amendment of *Hairdressers Act 1988*

93—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT under this Part.

94—Amendment of section 4B—Right of review

Current section 4B provides that a person who has applied for a determination by the Commissioner in respect of the person's qualifications, training or experience may seek an appeal to the District Court against the decision of the Commissioner refusing the application. The effect of the proposed amendment is that an application for review of such a decision may be made to SACAT instead.

95—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court under section 4B will continue before that Court. However, any right to appeal to the District Court under section 4B that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead.

Part 14—Amendment of Health and Community Services Complaints Act 2004

96—Amendment of section 4—Interpretation

This clause inserts a definition of *Tribunal* for the purposes of transferring jurisdiction for the review of certain decisions under the Act to SACAT.

97—Amendment of section 56—Right of review

This clause amends section 56 to transfer jurisdiction for the review of decisions under the section from the District Court to SACAT.

98—Amendment of section 56E—Review

This clause amends section 56E to transfer jurisdiction for the review of decisions under the section from the District Court to SACAT.

99—Transitional provisions

This clause provides that a right of appeal under section 56 or 56E of the principal Act in existence before the commencement of this Part (but not exercised before that commencement) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before SACAT rather than the District Court.

Nothing in this clause affects any proceedings before the District Court commenced before the commencement of this Part.

Part 15—Amendment of *Health Care Act 2008*

100—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* for the purposes of transferring jurisdiction for the review of certain decisions under the Act to SACAT.

101—Amendment of section 58—Licence to provide non-emergency ambulance services

This clause amends section 58 to transfer jurisdiction for the review of a decision under the section from the District Court to SACAT.

102—Amendment of section 87—Review of decision or order of Minister

This clause amends section 87 to transfer jurisdiction for the review of a decision under Part 10 of the Act from the Supreme Court to SACAT.

103—Amendment of section 89I—Review of decision or order of Minister

This clause amends section 89I to transfer jurisdiction for the review of a decision under Part 10A of the Act from the Supreme Court to SACAT.

104—Transitional provisions

This clause provides that a right of appeal under section 58, 87 or 89I of the principal Act in existence before the commencement of this Part (but not exercised before that commencement) will be exercised as if this Part had been in operation before that right arose, so that the relevant proceedings may be commenced before SACAT rather than the Supreme Court or District Court.

Nothing in this clause affects any proceedings before the Supreme Court or District Court commenced before the commencement of this Part.

Part 16—Amendment of Health Practitioner Regulation National Law (South Australia) Act 2010

105—Amendment of section 3—Definitions

This clause inserts a definition *Tribunal* for the purposes of transferring jurisdiction for the review of certain decisions under the Act to SACAT.

106—Amendment of section 6—Responsible tribunal for *Health Practitioner Regulation National Law*

This clause provides that SACAT is the responsible Tribunal.

107—Substitution of section 6A

This clause substitutes section 6A

6A—Review of appellable decisions by Tribunal

Proposed section 6A provides that a person who is the subject of an appellable decision under section 199 of the *Health Practitioner Regulation National Law (South Australia)* may appeal against that decision by applying to the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

6B—No internal review by Tribunal

This provision provides that a decision of the Tribunal under section 196 and 197 of the *Health Practitioner Regulation National Law (South Australia)* may not be the subject of an application for internal review under section 70 of the *South Australian Civil and Administrative Tribunal Act 2013*.

108—Substitution of Part 3

This clause substitutes Part 3.

Part 3—Tribunal proceedings and powers

8—Interpretation

This clause inserts a definition of *relevant authority* which applies to sections 12 and 14.

9—Participation of assessors on Tribunal

Proposed section 9 provides for a panel of assessors for the purposes of section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*.

10—Interim power to suspend or impose conditions

Proposed section 10 sets out the power of the Tribunal to suspend or impose conditions on the registration of a person the subject of the proceedings.

11—Tribunal proceedings

Proposed section 11 allows the Tribunal to adopt procedures that allow members of the Tribunal to participate by means of an audio visual link or an audio link. The proposed section also enables the Tribunal to receive in evidence a transcript of evidence taken in other proceedings and adopt any findings, decision, judgment or reasons of any other court, tribunal or body.

12—Failure to comply with a summons

Proposed section 12 sets out the circumstances in which a failure to comply with a summons issued under section 40 of the *South Australian Civil and Administrative Tribunal Act 2013* may be pursued in the Supreme Court.

13—Request to submit to medical examination at request of another party

Proposed section 14 sets out the circumstances in which a party must submit to a medical examination at the request of another party.

14—Non-compliance with request to submit to medical examination

Proposed section 14 sets out the roles of the Tribunal and the Supreme Court following a party's failure to comply with a request to submit to a medical examination under section 14.

15—Fine recovery

The provision enables a fine payable to a National Board under Part 8 Division 12 *Health Practitioner Regulation National Law (South Australia)* to be recovered as a debt.

109—Amendment of section 47—Notices

The amendment to section 47 substitutes references to the District Court with a reference to the Tribunal.

110—Substitution of section 48

This clause substitutes section 48.

48—Reviewable decisions

The proposed section sets out the decisions that are reviewable by the Tribunal.

111—Substitution of sections 62 and 63

This clause inserts sections 62 to 63A (inclusive).

62—Review by Tribunal

Proposed section 62 of the Act sets out the right of review from a decision of the Authority to the Tribunal.

63—Operation of order may be suspended

Proposed section 63 provides that an order by the Authority may be suspended until the determination of the review.

63A—Variation or revocation of conditions imposed by Tribunal

Proposed section 63A allows the Tribunal to vary or revoke a condition imposed on a practitioner's registration.

112—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the South Australian Health Practitioners Tribunal to SACAT.

Part 17—Amendment of Mines and Works Inspection Act 1920

113—Amendment of section 10—Powers of inspector on inspection

This amendment corrects a cross-reference consequential on changes made to section 11 of the Act by the *Statutes Amendment (SACAT No 2) Act 2017*.

114—Amendment of section 11—Reviews—amenity issues

By way of completeness, this amendment inserts a definition of *Tribunal* to mean SACAT.

Part 18—Amendment of Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013

115—Amendment of section 3—Interpretation

This clause deletes the definition of *District Court* and inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT under this Part.

116—Substitution of section 35

This clause substitutes new section 35.

35—Review by Tribunal

Proposed clause 35 provides that a party to a dispute to which a determination of a review officer under Part 5 Division 1 relates may apply to SACAT for review of the determination of the review officer. Currently, a person has a right of appeal to the District Court in relation to the determination.

117—Substitution of section 37

This clause substitutes new section 37.

37—Review by Tribunal

Current section 37 provides for an appeal to the District Court against a determination of an expert review panel under Part 5 Division 2 of the Act that a person is ineligible or otherwise does not qualify to participate in the Scheme. The effect of the proposed amendment is to transfer the jurisdiction of the Court to SACAT.

118—Amendment of Schedule 1—Expert review panels

These amendments are consequential on the transfer of review jurisdiction to SACAT. They provide that information given to an expert review panel can be used in subsequent SACAT proceedings, and also that an opinion, certificate, report or other document furnished by an expert review panel is admissible in evidence in any proceedings before SACAT.

119—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court under sections 35 and 37 of the Act that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead.

Part 19—Amendment of Motor Vehicles Act 1959

120—Amendment of section 5—Interpretation

This clause deletes the definition of *District Court* and inserts a definition of *Tribunal*. These amendments are consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

121—Amendment of section 98PC—Cause for disciplinary action

This clause provides for SACAT, instead of the Administrative and Disciplinary Division of the District Court, to form the opinion that a person has been guilty of an act or default of such a nature that disciplinary action should be taken against the person.

122—Amendment of section 98PD—Complaints

This clause provides for a complaint setting out matters that are alleged to constitute grounds for disciplinary action under Part 3C of the Act to be lodged with SACAT. The effect of the amendment is to transfer jurisdiction from the District Court to SACAT.

123—Substitution of sections 98PE and 98PF

98PE—Hearing by Tribunal

Proposed section 98PE provides for hearings of complaints to determine whether the matters alleged in the complaint constitute grounds for disciplinary action under Part 3C to be held by SACAT. The effect of the section is to transfer jurisdiction from the District Court to SACAT.

98PF—Appointment, selection etc of assessors

Proposed section 98PF provides for a panel of assessors consisting of representatives of the motor trade industry and the towtruck industry, and for the President of SACAT to determine whether the Tribunal will sit with one or more assessors.

124—Amendment of section 98PG—Disciplinary action

This clause replaces references to the District Court with references to SACAT. The effect of the amendment is to transfer the powers of the District Court to take disciplinary action to SACAT.

125—Amendment of section 98T—Permit contents, conditions and entitlements

Currently the Minister can review decisions of a council to refuse to make an arrangement under section 98T to enable a disabled person who holds a disabled person's parking permit and drives to and from their place of employment to park their motor vehicle near to the person's place of employment. The effect of the amendment is to provide for such decisions to be reviewable by SACAT rather than the Minister.

126—Substitution of section 98ZA

98ZA—Review by Tribunal

Currently a person who is dissatisfied with a decision of the Registrar on a review by the Registrar under section 98Z may appeal against the decision to the Administrative and Disciplinary Division of the District Court. The effect of proposed section 98ZA is to transfer jurisdiction from the Court to SACAT.

127—Repeal of Schedule 5

The repeal of Schedule 5 is consequential on the transfer of jurisdiction from the District Court to SACAT.

128—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the Court will continue before it. However, any right to appeal to the Court that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead. Ministerial reviews under section 98T of the principal Act already commenced will continue before the Minister but decisions of the Minister on the review will be taken to be decisions of the Tribunal. The clause provides for certain decisions or orders of the Court to be taken to be decisions or orders of SACAT. Panel members (who may sit as assessors) cease to hold office on the commencement of the amendments.

Part 20—Amendment of Pastoral Land Management and Conservation Act 1989

129—Amendment of section 50—Jurisdiction of Tribunal

This clause deletes the reference to the Governor in relation to the appointment of the panel of assessors for the purposes of this Act. This is consequential on the proposed amendments to section 22 of the *South Australian Civil and Administrative Tribunal Act 2013* by this measure, whereby assessors are to be appointed by the Minister rather than the Governor.

Part 21—Amendment of Plumbers, Gas Fitters and Electricians Act 1995

130—Amendment of section 3—Interpretation

This clause deletes the definition of *Court* and inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT under this Part.

131—Amendment of section 10—Reviews

Current section 10 provides for an appeal to the District Court against a decision of the Commissioner refusing an application for a licence as a contractor under the Act. The proposed amendment transfers this jurisdiction to SACAT.

132—Amendment of section 17—Reviews

Current section 17 provides for an appeal to the District Court against a decision of the Commissioner refusing an application for registration as a plumber, gas fitting worker or electrical worker under the Act. The proposed amendment transfers this jurisdiction to SACAT.

133—Amendment of section 18A—Commissioner may suspend or impose conditions on licence or registration in urgent circumstances

This clause amends section 18A to provide that an application for review may be made to SACAT for review of the decision of the Commissioner to suspend a licence or registration, or impose conditions on a licence or registration, in urgent circumstances. This section currently provides for appeals against such decisions to be made to the District Court.

134—Amendment of section 18B—Commissioner may cancel, suspend or impose conditions on licence or registration

This clause amends section 18B to provide that an application for review may be made to SACAT for review of the decision of the Commissioner to cancel or suspend a licence or registration, or impose conditions on a licence or registration, under this section. This section currently provides for appeals against such decisions to be made to the District Court.

135—Amendment of section 21—Complaints

This clause amends section 21 to provide that a complaint setting out matters that are alleged to constitute grounds for disciplinary action under Part 4 may be lodged with SACAT rather than the District Court, as currently provided by the section.

136—Amendment of section 22—Hearing by Tribunal

These amendments are consequential on the transfer of jurisdiction from the District Court to SACAT under section 21.

137—Substitution of section 23

This clause substitutes section 23.

23—Participation of assessors in disciplinary proceedings

Proposed new clause 23 provides for the establishment of a panel of assessors for the purposes of reviews before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

138—Amendment of section 24—Disciplinary action

These amendments substitute references to the Court with references to SACAT and are consequential on the transfer of jurisdiction from the District Court to SACAT.

139—Amendment of section 25—Contravention of orders

This amendment substitutes reference to the Court with reference to SACAT and is consequential on the transfer of jurisdiction from the District Court to SACAT.

140—Amendment of section 31—Commissioner and proceedings before Tribunal

This amendment substitutes reference to the Court with reference to SACAT and is consequential on the transfer of jurisdiction from the District Court to SACAT.

141—Repeal of Schedule 1

This clause repeals Schedule 1 which deals with the appointment and selection of assessors for the District Court. Those provisions will be superseded by proposed new section 23.

142—Transitional provisions

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

Part 22—Amendment of Research Involving Human Embryos Act 2003

143—Amendment of section 3—Interpretation

This clause deletes the definition of *District Court* which is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

144—Amendment of section 21—Interpretation

This clause inserts a definition of *SACAT* for the purposes of the transfer of jurisdiction for certain reviews from the Administrative and Disciplinary Division of the District Court to SACAT.

145—Amendment of section 22—Review of decisions

This clause amends section 22 to transfer jurisdiction for the review of certain decisions from the District Court to SACAT. An application for review must be made within 28 days after the making of the decision the subject of the review. SACAT may, if the President so determines, sit with 1 or more assessors from a panel of assessors.

146—Transitional provisions

This clause provides that a right of appeal under section 22(1)(b) of the principal Act in existence before the commencement of this Part (but not exercised before that commencement) will be exercised as if the Part had been in operation before that right arose, so that the relevant proceedings may be commenced before SACAT rather than the District Court.

Nothing in this clause affects any proceedings before the District Court commenced before the commencement of this Part.

Part 23—Amendment of Residential Parks Act 2007

147—Repeal of section 121

This clause deletes section 121, which provided that a party to proceedings before SACAT under this Act may apply for an order to vary or set aside an order made in the proceedings.

Part 24—Amendment of Retirement Villages Act 2016

148—Amendment of Schedule 1—Proceedings before the Tribunal

This clause deletes clause 2 of Schedule 1, which provided that a party to proceedings before SACAT under this Act may apply for an order to vary or set aside an order made in the proceedings.

Part 25—Amendment of Second-hand Vehicle Dealers Act 1995

149—Amendment of section 3—Interpretation

This clause deletes the definition of *District Court* and inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

150—Amendment of section 10—Reviews

Current section 10 provides for an appeal to the District Court against a decision of the Commissioner refusing an application for a licence under the Act. The proposed amendment transfers this jurisdiction to SACAT.

151—Amendment of section 14A—Commissioner may suspend or impose conditions on licence in urgent circumstances

This clause amends section 14A to provide that an application for review may be made to SACAT for review of the decision of the Commissioner to suspend a licence, or impose conditions on a licence, in urgent circumstances. This section currently provides for appeals against such decisions to be made to the District Court.

152—Amendment of section 14B—Commissioner may cancel, suspend or impose conditions on licence

This clause amends section 14B to provide that an application for review may be made to SACAT for review of the decision of the Commissioner to cancel or suspend a licence, or impose conditions on a licence, under this section. This section currently provides for appeals against such decisions to be made to the District Court.

153—Amendment of section 28—Complaints

This clause amends section 28 to provide that a complaint setting out matters that are alleged to constitute grounds for disciplinary action under Part 5 may be lodged with SACAT rather than the District Court, as currently provided by the section.

154—Amendment of section 29—Hearing by Tribunal

These amendments are consequential on the transfer of jurisdiction from the District Court to SACAT under section 28 of the Act.

155—Substitution of section 30

This clause substitutes new section 30.

30—Participation of assessors in disciplinary proceedings

Proposed clause 30 provides for the establishment of a panel of assessors for the purposes of reviews before SACAT and for the President of SACAT to determine whether or not SACAT will sit with assessors.

156—Amendment of section 31—Disciplinary action

These amendments substitute references to the District Court with references to SACAT and are consequential on the transfer of jurisdiction from the Court to SACAT.

157—Amendment of section 32—Contravention of orders

These amendments substitute references to the District Court with references to SACAT and are consequential on the transfer of jurisdiction from the Court to SACAT.

158—Amendment of section 40—Commissioner and proceedings before Tribunal

These amendments are consequential on the transfer of jurisdiction from the District Court to SACAT and substitute reference to the District Court with reference to SACAT.

159—Repeal of Schedule 2

This clause repeals Schedule 2 which deals with the appointment and selection of assessors for the District Court. Those provisions will be superseded by proposed section 30.

160—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to, or lodge a complaint with, the District Court that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead. Panel members under Schedule 2 cease to hold office on the commencement of the amendments.

Part 26—Amendment of South Australian Civil and Administrative Tribunal Act 2013

161—Amendment of section 22—Assessors

This clause amends section 22 to provide that the Minster will appoint assessors on the recommendation of the President of SACAT. Current section 22 provides that the Governor appoints assessors on the recommendation of the Minister.

162—Amendment of section 40—Power to require person to give evidence or to produce evidentiary material

This clause amends section 40 to clarify that subsections (3) and (4) apply in relation to persons appearing before the Tribunal or evidentiary material produced to the Tribunal, whether that appearance or production is in response to a summons or otherwise. It also deletes subsection (4)(f), which is now covered by the proposed amendments to section 93A.

163—Amendment of section 90—Accessibility of evidence

This clause amends section 90(1)(c) of the Act to replace the reference to material admitted into evidence with a reference to material produced or provided to SACAT, as it may not always be clear whether the material has been formally admitted. Section 90(2) lists material in relation to which permission of the Tribunal is required before a member of the public may inspect or obtain a copy of the material. The clause makes a similar amendment to that in subsection (1)(c) in relation to the reference in paragraph (a) to material produced or provided to SACAT in a hearing (or part of a hearing) held in private, and also deletes paragraph (c) which refers to photographs, slides, films, video tapes, audio tapes or other forms of recording.

164—Amendment of section 93A—Disrupting proceedings of Tribunal

This clause amends section 93A to extend the current provisions in relation to offensive language and disorderly or offensive behaviour to circumstances where the proceedings are being conducted remotely (for example, by telephone or video-link).

Part 27—Amendment of South Australian Public Health Act 2011

165—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* for the purposes of the transfer of jurisdiction for certain reviews from the District Court to SACAT.

166—Amendment of section 76—Review by Tribunal

This clause amends section 76 to transfer jurisdiction for the review of an order, requirement or direction of the Chief Public Health Officer under Part 10 Division 2 of the principal Act from the District Court to SACAT.

167—Amendment of section 92—Notices

This clause amends section 92 to require, where an emergency notice is issued orally, advice to be given of the right to apply to SACAT for review of the order (rather than to the District Court as is currently the case).

168—Amendment of section 95—Reviews—notices relating to general duty

This clause amends section 95(15)(b)(i) to change reference to the District Court to SACAT and is consequential on the transfer of jurisdiction from the District Court to SACAT.

169—Amendment of section 96—Review by Tribunal

This clause amends section 96 to transfer jurisdiction for the review of the issuing of a notice under Part 12 of the Act from the District Court to SACAT.

170—Amendment of section 108—Evidentiary provision

This clause amends section 108 consequentially on the transfer of jurisdiction from the District Court to SACAT.

171—Transitional provisions

This clause provides that a right of appeal under section 76 or 96 of the principal Act in existence before the commencement of this Part (but not exercised before that commencement) will be exercised as if the Part had been in operation before that right arose, so that the relevant proceedings may be commenced before SACAT rather than the District Court.

Nothing in this clause affects any proceedings before the District Court commenced before the commencement of this Part.

Part 28—Amendment of State Lotteries Act 1966

172—Amendment of section 4—Constitution of Commission

This amendment inserts a reference to 'tribunals' consequential on the transfer of the review jurisdiction under the Act to SACAT.

173—Substitution of section 18AA

This clause inserts a new section:

18AA—Reviews

Under current section 18AA, a person who is dissatisfied with a decision of the Commission that a ticket in a lottery held by the participant is not a winning ticket has a right of appeal to the Administrative and Disciplinary Division of the District Court. This new section now gives that jurisdiction to SACAT.

174—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the Administrative and Disciplinary Division of the District Court will continue before that Court. However, any right to appeal to that Division of the District Court under section 18AA of the Act that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead.

Part 29—Amendment of Tattooing Industry Control Act 2015

175—Amendment of section 3—Interpretation

This clause inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

176—Amendment of section 5—Criminal intelligence

This clause amends section 5 to extend its operation to allow disclosure of criminal intelligence information to SACAT and is consequential on the transfer of jurisdiction to the Tribunal.

177—Amendment of section 8—Commissioner for Consumer Affairs may disqualify person from providing tattooing services

This amendment is consequential on the transfer of jurisdiction from the District Court to SACAT and provides that a disqualification notice given by the Commissioner disqualifying the person from providing tattooing services, must contain information about the person's right to apply to SACAT for a review of the decision to give the notice under section 17 of the Act.

178—Amendment of section 12—Authorised officers may direct persons

This amendment is consequential on the transfer of jurisdiction from the District Court to SACAT and provides that a direction of an authorised officer given under this section to a person providing tattooing services, must contain information about the person's right to apply to SACAT for a review of the decision to give direction under section 17 of the Act.

179—Substitution of heading to Part 5

This amendment is consequential.

180—Amendment of section 17—Review

Under current section 17, a person who is dissatisfied with a decision of the Commissioner, or a direction of an authorised officer under section 12 of the Act, has a right of appeal to the Administrative and Disciplinary Division of the District Court. This clause amends section 17 to transfer that jurisdiction to SACAT.

181—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the District Court to SACAT. The effect of the provisions is that any proceedings already commenced before the District Court will continue before that Court. However, any right to appeal to the District Court under section 17 of the Act that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead.

Part 30—Amendment of Training and Skills Development Act 2008

182—Amendment of section 4—Interpretation

This clause deletes the definition of *District Court* and inserts a definition of *Tribunal* both of which are consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

183—Substitution of heading to Part 3 Division 5

This clause amends the heading to Part 3 Division 5 to change reference to the District Court to SACAT and is consequential on the transfer of jurisdiction from the District Court to SACAT.

184—Amendment of section 42—Review by Tribunal

This clause amends section 42 to change reference to the District Court to SACAT and is consequential on the transfer of jurisdiction from the District Court to SACAT.

185—Amendment of section 61—Review by Tribunal

This clause amends section 61 to change reference to the District Court to SACAT and is consequential on the transfer of jurisdiction from the District Court to SACAT.

186—Transitional provisions

This clause provides that a right of appeal under section 42 or 61 of the principal Act in existence before the commencement of this Part (but not exercised before that commencement) will be exercised as if the Part had been in operation before that right arose, so that the relevant proceedings may be commenced before SACAT rather than the District Court.

Nothing in this clause affects any proceedings before the District Court commenced before the commencement of this Part.

Part 31—Amendment of Veterinary Practice Act 2003

187—Amendment of section 3—Interpretation

This clause deletes the definition of *District Court* and inserts a definition of *Tribunal* and is consequential on the transfer of jurisdiction from the Administrative and Disciplinary Division of the District Court to SACAT.

188—Amendment of section 7—Terms and conditions of membership

The amendment to section 7(4) is consequential on the transfer of jurisdiction from the District Court to SACAT. Following the transfer of jurisdiction, the only Board proceedings under Part 5 of the Act will be in relation to those in Division 3 (which relate to the medical fitness of veterinary surgeons). This amendment therefore restricts this subsection to those proceedings.

189—Amendment of section 16—Delegations

This amendment limits the reference to proceedings of the Board under Part 5 of the Act to those under Part 5 Division 3 (which relate to the medical fitness of veterinary surgeons). This is consequential on the transfer of jurisdiction in relation to disciplinary proceedings under that Part to SACAT.

190—Amendment of section 17—Procedures

These amendments to section 17 limit the references to proceedings of the Board under Part 5 of the Act to those under Part 5 Division 3 (which relate to the medical fitness of veterinary surgeons). This is consequential on the transfer of jurisdiction in relation to disciplinary proceedings under that Part to SACAT.

191—Amendment of section 19—Powers in relation to witnesses etc

This amendment is consequential on the transfer of jurisdiction in relation to disciplinary proceedings under Part 5 to SACAT. The powers under section 19 in relation to Board proceedings are limited to proceedings of the Board under Part 5 Division 3 (which relate to the medical fitness of veterinary surgeons).

192—Amendment of section 30—Provisions of general application to registers

This amendment clarifies that the reference to legal proceedings in section 30(5) of the Act includes proceedings before SACAT.

193—Amendment of section 34—Removal from register or specialty

This amendment substitutes a reference to Board proceedings to those of the Tribunal and is consequential on the transfer of jurisdiction in relation to disciplinary proceedings to SACAT.

194—Amendment of section 35—Reinstatement on register or in specialty

This amendment substitutes a reference in subclause (1)(d) to the Board to a reference to the Tribunal and is consequential on the transfer of jurisdiction in relation to disciplinary proceedings to SACAT.

195—Amendment of section 38—Contravention of conditions of registration

This amendment operates to limit this offence to the contravention of registration conditions that are imposed by the Board. Any conditions of registration imposed by SACAT as a result of Tribunal proceedings will be enforceable under the *South Australian Civil and Administrative Tribunal Act 2013*.

196—Amendment of section 62—Hearing by Tribunal as to matters constituting grounds for disciplinary action

This clause amends section 62 to give jurisdiction to SACAT for hearing matters that are alleged to constitute grounds for disciplinary action against a person. Under current section 62, this jurisdiction is exercised by the Board. It also makes other amendments to this section that are consequential on the transfer of that jurisdiction.

197—Substitution of section 63

This clause deletes section 63, which sets out offences in relation to the contravention of orders of the Board in disciplinary proceedings. As a consequence of the transfer of this jurisdiction to SACAT, these provisions will no longer be required as orders of the Tribunal will be enforceable under the *South Australian Civil and Administrative Tribunal Act 2013*. This clause then inserts a new section 63.

63—Constitution of Tribunal

The proposed new clause deals with the constitution of SACAT in proceedings under the Act. The proposed new section provides for the appointment of assessors for the purposes of the SACAT Act. It further provides that the Tribunal is to be constituted by 3 members, (unless the President determines it is to be constituted by fewer than 3), 1 of whom must be an assessor selected from the panel consisting of veterinary surgeons with experience or knowledge relating to primary production, horses or other animals, and 1 of whom must be an assessor selected from the panel consisting of persons, not being veterinary surgeons, with experience or knowledge relating to animal health, safety and welfare. The provision also provides that where there is a 3 member Tribunal, the Tribunal may however sit alone for certain specified types of hearings in relation to the proceedings.

198—Repeal of Part 5 Division 5

This clause deletes Part 5 Division 5, which deals with the constitution of the Board and the procedures for Board disciplinary proceedings, and thus is no longer required as a consequence of the transfer of the jurisdiction to SACAT.

199—Substitution of heading to Part 6

This amendment is consequential.

200—Amendment of section 66—Review by Tribunal

Current section 66 sets out the rights of appeal to the District Court in relation to various decisions of the Board regarding a person's registration under the Act. The effect of the amendments to this section provide for the jurisdiction of the Court to be exercised by SACAT instead.

201—Amendment of section 67—Variation or revocation of conditions imposed by Tribunal

This clause amends section 67(1) to substitute references to the District Court with references to the Tribunal and is consequential on the transfer of jurisdiction to SACAT.

202—Amendment of section 76—Evidentiary provision

This amendment clarifies that the reference to legal proceedings in this section includes a reference to proceedings before SACAT.

203—Transitional provisions

This clause sets out transitional provisions in relation to the transfer of jurisdiction from the Board and the District Court to SACAT. The effect of the provisions is that any right to lay a complaint with the Board that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead. Any disciplinary proceedings already commenced before the Board that have proceeded to a listing (that is, a substantive hearing or a directions, interlocutory or other preliminary hearing) will, subject to the Board and the President of the Tribunal agreeing otherwise, be continued and finalised by the Board. Any orders or decision of the Board in these 'part heard' matters will be taken to be a decision or orders of SACAT (including for the purposes of any review or appeal under the SACAT Act). However, if proceedings commenced before the Board before the commencement of this Part have not proceeded to a listing, the proceedings are to be transferred to SACAT to be heard and finalised by SACAT. The transitional provisions further provide that the right to appeal to the District Court from proceedings or decisions of the Board (other than disciplinary proceedings) that existed before the commencement of these amendments, but not exercised before that commencement, may now be exercised before SACAT instead. Existing rights of appeal in relation to disciplinary proceedings heard by the Board will be in accordance with the provisions of the Act as in operation before the commencement of this measure. Furthermore, any proceedings already commenced before the District Court will continue before that Court.

Debate adjourned on motion of Hon. I.K. Hunter.

PARLIAMENTARY COMMITTEES (PETITIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2019.)

The Hon. K.J. MAHER (Leader of the Opposition) (18:15): I rise to speak on this bill and to indicate my support. This is a very important bill for the proper workings of democracy and I

congratulate the member for Florey in the other place for bringing this bill before the other place and for our chance to vote on it here.

It allows those who sign petitions to rest assured that their voices will be acted upon and require, under certain instances, for reasons for action being taken or not being taken in relation to petitions. I think it is a very good step forward and, again, I congratulate the member for Florey, Frances Bedford, in the other place for bringing this before us.

The Hon. M.C. PARNELL (18:16): The Greens are very pleased to support the bill for the reasons just enunciated by the Leader of the Opposition.

The Hon. C. BONAROS (18:16): I rise to support the bill. I commend the member for Florey, Frances Bedford, in the other place for taking this initiative, which has created the admirable aim of creating increased engagement of South Australians with the democratic process. I welcome the positive change and look forward to further, similarly positive changes in this place in times to come.

The Hon. T.J. STEPHENS (18:17): I thank honourable members for their indications of support and wish a speedy passage.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. T.J. STEPHENS (18:20): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 18:21 the council adjourned until Tuesday 2 July 2019 at 14:15.

Answers to Questions

FAULTY NAIL PLATE ROOF TRUSSES

136 The Hon. F. PANGALLO (14 May 2019). In relation to the Department of Planning, Transport and Infrastructure Advisory Notices 17/06 and 18/06 dated December 2006 and that some prefabricated roof trusses manufactured between 1970 and 1997 with nail plates have since proven faulty:

1. Have all public owned and managed residential housing properties, aged-care homes, and community facilities been checked by suitably qualified persons to identify if these structures are at risk from having these faulty nail plate roof trusses?

2. How many such public owned and managed properties have been checked to date?

3. Is the process of checking and reporting on faulty nail plate roof trusses complete?

4. How many such public owned and managed properties have had remedial work undertaken to rectify faulty nail plate roof trusses?

5. How many such public owned and managed properties are yet to have remedial work undertaken to rectify faulty nail plate roof trusses?

6. How many such public owned properties have been sold without remedial work being undertaken and is this fault disclosed to buyers?

7. Have all the residents of public housing and users of community facilities been notified of the faulty nail plate roof truss issue?

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department of Human Services (DHS) and the South Australian Housing Authority (SAHA) have advised:

In relation to the properties DHS owns or manages, inspections of all properties are conducted at least annually by contracted facility management providers. No issues have been raised relating to faulty nail plate roof trusses.

In response to the advisory notices, as well as one additional site identified, inspections of 29 South Australian Housing Trust (SAHT) 'at risk' properties were completed in 2009 for the Department for Families and Communities by an independent engineer (FMG Engineers). Of those identified, six required remedial work, which has been completed. Since 2009, a small number of public housing properties may also have had remedial work undertaken. However, data collected does not specify work undertaken to that degree.

SAHA will continue to address faulty nail plate roof trusses as required. If an issue is suspected in a public housing property, an inspection is undertaken and remedial maintenance work is undertaken.

No DHS or SAHA properties that have had faulty nail plate roof trusses identified have been sold prior to remedial work taking place.

SAHA residents and users of DHS facilities are notified if and when issues are identified.