LEGISLATIVE COUNCIL

Thursday, 16 November 2023

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:15 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

PAPERS

The following papers were laid on the table:

By the President—

Registrar's Statement, Register of New Member's Interests, November 2023
[Ordered to be published]

By the Minister for Aboriginal Affairs (Hon. K.J. Maher)—

Reports, 2022-23—
Carclew Inc.
Child Death and Serious Injury Review Committee
Construction Industry Training Board
Education Standards Board
History Trust of South Australia
Pharmacy Regulation Authority of South Australia
South Australian Commissioner for Aboriginal Children and Young People
South Australian Commissioner for Children and Young People
South Australian Skills Commission
TAFE SA
Voluntary Assisted Dying Review Board
Determination of the Remuneration Tribunal No. 6 of 2023—Reimbursement of Expenses Applicable to the Electorate of Mawson—Travel to and from Kangaroo Island by Ferry and Aircraft
Report of the Remuneration Tribunal No. 6 of 2023—23 Review of Reimbursement of Expenses Applicable to the Electorate of Mawson—
Travel to and from Kangaroo Island by Ferry and Aircraft
Ethical guidelines on the use of assisted reproductive technology in clinical practice and research

By the Attorney-General (Hon. K.J. Maher)—

Reports, 2022-23—
Audit of compliance with the Criminal Law (Forensic Procedures) Act 2007
Review under section 34(1) of the Serious and Organised Crime (Unexplained Wealth) Act 2009
Review under section 74A of the Police Act 1988

By the Minister for Primary Industries and Regional Development (Hon. C.M. Scriven)—

Reports 2022-23—
Official Visitor—Aaron Cooke
Official Visitor—Joanne Battersby
Official Visitor—La Nina Clayton
Official Visitor—Lauren Messer

Official Visitor—Timothy Fitzgerald
Official Visitor—Tristan Colmer
Veterinary Surgeons Board of South Australia

Question Time

TRURO BYPASS PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking a question of the Minister for Regional Development about regional development.

Leave granted.

The Hon. N.J. CENTOFANTI: Yesterday, in question time, the minister twice said that she was waiting for completion of the 90-day review from the federal infrastructure minister before giving a response to that review. On Tuesday, in an interview at the AFR Infrastructure Summit, the federal infrastructure minister said that the review was taking some time due to negotiations with other states and territories.

That review was handed down this morning after more than 170 days and it shows, amongst others, the planned Truro freight route's federal funding has been cut. This morning, on radio, the state's Minister for Infrastructure and Transport, the Hon. Tom Koutsantonis, said that the Malinauskas government would not be funding the shortfall and has confirmed it will not go ahead. This ends the planned and much-needed freight route around Truro. My questions to the minister are:

1. As the Minister for Regional Development did she formally write to the federal Minister for Infrastructure, Transport, Regional Development and Local Government in support of this project?

2. What does she say to regional South Australians who were counting on this freight route to improve productivity for regional industry?

3. Given the already shocking road toll this year what is her government going to do to ensure the safety and wellbeing of the Truro community—and the regional community more broadly—who will now continue to see tens of thousands of heavy vehicles down their main street every year?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22): I thank the honourable member for her question. Certainly, in terms of the federal infrastructure review, I think it's a very mixed result for South Australia. The commonwealth government's independent review found that the overall infrastructure investment program inherited from the former Coalition commonwealth government was undeliverable. A program—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: This is the commonwealth government's independent review: that was the finding made. A program of works put forward by the former Liberal and Coalition governments was designed, apparently, to meet electoral imperatives rather than properly planned infrastructure—rather than properly planned infrastructure. I think it is absolutely fair to say—

Members interjecting:

The PRESIDENT: Order! Listen in silence.

The Hon. C.M. SCRIVEN: We are obviously pleased that the additional commonwealth government contribution to the River Torrens to Darlington has been confirmed, recognising it as the most significant infrastructure project in the state's history. I might point out that a lot of these works will improve freight, so to say that it is simply a city project I think is misunderstanding the nature of our freight routes in South Australia.

It is, of course, extremely disappointing to see projects into which the state government has put significant design and consultation work cancelled. The state government had money on the table for these projects and spent a lot of time and effort getting them shovel ready, but as the commonwealth government was the major partner in these projects—a significant funding partner—obviously projects cannot proceed without that commonwealth funding.

My question might be to those opposite: are they going to commit that if they win government at the next election they will fully commit to funding from state government funds the additional money for the Truro bypass? That is a very relevant question that the people of South Australia might like to hear the answer to. Will they commit to fully funding the difference in the Truro bypass from state government funds? If they are not willing to say that then they shouldn't—

Members interjecting:

The Hon. C.M. SCRIVEN: Well, then make the commitment for if you win the next election. If you want to make the commitment if you win the next election.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: If you don't then you are revealing exactly what you are really doing, which is making a song and dance about something you have no intention of fixing.

Members interjecting:

The PRESIDENT: The honourable Leader of the Opposition, do you want a supplementary question?

The Hon. N.J. CENTOFANTI: Thank you, Mr President, supplementary.

The PRESIDENT: Right, well ask your supplementary question.

TRURO BYPASS PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Did the minister formally write to her federal colleague in support of this project?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): Our government has multiple communications about this project.

TRURO BYPASS PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): Supplementary: did she formally write?

The PRESIDENT: You have asked that question a number of times.

The Hon. N.J. CENTOFANTI: She won't answer it!

The PRESIDENT: It's question time, not answer time.

FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): My questions are to the Minister for Primary Industries regarding fruit fly:

1. How many SIT flies have been released weekly since 6 November?

2. How many SIT flies will continue to be released and how often?

3. What is the reasoning behind the SIT fly release date finish of 17 December?

4. How were the release areas of Paringa, Loxton, Lyrup, Kingston on Murray and Overland Corner determined?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26): I thank the honourable member for her question. One of

the achievements of this government has been to double the capacity of the sterile insect technology facility so that we are able to release twice as many sterile insects into the Riverland as we did previously. We know how important sterile insect technology is for fighting fruit fly. I can certainly answer in a general sense that the decisions that are made around timings are informed by the expert advice in terms of what will have the most impact in terms of sterile insect technology. In terms of those specifics, those operational matters, I am happy to take it on notice and bring back a response.

AVIAN INFLUENZA

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries regarding avian influenza.

Leave granted.

The Hon. N.J. CENTOFANTI: Australia, New Zealand, the Pacific Islands and Antarctica have been the last remaining locations free of the avian influenza strain, which has been making its way through bird populations globally since 2021. Now highly pathogenic avian influenza (HPAI) has been detected in Antarctica through migratory birds returning for the southern summer. Alarmingly, it has also been detected and recorded as close as the island of Kalimantan in Indonesia. Waterfowl, shorebirds and seabirds have been identified as hosts for HPAI.

Our summer is approaching and birds are returning to Australian shores from overseas migration. Although it is doubtful HPAI can be stopped at this point, if caught early overseas examples show that its impact can be minimised. Answers to questions on notice last month outlined an industry surveillance plan, but today my questions to the minister are:

1. Is there a summer field surveillance schedule in place by PIRSA and DEW for South Australian wild waterfowl sites?

2. If not, how does the minister plan to survey for affected wild birds?

3. Is there a testing program in place to target sample both local and migratory bird populations this summer?

4. If not, will the minister commit to one?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29): I thank the honourable member for her question. Certainly, HPAI is of significant concern. It is a disease caused by influenza A viruses, and the viruses are capable of infecting birds and mammals, including humans.

I am also advised that avian influenza continues to evolve, meaning that there is the ongoing emergence of new variations of the virus, and I am advised that new strains have appeared in recent years which are now circulating quite widely overseas. In terms of the specific operational questions that the member has asked, I will take those on notice and bring back a response.

JEFFRIESS, MR B.

The Hon. M. EL DANNAWI (14:29): My question is to the Minister for Primary Industries and Regional Development. Would the minister please update the chamber on the retirement of Mr Brian Jeffriess AM, CEO of the Australian Southern Bluefin Tuna Industry Association?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): I thank the honourable member for her question. Mr Brian Jeffriess AM is the current CEO of the Australian Southern Bluefin Tuna Industry Association. Recently, he announced he would be retiring after more than 30 years of service to the fishing and aquaculture industries. Mr Jeffriess will call it a day in December this year, and I would like to take this opportunity now to express sincere appreciation and recognition of service and acknowledge his contributions to the fishing and aquaculture industries.

Mr Jeffriess has extensive fisheries and aquaculture experience, spanning across industries from Australia's cold temperate ocean to the tropical north, and has represented aquaculture and fishing industries at state and national levels for many decades. Mr Jeffriess is a former chairperson

of the National Fishing Industry Council and the Australian Seafood Industry Council, is a former director of the Australian Maritime and Fisheries Academy board, and has served on a variety of high-level committees, including the Australian Fisheries Management Authority, the Commonwealth Fisheries Association, the Aquaculture Advisory Committee, the Fisheries Research and Development Corporation board, the Fisheries and Aquaculture Research Advisory Committee, and import/export committees, as well as participating in numerous industry advisory roles for the Department of Primary Industries and Regions.

That vast number of levels of involvement certainly demonstrates the high level of service that Mr Jeffriess has given to the industries in our state and country. In 2012, Mr Jeffriess was awarded the Member of the Order of Australia, or AM, for his service to the fishing and aquaculture industries as a contributor to the sustainable management and harvesting of Australian fisheries and through national and international professional associations.

Mr Jeffriess has been an industry spokesperson for southern bluefin tuna aquaculture in South Australia since it began in 1993. He was instrumental in developing a Japanese market for reasonably priced high-quality sashimi and establishing the aquaculture southern bluefin tuna industry as a premium sustainability produced product. In 2015, the industry was awarded the internationally recognised Friend of the Sea sustainability certificate.

From the mid-1940s to the early 1990s, all commercial southern bluefin tuna were wild caught, initially caught using the line and pole method and later—around the 1970s—by purse seining. Dramatic reductions in wild stocks through the 1980s led to individual transferable quotas allocated by the Australian government in 1984. Continued reduction in wild stocks led to a trilateral agreement between Japan, Australia and New Zealand in 1989 to establish a combined quota limit.

In 1994, the informal management of the Southern Bluefin Tuna Fishery between the three countries was formalised, with the signing of the Convention for the Conservation of Southern Bluefin Tuna. Since then, the Commission for the Conservation of Southern Bluefin Tuna has managed the fish stock internationally for more than eight member countries. The stock is considered to have recovered, resulting in increases in quotas in recent years.

It was originally the Japanese interest that proposed ranching of southern bluefin tuna in the 1990s, in response to the ongoing decline of the wild fishery. In order to assess the potential of southern bluefin tuna aquaculture, or ranching wild-caught fish, a study was initiated by the then Tuna Boat Owners Association of Australia and the Federation of Japan Tuna Fisheries Co-operative Associations in conjunction with the Overseas Fishery Cooperation Foundation. The project was supported by the South Australian government and the Australian government and undertaken by the southern bluefin tuna industry in partnership with the Fisheries Research and Development Corporation.

Given what I have already said about Mr Jeffriess, it will probably not surprise members to find that Mr Jeffriess was the lead investigator. The success of this study provided the foundation for the establishment of the tuna farming industry in South Australia. Since farming began, more than 90 per cent of the total Australian quota is farmed in South Australia, with the remainder taken by recreational fishers or commercial fishers. Under Mr Jeffriess' leadership, the southern bluefin tuna aquaculture industry has grown since its inception in 1993, and southern bluefin tuna remains the most valued aquaculture product in South Australia.

In recent years, Mr Jeffriess has contributed significantly to the strategic management of the southern bluefin tuna industry by the commonwealth and PIRSA through representation at the annual Commission for the Conservation of Southern Bluefin Tuna meetings to discuss future quota allocations for Australia, through cost recovery and other strategic industry discussions with PIRSA and through membership on the steering committee for the review for the Aquaculture (Zones—Lower Eyre Peninsula) Policy 2013 to support the sustainable expansion of aquaculture for both the existing established aquaculture sectors, such as tuna, yellowtail kingfish and mussels, and the emerging sectors, such as seaweed.

I would like to again thank Mr Jeffriess for his longstanding service and contributions to the South Australian seafood industry, and I take this opportunity to wish him all the very best for a hopefully restful retirement.

COMMERCIAL FISHERIES REVIEW

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Supplementary: why won't the minister commit to releasing the report of the independent review into the cost-recovery model of the aquaculture and fishing industry?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I wouldn't think that was a supplementary about Brian Jeffriess.

PUBLIC SCHOOL TEACHERS

The Hon. R.A. SIMMS (14:35): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Public Sector on the topic of public school teachers.

Leave granted.

The Hon. R.A. SIMMS: I was concerned the Attorney-General was missing out, so I thought I had better ask him a question. Yesterday, *The Advertiser* reported that public school teachers may strike again in week 9 of the school term if the government does not accept their request by the start of December. The Australian Education Union President, Andrew Gohl, was quoted in the article as saying, and I quote:

> Industrial action is certainly part of what we are considering, all we've got as leverage is our labour. So there are two options really, either…strike in week nine or strike in the upcoming year…We're trying to increase salaries to attract and retain…and it's important for the [government] to understand that unless we have those measures, we will continue to lose teachers.

My question to the minister therefore is: can the minister update the chamber on the progress of negotiations with the Australian Education Union? Will the government commit to meeting the teachers' demands to reduce the pressure on teachers and ensure we can retain the skilled workforce we need in our public schools?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:37): I thank the honourable member for his question and his interest in this area. I can absolutely assure the member that the government will continue talking, negotiating and bargaining in good faith. There have been meetings as recently as this week between representatives of the government and representatives of the union that represents teachers in this state.

I think I have outlined in this chamber before, and certainly it has been publicly reported, that the government has to date put forward three offers to the teachers' union, each offer being in totality of greater value than the last. I think all three offers are of escalating value, having been in totality the biggest offers that have ever been made as part of an enterprise bargaining negotiation with the teachers' union.

I think the third offer that was put—and I can't remember exactly how long ago it was, but I think it was early last week, Monday afternoon last week, so a week and a half ago—has sunk in value to somewhere between $1.4 billion and $1.5 billion of additional funding, comprised of a number of factors. It partly comprised increased pay but also comprised other things that the teachers' union had put forward as important to them, particularly non-instructional time.

One of the issues that the teachers' union has raised, and that the government has given in principle support for in the negotiations, pending a final resolution, is a reduction of one hour per week of non-instructional time. There is a discussion underway about how quickly that escalates under the government's third offer that would be introduced over seven years—the seven different categories of schools, with the most needy schools being the first ones to be introduced in the first year for that one hour less of non-instructional time.

Simply as a matter of practicality, it would be difficult to do it much sooner than in seven years. I know the teachers' union and most people wish we could do it a lot quicker, but, given the head of the teachers' union, Andrew Gohl, talks about a teacher shortage not just in South Australia but right around Australia, to have one less hour of non-instructional time a week there would be one less hour of teaching children, which is something that I don't think either the union or the government

or any South Australian would like to see. Less time of children being taught in schools would mean extra teachers. To have that one extra hour a week, you would need I think it is 502 or 503 additional teachers being employed.

That, of course, would cost a substantial sum, but given the views expressed that there is a teacher shortage crisis around the country, it would be almost impossible to fill those positions. We are continuing to negotiate, and we will continue to negotiate, bearing in mind all the competing factors that weigh in industrial negotiations.

As I have said, we have successfully completed negotiations with a number of public sector unions, the first one I think being the ambulance officers that are employed in South Australia that for the whole of the term of the last government did not have a single pay rise. They were four years without a pay rise. Early on in the term of this government, we resolved that enterprise bargain and gave back pay for all of the years that were missed out. We have concluded negotiations since then with the firefighters and with the nurses in the public sector.

These things do take some time sometimes, but I am pleased that everyone is back around the negotiating table and hopefully we will have a resolution as soon as we possibly can, weighing up all the factors and needing to be a government that is responsible with taxpayers' money but looking to make sure we are appropriately paying and appropriately taking into consideration our teachers' workloads.

PUBLIC SCHOOL TEACHERS

The Hon. R.A. SIMMS (14:40): Supplementary: can the minister commit to resolving the matter by Christmas?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:41): I thank the honourable member for his question. I am not going to put an artificial deadline on exactly when things will be resolved. Often, particularly with something as complicated as the teaching profession, it typically has taken many, many months. As I say, I am pleased that everybody is back around the negotiating table this week and I think everybody wishes it to be resolved as quickly as possible, but it needs to be resolved not just responsibly but in a way that can practically work.

RELIGIOUS VILIFICATION LAWS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:41): I seek leave to make a brief explanation before asking a question of the Attorney-General about religious vilification law.

Leave granted.

The Hon. J.S. LEE: As reported by *SBS News* on 12 November, the New South Wales government has recently introduced a new law and added amendments to its legislation to make it illegal by a public act to incite hatred or serious contempt or severely ridicule a person or group because of their religious belief, affiliation or activity, with vilification defined as abusively disparaging speech or writing.

Under the new law, if a complaint is substantiated by a tribunal at Anti-Discrimination New South Wales, the tribunal may order an apology or damages of up to $100,000. This amendment comes in the wake of increased instances of religious vilification around the world and in Australia towards Jewish and Muslim groups since the conflict started in the Israel-Gaza region. Instances of religious vilification and discrimination have also increased in South Australia, with recent reports of hostilities being exchanged between groups of pro-Israel or pro-Palestine protesters in Rundle Mall and arson attacks against the Al-Khalil mosque and Marion mosque. My questions to the Attorney-General are:

1. Can the Attorney-General confirm whether the state government is currently considering any reforms of religious vilification law in South Australia?

2. Is the Attorney-General looking to strengthen existing anti-discrimination laws here in South Australia by implementing religious vilification laws similar to those of New South Wales?

3. What measures would the Labor government put in place to ensure that acts of religious vilification will not damage the social cohesion of our multicultural community in South Australia?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:43): I thank the honourable member for her question and her interest in this area. In relation to how the honourable member ended the question and the cohesive multicultural society in South Australia, there are laws in place and have been since the mid-1990s in South Australia in terms of racial vilification to incite hatred towards a person or group of people based on their race.

In terms of the earlier part of the question on religious vilification, it's something that we are having a look at already in South Australia. We are happy to have a look at what other jurisdictions are doing, but we have had representations in government in relation to its application to our equal opportunity laws and we are continuing to review that work.

RELIGIOUS VILIFICATION LAWS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:44): Supplementary: the Attorney-General mentioned representation already being made to the government. Can the Attorney-General outline which groups have actually made representations?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:44): I thank the honourable member for her question. I think in the representations that have certainly been made to me there would be an expectation of privacy in those representations, so I'm not going to talk about the private representations that have been made in relation to that.

I might also point out that it has been, for at least three or four years, something that can be taken into account in sentencing considerations. So although not a standalone law in terms of religious vilification, it is certainly something that—I think since about 2020 or 2021; I remember we passed it in this chamber during the last term—can be a consideration in terms of sentencing, so within our criminal law it is something that can be taken into account in relation to crimes that are committed against a person based on their religion.

RELIGIOUS VILIFICATION LAWS

The Hon. R.A. SIMMS (14:45): Supplementary: as part of its consideration of anti-discrimination laws, will the government consider removing religious exemptions that allow discrimination against LGBTI people and women?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:46): I thank the honourable member for his question. It is not something that is currently under consideration, but we are always open to hearing the views of people and what they would like us to look at.

VICTIM SUPPORT SERVICE

The Hon. R.P. WORTLEY (14:46): My question is to the Attorney-General. Will the minister inform the council about the recent AGM of Victim Support Service SA?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:46): I thank the honourable member for his question. I would be most pleased to inform the council of the recent AGM of Victim Support Service SA, particularly in relation to areas of government policy that have been enacted to support victims in South Australia.

Having been in operation for in excess of 40 years, Victim Support Service South Australia are experts in assisting victim survivors in navigating South Australia's justice system and providing support to survivors of institutional childhood abuse by offering trauma-informed therapeutic and practical services.

Amongst much of the work that the service has undertaken this past year, highlights have included the newly implemented student placement program; establishing a Victim Support Service

consultative committee within the existing Volunteers program; a thriving Court Companions program; a newly founded Safer Spaces program, providing a confidential telephone support service to victims; and diversification across the service, achieved largely through the introduction of a self-sustaining model, including fee-for-service corporate training.

It was a privilege to hear at the AGM how the Victim Support Service and, in turn, South Australia's victims of crime, have benefited from recent support that the government has been able to provide to the Victim Support Service through not only reinstating the critical funding of $150,000 per year that was cut under the former Liberal government but on top of that providing additional funding for the Victim Support Service's Court Companions program.

The Court Companions program offers trained volunteers to accompany victims of crime during their time in court, which can otherwise be an extraordinarily stressful and often overwhelming time for victims. This essential program to help victims of crime navigate the criminal justice system received a $70,000 boost in funding by the Labor government to help bolster the service's volunteer workforce by up to 10 new volunteers, ensuring greater capacity to provide support to victims during the court trial and processes.

I would like to thank and acknowledge the General Manager of Victim Support Service SA, Ms Sarah Scammell; Victim Support Service Chair, Ms Cecilia White; and all of the staff and dozens of volunteers who work tirelessly to ensure that victims of crime in South Australia feel supported when navigating the criminal justice system.

CHILD PROTECTION

The Hon. S.L. GAME (14:49): I seek leave to make a brief explanation before directing a question to the Minister for Primary Industries about child protection in South Australia.

Leave granted.

The Hon. S.L. GAME: The latest annual report handed down by the Guardian for Children and Young People, Ms Shona Reid, details how children in state care as young as seven are self-harming, and children as young as 11 are turning to drugs to cope with trauma. One in four children living in state-run homes are reported missing by their carers, and less than half of the children visited by the guardian attend school full time. The guardian has suggested that conditions for children living in state-run homes supervised by paid carers are possibly worse but government funding is insufficient to conduct more inspections.

In July last year, I introduced a Children and Young People (Safety) (Child and Young Person's Visitor) Amendment Bill, which would have required the minister to provide the Child and Young Person's Visitor with the staff and other resources that the visitor reasonably needs for exercising the visitor's functions. The government did not support the bill, which would have better supported the agency's aim of regularly visiting and inspecting individual residential and emergency care homes including that of Aboriginal children who are over-represented in the child protection system. My questions to the minister are:

1. Should I reintroduce my bill and will the government now support it, and if not, why not?

2. How is the department responding and what specifically is the range of proactive measures aiming to prevent self-harm and drug use affecting children and young people in care?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): I thank the honourable member for her question about this very important topic. I will refer it to the Minister for Child Protection in the other place and bring back a response.

IMMIGRANT DETENTION

The Hon. J.M.A. LENSINK (14:50): I seek leave to make a brief statement before asking a question of the Attorney-General regarding criminals to be released in South Australia.

Leave granted.

The Hon. J.M.A. LENSINK: Earlier this week, it was confirmed that some 80 hardcore criminals, murderers and sex offenders would be released from detention. On Wednesday, South Australian police commissioner Grant Stevens appeared on FIVEaa and was asked about a possible five hardcore criminals to be released into South Australia. When asked how many of these people there are in the South Australian community, the commissioner responded:

> I think we've got five. Well, there are five that are either here or maybe intending to travel here.

My questions for the minister are:

1. Does he share concerns that this will only result in more violent crime against South Australians?

2. Has he or other members of the cabinet raised concerns about this with Minister Giles and requested that South Australia not be the recipient of these criminals?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member for her question. I am aware of the issue to which the honourable member refers. I think it was earlier this month on 8 November that the High Court handed down its ruling in NZYQ v Minister for Immigration, Citizenship and Multicultural Affairs. That overturned previous decisions that had been adjudicated by the court under the commonwealth Migration Act, overturning a 2004 decision in Al-Kateb v Godwin.

I am advised that as a result of that decision and the court's ruling about indefinite detention there will be just under 100 people expected to be released from immigration detention following that decision. I am not aware of any mechanism that the federal or state government would have that would prohibit the entry into South Australia of any of those individuals. What I am advised, however, is that of those just under 100 individuals who had been in indefinite detention, having served a sentence for committing criminal offences but then being held in immigration detention, approximately five have an intention of coming to South Australia.

I am aware that the Commissioner of Police has been made aware of exactly who those individuals are and has stated that they are committed to making sure that those individuals are appropriately monitored and managed if they do come to South Australia. I am further aware that there is an intention, and it might even be as soon as today, of the federal government to introduce legislation that could require further and better monitoring of some of these people.

IMMIGRANT DETENTION

The Hon. J.M.A. LENSINK (14:53): Supplementary question: is the minister aware of whether this is a topic listed for any of the ministerial council agendas across various governments?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I thank the honourable member for her question. Given the High Court only handed down the decision within recent days, I am not aware if this is a topic on any ministerial council meetings, but certainly, as I say, I understand that there will be legislation introduced imminently in federal parliament.

IMMIGRANT DETENTION

The Hon. J.M.A. LENSINK (14:54): Further supplementary question arising from the original answer: when was the minister first briefed about this matter?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I don't have an exact date, but it would have been shortly after the High Court decision was handed down.

FORESTRY CENTRE OF EXCELLENCE

The Hon. R.B. MARTIN (14:54): My question is to the Minister for Forest Industries. Will the minister please update the council about the recently appointed Forestry Centre of Excellence Board?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:54): I thank the member for this question. I am pleased to inform this place about an exciting update relating to the Forestry Centre of Excellence.

As members will be aware, the Forestry Centre of Excellence, based in the heart of the Green Triangle in Mount Gambier, will be the first of its kind in Australia. It is being developed to create long-term research and development capabilities to enhance the Green Triangle's economic prosperity, generating more jobs and investment in the region in what is an incredibly important industry that generates over $1 billion in economic activity for the state every year.

In the lead-up to the last state election, the Malinauskas Labor government committed $15 million over 10 years for the establishment of the centre which, once completed, will be showcasing existing and future research, development and extension activities, as well as covering the economic and environmental aspects of the forestry industry.

The centre will be established at the existing University of South Australia/TAFE precinct in Mount Gambier and will accommodate entities such as the National Institute for Forest Products Innovation, along with the University of South Australia, the Green Triangle Forest Industries Hub, Tree Breeding Australia and the Logging Investigation and Training centre.

I recently appointed a transitional board, with Professor Rob Lewis named as the independent chair. The board comprises Odette Lubbe, Managing Director of Green Triangle Forest Products; Emma-Kate Griffiths, People and Culture Manager at Timberlands Pacific; Professor Jason Whittle, Dean of Research at the University of South Australia; and Jo Collins, Executive Director, Industry, Strategy and Partnerships from the Department of Primary Industries and Regions.

The Forestry Centre of Excellence will initially be established within the University of South Australia, with oversight by the transitional board while the final structure for the centre is designed. Once the final structure is in place, the operations will be transitioned to a permanent structure and the transitional board replaced with a skills-based board.

Members in this place may be aware that earlier this year the centre for excellence steering committee released its strategic plan, which included its plans to commence a global search for a centre director to lead its research and development objectives. It is an exciting time in the forest industry in South Australia, with a suite of election commitments currently being rolled out by the Malinauskas Labor government.

As I have mentioned previously, the forest industry employs both directly and indirectly over 21,000 people, many of whom reside in the South-East, and it has an overall economic value to the state of over $1.4 billion. The Malinauskas Labor government is committed to growing the industry and a key enabler to achieve this is to invest in research and development. The industry is worthy of such investment and I am looking forward to seeing the Forestry Centre of Excellence progress to being a world-leading research facility based here in South Australia.

JENKINS, MRS A.

The Hon. F. PANGALLO (14:57): I seek leave to make a brief explanation before asking the Attorney-General a question about support to the family of Adelaide grandmother Annapuranee 'Anna' Jenkins, abducted and likely murdered in Penang, Malaysia, in December 2017.

Leave granted.

The Hon. F. PANGALLO: In May, I asked the Attorney questions on this most tragic case, namely, whether the South Australian Coroner would be open to holding his own inquiry here, given the grossly incompetent inquest in Malaysia, and whether extraterritorial victims of crime funding was available to Anna's traumatised family as they continue their pursuit for justice. I am still awaiting responses, which in itself is disappointing.

Six months on, the Jenkins family's fight for justice continues and after spending at least $500,000 of their own money fighting Malaysian authorities, their finances are seriously drained. One of the family's current legal fights is to have a full review into the Malaysian coronial inquest and its 'undetermined' verdict of their mother's death and for the court to rule she was murdered. It is now

before the High Court of Malaysia; however, time is running out. As part of their appeal, the family wants the crucial findings of a South Australian forensic centre examination of some of Anna's bone fragments—which states that she died of blunt force trauma—included.

The appeal will cost the family about $18,000, which the family is struggling to find, and is exacerbated by the lack of financial support from the federal and state governments, despite them being victims of crime. My question to the Attorney-General is: apart from potential victims of crime compensation, would the government consider an ex gratia payment to the family as an act of goodwill to help the family continue its fight for justice and, if not, what other options are available to the government to provide some financial assistance to the Jenkins family, and when can I expect answers to the two outstanding questions asked in May?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00): I thank the honourable member for his question. I will check to see if I did take questions on notice earlier this year. I will check to see where the answers are up to. I am not sure how I answered the questions earlier this year, but if I said that I would pass the concerns on to the Coroner, I will also see if there is any news from the Coroner in relation to the consideration of an inquest being held.

In relation to the question about any possibility of financial support, I don't have the dates in front of me but I met with Anna Jenkins's two children, Greg and Jennifer, earlier this year. Of course, it is a terrible loss that they have suffered and the thoughts and sympathies of everyone are extended to them. I know the honourable member has travelled overseas in support of Greg and Jennifer's plight to bring what has happened to their mother to light.

From memory, the last correspondence I had earlier this year with the family invited them to make an application for an ex gratia payment under the Victims of Crime Fund. I will check if there has been a response to that for the honourable member.

AUTISM INCLUSION TEACHERS

The Hon. H.M. GIROLAMO (15:01): My questions are to the parliamentary secretary to the Premier regarding autism inclusion teachers. How many autism—

An honourable member interjecting:

The Hon. H.M. GIROLAMO: These are important questions that I would like to ask on an important topic.

The PRESIDENT: The Hon. Ms Girolamo, ask your questions.

An honourable member interjecting:

The PRESIDENT: Interjections are out of order.

The Hon. H.M. GIROLAMO: This is a very important area.

The PRESIDENT: The Hon. Ms Girolamo, ask your questions, and you will be heard in silence.

The Hon. H.M. GIROLAMO: My questions are:

1. How many autism inclusion teacher roles in state schools have been filled in metropolitan areas?

2. How many autism inclusion teacher roles have been filled in regional schools?

3. What portion of current autism inclusion teachers were already employed in the public system, and what portion have come from the private sector?

The Hon. E.S. BOURKE (15:02): I thank the honourable member for her question. There weren't any before this role started because the autism inclusion teacher is a new initiative.

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. BOURKE: This largest network of autism inclusion teachers was an announcement by the Malinauskas Labor government, something that we should all be very proud of. It has not happened anywhere else before on such a large scale. Before the start of this year, if you walked into a public primary school, there was not a single autism inclusion teacher in our public primary schools. If you walked into a school at the start of term 4 of this year, 99 per cent of our public primary schools had access to an autism inclusion teacher. That is a significant change in a very short period of time.

The autism inclusion teacher, as I have explained many a time in this chamber, is usually a teacher that has come from within the existing school community, because we know that we need to create knowledge in our school community, and this autism inclusion teacher has become that pillar of knowledge.

They have had face-to-face training and they have had online training provided to them but, most importantly, they are also coming together as a network to learn from each other and build their knowledge. I have been advised that, at the start of term 4 of this year, 99 per cent of our schools had an autism inclusion teacher.

AUTISM INCLUSION TEACHERS

The Hon. H.M. GIROLAMO (15:04): Supplementary: I'm happy if the parliamentary secretary would like to take it on notice, but could she please provide a breakdown, by metropolitan and regional areas, of the figures relating to autism and also in regard to whether they were located within the public system or have come from the private sector?

The Hon. E.S. BOURKE (15:04): Yes, I am most happy to seek advice from the Minister for Education and get a breakdown of where the autism inclusion teachers are located.

FAY FULLER FOUNDATION RECONCILIATION ACTION PLAN

The Hon. J.E. HANSON (15:05): My question is to the Minister for Aboriginal Affairs. Will the minister inform the council about the Fay Fuller Foundation's reconciliation action plan launch?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:05): I certainly will be most happy to inform the member and indeed the whole chamber about the recent launch of the Fay Fuller Foundation's reconciliation action plan.

The Fay Fuller Foundation is a private philanthropic organisation that runs in South Australia and has a focus on the provision of philanthropic funding to drive change in an impactful, purposeful and people-centred way. Rather than funding and forgetting, the foundation has a mandate to a community-centred and trust-based model and values building deep relationships with its partners. The foundation holds the belief that communities are the experts in their own lives and therefore centre the community in what they do.

This principle-driven approach has informed the development of the reconciliation action plan within the foundation. As we know, reconciliation is about strengthening relationships between Aboriginal and Torres Strait Islander peoples and non-Indigenous peoples for the benefit of all. For Aboriginal and Torres Strait Islander people, Australia's colonial history is characterised with land dispossession, violence and racism that persists to this day. In recent times, however, there have been many significant steps towards reconciliation. This is particularly evident through the increased volumes of not-for-profits, governments, corporates and businesses taking up the offer of reconciliation action plans.

There are four types of reconciliation action plans: reflect, innovate, stretch and elevate. Each type is designed to suit an organisation depending on the stage of their journey on reconciliation. The Fay Fuller Foundation launched an innovate reconciliation action plan, which has been endorsed by Reconciliation Australia. CEO of the foundation, Niall Fay, spoke of the commitment of the foundation in delivering under the plan and understands the responsibility it has to ensure it meets its measures.

Aboriginal leaders at the launch I attended who spoke included Warren Miller, Nicole Gollan and Marla Briscoe. They provided their views and endorsement; however, each was very clear about

the expectations of delivery. At the reconciliation action plan launch, along with the speakers a highlight was having Uncle Moogy Sumner and the Tal-Kin-Jeri Dance Group perform at the start of the program. At this event, Uncle Moogy highlighted the recently performed international First Nations events in Canada that he was able to attend, providing a view of Australian First Nations people at that international forum.

I congratulate the Fay Fuller Foundation on the launch of their RAP and the efforts of all those involved, and I wish the foundation the best in the future.

HOMELESSNESS

The Hon. R.A. SIMMS (15:08): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Planning on the topic of people living in caravans.

Leave granted.

The Hon. R.A. SIMMS: This week, it has been reported that Ms Kaylene Swan Hussey is facing homelessness after being served a notice of eviction from a caravan she was living in on a private property with permission of the landowner. The City of Playford, which issued the eviction notice, said that they had an obligation to enforce legislation which requires development approval for living in a recreational vehicle on private land for a period of longer than 30 days.

According to the South Australian Alliance to End Homelessness, there were 212 people actively homeless in Adelaide's inner city at the end of September this year, with the current residential vacancy rate for Adelaide sitting at just 0.4 per cent. Indeed, we are in the midst of the worst housing crisis in generations. My questions to the minister therefore are:

1. Is the government considering changing the legislation to allow people experiencing homelessness to live in caravans on private property without development approval?

2. What is the Malinauskas government doing to provide short-term solutions for people who just need somewhere to live?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I thank the honourable member for his question and for outlining the particular circumstances of the woman he mentioned. I am happy to take it on notice and refer it to the Minister for Housing and Urban Development and Minister for Planning in the other place.

IMMIGRANT DETENTION

The Hon. L.A. HENDERSON (15:09): I seek leave to make a brief explanation before asking a question of the Attorney-General on the topic of criminal convictions.

Leave granted.

The Hon. L.A. HENDERSON: Earlier this morning, the ABC reported that the federal government will rush legislation into parliament after the recent High Court decision to overrule Al-Kateb v Godwin, the result being that now around 80 criminals, murderers, child rapists and sex offenders will be released from detention, some of whom will be coming to South Australia. My questions to the minister are:

1. Can the minister advise what criminal convictions those coming to South Australia have?

2. Does the minister intend to introduce legislation to this parliament to deal with the serious and significant threat?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10): I thank the honourable member for her question. However, I do note that her colleague has already asked a question and probably in a much better way. You can certainly tell that they don't talk to each other on that side—they don't talk to each other.

The Hon. Michelle Lensink demonstrated her considerable experience as a former minister in the way she was able to navigate and ask a sensible, informed question. But you can tell nearly every day that, unfortunately, they don't listen to the Hon. Michelle Lensink. They just do not listen to her. We see it day in and day out with the sort of questions that are asked. I know the honourable member struggled a little bit with asking the question and understanding the procedure for asking questions, but I want to congratulate her because she is getting there, she is doing really well.

The Hon. H.M. GIROLAMO: Point of order: this is turning into a debate. You are providing insults to the member rather than answering the question.

The PRESIDENT: It is not a point of order. Minister, if you could wind up your answer.

The Hon. H.M. Girolamo: You weren't even listening to the question.

The PRESIDENT: Order! Sit down. Is the minister continuing to answer?

The Hon. K.J. MAHER: The honourable member spoke in her question about what sort of offences people had committed. I know the police commissioner is on record talking about offences of violence or domestic violence. As I answered to the very well put together and informed question the Hon. Michelle Lensink asked earlier, the police commissioner has stated publicly that they will make sure they dedicate resources to monitoring those released who come to South Australia. As the honourable member helpfully stated in her question, legislation is looking to go through federal parliament as speedily as possible in relation to this situation.

IMMIGRANT DETENTION

The Hon. L.A. HENDERSON (15:13): Supplementary question: can the minister advise what specific offences the criminals coming to South Australia have, and whether he has advocated for additional resources to be able to cater for this? Ultimately, are South Australians safe?

The PRESIDENT: Attorney, do you have anything further to add?

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:13): For the benefit of the honourable member, who may have not been listening when I answered the question before, the police commissioner has been on record talking about making sure appropriate resources are in place.

Members interjecting:

The PRESIDENT: Order!

BUSHFIRE PREVENTION

The Hon. T.T. NGO (15:14): My question is to the Minister for Forest Industries. Can the minister update the council about the activity underway by ForestrySA to prepare for the upcoming fire season?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:15): I thank the honourable member for this question. The 2023-24 fire season in the Mount Lofty Ranges commenced yesterday and I am pleased to update the council on the significant amount of work that has been conducted by ForestrySA to ensure adequate preparation to protect our valuable forest assets in the Mount Lofty Ranges.

As members would of course be aware, bushfires pose a significant threat to commercial pine plantations, along with the network of native forest reserves. ForestrySA actively contributes to an important range of fire protection initiatives designed to mitigate bushfire risk at a landscape level in the Mount Lofty Ranges.

Each year, ForestrySA employs a dedicated seasonal fire crew of around 20 staff, who provide around-the-clock fire protection. I am advised that this year's seasonal crew have started training ahead—in preparation for the season. These seasonal fire crews are also assisted by other regular ForestrySA staff who undertake firefighting duties.

ForestrySA maintains a fleet of specialist forest firefighting appliances, and I understand they recently invested in the refurbishment of six FireKing firefighting vehicles. These machines are based on the defence Bushmaster vehicles and are ideally suited to forest firefighting, which often presents extremely difficult terrain to navigate. They are complemented by three bulk water carriers.

I also understand ForestrySA is currently conducting a firebreak maintenance program to ensure plantation areas are accessible and that fuel and vegetation levels are managed. They have also worked with the Department for Environment and Water in the lead-up to the season, starting to undertake a number of prescribed burn-offs.

Of course, ForestrySA does not just protect its own forests from the threat of bushfires, but local communities across the Mount Lofty Ranges, including the hundreds of direct neighbours and a suite of local wood processors that are situated across the region, rely on the success of ForestrySA's fire protection program.

As the fire season arrives, it is a timely reminder that because of these risks all ForestrySA forests are closed to the public on total fire ban days. ForestrySA routinely updates its fire management framework ahead of each fire danger season. This framework includes a formal policy position, annual risk mitigation plans, and permanent and seasonal staff onboarding and training.

Members interjecting:

The PRESIDENT: Order! Can we just please listen to the minister.

The Hon. C.M. SCRIVEN: Their firefighting team is formally established as a brigade of the South Australian Country Fire Service, while also collaborating with the CFS, DEW and SA Water to ensure strong fire management outcomes are delivered.

ForestrySA also facilitates training for CFS cadets to encourage future firefighters, and works with SAPOL on fire management procedures and matters relating to Operation Nomad, which is increased police patrols through high-risk bushfire areas and monitoring of would-be arsonists. I am confident that members in this place understand and appreciate the enormous economic and environmental benefits that forests provide our community, and that is why it is critical that bushfire prevention plans are implemented to protect these precious assets.

ENGINEERED STONE REGULATIONS

The Hon. F. PANGALLO (15:18): I seek leave to make a briefer explanation before asking the minister for industrial affairs about engineered stone.

Leave granted.

The Hon. F. PANGALLO: Warehouse chain Bunnings and furniture retailer IKEA have announced they will phase out selling engineered stone. This follows Safe Work Australia releasing a report on engineered stone, which warned that continued work with engineered stone poses an unacceptable risk to workers and called for a total ban on its use, a call supported by unions. Engineered stone has been a popular feature in many Australian kitchens, as it is seen as being an affordable option to granite or marble. However, when cut, fine silica dust is released, which can harm the lungs when inhaled.

Federal workplace relations minister Tony Burke described the report as powerful and compelling and said state and federal governments would meet before the year's end to discuss the next steps. My questions to the minister are:

1. Does the state government plan to follow the lead set by Bunnings and IKEA and legislate to ban the use of engineered stone in the thousands of building and construction works undertaken on their behalf where the product is currently used?

2. If not, is that something the government will consider, given the known health dangers of using the material and the findings of the Safe Work Australia report?

3. Has the meeting flagged by Minister Burke been confirmed? If so, when?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20): I thank the honourable member very much for

his question. Earlier this year, I think it was in August, we announced further regulations into the uncontrolled dry cutting of engineered stone, in terms of making sure that there are guidelines and sanctions in place for breaching those guidelines in terms of people who work with this product.

Those regulations came into force in the last month or so. I remember that at the time of releasing those regulations the South Australian government talked about the fact that there was national work underway, and since those regulations have been released and come into force Safe Work Australia's report has been released. It talks about the use of engineered stone and concludes that there is not a safe limit of what makes up engineered stone that justifies continuing to use it.

As the honourable member has outlined, Bunnings have announced that they will stop selling engineered stone. I think that, in the last day or two, IKEA have followed that announcement as well. I have seen reports that the Australian Medical Association has come in to support what the Safe Work Australia report has said.

I think it is sometime around mid-December that they are looking for a meeting, certainly before the end of this year, of all work health and safety ministers from the states and territories, including the federal government. That will be to look at what I think is a preferable outcome, that is, a consistent federal action, which would be by far the most effective, given that it is the federal government that have the ability in terms of importation restrictions on any products coming into Australia.

At the time, we put those extra regulations in place regarding the use of engineered stone. I made the comment that we look forward to having an outcome federally by the end of this year, but as a state we reserve the right go it alone if we are not happy with what happens federally. So it is something that we are absolutely well aware of. It is something that we have been consistently vocal on, and I look forward to that meeting sometime in the next month with all my colleagues from around Australia.

As I say, I think it's preferable to have a federal position that is applied in all states and territories in this country in relation to engineered stone. I say that, given we know the effects that asbestos has had on people and on families. In knowing the effects of dust diseases from engineered stone, we need to take action and that is why we have made those strong statements as a state. I look forward to that federal meeting coming to some sort of resolution.

Bills

PUBLIC HOLIDAYS BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:23): Obtained leave and introduced a bill for an act to provide for public holidays in the state, to make related amendments to various acts and for other purposes. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:24): I move:

That this bill be now read a second time.

Today, I introduce the Public Holidays Bill 2023. This bill modernises and streamlines South Australia's public holiday legislation, bringing our laws into the 21st century and rectifying longstanding issues that employers, workers and regulators have had dealing with the outdated and archaic Holidays Act 1910. This bill follows commitments made by the government during the last state election, as well as consultations through a public survey conducted on the YourSAy website earlier this year.

I am proud to say that this bill delivers on our election commitment to ensure that Christmas Day is treated as a public holiday every year, regardless of which day of the week it falls on. Currently, if Christmas Day falls on a Saturday, then the public holiday moves to the following Monday and Christmas Day is treated as a normal trading day. That means workers miss out on penalty rates

when rostered on to work away from their friends and their families on Christmas Day. We are the only state or territory in the whole country where this occurs.

The former Liberal government had the opportunity to close this loophole when it last occurred in 2021 but refused to do so. Basically, the Leader of the Opposition, David Speirs, and the former Liberal government delivered a lump of coal for Christmas to SA workers when they voted against allowing penalty rates to be paid to workers on Christmas Day when it fell on a Saturday in 2021. In opposition, Labor was pleased to support a private member's bill that was introduced to this parliament by our colleague the Hon. Tammy Franks to make Christmas Day a public holiday and we are even more pleased to initiate this reform in government.

With this reform, we join every single other state and territory in Australia that has now made this change. It is a reform that was supported by nearly 95 per cent of respondents on the YourSAy survey earlier this year. The bill also brings South Australia into line with every other mainland state by declaring Easter Sunday a public holiday. This ensures that workers are appropriately remunerated when rostered on to work on this day and was also strongly supported in the YourSAy survey.

Easter is a special time for many, whether it is for religious reasons, family gatherings, or just a number of days off in a row to refresh. Declaring Easter Sunday to be a public holiday will allow many people to continue those traditions with the knowledge that our workplace relations laws provide certain rights when it comes to public holidays. In addition to the Easter Sunday public holiday, it is not expected to have a significant impact on trade given that, under the Shop Trading Hours Act 1977, most stores are closed on Easter Sunday in any event.

The bill also aligns South Australia's rules for additional and substitute public holidays with the Eastern States. This means that most public holidays will occur on the same day across jurisdictions, reducing confusion and disruption to business and improving interstate tourism opportunities. The bill also introduces a number of technical amendments, including removing outdated and archaic terminology, removing the prescription of all Sundays as a public holiday, and permanently moving the public holiday on the third Monday in May to the second Monday in March, consistent with longstanding practices since 2006.

The bill also includes consequential amendments to the Shop Trading Hours Act 1977 to ensure special trading arrangements applicable to additional public holidays are maintained under these new laws. The bill also amends the Shop Trading Hours Act so that in the case of a special public holiday being proclaimed—such as the Queen's memorial public holiday—the minister may simultaneously declare a shop trading exemption without the need to consult on that exemption.

The total impact of the bill will be an average of 1.1 additional public holidays each year over the next decade. This takes into account every year having Easter Sunday as a public holiday and the changes to additional and substitute public holidays, which largely balance out evenly.

If passed, the government intends for this bill to come into effect from 1 January 2024. I can inform the chamber that the only change in the 2024 calendar year would be the addition of Easter Sunday as a public holiday. I commend the bill to the chamber and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

1—Short title

2—Commencement

These clauses are formal.

3—Days fixed as public holidays

This clause sets out the days that are public holidays in each year and provides for additional and substitute public holidays as follows:

- where 25 December or 1 January falls on a Saturday or Sunday, the following Monday will be an additional public holiday; and

- where 26 December falls on a Saturday, the following Monday will be an additional public holiday; and
- where 26 December falls on a Sunday or Monday, the following Tuesday will be an additional public holiday; and
- where 26 January falls on a Saturday or Sunday, the following Monday will be a public holiday instead of that day; and
- the Governor may, by proclamation, substitute another day to be a public holiday instead of a day appointed by this clause to be a public holiday.

4—Part-day public holidays

This clause provides that the part of the day from 7pm until 12 o'clock midnight on 24 December and 31 December are public holidays.

5—Additional special public holidays may be proclaimed

This clause allows the Governor to appoint a day to be an additional public holiday, or part of a day to be an additional part-day public holiday, by proclamation which may apply throughout the State or within a specified district or locality.

6—Public offices to be closed on public holidays

This clause provides that all offices of the Public Service will be closed on public holidays unless an office is specially required by law to be kept open on the public holiday and nothing in the measure prevents the responsible Minister in charge of an administrative unit from requiring the services of officers of the unit during a public holiday in case of an emergency.

7—Bank holidays

This clause provides that all Sundays and public holidays are taken to be bank holidays. It allows the Governor to substitute another day to be a bank holiday instead of a day appointed by this clause to be a bank holiday, appoint an additional bank holiday or appoint a part of a day to be a bank half holiday by proclamation which may apply throughout the State or within a specified district or locality.

All authorised deposit-taking institutions within the meaning of the *Banking Act 1959* of the Commonwealth (*ADIs*) must be closed on bank holidays and during a bank half holiday but the Governor may, by proclamation, authorise the opening of ADIs within a specified area on a bank holiday or bank half holiday.

8—Payments and other acts on public holidays etc

This clause provides that a person is not compellable to make a payment or do an act on a public holiday, bank holiday or Saturday that they would not be compellable to make or do on a Sunday before the commencement of this Act. It also provides that an obligation to make a payment or do an act on a public holiday, bank holiday or Saturday will apply to the next day that is not a public holiday, bank holiday or Saturday, unless the law specially requires the person to make the payment or do the act on the public holiday, bank holiday or Saturday. A reference in this clause to a public holiday does not include a part-day public holiday. This clause applies in relation to a day on which a bank half holiday occurs as if the whole day had been proclaimed a bank holiday.

Schedule 1—Related amendments, repeals and transitional provisions

Part 1—Amendment of Adelaide Cemeteries Authority Act 2001

1—Amendment of section 20—Plans of management for Authority cemeteries

Part 2—Amendment of *Bail Act 1985*

2—Amendment of section 3—Interpretation

Part 3—Amendment of Bills of Sale Act 1886

3—Amendment of section 2—Interpretation

Part 4—Amendment of Botanic Gardens and State Herbarium Act 1978

4—Amendment of section 27—Regulations

Part 5—Amendment of Building Work Contractors Act 1995

5—Amendment of section 36—Right to terminate certain domestic building work contracts

Part 6—Amendment of Children and Young People (Safety) Act 2017

6—Amendment of section 16—Interpretation

Part 7—Amendment of Classification (Publications, Films and Computer Games) Act 1995

This clause amends section 4 of the principal Act to delete the definition of public holiday which currently excludes Sundays.

This clause amends section 5 of the principal Act to provide that certain subsections of that section (that set out matters the Minister may and must have regard to when deciding whether to grant or declare an exemption, circumstances in which the Minister must not grant or declare exemptions, consultation requirements and judicial review entitlements in relation to a proposed exemption) do not apply to an exemption granted or declared in relation to a day appointed as an additional public holiday by proclamation under section 5(1)(a) of the measure.

This clause makes amendments to section 13 of the principal Act consequential to the enactment of the measure and removes references to specific public holidays where referring to public holidays generally is appropriate.

Parts 1 to 20 (inclusive) and Part 22 of this Schedule make related amendments to the Acts specified consequential to the enactment of the measure.

25—Repeal of Act

This clause repeals the *Holidays Act 1910*.

Part 24—Transitional provision

26—References to public holidays

This clause is a transitional provision that provides that a provision of an Act enacted, or instrument made, before the commencement of the measure refers to a public holiday within the meaning of the *Holidays Act 1910* and will be taken to include a Sunday unless the contrary intention appears.

Debate adjourned on motion of Hon. L.A. Henderson.

PETROLEUM AND GEOTHERMAL ENERGY (ENERGY RESOURCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 November 2023.)

The Hon. R.A. SIMMS (15:29): I welcome the opportunity to speak again on gas week, or energy week, as it has become. It is the theme of the week.

An honourable member interjecting:

The Hon. R.A. SIMMS: There is a lot of hot air in here, as the honourable member accurately observes. There is a lot of gaslighting that has been happening in this chamber this week and a lot of greenwashing as well.

I welcome the opportunity to speak on the Petroleum and Geothermal Energy (Energy Resources) Amendment Bill. The bill makes amendments to the Petroleum and Geothermal Energy Act 2000. The name of the act will be changed to the energy resources act as I understand it will cover resources such as geothermal resources, naturally forming hydrogen, underground coal gasification, carbon dioxide, and carbon capture and storage.

Produced hydrogen and renewable energy are dealt with under the Hydrogen and Renewable Energy Bill, which we discussed at length into the late hours last night. The bill inserts some provisions that require licensee holders to undertake engagement with stakeholders in preparing environmental impact reports and statements of environmental impacts.

The bill also introduces rent for the use of the state's natural reservoirs to store regulated substances, such as carbon. Under the bill, I understand that rent will only be applicable to imported substances but does not require a rent to be paid for locally produced substances. What we are talking about here is carbon capture storage. Carbon capture occurs when a material, such as methane or hydrogen, is extracted from underground leaving a cavity in its place. The idea is then to replace resultant carbon in the space that is left behind.

The Greens are not supportive of carbon capture storage, as we are concerned that this is a delaying tactic for the coal and gas industry to justify fossil fuel projects. It is a form of greenwashing and it gives a social licence to fossil fuel industries. According to the Climate Council, carbon capture storage is a licence to ramp up emissions. Around the world, carbon capture storage projects are being built to allow for continued oil and gas production.

In Australia, the coal and gas industry is pushing for CCS so it has a licence to keep its polluting project going, not because it wants to cut emissions—that is the view of the Climate Council. Greg Bourne, an energy expert at the Climate Council, has also said:

> Carbon capture and storage is not a climate solution but rather an expensive attempt to prolong the role of fossil fuels in the energy system… right now the Government needs to be focused on building a resilient, renewable economy, not throwing taxpayer dollars at fossil fuel producers and failed technology.

In our briefing on this bill, we were advised that Japan and Korea are looking for places to store their carbon. This bill proposes to charge those places rent for disposing of polluting by-products, but it exempts local producers who are doing the same thing. Therefore, I will be moving amendments to ensure that local companies have to pay for the storage as well as any imported carbon. It is important that we put a price on the storage of carbon that comes as a result of extractive industries.

It is the Greens' policy to stop using fossil fuels, stop the greenwashing that we see from the coal and gas industry, and stop the continuation of non-renewable energy. It is appropriate to charge a levy for storage of carbon, even though we are not supportive of carbon capture itself as a technology.

Indeed, as I speak today, I know that there are students sitting on the steps of this place calling on the government to take action on climate, and I had the opportunity to meet with them earlier today and earlier in the week. These young people know that we need to do better for our environment. We need to stop using fossil fuels as a way to power South Australia. We need to commit to renewable energy for the future and we do not want to see the prolonged use of technologies that rely on fossil fuels.

Whilst we will be supporting this bill, we will be moving amendments to ensure that any carbon capture has a price tag applied to it at a local level as well as at an international level, and the Greens of course will continue to campaign for action on this important area. I do urge the government to give favourable consideration to this amendment. We know that they are in the pocket of the gas industry. We know that they are the political arm of the gas industry in this place. They are absolutely in their pocket.

I urge them to show some leadership when it comes to addressing the climate crisis, not to simply do as the Minister for Energy, Tom Koutsantonis, has said, 'Roll out the red carpet for gas. Come on down. Whatever you want, we're here to help you.' Show some leadership and let's start cracking down on these dirty polluting industries.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:35): I would like to thank honourable members for their contributions. As we have covered, many of the changes proposed in this bill are administrative in nature and were subject to public consultation on an issues paper in 2021. The improvements were not high enough on the policy agenda of the former Liberal government, allowing it to prorogue after their one term, but thankfully this afforded us to have an opportunity to revise and enhance the bill and to have a further round of public consultation on the draft bill in its current improved format from November 2022.

The main amendments pertain to improvements to efficiency, clarity and transparency of the existing regulatory processes and policies to ensure that this legislation continues to maintain its widely recognised status as leading practice, for its co-regulatory approach to licensing and objective-based approval processes. These amendments also have real benefits for our decarbonisation objectives, allowing us to transmit hydrogen in our gas pipelines and provide a framework to help establish a carbon capture and storage industry here in South Australia, which is widely considered to be a necessary piece of the puzzle to achieve net zero.

I am pleased to take this legislation through this chamber to support our decarbonisation objectives and support our regulators by ensuring this legislation is kept up to date and contemporary. I would like to thank the public servants who worked on this amendment bill for their work to continually review this regulatory framework. This ongoing work ensures these industries are regulated in a manner consistent with best practice.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: I have some general questions of the minister at clause 1 specifically in relation to the issue that was just raised by the Hon. Mr Simms. We know this bill is largely administrative but introduces the concept of rent for pore space. Is it correct that the original version of this bill did indeed include provisions that would have covered the issues that the Hon. Rob Simms has outlined, namely, that the rent would be payable by those locals as well as interstate companies and, if so, why the change?

The Hon. C.M. SCRIVEN: I am advised that the draft bill as presented by the current government originally did include rent for locally produced carbon dioxide. There was consultation with industry and the change was made so that rental for the storage of carbon dioxide would be limited to carbon dioxide that is imported.

Charging rental for the storage of carbon dioxide produced or sourced within Australia would go against all of the consultation with industry on the bill but, even more importantly, would disincentivise the use of carbon capture and storage to decarbonise existing emissions-intensive industries within Australia. That includes gas, cement, steel and iron industries. The fact is that these industries have difficult to abate process emissions, which have limited options for decarbonisation outside of carbon capture and storage. Furthermore, carbon reduction technologies, such as direct air capture, would also be disincentivised by the charging of rent for storage of carbon dioxide sourced within Australia.

The carbon capture and storage capability being established in South Australia will be available for all South Australian and Australian entities and is a much-needed capability required for South Australia to meet its net zero targets. To charge Australian entities a rent for carbon capture and storage in these early stages would be counter to the development of this capital intensive business in South Australia and will likely see the establishment of any future carbon capture and storage opportunities instead moved to other jurisdictions.

The Hon. C. BONAROS: Just on from that, is it correct that—and I am referring to my notes here—next year Santos will source something like 1.7 million tonnes of CO_2 but has the potential to store up to about 20 million, has that been costed in terms of the other 18.3 million tonnes available as pore space for rent?

The Hon. C.M. SCRIVEN: I am advised that broadly what the honourable member has said is correct, in that there is the capacity for up to 20 million tonnes of storage available in the depleted fields of the Cooper Basin, but the source would need to be outside of Moomba. In terms of the costings, I am advised that the rental level would be determined through regulation and, as such, no figures are currently available.

The Hon. C. BONAROS: Sorry, I just missed that last part of the answer in terms of the rental, if you could repeat that.

The Hon. C.M. SCRIVEN: I am advised that the rental amounts have not yet been determined. That will be determined through regulation and, as such, there are no figures currently available.

The Hon. C. BONAROS: Just to be clear for the record: out of that up to 18.3 million tonnes, Santos—and I am using that as an example—will be able to enter into an arrangement with an overseas producer and then the government will receive effectively a rent from Santos for them being able to store that in their pore space. That is effectively the concept, right?

The Hon. C.M. SCRIVEN: I am advised that, again, broadly that is correct: the government would be able to receive the rent from the example company—in this case Santos—but only if the CO_2 was being imported.

The Hon. C. BONAROS: Is there going to be any regulatory regime around the prices that can be charged by Santos to the overseas producer in terms of importing that CO_2 and how much they can charge to store that in their facilities?

The Hon. C.M. SCRIVEN: I am advised that that would be decided through the regulations.

The Hon. C. BONAROS: So, effectively, until we see those regulations we will not really have any idea about the magnitude of potential profit margins here for both the CO_2 that is imported and stored in rented space and the government, in terms of what slice of the pie it will receive as a result of storing?

The Hon. C.M. SCRIVEN: I am advised that, broadly speaking, that is correct. That information is not as yet available. One of the reasons for that is that in terms of potential importing that could be many years away and so it is clearly difficult to predict on that basis.

The Hon. C. BONAROS: When can we expect to see the regulations around that, given that it is years away, potentially? When can we expect to see the regulations around that so that we know what we are considering here?

The Hon. C.M. SCRIVEN: My advice is that the expectation would be that those regulations would be introduced in the first half of next year and then would be able to be updated as needed.

The Hon. C. BONAROS: So regardless of whether it is something into the future and years away, by the first half of next year we would already have some idea of what—I guess what I am getting at is that regardless of whether it is some years away, if we are going to have the regs introduced by July next year, let's say, surely there must already be some body of work on that which would give you an indication of what sorts of figures you are going to put in the regs, or is that what you are consulting on with industry at the moment?

The Hon. C.M. SCRIVEN: I am advised that, as this is a new area, industry—among others—is still understanding the charges for their business, and the rental payments to be established in regulations will be subject to consultation with industry. Some of that consultation work is underway at the moment which is why the first half of next year is the expected time frame.

The Hon. R.A. SIMMS: I have a quick question about the effect of the bill. It was the Greens' understanding that currently we can already have the importation of carbon capture storage into South Australia and that what this bill was doing was just charging a rent on that. Is that the case or does this bill also enable the importation of carbon capture storage?

The Hon. C.M. SCRIVEN: I am advised that the importation of CO_2 is already permissible under the current act and is currently regulated in the current act, and the major change in this bill is in regard to the rent.

The Hon. R.A. SIMMS: Given the difficult financial circumstances that the government faces at the moment, would it not make sense to charge rent for local carbon capture storage so they could generate more revenue to invest in public projects?

The Hon. C.M. SCRIVEN: I would refer back to the original answer I gave to, I think it was, yes, the Hon. Ms Bonaros, which talks about the reasons why we would not do that. I can read it again, if you wish.

The Hon. R.A. SIMMS: No, that is fine. I heard it the first time. I just was not satisfied with the answer. Can I—

The CHAIR: The Hon. Mr Simms, you just keep asking until you get the answer you want; is that how we are going to operate today?

The Hon. R.A. SIMMS: That is it, Mr Chair. Can I ask, minister: with whom did the government consult? You mentioned industry, but are you able to give a bit more detail on the groups or companies that advised you that they did not wish to pay this rent? Did the government consult with environmental groups, and what were their views?

The Hon. C.M. SCRIVEN: I am advised that there was public consultation and that did include with environmental groups.

The Hon. R.A. SIMMS: With respect, minister, the other part of my question was that you mentioned industry groups; can you provide a bit more information on precisely which companies were involved with that consultation?

The Hon. C.M. SCRIVEN: I am advised that there were seven formal submissions. I do not have information as to whether they were all from industry or from elsewhere. They were provided without a request to make them public and therefore I am not able to provide that information.

The Hon. R.A. SIMMS: But it could be the case that all of those were the impacted companies, for instance?

The Hon. C.M. SCRIVEN: I am advised that was not the case.

Clause passed.

Clauses 2 to 26 passed.

Clause 27.

The Hon. H.M. GIROLAMO: In regard to some scenario situations, would a company pay for carbon storage under this bill if, for example, the head or parent company was international by ownership but the carbon produced was produced inside Australian territory? Would rent apply?

The Hon. C.M. SCRIVEN: I am advised that the exemption from rental payment refers to where the CO_2 is sourced or produced. I am advised that is the specific wording. So regardless of ownership, if it is sourced or produced in Australia it would be exempt from the rent.

The Hon. H.M. GIROLAMO: In regard to carbon that was imported by an Australian headquartered company, would rent apply?

The Hon. C.M. SCRIVEN: Yes, it would, because it is imported.

The Hon. H.M. GIROLAMO: In regard to the actual calculations of the rent, how is that going to be determined, and is it likely to be in arrears or is there a monthly amount that will be paid?

The Hon. C.M. SCRIVEN: I am advised that is still under consideration, whether it would be a yearly charge, whether it would be charged in arrears, or any other permutation.

The Hon. H.M. GIROLAMO: When is this likely to be determined?

The Hon. C.M. SCRIVEN: As I mentioned, the regulations are expected to be drafted for the first half of next year.

The Hon. H.M. GIROLAMO: How will the rent be collected, and will it go to the government's bottom line or be utilised for investment within the net zero space?

The Hon. C.M. SCRIVEN: I am advised that because the space would be a state-owned resource that would be used it would go to general revenue.

The Hon. F. PANGALLO: Will the operator of the storage facility be able to offset the storage fees associated with that with carbon credit schemes?

The Hon. C.M. SCRIVEN: The carbon storage facility can generate offsets—I think that basically answers the honourable member's question. If there is something else we missed in that question, I am happy to hear it again.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms–1]—

Page 15, lines 22 to 31 [clause 27, inserted section 45A(3)]—Delete subsection (3)

This deletes the subsection that enables rent to be payable only by importers, so opens up the potential for it to be paid at a local level as well. The rationale for this is fairly clear. The Hon. Connie Bonaros has highlighted some of the issues as well in her interrogation of the minister.

From the Greens' perspective we think it is appropriate that both the importers and the local manufacturers should be required to pay rent. This could bring more money to the government for its bottom line, which we know is under extreme pressure at the moment. Whilst we do not support carbon capture storage, we do think it is appropriate that these companies should pay their fair share. I am very concerned that the government seems simply to have capitulated to feedback from industry.

The Hon. C. BONAROS: Before I make a contribution, I have a question of the minister. Going back to those regulations, when they come out, hopefully by the middle of next year, will they be the subject of consultation first?

The Hon. C.M. SCRIVEN: I am advised that, yes, they will.

The Hon. C. BONAROS: On that basis, I am going to disappoint the Hon. Robert Simms. I am getting used to disappointing him in recent times, and it is alarming me. The reason I do so is because I cannot contemplate a universe, let alone a parliament, in which the current minister

responsible for this portfolio would not charge as much rent as possible amongst as many players as possible, given the potential we have talked about today.

As such, when the minister says that there is a disincentive here, I suspect that must be real and substantial if it is enough to sway the minister responsible to not charge rent to local producers. I say that because at my briefings my first question was, 'Why aren't we charging them?' I asked a lot of questions about that, but, again, if any of us know the minister responsible for this portfolio I do not think he would hesitate to charge as much rent as possible if it was in everyone's best interests.

However, that said, I think this minister has pointed to the fact that the disincentive is such that the storage of carbon capture in SA would effectively be put to competition with other jurisdictions which could well take over this space and not have the desired outcomes that we are seeking to achieve.

Whether or not you agree with the storage—that is part of this bill—I think there is some logic in two things. Firstly, there will be some draft regulations distributed for consultation, which we will all be able to have a look at before they are finalised and which indeed would be the subject of disallowance. Also, regardless of whether these regs come in in six months and do not have effect for two or three or four or five years, it is my understanding that they will be reviewed in 10. The minister might like to confirm that.

If they are reviewed in 10 and we see that there are significant windfall gains here from the government well above what was ever anticipated, and the potential for more without disincentivising the market, then I think that is the more appropriate place to consider this. I guess what I am saying is we do not want to scare people off before the bill is even passed. That is what I am saying. I know that is not the position of the Hon. Robert Simms, but that is the position I am taking. We do not want to scare people off. I think we get this off the ground first—

The Hon. R.A. Simms: Or under the ground.

The Hon. C. BONAROS: —or under the ground, yes—and let it materialise. Once that has actually occurred, then it is more than appropriate to review it to see whether all these things, which to me sound like pie in the sky, actually transpire.

The Hon. C.M. SCRIVEN: First of all, I can advise that, yes, a review is built into the act on the 10th anniversary, so in 10 years' time. I did go into this in some detail in the contributions and questions at clause 1, in that charging rental for storage of carbon dioxide produced or sourced within Australia would not only go against the consultation with industry but would also disincentive the use of carbon capture and storage to decarbonise existing emission-intensive industries, including the gas, cement, steel and iron industries.

A further piece of information that was not included in that original answer is that this amendment, which seeks to delete subsection (3), would also remove exemptions for storage of a regulated substance where associated with the production of a regulated substance, such as natural gas storage, as has been undertaken at Moomba in the state's Far North over the last 40 years. So the government will not be supporting this amendment.

The Hon. C. BONAROS: In terms of that review—and I think this is an important point as well, because I did ask this question—it is my understanding that this is about the fourth review of this piece of legislation since 2000. There have been four reviews over 23 years. Notwithstanding the fact that there is a new prescribed review in 10 years, that does not discount the potential for another review in line with the reviews that have already been taking place over that period; is that right?

The Hon. C.M. SCRIVEN: I am certainly advised that reviews can happen sooner than that 10-year period.

The Hon. H.M. GIROLAMO: The opposition will not be supporting Mr Simms. He will be very shocked to hear that we do not believe that it is in the best interests of industry, or of the mining sector either.

Suggested amendment negatived.

The Hon. R.A. SIMMS: I move:

Amendment No 2 [Simms–1]—

Page 15, after line 36 [clause 27, inserted section 45A]—After subsection (4) insert:

(4a) The Minister must cause any amount paid to the Minister under subsection (2) to be paid into the Environment Protection Fund established under the *Environment Protection Act 1993*.

I do have a sinking feeling that perhaps this is not going to be supported. It has not been my week; however, hope springs eternal and I keep trying. Even members who did not support the original proposition I think could consider this amendment favourably because what it does is ensure that any rent that is paid would, rather than just going into general revenue, go towards environmental protection and the Environment Protection Fund that is established under the Environment Protection Act.

This is because we know that extracting gas and storing carbon under the ground does come at an environmental cost, and it is appropriate that that money therefore goes towards environmental protection initiatives. Even though members could not bring themselves to support my other amendment, I am optimistic that they may consider this one favourably. We will see.

The Hon. F. PANGALLO: I will be supporting this amendment, simply because it is actually a commonsense approach and because that is what we are talking about: protecting the environment. Any funds that are derived from that should certainly go towards that, so I will be supporting the amendment.

The Hon. C.M. SCRIVEN: The government does not support this amendment. Any rent earned for the use of the state's natural reservoirs to store a regulated substance—for example, carbon dioxide—needs to be available to the owners of the subsurface, being the Crown and the people of South Australia. The rental money should be applied to the benefit of all South Australians and not restricted to one specific purpose.

The Hon. H.M. GIROLAMO: The opposition will also be opposing this amendment, for similar reasons as those mentioned by the minister.

The Hon. C. BONAROS: I apologise, but I am trying to calculate, if there is a huge windfall gain, how many doctors, nurses and frontline service people we could potentially also employ to help. Schools could benefit, the health system could benefit, the justice system could benefit, we could have more rehab programs, we could have voluntary drug rehab programs across the state, mental health, psychosocial—the list is endless. I will say also that offshore wind farms also create a lot of environmental impacts as well.

Hope springs eternal: the profits might be huge and we might be able to share that amongst all our agencies and departments and resources equally and fairly, including the environment. On that basis, I will not be supporting the amendment.

Suggested amendment negatived.

The ACTING CHAIR (The Hon. R.B. Martin): We now have another amendment: No. 3 [Simms-1].

The Hon. R.A. SIMMS: I will not be proceeding with amendment No. 3 [Simms-1] or amendment No. 4 [Simms-1]. They are both consequential amendments so they are no longer necessary.

Clause passed.

Remaining clauses (28 to 71), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ADVANCE CARE DIRECTIVES (REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 October 2023.)

The Hon. R.A. SIMMS (16:11): I rise to speak on behalf of the Greens on the Advance Care Directives (Review) Amendment Bill. This bill amends the Advance Care Directives Act as a response to some of the concerns that were raised as part of the 2019 Lacey review. The Lacey review, I understand, was established to assess the extent to which the objects of the Advance Care Directives Act 2013 were being achieved.

The report considered legislative amendments and made 29 clear recommendations to improve the implementation of the act. There are now some very sensible amendments to this bill. Digital copies are proposed to be included to bring the act into line with modern practices. Recommendation 5 from the Lacey review included permitting and promoting the use of digital copies of certified advance care directives and the Greens are pleased to see this modernisation of the system and, of course, reduction in the use of paper.

Communities from culturally and linguistically diverse backgrounds will now have clarity around the use of interpreters to prepare advance care directives where English is not their first language. There is also a measure that was recommended in the Lacey review, which found that the use of interpreters under the act is insufficiently regulated and is open to abuse and possible conflicts of interest, both of which undermine the integrity of the act and the possible validity of advance care directives.

The bill also sets out criteria to refer matters to the tribunal and allows for resolutions of disputes by the Public Advocate. On passage of the bill in the other place, we note the insertion of new clauses to amend sections 19 and 36. These two amendments provide additional clarity around people who have advance care directives and present to medical practitioners having self-harmed or attempted suicide.

We have had stakeholders reach out to us in relation to this inclusion in the bill. They have raised concerns about the potential undermining of autonomy on which the Advance Care Directives Act is based. One of the issues they raised is that the right to refuse health care is fundamental to the act. Indeed, I have considered those concerns in contemplating my position on this bill.

On the balance of the information that we have, however, the Greens believe that medical practitioners need clarity around the implications of advance care directives in responding to medical situations as a result of an attempted suicide situation or self-harm. The bill makes it clear that in cases where a health practitioner reasonably suspects that a person has attempted suicide or self-harmed, and that a health professional believes that their health care is necessary to save their life, the provision of the advance care directive is non-binding. The Greens believe in suicide prevention and believe there needs to be investment in programs to ensure that people who have attempted suicide are provided the support they need to prevent future attempts.

We have always been supportive of advance care directives. I think they play an important role in giving people choices around the latter stages of their lives. They also facilitate, I think, important and meaningful discussions within families and within friendship groups around some of those issues. On that basis, the Greens will be supporting the bill.

The Hon. C. BONAROS (16:15): I rise to speak in support of the Advance Care Directives (Review) Amendment Bill 2022 and indeed echo all of the sentiments just expressed by my colleague. The bill does seek to simplify our laws following the 2019 review by Professor Wendy Lacey and I take this opportunity to thank her for her work in this area. It is my understanding that 22 of the 29 recommendations were supported by the previous government, following extensive expert academic and community consultation and input over an extended period. This was a new model that was introduced in the state. We did not really know exactly how it was going to work. We have

identified where it has worked well, where it has not worked well, and that review is now giving us the opportunity to address where it has not worked well.

Of course, parliament was prorogued before the previous bill passed. That seems to be the subject of lots of bills that we have debated this year. But the reforms that we are now considering are the same in terms of allowing for digital copies to be taken as valid directives, making it clear there is no cap on the number of decision-makers, prescribing requirements in relation to the use of interpreters, and allowing for a hierarchy of substitute decision-makers.

Importantly, the reforms will make way for a document redesign because the current DIY kit is no longer considered fit for purpose. In fact, it is overly complicated enough to make qualified lawyers often abandon the task and if they are abandoning the task then I can only imagine the difficulties experienced by the layperson in the community, never mind someone who does not have English as their first language.

Perhaps, the most contentious aspect of the bill does relate to where a health practitioner suspects a patient has made an attempt to end their life, and I again agree with the comments by my colleague the Hon. Robert Simms. It is important to give clarity to health practitioners in the event a person presents with critical injuries due to self-harm or a suicide attempt, allowing for life-saving treatment despite the person having a valid ACD refusing treatment. I think it is important to note also recommendation 29 of the Lacey review, which reads:

> The Act must be amended to ensure that it is explicit, in the operative provisions of the Act, that an ACD cannot be used as the basis for refusing life-saving treatment following an attempt to suicide or cause self-harm. The remainder of an otherwise valid ACD mut be preserved.

I remember when this was last debated having very in-depth discussions. When the Chief Psychiatrist calls and says he would like to come down and see you, we are all very attentive and for very good reason, I should say. On that particular occasion, there was no difficulty in alleviating any concerns that I had, which have also been canvassed by the Hon. Rob Simms, around voluntary assisted dying. That was, I think, well addressed by our Chief Psychiatrist, as it was by Professor Lacey in her review. I am comfortable with that position, as has been articulated to us, for the same reasons as the Hon. Robert Simms.

I do note the two amendments, though, filed by the Hon. Nicola Centofanti, which seek to ensure regulations cannot prescribe a signing order. I will say the prescribed order is found in the regulations, which currently says that the substitute decision-maker must first sign to accept the responsibility of implementing the wishes of the person making the advance care directive before the person making the directive can validly sign.

This is one of the things that has lawyers in a spin. The Law Society has actually strongly advocated for the change, most recently in correspondence and certainly I have seen that, and something like 878 legal practitioners signed an e-petition last year. I think that is a reflection of why we are doing this review in the first place, because you really should not necessarily need a lawyer to do this either. That was never the intent of the legislation either, so that is the first point.

There was an identical amendment filed in the house which failed to convince the government of its merits and I assume the same will occur here. The Lacey review concluded at finding No. 8. We all respect the position of the Law Society. I guess they are basing that on the practical effects of this prior to the changes that we are about to implement. Professor Lacey obviously invested a lot of time and effort into the workings of this piece of legislation and the necessary changes, and it was her view that there is no practical or legal basis for changing the order of signing with regard to ACDs.

I am content to follow the clear direction of the reviewer in this instance, but I will say this: I understand the frustration amongst the good people at the Law Society but I do remember, again, when I was being briefed on this, something that sprung to mind for me was if I approach somebody and ask them to sign my ACD and they are not really happy with the choices that I have made and that is the person who I am then imposing this obligation on, that would be a good time to have that discussion, as opposed to you signing and then allowing them to sign and realising that they have agreed to something that they are not terribly comfortable with.

The conversations are very important. They are supposed to facilitate open dialogue between parties who are going to be engaged in this. So if I was going to ask my sister to sign an ACD and she was not happy about my wishes, then I might not necessarily want her to be the person who is signing my ACD. I might want someone else who actually is more sympathetic to what I want signing the ACD. That is one thing, I suppose, that is controlled in some respect by the order of signatures.

That in and of itself is actually enough to convince me because the last thing you want to do is put people in that predicament where you are trying to alleviate as much as possible—I am not going to call it burden—the pressures that other people feel and at the same time we are trying to bring to fruition the actual wishes of the person who is in that situation. Having someone agree to something that they are not comfortable with, I do not think is necessarily a good outcome.

It can occur, basically, and so the order of signing in that respect, I think, is actually pretty important. It might not have even been the intent but it is certainly one of the examples that has convinced me that the order of signing should stay. Even if I did not hold that view, I would still take the advice of the reviewer who has actually done this body of work. With those words, I support the bill unamended.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:23): I thank all the people who have contributed on the second reading stage of this bill. It is a bill that is the result of very extensive work, as many members who have contributed have made clear. It is a bill that, again, has been spoken about and was close to passing before the pesky election interrupted the passage of this legislation. I look forward to the committee stage and bringing these reforms that have been a lot of time and effort in the making.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 5 passed.

New clause 5A.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 1 [Centofanti–1]—

Page 4, after line 8—Insert:

5A—Amendment of section 15—Requirements for witnessing advance care directives

Section 15—after subsection (1) insert:

(1a) Without otherwise limiting the requirements that may be set out in regulations made under this section relating to witnessing an advance care directive, the regulations—

(a) cannot require an advance care directive to be signed or witnessed in a particular order; and

(b) cannot require a substitute decision-maker appointed under the advance care directive to have completed a part of an advance care directive form before the advance care directive can be witnessed.

This is an amendment to section 15, which prescribes the requirements of the witnessing of advance care directives. The order of signing an advance care directive is different from other legal documents, in that currently the regulations require a substitute decision-maker to complete and sign the relevant part of an advance care directive form prior to an advance care directive being executed by the person making the direction or appointment.

This is apparently to ensure that the person making the direction or appointment is able to inform the substitute decision-maker about their values; however, in practical terms, the rigid order of signing significantly increases the risk that the advance care directive will not be signed by the

principal in time for when it is needed and does not necessarily assure that substitute decision-makers understand their roles and responsibilities.

In particular—and I touched on it briefly in my second reading speech—this is particularly pertinent in rural and regional communities. Whilst I appreciate that we are in a digital age, digital signatures often will not be adequate in addressing these concerns as often elderly clients face a number of barriers in accessing technology.

This amendment essentially seeks to expedite the completion of advance care directives and to protect the validity of an appointment of a substitute decision-maker no matter the order of signatures by the signatories. To my knowledge, no other state or jurisdiction or territory, in fact, imposes the onerous order of signing provisions with respect to advance care directives.

The Hon. K.J. MAHER: I thank the honourable member for her amendment and her considered contribution. The act, regulations and educational material developed to assist the completion of advance care directives are intended to support people to write their own advance care directives. Some people may choose to use a lawyer; however, this is not a requirement and is not always an affordable option.

It is encouraged that an advance care directive be thoughtfully considered, which can take time and should include conversations with family, friends and particularly substitute decision-maker or makers about the person's wishes and preferences when it comes to all aspects of an advance care directive. It is not intended to be a process completed in one sitting with a lawyer.

Furthermore, ensuring the wishes of the advance care directive maker are known and discussed with their substitute decision-maker or makers before the creation of a legal document that grants them responsibility increases the likelihood that these wishes will be respected and properly acted upon when required.

As other people have contributed and pointed out, Professor Wendy Lacey undertook a review of the act and her findings were tabled in parliament in August 2019. Professor Lacey looked extensively into the signing process in her report and concluded, as stated in finding No. 8, there is no practical or legal basis for changing the order of signing with regard to advance care directives and consequently made no recommendation in relation to this matter.

As the Hon. Connie Bonaros in particular has pointed out, I know there are differing views on this matter. Certainly, as recently as a couple of weeks ago at a meeting of the council of the Law Society, this was a topic of discussion and I do know that there are, particularly now within the Law Society, different views than what is being proposed to retain the order of signing in this bill.

I take into account the Hon. Nicola Centofanti's concerns raised, particularly of those living in regional or remote areas where the tyranny of distance makes the signing of documents sometimes more difficult. The Hon. Nicola Centofanti mentioned the possible use of electronic or digital signatures. That is not something that is possible at the moment, but it is certainly something that has been raised with me and I have undertaken to look into that.

We only recently changed regulations in South Australia to bring back into effect permanently the COVID era ability for electronic or digital signing of statutory declarations, which will make it a lot easier for people who do not have access to a justice of the peace or a lawyer to sign those forms, particularly, as the Hon. Nicola Centofanti is quite reasonably concerned, for people in regional or remote areas. I have given an undertaking that I am happy to look into it as it pertains to advance care directives also, but we do not support the amendment that is being put forward.

The Hon. R.A. SIMMS: The Greens will be supporting these amendments, but I will say that I thought the arguments of the Hon. Connie Bonaros and the Attorney-General were compelling. However, for us, we were persuaded by the fact that so many people in the legal fraternity had concerns around the process, and recognise that whilst it is not a requirement that a legal practitioner witness the advance care directive, it may well be that legal practitioners are involved in that process and it certainly made sense to listen to their views.

The Hon. F. PANGALLO: I rise to say that I will be supporting the amendment, and acknowledge the sentiments that were expressed by the Leader of the Opposition.

The Hon. C. BONAROS: I rise to indicate, as I did during my second reading contribution, that I will not be supporting the amendment, and the reasons why, but I am heartened by the fact that the Attorney has also given the undertakings that he has given to us today.

New clause inserted.

Clause 6 passed.

Clause 7.

The Hon. N.J. CENTOFANTI: I move:

Amendment No 2 [Centofanti–1]—

Page 4, after line 21—Insert:

(2) Section 21—after subsection (3) insert:

(3a) Without otherwise limiting the requirements that may be set out in regulations made under this section relating to the appointment of substitute decision-makers, the regulations—

(a) cannot require an advance care directive to be signed or witnessed in a particular order; and

(b) cannot require a substitute decision-maker to complete a part of an advance care directive form before the advance care directive can be witnessed.

This amendment is consequential to my previous amendment.

Amendment carried; clause as amended passed.

Remaining clauses (8 to 11), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:34): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (OTHER GASES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 November 2023.)

The Hon. H.M. GIROLAMO (16:34): I rise to speak on the Statutes Amendment (National Energy Laws) (Other Gases) Bill and indicate I am the lead speaker from the opposition. This is another set of reforms born out of the national energy ministers meetings. This bill deals with amending the national energy laws, in particular through the National Gas (South Australia) Act 2008 and also the National Energy Retail Law (South Australia) Act 2011. As South Australia is the lead legislator of these laws, we are seeing this bill now after going through the energy ministers meetings and approval.

This bill, which was originally introduced by the former Liberal government Minister for Energy, the Hon. Dan van Holst Pellekaan, seeks to expand the regulations to include hydrogen, biomethane and synthetic methane, which are renewable gases, and the blending of these renewable gases with natural gases to create blends. We on this side are pleased to see the current Labor government is continuing these efforts.

Having these changes before us will assist in transitioning by cementing regulatory certainty in what is an emerging industry and a fast moving one at that. You only need to look at the rate of legislation that has passed through this place this week, and this is the next step that is following

through. To see proof of this emerging technology in the community one needs only to look at the Tonsley precinct and its Hydrogen Park.

The next step from this trial is to increase the percentage of blend, and that will come, but it will come with long-term planning. The best opportunity for this is through new housing and commercial developments. With this bill it now becomes a live possibility: new homes and businesses will have the opportunity to have 100 per cent hydrogen with all the infrastructure, pipes and appliances applicable.

As has been stated here by our leader in the other place, the Liberals have a policy to be able to reach net zero by 2050, and in terms of the path that we want to take we acknowledge the complexity and challenges that are before us in ensuring it is a balanced approach that is taken. Our view is that all technologies should be on the table to ensure a successful transition and this does include gas.

The gas industry is committed to be net zero by 2050 through the use of technologies such as hydrogen, renewable gases and carbon capture. The bill that is before us will incorporate renewable gases and hydrogen into the National Gas Law. It will help reduce the emissions profile of the gas sector in South Australia and allow gas to be a viable energy choice for households and businesses in the future. I look forward to seeing what we can do in the future.

The Hon. R.A. SIMMS (16:37): I rise to speak on the Statutes Amendment (National Energy Laws) (Other Gases) Bill 2023 in what will be my last speech during state parliament's gas week. This bill refers to the definition of gas in our legislative instruments, as has been noted by the Hon. Heidi Girolamo. Currently, the National Gas (South Australia) Act 2008 refers to natural gas throughout. I have talked a bit this week about greenwashing. That is no more evident than in the use of the term 'natural gas', because we know that natural gas is not really natural. It is a non-renewable fossil fuel. The word 'natural' has been coopted by the gas industry to buy a social licence for this polluting energy source, which mostly comprises methane.

Gas production and burning gas for energy produces greenhouse gases that are detrimental to our environment and our health and drive climate change. By clarifying the definition of gases, this bill will allow for gases such as green hydrogen to be subject to the same provisions as natural gas was previously. The Greens are supportive of green hydrogen as an alternative fuel source. I have indicated that during the various debates we have had this week.

According to the Climate Council, only green hydrogen—that is, hydrogen produced with renewable energy—belongs in a zero emissions future. South Australia has sufficient renewable energy to lead a green hydrogen industry. In fact, that was the promise of the Malinauskas government at the last election.

It was disappointing for us to see that what became a promise ended up being a non-core commitment when the legislation came before the parliament, and instead we saw the government being agnostic on the question of whether or not they should be using green or blue hydrogen. That certainly was not the proposition they took to the people of South Australia. I will be interested to know what the Premier's Delivery Unit says about that.

However, we would like to once again put on the record that we are opposed to blue hydrogen, in fact to any other colour in the hydrogen rainbow that is not green. Blue hydrogen produced from fossil fuel is not the way forward; it locks us into a non-renewable gas future. We do note, however, that this bill includes a reference to gas blends.

I should note that I am pretty cynical about gas blends, because they are talked about in the South Australian context as being pumped into homes through the existing gas infrastructure and being used for residential use, and the environmental benefits of that are negligible. I think, from memory, the best that you can hope for in terms of a gas blend is about 20 per cent hydrogen with so-called natural gas. That does not deliver demonstrable environmental benefits, I am advised.

There is concern about a lot of emphasis being put on that at a time when we should be focusing on transitioning households away from gas, looking at some of the approaches that have been taken in other states. Obviously, no other party supported the Greens' push to ban gas connections on new homes from 2025. There has not been support for the Greens' push to prevent

developers from mandating new gas connections, but there are things the government could do in terms of putting money on the table, as has happened in the ACT and Victoria, to encourage home owners to move away from gas. That would reduce their energy bills and the environmental effect. That is the missing piece in the puzzle in terms of the government's approach.

We recognise there may be some need for gas blending in industrial settings, and therefore we will not oppose the inclusion of that in this bill, but we want to see much more work being done to support these industries to start to move away from methane gas, and we want to see fossil fuel being eliminated.

Changing the definitions for gas in the Gas Act will allow us to become a green hydrogen superpower, if this is the government's ambition, and I sincerely hope that it is. We are ready to support a green hydrogen plan if the Malinauskas government really wants us to be a leader in a zero emissions future. We, of course, welcome any moves away from methane gas, but we want to ensure that we are not just throwing another lifeline to the fossil fuel industry and prolonging the use of gas under another name.

We will continue to monitor this closely, and of course I will continue to ask questions in this place and give speeches outside of our energy week on this topic to ensure that we can keep the issue on the burner, so to speak. With that, I conclude my remarks.

The Hon. C. BONAROS (16:43): I was not going to speak, but I will speak briefly. I am sorry, Mr Simms—

The Hon. R.A. Simms: Not again!

The Hon. C. BONAROS: It should come as no surprise to the Hon. Rob Simms by the end of this week. I am being consistently inconsistent with the Hon. Robert Simms and, in that, supporting this bill. I do so because of some of the comments just made. There is a theme here this week. We know that a lot of other gases are mooted for decarbonisation and that this bill extends the scope to apply to other sorts of gases.

We have a complementary set of bills that we are considering. Unlike one of the previous bills, this one regulates this space from an economic perspective rather than a regulatory one. It is intended to provide some economic efficiency so that producers of gas can get product to market. It has been described as a futureproofing bill so that other gas types that are found could be brought within the scope of those national laws.

In SA, the way it was very simply put to me is it is the downstream regulation, picking up the definitions at the national level and reflecting that in our local gas act, which is also being amended. I suppose the point I am making is that if we have concerns around those other sorts of gases and the gas blends, it is worth noting that as a result of this bill we will indeed be incorporating these new definitions that are within this bill in the next bill that we are going to be considering.

If we are talking about gas blends, for instance, and this bill allows for gas blends, the next bill, which is very simple in nature, actually adopts those definitions at a local South Australian level. I am supporting it on the basis that, as I said, from an economic efficiency perspective the intent is to get products to market and provide that futureproofing. We do not generally get tied in knots over national laws, but I think it is important to put that into context, given that the next bill we are going to be debating effectively adopts the definitions that we are about to adopt now.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:45): I thank the members of the council who have made contributions: the Hon. Heidi Girolamo, the Hon. Robert Simms and the Hon. Connie Bonaros. This bill is an essential precursor for development of the domestic hydrogen and biomethane industries. It will remove barriers which could hinder access by producers of hydrogen and other gases to infrastructure and markets. It will ensure consumers are protected as Australia's energy system transitions to net zero emissions. It will allow businesses to seize the opportunities of the hydrogen industry as the world looks for pathways to decarbonisation.

In South Australia, this bill has significant implications for the Upper Spencer Gulf region, encompassing Whyalla, Port Augusta and Port Pirie, as well as Eyre Peninsula more broadly, the

Far and Mid North, Riverland and South-East. The Malinauskas Labor government has recognised the huge potential of using the plentiful solar and wind resources of this state to manufacture renewable hydrogen.

We are determined to foster a broad hydrogen industry. To achieve creation of that broader industry, we must first build domestic hydrogen supply and demand. This government is putting down the first foundation stone, the Hydrogen Jobs Plan, which will see the world's biggest electrolyser built in Whyalla, alongside a hydrogen-fuelled power station and associated storage.

We will prove it can be done, and this will encourage commercial operators to proceed with plans for their own hydrogen manufacturing facilities. Before these businesses make final investment decisions, they need reassurance that they will be able to get their hydrogen to their customers, and that is where this bill comes into play. It establishes the framework for the market.

The bill also facilitates growth in the biomethane sector, creating a pathway for business to transform a problem of waste into an opportunity for revenue. It futureproofs the regulatory system for the years ahead, anticipating that competitive industry can develop in blending gases and allowing for innovation in energy gases, as we look to address reducing the emissions which cause climate change across all sectors, including manufacturing, processing and transport.

The need for these reforms was identified through the national ministerial council of energy ministers. The bill has been refined through two rounds of public consultation and takes into account advice from the Australian Energy Market Commission, the Australian Energy Market Operator, the Australian Energy Regulator and the Western Australian Economic Regulation Authority.

The Malinauskas government is committed to decarbonising the economy and is pleased to have a leadership role in energy law reforms which will pave the way for Australia as a whole to advance towards that goal. This bill is a facilitator, providing for a level playing field for an industry to develop. I thank members for their support and commend the bill to the council.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

GAS (OTHER GASES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 November 2023.)

The Hon. H.M. GIROLAMO (16:51): Following on from the previous bill, this is quite consequential. I will not repeat myself, and I indicate that we support this bill as a follow-on from the work that was done by the previous minister, Dan van Holst Pellekaan. We indicate that the opposition will be supporting this bill.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:52): I thank members of the council for considering the Gas (Other Gases) Amendment Bill, and I thank the Hon. Heidi Girolamo for her remarks. This bill makes changes that are a direct result of the Statutes Amendment (National Energy Laws) (Other Gases) Bill that has just been considered and passed in this place. The statutes amendment bill is part of the National Energy Law reforms in which South Australia proudly plays its role as the lead legislator. This bill makes changes to South Australian laws and regulations, which will allow this state to take advantage of the new national reforms that will now become law.

The current Gas Act 1997 is limited to regulating the supply and use of gases that are hydrocarbons or predominantly hydrocarbons, which means natural gas. The statutes amendment bill is acknowledgement that the energy system is changing as we pursue the opportunities of decarbonising rather than fomenting the growing risks of failing to act against climate change. Under the changes, natural gas will continue to be regulated but will fall under a new umbrella term of 'covered gases'. Covered gases will include hydrogen, biomethane and blends of gases.

The Malinauskas government knows that a huge appetite for hydrogen is building among the world's manufacturers of steel, cement, glass, ceramics and other products, which presently require the use of coal or natural gas. But these businesses know they must decarbonise, and hydrogen is the key. This bill gives business that opportunity at a state level. It does not mandate a particular type of gas to be supplied, nor a timetable that would require hydrogen or a blend to be available to consumers. What we are doing is creating the framework for the future. It will be up to entrepreneurs, businesses and consumers to seize the opportunities. I commend this bill to the council.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RESIDENTIAL TENANCIES (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:56): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

I am pleased to introduce the Residential Tenancies (Miscellaneous) Amendment Bill 2023. This bill proposes to amend the Residential Tenancies Act 1995, the Residential Parks Act 2007 and the Real Property Act 1886 to improve the rights of renters, modernise existing rental laws and ensure landlords can continue to manage properties effectively. The amendments proposed in the bill form part of the government's commitment to improve housing outcomes for the people of South Australia.

Earlier this year, the commencement of the Residential Tenancies (Protection of Prospective Tenants) Amendment Act 2023 and amendments to the Residential Tenancies Regulations 2010 provided some immediate relief for tenants through taking measures to ban rent bidding, protect tenant information and make residential rental bonds more affordable. This bill contains broader reforms that are necessary to respond to the many challenges faced by tenants in South Australia.

In September 2023, the Senate Community Affairs References Committee delivered its interim report into the worsening rental crisis in Australia. This report highlights that the challenges faced by tenants to find suitable, affordable and safe housing are at an unprecedented scale, with Australia experiencing a period of extremely low rental vacancy rates and rising rental levels. In August 2023, the residential rental vacancy rate in Adelaide was 0.5 per cent, the second lowest rate of the Australian capital cities behind Perth.

The bill proposes amendments to South Australia's rental laws that are consistent with the agreement made by national cabinet on 16 August 2023 to A Better Deal for Renters, which focuses on improving renters' rights across Australia. Reforms within the bill also consider the outcomes of extensive consultation on the review of the act conducted by Consumer and Business Services.

Broad consultation was undertaken between 15 November and 16 December 2022, when more than 5,000 people completed a YourSAy survey and over 150 submissions were received from key stakeholders and members of the public. The outcome of this consultation informed the drafting of the bill, which was released for targeted consultation between 14 August and 4 September this year.

All stakeholder groups that made submissions during public consultation were invited to provide feedback on the bill as part of targeted consultation. Submissions were received from 21 stakeholders, including the Real Estate Institute of South Australia, Shelter SA, Uniting Communities, Better Renting, RSPCA SA, SACAT and COTA SA. This feedback informed the final version of the bill that I am pleased to introduce today.

A key reform of the bill is to prohibit the termination and non-renewal of tenancy agreements without providing a prescribed reason. Notice of termination on a prescribed ground must be accompanied by written evidence as approved by the Commissioner for Consumer Affairs. This measure is part of a series of amendments that will provide tenants with greater security of tenure and encourage longer tenancies.

It is proposed that landlords will retain the ability to terminate a tenancy by providing a notice of termination due to a breach of agreement as specified in section 80 of the act. Landlords will also be able to end a periodic tenancy or not renew a fixed-term tenancy agreement because they require possession of the property for reasons detailed in section 81 of the act.

To balance the rights of landlords, the reasons that may be used to end a periodic tenancy or not renew a fixed term tenancy will be expanded through regulations. These reasons, which will be finalised after consultation on the supporting regulations, are expected to include:

- the tenant or their visitor intentionally or recklessly causes serious damage to the property, including safety equipment in common areas;
- the tenant or their visitor puts neighbours, the landlord or the landlord's agent, contractors or employees in danger;
- the premises are unfit for human habitation, destroyed totally or destroyed to the extent that they are unsafe;
- the tenant or anyone else living at the property seriously threatens or intimidates the landlord, their agent or the landlord's contractors or employees;
- the tenant has failed to comply with a SACAT compliance order;
- the tenant has already been given two breach notices, and the same breach occurs;
- the property is being used for illegal purposes;
- the tenant has brought in other tenants or subtenants without consent;
- the tenant has not paid the bond as agreed;
- the landlord is a government Housing Authority, and the tenant misled the authority so they could get social housing;
- the tenant has been involved in an illegal drug-related activity in the property;
- the tenant is keeping a pet without consent, and SACAT has made an order excluding the pet;
- the tenant is renting a house from a charity or community housing provider, and the tenant no longer meets the charity or community housing provider's eligibility requirements to continue as a tenant; and
- the tenant has engaged in false, misleading or deceptive conduct or concealed material facts from the landlord or agent in inducing the landlord to enter into the tenancy agreement.

Consultation highlighted that some tenants are apprehensive to exercise their rights under the act, fearing retaliatory eviction. As a measure to ensure that tenants can exercise their rights, such as requesting necessary repairs, the bill proposes to insert a new section 90A into the act to allow SACAT to determine that a notice of termination has no effect when SACAT is satisfied that it is a retaliatory notice. This change is consistent with the agreement made at national cabinet to ensure provisions to allow appeals against retaliatory eviction notices are fit for purpose.

I understand that tenants are sometimes forced to leave rental properties due to disproportionate rent increases, which can cause their rent to become unaffordable. Section 56 of the act currently allows SACAT to determine rent to be excessive by considering factors including the general level of rents for comparable premises in the same or similar localities and the state of repair and general condition of the premises.

The bill proposes to amend this provision to require that SACAT must also have regard to whether the increase in rent was disproportionate when deciding a rent increase is excessive. It is proposed that tenants who believe their rent is excessive will have 90 days after being notified of a rent increase to apply to SACAT for a determination on whether the rent increase is excessive and should be reduced.

The bill proposes several reforms to encourage longer tenancies. Under the Real Property Act 1886 the title of a registered proprietor is indefeasible subject to, among other things, a residential tenancy agreement not exceeding one year. The bill proposes to amend this to three years to offer landlords greater security from a caveat being placed on their property by a tenant who has a fixed-term tenancy agreement exceeding 12 months. This proposed change to the Real Property Act 1886 is consistent with equivalent legislation in other Australian jurisdictions.

Tenants may be reluctant to enter into longer fixed-term tenancies due to concern about their liability to continue paying rent should they need to end the tenancy early. The bill proposes to introduce section 75A, which limits the amount of unpaid rent that a landlord can claim to a maximum of one month of rent for each year remaining of the fixed-term agreement. This must not exceed six months' rent in total. When there is less than one year remaining on an agreement a tenant will only be liable for a maximum one month of rent. It is noted that landlords will remain entitled to costs associated with reletting, such as advertising costs.

The introduction of section 75A aligns with national cabinet's agreement to limit break-lease fees for fixed-term agreements to a maximum prescribed amount, which declines according to how much of the lease has expired.

Pets can offer physical and mental health benefits to their owners and can provide support to people experiencing loneliness. Many tenants in South Australia report struggling to find pet-friendly rental accommodation. According to the RSPCA, one in five animals surrendered is due to their owners being unable to find a rental property that allows pets.

The bill proposes to introduce a presumption that a tenant who applies to keep a pet in a rental property cannot have their request unreasonably refused provided the tenant agrees to comply with any reasonable conditions imposed by the landlord. Reasonable conditions may include requiring the pet to be effectively restrained during inspections and requiring carpets to the premises to be cleaned to a professional standard at the end of the tenancy. Tenants will have the option to apply to SACAT if they believe their request for a pet was unreasonably refused or they are not satisfied that the conditions imposed by the landlord are reasonable.

It is also a challenge for some South Australians to find an accessible rental property. This challenge is intensified by limitations on how rental properties can be modified. The bill proposes to change section 70 of the act which specifies the process for requesting alterations to rental properties. This change will prevent a landlord from unreasonably withholding consent to an alteration or an addition to a rental premises that is minor but necessary to ensure provision of infrastructure or a service of a prescribed kind, or required for a disability within the meaning of the Equal Opportunity Act 1983 and would not significantly change or affect the structure of the premises.

Changes to this section would also prevent a landlord unreasonably withholding consent to an alteration or an addition if the tenant has mobility or access needs relating to their age and which is reasonable and necessary for the tenant and would not significantly change or affect the structure of the premises.

Changes to section 70 of the act will make it easier for tenants to make minor modifications, such as installing wall anchors to safely mount furniture, adding picture hooks, installing child safety gates and changing internal window coverings.

These changes will also create more opportunities for tenants to make changes to improve the accessibility of a property through measures such as adding safety rails, temporary ramps and custom showerheads, provided these changes are made good at the end of the tenancy.

All rental properties are required to meet the prescribed minimum housing standards under the Housing Improvement Act 2016. The bill proposes to introduce section 67A, which will clarify that a landlord under a residential tenancy agreement must ensure that their property complies with these standards on or before the day on which the tenant enters into occupation of the premises.

It is noted that section 67A does not require an independent auditor to conduct inspections to ascertain compliance with these standards. Should a rental property not meet these standards, section 67A allows a tenant to request the landlord to carry out urgent repairs to ensure the premises complies with these standards. Section 85B will allow a tenant to serve a notice of termination if their rental property does not comply with these standards.

The bill proposes that tenants will be able to terminate tenancies in other circumstances under the proposed section 85AA, when a tenant has served a notice of breach of a residential tenancy agreement on the landlord on two occasions and the landlord has remedied the breach in the prescribed period on both occasions. Should the same breach occur again, the tenant may serve a notice of termination without providing a period for the landlord to remedy the breach. It is proposed that a tenant will also be able to terminate a tenancy in circumstances where the tenant has been offered and accepted accommodation by the South Australian Housing Trust, a subsidiary or by a community housing provider.

Section 85C proposes that a tenant can terminate a tenancy if they require care of a kind prescribed by regulations, such as care within a nursing home, and they need to vacate in order to obtain that care, or the tenant requires prescribed temporary crisis accommodation and needs to vacate the premises to obtain that accommodation.

At the national cabinet meeting on 16 August 2023, agreement was obtained from all states and territories to implement a number of reforms to better protect tenants who are experiencing domestic and family violence. The bill proposes measures to strengthen protections for tenants who are victims of domestic abuse. This includes the

introduction of section 85D, which will allow tenants to serve a notice of termination in circumstances of domestic abuse by providing supporting evidence to their landlord instead of making an application to SACAT. Section 90B proposes to allow SACAT to order a termination notice served on the tenant is invalid if the tenant has been subjected to domestic abuse and SACAT determines that the termination notice was served due to the act of a person who subjected the tenant to that domestic abuse.

The inclusion of proposed sections 66A and 66B will allow a person experiencing domestic abuse to alter any external door or window lock without the permission of the landlord provided keys to the new locks are issued to the landlord or agent as soon as possible. Changes to section 89A of the act are also proposed. These changes will provide SACAT with greater jurisdiction to make decisions about whether a tenant, who has experienced domestic abuse and was not responsible for damage caused by the co-tenant, should be liable to pay compensation to the landlord for the damage. In practice, this will allow SACAT to refund a victim's portion of the rental bond and hold a co-tenant responsible for any damage they caused even when the amount of compensation owed to the landlord is greater than this tenant's portion of the bond.

The bill proposes to provide additional protections for people living in shared accommodation. Extending the definition of rooming houses will afford more renters living in shared accommodation protection under the act. The definition of a rooming house will be amended to mean premises in which two or more rooms are available for valuable consideration. The proposed inclusion of sections 103B to 103E in the act establishes a rooming house registration scheme for rooming houses with accommodation available for five or more persons. This register will be maintained by CBS and require that prescribed rooming house proprietors can provide CBS with evidence that they are fit and proper to carry out business involved in the provision of accommodation under rooming house agreements.

Further changes to the rooming house provisions within the act include amending section 105U so that a proprietor may only terminate a rooming house agreement on a prescribed ground and provide 60 days' notice. Presently, a proprietor can terminate a periodic agreement without grounds by providing four weeks' notice.

South Australia is currently experiencing extremely low rental vacancy rates, making it a competitive time to be in the market for a new rental property. It is important that tenants who receive notice that their residential tenancy will not be renewed have enough time to secure new accommodation. The bill proposes to amend section 83A to require that a landlord may only terminate a fixed-term residential agreement at the end of the fixed term on a prescribed ground with 60 days' notice as opposed to 28 days. This will provide tenants with more time to secure a new rental property and make the necessary arrangements to move house.

The bill also proposes to allow tenants to vacate their rental property within the 60-day notice period and not pay rent after they vacate. This provision will be contingent on a tenant having had their tenancy terminated or not renewed on certain grounds, such as the landlord moving into the property, and requires the tenant to provide seven days' notice to the landlord or agent if they intend to vacate early.

At present, a landlord or agent may inspect a rental property once every four weeks. This is out of step with all other Australian jurisdictions, which allow a maximum of four routine inspections each year. The bill proposes to amend section 72 of the act to reduce the number of routine inspections permitted, so that a maximum of four routine inspections per year is allowed, unless SACAT orders that additional inspections are appropriate. Circumstances that may warrant additional routine inspections include where a tenant has issues with hoarding and more frequent inspections are required to ensure the safety of the property is maintained.

It is noted that section 72(1)(i) of the Act allows a landlord or agent to enter a rental property for a genuine purpose with the consent of the tenant. This section allows for landlords to hold re-inspections, should any issues arise during a routine inspection that the landlord and tenant seek to rectify without a landlord issuing a notice for breaching the tenancy agreement.

As a measure to ensure the privacy of tenants during the sale of a tenanted property, it is proposed that section 72(5a) is included in the Act to allow for regulations to prescribe requirements relating to the production, distribution or publication of documents or records in connection with the relevant entry onto the premises. This will allow the regulations to provide restrictions regarding how tenants' belongings can be photographed and published in real estate advertisements.

As a step towards improving energy efficiency standards in rental properties, the Bill proposes to introduce section 68A, which specifies that any new or replacement fixture in a rental property will be required to meet certain energy or water efficiency standards, which are to be detailed in regulations.

The inclusion of section 73A specifies that a landlord and tenant may enter into an agreement under which the tenant is able to pay for the installation of a solar energy system. This section is intended to clarify that no section of the Act prevents tenants and landlords forming agreements about the installation of energy saving infrastructure by a tenant.

The Bill also proposes changes to statutory and excess water charges. It is proposed that section 73 of the Act is amended to specify that a landlord is responsible for rates and charges not based on the level of consumption, such as the water supply charge. If the premises is separately metered, the landlord and tenant may agree otherwise. Further, a tenant is not required to pay rates or charges if the landlord fails to provide a copy of the invoice within 30 days.

The introduction of section 73B proposes to clarify that a landlord is responsible for excessive water usage charges caused by a fault in water infrastructure or equipment or other appliances, fittings, or fixtures at or connected to the premises when the tenant has notified the landlord of the issue as soon as practicable. It is noted that the tenant and landlord are not responsible for costs associated with a fault that is the responsibility of SA Water.

The Bill also proposes to introduce measures to prevent the provision of misleading information. Section 47C will require that a landlord or agent make prescribed information available to prospective tenants and do not make any statement or representation they know to be false, misleading, or deceptive or knowingly conceal a material fact of a kind prescribed by regulation. It will also be a requirement that tenants are informed of information related to embedded networks, when entering a tenancy where an embedded network is present.

To balance the rights of landlords, and ensure prospective tenants are deterred from providing misleading information, the Bill proposes to introduce a provision at section 47B to require that a prospective tenant does not give a landlord false information or a falsified document in connection with an application to enter a residential tenancy agreement.

At present, a landlord is not entitled to compensation (i.e., break lease costs) where the landlord terminates the agreement due to a breach by the tenant and the breach is for something other than unpaid rent. The Bill proposes the addition of section 84A. This section will specify that landlords are entitled to costs or expenses of a kind determined by the Commissioner in connection with the termination of a residential tenancy agreement in prescribed circumstances.

When National Cabinet met on 16 August 2023, it was agreed to move towards a national standard of no more than one rent increase per year for a tenant in the same property across fixed and ongoing agreements. To implement this, the Bill proposes to amend section 55 of the Act to clarify that an increase in rent, even by mutual agreement, must be at least 12 months after the date on which the residential tenancy agreement was entered into, or, if there has been a previous increase of rent under this section, the last increase. Section 55 also clarifies that if the agreement type changes (i.e. from fixed to periodic) the rent still cannot be increased within 12 months after the start of the original agreement or the last rent increase.

New provisions within the Act are proposed to accommodate changes to the payment of tenant bonds. Changes to sections 61-63 of the Act will allow regulations to provide for lodgement of bonds by tenants and clarify that bonds will be returned to tenants equally unless otherwise consented to or disputed. Further, changes to these provisions will clarify that SACAT may disclose sealed orders to CBS to allow CBS to make bond repayments in accordance with these orders.

Section 63 of the Act specifies the process for the repayment of bonds. At different stages of this process, parties are provided with 10 days to take certain actions. This timeframe of 10 days was designed to allow for communication via the postal system. The Bill proposes that these timeframes are prescribed in regulations, with the view to reduce these timeframes in circumstances where all parties have access to the online bonds system.

The Bill proposes to introduce section 67B into the Act. This section requires a landlord who becomes aware that drug related conduct has occurred at a rental property must test the property for contamination and remedy any contamination so that the property meets the minimum housing standards under the *Housing Improvement Act 2016*. The proposed introduction of 80A will allow a landlord to terminate a tenancy agreement if they are aware the tenant has engaged in or allowed another person to engage in drug related conduct on the premises and testing indicates the property is contaminated.

The Bill will also clarify that a landlord or agent must not unreasonably withhold consent for a tenant to sub-let a property. To ensure that community housing is reserved for tenants who meet eligibility requirements, a landlord who is a community housing provider may withhold consent for a tenant to sublet the property when the sub-tenant does not meet the eligibility requirements to occupy the property. The Bill also proposes to introduce section 74B into the Act to specify that a landlord or agent must not charge a fee for giving consent to a tenant to sub-let the property.

The Act currently lacks detail about the process for ending a tenancy following the death of a sole tenant. The Bill proposes to amend section 79 of the Act to clarify that a tenancy agreement will terminate 30 days after the death of the tenant, unless an agreement is reached with an administrator or next of kin of the deceased tenant, the tenancy is terminated earlier by notice, or a SACAT order specifies otherwise.

The Bill proposes change to requirements regarding the manner and payment of rent. Changes to section 56A of the Act ensure the payment of rent is in a reasonably convenient manner and, in particular, to ensure that at least one means of payment is electronic and does not involve the collection of rent by a third party for a fee. This will guarantee that tenants who seek to transfer rent payments electronically, are able to do so without being charged.

It is further proposed within the Bill that section 99J of the Act is amended to prevent a landlord, agent, or database operator charging a tenant a fee for giving the tenant personal information listed about them on a residential database.

Section 101 of the Act specifies that the income derived from the Residential Tenancies Fund may be applied for purposes connected with, or arising under the Act or the *Residential Parks Act 2007* that are approved by the Commissioner. The Bill proposes to amend section 101 so that the Minister responsible for the Act may also approve the application of this income.

The Bill proposes to introduce section 114A into the Act, which provides that except in exceptional circumstances, leave must not be granted in relation to an application for a review of a decision by SACAT if a person was ordered to make a payment to another person and that has not occurred. This section is intended to prevent parties applying for a SACAT decision to be reviewed in order to delay making a compensation payment. A person will not be prevented from applying for a review of the decision when the compensation payment has been made.

The South Australian Government recently announced it will explore making the necessary changes to ensure ancillary dwellings, such as granny flats, can be rented to non-family members. This Bill proposes change to the definition of a residential tenancy agreement within the Act, to clarify that a residential tenancy agreement can include an agreement to rent a granny flat.

Reforms to the *Residential Parks Act 2007* are also proposed by this Bill. As a measure to encourage transparency relating to embedded networks, section 14 will be amended to require that a park owner must provide prescribed information to a resident if electricity is supplied via a connection point that is part of an embedded network.

The Bill also proposes change to section 18 of the *Residential Parks Act 2007* to include a new provision clarifying that residents of residential parks are not required to pay entry or exit fees, a management fee, a fee for amenities provided by the park (known as a communal contribution fee) or any other prescribed fee regardless of how the payment is described, including if this additional fee is described as 'deferred rent'. However, the resident and park owner may still agree to defer the payment of rent under an agreement so that it is paid at a later date than when it would fall due. Late rental payments must be calculated with specific reference to the regular rent fee payable for occupation. For example, a residential park owner may agree to allow a resident to pay $20 of the weekly rent of $200 late such that $180 is paid now and $20 is paid after the due date.

To discourage landlords and residential park owners from contravening the Act and the *Residential Parks Act 2007*, the Bill proposes to raise penalties to ensure the costs of contravening provisions are consistent and proportionate deterrents.

The Bill progresses reforms to South Australian tenancy laws that will ensure tenants are safe, secure and happy in their homes. They are also key in shaping the roles and responsibilities of landlords and land agents. These changes are significant, as they are a key component of the first substantive review of the Act since 2014.

I would like to thank everyone who participated in the review of the Act, through completing the survey, making submissions and sharing their stories.

In particular, I also thank the Real Estate Institute of South Australia, SACOSS, Uniting Communities, Anglicare, Shelter SA, SA Unions and the Honourable Robert Simms MLC who have worked constructively with the Government on these reforms.

Subject to passage of this Bill through Parliament, I will seek further amendments to the Residential Tenancies Regulations 2010 to support the changes proposed in the Bill.

I commend this Bill to the chamber.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Residential Tenancies Act 1995*

3—Amendment of section 3—Interpretation

Definitions are inserted and amended for the purposes of the measure.

4—Amendment of section 5—Application of Act

Certain sections proposed by the measure are to apply to residential tenancy agreements under which the South Australian Housing Trust or a subsidiary of the South Australian Housing Trust is the landlord.

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

The meaning of a member of the Tribunal who is 'legally qualified' is clarified.

6—Amendment of section 47A—Prospective tenant to be notified of sale of premises

A maximum penalty and expiation fee are inserted.

7—Amendment of section 47B—Prospective tenant—requirements relating to provision of information

Section 47B(1) is amended such that it applies not only in respect of requesting prescribed information from a prospective tenant, but from any person. A new offence relating to the provision of false information or falsified documents by a prospective tenant is inserted.

8—Insertion of section 47C

New section 47C is inserted:

47C—Advertising premises and misleading etc conduct

Two new offences are inserted relating to the requirements for advertising premises for rent, and the making of false, misleading or deceptive statements to a tenant by a landlord or agent of a landlord.

9—Amendment of section 48—Information to be provided by landlords to tenants

Where there is a requirement relating to the provision of certain addresses, this clause amends the section such that the address provided must be either a postal or an email address. The maximum penalties and expiation fees for the offences in section 48 are increased. A requirement is inserted that a written notice provided by a landlord under section 48(1) set out certain information relating to the supply of electricity if the electricity is supplied in a certain manner.

10—Amendment of section 49—Residential tenancy agreements

Where there is a requirement relating to the setting out of certain addresses in section 49, this clause amends the section such that the address must be either a postal or an email address. The maximum penalties and expiation fees for the offences in section 49 are increased.

11—Amendment of section 51—False information from tenant

The maximum penalty for the offence in section 51 is increased.

12—Amendment of section 52—Discrimination against tenants with children

The maximum penalties for the offences in section 52 are increased.

13—Amendment of section 53—Permissible consideration for residential tenancy

The maximum penalty for the offence in section 53(1) is increased, and an expiation fee for the offence is inserted. The other amendment is consequential.

14—Amendment of section 54—Rent in advance

The maximum penalties and expiation fees for the offences in section 54 are increased.

15—Amendment of section 55—Variation of rent

Proposed section 55(2b) provides restrictions on when certain increases in rent may occur. Section 55(7) is amended to clarify when a series of residential tenancy agreements between the same parties relating to the same premises will be treated as a single residential tenancy agreement.

16—Amendment of section 56—Excessive rent

Proposed section 56(1a) requires applications made on certain bases under the section to be made within a certain period. Proposed section 56(2)(fc) sets out a further matter to which the Tribunal must have regard in deciding whether rent payable is excessive. The maximum penalty for the offence in section 56(5) is increased, and an expiation fee is inserted.

17—Amendment of section 56A—Manner of payment of rent

Section 56A is amended to require the landlord to ensure that rent may be paid by a tenant in a certain manner. The maximum penalty and expiation fee for the offence in section 56A are also increased. Proposed section 56A(2) prohibits a person from charging a tenant a fee for the payment of rent.

18—Amendment of section 57—Landlord's duty to keep proper records of rent and other payments

The maximum penalties for the offences in section 57 are increased, and the expiation fee in section 57(1) is also increased.

19—Amendment of section 58—Duty to provide statement or give receipt for rent

The maximum penalties and expiation fees for the offences in section 58 are increased.

20—Amendment of section 61—Bond

The maximum penalty for the offence in section 61(1) is increased, and an expiation fee is inserted. Proposed section 61(1a) requires that a bond be paid in a certain manner and form, and that it be accompanied by certain information. Proposed section 61(1b) clarifies that a bond paid to a landlord's agent constitutes payment of the bond to the landlord.

21—Amendment of section 62—Receipt of bond and transmission to Commissioner

Section 62(2) is amended to require a person to pay a bond received to the Commissioner in a manner and form, and with the information, determined by the Commissioner. Proposed section 62(3) requires the Commissioner to notify the landlord of the receipt of an amount paid by way of a bond. Proposed section 62(4) allows the Commissioner to refund an amount received if the Commissioner is satisfied that the amount is not within the ambit of the definition of a bond. The maximum penalties and expiation fees for the offences in section 62 are also increased.

22—Amendment of section 63—Repayment of bond

Section 63(2)(a) is amended to provide that an application under the section must be made in a manner approved by the Commissioner. The notice periods set out in the section are substituted such that the periods are prescribed by the regulations. Proposed section 63(12) allows the Registrar to share information relating to details of a decision or order of the Tribunal with the Commissioner for purposes relating to the payment of a bond.

Section 63(13) is amended to reflect circumstances in which an application involves multiple tenants. Proposed section 63(14) sets out the circumstances in which an application involving payment to multiple tenants will be considered undisputed. Proposed section 63(15) requires that certain applications made by or on behalf of a landlord be made within a certain period and be in a certain manner and form. Proposed section 63(16) provides a regulation making power to modify or disapply a provision of section 63 in relation to an electronic system for the repayment of bonds.

23—Amendment of section 65—Quiet enjoyment

The maximum penalty for the offence in section 65(2) is increased.

24—Amendment of section 66—Security of premises

The maximum penalties for the offences in section 66 are increased. The other amendment is technical.

25—Insertion of sections 66A and 66B

New sections 66A and 66B are inserted:

66A—Altering locks etc for premises in certain circumstances

A lock or security device of premises may be altered in certain circumstances relating to domestic abuse or personal safety.

66B—Application to Tribunal to alter etc locks or security devices without consent

A tenant may apply to the Tribunal in certain circumstances for a determination that the landlord's consent is not required for the tenant to alter, remove or add a lock or security device.

26—Insertion of Part 4 Division 6A

New Division 6A is inserted into Part 4:

Division 6A—Keeping of pets on premises

66C—Keeping of pets on premises

The approval of a landlord is required for the keeping of pets on premises. However, such approval is not required if the animal is an exempt animal. The application and approval process is set out.

66D—Grounds for refusing pets being kept at premises

This section provides the sole grounds on which a landlord may refuse a tenant's application for approval under section 66C.

66E—Tenant may seek Tribunal orders

A tenant may apply to the Tribunal, and the Tribunal may make certain orders, where a landlord refuses the tenant's application to keep a pet on premises.

66F—Continuation of approval to keep pet on premises

This section specifies the circumstances of the continuation of an approval given under the Division.

66G—Limitation of landlord's liability

A landlord has no additional duty of care to a person arising out of an approval given under the Division or an order made by the Tribunal.

27—Insertion of sections 67A and 67B

New sections 67A and 67B are inserted:

67A—Occupation of premises that do not comply with minimum housing standards

A landlord must ensure that premises comply with the prescribed minimum housing standards under the *Housing Improvement Act 2016* on or before the day on which a tenant enters into occupation of the premises.

67B—Testing and remediation in relation to drug contamination

This section sets out obligations imposed on a landlord, and a term of a residential tenancy agreement relating to premises, arising out of the landlord becoming aware of drug related conduct occurring on the premises.

28—Insertion of section 68A

New section 68A is inserted:

68A—Minimum efficiency standards

This section sets out a term of residential tenancy agreements relating to energy and water efficiency standards for appliances, fittings and fixtures installed by a landlord at premises after the commencement of the section.

29—Amendment of section 69—Tenant's responsibility for cleanliness, damage and loss

The maximum penalty for the offence in section 69(2) is increased.

30—Amendment of section 70—Alteration of premises

Section 70(1a) is amended to expand the circumstances in which a landlord will not unreasonably withhold consent for a tenant to make alterations or additions to premises. Proposed section 70(1ab) sets out circumstances in which a landlord may refuse consent. Proposed section 70(2a) and (2b) together require the tenant to bear the cost of alterations made, and to return the premises to the state it was in before the alterations were made.

31—Amendment of section 71A—Sale of residential premises

Proposed section 71A(3) makes it an offence for a landlord to contravene a term of a residential tenancy agreement arising under section 71A(1) or (2) without reasonable excuse.

32—Amendment of section 72—Right of entry

Section 72(1)(c)(i) is amended to reduce the frequency with which a landlord may enter premises for the purposes of inspection, while also allowing the landlord to apply to the Tribunal for an order under proposed subsection (5c) to inspect the premises more frequently in certain circumstances. The required notice period set out in section 72(1)(c)(ii) is amended. Section 72(1)(g)(ii) is amended such that if agreement cannot be reached with a tenant as to a suitable time, the premises may only be shown to prospective purchasers as ordered by the Tribunal on application by the landlord. Proposed section 72(5a) allows the regulations to prescribe requirements relating to certain documents or records. Proposed section 72(5b) makes it an offence for a landlord to contravene a requirement so prescribed.

33—Amendment of section 73—Statutory charges

Proposed section 73(2) as substituted sets out the determination of certain statutory charges that are to be borne by a landlord or tenant. Proposed section 73(3) provides that a tenant is not required to pay rates and charges in accordance with the section if the landlord fails to provide a copy of the invoice to the tenant within a certain period. The other amendments are technical or consequential.

34—Insertion of sections 73A and 73B

New sections 73A and 73B are inserted:

73A—Agreements relating to installation of solar energy systems

A landlord and a tenant may enter into an agreement relating to costs and charges for the installation of a solar energy system for the premises.

73B—Excessive water usage charges

This section sets out the determination of liability for costs relating to excessive water usage.

35—Substitution of Part 4 Division 12

Division 12 of Part 4 is substituted:

Division 12—Assignment and sub-letting

74—Assignment and sub-letting by tenant

A tenant may only assign or sub-let premises with the landlord's written consent, and the landlord must not unreasonably withhold consent. The withholding of consent is deemed to be unreasonable or not unreasonable in certain circumstances.

74A—Tenant may apply to Tribunal

A tenant may apply to the Tribunal for a determination that the landlord's consent is not required for the assignment or sub-letting of the premises by the tenant.

74B—Landlord cannot demand or receive fee for giving consent

A landlord must not, inter alia, receive a fee for giving consent for the assignment or sub-letting of premises.

36—Insertion of Part 4 Division 13A

Division 13A is inserted into Part 4:

Division 13A—Maximum liability for rent payable following tenant's termination of fixed term tenancy

75A—Maximum liability for rent payable following tenant's termination of fixed term tenancy

This section sets out the maximum liability for rent payable by a tenant following the tenant's termination of a fixed term tenancy.

37—Amendment of section 76A—Preliminary

The definitions in section 76A are amended.

38—Amendment of section 76B—Dealing with tenant information

Section 76B is amended to delineate requirements relating to tenant information and prospective tenant information.

39—Amendment of section 76C—Powers of Tribunal

The amendments are consequential.

40—Amendment of section 77—Accelerated rent and liquidated damages

The maximum penalty and expiation fee for the offence in section 77(3) are increased.

41—Amendment of section 79—Termination of residential tenancy

The amendments are consequential on amendments made by the measure.

42—Insertion of Part 5 Division 1A

New Division 1A is inserted into Part 5:

Division 1A—Termination following death of sole tenant

79B—Termination following death of sole tenant

This section sets out the manner in which and date on which a residential tenancy is terminated following the death of a sole tenant.

43—Amendment of section 80—Notice of termination by landlord on ground of breach of agreement

A regulation making power for the purposes of section 80(2)(d) is inserted.

44—Insertion of section 80A

New section 80A is inserted:

80A—Termination by landlord on ground of drug contamination

A landlord may terminate a residential tenancy if the premises are contaminated as a result of drug related conduct engaged in or allowed by the tenant.

45—Amendment of section 81—Termination because possession is required by landlord for certain purposes

Section 81 is amended to allow a tenant to whom a notice of termination is given under the section to give up possession of the premises prior to the end of the period of notice. A tenant who gives up possession in such a manner will not be liable to pay rent after the specified day. The maximum penalties for the offences in section 81 are increased, and expiation fees for the offences are inserted.

46—Amendment of section 83—Termination by landlord without specifying a ground of termination

Section 83 currently provides that a landlord may, subject to certain matters, terminate a tenancy without specifying a ground of termination. Section 83 is amended to provide instead that a landlord may terminate a tenancy under the section on a ground prescribed by the regulations. The other amendment is consequential.

47—Amendment of section 83A—Notice to be given at end of fixed term

Section 83A currently provides that a landlord may terminate a residential tenancy agreement for a fixed term at the end of the fixed term without specifying a ground of termination. Section 83A is amended to provide instead that a landlord may only terminate the tenancy at the end of the fixed term on a ground prescribed by the regulations. The period of notice for such a termination is amended. Section 83A is also amended to allow a tenant to whom a notice of termination is given under the section to give up possession of the premises prior to the end of the fixed term. A tenant who gives up possession in such a manner will not be liable to pay rent after the specified day.

48—Amendment of section 84—Limitation of right to terminate

Section 84(1) is amended to incorporate some specific grounds on which a landlord may, with the authorisation of the Tribunal, terminate a tenancy under the section. The other amendment is consequential.

49—Insertion of section 84A

New section 84A is inserted:

84A—Compensation for termination in certain circumstances

A landlord may be entitled to compensation for certain costs and expenses incurred in connection with a termination of a residential tenancy agreement in certain circumstances.

50—Insertion of section 85AA

New section 85AA is inserted:

85AA—Notice of termination by tenant for successive breaches of the agreement

A tenant may terminate a tenancy in circumstances where the landlord has successively breached the same provision of the residential tenancy agreement.

51—Insertion of sections 85B, 85C and 85D

New sections 85B, 85C and 85D are inserted:

85B—Notice of termination by tenant due to condition of premises

A tenant may terminate a tenancy on the basis of the condition of the premises.

85C—Notice of termination by tenant in certain circumstances

A tenant may terminate a tenancy on the basis of certain grounds relating to the tenant's circumstances.

85D—Notice of termination by tenant on ground of domestic abuse

A tenant may terminate a tenancy in circumstances relating to domestic abuse.

52—Amendment of section 89A—Termination based on domestic abuse

Section 89A(2) is amended such that an application may be made under that subsection not only by the South Australian Housing Trust, a subsidiary of the South Australian Housing Trust or a community housing provider registered under the *Community Housing Providers National Law* but by any landlord. Section 89A(3) is substituted such that, in the case of an application made under section 89A(2) as amended, a person who normally or regularly resides at the residential premises for whose protection an intervention order is in force or against whom domestic abuse has been committed is a party to proceedings under the section.

Section 89A(4) is amended to allow the Tribunal to make an order requiring the landlord to enter into a new residential tenancy agreement for the remainder of the term of a tenancy with a person who normally or regularly resides at the residential premises for whose protection an intervention order is in force against a tenant or against whom a tenant has committed domestic abuse. Section 89A(12) is substituted to clarify the directions the Tribunal may make in respect of the repayment of a bond where 1 or more, but not all, of the co-tenants under a residential tenancy agreement are liable under section 89A(10) and (11). The other amendments are technical or consequential.

53—Insertion of Part 5 Division 4A

New Division 4A is inserted into Part 5:

Division 4A—Tribunal may make orders in relation to retaliatory behaviour and circumstances of domestic violence

90A—Tribunal may make orders in relation to retaliatory behaviour

The Tribunal may make an order in respect of a termination or proposed termination of a residential tenancy agreement if satisfied that a notice of termination or an application made by a landlord was retaliatory.

90B—Tribunal may make orders in relation to circumstances of domestic abuse

The Tribunal may make an order that a notice of termination is invalid if satisfied of certain matters relating to domestic abuse.

54—Amendment of section 91—Form of notice of termination

Section 91(1) is amended to provide that a notice of termination given by a landlord to a tenant must, in the case of a notice given on a ground prescribed by the regulations, be accompanied by written evidence which supports the ground for giving the notice. The other amendment is consequential.

55—Insertion of section 91A

New section 91A is inserted:

91A—Prohibition on letting premises after notice of termination

A landlord must not let premises to a person within 6 months after terminating a tenancy in respect of the premises on a ground of a kind prescribed by the regulations, unless the Tribunal has ordered otherwise.

56—Amendment of section 95—Repossession of premises

The maximum penalty for the offence in section 95 is increased, and an expiation fee for the offence is inserted.

57—Amendment of section 97A—Offence to deal with abandoned property in unauthorised way

The maximum penalty for the offence in section 97A is increased.

58—Amendment of section 97B—Action to deal with abandoned property other than personal documents

This clause substitutes the period set out in section 97B(4)(b) with a prescribed period.

59—Amendment of section 97C—Action to deal with abandoned personal documents

This clause substitutes the period set out in section 97C(2)(b) with a prescribed period.

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

The maximum penalties for the offences in section 99 are increased, and expiation fees for the offences are inserted.

61—Amendment of section 99D—Notice of usual use of database

The maximum penalty and expiation fee for the offence in section 99D(2) are increased.

62—Amendment of section 99E—Notice of listing if database used

The maximum penalty and expiation fee for the offence in section 99E(2) are increased.

63—Amendment of section 99F—Listing can be made only for particular breaches by particular persons

The maximum penalty for the offence in section 99F(1) is increased, and an expiation fee for the offence is inserted.

64—Amendment of section 99G—Further restriction on listing

The maximum penalty for the offence in section 99G(1) is increased, and an expiation fee for the offence is inserted.

65—Amendment of section 99H—Ensuring quality of listing—landlord's or agent's obligation

The maximum penalties for the offences in section 99H are increased, and expiation fees for the offences are inserted.

66—Amendment of section 99I—Ensuring quality of listing—database operator's obligation

The maximum penalty for the offence in section 99I(2) is increased, and an expiation fee for the offence is inserted.

67—Amendment of section 99J—Providing copy of personal information listed

The maximum penalties for the offences in section 99J are increased, and expiation fees for the offences are inserted. Further, section 99J currently allows for a landlord, a landlord's agent or a database operator to charge a fee for giving personal information under the section, subject to certain matters. This clause amends section 99J to prohibit a landlord, a landlord's agent or database operator from charging a fee for giving personal information.

68—Amendment of section 99K—Keeping personal information listed

The maximum penalty and expiation fee for the offence in section 99K(1) are increased.

69—Amendment of section 101—Application of income

Section 101(1)(f) is amended to allow income derived from the Fund to be applied for a purpose connected with, or arising under, this Act or the *Residential Parks Act 2007* approved by not only the Commissioner, but also the Minister.

70—Insertion of Part 7 Division 1A

New Division 1A is inserted into Part 7:

Division 1A—Registration of proprietors of designated rooming houses

103A—Interpretation

Definitions are set out for the purposes of the Division.

103B—Proprietors must be registered to carry on business relating to designated rooming houses

A person must be registered under section 103C to carry on a business involving the provision of accommodation under rooming house agreements at residential premises at which 5 or more rooms are available for valuable consideration for residential occupation.

103C—Registration

This section sets out the manner in which the Commissioner may register a person for the purposes of the Division.

103D—Annual return and fee

A person registered under section 103C must pay an annual fee and provide an annual return.

103E—Notification of change in circumstances

A person registered under section 103C must notify the Commissioner if certain matters change.

103F—Cancellation or suspension of registration

This section sets out the basis on which the registration of a person under section 103C may be cancelled or suspended.

103G—Review by Tribunal

A person who is dissatisfied with a certain decision may apply to the Tribunal for review of the decision.

71—Amendment of section 105—Copies of written agreements

The maximum penalty and expiation fee for the offence in section 105(1) are increased.

72—Amendment of section 105C—Application to Tribunal if house rules are considered unreasonable

The maximum penalty for the offence in section 105C(4) is increased, and an expiation fee for the offence is inserted.

73—Amendment of section 105D—Availability of house rules

The maximum penalty and expiation fee for the offence in section 105D(1) are increased.

74—Amendment of section 105E—Permissible consideration and statutory charges

The maximum penalties for the offences in section 105E are increased.

75—Amendment of section 105F—Rent in advance

The maximum penalties and expiation fees for the offences in section 105F are increased.

76—Amendment of section 105G—Duty to provide statement or give receipt for payments

The maximum penalties and expiation fees for the offences in section 105G are increased.

77—Amendment of section 105K—Bond

The maximum penalty for the offence in section 105K is increased, and an expiation fee for the offence is inserted. Section 105K is further amended to require a bond to be paid in a certain manner.

78—Amendment of section 105L—Receipt of bond and transmission to Commissioner

This clause mirrors the amendments made by the measure to section 62, but in respect of rooming house agreements rather than residential tenancy agreements.

79—Amendment of section 105M—Repayment of bond

This clause mirrors the amendments made by the measure to section 63, but in respect of rooming house agreements rather than residential tenancy agreements.

80—Amendment of section 105N—Use and enjoyment of room and facilities

The maximum penalty for the offence in section 105N(2) is increased.

81—Amendment of section 105O—Security of premises and personal property

The maximum penalty for the offence in section 105O(2) is increased.

82—Insertion of section 105PA

New section 105PA is inserted:

105PA—Minimum efficiency standards

This section mirrors proposed section 68A of the measure, but in respect of rooming house agreements rather than residential tenancy agreements.

83—Amendment of section 105Q—Sale of rooming house

This clause mirrors the amendments made by the measure to section 71A, but in respect of rooming house agreements rather than residential tenancy agreements.

84—Amendment of section 105R—General obligations of resident

The maximum penalty for the offence in section 105R(2) is increased, and an expiation fee for the offence is inserted.

85—Amendment of section 105S—Accelerated rent and liquidated damages

The maximum penalty and expiation fee for the offence in section 105S(3) are increased.

86—Amendment of section 105T—Goods not to be taken in lieu of amounts owing to proprietor

The maximum penalty for the offence in section 105T is increased.

87—Amendment of section 105U—Termination of rooming house agreement

Section 105U(6) currently allows a proprietor to terminate a rooming house agreement providing for accommodation on a periodic basis without specifying a ground for termination by giving the resident at least 4 weeks' notice. Section 105U(6) is amended to provide that a proprietor may terminate a rooming house agreement on a ground prescribed by the regulations by giving the resident at least 60 days' notice.

88—Amendment of section 105W—Abandoned property

The notice periods set out in section 105W(1)(b)(ii) and (2)(b) are amended. The maximum penalty in section 105W(4) is increased.

89—Amendment of section 114—Remuneration of representative

The maximum penalty in section 114 is increased.

90—Insertion of Part 8 Division 5

New Division 5 is inserted into Part 8:

Division 5—Other matters

114A—Internal review in relation to certain orders

Leave may only be granted in exceptional circumstances under section 70(1a) of the *South Australian Civil and Administrative Tribunal Act 2013* in relation to an application for a review of certain orders of the Tribunal under the principal Act.

91—Amendment of section 115—Contract to avoid Act

The maximum penalty in section 115 is increased.

92—Amendment of section 119—Tribunal may exempt agreement or premises from provision of Act

The maximum penalty for the offence in section 119(3) is increased, and an expiation fee for the offence is inserted.

93—Amendment of section 120—Service

Section 120(1)(d) is amended to remove the ability to serve a document or notice under the Act by transmission by fax.

94—Amendment of section 121—Regulations

The amendments made by this clause are technical.

95—Insertion of Schedule 3

Proposed Schedule 3 sets out transitional provisions for the purposes of the measure.

Schedule 1—Related amendments

Part 1—Amendment of *Real Property Act 1886*

1—Amendment of section 69—Title of registered proprietor indefeasible

Section 69(h) is amended to extend the indefeasible interest for residential tenancies from 1 year to 3 years.

Part 2—Amendment of *Residential Parks Act 2007*

2—Amendment of section 7—Residents committees

The maximum penalties and expiation fees for the offences in section 7 are increased. Expiation fees are inserted for the offences in section 7(1b) and (6).

3—Amendment of section 10—Residential park agreement to be in writing

The maximum penalty and expiation fee for the offence in section 10(5) are increased.

4—Amendment of section 11—Copies of written agreements

The maximum penalty and expiation fee for the offence in section 11 are increased.

5—Amendment of section 12—Agreements incorporate park rules

The maximum penalty and expiation fee for the offence in section 12(2) are increased.

6—Amendment of section 14—Information to be provided by park owners to residents

The maximum penalties and the expiation fee for the offences in section 14 are increased. A requirement is inserted that a park owner give a resident certain information relating to the supply of electricity if the electricity is supplied in a certain manner.

7—Amendment of section 15—False information from resident

The maximum penalty for the offence in section 15 is increased, and an expiation fee for the offence is inserted.

8—Amendment of section 17—Discrimination against residents with children

The maximum penalties for the offences in section 17 are increased.

9—Amendment of section 17B—Certain site agreements to be reissued

The maximum penalty and expiation fee for the offence in section 17B(11) are increased.

10—Amendment of section 18—Permissible consideration for residential park agreement

The maximum penalty for the offence in section 18(1) is increased, and an expiation fee for the offence is inserted. Proposed section 18(3) clarifies what is to be regarded as a payment for the purposes of section 18(1).

11—Amendment of section 19—Rent in advance

The maximum penalties and expiation fees for the offences in section 19 are increased.

12—Amendment of section 20—Method of payment of rent

The maximum penalty and expiation fee for the offence in section 20 are increased.

13—Amendment of section 22—Excessive rent

The maximum penalty for the offence in section 22(5) is increased, and an expiation fee for the offence is inserted.

14—Amendment of section 23—Park owner's duty to keep proper records of rent

The maximum penalties and the expiation fee for the offences in section 23 are increased.

15—Amendment of section 24—Duty to give receipt for rent

The maximum penalty and expiation fee for the offence in section 24(1) are increased.

16—Amendment of section 27—Bond

The maximum penalty for the offence in section 27(1) is increased, and an expiation fee for the offence is inserted.

17—Amendment of section 28—Receipt of bond and transmission to Commissioner

The maximum penalties and expiation fees for the offences in section 28 are increased.

18—Amendment of section 31—Quiet enjoyment

The maximum penalty for the offence in section 31(2) is increased.

19—Amendment of section 32—Residential park tenancy agreement—security of dwelling

The maximum penalty for the offence in section 32(2) is increased.

20—Amendment of section 33—Access to residential park

The maximum penalty for the offence in section 33(3) is increased.

21—Amendment of section 36—Resident's responsibility for cleanliness and damage

The maximum penalty for the offence in section 36(2) is increased.

22—Amendment of section 46—Accelerated rent and liquidated damages

The maximum penalty for the offence in section 46(3) is increased.

23—Amendment of section 48—Assignment of residential park agreement

The maximum penalties and expiation fees for the offences in section 48 are increased.

24—Amendment of section 50—Residential park site agreement—sale of dwelling on-site

The maximum penalty for the offence in section 50(2) is increased.

25—Amendment of section 59—Termination where periodic tenancy and sale of rented property

The maximum penalties for the offences in section 59 are increased, and an expiation fee for the offence in section 59(4) is inserted.

26—Amendment of section 85—Repossession of rented property

The maximum penalty for the offence in section 85 is increased.

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

The maximum penalties for the offences in section 87 are increased, and expiation fees for the offences are inserted.

28—Amendment of section 89—Resident to give forwarding address

The maximum penalty and expiation fee for the offence in section 89 are increased.

29—Amendment of section 91—Offence to deal with abandoned property in unauthorised way

The maximum penalty for the offence in section 91 is increased.

30—Amendment of section 95—Park owner may give person notice to leave for serious act of violence

The maximum penalties for the offences in section 95 are increased.

31—Amendment of section 96—Exclusion from park for certain period

The maximum penalty for the offence in section 96(1) is increased.

32—Amendment of section 98—Occupation of rented property pending application or hearing

The maximum penalty for the offence in section 98(1) is increased.

33—Amendment of section 137—Contract to avoid Act

The maximum penalty for the offence in section 137(3) is increased.

34—Amendment of section 138A—Park owner must have safety evacuation plan

The maximum penalty and expiation fee for the offence in section 138A are increased.

Debate adjourned on motion of Hon. J.S. Lee.

HYDROGEN AND RENEWABLE ENERGY BILL

Final Stages

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

SOCIAL WORKERS REGISTRATION (COMMENCEMENT) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

At 16:58 the council adjourned until Tuesday 28 November 2023 at 11:00.