LEGISLATIVE COUNCIL

Thursday, 11 April 2024

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:16 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

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

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

TAFE SA Ministerial Charter
TAFE SA Performance Statement

Ministerial Statement

MEMBER FOR STUART

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:19): I table a copy of a ministerial statement made in the other place by the Premier, entitled 'the Hon. Geoff Brock'.

MEMBER FOR STUART

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:19): I table a copy of a ministerial statement made in the other place by the Hon. Geoff Brock, entitled 'Minister Brock resignation'.

CROSS BORDER COMMISSIONER

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:19): I seek leave to make a ministerial statement.

Leave granted.

The Hon. C.M. SCRIVEN: The establishment of the Cross Border Commissioner delivered on a key election commitment of the Malinauskas government. The commissioner was established to act as an advocate for cross-border businesses, organisations and individuals, including by identifying key barriers to economic development in service delivery and advocating for improved outcomes.

The role commenced in April 2023 and in its first year of operation engaged in extensive stakeholder consultation and converted the high-level functions that were detailed in the new legislation into a strategic agenda of cross-border focus areas. When the position became vacant at the end of last year, it presented the government with an important opportunity to review the role and consider operational and administrative changes.

Analysis of the issues raised during the first year of operation demonstrated the multiportfolio nature of matters facing cross-border communities. In recognition of this, the role will now report to the Premier and the functional work will be housed in the Department of the Premier and Cabinet (DPC), the central agency of government. These changes will increase the whole-of-government

focus on cross-border issues, as well as central coordination of actions that involve multiple government departments.

The recruitment process to appoint the new commissioner is underway, and the job will be advertised in national, state and regional media over the coming days. While a recruitment process to fill the role pursuant to the act takes place, an acting commissioner will be appointed: the Chief Executive of DPC, Mr Damien Walker. The government looks forward to finding the best possible candidate for this important role.

Question Time

VESSEL MONITORING SYSTEMS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries on the topic of vessel monitoring systems.

Leave granted.

The Hon. N.J. CENTOFANTI: The South Australian Marine Scalefish Fishery has been declared by the commonwealth government to be an approved wildlife trade operation under part 13A of the Environment Protection and Biodiversity Conservation Act 1999 until 7 December 2026, effectively granting export approval under the EPBC Act. However, of particular note, these conditions include the transition to electronic reporting, implementation of vessel monitoring systems, a review of bycatch and discarding reporting measures, and species-specific reporting for all catch of species listed by the Convention on International Trade and Endangered Species of Wild Fauna and Flora. My questions to the minister are:

1. Did the minister consult the Marine Fishers Association prior to her department signing off on an export agreement, which mandates the use of vessel monitoring systems in the South Australian marine scale fishery and, if not, why not?

2. Can the minister confirm that the information that is retrieved via the vessel monitoring systems will be kept confidential?

3. Can the minister outline the compliance benefits that vessel monitoring systems bring to the industry that isn't already achieved in the current compliance and electronic reporting regime?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I thank the honourable member for her question. Vessel monitoring systems are already in use across several South Australian fisheries, including the northern zone rock lobster, southern zone abalone, sardine and giant crab. I am advised that it has proven to be a useful and successful tool in these industries.

I am advised that at a commonwealth level VMS has been a useful tool in giving compliance teams the ability to monitor vessels digitally, leading to efficiencies that can potentially flow through the cost-recovery process. VMS implementation in our state has the potential to reduce the compliance effort required to monitor the commercial fisheries by giving PIRSA a proven tool to be able to monitor vessels more efficiently. The implementation costs of the VMS units will be covered by a grant from Commonwealth Parks Australia, meaning there will be no up-front cost to industry to implement VMS.

I understand that PIRSA has recently undertaken a consultation process with each of the commercial fishing sectors where it is proposed that VMS will be introduced. Once I have received and considered the advice from PIRSA on its proposal I will be able to speak further on this matter. However, I think it's worth perhaps putting a little bit more of the context.

The commercial fishery sector is a significant contributor to the South Australian economy. In 2021-22, $207 million was contributed to South Australia's GDP and $432 million to gross state product. To futureproof the management of the state's fisheries resources, PIRSA has invested in the digital transformation of electronic catch and disposal records, known as ECDRs, and electronic

catch and effort logbooks, or e-logbooks. This ensures simple, timely and accurate submission of fishing data to PIRSA.

As part of this digital transformation, PIRSA is exploring other technologies to increase operational efficiencies, to gather real-time fishing and spatial data for accurate resource management and meet growing community expectations regarding sustainable fisheries. Vessel monitoring systems (VMS) are one such technology that can meet these requirements.

A VMS is a computer-based system that allows the position, speed and direction of vessels to be automatically transmitted from a vessel and analysed from shore. VMS is widely used by the commercial fishing industry globally and is currently on all commonwealth and Queensland commercial fishing vessels, and to varying and increasing degrees in other jurisdictions. PIRSA is now proposing to implement VMS across the remaining offshore commercial fisheries in South Australia.

There are fisheries not included in this initial implementation plan. These are the Lakes and Coorong, Lake Eyre Basin, river and vongole fisheries. This is because of their relatively restricted or inland spatial fishing grounds or area of operation. At this stage, the charter boat fishery is also excluded because of its recreational fishing focus. It is possible that in the future some of these fisheries may be considered for VMS, although they are not currently under consideration.

PIRSA considers VMS to be an adaptable, contemporary fisheries management tool for commercial fishing vessels in South Australia. The initial purchase and installation of the VMS on vessels will be the responsibility of PIRSA through a funding grant of Commonwealth Parks Australia, and ongoing management costs will be determined as we go forward. PIRSA has held meetings with members of several industry sectors and acknowledged that the initial communication process could have been improved. To rectify this issue, PIRSA has coordinated discussions with individual commercial fisheries to explore the implementation of VMS. I think it's fair to say that—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —the discussion around VMS has been in place and ongoing for a number of years; however, in terms of the proposal to introduce it and the dates that it was proposed to be introduced, that is where the communication fell down, and to further explore some of the concerns.

PIRSA has now completed the individual meetings with industry, which took place between 30 November 2023 and 7 March 2024. Meetings were held with the blue crab, Gulf St Vincent prawn, Spencer Gulf and West Coast prawn, central zone abalone, western zone abalone, marine scalefish and the southern zone rock lobster, independently chaired at the request of industry at each of those fisheries. Specific discussion topics included the ability for more targeted and cost-effective compliance programs, as well as enhanced scientific spatial data that can be obtained for fine-scale fish stock and zone management purposes.

Industry representatives were also given access to the proposed model of VMS units to be implemented on their industry vessels, and I am advised that they were surprised at their small size, ease of use and ease of installation. All industry representatives were advised that the implementation of VMS within their respective industries will be cost neutral, and the costs associated with VMS will be offset by efficiencies in compliance. Now that all the meetings have concluded, a briefing will be provided to me, as minister, to make a decision on the implementation of VMS on commercial vessels in South Australia.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION SYSTEM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries on the topic of sheep and goat electronic identification.

Leave granted.

The Hon. N.J. CENTOFANTI: Ag ministers, including the minister herself, back in September 2022, agreed on an implementation start date for mandatory sheep and goat eID tagging of 1 January 2025. The minister recently announced that the mandatory start date for saleyards and processors to commence scanning is now July 2025, yet the date for producers to tag new lambs with electronic ID tags remains fixed at 1 January 2025.

Livestock SA has publicly conceded that if saleyard scanning was not ready to go by January 2025, then the minister should consider exemptions for terminal lambs until that infrastructure is in place. My questions to the minister are:

1. Is the minister confident that the July 2025 target will be met when it comes to saleyard and processor infrastructure installation?

2. Will the minister commit to an exemption for terminal lambs in the circumstance where tags cannot be read until the infrastructure is completed?

3. Will the minister concede that the rollout of sheep and goat eID under her leadership has been lacking in information and communication and is, quite frankly, abysmal?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:32): I thank the honourable member for her question. In terms of the mandatory scanning dates—just to clarify—as part of the implementation of the eID system, the state government has released scanning dates for processors, saleyards and property-to-property movements. For processors it will be 1 January 2025, for property to property it is 1 January 2025, and for saleyards, 1 July 2025.

The Hon. N.J. Centofanti: That's what I said.

The Hon. C.M. SCRIVEN: I don't think it is what you said, but I am happy to be corrected if that's the case. I just wanted to clarify for the benefit of not only the honourable member but for the chamber more generally.

The Hon. R.B. Martin: It was helpful to me.

The Hon. C.M. SCRIVEN: I am glad to hear it was helpful for the Hon. Mr Martin, and I am sure it is for others.

The PRESIDENT: Minister, responding to interjections is out of order so just continue, please.

The Hon. C.M. SCRIVEN: These dates have been established to help the supply chain prepare for South Australia's transition to eID. The date of 1 January 2025 for producers moving sheep and goats from property to property will be supported by technical extension and a targeted producer campaign on scanning responsibilities.

Prior to the announcement of the eID scanning dates, PIRSA's Industry Advisory Committee discussed several options for the setting of these dates. It was important that this consultation occurred, and it was important that a range of options was presented to the committee rather than, for example, just one option being presented as the path. It was based on the feedback of this committee that the government made the decision to provide processors and saleyards with the maximum time possible to adequately assess their needs regarding scanning equipment and installation, as well as site alignment and changes to business practices.

The states chosen and announced by the government extended the mandatory time frames for a longer period than some of the options that were presented to the committee. It is important that we listen to the feedback, which is exactly what I have done on this occasion. It is important that we involve the industry, which is why we have the Industry Advisory Committee. It is not necessarily expected that there will be consensus on a committee that is made up of various parts of the sector and various parts of the supply chain. The point of consultation is to put forward options to receive feedback and then to make a decision, which is what has occurred.

In terms of the next question that the honourable member asked, it was a hypothetical question.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION SYSTEM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Supplementary: can the minister please answer my question around whether she will commit to an exemption for terminal lambs in the circumstances where tags cannot be read until the infrastructure is completed?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): That was the hypothetical question to which I referred.

Members interjecting:

The PRESIDENT: Would the honourable Leader of the Opposition like to ask her third question?

The Hon. N.J. CENTOFANTI: I would, although I am sure the minister won't answer.

The PRESIDENT: Order! Well, if you don't want to ask a question, sit down.

CROSS BORDER COMMISSIONER

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): My question is to the Minister for Primary Industries and Regional Development on the topic of the Cross Border Commissioner. Why has the Cross Border Commissioner role been shifted away from her portfolio and responsibility, and is this an indication that the Premier has lost confidence in her as a minister?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I thank the member for her highly predictable question. I am delighted that our government is further elevating the importance of the Cross Border Commissioner and cross-border issues, and I am delighted that we are strengthening the mechanisms to address the anomalies—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —that arise from living close to a border.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The first year of the office of the Cross Border Commissioner identified—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —cross-border challenges in areas such as health, accreditations and licensing, transport, education, training, agriculture and more. The move to the state government's central agency will enable cross-portfolio solutions and enhanced outcomes for regional economic development and social wellbeing.

FLOOD RECOVERY CHARITY SOCCER MATCH

The Hon. M. EL DANNAWI (14:37): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the council about the upcoming charity soccer game being played at Coopers Stadium tomorrow night in support of regional South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I thank the honourable member for her question and for her interest in regional South Australia. Members in this place may recall last year's charity soccer match between the state government and the agriculture industry held at Coopers Stadium in support of Riverland residents affected by floods, with a number of members in this place sticking on the boots to play in that game, including—

Members interjecting:

The PRESIDENT: Minister, just hang on for a sec. Would the two leaders like to go out in the corridor and have a chat so that the rest of us can hear the question.

The Hon. C.M. SCRIVEN: I am sorry that those here weren't able to hear and be interested when I was talking about the Riverland and regional South Australia, so I will start again. Members in this place may recall last year's charity soccer match between the state government and the agriculture industry held at Coopers Stadium in support of Riverland and Murraylands residents affected by floods, with a number of members in this place sticking on the boots to play in that game, including the Leader of the Opposition in this place and the Hon. Justin Hanson.

On that day, the state government was victorious 5-2, with the event raising a significant amount of money for regional South Australia. I am delighted to confirm that the state government, Adelaide United and the South Australian Produce Market are once again joining forces to raise funds for our farmers and regional communities through Rural Business Support for game 2.0.

A state government versus industry team has once again been created for the game that will be held tomorrow evening and will act as a curtain-raiser to the Adelaide United versus Macarthur FC game, with our kick-off at 4.45pm. Adelaide United has partnered with the South Australian Produce Market, Foodland and Pick a Local, Pick SA!—together with BankSA and the state government—for the game, with all funds raised being collected by Rural Business Support, with the match expected to raise up to $100,000.

I am advised that the defending champions, the state government team, will have a range of players hitting the field, hopefully defending the title, including the member for Adelaide, Lucy Hood; the member for Waite, Catherine Hutchesson; and the member for Hartley, Vincent Tarzia. I hear the industry team will be extremely vigilant this year to any diving the member for Hartley apparently might try on, as he did last year. Those are the allegations, Mr President; I make no comment on their accuracy.

Luckily for the players' sake the length of the halves is 30 minutes each as opposed to the normal 45 minutes, which I am sure will assist players in keeping, may we say, some of their dignity. I note I personally am not playing. I am delighted to be involved in tossing the coin, but if it came to even managing 30 minutes I probably wouldn't make it, so I am happy to defer to those who can. Coaches for the two teams are Travis Dodd, who is an Adelaide United legend and a former first team player, along with Adrian Stenta, who is the current women's team coach.

Events like this only come together because of generous support from a range of organisations which are passionate about regional South Australia. I thank and congratulate Adelaide United Football Club, which has once again played a key role in organising this game, and also BankSA, Foodland, the South Australian Produce Market, Rural Business Support, 4 Ways Fresh Produce, Adelaide Venue Management, Agribusiness Recruitment, AUSVEG SA, Bache Bros, BiobiN, Costa, K-ROO, Livestock SA, Nutrien, Russo Produce, Thomas Foods International, South Australian Forest Products Association, Willowy Farming and Viterra all for their involvement in and support for this very important initiative.

Again, gates open at 4.30pm, with the game kicking off at 4.45pm and finishing just in time for the start of the Adelaide United game. I encourage members in this place to consider heading on down to Coopers Stadium tomorrow night, to consider donating to this worthy cause and to enjoy this double-header while also supporting a very wonderful event.

REGIONAL RAIL

The Hon. R.A. SIMMS (14:41): I seek leave to make a brief explanation before addressing a question without notice to the Minster for Regional Development on the topic of rail transport to the Barossa.

Leave granted.

The Hon. R.A. SIMMS: On Monday, the government announced that the 2025 Gather Round would include a game hosted at the Barossa, with an upgraded plan for the Lyndoch oval. This year, the Gather Round event at Mount Barker was attended by 9,000 people across the weekend. Currently, there are no public transport services at all, rail or bus, between Lyndoch and

Adelaide. In 2023, the Public and Active Transport Committee, of which I was the Chair, recommended that the state government consider reactivation of regional rail for freight and passenger services. My question to the Minister for Regional Development is:

1. Will the government commit to a train to the Barossa to ensure that people can access Gather Round in 2025?

2. What is the minister doing to actively encourage the reactivation of regional rail?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42): I thank the honourable member for his question. Certainly, the Gather Round has been such an incredible success that we have seen over the past week, and its reach has been even further than that. I mentioned earlier in the week in this place the wonderful benefits of Gather Round that have been delivered for regional South Australia. So we are certainly delighted that the Barossa will now host a game in the next Gather Round.

One of the things that has been a strength, I think, of this government and, indeed, of all the partners who have been involved in arranging Gather Round—not only the Premier and others in obtaining Gather Round for South Australia but also in terms of the further developments that we have seen—is because of the excellent way that it has been organised.

We have had games, as we know, in Norwood and also in Mount Barker, and the numbers in Mount Barker were huge. Unfortunately, I wasn't able to get there, but one of my staff members was there and he said that the buzz was amazing, the vibe was amazing. In terms of the practicality of people getting there and so on, it was very well managed. So I am certainly very confident that in terms of transport the game for the Barossa will be similarly well managed, and we all look forward to that arriving and being held here next year.

REGIONAL TRANSPORT

The Hon. R.A. SIMMS (14:44): Supplementary: what action has the minister taken to ensure that there will be adequate public transport, given the event is only 12 months away? She has mentioned she is very confident, but what has she actually done to ensure that the region is not going to be caught high and dry without appropriate transport?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:44): The Minister for Transport is heavily involved in working out the transport arrangements for the transport to the Barossa.

REGIONAL TRANSPORT

The Hon. R.A. SIMMS (14:44): Supplementary: in forming her view that she is confident about relevant preparations being made, has the minister had any discussions with the Minister for Transport regarding transport options for the regions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): I frequently speak with the Minister for Transport about many relevant issues. I think it speaks for itself in terms of our track record. We have had amazing success in terms of the Gather Round for Mount Barker, and we are really confident that in terms of people getting from regional centres nearby to the area that we are looking for, through to actually getting from the city to various places, all of those will be taken into account.

REGIONAL BOAT RAMPS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:45): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about regional boat ramps.

Leave granted.

The Hon. J.S. LEE: On 15 February 2024, Maree Wauchope, CEO of Barunga West Council, spoke on ABC radio about distribution of funding for regional boat ramp facilities. The CEO is quoted as saying:

The Barunga West Council wants the State Government to take immediate action and allocate some funds to regional councils so we can carry out maintenance improvements to our boat ramps that are under pressure, extremely popular and are really loved assets in South Australia.

In addition, the CEO said:

When people actually register their boats they pay registration fees, that goes into a fund that the State Government control and manage. We want to see those levies that our community members pay, or our tourists pay to use our boating assets to be re-allocated to our regions so we can expand, upgrade and maintain the boat facilities that they actually use.

My questions to the minister are:

1. Can the minister outline what direct advocacy she has done as the Minister for Regional Development to help regional councils with maintaining their boat ramp facilities, as the lack of funding has been voiced as a major problem for regional communities and those problems will impact the development of regional economies?

2. Will the minister support the call by the Local Government Association and stand up for regional communities to convince the Malinauskas Labor government to commit to state funding for local councils to assist with the maintenance and upgrade of boat ramp facilities in regional areas?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:48): I thank the honourable member for her question. Certainly, the issue around boat ramps and indeed other infrastructure in regional areas has been raised on a number of occasions. We talk often about these matters at country cabinets, which we have had in a number of places around the state so far in this term of government, remembering of course this was something that those opposite did not support and do not think is important.

They cancelled country cabinet. They did not think it was important despite the fact country cabinets enable a wide range of people to voice their issues and concerns and sometimes even voice their pleasure with certain things and investments that government has made. So it is something that has been raised, and I can certainly refer the question to the Minister for Infrastructure and Transport and bring back a further response.

COUNTRY CABINET

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:49): Supplementary: can the minister explain, then, the issues taken from country cabinet? What process will the government undertake to solve the problems as raised by the community?

The Hon. R.P. Wortley: More process than you had. You cancelled it.

The PRESIDENT: Minister, would you like the Hon. Mr Wortley to answer or would you like to have a go?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49): I am happy to. Of course, we all operate as a team here, so I am always more than happy to have the assistance of the Hon. Mr Wortley and all of my other colleagues here on this side of the chamber. In terms of the issues that are taken from country cabinet, they are referred directly to either the minister and/or the department that has relevant responsibility.

COUNTRY CABINET

The Hon. C. BONAROS (14:49): Supplementary: can the minister advise whether she agrees with the Premier's assessment of the situation regarding jetties and whether this has been addressed at country cabinet? Namely, he said, 'Much of the burden falls on local government in a way that some smaller regional councils simply can't sustain. Jetties often are a lifeblood for a community and we've got to make sure we invest in them.'

The PRESIDENT: Minister, you are being generous if you are prepared to answer that. It was country cabinet and we were talking about boat ramps, not jetties.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): Boat ramps and jetties are not quite the same thing, so I was going to indicate that perhaps it's a separate question.

The Hon. C. BONAROS: Further supplementary?

The PRESIDENT: No. The Hon. Ms Bonaros, the original question was about boat ramps.

The Hon. C. BONAROS: This is about boat ramps.

The PRESIDENT: But you are talking about jetties.

The Hon. C. BONAROS: Boat ramps and jetties—both.

The PRESIDENT: Well, because of that interpretation I am going to have to allow it, aren't I?

Members interjecting:

The PRESIDENT: Okay. The Hon. Mr Wortley.

KULILAYA FESTIVAL

The Hon. R.P. WORTLEY (14:51): My question is for the Minister for Aboriginal Affairs. Will the minister inform the council about the festival recently celebrated in the APY lands?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): I thank the honourable member for his question. He is frequently very helpful. On Sunday 24 March, I was privileged to be amongst hundreds of people who came together at Umuwa to celebrate the Kulilaya Festival. It was an overcast sky on the red sands on the Anangu Pitjantjatjara Yankunytjatjara lands in the heart of Australia to celebrate, belatedly, 40 years of the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act.

The APY Land Rights Act granted inalienable freehold title to Anangu. It was a nation-leading piece of legislation and it has not been replicated to the same degree since. It was a culmination of sustained efforts by elders and land rights activists who were honoured at the Kulilaya Festival. The word 'kulilaya' in Pitjantjatjara and Yankunytjatjara roughly translates to 'listen', and certainly that word gave birth to a song that was sung regularly during the late seventies and early eighties when Anangu protested in the streets of Adelaide for land rights. It's been a song that I know has been sung regularly by the Ernabella Choir, the APY Choir and the Iwiri Choir.

The act passed in 1981, after many committee hearings of the then government of Don Dunstan. It was the Tonkin Liberal government who finally passed the act in 1981, and celebrations were originally scheduled for 2021, but of course COVID disrupted much of what was going on in the world, including the 40th anniversary celebrations which were celebrated, as I said, a couple of weeks ago.

I would like to acknowledge members of parliament from right across the political spectrum—from the Liberal Party, from the Greens, from SA-Best—who journeyed to the heart of the country to celebrate with Anangu. The day was a fantastic celebration of Pitjantjatjara and Yankunytjatjara culture. Inma, or ceremony, was performed by young and old people and it was awe-inspiring to see the world's oldest living culture on display and being expressed.

Many musical performances made up the day with bands playing into the night, which is not an unusual occurrence in communities across the APY lands, but it was unusual to have seven bands from the Central Desert region playing together at Umuwa: bands like Mala, the Pukatja Band, Desert Rain, the Docker River Band and, in particular, emerging hip-hop artists, whom I have mentioned before in this chamber, Dem Mob. Dem Mob's success story, performing, as I have talked about at Primavera Festival in Spain last year, also supported Seth Sentry on his national tour. I encourage anyone who is a great fan of Australian music to get along to the show with Seth Sentry and Dem Mob. I think there are tickets still left on Sunday the 28th at the Lion Arts Factory. Sir, I know you will be keen to support emerging hip-hop in Australia, as you usually are.

The Iwiri Choir was certainly a highlight of the day for many who were there. It has a stellar reputation, and deservedly so. A fantastic aspect of the performance was all the children from local schools joining the choir to sing with them at the end of their performance.

Emcees were Donald Fraser and Melissa Thompson. Mr Fraser, of course, was instrumental in land rights discussions way back in the late seventies and eighties, and Melissa Thompson's dad, the late Kawaki 'Punch' Thompson was also very instrumental in the land rights movement of the seventies and eighties. There were many speakers and Melissa Thompson gave reflections that were especially poignant on her father's legacy.

There were other important speeches of the day from community leaders like Owen Burton, the Deputy Chair of the APY Executive Board, and Donald Fraser, as I mentioned, and Trevor Adamson. The Kulilaya Festival was supported by the South Australian government and the Adelaide Fringe, as well as Rotary and other sponsors. I would like to thank all those who got involved and who made the festival something worth celebrating.

ABORIGINAL LANDS TRUST

The Hon. F. PANGALLO (14:56): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs about the SA Aboriginal Lands Trust.

Leave granted.

The Hon. F. PANGALLO: In 2021, the Aboriginal Lands Trust placed the Davenport Community Council, a settlement on the northern fringe of Port Augusta, into administration and appointed an external manager after allegations of mismanagement of services. The DCC was the housing and services provider for the Indigenous community for almost 40 years prior to the announcement.

The SA Aboriginal Lands Trust, which leased the land in Davenport to the DCC, appointed an external manager to take over from the council as the lessee. I believe that arrangement remains in place today. My questions to the minister are:

1. Is the minister aware of reasons why the Davenport Community Council was placed into administration by the Aboriginal Lands Trust?

2. Did any evidence of misappropriation and fraud emerge from the administration?

3. If so, what actions were taken, or are being taken, in relation to these matters?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57): I thank the honourable member for his question. My understanding is that period of administration has ended, but if that's not the case I am happy to check and come back for the honourable member. From my memory and understanding, and certainly events leading up to the appointment of someone to administer the Davenport Community Council—which as the honourable member has pointed out is land that is vested in the Aboriginal Lands Trust, with a headlease to the Davenport community, as many sites of former missions are right around South Australia.

That happened before this term of government but, as I understand it, there were some concerns raised with things like taking out insurance over buildings that formed part of the estate. As I said, my understanding is that term of administration has come to an end, but I am happy to check if that's incorrect and bring back a reply.

ABORIGINAL LANDS TRUST

The Hon. F. PANGALLO (14:58): Supplementary: I asked, did any evidence of misappropriation and fraud emerge from the administration and, if so, what actions were taken or are being taken in relation to these matters?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I am happy to go and check, but I am not aware of any findings of fraud but, again, I am happy to check and bring that back.

ABORIGINAL LANDS TRUST

The Hon. T.A. FRANKS (14:58): Supplementary: did the investigations of the governance inquiry, the Aboriginal Lands Parliamentary Standing Committee, into the Davenport community at this time, which recommended that the Associations Incorporation Act be amended, get taken into consideration by the Malinauskas government, and will we see legislation on that soon?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:59): I am happy to have a discussion with the minister who is responsible for associations incorporations, the Minister for Consumer and Business Affairs.

CROSS BORDER COMMISSIONER

The Hon. B.R. HOOD (14:59): My question is to the Minister for Regional Development and Primary Industries regarding the Cross Border Commissioner. Considering the act states that the Cross Border Commissioner should reside in a regional area, will the newly appointed acting commissioner be relocating to the Cross Border Commissioner offices in Mount Gambier to better advocate for cross-border communities until a new commissioner is employed?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I thank the honourable member for his question. The acting arrangements are for a short period until the new Cross Border Commissioner is in place. In that light, the head of DPC won't be relocating to Mount Gambier.

What I think is absolutely remarkable—in fact, one might say extraordinary—is how those opposite have suddenly got an interest in the Cross Border Commissioner role. Suddenly, apparently, they support the Cross Border Commissioner role despite more than three years—three years—of opposition to it. Back in 2021—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —we had the member for Chaffey saying, 'Having a commissioner just adds another layer of bureaucracy.' That was the member for Chaffey.

Members interjecting:

The PRESIDENT: Order!

The Hon. H.M. GIROLAMO: Point of order: under 110. It's clearly going into debate rather than actually answering the question. Clearly; it is clearly debate.

The PRESIDENT: You have swallowed the standing orders book, but I don't think your interpretation is the same as mine. Minister, conclude your answer, please.

The Hon. C.M. SCRIVEN: Thank you. Back in 2021, we had the member for Chaffey saying, 'It just adds another layer of bureaucracy.' Prior to the state election in 2022, did the Liberal Party say that they would institute a Cross Border Commissioner? No, they certainly didn't. It was called for by the member for Mount Gambier, and had been previously, but the former Liberal government didn't introduce it in their term and they didn't promise to do so during that election period.

Then I introduced the legislation in this place. In fact, it was such a high priority that it was the first piece of legislation that I introduced into this place in this term of government. During the debate, those opposite again raised issues. I can't remember the words, but it was around, 'This is an extra level of bureaucracy.'

'This is an extra level of bureaucracy,' they said, and then for the following two years they have done all they can to undermine the position. But then suddenly, just a few weeks ago, it becomes the most urgent thing on their agenda. We have been working away, we have been looking at the opportunities to elevate the role of Cross Border Commissioner. I am delighted that the role is being elevated—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —I am delighted that there will be increased opportunities for cross-agency coordination, for cross-agency responses, because the role will be with the central agency of government and will be able to look at all the various matters that intersect across different agencies.

Yet, what do we have from the opposition? They are still not happy, so they call for there to be a Cross Border Commissioner implemented in terms of the recruitment, and that it had to happen, and that it was terrible that it hadn't happened yet, despite the fact that there was a review happening to ensure that this could provide the best services to our cross-border communities. They objected to that. Now it's the next steps, and they are still not happy. Flip-flop, flip-flop, flip-flop: that is all we see from those opposite and that is all we see on this matter because they think they can get some political mileage out of it.

They don't really support the Cross Border Commissioner: today they don't, tomorrow they might, the next day they won't, and the day after that, who knows? That is the opposition; they have no understanding and they have no real commitment to actually engaging with and improving matters for cross-border communities.

CROSS BORDER COMMISSIONER

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:03): Supplementary: given the minister's answer before her rant, does the minister concede she is in contempt of her own act?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:03): I think if the Leader of the Opposition were to do things that might be constructive for her: the first would be to read the act, which says the Cross Border Commissioner should reside in a cross-border community. The second would be to look at the debate in parliament when the act was passed and this very issue was raised. It was raised whether it should say 'must live' in a cross-border community or 'should live' in a cross-border community.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The very examples that were raised included, for example, when a commissioner needed to be away from their normal place of residence in the cross-border community for some reason.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: For example, it could be through illness or something like that, or, alternatively, that a temporary appointment may need to be made. I certainly recall those discussions; I invite the opposition to go back and check the *Hansard*.

CROSS BORDER COMMISSIONER

The Hon. F. PANGALLO (15:04): Supplementary: can the minister give a rock-solid guarantee that the future appointment of a border commissioner will be based in a border community and not centralised here in the city?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:04): Yes.

FORESTRY CENTRE OF EXCELLENCE

The Hon. J.E. HANSON (15:04): My question is to the Minister for Forestry Industries. Will the minister update the chamber about the recent call for a director of the Forestry Centre of Excellence in Mount Gambier and the appointment of a general manager?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): I thank the honourable member for his question. It is an exciting time to be involved in the forest industry here in South Australia and it is an exciting time to

talk about yet more investment in Mount Gambier and the region. The forest industry has a state government that listens to it and, more importantly, is investing in it.

I have spoken many times in this place about the significant investment in the industry as a result of a suite of election commitments, and that includes delivering $2.3 million for new fire towers equipped with AI technology to assist in the early detection of fire in our forest plantations, and $2 million for a South Australian wood fibre and timber industry master plan.

I am delighted to inform the council today that the global search to find an internationally recognised expert to lead South Australia's Forestry Centre of Excellence has begun, with applications for the centre for excellence director role now open. Applications opened last month and close on 18 April. The successful applicant will help advance innovative research on wood resources and wood-based products, with a focus on interdisciplinary collaborations with the University of South Australia, national and international research institutions, along with industry.

Importantly, the role will be based at Mount Gambier, at the University of South Australia campus, where the centre for excellence will be built and operated through the government's $15 million investment in the centre. UniSA is leading the recruitment process, which involves a selection panel comprised of industry, government and the university. This panel will recommend suitable candidates for appointment, which will be further considered by government.

The successful candidate will have relevant experience in the field of wood science and technology. The announcement of the global search follows a strategic collaboration agreement to formally establish the centre, which was signed off last year between the South Australian government, the University of South Australia, the Green Triangle Forest Industries Hub and the South Australian Forest Products Association.

It is also noteworthy to mention that I recently appointed a real-life timber legend, as recently awarded at the 2023 Timber Industry Awards—that real-life timber legend being Dr Jim O'Hehir—as the new general manager of the Forestry Centre of Excellence. Dr O'Hehir is a leading forestry researcher, with 40 years' experience in the South Australian plantation forest industry and brings to the role an extensive background in the areas of forestry, wood production and environmental management, having previously held the roles of head of forest research at the University of South Australia and various executive roles within ForestrySA.

The forestry centre is the first of its kind in South Australia and aims to create long-term research and development capability to enhance the Green Triangle's economic prosperity to generate more jobs and investment. Dr O'Hehir's appointment, along with the centre director's role, are critical to the success of the Forestry Centre of Excellence. I look forward to being able to update this place further on the successful applicant on this important founding role.

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. T.A. FRANKS (15:08): I seek leave to make a brief explanation before addressing a question to the Attorney in his role of having carriage of the portfolio of Adelaide Beach Management Review.

Leave granted.

The Hon. T.A. FRANKS: In April 2022, now well over 400 days ago, the South Australian government announced that a comprehensive review of all available sand management options promised to ensure a long-term solution to find a way to put environment and community at the core of future activity to address sand replenishment on our metropolitan beaches. From April there proceeded to be over 300 days of consultation.

According to the Coast Protection Board evidence to a standing committee this week, the report from that consultation was placed in the minister's inbox and sent to him in December last year. That is now well over 100 days in his inbox. My questions to the minister are:

1. When will an announcement be made with regard to the results of the Adelaide Beach Management Review?

2. Have any measures commenced to be implemented from the report that he has received?

3. When will the portfolio responsibility be returned to the Minister for Climate, Environment and Water?

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 questions and her interest in this area. I might start with the last one first. As the member points out, this isn't my usual portfolio area. As has been mentioned in here before, the Deputy Premier, the member for Port Adelaide, the Hon. Susan Close, declared a conflict in relation to being a decision-maker on the beach review as her home is very proximate to areas to be affected by whatever result happens in relation to this.

I don't have the date, but I think it was towards late December that a report was forwarded to the government. It had the results of community consultation and the initial scientific review of possible options. Since then, I know there have been quite a few meetings and other work is being undertaken to look at the options that are being provided. Of course, there are many considerations when you consider different ways to manage our coast's sand line, and there were a number of options that went out to public consultation.

I look forward to, in the coming weeks, further steps being taken and the release of information as soon as we possibly can after having assessed what the impacts of the suggestions in the report will be.

VICTIMS OF CRIME FUND

The Hon. H.M. GIROLAMO (15:11): My questions are to the Attorney-General regarding the victims of crime levy:

1. How many payments have been made from the Victims of Crime Fund in the past 12 months and what is the total amount of payments that have been made out of the fund?

2. How does this compare to the previous five years?

3. How do victims of crime gain access to this fund?

4. How does the Attorney ensure that this is done on a timely basis?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for her questions. As I have mentioned previously in this chamber in relation to questions on victims of crime, between 2022 and 2023 more money was paid out of the fund than was paid into the fund. In that period I am advised that there was $61.5 million paid out for the benefit of victims, while the fund received $60.74 million, so in that period there was more paid out of the fund than was received by the fund.

While there has been a decrease, I am informed, in the number of applications through the fund, from 1,725 in 2021-22 to 1,551 in 2022-23, the number of applications approved increased from 912 in 2021-22 to 1,091 in 2022-23. While there were less applications being made on the fund, the number that were approved and paid out increased over that period.

Another question the honourable member asked was: how does one access the fund? Typically, victims of crime make an application, and often it's through a solicitor. There is a set fee that can be paid to a lawyer who assists someone in making an application. The application is made to the government, and I know that there are sections within the Attorney-General's Department that assess these. It's an area of practice in government that has been around for quite some time, and it's assessed against criteria. Assessments are made and then paid out depending on whether the victim of crime meets those criteria.

VICTIMS OF CRIME FUND

The Hon. D.G.E. HOOD (15:13): Supplementary: is there a maximum amount that can be paid from the fund and, if so, has it ever been paid?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:14): I thank the honourable member for his question, and I will have to check this but, from memory, I think it is $120,000 for one application. I am quite certain it has been paid, but I will have that double-checked and, if I need to, bring back a variation on that, but I think it's around the order of $120,000. I am pretty certain it has been paid out but I am happy to go and check that.

VIRTUAL WAR MEMORIAL AUSTRALIA PODCAST

The Hon. T.T. NGO (15:14): My question is to the Minister for Aboriginal Affairs. Can the minister tell the chamber about the Virtual War Memorial Australia's recent event to launch their latest podcast?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:14): I thank the honourable member for his question. Last week, I had the honour of being invited to speak at the Virtual War Memorial of Australia's podcast launch for the last of their four-part series podcast for their schools program, *Bringing His Spirit Home: Private Arthur Thomas Walker, Ngarrindjeri ANZAC.*

The Virtual War Memorial of Australia is a fantastic website and endeavour which is continually producing educational resources about the history of our country and our country's participation in world conflicts. This podcast is no exception, rounding out the podcast series highlighting untold stories of our ANZACs. *Bringing His Spirit Home*, the podcast about Ngarrindjeri man Private Arthur Thomas Walker, tells the story of Private Walker's brave service in World War I, where he risked and ultimately lost his life fighting for his land.

Podcast creator Megan Spencer created this podcast utilising voices and stories of Private Walker's family, including Uncle John Lochowiak, who proudly spoke of the stories passed down from his great-grandfather. The podcast launch began beside the Aboriginal and Torres Strait Islander War Memorial on Victoria Drive, where Uncle John performed a Welcome to Country and smoking ceremony with his youngest son, Jackson. Where we gathered, Private Arthur Thomas Walker's name is displayed in a brick in the paving around the monument, a fitting place to perform this welcome.

We moved inside where we heard from Sharyn Roberts, CEO of the Virtual War Memorial of Australia, Megan Spencer, the podcast creator, and Uncle John, who reflected not only on the importance of taking part in telling his great-grandfather's story but also highlighting how incredible it was for us to gather so many years later to acknowledge those like Private Walker who gave up so much for our country. I would like to acknowledge the shadow minister for Aboriginal affairs, Josh Teague, the member for Heysen, who was able to join us inside for the speeches.

It is important for us to reflect and remember those who served our country, and also very important to remember those who have been often overlooked, like the Aboriginal and Torres Strait Islander people who provided service in both of the world wars, even though it was illegal to do so and they were not citizens of the country that they were fighting for.

When Private Arthur Thomas Walker, a Ramindjeri man of the Ngarrindjeri nation, served in Gallipoli in 1915, he did so illegally, like so many other Aboriginal and Torres Strait Islander servicemen and servicewomen. Often when these service men and women returned from their efforts defending the country, they returned without citizenship and, all too frequently, their land being taken away. I want to congratulate the Virtual War Memorial of Australia, and Megan Spencer particularly, for creating this podcast focusing on two not-as-well-known stories during World War I and World War II.

VAPING

The Hon. S.L. GAME (15:17): I seek leave to make a brief explanation before directing a question to the Attorney-General, representing the Minister for Health, regarding vaping products sold in South Australia.

Leave granted.

The Hon. S.L. GAME: Recent research suggests that 1.6 million Australian adults are now vaping. A Roy Morgan poll revealed that vaping has grown by 347 per cent over the last five years. Despite regulated vapes requiring a medical prescription, there is evidence that only 2 per cent of regulated vapes are obtained in this manner. Alarmingly, some 98 per cent are accessed via the black market. The illegal supply of nicotine vapes enables children to access this dangerous product, often with devastating health outcomes.

My question to the Attorney-General, representing the Minister for Health, is: will the government acknowledge they have gone down an expensive black hole with regard to their vaping policy, and will they now adopt the practice of every other Western country in allowing regulated vaping products to be sold in a similar manner to cigarettes in order to save lives of those smokers who want to quit smoking and in order to starve the black market plaguing our youth?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): I thank the honourable member for her question. I will check. I am not sure that there is a lot of uncontested evidence that making something more available when you are concerned about its usage is the usual form of public policy, but I am happy to check with the health minister on that.

VAPING

The Hon. S.L. GAME (15:19): Supplementary: does the Attorney-General understand the difference between a regulated vaping product and a black market vaping product?

The PRESIDENT: I am not sure that that was actually part of the answer. You can answer it, if you wish.

FIRST NATIONS VOICE, TREATY, TRUTH

The Hon. L.A. HENDERSON (15:19): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding election commitments.

Leave granted.

The Hon. L.A. HENDERSON: The government has committed to Voice, Treaty and Truth. My question to the minister is: can the minister advise when Truth and Treaty will be implemented and how the government intends on delivering this election commitment?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20): I am happy to answer this for at least the sixth or seventh time—the exact same question—but I can understand that an opposition sometimes struggles for questions, so I am happy to answer it once again.

As I have informed this chamber before, we are committed to implementing the Uluru Statement in a state-based way. The first part of that, as many who were involved at the Uluru dialogues and those who have written and thought about it since, is the Voice component, which has now been implemented and voted on in South Australia. The other two components, as I have told this chamber a number of times before, we are keen to seek some views from the Voice on how we proceed with those.

As I have informed the chamber over and over and over again, we were the first jurisdiction in Australia to start Treaty discussions, back in 2016 I think. They were stopped when there was a change of government, but we are looking forward to restarting those. In terms of a time line, this is what we are going to do: we are going to talk to Aboriginal communities, we are going to seek the views of the Voice. I know that those opposite think it's a good idea to do things to Aboriginal people, not do things with them by talking to them, but that's certainly not what we are going to be doing.

FISHING COMPLIANCE ACTIVITY

The Hon. R.B. MARTIN (15:21): My question is to the Minister for Primary Industries and Regional Development. Will the minister please inform the chamber about the statewide fisheries blitz over the Easter period?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:21): I thank the honourable member for his question. The Easter period saw some great weather and fishing conditions around the state, and it was fantastic to see many thousands of South Australians enjoying the break, fishing with friends and family, right along our coast, rivers and waterways.

It was also an opportune time for our dedicated fisheries officers to be out and about, with a statewide sweep conducted over the four-day Easter period. The purpose of these operations is primarily educative as well as being a deterrent for those who choose not to comply with our state's important rules and regulations, which are there to protect fish stocks and which have a key role in the sustainability of our fisheries.

The statewide sweep by fisheries officers resulted in 2,500 fishers having their catches checked over the four-day Easter period. Of these 2,500 checks, only 30 resulted in on-the-spot fines and 26 resulted in cautions being issued. These numbers equate to about 98 per cent of catches being compliant, with only 2 per cent found to be doing the wrong thing, and with most offences relating to the take of undersized fish.

While only 2 per cent were found to be doing the wrong thing it was a very expensive day out for some, with one of the groups caught taking undersized fish receiving fines amounting to $3,000. While fisheries officers are dedicated to educating and helping the fishing public, it is important to remember the key role they play in the sustainability of our fisheries by enforcing the rules and regulations and, where required—but only where required—issuing penalties to those found to be doing the wrong thing.

The vast majority of South Australians deserve credit for the way they conduct themselves while fishing, and the vast majority are passionate about ensuring the sustainability of our fish stocks so they and their families can enjoy this fantastic activity, as they have done, for many more generations to come. That is just one reason so many fishers are pleased to see our fisheries officers on the beach, doing their job to deter illegal fishing activity and apprehend those responsible.

Those who do choose to undertake illegal fishing activity run the risk of being caught, and the significant penalties that can come with it need to be remembered, as a handful of fishers have found out during this sweep. As I often do, I also take this opportunity to acknowledge our Fishcare volunteers, who do a great job supporting our fisheries officers by providing information and help to the fishing public on our state's jetties and at key fishing locations, as they once again did over Easter.

I thank our fisheries officers, Fishcare volunteers and all those who are found to be doing the right thing as part of this statewide initiative. We can all play our part in healthy fish stocks by respecting the rules and regulations that are in place to assist with having sustainable outcomes.

Bills

CRIMINAL LAW CONSOLIDATION (RECRUITING CHILDREN TO COMMIT CRIME) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:24): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:25): I move:

That this bill be now read a second time.

The bill I introduce today is the Criminal Law Consolidation (Recruiting Children to Commit Crime) Amendment Bill 2024. The bill sets out a new criminal offence in the Criminal Law Consolidation Act 1935 (the CLCA) of adults recruiting children to commit criminal offences. The objective of the offence is to target adults who recruit children to commit criminal offences seeking to avoid criminal culpability.

Several Australian jurisdictions, including Victoria and New South Wales, have specific offences targeting the conduct of recruiting others to commit criminal offences. South Australia does not have a general offence provision dealing with adults who recruit children to engage in criminal activity, therefore the government has taken the decision to develop a new criminal offence in the CLCA to ensure that adults who recruit children to commit criminal offences will be subject to criminal penalties.

The new offence in the bill will apply to adults who recruit a child to commit a criminal activity, a child being defined as a person under the age of 18 years. 'Adult' is defined as a person aged 21 and over or 18 years and over if they are a member of a criminal organisation. This is to ensure that the type of relationship that is targeted by the offence is one where there is an element of power differential as evidenced by a greater age gap. The exception to this is where the recruiter is a member of a criminal organisation, as there is a need for greater protection for young people from being recruited into criminal conduct by organised crime groups. The maximum penalty will be 15 years' imprisonment.

'Criminal activity' will be defined as a major indictable offence, which is largely in line with the positions taken interstate to ensure the offence captures recruiting for serious criminal activity. The offence will also provide that a person can be convicted of the recruitment offence whether or not the child actually engages in the criminal activity and whether or not the child can be prosecuted for or is found guilty of the criminal activity. This aspect is important because it emphasises that the conduct and the persons being targeted are the adults engaging in the recruiting conduct rather than the child who is being recruited.

The offence will help ensure that children and young people are protected from those unscrupulous individuals who would seek to encourage them into committing criminal activity, behaviour that would certainly have an adverse impact on the child or young person. This bill should have a particular deterrent effect for those who may seek to exploit any possible change, for example, to the minimum age of criminal responsibility.

Public consultation and a discussion paper with a proposed alternative diversion model for a raised age of criminal responsibility closed on 25 March this year. As the discussion paper makes clear, the government does not have a position on what it may or may not do in relation to the issue. This is a complicated policy area, and the submissions received during the consultation will take a reasonable amount of time to consider. However, the bill I introduce today is a sensible development in the criminal law and one that will protect children in our community and the community at large from adult criminals. I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

3—Insertion of Part 7D

This clause inserts new Part 7D into the principal Act, establishing a new offence for certain adult persons to take steps to require, recruit or otherwise encourage children to commit certain serious criminal offences. The new offence carries a maximum penalty of 15 years imprisonment, or, if the serious criminal offence itself has a maximum penalty of more than 15 years imprisonment, then that higher maximum.

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

STATUTES AMENDMENT (VICTIM IMPACT STATEMENTS) BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:29): Obtained leave and introduced a bill for an act to amend the Sentencing Act 2017 and the Victims of Crime Act 2001. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:29): I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Victim Impact Statements) Bill 2024. This bill amends the Sentencing Act 2017 and the Victims of Crime Act 2001 in response to concerns that have been raised regarding the experiences of victims during the sentencing process.

Victim impact statements give victims of crime the important opportunity to provide a sentencing court with a personal statement about the impact of injury, loss or damage suffered by them as a result of that crime. These statements may be considered by the court when determining the sentence for an offence and often have a significant restorative and therapeutic value for victims of crime.

Section 10 of the Victims of Crime Act provides that a victim is entitled to have any injury, loss or damage suffered as a result of the offence considered by the sentencing court before it passes the sentence. This entitlement is exercised by the victim providing the court with a written personal statement, known as a victim impact statement.

Section 14 of the Sentencing Act gives the victim of an indictable offence or prescribed summary offence a right to provide the court with a victim impact statement. There are further provisions in section 13 of the Sentencing Act to enable victims of other offences to provide victim impact statements unless the court determines it would not be appropriate in the circumstances of the case. The court may allow the victim the opportunity to read their statement aloud to the court, cause a statement to be read aloud by another person, such as a prosecutor, or otherwise may consider a statement without it being read aloud.

The first amendment in this bill addresses a concern raised by the former Commissioner for Victims' Rights, Bronwyn Killmier, that victims are sometimes denied the opportunity to prepare a victim impact statement, particularly where a guilty plea is entered unexpectedly and the court proceeds immediately to sentencing submissions and the imposition of a sentence. It is understood that this concern arises primarily in the Magistrates Court, which hears the highest volume of criminal matters and where there is particular pressure to deal with matters expeditiously.

The bill inserts a new section 16(1a) and (1b) of the Sentencing Act to ensure that victims who are entitled to provide a victim impact statement are given adequate opportunity to exercise that right. New section 16(1a) states that where a victim has not had a reasonable opportunity to provide a victim impact statement, or has requested more time, the court must, on application by the prosecutor, adjourn the sentencing proceedings to give that victim a reasonable opportunity to prepare their statement. Pursuant to new section 16(1b), the court can refuse to grant the adjournment only if satisfied that special reasons exist that justify that refusal.

The second amendment in the bill addresses a concern that was raised regarding the editing of victim impact statements by prosecutors prior to them being provided to the court due to perceived issues of inadmissibility. It was suggested that, while well-intentioned, the practice of editing the victim statements can cause victims to perceive they are being censored and can leave them feeling dissatisfied with the process. The government considered and consulted on a recommendation made by the former Commissioner for Victims' Rights to prohibit this type of editing.

A number of stakeholders were not supportive of the initial proposal to introduce an outright prohibition, particularly in situations where a victim may require or request assistance, particularly from the prosecution, to compile a statement. The feedback provided by the Director of Public Prosecutions and South Australia Police on such an outright ban suggested that any editing of a

victim statement by prosecutors is not common practice in South Australia. Changes to a victim impact statement may on occasion be suggested by a prosecutor where the statement contains irrelevant material, such as unproven allegations or language that is insulting or abusive.

This feedback is reflected in the DPP's recently updated prosecutorial guidelines, which now make clear that prosecutors should not edit or censor victims' impact statements in any way contrary to the wishes of the victim even where the statement includes gratuitously insulting or abusive language or information that is irrelevant to sentencing. These existing prosecutorial guidelines emphasise that it is the responsibility of prosecutors to provide reasonable assistance to victims, which might include explaining the risk of including irrelevant material, but it is for the victim to consider what course of action, if any, they might take.

Some concern remains among stakeholders, however, that prosecutors may provide inconsistent advice to victims about the need to remove the irrelevant or inflammatory content from a victim impact statement, or that there may be still a perceived need to suggest editing for fear a court could refuse a statement in its entirety.

To address this remaining concern, the bill inserts a new section 16(1c) in the Sentencing Act, which provides a clarification that a court must not refuse a victim impact statement on the ground that it includes material that is irrelevant or otherwise should not be included in the statement. The bill makes it clear that nothing in 16(1c) requires the court to have regard to such material in determining the sentence.

Thirdly and finally, the bill addresses the right of victims to be informed about their entitlement to provide a victim impact statement. As mentioned earlier, section 10 of the Victims of Crime Act currently provides that a victim is entitled to have any injury, loss or damage suffered as a result of an offence considered by the sentencing court before it passes a sentence.

Division 2 of part 2 of the Victims of Crime Act currently contains the declaration of principles governing the treatment of victims by public agencies and officials. This includes express entitlement to certain information such as information about the progress of a criminal investigation, court processes, the availability of services and how to obtain compensation for harm suffered as a result of an offence. The bill inserts a new section 9C in the Victims of Crime Act, which falls within this declaration of principles in division 2 of part 2.

The amendment gives victims an express entitlement to be informed, firstly, about their entitlement to provide a victim impact statement and, secondly, the manner in which the court will use the material, including the circumstances in which the material may be disregarded by the court or not read aloud by the court. This clarification clause is intended to target expectation management of victims around their rights, including the potential of editing their statement and how the statement may be used.

I would like to take this opportunity to thank all stakeholders who engaged in this important two-stage consultation process, including both the former and the current Commissioner for Victim's Rights. As a result of multiple feedback repeated on these forms, I am pleased that this bill strikes an important and appropriate balance between the interests of having criminals dealt with expeditiously and providing timely justice, together with the value of meaningful victim participation in the sentence. I commend the bill to the chamber and seek to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Sentencing Act 2017*

3—Amendment of section 16—Statements to be provided in accordance with rules

This clause requires the court to adjourn sentencing proceedings in certain circumstances to allow a person who has suffered injury, loss or damage resulting from an indictable offence or a prescribed summary offence to prepare a victim impact statement. However, the court is not required to do so if satisfied that special reasons exist. This clause also prevents the court from refusing to receive a victim impact statement on the grounds that the statement includes irrelevant or other material.

Part 3—Amendment of *Victims of Crime Act 2001*

4—Insertion of section 9C

This clause requires that a victim be informed about their right to have any injury, loss or damage suffered as a result of an offence considered by the sentencing court before it passes sentence, and the manner in which the court will use any material provided to the court in exercise of that right.

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

RETURN TO WORK (EMPLOYMENT AND PROGRESSIVE INJURIES) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:37): Obtained leave and introduced a bill for an act to amend the Return to Work Act 2014. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:37): I move:

That this bill be now read a second time.

During debate over the Return to Work (Scheme Sustainability) Amendment Act 2022, I foreshadowed the government's intention to investigate reforms to section 18 of the act to improve the process for achieving return to work outcomes for injured workers. I also indicated the government's intention to address concerns raised about disadvantage experienced by workers who work with dust-related diseases and terminal illnesses, particularly in the determination of income support and access to permanent impairment assessments.

The government has carefully considered these issues and consulted with stakeholders including ReturnToWorkSA, unions, the legal profession and peak business and self-insured bodies. This bill makes important reforms to improve the operation of the duty to provide suitable employment, and to remedy any unfairness currently faced by victims of dust diseases and terminal illnesses.

Section 18 of the act deals with an employer's duty to provide suitable employment to an injured worker once that worker can return to work. It also provides an independent process where the South Australian Employment Tribunal can resolve return to work disputes. It is important to reflect on why this duty exists. It is about making sure the act does what it says on the tin: return injured workers to work.

Over the past 15 years, this parliament has had to make difficult decisions about the financial benefits available under our workers compensation system to ensure that it remains financially viable and can continue to support injured workers long into the future. In doing so, we have moved from a scheme under the 1986 act, where an injured worker was entitled to income support for the duration of their incapacity, to a scheme under the 2014 act, where income support for the overwhelming majority of workers ceases after two years.

In that context, the duty to provide suitable employment makes it clear that, regardless of the duration of an injured worker's income support, their employer has both a moral and a legal obligation to help that worker return to work insofar as it is reasonably practicable. That duty operates in the interests of the entire community.

A scheme that supports injured workers achieving an early return to work delivers better outcomes for the worker but also delivers better outcomes for employers by getting workers back to the workplace, reducing income support payments and creating downward pressure on premiums. That duty is also vitally important in supporting those workers who may not reach the seriously injured threshold but nonetheless continue to experience partial incapacity for work after their income

support period comes to an end. It means those workers cannot simply be cast aside. Employers must consider suitable employment options, having regard to the nature of the worker's ongoing incapacity.

For these reasons, the duty to provide suitable employment is not merely an accessory to a successful workers compensation scheme, it is an essential element of the 2014 act and a core component of any scheme that operates fairly and in the interests of injured workers. Many stakeholders have expressed concern that that duty is not currently operating as effectively as it could be, particularly due to issues including overly technical dispute resolution requirements and an absence of effective remedies for noncompliance. This bill seeks to address some of those shortcomings.

The bill amends the procedural requirements before a section 18 dispute can be commenced, to encourage parties to fully communicate about suitable employment options at an early stage. This is intended to promote the parties reaching a negotiated outcome; however, where a dispute does occur it means parties will be in a better position to expeditiously progress proceedings before the tribunal.

Subsections 18(3) through 18(4c) require the worker to advise their employer in writing of their request for suitable employment, including the type of employment the worker considers they are capable of performing. They must also provide evidence of their medical capacity for work. There is no prescribed form of evidence and this is not intended to be a high bar; it could include things like a work capacity certificate or a letter from their doctor outlining their work restrictions.

The employer then has one month to consider the request and advise the worker in writing as to whether they will provide suitable employment, either of the kind requested by the worker or any other kind of employment the employer is willing to provide. The employer must give reasons for any refusal to provide suitable employment or why it considers alternative employment options to be suitable.

If the worker and the employer cannot agree on suitable employment following that exchange, the worker then has one month to make an application to the tribunal to deal with the dispute. That gives some further time for negotiation between the worker and the employer to see if a resolution can be reached.

A section 18 dispute may take many months to work its way through the tribunal from an initial application, through conciliation and mediation, to a final hearing and judgement. If the tribunal ultimately finds that an injured worker should have been provided suitable employment, orders made by the tribunal only apply prospectively. No compensation is available for the loss the worker has endured over the time the dispute has awaited determination.

This bill inserts a new subsection 18(5e), which gives the tribunal the power, when making a section 18 order, to also order that the employer make a payment to the injured worker for the wages or salary they would have received if the suitable employment had been provided.

Subsections 18(5f) and 18(5g) provide additional guidance to the tribunal on how the calculation of this backpay order should be approached, emphasising that the purpose of the order is to place the worker in the financial position they would have been if the suitable employment ordered by the tribunal had been provided from the outset.

That means that, where the worker has been in receipt of weekly payments while the dispute is on foot, the tribunal can effectively order payment of an amount to top-up the remuneration the worker actually received to the amount they would have received if the suitable employment had been provided. Where the worker was not entitled to weekly payments during the period of the dispute, the tribunal can order a payment of an amount to reflect the wages or salary the worker would have earned from the suitable employment during the dispute.

To avoid double dipping, the tribunal must have regard to any remuneration the worker received from other employment or work during the period. This ensures the worker cannot walk away better off than they would have been if the suitable employment had been provided. The tribunal also has a broad discretion under subsection 18(5h) to reduce the amount of payment having regard to the particular circumstances of the case.

This would allow the tribunal to take into account matters such as any unreasonable delay in the conduct of the proceedings by the worker or evidence that the worker only reached medical capacity to undertake suitable employment at some date midway through the proceedings after the original request for employment was made.

In relation to self-insured employers, while most employers under the Return to Work scheme are registered and insured by ReturnToWorkSA, the act also allows for the registration of group self-insured employers, who are responsible for the management of their own work injury claims. These self-insured employers include, for example, the state government and large corporate groups such as BHP, Hungry Jacks, Coles and Woolworths.

The bill inserts subsection 18(16d) to confirm that, where a worker is injured working for a group self-insured employer, the duty to provide suitable employment applies across the self-insured group and is not siloed to the pre-injury employer alone. This means, for example, that a worker who is injured while working at a Coles warehouse could be provided with suitable employment at a Coles supermarket instead. Similarly, a worker injured in one government department could be redeployed to a different department, having regard to the nature of their restrictions following the injury.

This bill inserts subsection 18(5c) to enable the tribunal, when making a section 18 order, to determine where a worker should be provided suitable employment within the self-insured group. The bill also inserts subsection 18(5d) to create a clear expectation that any section 18 order should require that employment be provided by the pre-injury employer, unless there are good reasons for it to be provided by a different member of the self-insured group. This ensures that the dispute process cannot be used as an opportunity to simply shop around for a different employment option if suitable employment can reasonably be provided by the pre-injury employer.

It is important to note that these amendments only apply to group self-insured employers comprised of related bodies corporate, because these groups can have a common management structure which can coordinate the employment of injured workers across the group. These amendments do not apply, for example, to local government entities which form part of the Local Government Association Workers Compensation Scheme, as these are not related bodies corporate and do not have a common management structure.

In relation to host employers or labour hire: some of the worst return to work outcomes under our scheme are seen in sectors with a high use of labour hire employment. That is, at least in part, because labour hire providers are often dependent on host employers to cooperate in returning injured workers to work following a work injury. Without the cooperation of the host employer, there is often no suitable employment that can reasonably be provided. The bill remedies this by inserting provisions based on similar obligations in the Victorian workers compensation legislation to require host employers to cooperate with labour hire providers in relation to return to work matters.

Subsection 18(16a) requires host employers to cooperate with labour hire providers by communicating about suitable employment options, participating in return to work planning and providing access to the workplace for the performance of duties by the injured worker. The bill also inserts subsection 18(5b) to allow the tribunal to make orders about the extent of this cooperation in a section 18 dispute.

The host employer is not required to cooperate if it is not reasonably practicable to do so. This is the same principle that applies to section 18 orders more broadly and allows the tribunal to take into account the unique circumstances of the labour hire provider and host employer in determining any orders about the cooperation required.

Subsection 18(16b) makes clear nothing in the bill requires a host employer to directly employ a labour hire worker following a work injury. For the purposes of these cooperation obligations, it is expected that the injured worker will remain employed by the pre-injury labour hire provider.

Consequential amendments are also made to section 25 of the act, which concerns recovery and return to work plans. These amendments enable a recovery or return to work plan to include obligations on a host employer or another member of a self-insured group to whom the duty to provide suitable employment applies under section 18. This is particularly important to help facilitate

return to work planning in circumstances where there may be no substantive dispute about the provision of suitable employment, but there are matters of detail that are appropriate to include in a recovery or return to work plan.

No order is required from the tribunal under section 18 before a recovery or return to work plan can be made. However, a host employer or a self-insured group member does not have standing to dispute a plan if they disagree with the existing dispute process. The amendments to section 25 also provide that a recovery or return to work plan cannot change a worker's return to work goals or abandon attempts to return the worker to their pre-injury employer without the agreement of the worker.

Amongst the amendments to improve the operation of section 18, there are also some significant benefits for employers. The bill amends subsection 18(2) to make clear that an employer's duty to provide suitable employment ceases if the worker's employment has been properly terminated on the basis of serious or wilful misconduct. This ensures that employers are not required to continue providing suitable employment where an injured worker has fundamentally breached their employment obligations, such as through deliberate fraud or theft.

It is important to be clear that an employer cannot evade the section 18 duties by simply making an allegation of misconduct. If there is a dispute, then it is ultimately for the tribunal to fully examine the circumstances of the dismissal and determine whether the worker has in fact engaged in serious or wilful misconduct.

The bill also modifies the cost regime in section 18 disputes so that employers are entitled to have their costs paid in the same way as workers are under general compensation disputes. This means that legal costs of all parties to disputes will generally be paid by the compensating authority, up to prescribed limits and subject to exemptions where a party has acted unreasonably or vexatiously. This amendment provides a level playing field for all parties in section 18 disputes and is consistent with the cost rules that apply throughout the rest of the act.

The bill also deals with several issues of a technical nature. The tribunal has held that the act currently requires that a worker must have a current incapacity for work at the time a section 18 order is made in order for the tribunal to exercise its jurisdiction. This creates difficulty where the worker's injury lends itself to a binary incapacity; that is, where a worker is either totally incapacitated for work or totally fit for work. This may commonly occur with psychiatric injuries or where the worker undergoes surgery to restore their capacity following physical injuries.

These workers may be either totally incapacitated, in which case any request for suitable employment is redundant, or they may be totally fit for work, in which case there is no jurisdiction to make an order. This overlooks the common grey area where a worker may, as an ultimate question of fact, be fit to return to work but there is nonetheless a medical dispute between the worker and employer about the extent of their capacity.

These disputes often involve competing expert medical evidence, which needs to be resolved by the tribunal. It also overlooks situations where a worker may make a section 18 application while suffering an incapacity but then recover from their injury midway through the proceedings. In these circumstances, the tribunal would lose its jurisdiction to make an order even if the employer continued to refuse to return the worker to work.

The solution provided in the bill is subsection 18(4e), which creates a time-limited period in which a dispute is preserved after a worker has ceased to be incapacitated. If the worker has requested suitable employment before they ceased to be incapacitated or within six months of ceasing to be incapacitated, the tribunal will continue to have jurisdiction to resolve the dispute.

An amendment to subsection 18(1) is made to operate in conjunction with the six-month time limit proposed under subsection 18(4e). If a dispute arises between the worker and their employer after that six-month period, the worker cannot make a section 18 application but may rely on other remedies available under general employment law to resolve the dispute, such as an unfair dismissal application.

The issue of when a worker ceases to be incapacitated is ultimately a question of fact but, typically, this would be informed by medical evidence from the worker's treating doctor, based on

their examination of the worker. Our clear expectation is that a worker would be advised if their doctor considers they have ceased to be incapacitated, so that the worker can consider the application of the six-month time limit.

The bill also inserts subsection 18(5a) to clarify that in making a section 18 order the tribunal may specify certain aspects of the suitable employment to be provided, including the nature and range of duties, any adjustments to be made to enable the worker to perform those duties, and the number of hours to be worked. There may be situations where it is unnecessary for the tribunal to go into that level of detail, in which case subsection 18(5a) also allows the tribunal to make those matters subject to a recovery/return to work plan to provide additional flexibility to the parties in structuring suitable employment in accordance with a section 18 order.

Every stakeholder agrees that if an injured worker is going to return to work following a section 18 dispute, then that should happen as quickly as possible. The longer the worker is away, the harder it is to reintegrate them into the workplace.

The bill inserts subsection 18(7c) to confirm the tribunal can hear and determine a section 18 dispute concurrently with other proceedings under the act, and can also determine the compensability of an injury in the context of a section 18 dispute alone. These amendments will support section 18 disputes being resolved expeditiously, rather than having to await the outcome of other legal proceedings and delay any certainty for the parties in their return to work obligations.

The bill also inserts subsection 18(7d) to make clear that the tribunal is not artificially limited to considering the situation that existed when the worker first requested reasonable employment, and may have regard to medical and factual developments that arise during litigation. It is well known that workers compensation disputes ebb and flow over time and it is important that the tribunal can take a practical approach to the current evidence before it, including in relation to the worker's medical capacity and the available suitable employment options.

The bill also inserts section 19A, which gives the tribunal jurisdiction to determine monetary claims for wages or salary payable under section 19 when a worker is undertaking alternative or modified duties. This amendment is made for the avoidance of doubt and to remove any uncertainty about whether the determination of such disputes is fully captured by the existing monetary claim jurisdiction of the tribunal.

I now turn to amendments relating to dust diseases and terminal illnesses. A key principle in the act is that a work injury must have stabilised before a permanent impairment assessment can be undertaken by an accredited impairment assessor. A permanent impairment assessment determines the injured worker's degree of whole person impairment. This is then factored into the calculations which determine the worker's entitlement to lump sum compensation and access to other benefits, such as serious injury status and common law.

The bill includes a clear and concise definition of 'stabilised', which provides statutory clarity regarding when a worker may seek a permanent impairment assessment. The definition is consistent with personal injury law principles that a worker cannot be forced to undergo medical treatment. It is also consistent with the Impairment Assessment Guidelines, which make clear that a choice by a worker not to pursue additional or alternative medical treatment that has been offered does not preclude the worker's condition from being taken as stable for the purposes of a permanent impairment assessment.

The vast majority of work injuries will stabilise within the meaning of the statutory definition in this bill. However, in addition to defining stabilised, the bill also includes exceptions to this requirement for injured workers with terminal illnesses and prescribed conditions. These exceptions ensure that workers can undergo an assessment even though their condition may continue to deteriorate.

This bill defines that a terminal condition is a work injury that is incurable and will, in the opinion of a medical practitioner, cause death. The determination of this criteria is a matter for the medical practitioner and, ideally, the worker's treating specialist.

To be clear, the terminal condition exception means that a worker who has a work injury that is a terminal condition will not need to establish that the injury has stabilised for it to be assessed.

This change provides certainty for workers with a terminal illness that they will have access to a permanent impairment assessment and the entitlements that can flow from that assessment.

The prescribed condition exception to the stabilised requirement is intended for work injuries that are of a progressive nature. Conditions that might fall into this category are ones that are not necessarily terminal but may not stabilise within the statutory definition; for example, some dust diseases. The regulations will govern what is considered a prescribed condition.

The minister is required to meet certain requirements before they can prescribe a condition for the purposes of this provision. At a minimum, the minister must consult with certain stakeholders including the AMA (SA), the minister's advisory committee and the corporation. In addition, the minister must be satisfied that the condition is serious and potentially life-threatening and extremely likely to cause an ongoing deterioration such that the degree of impairment resulting from the condition is unlikely to stabilise for a significant period. Determination of these factors by the minister is supported and guided by the required consultation that the minister must undertake.

The draft bill achieves fairer outcomes for workers through amendments to section 5 of the act, which provides the framework for setting a worker's average weekly earnings which forms part of the basis for the worker's entitlement to weekly payments of income support. A worker's average weekly earnings rate is set by reference to the worker's relevant employment, which is the employment from which the injury arose. For the purposes of dust diseases, the relevant employment is the employment at the time in which the worker was exposed to the hazardous dust that caused the prescribed dust disease.

In some circumstances, a worker may be exposed to hazardous dust decades before they are incapacitated for work by their injury, and the worker's earnings may be significantly less than their earnings at the time the injury manifests. The case of Rantanen v ReturnToWorkSA is one example that has exposed the unfairness which can result from the application of these provisions. Conversely, in other cases, the average weekly earnings attached to the worker's employment at the time in which they were exposed to hazardous dust may be more than their average weekly earnings at the date they are diagnosed with a dust disease.

These amendments allow a worker with a prescribed dust disease to elect which employment is used for the purposes of calculating their average weekly earnings. Workers will have a choice between setting their average weekly earnings by reference to either their employment at the time they were exposed to the hazardous dust that caused their dust disease or the time they are diagnosed with a prescribed dust disease. In other words, to achieve fairer outcomes with respect to income support entitlements, workers with a prescribed dust disease can choose whichever option provides the higher amount.

Relevant dust diseases are prescribed by way of regulation, and the process is informed and guided by legislated consultation requirements. For example, the minister must consult with stakeholders including the AMA (SA), the minister's advisory committee and the corporation before making a recommendation to prescribe a disease linked to this provision.

I thank all stakeholders who have provided feedback during the extensive consultation phase of this bill. I commend the bill to the chamber and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Return to Work Act 2014*

3—Amendment of section 4—Interpretation

This clause inserts interpretative provisions to support the measure.

4—Amendment of section 5—Average weekly earnings

This clause amends section 5 of the principal Act to further expand categories of relevant employment.

5—Amendment of section 18—Employer's duty to provide work

This clause amends section 18 of the principal Act to make additional provision for an employer's duty to provide work.

The clause provides that a worker who has been incapacitated for work in consequence of a work injury who seeks employment with the pre-injury employer may give written notice to the employer seeking a return to work. The clause further provides that the pre-injury employer may offer suitable employment (either of a kind requested in the worker's section 3 notice or some other suitable employment) and sets out the procedures that may be followed if no offer of suitable employment is made. The clause provides that a worker may apply for an order by the Tribunal under subsection (5) if the pre-injury employer refuses or otherwise fails to provide suitable employment, or the worker considers that any employment offered by the pre-injury employer is not suitable.

The clause inserts proposed subsection (5a) to expand the Tribunal's capacity to make orders relating to the provision of suitable work by an employer to an injured worker.

The clause provides for the payment of costs.

The clause also amends section 18 of the principal Act to set out the obligations of both host employers and labour hire employers to provide work to injured workers.

6—Amendment of section 19—Payment of wages for alternative or modified duties

This clause amends section 19 of the principal Act to remove the capacity for the Corporation to determine that the requirement to pay wages under section 19 does not apply.

7—Insertion of section 19A

This clause inserts section 19A into the principal Act.

19A—Jurisdiction to determine monetary claims

This clause provides that the Tribunal (constituted as the South Australian Employment Court) has jurisdiction to hear and determine monetary claims for wages or salary payable under section 19.

8—Amendment of section 22—Assessment of permanent impairment

This clause amends section 22 of the principal Act to make further provision for when an injury has stabilised to include an injury that is a prescribed condition and an injury that is a terminal condition.

9—Amendment of section 25—Recovery/return to work plans

This clause amends section 25 of the principal Act to provide for references to 'the host employer' in addition to existing references to the Corporation and the employer.

10—Amendment of section 42—Federal minimum wage safety net

This clause amends section 42 of the principal Act so that the reference to the relevant date applying in relation to the worker is a reference to the relevant date in proposed section 5(16)(a).

11—Amendment of section 48—Reduction or discontinuance of weekly payments

This clause amends section 48 of the principal Act so that the existing reference to a worker's dismissal from employment is substituted with a reference to the worker's employment being properly terminated as a basis for discontinuing weekly payments for an injured worker.

12—Amendment of section 122—Powers and procedures on a referral

This clause amends section 122 of the principal Act to ensure that consideration of what constitutes injury stabilisation mirror the proposed changes to section 22.

13—Amendment of section 129—Self-insured employers

This clause amends section 129 of the principal Act to provide that the Corporation must publish, on a website determined by the Minister, the name of the employer nominated in any application for registration referred to in section 129(12) and that employer's phone number and address.

Schedule 1—Transitional provisions

1—Interpretation

2—Average weekly earnings

3—Employer's duty to provide work

4—Monetary claims

5—Amendment of Impairment Assessment Guidelines

This Schedule provides for transitional arrangements to support the measure.

Debate adjourned on motion of L.A. Henderson.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (WHOLESALE MARKET MONITORING) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 April 2024.)

The Hon. C. BONAROS (16:01): I rise to speak on the Statutes Amendment (National Energy Laws) (Wholesale Market Monitoring) Bill 2023. Based on the information that we have from government, this bill is aimed at addressing a number of issues around market behaviours in the electricity and gas market.

Under the current National Electricity Law, the Australian Energy Regulator has responsibility for monitoring and reporting on the wholesale electricity market. The AER has powers to gather information about the wholesale electricity trade to monitor and report on the competitive function of the market, and based on advice that has been received from government there were some instances that occurred in 2022 which brought about the need for these reforms.

They have been outlined by the government, but in effect the changes themselves relate to issues around monitoring and reporting of competitive functioning, ensuring better oversight by the AER and transparency in the gas and electricity markets, overcoming limitations regarding accessible information about trading and levels of liquidity in electricity contract markets, the exercise of market powers, market participant behaviours and improving visibility of the market, and generally improving transparency and accountability with the aim of reducing imposts on businesses and protecting commercially sensitive information, amongst other things.

My focus today is on some related issues concerning our national energy laws, noting, of course, that we in South Australia are the lead legislator. It is quite timely that we are having this debate today, for me at least, given discussions I have had with the minister's office and others and given, I think, yesterday's publication of an article in ABC News—or this week, anyway—about the rollout of smart meters, which fall under our National Electricity Law.

It is timely because whilst this bill seeks to do a number of things to ensure improved market behaviours, transparency and accountability, it does so against the backdrop of growing concern around what has previously been agreed to in related changes around smart meters and the impacts that they will have on households, and in particular lower socio-economic households, as a result of the Australian Energy Market Commission's recommendation of 100 per cent uptake of those smart meters by 2030, with an accelerated deployment program to commence in 2025.

These concerns have been well canvassed and indeed are entirely consistent with the position of the good people at SACOSS, who have been making representations by submissions to the government at a state and federal level around our National Electricity Law. For the benefit of members who perhaps were not here at the time—I do not know if that is the case or not—in September 2020, we passed regulations in SA requiring retailers in South Australia to have a standing offer for smart meter customers that includes a time-of-use tariff structure or demand tariff structures for residential prosumers or a tariff structure determined by the retailer.

Generally speaking and in a nutshell, SA households from the date of that deployment, all new builds and any replacements, will see the installation of smart meters in South Australia against the backdrop of that deployment of smart meters across the state, accelerating in 2025 and with that end date in 2030 or thereabouts. In effect, SA households with smart meters are being transferred as a result of this to a time-of-use tariff plan via energy retailers. The concerns are around the fact that that is occurring with no consent, with no advance notification to consumers, with very little or no education on peak or off-peak times of use or solar sponge tariffs, with no information on the need to change energy use patterns and no option to choose a flat-rate tariff.

It is this last point that is particularly interesting because, according to the most recent data released by the AER for the 2023-24 period, here in SA something like just shy of 90 per cent of AGL's smart meter customers are on a time-of-use tariff, just shy of 98 per cent of Alinta's customers are on a time-of-use tariff and almost 100 per cent—99.9 per cent; you cannot get any closer—of Origin's customers are on a time-of-use tariff. There is no requirement for the provider to notify those customers of the rate that they are being charged or the fact that they do not offer an alternative fixed-rate charge.

Customers do not have the option to stay on their current plan prior to the installation of a smart meter or opt out of the time-of-use tariffs. It is only when you perhaps sustain what some are calling 'bill shock' that you might ring your provider and ask those questions and find out that if you are looking for a fixed-use tariff then your only option is to change providers, but that information is not required to be provided to you. In effect, if you have a smart meter and you are with one of those three major providers, the main three providers, a time-of-use tariff is the only option available to you. With the 100 per cent rollout of those meters by 2030, that means that consumers will have no choice to stay on a flat-rate tariff, even if that suits their households better.

The problem with this, and the reason I raise this, is that notwithstanding the fact that we are rolling this out, the government currently has information that is available publicly on smart meters, tariff structures and time-of-use tariffs, but there is no broader communication strategy in place in South Australia to ensure that we are proactively educated on smart meters and tariff implications. There is no funding in place to support low-income households to meet things like site remediation costs associated with the accelerated deployment of the smart meters in that time frame proposed, and it is assuming a lot about all of us in terms of our electricity usage.

We know, inevitably, it is the households who can afford it least that are impacted the most by these sorts of changes. We know that it is those households also that do not respond to time-varying prices. We know that caregivers follow family rhythms, leaving little room to adjust peak activities. I know in my household, if you told me what the busy time is in terms of electricity usage, it falls within those time-of-use tariff time frames. We know also that the elderly and people with disabilities face greater increases in electricity bills and worse health outcomes under some of those time-of-use electricity rates.

That was the subject of a story this week on the ABC, where the same energy companies we are talking about, which are the subject of this bill and these national energy laws, came under fire for, effectively, punishing time-of-use tariffs. There was an example of a person in Berri who received a quarterly power bill for $2,000. That was more than double the previous bill she had received, and it came against the backdrop of having changed absolutely nothing in her family's behaviour at home in terms of their electricity usage. There were no extra appliances. Nothing changed other than the fact that a smart meter was installed and time-of-use tariffs came into effect.

That is what we are talking about when we talk about bill shock. Instead of paying a flat rate throughout the day, the person involved had her property moved to a so-called time-of-use, or cost-reflective, tariff. Under that tariff, charges were significantly higher between 6am and 10am and 3pm and 1am, and that is a total of 14 hours in every day. But, again, she had no idea that she had been changed over to a time-of-use tariff. Indeed, there was no requirement for her to be notified of that.

The provider of energy in that instance did say on record that they can confirm that the customer is on a time-of-use tariff—well, we know that because that is the only option that was available to her—and, although the tariff changed, 'We did not change the customer billing and therefore we are not required to notify the customer.' So the provider themselves has confirmed those concerns that have been raised by SACOSS and others in terms of the lack of notification and so forth around smart meters.

Mr Womersley, someone who is known to all of us in this place, has been quoted in that story about the concerns he and SACOSS have about the failure to properly notify and inform consumers about the changes and effects that would be felt, and the concerns that this is going to become an increasing problem as we near the deployment of that 100 per cent smart meter rollout.

He labelled it as extraordinary, and I have to agree that the 14 hour a day application of peak rates in South Australia is something that consumers do not have an option about. You do not have

a choice. This is what you are getting, because those same providers who fall within these national energy laws and who are the subject of the changes before us now in terms of market behaviours do not have to provide you with details of that.

The concerns also were, of course, that the tariffs were entrenching inequality and badly hurting many people who could least afford it. That is, I suppose, the crux of the issue that I am getting at. With all these sorts of changes—and we have had this debate in this place about electric vehicles or solar panels—inevitably the people who ultimately end up paying more in the short term at least, with diabolical consequences for their budgets, are always those who can least afford the changes that are being implemented around them, and effectively picking up the slack for those who can afford the changes. It is those people who are likely to have the capacity to implement any of the new measures that are being rolled out that really protect them whilst others who do not have the financial capacity end up paying the higher cost.

I say all that because, whilst we are the lead legislator and we have had this recommendation, which is now being rolled out for 100 per cent smart meters, the current bill brings into question whether enough is being done not only in terms of ensuring better oversight and transparency in the gas and electricity markets, and the exercise of market power at a wholesale level, but the same has to apply at a retail level.

I accept wholeheartedly—because it has taken me a while to get my head around all this—that this is a very complex area and we are dealing with private marketplaces and operators. I think what this bill does is highlight the fact that in addition to the concerns that we have around wholesale marketplaces, it is very important that we focus also on those retail market prices, both of which are intrinsically linked, obviously. It also brings into question what this government is doing to ensure that we do not see a spike in cases like the one that I have just referred to of the person in Berri.

If you speak to those people who are watching this space closely, they can tell you categorically that over the next five years you can absolutely expect more and more and more of those cases unless something is done by our regulator to bring it under control. That is a hugely important issue, particularly given all the discussions we have in this place pretty much on a daily basis during sittings about the cost-of-living crisis.

I have spoken to experts who have said to me, whilst we go ahead and forge ahead with these sorts of changes, South Australia really is ground zero when it comes to this issue. We are also the lead legislator. We have a reliance on renewables that is in excess of 75 per cent, I think at the moment, and so there is a lot of focus at the moment on South Australia when it comes to our national energy laws, and the impacts that this will have on consumers more generally, and not just as a result of the issues that this bill canvasses around wholesale electricity markets but particularly as a result of the rollout of smart meters.

It should surprise none of us that SACOSS and Mr Womersley have identified this issue, and I suppose forewarned us, about their concerns that once again we are forging ahead with changes in the national energy law context that are very, very likely to adversely impact those customers, or indeed all customers, because there is no choice—that is the first thing—but more severely those customers who can least afford it. There does not appear to be a plan by this government, and certainly nothing that is being foreshadowed to address these concerns.

I place those words on the record because, whilst we have already moved towards those commitments around smart meters, as I said, these issues are all intrinsically linked. I certainly suspect that we will be back here in due course, talking about this as more and more people sustain what is loosely referred to as 'bill shock' as we go down the path of rolling out these meters.

It is not just in terms of bill shock, there are obviously a number of other issues associated with that, including privacy concerns; your ability to access the information from a smart meter, which does not exist, compared to your provider, who has all the information available to them; and of course the lack of options around time-of-use tariffs versus fixed-use tariffs.

I say all that again not only because—if I use myself as the example, I can loosely get my head around this and still struggle to go home and work out when is the best time to turn on the dishwasher or the dryer, given that there are probably multiple devices working at the same time.

These are the practical realities of probably every household who has the luxury of being able to afford them, but of course we know that we are now living in an environment where a lot of people cannot afford to turn on the lights or the heating, let alone a dishwasher or a washing machine or a dryer. I think it is a bit rich of us to be expecting them, if you cannot afford those basic amenities, to also be armed with the job of measuring when you are going to use what you can afford to use to ensure that you are keeping your costs low, simply because there is no other option available to you.

I make those comments against the backdrop of this bill and foreshadow that I suspect that we will be having many more discussions around market powers and market participant behaviours in time to come, particularly as we approach the rollout of smart meters across the state. It is going to happen; it is inevitable. We have agreed to it and it is happening. We need to be prepared to deal with the consequences of that.

I think, when it comes to oversight, transparency and monitoring, we also need to go back. I hope the government has some intention of doing this and taking on board and heeding the concerns that are being raised more and more around the impacts that these smart meters are going to have on consumers more broadly and on the cost-of-living crisis. With those words, I look forward to the debate in the committee stage of the bill.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:23): I thank each of the honourable members who made contributions on this bill, and for their acknowledgement of South Australia's important role as lead legislator for reforms to national energy laws. It is a role we take seriously to protect consumers as far as possible in this privatised market.

The bill creates powers for the Australian Energy Regulator that have been requested by energy market bodies to improve transparency. We know there is a huge imbalance between the cost of the physical delivery of electricity and the trade in derivative markets. Futures trade in electricity was worth more than $109 billion at face value in calendar year 2023, according to the Australian Securities Exchange 2023 market review report. That is considerably more than the traded value of physical electricity.

The Australian Energy Regulator report, 'State of the energy market 2023', for the 2022-23 financial year recorded turnover on the National Electricity Market at $27.2 billion. That shows that roughly four times as much trade is taking place on the financial market than the physical market. But market bodies do not know the extent to which that trade on the ASX derivatives market is the tip of the iceberg, because a considerable volume of over-the-counter trade in derivatives is conducted privately and hidden from view.

This bill gives the AER the power to look below the surface to inspect private electricity and gas contracts and get a more comprehensive picture of the state of the markets. That information will assist the AER promote competition and deliver better results for consumers. I commend the bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: I did not indicate to the minister that I would, but given the contribution that I just made, perhaps I will: is anything afoot in terms of the government's legislative agenda or discussions that are taking place at the national level, given that we are the lead legislator, to deal with those issues that I have outlined around the rollout of smart meters when it comes to market behaviours and the electricity market generally?

The Hon. C.M. SCRIVEN: I have confirmed that smart meters do not have any direct relationship whatsoever with this bill. In terms of additional information that might be available, that would need to be directed to the minister in the other place.

Clause passed.

Remaining clauses (2 to 17) 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) (16:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PARLIAMENTARY COMMITTEES BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 March 2024.)

The Hon. R.B. MARTIN (16:29): I rise to speak extraordinarily briefly on this matter. The government sees merit in reforming the Parliamentary Committees Act, and we thank the honourable member for bringing this bill before the chamber. While we do not support this bill in its current form, the government remains open to further consultation as to what reform of the parliamentary committee structure might look like.

The Hon. T.A. FRANKS (16:30): I rise to speak to the Parliamentary Committees Bill 2024, a bill that provides for the establishment of various parliamentary committees, defines the powers and duties of those committees, makes related amendments to various acts and repeals the Parliamentary Committees Act 1991. I thank the Hon. Connie Bonaros for putting this private member's bill together, which puts into effect the recommendations of the previous parliament's select committee on committees.

It probably does not get more *Utopia* or *Veep* or *Yes, Minister* than a parliamentary select committee on parliamentary committees; however, at some stage we do need to reform the parliament to better support our work. One of the fundamental principles of that particular select committee was to modernise and bring into the 21st century our current committee structure to ensure that this is a genuine house of review, that issues that come before the parliament are thoroughly debated when they need to be, that avenues are provided on particular portfolio issues and, in particular, matters of public importance to be properly consulted on, and to have expert report writing done from those consultations and those recommendations that come back not just to parliament but to various departments and agencies.

What we know happens at the moment is that we have a bit of a higgledy-piggledy mess that comes from a system that, to be blunt, probably was more about ensuring that people had extra money, cars and drivers, and the luxuries—I will not name the member that is looking horrified at my honesty. It came about because part of the spoils of government was to award people various committees, and certainly the previous practices of assigning some committees with drivers and cars was quite an extraordinary practice that I am glad to have seen done away with.

Here we are now with what, if you were to construct our committee system today for this South Australian parliament in 2024, looks like a very odd arrangement indeed. We also have a situation where the previous standing committee that had an act of its own, the Aboriginal Lands Parliamentary Standing Committee, was not in the Parliamentary Committees Act and has now been disbanded.

The committee was previously headed by the minister, then after that headed by a member of this place, the Legislative Council, as the Presiding Member of that committee. It was set up to create a way to address Aboriginal issues and particularly look at the Aboriginal Lands Trust Act, the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act, the Maralinga Tjarutja Land Rights Act and the Aboriginal Heritage Act, in particular, under its charge. It has now been done away with because the idea of having a committee of politicians to consult on Aboriginal people was seen as far inferior to ensuring that Aboriginal people's voices were heard by this parliament.

I certainly commend that we have moved to establish the First Nations Voice to Parliament, which is, in effect, a committee of people who actually are on the ground, living the issues and able to communicate the issues affecting Aboriginal and Torres Strait Islander people in South Australia far better than any committee of members of parliament, be they Aboriginal or non-Aboriginal, would be able to do.

So that has been a step forward, and this is another step forward to ensure that our committees structure is better reflective of what the community expects of us, which is to be across the issues that we debate in this place in various pieces of legislation or regulations or motions—various issues of public importance that come before us, some that we know, emerging issues of new technologies or the like, or issues that have been put in the too-hard basket as too difficult and lacking in political will or perhaps too politically dangerous to be tackled by a government which always has a lot on their own agenda.

This, I believe, is an incredibly positive step today by the Hon. Connie Bonaros to put together and do the hard work of ensuring that the parliamentary draftspeople have prepared us a bill as a starting point. I fully support committee reform. I fully believe that this is not the perfect bill. That does not mean, however, that we should not progress with this debate.

I would hope that a debate will happen out of session, using this bill as a framework, as a starting point, ensuring that we start to actually address our work and have our work supported by, for example, ongoing expert researchers in portfolio areas that can develop their networks, develop their expertise and ensure that we are getting top-notch reports written and hopefully effective recommendations made, and that those recommendations are able to be pursued by those committees, not put on a shelf in a report left to gather dust, not ignored because people know that the select committee will disband and that that presence will no longer be there to be reported to, but indeed able to hold account and monitor in an ongoing way issues that are of public importance that we have, in many cases, devoted hundreds if not thousands of hours to.

It seems only logical, if we are going to do all of this work and people are going to put their time and effort into either talking to us or making submissions or appearing before us as witnesses (or all), that we actually pay them the respect that our committee structures and our secretariat and research capabilities are as thorough and expert as they could and should be.

Committees are the backbone, particularly of any upper house of the Westminster system. Committees must function well. Currently, to be frank, our committees do not necessarily all function as well as they should. Our system is quite archaic, and that was borne out in the Select Committee on Committees report. On that committee, however, I note that all members—SA-Best, Greens, Labor and Liberal—who made up that Parliamentary Select Committee on Committees agreed that we needed reform, and then agreed on a series of recommendations.

For example, the Environment, Resources and Development Committee and the Natural Resources Committee seem to overlap quite a lot. I am now on both of those committees and can attest to this fact. I note that we have just lost a Chair of the Natural Resources Committee, most likely, in this place, given the elevation in the other house of the member for Mawson to Speaker, and so one of the more technical barriers I had seen in terms of merging the ERDC and the Natural Resources Committee seems to have just evaporated.

In other issues, as I say, there is significant overlap, confusion and a committee system that really does not do the job and does not serve us as members of parliament as well as it should. We literally have had in this place more committees than members in this particular session of parliament, and the Greens have put on the record our frustration with a lack of response by departments to select committees in particular, where there is no requirement that departments respond to us.

Indeed, the departments often feel that they can sit it out and wait. I think I have been waiting over 14 months, in the inquiry into the dolphins in the dolphin sanctuary in the Port River, for a response from the Department for Environment and Water to the recommendations made by that select committee—14 months and we are still waiting. I have not disbanded that committee because I wanted the department to report back to the committee, knowing that historically had I disbanded the select committee the department would have felt no compunction. But apparently that does not matter: the department seems loath to respond to the committee's recommendations.

I am not alone. I know that other select committees are still waiting, I believe, over 16 or 17 months for their recommendations to even be potentially read, let alone responded to, by ministers and departments. Again, it is not just an issue of us as members of parliament, it is about respect for those South Australians or, indeed, on some issues of importance to South Australia, those people right across our nation who put their time, effort and expertise into making contributions and submissions and appearing as witnesses, who then wonder why on earth they would bother.

If we want to restore faith in democracy, we really do need to have a committee system that works. So I urge members. I know this is not at the top of most people's lists, but it will improve the way we function, the way South Australians have a voice on many issues to us as members of parliament, and the way we can get better consultation done on issues as they confront us for debate in this place, particularly in emerging areas where there might not be established bodies of knowledge or expertise easily at the disposal particularly of crossbenchers but of all of us as members of parliament.

If we go into our party rooms or cabinets or caucuses then surely it would be good to have more information rather than less. Surely it would have been better to be able to have mechanisms that consult with South Australians to hear not just their views but their expertise and get evidence put together by expert researchers in a way that serves us best.

Having said that, it is boring as all hell to talk about committees in this place, but it will really change the way we operate, so I urge people to take this with good faith and get on with the job of reforming our committee systems.

Debate adjourned on motion of Hon. I.K. Hunter.

Motions

BICKFORD'S AUSTRALIA

The Hon. J.S. LEE (Deputy Leader of the Opposition) (16:42): I move:

That this council—

1. Recognises that a proudly Australian family-owned business, Bickford's Australia, will celebrate its 150th anniversary in 2024;

2. Congratulates Bickford's Australia for reaching its remarkable milestones and acknowledges its legacy and historical connection with South Australia;

3. Celebrates this iconic local business for its outstanding business success and innovation to becoming a globally recognised brand and acknowledges the Kotses family's vision for manufacturing in South Australia;

4. Notes the significant positive social, cultural and economic impacts that Bickford's Australia has had for the manufacturing sector, beverage production industry and wider community; and

5. Recognises Bickford's Australia for their continued efforts to keeping their production and employment local and for maintaining its status as an Australian family-owned and managed business.

It is a great honour to rise today to convey my heartfelt congratulations to Bickford's Australia, to recognise a proud South Australian family-owned company, a multiple award winning business and a remarkable success story, as Bickford's Australia celebrates its 150th anniversary this year.

This anniversary is a significant milestone not only for Bickford's Australia but it is a true testament to entrepreneurship that showcases our state's manufacturing capabilities and leadership and also the commitment from the private sector to have the confidence to invest and expand its operation to offer local employment opportunities to drive economic development within the food and beverage industry and to become an international iconic brand on the world stage.

As we know, there are billions of businesses out there and thousands of country-leading businesses around the world. There can only be a handful of truly iconic brands. We ought to be so proud that we have such a successful company like Bickford's that has had a strong footprint in South Australia for more than 15 decades.

Iconic brands are cultural phenomena that inspire unbreakable loyalty in their fans as well as emotional attachment that permeates all aspects of their lives. That, indeed, makes Bickford's Australia stand out from the rest. Generations of Australians have grown up on quality flavoured drinks by Bickford's, which has been making cordials for 150 years. Each one of us has our own favourite and treasured drinks such as Bickford's lime juice cordial—definitely my favourite—and, of course, ice coffee syrup through to a collection of sodas, mixers, juices and more.

As the shadow minister for tourism and hospitality it is always such a pleasure to see the collection of Bickford's drinks at so many wonderful restaurants, cafes, hotels, clubs and convention venues and on supermarket shelves, all stocking Bickford's products. From breakfast juices and dairy alternatives to daytime refreshers and evening mixers, there is a tempting Bickford's flavour for any time of the day.

Bickford's Australia today is owned and managed by the Kotses family. A wonderful gentleman, always positive, always cheerful, always carrying his infectious smiles: the managing director, Mr Angelo Kotses, is an amazing visionary and an inspiring industry champion. As I was doing my research about the company, I found an article in the *Australian Financial Review* dated 25 July 1994 with the title 'Courage to change brings big rewards'.

> A small Adelaide cordial maker's turnover has lifted eleven-fold in less than three years, thanks to its owners' courage to break with 120 years of tradition, and the determination of a new manager—

at the time, it was Angelo—

> who ignored the warnings that he was taking on a 'dog'.
>
> Bickford's had become an institution in South Australia, selling its brown lime and bitter-lemon cordials within the state from 1874. But by the end of 1991, it had been out of Bickford family control for more than a decade and had passed through a succession of diffident owners, all large companies for whom it was a non-core asset. It was turning over a steady $1 million a year, and had four full-time and two part-time employees.
>
> [In 1994] its turnover is more than $11 million, and there are 27 full-time and 34 part-time employees working around the clock, seven days a week. The man who masterminded the change, Angelo Kotses, was appointed managing director in November 1992. His background was in the food industry and he remembers being warned that this was not a bright career move; Bickford's was going nowhere…
>
> Kotses' plan was extremely bold…He decided Bickford's had to look for new products, away from cordials, that would make it a world-class beverage manufacturer. Kotses aimed at researching and developing a new clear beverage, as he simultaneously expanded the company's range of cordials to a national market.
>
> In 1993, Bickford's led the world by using the artificial sweetener Nutrasweet in diet cordials; it developed a new blackcurrant cordial and a range of 'old-style' soft drinks that went on sale…
>
> [The company later developed] Spritz, which was launched on the Australian market…after an almost 24-hour-a-day development effort by Bickford's that lasted 14 weeks…
>
> Spritz was as successful as Kotses had expected. Two million bottles were sold in its first 90 days on the market, and demand held up through a cool southern summer…the first exports were dispatched, to Singapore.
>
> 'I picked the best and we did it better,' says Kotses. 'Spritz sells as clear water with the taste of fresh fruit, and that's what it is, in five flavors. It's low on the bubbles, less sweet than the usual softdrinks…

Under Angelo's remarkable leadership and innovative lateral thinking, Bickford's Australia has remained a proud South Australian family-owned business, employing 450 staff across the country. When a company is looking at opportunities to grow and expand, one of the most challenging decisions is whether to diversify or not. While the rewards of diversification can be attractive, the risk, on the other hand, can be extraordinary and the outcomes can be unpredictable.

Successful diversification and strategic vision to move Bickford's beyond beverages under the stewardship of Angelo Kotses sees the group venturing into many exciting new frontiers. Today, Bickford's have a long and impressive portfolio. They have seven locations involved in beverage operations, six of which are located in South Australia. Their head office and manufacturing facility is based in Salisbury South, with world-class state-of-the-art facilities.

They have a 400-strong portfolio of products across 35 brands, Australia's bestselling glass-bottled cordial range, Australia's fastest growing premium functional juice range, the original iced coffee syrup from 1919 and Australia's original liquid coffee product. They have Fruit Splash, one of

Australia's first flavoured water ranges, traditional carbonates, and dairy and dairy alternative products.

They have impressive contract partnerships with major retailers and brands across Australia. They run an active sustainable program across infrastructure sites and supply chains, and Wheel and Barrow and Karma Living retail stores nationally.

Bickford's export to 45 countries worldwide. Some of the key export markets include Malaysia, Singapore, Thailand, the Philippines, Vietnam, New Zealand, Hong Kong, Fiji, Mongolia and China. The company is a multiple award winner of South Australian Food Industry Awards. In 2007, Bickford's Australia was inducted in the South Australian Food Industry Hall of Fame, followed by Bickford's lime juice cordial being recognised by the National Trust of South Australia as a Heritage Icon in 2009.

They have strong connections to regional South Australia, with 23rd Street Distillery in Renmark producing a premium liquor range of gin, brandy, vodka and whisky. Beenleigh Distillery and Function Centre, which is Australia's oldest continuously operating distillery with License Number 1, is celebrating its 140th anniversary this year. There is also Beresford Estate winery in McLaren Vale, Step Road winery in McLaren Vale, and Vale brewing bar and restaurant in McLaren Vale. They also own Pomegranates Australia with a 90,000-tree pomegranate orchard in the Mallee Valley. They also have a development project on Kingscote wharf on Kangaroo Island.

With a long list of impressive establishments and outstanding achievements and an ever-growing network of retailers and venues, I am sure by now many honourable members will be wondering about the origins of Bickford's. Who was the original founder of Bickford's? Who is behind the name Bickford's? This is another migration story of a ten-pound Pom. Bickford's humble beginning is a fascinating story of determination and inspiring enterprising spirit that drove the founder to create products that met the demand at the time.

The founder, William Bickford, arrived from Devon, England, in South Australia with £10 and a dream to be a sheep farmer. He met his wife, Ann, on the voyage from England and they married shortly after arrival. The price of sheep dashed William's hopes as a farmer and he returned to his apprentice trade of an apothecary, also calling on experience as a veterinary assistant to earn a living.

With a loan of £220 at the time, William Bickford and his wife, Ann, purchased a premises on Hindley Street and set up the first Adelaide apothecary store. In the early 1840s, with a lack of fresh fruit and vegetables largely due to in-transit spoiling and lack of experience in growing crops in such a harsh climate, there was a widespread challenge with scurvy and rickets. As early as 1845, William Bickford created a lime drink using the brown juice of unwanted limes mixed with sugar and water to remove the acidic taste of the juice in a bid to provide a cheap solution to the problem, hand-bottling and labelling around 84 bottles per day.

This liquid was the first iteration of the iconic lime juice cordial that continues to be the flagship flavour of the Bickford's brand. William Bickford would unfortunately pass prematurely in 1850 from pneumonia, so the business was passed on to his wife, Ann, and supported by their sons. This led to the birth of A.M. Bickford and Sons in 1874, which marks the start of the commercial business we know today.

From 84 bottles per day in 1845, the automation introduced with the Waymouth Street factory saw production increase to 500 bottles per day, and to 1,500 through gas and horsepower equipment. The first large-scale batch of product labelled Bickford's Lime Juice Cordial was bottled on 2 December 1873, and released for sale in January 1874. Unprecedented at the time to have a female figurehead, Ann's inspiring courage and vision with the support of her sons saw the business diversify and grow in beverage and pharmaceutical ventures well into the 20th century.

Among some of the early product innovation was Bickford's carbonates range, introduced under Ann Margaret Bickford's eye in 1876 using their pioneering carbonation techniques combined with European technologies to produce South Australia's first ginger ale. An article in *The Advertiser* dated 4 November 1876 described ginger ale as 'a new idea and is an exhilarating, and at the same time non-intoxicating beverage, and should become very popular in the hot weather'.

That was just the beginning. Another original product, developed more than a century ago is Bickford's iced coffee syrup. Bickford's original iced coffee syrup was created in 1919 in the postwar era when coffee was in short supply but demand was high. Its signature blend of coffee and chicory has been a pantry staple for generations of Australians.

Bickford's Australia would continue to grow over the years under several ownership changes during the 20th century, before stewardship was finally taken over by current owners, the Kotses family, in 1999. This reminded me of the Remington story, where a man liked his Remington shaver so much that he bought the company. This is the story of Angelo Kotses.

Under the strong leadership of Angelo, for about three decades Bickford's Australia has grown from strength to strength, building upon its success, and Angelo and his team still continue to embrace the entrepreneurial spirit of their founders. When Angelo took ownership of the business, the range was effectively lime juice cordial. Angelo applied his immense passion for continuous improvement and creative innovation, working with his capable team to foster enviable productive customer relationships, build loyalty with passionate consumers, and nurture a unique blend of traditional classics and modern masterpieces to keep their products fun and trendy.

Bickford's has become the bestselling premium cordial in Australia with 22 flavours and 79 per cent share of that market. This is an extraordinary achievement and deserves the highest recognition by the food and beverage industry, by the manufacturing and export sector, by South Australians and by this parliament. Today, we have the opportunity to recognise the positive social, cultural and economic impacts that Bickford's Australia has had on the manufacturing sector, the beverage production industry, and the wider community, and commend Bickford's Australia for their continued efforts to keeping their production and employment local, and for maintaining its status as an Australian family-owned and managed business.

It was an honour to be invited to Bickford's 150th anniversary celebration. They certainly know how to throw a very colourful and beautiful party, which was held at the Art Gallery on 12 March this year. It was an honour and privilege to be invited to the esteemed event, to join the family, as well as the Bickford's team, for this significant contribution. It was great to see many of my colleagues in attendance, including the Hon. Nicola Centofanti MLC, the Hon. Heidi Girolamo MLC and Tim Whetstone, the member for Chaffey, who has worked closely with the Kotses family for many years.

I would like to mention that the member for Chaffey will also be moving this same motion in the House of Assembly, so that both houses of this parliament can pay tribute to Bickford's on their significant milestone, their 150th anniversary. Bickford's anniversary celebrations will go on for the whole year with the release of six anniversary cordials. These will be a combination of all-time favourites with a modern twist that celebrate moments in their history, and in the memories of their consumers.

I have been informed that, as of this month, back by popular demand, cloudy apple flavour will reappear on retailers' shelves. This was passionately lobbied by consumers, with some even threatening to boycott the brand until the flavour was returned.

It is truly magical to see that, even after 150 years, Bickford's Australia has stayed true to their fundamental values and has never compromised on their dedication to producing high-quality products and focusing on delivering unforgettable experiences. Bickford's is committed to making and treasuring tradition, honouring the memory of their founders and taking the brand to new heights for generations to come.

In addition to thanking Angelo and the Kotses family, I would like to acknowledge Beverley Reeves, marketing manager, for collating the background historical information for my speech today. I also want to thank Poppy Stavrianos, e-commerce coordinator, for her kind assistance to my office.

Once again, I offer heartfelt congratulations to the Kotses family and to the whole Bickford's team. It is a privilege to highlight the legacy and contributions of this proud South Australian company and to put our acknowledgement on the public record today for Bickford's 150 years of sweetness and sweet memories. I am sure my parliamentary colleagues in this place and in the other place will

join me in wishing Bickford's much more success to come, and much more prosperity and longevity and a brighter future ahead. With those remarks, I commend the motion wholeheartedly.

Debate adjourned on motion of Hon. I.K. Hunter.

Bills

PARLIAMENTARY COMMITTEES (REFERRAL OF PETITIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 February 2024.)

The Hon. S.L. GAME (17:02): The five inquiries that are currently before the Legislative Review Committee due to meeting the threshold of 10,000 signatures from members of the South Australian public could certainly be dealt with more efficiently, as is the aim of this bill. Ensuring that an appropriate committee can inquire into an issue, it is already geared towards the democratic measure I support.

I currently have my loss-of-foetus petition and First Nations Voice petition circulating, and I would like to see them both dealt with promptly in due course. This bill will address that. I commend the bill.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:02): I rise to support the honourable member's Parliamentary Committees (Referral of Petitions) Amendment Bill, not only as a colleague in this chamber but as a colleague on the Legislative Review Committee. I do indeed thank the honourable member for acting upon this issue—

An honourable member interjecting:

The Hon. N.J. CENTOFANTI: —for our sanity. I know that this bill has been prompted by an unexpectedly high number of eligible petitions received by the Legislative Review Committee. They are petitions of not less than 10,000 signatures and comply with relevant requirements set by the standing orders.

Over the time that I have been either a member or indeed a Chair of the Legislative Review Committee, the referral of petitions legislation has been in place. I think it is an important piece of legislation because issues that clearly have the support of a reasonable number of South Australians do deserve to be inquired into and reported on in this chamber, and they deserve that the inquiry be thorough. They also deserve to have the government of the day respond to the inquiry and any recommendations that form part of the report.

The Hon. R.A. Simms: Good luck with that.

The Hon. N.J. CENTOFANTI: The Hon. Mr Simms says 'good luck', and I agree. They do not expect and should not expect members of parliament to have to say to members of the public, 'We are sorry that your petition hasn't been looked at, or has been looked at briefly, because there are so many and we don't have the time or the resources to get through them all.'

I am quite sure that is not what the petitioners expect when they put their name to and sign these petitions. They expect we, the parliament, to take petitions seriously, and so they should. However, those of us who inhabit the Legislative Review Committee will attest to the large numbers of petitions that are currently before us. This is on top of the day-to-day important work of the committee, that is, reviewing subordinate legislation or regulations. This work in itself has increased significantly over the years due to the large amounts of subordinate legislation now delegated to executive agencies.

The Legislative Review Committee has long felt that change is required to the legislation due to this workload. I have spoken in this chamber previously on this matter, and I reiterate my thanks to the Hon. Connie Bonaros for bringing this amendment bill before the parliament. Whilst not wanting to pre-empt debate, I hope and suspect we will have multipartisan support.

This bill amends section 16B of the act, allowing immediately and without passing through the Legislative Review Committee the relevant chamber to refer an eligible petition to the appropriate standing committee. This is faster, just as effective and ensures right away that the appropriate committee receives the petition and associated cause or issue.

Clauses 2 to 10 of this amendment bill amend the act to allow each of the parliamentary standing committees to inquire into, consider and report on petitions referred to them under the aforementioned amended section 16B. Finally, clause 12 makes necessary consequential amendments by substituting in the act, where appropriate in section 19, the title of 'Legislative Review Committee' with simply 'a committee'.

The current and ongoing issue and the fix from this amendment bill is, as I would see it, twofold: (1) it will relieve the associated workload of all eligible petitions from the Legislative Review Committee; and (2) it will ensure that the appropriate committee is the one inquiring into an issue in an immediate sense. This is a sensible amendment bill, and there is nothing here that the opposition disagrees with. I also indicate, whilst on my feet, that we, the opposition, are supportive of the Hon. Connie Bonaros' transition provision amendment, which I think is also sensible and allows for petitions that have already been received to be dealt with in a similar fashion. I am very happy, particularly as a member of the Legislative Review Committee, to commend this bill to the chamber.

The Hon. R.B. MARTIN (17:07): I rise today to indicate the government's support of the Parliamentary Committees (Referral of Petitions) Amendment Bill, and I do so very gladly. The referral of petitions is an important part of our representative government and an important platform through which we as a parliament can listen to members of the public. It was through a bill introduced in 2019 that this platform was created, and we note that it was an important reform.

When this bill was introduced into parliament, it was suggested that the Legislative Review Committee was likely best placed to absorb the new function of inquiry into eligible petitions due to its existing scrutiny function and due to its available capacity, capacity that was not at that time shared by committees such as the Social Development Committee. Speakers at the time noted that this new process was not expected to bring about a significant amount of work for the committee on the basis that at the time there had been so few eligible petitions ever tabled.

Since these reforms were introduced, a significant amount of work has eventuated, with there currently being five eligible petitions before the committee for consideration and reporting. Aside from its scrutiny function, there is no compelling reason for the Legislative Review Committee to continue being the one chosen to examine all petitions. Other parliamentary committees are charged with a vast array of functions that cover a diverse range of policy areas, committees that may be better placed to consider the subject matter of eligible petitions. The government will continue to look at these reforms and consider any further related amendments before the bill's passage in the House of Assembly. With that, I commend the bill to the chamber.

The Hon. R.A. SIMMS (17:09): What is left to say? I think all of my colleagues have articulated the reasons why this bill should be supported. The Greens also support this bill. We thank the Hon. Connie Bonaros for putting this on the agenda.

As has been stated, it will, I think, streamline some of the activities of the parliament in terms of ensuring that petitions go to the relevant committee but also, and most importantly, give the community a clearer pathway of getting a message to a parliamentary committee and to the parliament. I do not think I need to reiterate the comments that have already been made by my colleagues, and I am delighted to see the government supporting this bill. I hope that they will see fit to support the bill that I have been advancing around requiring them to respond to committee reports in a timely manner, but I will address that down the track. For now, I celebrate this win and congratulate the Hon. Connie Bonaros on that.

The Hon. C. BONAROS (17:10): I thank all honourable members for their contributions—the Hon. Ms Game, the Hon. Ms Centofanti, the Hon. Mr Martin and the Hon. Mr Simms—and congratulate all of us for this good outcome. I feel like we are one step closer to committee reform today, which is a wonderful feeling. The only other thing I will say is perhaps a special mention to the Hon. Reggie Martin and the Hon. Nicola Centofanti, who have worked very collaboratively on this

issue at a committee level to ensure today's outcome, which I think is a good indication of what we are able to do when we put our heads together.

I might speak to the amendment now, just so that members understand what we are doing. There is one amendment that we will be moving to this bill. It might help members if we speak to that now. As other members have alluded to, there are a number of petitions before the committee already. We have six, but one of those—effectively, we are ready to report on that petition. We have five others, and what the amendment will do is ensure that they automatically go back to the house where they originated so that they can be referred out again to the most appropriate committee. That is all it does. They are not listed. We do not need to because by the time we implement this there might be more eligible petitions as well.

With those words, I want to thank all of us and commend all of us for working so collaboratively on this issue. Also, just in closing, I want to commend, of course, the former member who brought this before the parliament, because it was a very important reform. Although the numbers might be somewhat unexpected, I think they are very welcome and a good sign of democracy at work and working well. I think that warrants us to ensure that those petitions are dealt with appropriately by this place and given the attention that they deserve. With those words, I thank all honourable members for this joint collaboration and look forward to the speedy passage of this bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: Given the Hon. Reggie Martin is sitting right next to me, and I know the Attorney is very eager to ask me this question, I might just clarify that when we do move that amendment all the evidence that has already been provided to the Legislative Review Committee will transfer with the petition. It is not a matter of starting again. For the benefit of all members: we are not starting again, they take the whole kit and caboodle with them. So that is just by way of clarification and in answer to those very important questions.

Clause passed.

Clauses 2 to 12 passed.

New schedule 1.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 4, after line 5—Insert:

Schedule 1—Transitional provision

1—Transitional provision

(1) On the commencement of this clause—

(a) despite the provisions of section 16B(1) of the *Parliamentary Committees Act 1991*, the Legislative Review Committee is not required to inquire into, consider or report on a relevant petition; and

(b) the House in which a relevant petition was tabled must refer the relevant petition to an appropriate Committee; and

(c) any evidence received by the Legislative Review Committee during an inquiry into a relevant petition—

(i) is, by force of this paragraph, referred to the Committee to which the relevant petition has been referred pursuant to paragraph (b) for its consideration; and

(ii) must be provided by the Legislative Review Committee to the Committee to which the relevant petition has been referred.

(2) In this clause—

eligible petition has the same meaning as in section 16B of the *Parliamentary Committees Act 1991*;

relevant petition means an eligible petition that has, on or after 5 May 2023, been referred to the Legislative Review Committee pursuant to section 16B of the *Parliamentary Committees Act 1991* as in force before the commencement of this clause.

New schedule inserted.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. C. BONAROS (17:15): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

PAYROLL TAX

Adjourned debate on motion of Hon. C. Bonaros:

1. That a select committee of the Legislative Council be established to inquire into and report on matters concerning payroll tax in South Australia, with particular reference to:

   (a) the effectiveness of the current payroll tax system in promoting economic growth and job creation and its alignment with the overall economic goals of the state;

   (b) evaluation of the payroll tax threshold and rates, including consideration of an annual review;

   (c) incentives to promote regional employment and investment;

   (d) opportunities for industry-specific incentives to support the growth and sustainability of key sectors;

   (e) the impact of recent payroll tax decisions on independent general practitioners and the general practice sector, including the exacerbation of workforce challenges and reduced access to health care;

   (f) the effect of grouping provisions on independently operated but co-branded businesses across various industry sectors;

   (g) retrospective payroll tax liability determinations;

   (h) compliance challenges faced by businesses;

   (i) payroll tax systems in other jurisdictions to identify best practices and potential areas for reform and alignment;

   (j) and any other related matters.

2. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

(Continued from 7 February 2024.)

The Hon. R.A. SIMMS (17:16): I am sorry to break with the moment of collective kumbaya we had moments ago and indicate that I am not in a position to support this push for yet another committee from the Hon. Connie Bonaros. We have talked extensively about the fact that this parliament is overburdened with committees at the moment and the Hon. Connie Bonaros, whilst I understand she does have a significant passion in this area, is seeking to add another committee to the burgeoning list. For us in the Greens we do not see this as being appropriate at the moment.

I do recognise the concerns that the Hon. Connie Bonaros articulated in her speech, when she introduced this push for a committee, when she talked about healthcare workers. I submit to you,

Mr President, that we do not require a committee because we have already passed a resolution of this chamber asking the government to take action on healthcare workers and the impact of payroll tax on the healthcare sector. We do not need an inquiry to know what to do; we have already asked the government to step up and take action.

I do not consider an inquiry to be appropriate in this circumstance. I understand the Hon. Connie Bonaros will be disappointed with my position on that, but I have also faced the bitter disappointment that comes from not always getting my committees over the line so I understand her pain. In this instance, we are not able to support this referral.

The Hon. F. PANGALLO (17:18): I rise to speak on the motion to investigate the negative impacts payroll tax is having on SA small business, but I indicate that I will only support it if it is expanded to include other state government taxes prohibitively affecting the livelihoods of South Australians. I will move some amendments in my name to do just that, as the current proposed inquiry is too one-dimensional, with its focus only on the ramifications payroll tax has on small business, but, as the Hon. Robert Simms has indicated, if I do not support this we have already moved a motion to the effect anyway.

If parliament is to genuinely and accurately investigate the negative impacts one particular tax is having on our economy, I think it only makes sense to broaden that inquiry to look at other taxes placing a handbrake on this state moving forward and the livelihoods of people living in it. I support that element of the inquiry, as our small business sector is the engine room of the state's economy, employing tens of thousands of South Australians; however, stamp duty and the controversial land tax reforms introduced by the former Liberal government and vehemently opposed by the then Labor opposition are also having significant impacts not only on the state's economic growth but also the livelihoods of hundreds of thousands of South Australians.

I find it more than a little hypocritical that Labor was one of the fiercest critics of the land tax reforms when in opposition but have done absolutely nothing since winning government to repeal or wind back those reforms. As for payroll tax, well, we all know that the Premier labels it as a tax on jobs. As with all other taxes, they are drunk on the increased revenue streams the new land tax laws are generating. With cost-of-living expenses now at an all-time high, I believe it is timely these heavy-handed taxes are reviewed to determine the extent of damage they are causing to families and households.

Critically, the expanded parliamentary inquiry could investigate initiatives to reduce the tax burden on South Australian taxpayers while encouraging economic growth and investment in South Australia. While the government did undertake a review of the land tax implications, there has been no action to amend the rate and soften the blow to many mum-and-dad property investors and small to medium businesses being hurt by it.

An alarming new report recently revealed budding South Australian home owners today are paying four times more in stamp duty than they did 40 years ago. Local owner-occupier buyers are now slugged more than $32,000 in stamp duty to buy a medium-priced home of about $700,000, the equivalent of about five months of an average full-time income, which is 4.4 times higher than in the mid 1980s. Stamp duty for owner-occupiers in the 1980s was equivalent to $1,500 or 1.2 months of full-time post-tax income.

The state government recently abolished stamp duty for eligible first-home buyers purchasing a new residence valued at up to $650,000 or vacant land to build on valued at up to $400,000. As we all know, commercial landowners have been exempted from stamp duty and, as we all know, stamp duty is not just on property but is also levied on a range of other services. Reforms and also reductions in land tax are desperately needed to be expanded to encourage more people to purchase their own homes, which would have a direct impact on the current housing-rental crisis in South Australia.

Here is another example where tax imposts are hurting businesses: the South Australian Produce Market at Pooraka, which provides an essential service in providing and distributing fresh fruit produce across the state, has been hit hard with a land tax bill this year of around $800,000, up almost $200,000 from last year, which it fears will spike to about $1 million next year. These sorts of

hikes are making many businesses unsustainable: they just cannot afford to keep their doors open due to these massive financial imposts.

The South Australian Business Chamber is leading the charge for reforms to payroll tax, which it says will increase state coffers from about $1.5 billion to nearly $2 billion over the four years to 2026-27, a rise of 26.3 per cent. We already know that hundreds of mum-and-dad investors deserted the property sector when these prohibitive land tax hikes were introduced, which has been one of the major catalysts to the current rental crisis across the state.

The tax slugs are also hurting businesses, with many of them having to make structural changes to their businesses just to survive, if they have been able to survive. The boss of the nation's biggest brickmaker, Brickworks boss Lindsay Partridge, says state governments have their hands in the cookie jar by imposing hefty land tax bills on manufacturing sites which threaten the viability of businesses and which would ultimately feed through to higher prices for end consumers. He is also highly sceptical about the federal government's target of building 1.2 million new homes over the next four years to alleviate the housing crisis.

Mr Partridge accused the federal government of 'dreaming' as labour and raw materials shortages and a rigid building approval regime would make the government struggle even to build 800,000 homes. Even the state government's promises and targets will be extremely difficult to achieve. Mr Partridge said taxes, red tape and bureaucracy now saddled on Australian businesses are now also weighing down the Australian economy. His bricks and housing materials company lifted prices by 10 per cent last year and will likely seek another 10 per cent hike in the next 12 months, driven by costs that consumers will ultimately have to carry. He sheeted home much of this pricing pressure to government taxes, namely land tax. He said:

> Our margins are under pressure and some of the things we can't control, unfortunately the government has their hands in the cookie jar and thinks it is a good idea to tax the cost of production.
>
> And this all feeds through, and to put land tax on manufacturing sites—you really need your head read because you are not going to get any payroll tax if the business doesn't stack up because you have killed the business with your land tax.
>
> The government thinks it is smart because it can hide its taxes in the cost of production but in reality all that means is you are going to keep on driving up the cost of production.

The Master Builders Association estimates around $150,000 on the cost of a new home build is hoovered up in taxes and charges. It costs up to $4,000 just to register a mortgage at settlement in South Australia, whereas it is only a few hundred dollars in states like Queensland.

Like all governments, our state government is drunk on tax revenue, causing pain and suffering for our economic growth and the livelihoods of all South Australians. If we are going to inquire into the ramifications one tax regime is having on our economy, local jobs and businesses and the domino effect throughout the community, it must be expanded to look at other restrictive tax regimes and the handbrake effect they are having on the state's prosperity. I move to amend the motion as follows:

Paragraph 1

After 'concerning payroll tax' insert ', stamp duty and land tax'

Subparagraph 1(a)

After 'payroll tax' insert ', stamp duty and land tax'

Subparagraph 1(b)

After 'payroll tax' insert ', stamp duty and land tax'

Subparagraph 1(c)

Leave out subparagraph 1(c) and insert new subparagraph as follows:

(c) Taxation and other incentives to promote regional employment, economic growth, business and housing investment;

After subparagraph 1(c) insert new subparagraphs:

(ca) Taxation and other incentives to promote sustainable and affordable housing and to alleviate the pressure on all home buyers; in particular, first home buyers and regional tree/sea change/urban down sizers and retirees;

(cb) An examination of taxation disincentives to the state's economic growth, employment, business, and housing availability and affordability;

Subparagraph 1(e)

Leave out 'on' and insert ', stamp duty regimes and land tax imposts on all sectors, across all industries including'

Subparagraph 1(f):

Leave out 'various' and insert 'all'

Subparagraph 1(g):

Leave out 'payroll tax' and insert 'taxation' and after 'liability determinations' insert 'including payroll tax, stamp duty and land tax;'

Subparagraph 1(h):

Leave out 'Compliance' and insert 'Taxation and regulation compliance'

Subparagraph 1(i):

After 'payroll tax,' insert ', stamp duty and land tax'

After subparagraph 1(i) insert new subparagraph:

(ia) The findings and recommendations from the recent review into land tax;

The Hon. B.R. HOOD (17:27): I rise in support of this motion, which seeks to inquire into the state's payroll tax regime, and to support the amendments of the Hon. Frank Pangallo to include stamp duty and land tax into its terms of reference. Amidst growing concerns over the cost-of-living crisis, this is a timely motion that would examine three core state government taxes to ensure their effectiveness and reasonableness. The state's taxation regime is the main lever available to government that has a direct impact on the cost of doing business and the cost of living for everyday South Australians.

The late great Charlie Munger, who some in this place may likely be familiar with, had a lot to say about the power of incentives. Mr Munger, who died late last year at 99 years old after a long stint working alongside Warren Buffett, had this, among other quips, on incentives: 'Show me an incentive, and I will show you an outcome.' It is easy to see how this insight applies to the current debate. High payroll taxes will result in the creation of fewer jobs and will see businesses flock to lower tax jurisdictions.

High stamp duties will reduce housing availability and restrict people from moving to more suitable housing or from moving into regional areas, which generally have more affordable housing stock. A high land tax regime will have a similar, albeit reduced, effect. That is why, in its ultimately successful efforts to reverse the brain drain and encourage jobs growth in South Australia, the previous state Liberal government abolished payroll taxes for businesses with a taxable payroll up to $1.5 million, saving them up to $44,550 per year. Since then, however, payroll taxes have been lowered in Victoria, New South Wales, the Northern Territory and Tasmania, with Victoria and Queensland introducing regional discounts.

Take Queensland, which taxes employers with less than $6.5 million of payroll only 4.75 per cent, and for businesses with higher payrolls, 4.95 per cent. The latter is equal to our state's tax rate for payrolls exceeding just $1.7 million. In Victoria, their rate sits in the middle of Queensland's, with a 4.5 per cent payroll tax.

But what is a real kicker for me as a regional bloke from a cross-border community are the regional incentives offered to those two states, only 20 minutes across the border. In the sunshine state, regional employees are entitled to a 1 per cent discount while, in our closest rival state of Victoria, a payroll tax of just 1.2 per cent applies to regional employers—again, only 20 minutes over the border.

Having spent my entire life living in and operating a business in the South-East, I know all too well the frustration felt by cross-border community employers due to this vast discrepancy. Our competitiveness on payroll tax has evaporated and is now out of step with our closest rival states and overdue for reform. Similarly, our tax duty regime has not been reviewed in something like 16 years in South Australia. Governments at all levels in this country recognise that we have insufficient housing stock to cater for the needs of Australians today, let alone Australians for tomorrow and the years to come.

High stamp duties are a huge disincentive to moving house, which subsequently locks people into unsuitable housing. They are a significant barrier to entry for first-home buyers, notwithstanding this government's piecemeal reforms. Older South Australians are less inclined to downsize into smaller, more appropriate homes, growing families are slugged with unnecessarily high moving costs and we are less likely to switch jobs and move to a regional area.

Analysis from PropTrack reveals that, over the last decade, the number of new homes on the market has been in slow decline while at the same time stamp duty across the country has nearly doubled. Throughout the 2010s, the average tenure of home ownership in Australia grew significantly from 9.3 years to 13.5 years as more of us choose to stay put rather than being slugged with lazy tax on homes. Housing Industry Australia reports that we have experienced a staggering $85,000 increase in housing prices in South Australia in just the past 12 months.

The power of incentives should not be underestimated. The former Liberal government showed, even prior to the COVID-19 pandemic, that we could turn around the brain drain and incentivise people to remain in South Australia and encourage businesses to set up shop here. As a regional member, I will be paying particular attention to the reforms that will incentivise employers and residents to move into our beautiful regions, and I look forward to those discussions.

I have tried to keep my comments brief in the knowledge that this select committee will do the grunt work required to get to the bottom of these issues. With those remarks, I commend the motion and the amendments to the chamber.

The Hon. S.L. GAME (17:32): I rise briefly to support the Hon. Connie Bonaros' motion calling for a select committee of the Legislative Council to be established to inquire into and report on matters concerning payroll tax in South Australia. As legislators, we need to look at ways we can positively impact economic growth and encourage job creation. This committee will enable scrutiny of the payroll tax system in South Australia and assess its value in terms of the overall economic goals of the state. I commend the motion.

The Hon. T.T. NGO (17:33): I rise to speak on behalf of the government to convey that we will not be supporting this motion and also the amended motion. The fundamental purpose of payroll tax is to provide revenue for the state government, which funds our essential public services and infrastructure. In the 2022-23 financial year, payroll taxes made up around 30 per cent of South Australian taxation revenue, with many vital services benefiting from this.

The Commonwealth Grants Commission (CGC), established in 1933, provides an indication of how our states' and territories' rate of tax differs from the average of all Australian jurisdictions, which is then used as an indicator of tax competitiveness. The amount of revenue each state can raise differs depending on things like property transactions and taxable payrolls. The cost of providing services varies too, based on things like a state's size, its geography, where its residents live, and other socio-demographic characteristics, such as age, health, income and education.

Early in its existence, the commission developed the principle of determining a special grant as the amount needed for a state to function at a standard not considerably lower than others. The role of the CGC expanded in the late 1970s, and the CGC took on the role of assessing the relative financial capacity of each state, and then recommending how much each should receive in financial assistance grants. The aim was that all jurisdictions could then provide government services at a comparable standard.

In 2022-23, it is estimated that South Australia's approximately $911 million in payroll tax relief was provided to businesses, including around $567 million associated with the existence of an exemption threshold, deduction and phased tax rates.

Australian states and territories have harmonised a number of key areas of payroll tax administration, including grouping provisions. These provisions ensured tax equity across businesses, so that two businesses with the same level of taxable wages would be subject to the same payroll tax liability irrespective of corporate structure.

In our state we have one of the most competitive payroll tax regimes in the nation, with an exemption threshold of $1.5 million in wages, and one of the lowest standard tax rates at 4.95 per cent. Just as the Labor Malinauskas government has acted with consideration to our small businesses, it has also provided the same consideration to the general practitioners by acknowledging that a number of medical practices have not accurately understood the contractor provisions within the Payroll Tax Act 2009 and, consequently, we have provided them with more time so that they fully understand their obligations.

In recognition of a lack of understanding of the obligations, the government worked with the Royal Australian College of General Practitioners. We agreed to provide an amnesty to general practitioner medical practices to 30 June 2024. This means that any eligible medical practice that registered with RevenueSA during the amnesty period will not be required to pay payroll tax on payments made to contracted general practitioners up to 30 June 2024 and for the previous five years. South Australia's provision of an amnesty is more generous than in other jurisdictions. In fact, Victoria, the Northern Territory and Tasmania have not offered such amnesties.

After consideration to surcharge levies applied in other jurisdictions, we have the lowest standard top payroll tax rate. This threshold is set at a level intended to provide relief to small and medium-sized businesses while still generating revenue for the government. The Labor Malinauskas government supports the work of the CGC and will continue to act with consideration towards payroll tax liabilities to ensure our government services remain comparable with other Australian states and territories.

The Labor government does not see a need to establish a select committee to look into these matters, and therefore will not be supporting the motion and the amended motion.

The Hon. H.M. GIROLAMO (17:39): I rise to strongly support the motion by the Hon. Connie Bonaros, and I thank her for bringing this to this chamber. This chamber and its members represent all South Australians, and it is the right and appropriate place to interrogate the issues affecting South Australian families and businesses in our state. In a well-recognised cost-of-living crisis, when businesses are feeling the pinch as much as families, to enable this council to establish a select committee to inquire into and report on matters concerning payroll tax is an extremely important motion.

As the Liberal Party's shadow minister for finance and tax reform, I take a particular interest in ways that would best and most effectively support the South Australian economy to thrive whilst also supporting the Treasury to appropriately collect revenue and support the government of the day's agenda to deliver on good policy, allowing South Australian communities to enjoy the best lives they can in this great state.

This motion initially dealt only with the payroll tax side of state revenue, but I also would like to indicate support for the amendments by the Hon. Frank Pangallo, who seeks to also investigate stamp duty and land tax. Any party that cares for its constituencies would also seek to improve the pathway to home ownership for them. A secure, stable home in their community for them to put down roots and contribute to their community should be a goal of any party that seeks to represent the community in this place.

Everyone in this chamber should seek to support this motion so that we can show the public, the South Australian community, that we can work together and tackle the issues that really do matter to them—the issues that quite literally hit their budgets and are seen by many as an impost in getting on with their business.

This motion for a select committee comes on the back of the Hon. Connie Bonaros' motion recognising the possible change to how payroll tax is treated by this government in GP practices and the significant impact it would have on how our community accesses health care in South Australia. I note that the Hon. Robert Simms had a similar motion that sought similar goals.

It is disappointing that both the Greens and Labor have indicated that they are not supporting this committee. This committee would allow for transparency, discussion of ideas and support. I wholeheartedly support this committee. I think it is an excellent opportunity for us to investigate the impacts of payroll tax, and potentially other tax, in this state.

The Hon. C. BONAROS (17:42): Whilst I am not that great at maths, I obviously can do the numbers in this place to work out where we are landing today in terms of this inquiry. I thank all honourable members, of course, for their contributions today. Yesterday it was the Hon. Russell Wortley's turn at selling the bad news on behalf of the Treasurer; today the Hon. Tung Ngo has been given that pleasure. I say today to the Hon. Tung Ngo, just like I did yesterday to the Hon. Russell Wortley: what an absolute load of rubbish. What we have heard today is an absolute crock, yet again.

I would love to know how creative the Treasurer is actually getting with these speeches and the contributions that he is preparing for his members over here, and whether he has any pity for the fact that you guys actually have to sit here with a straight face and deliver the rubbish that is being delivered in this place. That is precisely what it is: it is an absolute crock.

In fact, I will breach every protocol that exists in this place and say this: next time the Treasurer says to me, 'Find me $1.7 billion and I will get rid of payroll tax'—because that is the sentiment that the Treasurer has about payroll tax, just like he has about land tax and just like he has about gambling tax. What we know is that this government has an addiction to unexpected windfall gains that they are reaping the benefits of. They are lining their coffers so they can go on their magical spending sprees at the expense of business in this state.

That is precisely why the Treasurer does not want to front up and have these discussions. The Treasurer knows precisely what the concerns around payroll tax are. He knows precisely what is wrong with the thresholds that apply, he knows precisely what is wrong with the rates that apply, he knows about the creep effect. He does not have a solution because he is looking forward to all that extra cash that was unanticipated and he is sending his members in this place some fluff—I do not know what it is or what to refer to it as—to try to sell us a story that there is no problem here to see in South Australia.

You can go and speak to any business in the state impacted by payroll tax and they will tell you that that is an absolute crock. Just to pick up on one of the points made by the Hon. Tung Ngo—and I will come to the Hon. Rob Simms in a second over health workers—

The PRESIDENT: The Hon. Ms Bonaros, one member at a time, thank you.

The Hon. C. BONAROS: I apologise, Mr President. It appears that there is nothing in this committee process—and I will say this at the outset: I am a very patient person and I am happy for committees to wrap up before this one takes off, if that is the issue in terms of not supporting this inquiry. I have sat on another committee—the gambling tax committee—quite patiently and waited for the workload of this place to ease when it comes to committees before proceeding with that one, and I would have been quite willing to do the same on this one.

This committee was not limited to healthcare workers and it certainly was not limited to general practitioners and the medical fraternity. I find it interesting that the Hon. Tung Ngo, on behalf of the Treasurer, would say that GPs got it wrong, because it would appear that optometrists got it wrong, dentists got it wrong, surgeons got it wrong, physios got it wrong, chiros got it wrong—every single allied health professional in the state got the wrong accounting advice when it came to payroll tax.

They all got it wrong and, not only that, it appears that every hotel, every bed and breakfast, every pub and club also got it wrong when it comes to the issues around payroll tax, because they are all having the same arguments with the Treasurer that the doctors are having. This was not limited to doctors or to what we discussed yesterday in the very good motions that got through this place. This is a systemic review of payroll tax and the impact it has on this state: $1.7 billion a year, $5 million a day, $1.97 billion in forward estimates and growing as a result of determinations that the Treasurer knows will see that number increase and line his coffers. That is what this motion was about.

On top of that, the other important point—and the South Australian Business Chamber has made the point well—is that those groups have asked for some meaningful dialogue with the government about payroll tax. They do not know why, but they accept payroll tax is payable in this state. They have said to the government, 'Engage with us and let's look at the incentives that operate in other states and see how we can put those into place here in South Australia.' The Treasurer's response to them has been, 'Not interested.'

We have this creep, so more and more businesses are creeping into the payroll tax liability, and it is undermining and diminishing the impacts the opposition made when in government. They are becoming ineffective. The Treasurer knows that, he absolutely knows that, but he does not care because the money they are getting, that they never anticipated, is too much of an addiction to do anything about—that is the reality.

Those other jurisdictions the Hon. Tung Ngo talks about do have incentives, and that is precisely what industries have been asking. They have incentives. Victoria has a 50 per cent reduction for all its regions when it comes to payroll tax, the Hon. Tung Ngo—a 50 per cent reduction is what they offer in Victoria. Guess what the South Australian Business Chamber have asked for? They have said, 'Why don't we look at what Victoria does?', because in Victoria the net impact of that 50 per cent reduction has been something like $80 million on their budget. That $80 million has resulted in business growth, more jobs, higher employment and better economic activity. An $80 million loss has actually served those regions really well, but the Treasurer, unlike the South Australian Chamber of Commerce, does not think that those sorts of considerations are worth having here.

It is not often that I have a crack at my colleague opposite, the Hon. Mr Simms. I know that there have been committees of his that I have not supported, but I have to make the point that this was not limited to healthcare workers. I think the Hon. Robert Simms might find that the hospitality venues that he so passionately voices his love for in this place might disagree with his stance on payroll tax today, because I am interested to understand how it is that we expect live music venues to continue if they have to climb over a payroll tax mountain first. How do we expect these employers to faithfully restore heritage buildings when they have to climb over a payroll tax mountain first? I would love to know that.

I am quite surprised—I cannot do this with a straight face, because it is the Hon. Robert Simms—that we are not interested in exploring those options and those incentives and those exemptions for those regions. Just because I happen to have it in front of me, I want to refresh the honourable member's memory. For the benefit of those who were not here at the time, a former member of this place, the Hon. Mark Parnell, said this about payroll tax:

> Tax is a very useful tool for encouraging things that we want more of and for discouraging things that we want less of. I am putting it in very simple terms but I am sure that I am not the only person who has, in Economics A lectures at university, pondered the question about why we tax something we want more of (like employment) and yet we fail to tax things that we want less of (like pollution), particularly when you consider that pollution has reached levels where it is changing the very climate of the planet. We accept that other factors come into play in relation to the choice of a tax base and how broad or narrow it should be. We have to take into account the ease of measurement and collection, but the way the Greens look at it is that that should not overshadow the broader economic, social and environmental objectives of taxation revenue, which, in relation to payroll tax, should include not creating a barrier to further employment.

That is one of the issues that every business group that has asked for this inquiry has asked us to look at and what the incentives are around those.

I am not going to keep us here all night, because I know it is Thursday, but I am a very patient person. I am a very patient person. My message once again—through the Hon. Tung Ngo and through you, Mr President—to the Treasurer is that you can look forward to the reintroduction of another motion in the next fortnight of parliament, and you can look forward to a campaign the likes of which you have not contemplated well by not engaging in meaningful dialogue with those industries that are calling for this inquiry. You have underestimated how impactful this is on them and the lengths that they are willing to go to, and I am willing to go to on their behalf with their blessing, to get you to sit and engage with them over some payroll tax reforms.

Of course, a committee would have served that purpose well, but, again, there is more than one way to skin a cat. If the Treasurer thinks that not having a payroll tax inquiry is going to save him from the campaigns that are mounting against him on payroll tax, then he has another thing coming, because there is only so much froth and bubble that he can try to bamboozle us with in here before those industries get really angry and start going public with their concerns. That is precisely where the Treasurer finds himself today.

So I am a patient person. I will come back here with another motion. But I also remind the Treasurer that there is a health committee in this place, and they would be more than willing to consider hearing from doctors, dentists, physios, chiros, optometrists—the list goes on—about the impacts that payroll tax is having on them. We can do this one way or the other. The Treasurer can engage or he can expect an absolute barrage of campaigning against him unless and until he decides to take those industries seriously and consider what they are asking for.

I have made my commitment to those businesses, just as I know the opposition and other members have, and as I know the Hon Rob Simms has made to the GPs and independent GPs. I intend to pursue that with as much vigour as it takes to drag our Treasurer along to engage in those meaningful discussions concerning changes that they so rightly deserve.

I know that I will be in good company with the SA Business Chamber, with the likes of the Property Council, with the hoteliers, with the agricultural industries, with seafood industries, with allied health, with restaurants—the list goes on and on. I intend to do everything in here to air those concerns on behalf of those groups for the benefit of the Treasurer so that next time he puts a contribution together for a member in this place, it has some semblance of truth attached to it.

The council divided on the amendments:

Ayes 9
Noes.....10
Majority 1

AYES

Bonaros, C.	Centofanti, N.J.	Game, S.L.
Girolamo, H.M.	Henderson, L.A.	Hood, B.R.
Hood, D.G.E.	Lensink, J.M.A.	Pangallo, F. (teller)

NOES

Bourke, E.S.	El Dannawi, M.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J.
Martin, R.B.	Ngo, T.T. (teller)	Scriven, C.M.
Simms, R.A.		

PAIRS

Wortley, R.P.	Lee, J.S.

Amendments thus negatived.

The council divided on the motion:

Ayes 8
Noes.....11
Majority 3

AYES

Bonaros, C. (teller)	Centofanti, N.J.	Game, S.L.
Girolamo, H.M.	Henderson, L.A.	Hood, B.R.

Hood, D.G.E.	Lensink, J.M.A.

NOES

El Dannawi, M.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Martin, R.B.
Ngo, T.T. (teller)	Pangallo, F.	Scriven, C.M.
Simms, R.A.	Wortley, R.P.	

PAIRS

Lee, J.S.	Bourke, E.S.

Motion thus negatived.

Bills

AUKUS (LAND ACQUISITION) BILL

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (18:06): 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.

On 15 March 2023, the Commonwealth of Australia and the State entered into a Cooperation Agreement to support the delivery of SSN-AUKUS, Australia's next-generation, conventionally-armed, nuclear-powered submarines, which will be constructed at Osborne in South Australia.

This is of national interest, with Osborne becoming the home of Australia's submarine construction industry, making it a vital part of Australia's future defence and national security.

This legislation is being introduced to facilitate the delivery of the new Submarine Construction Yard at Osborne by securing an important area of land currently owned by the City of Port Adelaide Enfield, for inclusion in the package of land transfers between the State and Commonwealth Government.

This land transfer, including the land owned by Council, is an important step towards ensuring that our State is ready to start building submarines. The exchange of land will also unlock thousands of high quality, high paying jobs in industries such as shipbuilding and inject billions of spending in infrastructure.

As well as playing our part in this important national undertaking, AUKUS will transform South Australia's economy for generations.

As a result of AUKUS it is estimated that over the forward estimates, $6 billion will be invested in the Australian industry and workforce, with at least $2 billion invested in the South Australian infrastructure alone.

Development of the Submarine Construction Yard, which is almost three times larger than the yard forecast for the previous Attack Class program, will generate employment of up to 4,000 workers at its peak. This is in addition to the 4,000 to 5,500 direct jobs expected to be required to support the building of AUKUS submarines when the program reaches its peak.

The submarine program will also have a range of flow on benefits beyond the defence and construction work—this includes the opportunity to build and enhance our reputation nationally and globally.

Delivery of SSN--AUKUS is the biggest project our State has ever seen and South Australia must play its part in ensuring its success. Given the complexity and scale of this project, we must move quickly to ensure the Submarine Construction Yard is ready to begin construction of our new submarines on schedule. The Bill facilitates the transfer of four allotments currently owned by the Council, to Renewal SA, and ensures the Council is compensated for the current market value of the land to be vested with Renewal SA.

Inclusion of this Council land in the land transfers to the Commonwealth will enable Australian Naval Infrastructure Pty Ltd (ANI) to better secure the perimeter of the new Submarine Construction Yard and provide the opportunity for the development of a new access point into their facilities.

The need for this Bill arises from the Cooperation Agreement between the State and Commonwealth Government, and the Commonwealth's timeframe for establishing the new Submarine Construction Yard at Osborne.

This legislation is being introduced to ensure the development of the new Submarine Construction Yard can go ahead as expeditiously as possible. Alternative pathways for securing the land will not meet the Commonwealth's construction timeframes due to the statutory processes and timeframes associated with the revocation of community land under the *Local Government Act 1999* and compulsory acquisition processes under the *Land Acquisition Act 1969.*

In order to meet the critical program dates targeted by ANI, the land must be available by no later than July 2024. This will ensure site preparation and an early works package for a grade separated road and infrastructure services relocation can commence, subject to any approvals as soon as practicable. These early works are required to support the sustainment of the existing Osborne Naval Shipyard and as an enabler to future construction.

The Bill will not affect the Impact Assessed Development declaration that I recently made pursuant to the *Planning Development and Infrastructure Act 2016* which requires ANI to prepare and publicly consult on an Environmental Impact Statement as part of the planning process for the Submarine Construction Yard. State and Federal environmental, social and economic impact assessments will be undertaken with Federal approval under the Commonwealth's *Environment Protection and Biodiversity Act 1999* required before the facility can be constructed.

The existing rights of infrastructure authorities with registered easements on the land are unaffected by the Bill, however other dedications and restrictions on the land—such as the community land classification under the Local Government Act—will be lifted to facilitate the transfer and future development of the land as a Submarine Construction Yard.

I commend the Bill to the parliament and seek leave to insert the explanation of clauses inserted in *Hansard* without reading them.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used in the measure.

4—Application of Act

This clause sets out the relationship between this new Act and other Acts and laws of the State.

5—Certain requirements not to apply in relation to Act

This clause provides that certain requirements under other laws of the State—for example authorisations—that might otherwise apply in relation to this measure are not required to be satisfied.

Part 2—Acquisition of project land

6—Acquisition of project land

This clause acquires the project land, as defined, from the City of Port Adelaide Enfield and vests it in the Urban Renewal Authority.

7—Revocation of status of project land as community land

This clause revokes the existing classification of the project land as community land under the *Local Government Act 1999*.

8—Closure of roads

This clause closes any roads that form part of the project land.

Part 3—Compensation

9—Compensation

This clause provides that the City of Port Adelaide Enfield is entitled to compensation in respect of the acquisition of the project land. The amount of compensation is to be equal to the market value of the project land, and the clause sets out the process for determining that market value.

Part 4—Miscellaneous

10—Duties of Registrar-General

This clause allows the Minister to direct the Registrar—General to take certain action related to the acquisition and vesting of the project land under this measure.

11—Stamp duty not payable

This clause provides that stamp duty is not payable in respect of the acquisition and vesting of the project land under this measure.

12—Regulations

This clause is a regulation making power.

Schedule 1—Project land

1—Project land

This clause defines the project land.

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

Parliamentary Committees

STANDING ORDERS COMMITTEE: FIRST NATIONS VOICE

The House of Assembly adopted amendments to joint standing order No. 16 and new joint standing orders Nos 16A and 16B to give effect to the provisions of the First Nations Voice Act 2023, and transmitted a copy of the joint standing order No. 16 as amended and new joint standing orders Nos 16A and 16B, and requests the concurrence of the Legislative Council thereto.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (18:07): I move:

That the amendment to joint standing order No. 16 and new joint standing orders Nos 16A and 16B adopted by the House of Assembly be referred to the Standing Orders Committee of this council for consideration and report.

Motion carried.

Bills

DISABILITY INCLUSION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Introduction and First Reading

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

At 18:09 the council adjourned until Tuesday 30 April 2024 at 14:15.

Answers to Questions

SOUTHERN FLEURIEU HEALTH SERVICES

331 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (22 February 2024). Can the Minister for Health and Wellbeing advise—

1. What modelling has the state government undertaken to ensure the Southern Fleurieu Health Service public hospital will be able to meet the demand for inpatient medical and theatre services following the cessation of the Victor Harbor Private Hospital operations on 20 April 2024?

2. Has the Southern Fleurieu Health Service public hospital been reliant on the Victor Harbor Private Hospital beds to meet demand in the past 12 months?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Health and Wellbeing has been advised:

The Victor Harbor Private Hospital has a current bed occupancy of 6.5 beds per day with licensing for 18 beds and already operates out of a ward within the Southern Fleurieu Health Service. The Barossa Hills Fleurieu Local Health Network has planned to operationalise 16 of these beds specifically as general medical inpatient beds. The private inpatient activity will be transitioned to publicly managed activity through an increase in medical staffing FTE. Similarly, the theatre services are already provided within the Southern Fleurieu Health Service's surgical theatres. The theatre services may transition to publicly managed activity following negotiations with the relevant specialists.

The Southern Fleurieu Health Service has historically had access to up to five beds at a time within the Victor Harbor Private Hospital.