LEGISLATIVE COUNCIL

Tuesday, 26 September 2017

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:17 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.

Bills

STATUTES AMENDMENT (HEAVY VEHICLES REGISTRATION FEES) BILL

Assent

His Excellency the Administrator assented to the bill.

PARLIAMENT (JOINT SERVICES) (STAFFING) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

LAND AND BUSINESS (SALE AND CONVEYANCING) (BENEFICIAL INTEREST) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

ELECTORAL (LEGISLATIVE COUNCIL VOTING AND OTHER MEASURES) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

LOCAL GOVERNMENT (BOUNDARY ADJUSTMENT) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

LOCAL GOVERNMENT (MOBILE FOOD VENDORS) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

BAIL (MISCELLANEOUS) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

STATUTES AMENDMENT (NATIONAL POLICING INFORMATION SYSTEMS AND SERVICES) BILL

Assent

His Excellency the Administrator assented to the bill.

SUMMARY PROCEDURE (SERVICE) AMENDMENT BILL

Assent

His Excellency the Administrator assented to the bill.

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:21): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. MALINAUSKAS: I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Register of Members' Interest, June 2017—Registrar's Statement
Ordered—That the Statement be printed. (P.P.134D)
Report of the Auditor-General on the Adelaide Oval Redevelopment pursuant to section 9 of the Adelaide Oval Redevelopment and Management Act 2011 for 1 January to 30 June 2017
Report of the Independent Commissioner Against Corruption on Evaluation of the Practices, Policies and Procedures of the Public Trustee, 25 September 2017
Ordered—That the Report be printed. (P.P.5C)
Police Ombudsman—Report, 2016-17
Legislative Council—Report, 2016-17
Administration of the Joint Parliamentary Service—Report, 2016-17

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

Reports, 2016-17—
Criminal Investigation (Covert Operations) Act 2009 for the year ending 30 June 2017 by the Independent Commissioner Against Corruption
Leases and Licences Granted for Properties held by Commissioner of Highways
Listening and Surveillance Devices Act 1972
Listening and Surveillance Devices Act 1972 for the year ending 30 June 2017 by the Independent Commissioner Against Corruption
Review under section 74A of the Police Act 1998
South Australian Superannuation Scheme as at 30 June 2016
Response to the Occupational Safety, Rehabilitation and Compensation Committee:
Inquiry into Work Health and Safety Workers Compensation Issues Associated with People working Longer—'67 is the New 40'
Regulations under the following Acts—
Art Gallery Act 1939—General
Dangerous Substances Act 1979—
Fees No. 4
General
Development Act 1993—
Decisions by Development Assessment Commission
Upgrading Underutilised Buildings
District Court Act 1991—Listing Fee
Electronic Transactions Act 2000—General
Freedom of Information Act 1991—General
Juries Act 1927—Remuneration for Jury Service—General
Legislation Revision and Publications Act 2002—General

Long Service Leave Act 1987—General
Mining Act 1971—Fees No. 4
Police Complaints and Discipline Act 2016—General
Subordinate Legislation Act 1978—
General
Postponement of Expiry No. 3
Superannuation Funds Management Corporation of South Australia Act 1995—
Voting
Supreme Court Act 1935—Listing Fee
Rules of Court—
Magistrates Court—Magistrates Court Act 1991—Criminal Amendment No. 62
Award of Route Service Licence on Adelaide-Port Augusta Schedule Airline Route Report to Parliament
District Council By-laws—
Loxton Waikerie—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
No. 6—Cats
Streaky Bay—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
No. 6—Cats
Renewal SA Urban Renewal Authority Charter
Review of Orders and Directions issued by the Commissioner of Police to support the operation of Section 34AB of the Evidence Act 1929, dated May 2017
Variation to the Approved Licensing Agreement with SkyCity Adelaide, dated 20 July 2017

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Recreational Fishing in South Australia Management Plan, dated 1 September 2017
Regulations under the following Acts—
Agricultural and Veterinary Products (Control of Use) Act 2002—General
Education and Early Childhood Services (Registration and Standards) Act 2011—
Miscellaneous
National Law Text Amendment
Historic Shipwrecks Act 1981—Fees No. 4
Primary Industry Funding Schemes Act 1998—
Citrus Growers—General
Eyre Peninsula Grain Growers—General
Primary Produce (Food Safety Schemes) Act 2004—
Meat—General
Seafood—General
Veterinary Practice Act 2003—General
Wine Grapes Industry Act 1991—General

By the Minister for Water and the River Murray (Hon. I.K. Hunter)—

Regulations under the following Acts—
River Murray Act 2003—General
Direction to the South Australian Water Corporation, Public Corporations Act 1993

By the Minister for Health (Hon. P.B. Malinauskas)—

Regulations under the following Acts—
Food Act 2001—Game Meat
Police Act 1998—Miscellaneous

By the Minister for Mental Health and Substance Abuse (Hon. P.B. Malinauskas)—

Regulations under the following Acts—
Controlled Substances Act 1984—
Pesticides—General
Pesticides—Fees No. 4

Ministerial Statement

VULNERABLE WITNESS INTERVIEWS

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:27): I table a copy of a ministerial statement made in another place by the Deputy Premier on the topic of prescribed interviewers.

SPACE INDUSTRIES

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:27): I table a copy of a ministerial statement made in another place by the Minister for Investment and Trade on the subject of space industries.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. J.M. GAZZOLA (14:30): I bring up the report of the committee, 2016-17.

Report received.

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the following written answers to questions be distributed and printed in *Hansard*.

Question Time

EMERGENCY DEPARTMENTS

The Hon. S.G. WADE (14:31): I seek leave to make a brief explanation before asking the Minister for Health a question, and in doing so I wish him well in his new role. Health services are very important to all South Australians.

Leave granted.

The Hon. S.G. WADE: A fortnight ago today, the then health minister announced a hospital emergency plan to try to deal with acute hospital overcrowding, yet two weeks later the overcrowding continues. In the 24 hours up to 6am this morning, all the metropolitan emergency departments had been subject to Code White overcrowding. Flinders Medical Centre was Code White for 14 hours straight. On average, emergency departments have been operating over capacity for 15 of the last 24 hours. My questions to the minister are:

1. When does the government expect the hospital overcrowding crisis will be dealt with by this government?

2. What measures are the government currently taking to address hospital and emergency department overcrowding?

3. Why were the unions representing nurses and ambulance officers involved in the meeting to agree the measures but not the representatives of the doctors?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:32): I thank the honourable member for his important question. I also thank him for his best wishes. The honourable member has been working hard and assiduously regarding South Australian health policy for a while now, and I look forward to working with him, where I can, on a collaborative basis to ensure that the health needs of South Australians are met as best as possible.

Of course, in recent weeks we have seen an extraordinary amount of pressure put on our emergency departments throughout the South Australian health system. It hasn't been specifically located to one particular hospital more than any other, but it has reflected an extraordinary amount of demand that has occurred within our emergency departments in recent weeks. I think from the outset it is appropriate to acknowledge how much work has been undertaken on behalf of those men and women of both a clinical staffing nature but also support services, including allied health professionals, to ensure that we get through this extraordinary period of demand in a way that South Australians reasonably expect but also in a way that ensures the interests of those people that are suffering from a form of illness are best represented.

The government, in response to this extraordinary period of demand on our emergency departments, put in place a number of measures that were largely led by the former health minister. He worked collaboratively with a number of organisations to come up with a few measures that have been put in place. My advice thus far is those measures appear to be working well. Of course, that is subject to review.

The honourable member is right to mention that the system is still under a large amount of pressure, although I do note that while there are at least three hospitals that, immediately prior to me walking into this chamber, were at Code White, there are a number that are not, and that is positive news.

I have been monitoring the dashboard in respect to emergency departments and demand pretty assiduously since taking on these responsibilities a bit over a week ago. I can say that as I have been observing the dashboard it has been fluctuating from time to time. On Monday (yesterday) there were periods where a large number of hospitals were on Code White but there have also been other periods throughout the course of the last seven days where hospitals have been on Code Green in some instances and that, of course, is good news.

In respect to some of the measures that were put in place, the honourable member would be aware of those. They were announced publicly but I think one of the two most significant is a policy to send community nurses to non-urgent calls. That seems to be working well, from the feedback and the advice that I have received to this point. Similarly, the move to have SAS not attend motor vehicle accidents in some instances also appears to be working relatively well but, again, of course, it is subject to review. The state government has also put in place other measures in conjunction with that. I would like to put on the record my thanks to those elements within the private sector that are making a contribution in these extraordinary times. These are temporary measures, as I said, but, largely, they appear to be working well at this early stage.

In response to the two components of the Hon. Mr Wade's question that were of a more specific nature: when does the government expect this extraordinary period of demand to alleviate? I think it would be a bold person who would try to make predictions around emergency department presentations in coming weeks. Experience tells us that, of course, there are peaks and troughs when it comes to the numbers of emergency department presentations that occur within the system. Typically, around this time of year, we see peaks on the back of the flu season and that is well known. Ordinarily, we would expect emergency department presentation numbers to decline as we exit the flu season and enter into the summer months.

I think it would be inappropriate, indeed dangerous, for me to try to speculate or offer a firm date as to when that number would be expected to fall off so that the system is no longer under the current pressure. Instead, we are just working as hard as we can. The men and women in emergency departments around the state are working as hard as they can. The men and women working in the ambulance service are working as hard as they can to make sure that we deal with the circumstances that have been brought to bear.

The second component of the Hon. Mr Wade's question was with regard to who was present during those meetings while a number of measures were discussed. The honourable member is right to point to the fact that my predecessor, the member for Playford, was working with a number of different organisations to inform the government's response, and that is an approach that I intend to continue for as long as I am lucky enough to hold this position.

I have already reached out to a number of doctor representative organisations, including SASMOA and, of course, the AMA. I am looking forward to meeting with them shortly. Naturally, I have not had the opportunity to do that. I probably would have been meeting them this week if it were not for the fact that, of course, parliament is sitting. I am looking forward to meeting with those organisations, as I am with all other key stakeholders within the health sector.

I want to put one reflection on the record, albeit in my early days in holding this responsibility, and that is the fact that all these key stakeholders, in their own way, have a contribution to make towards policy development around the health system in this state. There is no doubt about that. Often these organisations, whether they be of an industrial nature or otherwise, are making a contribution to the policy debate in the way they think is not just in the interests of their own members but of the system generally, and I think that approach is to be commended.

However, it is important to put on the record that, in my view, there is no one single stakeholder that can lay claim to ownership of the system or ownership of good public policy. Each of these organisations will have a different view and it is my job as health minister not necessarily to serve them per se but to make sure that we are working together to serve the interests of who the health department is here for—and that, of course, is patients. First and foremost, the people that we are here to serve are the patients that present day in and day out to the health system across our great state.

There is an extraordinary number of presentations that occur day in and day out that operate smoothly and effectively through the collaborative effort of all those different interested parties. I want to work with all of them. I have reached out to a large number already and I look forward to meeting many more over coming days, weeks and months.

They all have a valuable contribution to make, but it is important that we all work collaboratively to make sure that we are not just looking out for the interests of one particular stakeholder over another, but rather make sure we are doing everything we can to ensure that the interests of patients in South Australia are best represented with good quality public policy in the area of health.

EMERGENCY DEPARTMENTS

The Hon. S.G. WADE (14:40): By way of supplementary question: the minister mentioned that measures in the plan were temporary measures. Could I ask him to reflect on that, whether it is the intention of the government that all measures in the plan be temporary; for example, ambulances only to attend urgent cases, RDNS to provide in-home support for some patients, direct admission to emergency department, and criteria nurse-led discharge. Are these temporary measures?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:40): To the best of my knowledge none of those measures have been announced as being a permanent change in policy with regard to health, vis-a-vis, therefore, they are not of a permanent nature and I think they would be characterised as being of a temporary nature. Having said that, we are going to see what learnings we get out of this.

As the pressure subsides, as we reasonably expect it should at some point—as I mentioned before, there is a seasonal nature to the way ED presentations occur—that will provide an opportunity for us to take advice and reflect on how these changes have operated, with a view to seeing whether

some should be of a more permanent nature. We will wait and see; we have to see what the reflections are of our clinicians and everybody else working within the sector. As it stands, to the best of my knowledge, there has not been a commitment that these arrangements are permanent in nature, but nevertheless they may well become permanent in nature if it appears that they would represent good public policy.

I am in the early stages of holding this responsibility. I am not going to get into the business of starting to rule things in or out unnecessarily. We want to make sure that we can improve the system and, if this crisis provides an opportunity for us to get some learnings out of it so that we can improve the system on a more permanent basis, then so be it.

EMERGENCY DEPARTMENTS

The Hon. S.G. WADE (14:42): Supplementary question: in relation to which ones are temporary and which are not, can the minister advise whether the government is still postponing all non-urgent elective surgery.

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:42): As a result of the large undertaking on behalf of this government over recent years, of course we have seen an extraordinary improvement in regard to elective surgery performance here in South Australia. Some of the changes that were made under the leadership of my predecessor have resulted directly in improvements in terms of elective surgery waiting times, and of course the large amount of investment the state government has made throughout the public health system, principally in substantial capital investments, is realising some results. That is something that I think we can all be collectively proud of.

So, when it comes to elective surgery generally, we think things are heading in the right direction. With respect to the delay of elective surgeries generally as a result of the extraordinary pressure under which the system has been in recent weeks, that is something on which I am receiving ongoing and active advice. Naturally, where elective surgeries can be accommodated in a way that does not compromise the capacity for emergency departments to do their important work, that can be undertaken, but of course the opposite is equally true.

This is something that is still on a watch-and-wait scenario. We don't think we are out of the woods yet when it comes to the large number of presentations occurring in our emergency departments—I think that will take some time—but there is no doubt, from the advice I have received, that the measures that have been put in place more recently are making a contribution to alleviating the substantial stress on the system.

There is another point worth making in this context, and that is that this is not something we are seeing exclusively in South Australia. Most jurisdictions around the country are experiencing the extraordinary peaks in ED presentations on the back of an extraordinary flu season, and that is something that is not exclusive to South Australia. Certainly, I know we are observing what is occurring interstate and seeing whether there are learnings to be had out of that as well.

But, here in South Australia, we are not immune to what is being experienced around the country, and that is why all of us are committed to doing our level best to ensure we deal with these circumstances, while at the same time delivering the outstanding health care that South Australians have come to expect.

EMERGENCY DEPARTMENTS

The Hon. S.G. WADE (14:44): Supplementary: could the minister perhaps bring back an update to the chamber as to which categories of elective surgery are being undertaken at which hospitals as part of the hospital emergency plan?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:44): I am more than happy to make that undertaking.

MODBURY HOSPITAL

The Hon. J.M.A. LENSINK (14:44): I seek leave to make a brief explanation before directing a question to the Minister for Health on the subject of metropolitan health services.

Leave granted.

The Hon. J.M.A. LENSINK: I understand that the minister had a tour of the Modbury Hospital last Friday, with the member for Florey and the Premier. After the tour the Premier was so moved that he announced a review of Modbury health services. My questions are:

1. What is the scope of the review?

2. Who is undertaking the review?

3. When will the review be completed?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:45): I thank the honourable member for her questions; they are important ones. This is information I am very keen to shed some light on for the sake of those members of the community in the north-eastern suburbs who are rightly passionate about the services that are provided by the Modbury Hospital. I will try to deal with each of the questions the honourable member has asked.

First, the honourable member is right to mention that the Premier announced a review of the services that are being provided by the Modbury Hospital. We have essentially had 12 months, or thereabouts, since a large number of changes were introduced at the Modbury Hospital, and some of those changes are delivering good results. As I mentioned earlier, we have seen the number of elective surgeries successfully occurring at Modbury Hospital increase, and I am advised that that figure is in the order of a 32 per cent increase in surgeries that have occurred at Modbury Hospital.

In this forum that might sound like just another statistic—we hear a lot of statistics in this place and I can assure members that Health is full of them; I have read a few over the last seven days—but that 32 per cent increase in elective surgeries that have occurred at Modbury over a 12-month period is actually a lot more than a number to the people who are the beneficiaries of them. The sorts of surgeries we see take place at Modbury are things like breast cancer surgery, knee surgery, foot and ankle surgery. For the people who are the beneficiaries of those surgeries, their standard of living is demonstratively improved as a consequence of getting that surgery done. That is a good thing.

So, in undertaking this exercise to review what we are doing at Modbury I want to be very, very clear that there are good things that have occurred. We don't want to start making changes that would unpick all that hard work to the extent that we start to see the benefits reversed, so the challenge before us is to do a review of what is occurring at Modbury with the objective of continuously improving what occurs for the residents of the north-east. That is what has been at the heart of all the changes that have occurred up to this point, and that is why we are seeing a number of benefits. We want that trajectory of improvement to continue so that all residents in the north-eastern suburbs and the northern suburbs generally, within the NALHN health area, do get a benefit.

In respect to the honourable member's question as to who is leading the review, that is being led by me. The Premier has asked me to undertake this exercise and it is something I am looking forward to doing. The methodology that will be applied is pretty rudimentary: I will be talking to as many people as possible, including constituents of the local community, many of whom we have already met through the exercise of getting around last Friday. I will also be talking to representatives of the local community, namely members of parliament, but also, critically, I want to hear directly from clinicians, from doctors, from nurses, from allied health professionals who work at Modbury and for them to provide feedback from their experience around what has occurred at Modbury in recent times.

Once I've heard all this information and have learnt as much as I can over a relatively confined period—I will not put a specific date around when it will be concluded, but the Premier made it clear last week that it would be a matter of weeks; that doesn't mean two or three weeks but it also doesn't mean three or four months—we want to work through this as quickly as possible. Within a matter of weeks we will be seeking to undertake this exercise and see what we can find out from it. In respect to the first component—

The Hon. J.M.A. Lensink: The scope.

The Hon. P. MALINAUSKAS: Yes, the scope, the first component of the Hon. Ms Lensink's question, the scope is pretty much that everything is on the table. There is nothing we are ruling in or ruling out, including, of course, the Liberal Party's new policy that was announced on day one of my taking on the responsibility for Health. It's amazing how a reshuffle provoked a policy within the Liberal Party, which is a good thing. You are getting a policy; that's a good thing.

The policy itself that the Liberal Party has proposed is not something that we are ruling out. Everything is on the table. Of course, there needs to be a lot more thought and detail put into the Liberal Party's policy because it essentially was a couple of dot points on an A4 piece of paper. Nevertheless, the idea is being considered and what we want to do is contemplate, put all the detail in behind it and put all the detail in behind every other option that is on the table to make sure we end up achieving what our objective is and, like I said, that is continuous improvement for the residents of the north-eastern suburbs when it comes to health and service delivery generally.

MODBURY HOSPITAL

The Hon. J.M.A. LENSINK (14:50): Can the minister confirm that the review includes surgical, medical and rehabilitation services, and also that it will look at implementation of Transforming Health beyond Modbury?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:50): Quite simply, the review is looking at the services that are provided for at the Modbury Hospital; that is the scope of the review. Everything that is encompassed within that—and that is a broad scope, I think—is reasonably being looked at. The Hon. Ms Lensink mentioned rehab services. One of the things I was able to do when I was at Modbury is already look at the incredible facilities that are there now, and that is on the back of substantial investments the government has made in recent years.

This government has been continuously investing in Modbury Hospital and we want that to continue. We have already got commitments that we have put out on the record of what we intend to do in the Modbury Hospital going forward. For instance, the rehab facilities that are there now are outstanding, world class and the envy of many other hospitals around the nation. All of it is on the table. I am not in the business, like I said, this early on of ruling things in or out. It is a genuine exercise. We want to hear from people directly.

I should state that our objective, like I said, is to improve health care for residents within the north-eastern suburbs and the northern suburbs generally. In terms of any changes that are contemplated at Modbury, it is really, really important that we make sure that safety and the delivery of safe and quality health care is at the centre of any decisions that are made. We want to be committed to the fact that the politics will look after itself; it is the policy we need to focus on when it comes to providing good quality services at Modbury. We won't be making a hasty political decision in this instance. We believe, if we get the policy right, that the politics will look after itself. Safe and appropriate service delivery is going to be at the centre of any decision-making that we make at Modbury Hospital.

MODBURY HOSPITAL

The Hon. S.G. WADE (14:52): Supplementary question: considering that the minister asserts that it is all about policy and not politics, could he advise us what clinical areas he visited in his visit to Modbury?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:52): I got a very quick tour of the Modbury Hospital. It was unfortunate that I wasn't able to spend more time out there. I am looking forward to spending a lot more time at public hospitals throughout the system.

The Hon. S.G. Wade: In one door and out the other.

The PRESIDENT: Order! Allow the minister to give his answer.

The Hon. P. MALINAUSKAS: If Mr Wade wants to get around some public hospitals with me and engage in the process that I will be doing, which is talking to a range of people over coming weeks, he is more than welcome to give me a bell and I will try to accommodate him as well. I did

get the opportunity to look around at some of the facilities at Modbury. I got around with the department heads and had a look at a number of facilities. I mentioned already the rehab facility. We got a tour through components of the Modbury Hospital. We were there for some time.

I have already been to a number of facilities throughout the state. I think it is on the public record that I have already popped into the NRAH, although I look forward to having a more formal tour of the NRAH at some point. I have had a good look around at Flinders. I was there on Sunday for the launch of a fantastic new facility and I took the opportunity to have a good look around after that event when the media and everyone else had left. I didn't see any representatives from the Liberal Party there either.

I look forward to working with the clinical areas that operate within the Modbury Hospital. I mentioned that I am very keen to hear directly from clinicians who work in that facility and who work in NALHN directly, and also others, to make sure that any changes that may be made as a result of this review, there may be none, there may be some, but any changes that are made will be done on the back of working collaboratively with the community, hearing their feedback and making sure that patient safety and quality health outcomes are at the centre of any changes that we make.

MODBURY HOSPITAL

The Hon. S.G. WADE (14:54): Supplementary: the minister mentioned that there had been a 32 per cent increase in elective surgery at Modbury. Could the minister indicate what proportion of that 32 per cent is a net increase in activity and what proportion is a relocation of elective surgery activity from Lyell McEwin and other hospitals?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:54): Improving elective surgery waiting times has been at the heart of our modernisation of the South Australian health system. The 32 per cent increase is a real number. I mentioned 32 per cent. If I put a bit more context around that, my advice is that that represents around about 800 or 850 extra elective surgeries that have taken place at Modbury over the last 12 months. That is a huge number. That is 850 real people whose standard of living has dramatically improved as a consequence of the changes that we have made.

In terms of the specific numbers that the Hon. Mr Wade is looking for, I am happy to take those on notice. This is what we have done around elective surgery, which I think, particularly in a Modbury context, is an achievement. It is worthy of commendation. I am certainly not seeking to take credit for it, but I do think decisions on behalf of my predecessor, I do think the hard work of those people on the ground who have implemented some changes and are actually doing these surgeries, they certainly deserve the credit. They deserve to be recognised and commended for what is a substantial achievement.

MODBURY HOSPITAL

The Hon. J.M.A. LENSINK (14:56): Supplementary arising from the minister's comments in relation to the fact that the review was focused on safety: given that he has mentioned that safety is at the core of the review, does he have concerns that under the changes that have taken place at Modbury safety has become an issue?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:56): No, not at all; in fact, quite the opposite. What I am concerned about is that a hastily produced policy that lacks detail, lacks thought and lacks consultation, could end up being a policy that compromises safety. That's my concern. I don't want to exploit my first question time as Minister for Health by entering a tit for tat political debate on Modbury and who has policies out there that lack detail.

What we are going to do and my remarks simply refer to the fact that if any changes are going to be made to what services are provided at Modbury, if changes are going to be made to the way NALHN operates in and around what happens at Modbury, then I want to stipulate that one of the key criteria for those changes will be safety, will be patients' health outcomes. That will be a key criterion that everyone expects should be a key criterion when it comes to the development of policies in and around Modbury Hospital or in the health context generally.

I am concerned that if as we approach the election one side of politics hastily puts together a press release and a policy just because there has been a reshuffle, that might be at the expense of considered thought and it might be at the expense of patient safety. It might not be, too. That is why we want to do the work and make sure that we get the advice of clinicians, get the advice of nurses, get the advice of Adelaide health professionals, get the advice of community members, to make sure that any changes that we implement at Modbury are quality ones that contribute to the continuous improvement that we are committed towards when it comes to public health in the north-eastern suburbs.

ROYAL ADELAIDE HOSPITAL

The Hon. J.S. LEE (14:58): My question is directed to the Minister for Health about the Royal Adelaide Hospital. Can the minister advise whether all patient safety issues that have arisen with the transfer of the Royal Adelaide Hospital have been resolved, in particular the dozen safety issues in relation to the operating theatres raised by the Australian Nursing and Midwifery Federation in a letter to the Central Adelaide Local Health Network on Friday 15 September? Specifically, what action has been taken and what issues have been resolved?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:59): I thank the honourable member for her question. First and foremost, when we contemplate the NRAH, this is, I think, the first sitting week that we have had since the transition of the NRAH, and provides me with an opportunity to acknowledge just how well the transition from the ORAH to the NRAH has gone.

As was stated before the move, this is probably the single biggest logistical undertaking that has ever occurred in the state's history. The complexity of moving from one hospital, especially a key hospital, to another, like what occurred a couple of weeks ago, the complexity that underpins that is just mind-boggling.

Since I have been lucky enough to have this job, there have been a few references to it that have been made. Naturally, our focus is on what we are doing going forward, but understanding or having an appreciation now of how much is provided for in these huge institutions and facilities, one can only imagine how hard the move was. I have moved house before in my life. It's the worst job in the world, and that is just moving some basic personal goods. One can't begin to fathom how extraordinarily difficult this move was, and it was done incredibly successfully.

A lot of thought, a lot of planning, planning over years, was put into making sure it was done smoothly. It was an extraordinary effort on behalf of all concerned from the highest levels of the health department, from my predecessor, right down to all the people who were doing the work on the ground. It was an outstanding effort that is worthy of recognition.

Of course, now that we are in the NRAH and it is operating, there are issues that have been presenting themselves, particularly in those early stages. I just want to commend the ANMF for putting those things out on the record; that is their job. I said earlier that I don't believe that organisations like the ANMF can be characterised as only caring about their members. I do actually think that our nurses who work within our system do have a genuine concern and care for patient outcomes as well, so they are right to raise issues that are being realised, and they are an important source of information that I am sure I will have to rely on regularly when it comes to decisions in and around health.

I will just enlighten the chamber by referencing the fact that I am looking forward to a meeting that I've got scheduled tomorrow with the ANMF. Naturally, last week, because at one point industrial action was on the cards, I obviously did speak directly to the CEO/secretary of the ANMF. Ms Dabars I think is a good South Australian who has led her organisation for a number of years. I was happy to speak to her last week.

By and large, my advice is that most of the issues that the ANMF raised have been addressed, or an action plan has been put in place that has satisfied the ANMF that industrial action hasn't been necessary up until this point. That is a good thing. That has taken a large amount of work from people working at the NRAH but also executives within CALHN. I want to see our industrial organisations working collaboratively.

There was, like I said, a threat of industrial action on the cards. This is not the sort of news a new health minister wants to hear, but I was also very happy to hear that that was no longer necessary and many of the issues have been addressed. I look forward to hearing from the ANMF in my meeting tomorrow and, I am sure, in what will be a large number of discussions over the coming weeks and months about making sure there are a great number of issues that continue to be addressed.

The NRAH is a huge undertaking. We are still just getting a sense of how the facility will operate in practice. There will be plans that will need to evolve. There will be systems that need to change. There will be things that need to improve. I guess my job as a minister is to make sure that's exactly what is happening. I think it would be naive to suggest that somehow all the problems are fixed and there will be no more that are presented again. There will be teething issues, and they will continue to present themselves.

My job as the minister is to make sure that there are systems in place, and that there are good people running those systems that ensure that there is a feedback loop, that there are accountabilities in place, that we have systems in place to make sure that when issues present that can be addressed, they are addressed as quickly as possible so that the men and women, our patients who attend the NRAH and see this extraordinary world-class facility—it is truly a world-class facility—can go into it knowing the people who are working there don't just have a great facility, don't just have outstanding staff working there, but have systems in place to ensure that that facility is being used to its full potential, which of course is utterly extraordinary.

STOLEN GENERATIONS REPARATIONS SCHEME

The Hon. G.E. GAGO (15:04): My question is to the Minister for Aboriginal Affairs and Reconciliation. Can the minister update the chamber on the stolen generations community reparations scheme?

Ministerial Statement

SAFEWORK SA

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:04): I thank the honourable member for her question. Before I answer that question and while I am on my feet, I table a ministerial statement by the Deputy Premier on the issue of SafeWork SA.

PUBLIC SECTOR RECRUITMENT

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:04): I table a ministerial statement from the Deputy Premier in another place on Chief Information Officer, Department of the Premier and Cabinet.

SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:05): Finally, I table a ministerial statement from the Deputy Premier in another place on the South Australian Civil and Administrative Tribunal Act 2013.

Question Time

STOLEN GENERATIONS REPARATIONS SCHEME

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:05): In relation to the honourable member's question, as I have spoken about a number of times in this chamber, the state

government has set up a Stolen Generations Reparations Scheme that has two main parts: an individual reparations component and, importantly, a community reparations component.

It is the case that not all members of the stolen generations have passed. It's not a chapter from our long distant history. The forced removal of Aboriginal children from their families, from their community and their country was done openly and often right up to the 1970s. That's in the lifetime of most of the people in this chamber.

I know some people who are of a similar age to me who had their whole lives turned upside down simply because they were of Aboriginal heritage. These people not only lost the warm and loving care of their family, they often lost complete connection and knowledge of their country, their heritage and their Aboriginality.

The introduction of the Stolen Generations Reparations Scheme was a significant step in South Australia's reconciliation journey, one which provides for individual reparations but also enables for stories to be told, a critical part of the healing process.

As damaging as the removal of a child was to that individual, the wider damage and flow-on effect is often a heartache endured by everyone in that community. Many Aboriginal communities right across South Australia were left to pick up the pieces and it was not unusual for answers never to be received about the whereabouts of loved ones. Many parents, uncles and aunties passed away without ever knowing what happened to much loved family or community members. Then, of course, there is the intergenerational trauma that continues right up until today.

Earlier this year, at the Apology Breakfast I announced that the state government was opening expressions of interest for the community fund for the Stolen Generations Reparations Scheme for projects up to $100,000. A community consultation process identified many project themes, including recording personal and community histories, family history research, healing and support initiatives, arts and cultural activities, community education, memorials and places of reflection. Expressions of interest were requested for projects to recognise the grief, pain and loss experienced by communities and families and also to support a range of proposals that can assist in the healing process.

More than 70 submissions were made and assessed by an independent panel of Aboriginal South Australians. I particularly want to place on record my thanks to Brian Butler, Christine Doolan, Christine Egan, Harry Miller and Kim Morey for their contribution to this process as the panel who assessed these submissions.

The panel recommended grants totalling $1.25 million in this first round to the following organisations: Aboriginal Health Council of South Australia, Aboriginal Lands Trust, Ara Irititja Aboriginal Corporation, Ardagula Aboriginal Corporation, City of Adelaide, City of Playford, Dusty Feet Mob, Judy Beyer auspiced by the Blackwood Reconciliation Group, Journey of Healing, Catholic Education SA, Marula Aboriginal Corporation, Murray Bridge High School, Nexus Arts, Ngarrindjeri Lands and Progress Association, Point Pearce Aboriginal Corporation, Raukkan Community Council, Relationships Australia (SA), SA Museum, Stolen Sisters and Wami Kata Old Folks Home.

I had the pleasure of visiting Murray Bridge High School last week for the announcement of $92,202 of funding for their project on recording oral histories of stolen generation members in the community. The project will connect young people with their elders and provide a valuable educational experience for both Aboriginal and non-Aboriginal students and members of the wider community about what happened to members of the stolen generations and their families. Also in this part of our state, the Ngarrindjeri Lands and Progress Association was successful in their bid for a project of preserving and making accessible Ngarrindjeri photographs, documents and stories.

I was at Camp Coorong late last year with Auntie Ellen Trevorrow and Auntie Eunice Aston and other female elders when they came together with dozens and dozens of photos, many from early last century, wondering the best way to preserve these photos for future generations. Seeing the vast collections of photos that day, many that had not been seen by most members of the community, much less members of the stolen generations, and the visual connection the family members who were taken away had with those photos remains a very vivid memory.

Projects like this—projects that help with healing—wouldn't be able to be completed without this funding. I look forward to visiting other successful applicants in different parts of this state over the next few months and seeing their important projects come to fruition. Given the very strong interest in the fund, we will quickly open up further rounds of funding in the near future. I look forward to updating the chamber on the progress of these.

STOLEN GENERATIONS REPARATIONS SCHEME

The Hon. T.A. FRANKS (15:10): Supplementary: could the minister provide us details on the individual applicants who have currently already been interviewed and those who are yet to be interviewed? What is the time line for interviews to be completed? Will it be done this calendar year?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:10): I thank the honourable member for her question and her very strong interest in this matter, both as a member of the Aboriginal Lands Parliamentary Standing Committee and as a member of this chamber. I am advised that the independent assessor has completed about two-thirds of the application assessments.

When we embarked on this process, our estimate, working with people like the Aboriginal Legal Rights Movement, was that there may be 200 to 300 applications that people might make. We thought that it might be even be less than that, given that was the pool that we thought might apply. It is a tribute to those in the community who helped get the message out. We received 447 applications for the stolen generations individual reparation scheme. As I said, my advice is that about two-thirds have been assessed.

My last advice on this, some weeks ago, was that more than half of those applications had had an interview with the independent assessor—an individual interview. I am hopeful that this will be concluded this calendar year, but it is important that the process is worked through so that anyone who wants an opportunity to have their story heard is heard. I will endeavour to inform the chamber as it continues, but I am hopeful it will be this year. Given the much greater than anticipated numbers of applicants, it is taking more time than we had initially envisaged, but it is something that is many years and decades overdue and it's not something we are going to rush.

BUSINESS SIGNAGE

The Hon. D.G.E. HOOD (15:12): I seek leave to make a brief explanation before asking the minister representing the Minister for Planning questions relating to the display of signs in business premises in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: I was contacted by a constituent in recent days regarding an absurdity he faces in the operation of the Development Act and corresponding regulations with respect to signs being displayed within his business. In this individual case, we are talking about a business set-up cost in the order of $8 million. From my understanding, this gentleman has a small flashing sign inside his business that can be seen from the road, which, by displaying the word 'open', indicates that the business is open for trade, nothing more.

The use of these types of signs, of course, is common practice amongst business owners in South Australia and elsewhere. It is not a visually obstructive sign in this case; it poses no danger whatsoever that I can see. As I have said, it is a relatively small sign, being about the size of a shoebox. What is of great concern to myself is that this gentleman has been told he is required to remove the sign because the requisite planning approval has not been granted by the local council for the display of the sign. This is bureaucracy at its finest. It offends common sense, in my view, that a small sign should require council approval. Moreover, it potentially stands in the way of South Australian trade, and it certainly stands in the way of this individual's business.

Not only has this business owner been prevented from advertising his business as being open for trade, but requiring council approval can directly impact the local sign makers who actually provide this sign and no doubt many other signs for businesses across this state. In this case, it was provided by a local sign maker. Furthermore, he was told that it would be January before he could receive approval for this, in this case. My questions to the minister are:

1. For what legitimate purpose would a council need to approve a small sign located within a premises that is, as I said, approximately the size of a shoebox?

2. Will the government commit to resolving this regulatory absurdity? It can do so very easily. It doesn't require legislation and it is, of course, contained in the regulations of the Development Act, so the minister can change it very, very quickly.

3. What is the government doing to ensure that small to medium businesses aren't burdened with unnecessary red tape in relation to planning and development, as is highlighted in this instance?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:14): I thank the honourable member for his question. I will take those questions to the minister in another place and bring back an answer. Perhaps if after question time the honourable member would like to give me details of the specific individual, that I understand for good reason he did not name, we can have that looked into in that individual case as well as the three questions that he has asked.

ROYAL ADELAIDE HOSPITAL PAIN MANAGEMENT UNIT

The Hon. S.G. WADE (15:15): I seek leave to give an explanation before asking questions of the Minister for Health in relation to the pain management unit at the Royal Adelaide Hospital.

Leave granted.

The Hon. S.G. WADE: A number of concerns have been raised with me directly and indirectly in relation to the pain unit at the Royal Adelaide Hospital. One of them included a description of the current operation by a current patient, which I propose to read onto the record:

> The Pain Unit is still operating out of the Old RAH with no real support re linen, pharmacy, cleaning, day procedure meals, dark corridors and misinformation about where they are.
>
> It is difficult for patients to be picked up and dropped off close to the lifts nearest the clinic, instead long walks following a green line from the old front door to the clinic are necessary, causing...more pain! Modes of access seem to change each week. Patients have been told that the pain unit is at the nRAH, no longer exists, isn't open at the moment ...

Another constituent expressed concern about the removal of the pedestrian crossing outside the old RAH, forcing people in pain, who often have mobility issues, to walk to the corner of North Terrace and Frome Road. My questions to the minister are:

1. Is the government intending to retain the pain unit at the old RAH site?

2. If it is not the intention of the government to retain the pain unit at that site, where will it relocate and when?

3. In the meantime, what measures will be taken to try to ease the inconvenience and discomfort to patients of the pain unit?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:16): I thank the honourable member for his question. Not being familiar with the specific case that the honourable member refers to makes it difficult for me to comment around that particular patient's concerns, but of course if the Hon. Mr Wade, subject to patient confidentiality of information and the like, wants to provide my office with some of those details, I will certainly make available to the individual concerned or the family concerned my contact details through my office and am more than happy to make some inquiries into that particular individual's circumstances or case.

With respect to the pain management unit generally, that is not something that I have, up until this point, received any specific advice about. Needless to say the health system in South Australia has been going under a substantial period of transition. There are a number of changes that have been necessitated as a consequence of our move from a very old hospital to a brand-new one. There have been requirements for adjustments to a range of services as a consequence. Largely that transition has worked well.

In respect of the pain management unit specifically, I am more than happy to seek some advice on that from the appropriate officials and get some guidance as to what the plan for that particular service is going forward, and I will make that information available to the honourable member as quickly as I can.

KANGAROO ISLAND NATURAL RESOURCES

The Hon. J.E. HANSON (15:18): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about what work is being done to sustainably manage Kangaroo Island's natural resources?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:19): I thank the honourable member for his most important question. Last week, I had the great pleasure of visiting KI again for the launch of the new Kangaroo Island Natural Resources Management Plan. Kangaroo Island may be a relatively small and somewhat isolated place to visit, but Kangaroo Island boasts experiences that are indeed world class and encourage people to take that trip across the ferry or indeed the 20-minute flight to get there.

In fact, whilst we were in the departure lounge on the way back we ran into some tourists from Mexico, who were disturbed at the time, of course, by news reports coming in about an earthquake in Mexico City. We inquired of them what they were seeing in Australia and they said, 'Sydney, Melbourne and Kangaroo Island.' They were their three stops of choice. So the fame of KI is spreading very far indeed.

I had the opportunity, of course, to see some of the spectacular nature-based tourism activities on offer on the island and some fine examples of South Australian entrepreneurs utilising the many benefits of our natural resources and bringing them together and making a fantastic product, either for tourism or for consumption through some of our spectacular Kangaroo Island gin or other products that they produce. They are amazing local products from pristine, natural surrounds, with eco-friendly designs to create high-end visitor experiences that can be enjoyed, of course, by residents on the island but also by visitors, including the Wilderness Trail, which I have spoken of previously in this place.

There is the Emu Bay fossil site, which is not yet publicly open but, ultimately, at some stage, we will be making the most of it. There is the KI Spirits microdistillery and the Kangaroo Island Brewery, just to name a few. Kangaroo Island's national parks help to position the island as a premier nature-based tourism destination. The island's national parks contribute 20 per cent of South Australia's nature-based tourism dollars to the state's economy, I am advised.

Kangaroo Island is a landscape of incredible significance. The new Kangaroo Island Wilderness Walking Trail is a 61-kilometre long track that takes five days to get through if you do it all in one go. The weaving trail takes visitors through botanically unique areas of rugged, remote and spectacular coastline. The trail provides an internationally competitive multi-day walking experience along the south-west coast of Kangaroo Island and has already been listed as one of the world's top new travel destinations in 2017 by the leading international travel authority Lonely Planet, highlighting the trail to millions of potential travellers around the world.

The state government has committed over $5 million for this world-class, nature-based tourism showcase for our state. The trail will bring economic benefit to the state generally, not just to KI, along with opportunities for the private sector to invest in accommodation or new tourism products on the island. I am advised that over 2,500 walkers have booked to walk the Kangaroo Island Wilderness Trail; of these about 1,200 have completed the trail. Responses from the first walkers of the trail have exceeded all expectations. It is anticipated that 3,300 walkers will use the trail in 2017-18.

Kangaroo Island's beautiful rugged landscape has been a sanctuary for a wide variety of wildlife for millions of years, and the Emu Bay fossil site is arguably one of the most exceptional Cambrian fossil sites in the world. The site is dated to be about 520 million years old, between the slightly older Chengijang deposits of southern China and the slightly younger Burgess Shale site in Canada, both of which are already world-famous.

I was very lucky to have palaeontologist Diego Garcia-Bellido from Adelaide Uni show me some of the amazing archaeological finds from the Emu Bay site up close. I found a few fossils myself by chiselling open some of the shale and they were so interesting that the palaeontologist took them from me and said, 'No, you can't keep those; they are too valuable and I have to have a closer look at them.' It is jut incredible; almost any rock of shale that you pick up and break in half will have a fossil in it of some sort. Over 50 species are now known from the Emu Bay shale site and I am pretty sure that this will be a world-famous site before too long.

It is largely, of course, because of the incredible state of preservation of the Cambrian fossils, many of which are ancient marine arthropods: animals with an exoskeleton and jointed legs represented by living insects, arachnids and crustaceans. The preservation is so exceptional that the contents of the guts of these fossils can sometimes be discerned, eyes can be discerned, and soft body parts, etc., which is very rare indeed.

Researchers from the South Australian Museum and other institutions have undertaken biannual field trips to excavate since that time, with 2017 representing the 10th anniversary of field activities. There are a number of palaeontologists on the island to celebrate the 10th anniversary of this dig. Sites like these and the beautiful natural expanse that surrounds the Wilderness Trail are very important natural assets for the state and for Kangaroo Island. The effective and efficient sustainable ecological management of Kangaroo Island's world-class natural resources is of paramount importance.

The new Kangaroo Island Natural Resource Management Plan is integral to achieving this. There has been a lot of time and effort put into the development of this 10-year plan. Care has been taken to involve and consult with the Kangaroo Island community throughout the entire process, and this includes landholders, residents, community groups, local non-government organisations, businesses and industry and local and state government agencies.

The projects developed with the community that form the basis of the plan of course need funding. The board spoke to the community in depth about the balance between the levy collected and the projects delivered, and settled on an increase to the levy, which parliament obviously understands and supports. This levy goes a long way to keeping Kangaroo Island clean and green by funding pest plant and animal control, as well as careful and sustainable management of soil and water. It is this work that ensures Kangaroo Island remains a natural and agricultural paradise.

This has been a very local plan. It was developed by the board with input from the islanders, and I trust that this plan will reflect their vision and their goals to maintain the security of their natural resources in terms of the community's desires for the distant future, at least the next 10 years, but certainly quite distant as far as most plans of this sort go for—usually a two to three-year vision, but this one is longer than most.

The articulated vision for the KI NRM region is for Kangaroo Island to retain its distinctive nature while at the same time ensuring that its thriving community and vibrant economy are underpinned by a healthy, resilient environment that is collectively managed for the benefit of all and for economic prosperity for islanders.

Over the next 10 years the achievement of this vision will require cooperation and collaboration between all the stakeholders who helped shape it. This reflects the integrated nature of the environment, society and the economy. We cannot separate our natural resources from our community and our wellbeing, our health and, of course, our industries.

The plan is based on the best available science, expert and local knowledge and presents clear direction on what is needed to achieve the sustainable management and development of the island's natural resources. But we live in a changing world, and we know that challenges will be coming at us, particularly in the area of climate change, which will mean that we need to be flexible and adaptive when we take forward our management plans.

This is an approach that the island, through its NRM plan, has embraced, knowing that new problems will be thrown up, that changes will be made, because of environmental conditions to farming and varieties that are farmed, not just the timing of bringing in crops, etc. Unanticipated

circumstances will arise, and the plan is flexible enough to allow for an adaptive management approach over the next decade.

So, climate change will be an issue that the islanders have recognised and have built into this plan, and I congratulate the Kangaroo Island Council and the Kangaroo Island NRM Board for leading the implementation and consultation of this regional climate change adaptation plan they have produced, and to build the further awareness in the community and understanding on this critical issue and meshing it with the natural resource management plan.

One of the state government's priorities is to build the social and economic capacity and resilience of regional communities, with programs such as the nature-based and cultural tourism. The Nature Like Nowhere Else nature-based tourism strategy and action plan sets out the government's course for increasing jobs for South Australians and improving the visitor experience, expenditure and regional dispersal.

Kangaroo Island is a special place: spectacular coastlines and bush landscapes, home to 45 species of plants unique to the island—more than are found in any other region in South Australia—and a number of endemic and animal species or subspecies, such as the Kangaroo Island short-beaked echidna.

The Hon. J.S.L. Dawkins: This is nearly as long as your speech in Clare the other day.

The Hon. I.K. HUNTER: I am very pleased that the Hon. John Dawkins was paying so much attention, but he does love the speeches on natural resource management, and I am very grateful for his attention.

The Hon. J.S.L. Dawkins interjecting:

The PRESIDENT: Minister, just continue with your answer.

The Hon. I.K. HUNTER: Thank you, sir. It is also the last refuge of the endangered glossy black cockatoo, which is making a comeback, thanks to the tireless efforts of the Kangaroo Island community, the KI NRM Board and DEWNR staff, who support the board with delivery of this program.

It is important to understand that more than 200,000 people visit the island every year, contributing about $134 million to the regional economy in 2014-15 and directly employing approximately 500 people, with a further 900 jobs indirectly supported. So, it is vitally important that government works with the local community to make sure that this great attraction, this nature-based attraction, is there for the longer term: it underpins the success of the whole island economy. At the same time, primary production contributed about $57 million to the regional economy in 2014-15 and provided another 400 or so jobs.

The many benefits of the beautiful, natural landscape, combined with a strong tourism economy, have attracted new businesses to the island, such as Kangaroo Island Brewery and KIS (Kangaroo Island Spirits), both fantastic examples of how sustainably managed natural resources benefit Kangaroo Island. The brewery has just announced a new ale called Shale Ale, which has been filtered through 520 million-year-old trilobites from the Emu Bay site. So, the Shale Ale that you buy from the KI brewery has been filtered through 520 million-year-old rocks and fossils, and that is a fantastic selling point.

The Hon. J.S.L. DAWKINS: Point of order: the minister just abuses question time. He has been going for over 11 minutes on this answer.

The PRESIDENT: Can the honourable minister please come to the conclusion of his answer?

The Hon. I.K. HUNTER: As usual, I would have been finished had not the interjector been on his feet. He doesn't want to hear about these fantastic entrepreneurs on Kangaroo Island, who are going out and taking advantage of the hard work of the NRM and the state government in delivering these opportunities for entrepreneurs to develop a product unique to Kangaroo Island, a fantastic selling point. World-class hospitality offerings are being developed on KI, but of course the opposition has no interest in that; they don't actually want to think about the future, they just look backwards. That's the way they are.

For example, there is the fantastic local member for Mawson who, singlehandedly, secured direct Qantas flights to Kangaroo Island—

An honourable member: Singlehandedly?

The Hon. I.K. HUNTER: Singlehandedly; Leon Bignell, the member for Mawson. He cares about Kangaroo Island, unlike the Liberals opposite. He goes out of his way to make sure that the island has a sustainable, long-term future and he is the one who delivered Qantas flights all the way through to KI. You can now book, in the UK, all the way through from London to KI. As the fame of Kangaroo Island spreads around the world, so will the fame of the member for Mawson, Leon Bignell, for delivering these not direct flights, but flights all the way through. Of course, the new Kangaroo Island airport will also be a testament to the honourable member's assiduous attempts to get funding for projects on Kangaroo Island. That will continue.

In addition to the economic benefits to the community on KI, we are just starting to understand, in scientific terms, how important it is for people to spend time in nature. We need to continue to work together to maintain and improve the condition of the region's natural resources for the benefit of the whole community, residents and visitors alike, and we need to ensure that future development activities are appropriate and sustainable. That was one of the key messages brought home to me by members of the local community.

They love to see development on the island because it creates jobs and economic potential for their island and their community, but they don't want to throw the baby out with the bathwater. They want to keep, for the long term, the wonderful natural assets they have on the island. They don't want development at any cost, because development must go hand in hand with the natural beauty that Kangaroo Island offers. After all, that is what people come to Kangaroo Island for; that is what these visitors from Mexico were telling us, that they came to KI specifically. They went to just Sydney and Melbourne and Kangaroo Island as part of their trip, and that is because KI is a place like nowhere else in the world.

We need to work together to maintain and improve the condition of the region's natural resources for the benefit of the whole community, as I said. Again, I would like to congratulate the Kangaroo Island community, the KI NRM board, and the DEWNR staff based on Kangaroo Island who support the board in their hard work in producing this plan.

An honourable member interjecting:

The Hon. I.K. HUNTER: I think it is very important to say thank you to people who have put in the hard yards and who have developed this plan on behalf of their community.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: I think it is entirely appropriate.

The PRESIDENT: Will the honourable minister take his seat.

The Hon. T.J. Stephens: You abuse question time.

The PRESIDENT: The Hon. Mr Stephens, the minister may have finished and given an opportunity to the Hon. Mr Parnell—

The Hon. T.J. Stephens: Why don't you pull him into gear? What sort of a job are you doing?

The PRESIDENT: Because the minister will answer the question—

Members interjecting:

The PRESIDENT: Be careful. You are being televised, and I don't want you to scare all the kids watching this program at the moment. Just sit down and allow the minister to conclude his answer.

The Hon. I.K. HUNTER: I thank the community of Kangaroo Island for working with us on the development of this plan.

Members interjecting:

The PRESIDENT: Order!

Bills

INDUSTRY ADVOCATE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 August 2017.)

The Hon. R.I. LUCAS (15:34): I rise on behalf of Liberal members to support the second reading of the Industry Advocate Bill. The bill seeks to capitalise on increasing community and industry stakeholder support for a buy South Australia type of policy over recent years. The bill essentially locks in the current advocate position for a five-year term and gives the advocate greater powers to require information. For example, there are new penalty provisions of up to $20,000 for persons and organisations that do not comply with an order to provide information. The advocate will have the power to recommend action by the minister for noncompliance with commitments under tender arrangements.

The stakeholder consultation the Liberal Party conducted is that, broadly, most stakeholder groups indicated support for the legislation to varying degrees. Some did raise some concerns and issues that they wanted raised during the parliamentary debate. However, overall, as I said, the broad stakeholder position was one of general support for the legislation the government has brought to the house.

I think it is fair to say that the most sceptical response the Liberal Party received did come from the Master Builders Association, which supported the role of the Industry Advocate but certainly questioned the need for it to actually be a statutory position, as is being proposed in the legislation. I think that concern about what the argument was for it to be a statutory position was reflected in one or two of the other stakeholder views as well.

The government has claimed that the current arrangements have been, in their words, a roaring success, and they quote figures and statistics to indicate their belief in that respect. Therefore, stakeholders have said that, if the government's view is that the current arrangements have been operating successfully, they are unclear as to why there was the need for it to be made a statutory position.

The Master Builders Association has also raised concerns about the possibility of increased costs to taxpayers from increased red tape and government intrusion into the private sector. They have also raised concerns about increased costs to their members in terms of complying with what they term red tape and increasing compliance costs in relation to tendering arrangements for government contracts.

In looking at some of the individual submissions made to the Liberal Party in relation to the legislation, if I refer to the submission we received from the Ai Group, they indicated that they had been a strong supporter of the role and activities of the Industry Participation Advocate. They indicated that they had lobbied for the position to be put in place initially and they continue to support what they saw as the existing role of the Industry Participation Advocate.

The Master Builders Association indicated on behalf of their members that they believed the majority of their members also believe that there has been a net benefit from the arrangements that were currently operating. They support the legislation, but they have raised a number of issues. They have raised the issue about the appropriateness of a five-year term. In their view, they thought it would be more appropriate to have a three-year term for that position.

I was interested in recent evidence to the Budget and Finance Committee from the new chief executive officer for the Department of the Premier and Cabinet. I might stand corrected on that. I am not sure whether it was the chief executive, but certainly in recent evidence to the Budget Finance Committee a senior executive did express the view to the Weatherill government that the position of five-year contracts perhaps was too long; that is generally in the public sector. It was this chief

executive's view that three-year contracts were more appropriate. On reflection, I think it might have been the previous chief executive of the DPC, not the current one, who expressed that view in evidence to the Budget and Finance Committee.

The second point the Ai Group raised was the role of the Industry Participation Advocate. The Ai Group states that its view is that in an overarching sense the advocate should play a key role in educating participants about their obligations under the industry participation policy, review those policies once they are formulated and then report to parliament and other stakeholders about the extent and success or otherwise of the advocate's role. I now quote them:

> We would have a concern if in fact the Advocate's role extended to a formal position around the table with successful contractor and potential sub-contractors negotiating the appropriateness of an Industry Participation Plan.
>
> Whilst it is not clear in the Act that this would be the expanded role of the Industry Participation Advocate, we would have some concerns if this was the case in practice.

In the second reading, I did put that question to the government on behalf of the Ai Group. I outlined their concerns, and I seek a government response to the concerns the Ai Group has raised about this legislation. They conclude their submission to us by saying that they fully support the present role and activities of the Industry Participation Advocate and, as I said, they have raised some questions and concerns about the proposed role.

I refer to a submission that the Liberal Party received from the Master Builders Association in detail. As I said, they were unconvinced of the need to create a statutory authority. In their words:

> By the Government's own statistics, local products, materials and labour now make up around 90 per cent of major infrastructure projects. This is positive news.

They then go on to say that if the current arrangements are in essence working, what is the need or requirement for change?

Further on in their submission to us, they raise issues about the complexity of the tendering process. They indicate on behalf of members the concern that has been expressed about the increasing complexity of the tender process, especially measuring the commercial benefit of local inputs. They believe that consideration must be given to commercial realities. This is a quote from their submission:

> We believe ongoing costs for our members must be monitored and investigated by the Industry Advocate if required. The cost impact should be written into the legislation as a consideration, and the office of the Industry Advocate should be required to report on this point annually.

Clearly, the government has not taken up that particular position. I seek a response from the government, given that they are not taking up that particular position, what if anything do they propose to do in response to the concerns of the MBA; that is, that they believe the Office of the Industry Advocate should be required to report on the costs of complying with the tendering arrangements and in terms of the formal procurement process for government contracts? If it is not to be the Industry Advocate reporting on it, does the government believe it is an issue, and how might the request to the MBA be met in some other way? Finally, they have also advocated

> …the introduction of a formal review mechanism to assess the program and cost effectiveness of the new authority. Master Builders SA would suggest that this is better managed as a legislated review requirement rather than a sunset clause.

I give those two submissions. There were a number of others that did raise similar issues, not to the same extent, in relation to the legislation. I place on the record that we do share some of the potential concerns in relation to increased costs of compliance for some of the contracting and tendering arrangements that governments now require.

It probably would be something that a new government ought to have a look at in terms of the interrelationship, I think, between the Office of the Industry Advocate and the State Procurement Board, for example. I seek a response from the government in relation to how they see the ongoing responsibilities of the State Procurement Board and the Office of the Industry Advocate in terms of whether or not there is indeed any overlap in terms of the work they do and in terms of the potential reporting requirements of the success or otherwise of some of these requirements.

It may well be that, if South Australia has a productivity commission at some stage in the future, the whole area of government procurement in terms of meeting requirements of the State Procurement Board, in terms of meeting requirements of the Industry Advocate and in terms of meeting various other requirements of government might be fertile ground for consideration by a body such as the productivity commission to have a look at the costs and benefits of the myriad arrangements that we have in South Australia, to ensure that we are competitive nationally and internationally, that we are not imposing too many additional costs on business and that any additional costs that we are imposing are offset by increased benefits to business generally.

To be fair, I think there are some businesses in South Australia that are outspoken advocates of what they see as the impact of the role of the Industry Advocate and would certainly believe that the benefits to their particular business outweigh the costs imposed by any increased compliance arrangement. But I think the issue is a more general one; that is, whether or not someone should sit back and have a look at the interrelationship, as I said, of the State Procurement Board, the Office of the Industry Advocate and a number of other bodies and agencies involved in this area, and ultimately make a judgement as to whether or not the overall benefits outweigh the overall costs of the current arrangements that we have.

That may or may not be an issue that applies the mind of either a re-elected government or a future government of a different political persuasion. That will be an issue that can be determined at some later stage. At this stage, on behalf of Liberal members, I indicate our support for the second reading of the legislation.

Debate adjourned on motion of Hon. J.E. Hanson.

STATUTES AMENDMENT (UNIVERSITIES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 August 2017.)

The Hon. T.A. FRANKS (15:48): I rise on behalf of the Greens to speak on the Statutes Amendment (Universities) Bill 2016. In doing so, I note that much of the bill is innocuous. Indeed, were all of the bill innocuous, I would possibly not even rise to speak on it. Certainly, the official renaming of the Flinders University of South Australia Act 1966 to the Flinders University Act 1966 is non-controversial. Strengthening the statutory liability protections for council members and senior officers is not controversial. Including provisions for the establishment of common investment funds for the universities and expanding the councils' powers of delegation also are not controversial. Allowing for the tabling of annual reports in parliament by the Minister for Higher Education and Skills instead of the Governor is similarly not controversial.

This suite of non-controversial elements in the bill, however, come with the bid by Flinders University and the University of Adelaide to reduce the staff, students and alumni on their university councils—the senior part of their governance and the most powerful decision-making parts of those two universities—which is, of course, controversial. That is why they have been packaged with, I believe, this suite of non-controversial measures, including the changing of the name of Flinders University of South Australia to Flinders University. Those non-controversial elements should have been put up separately from reducing the staff and student, in particular, representation on university councils.

The bill before us has no support from the National Tertiary Education Union of this state, no support from the student elected bodies of those two institutions in this state (the University of Adelaide and Flinders University), but has the endorsement of the Weatherill Labor government, which seeks to reduce the student and staff voices on those two university councils. It beggars belief that a Labor government would put this bill before this place without that support from the NTEU or the student bodies, but it has, and here we are. We are seeing the corporatisation of the governance of our universities, and this bill reduces the student and staff voice of those two institutions.

Indeed, it is happening in a climate where there are worse conditions for students and staff. There has been a reduction in the number of staff at these academic institutions, particularly administrative and support staff. In particular, I note that there is increased pressure at the coalface

for overworked staff, tutorial classes are swelling and student numbers in each class are increasing. Students have never needed a voice more than they do now, and yet the Labor Weatherill government is reducing that student voice on the councils at the University of Adelaide and Flinders University. As well as that, the staff needing the support that an industrial democracy brings is being eroded at this very time.

The question to the Weatherill Labor government is: why are they removing students and staff from the university council? What value do they expect to gain from lessening the student and staff voice at these institutions when we are seeing students' quality of learning already affected and we are seeing cuts to essential staff? Indeed, Flinders University recently cut 25 of its library staff. Many of these staff members were also students or were staff who were unable to be placed elsewhere in the institution. We do not have a bill to ensure that the quality of education is being protected at our academic institutions, but we do have a bill introduced in this place by a Labor government to reduce the student and staff voice, to reduce the industrial democracy of these universities and to reduce the transparency when a decision is made.

One of the decisions that will be made and that continues to be made is the salaries of the vice-chancellors who preside over these cruel cuts to staffing. When a vice-chancellor earns in a week what some academic staff earn in a year, we should be questioning whether or not we need greater transparency rather than a lessened student and staff voice in the very bodies that oversee these decision-making forums.

The nation's 38 public university vice-chancellors were paid an average salary package of some $890,000 in recent years, with 11 of those vice-chancellors paid more than $1 million. It has been brought into question, not just by the Greens, that something is out of whack here when a vice-chancellor can earn more in a week than an academic staff member can earn in a year.

It has also been brought into question by no less than the education minister, Simon Birmingham, at a federal level, who has urged restraint. He said, and I cannot agree more with the statement, that these salaries of the vice-chancellors should reflect community expectations. He has noted that excessive senior pay packets are actually part of his justification for the $2.8 billion in funding cuts that are proposed. He is on record in the media as saying:

> Universities are big, complex institutions that require specialist skills that their VCs should be recognised for, but some of these numbers would surprise many people…
>
> Taxpayers foot the bill for some 58 per cent of university revenue so VCs should ask themselves whether their pay meets the expectations of students, staff and everyday Australians.

I think that if you asked students and staff and everyday Australians they would think it is out of whack that a vice-chancellor can earn more in a week than some academic staff earn in a year. They would think that it is out of whack that, at the very time that these vice-chancellors are awarding themselves excessive salary increases—indeed, out of whack internationally as well with what vice-chancellors at institutions overseas are awarded—we should be reducing the student and staff voice on the university councils.

The Greens have just tabled an amendment to this bill that is in addition to the previously filed amendments that councillors would be aware of. The previously filed amendments seek to reinstate the student and staff numbers on these university councils at their current levels and also seek to have this bill referred to the Social Development Committee for report and recommendations. On that note, I move the following amendment to the second reading motion:

> To leave out all words after 'that' and to insert 'the bill be withdrawn and referred to the Social Development Committee for its report and recommendations'.

To continue my remarks, this bill comes before us without the support of the students and staff of these institutions. It certainly has the support of the vice-chancellors of these institutions, who are on their healthy salary packages and who are cutting and slashing at these institutions. It certainly has the support of the Weatherill Labor government. I imagine it will have the support of the opposition in this place, but it should not come without the transparency that an inquiry by a select committee could provide. We have not heard the student and staff voices of true consultation about this process.

We have certainly had a great deal of correspondence of concern from members of these university communities. In particular, I note that the National Tertiary Education Union has been very active in raising their concerns, both about the lack of consultation prior to this legislation coming before this place and about the lack of support from their organisation for this legislation. That select committee process would give the parliament the ability to hear those voices that have not yet been heard in that debate. They certainly have been ignored up to this point by the vice-chancellors of the respective institutions, and at this point, given we have a bill to slash those student and staff numbers from university councils, they have been ignored by the Weatherill Labor government.

I urge the opposition to listen to those voices, to act for transparency and good governance and to ensure that, where a decision is made, those who are stakeholders and who are affected directly by the decision have the ability to be not just told what is happening but to have their say. Indeed, I note that the government's own democratic processes that they often espouse in this place—their online democracy and conversations where they put an idea out to the South Australian public to 'have your say'—have not been employed in this process.

We have not heard the students and staff voice in this debate whatsoever, and I note that these measures in this largely uncontroversial bill to slash the numbers of students and staff on university councils do not come with the support of those students and staff. Those voices have been silenced, and this parliament could act to listen to those voices and indeed perhaps find a way forward on this issue that could get the support of those stakeholders. But that has not been a path the Labor Weatherill government has chosen here.

They have also not chosen—and this has been done in Tasmania and Victoria—to ensure not only that there is a maximum cap on the number of these university councils but there is a minimum number on these university councils. So, my first question to the minister is: why has the government not acted to ensure there is a minimum number on these university council bodies? Was that discussed? Was it countenanced? If it has been countenanced and rejected, on what grounds was that decision rejected, and was the experience of both Tasmania and Victoria taken into consideration?

Further, the lack of consultation should have rung alarm bells, I would have thought, for the Labor Weatherill government that this piece of legislation is actually a harbinger of what is to come. If you take away the students and staff on these university councils, surely that will actually erode the student and staff voice and the transparency when decisions are made in the future.

I was forwarded a piece of correspondence when we were in communication with the Minister for Education's office about this bill. I suspect it may have been done in error, but certainly we were most appreciative of receiving it. The correspondence is from Will Denny to my then staff member, and it is dated 23 December last year, 2016. Its subject is:

> Draft response regarding the Statutes Amendment (Universities) Bill 2016 (SEC=UNOFFICIAL)
>
> Attachments: Draft response re the Statutes Amendment (Universities) Bill 2016.doc

It goes on to give greetings to my staff member and state:

> We spoke a few weeks ago regarding a constituent enquiry regarding the Statutes Amendment (Universities) Bill 2016. The initial enquiry may be presented as a concern about the effect of the Bill on the University of Adelaide Act (1971).
>
> Please find attached a draft response for consideration when responding to that enquiry, or similar enquiries.
>
> Please let me know if you have any questions or concerns.
>
> Kind regards,
>
> Will
>
> Will Denny
>
> Ministerial Liaison Officer
>
> Office of the Hon Susan Close MP
>
> Minister for Education and Child Development | Minister for Higher Education and Skills

The letter attachment sent to my office—and I must say that my office made it very clear that she was ringing from the office of Tammy Franks MLC, not from the office of 'Labor backbencher, MP'—has a space to insert name and address and a space to insert the name of the constituent. The letter goes on to give us a template to address constituent concerns—I suspect a template to address constituent concerns on behalf of the Labor Party. It goes on to outline the bill, to certainly emphasise all of the non-controversial parts of the bill, and then to state:

> Please be assured that in the Statutes Amendment (Universities) Bill 2016 there is no intention to remove or weaken staff and student representation on our university councils. Student and staff representation is a crucial component of an open and transparent university governance structure.

That part of the letter I could not agree with more, but I question whether there is no intention to remove or weaken staff and student representation, when indeed that is seemingly the point of this bill. It then goes on to state:

> If enacted, the Bill would reduce the overall size of the university Councils at Flinders University and the University of Adelaide by moving from four to two staff members (one general and one academic), and from three to two student members (one undergraduate and one postgraduate).

So, how is that no intention to remove or weaken staff and student representation? That is my second question to the minister. Further, the letter goes on to assuage any concerns from a concerned constituent, and certainly, if the correspondence sent to the Greens' offices is any indication, there was a large amount of such correspondence sent to all members of parliament. I am advised that the University of Adelaide has provided formal advice of the proposed amendments to the National Tertiary Education Union and that the staff have had access to minutes of council discussions on the issue.

My third question to the minister is: when was this formal advice of the proposed amendments to the National Tertiary Education Union made, to which members of the National Tertiary Education Union and in what form? Also, when were staff given access to the council minutes of discussion on this issue? What was the date and in what form was that information provided? The form letter then goes on to state:

> Flinders University has undertaken a public consultation process on the proposed amendments. This involves providing information on the proposed amendments to all staff and students, holding public forums, inviting submissions and providing responses to the issues raised. In addition, the Minister for Higher Education and Skills has met with staff and student representatives from Flinders University and the University of Adelaide to discuss the proposed amendments.

So, my fourth question to the minister is: when did that meeting take place; who was the meeting held with; and what was the resolution of those staff and student representatives after that meeting? Were they in support of this bill or did their opposition remain?

The form letter, which I am sure was very handy for Labor backbenchers and, for some odd reason, sent to my office to assist us with our inquiries, goes on continuing to placate and assure concerned people that no harm will come from this bill. The Greens believe that harm will come from this bill because the student and staff voice is important in the role of a university. A university is more than a corporation—it is a community. The reason there is a student and staff voice on these bodies—who are in the vast minority on these bodies—is so that you actually have the community which you serve at the table when you make the very decisions that affect them the most.

The Greens will be moving amendments to restore the student and staff representation on these two university councils and will happily support the aforementioned non-controversial elements of the bill. We will also, as I have flagged, be moving to send the bill to the Social Development Committee for further inquiry and, indeed, real transparency and do the job that the government should have done and hear the student and staff voice, not just in a private meeting once the decision has already been made with the minister, but for all of the parliament to be informed and for the transparency of the erosion of industrial democracy to be put out for all in the South Australian community to see.

Finally, just today I have filed a stopgap amendment, because if students and staff are not going to be at the university council tables when decisions about extraordinary pay packets for university vice-chancellors are made—pay packets over $1 million, pay packets in multiple amounts of what the Premier or the Prime Minister of this country earn—then we will ensure that in the future

those vice-chancellors cannot award themselves those exorbitant pay packets and that they will be curbed to the level of no more than the Premier of this state.

I think the argument that the Premier does a pretty damn good job and earns his pay packet should be one that should be accepted by the university vice-chancellors. Surely, the running of the state should be recompensed at a rate that the vice-chancellors should not be exceeding. To run the University of Adelaide or Flinders University is no greater responsibility than the running of South Australia.

I think the ordinary person in the street, and certainly the students and staff of these institutions, who have not been properly consulted and who do not support the erosion of their voice at the table, will support curbing the exorbitant pay packets of these vice-chancellors, who are riding roughshod over these institutions with cuts to staffing, with cuts to services and with an erosion of the students' academic experience on campus, and who now are coming to this place and asking us for less transparency rather than greater transparency.

Next time they award themselves a pay rise, students and staff will look back and see whether or not the Parliament of South Australia stood up for them. As the federal higher education minister Simon Birmingham has said, 'Enough is enough!' We need to rein in these vice-chancellors and ensure that their salaries are what is acceptable and moral when all across the university sector are having to tighten their belts and there are federal budget cuts.

Therefore, I think it is beholden on opposition and government to consider that, to consider whether, if they are going to support students and staff being removed from university councils and the student and staff voice being lessened, they are then also going to let vice-chancellor salaries increase exponentially into the future, or draw a line in the sand in this council at this time and ensure that the excesses stop now.

The Hon. K.L. VINCENT (16:11): I will speak briefly today on the second reading of the Statutes Amendment (Universities) Bill. I appreciate the briefings I have received on this from the minister's office, universities and other stakeholders. Unfortunately, while most of this bill certainly is worthwhile, after careful consideration, like other speakers, the Dignity Party has decided that it cannot support the bill in its current iteration, primarily because it cuts the number of elected positions on university councils and reduces student representation and voice.

If there are more suitable amendments that improve this bill—and I believe I may have just recently received one on my desk that I am willing to consider—and if those amendments are worthwhile, we might consider changing our view to support this bill. But, given that universities need actively to represent the student body, as it currently stands we cannot lend our support to it.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:12): I rise to close the debate at this stage. I believe all honourable members who wished to contribute have done so. I thank those members for their consideration of the bill and their contributions to this debate.

As I indicated during my second reading speech, this bill makes a number of important reforms to the governance arrangements at the University of Adelaide and Flinders University, the greatest university in the world. The universities have sought these amendments following extensive reviews of their existing governance arrangements. The government has consulted closely with the universities in developing this bill. In turn, both universities put in place their own processes to inform and engage with their respective communities about the proposed amendments.

The Hon. Jing Lee made a series of remarks early in the debate about the importance of the University of Adelaide and Flinders University to our state. Their contribution is seen through the universities' role in educating young people and driving innovation and research, in developing and commercialising opportunities and in attracting international students to South Australia.

The government agrees wholeheartedly with that sentiment. It is in the context of the universities' contribution to the state, the reasonableness of what they have proposed and the government's respect for the universities' independence that we have introduced this bill.

I acknowledge the concerns that have been raised, both in parliament and in the wider community, about the proposal to reduce the size of the university councils. The bill would reduce

the size of the university councils from the current levels of up to 21 members by reducing the number of staff, student, independent appointed and, in the case of the University of Adelaide, alumni members of council. The universities have made representations to the government that the current size of the councils is unwieldy and inefficient and that smaller councils would allow council members to more fully engage in the governance of the universities.

Some staff and students have expressed concerns about the reduction in staff and student members of council. This concern comes from a genuine desire to have staff and students play a constructive role in university governance. In response, I am advised that both universities have sought to inform and engage with staff and students about the proposed amendments and the reasons for them.

However, the government is satisfied that the universities' request is motivated by a desire to improve the governance arrangements, that it comes after careful deliberation and that staff and students have been informed of the proposal. Staff and students will continue to play an important role on university councils and the bill does not affect other mechanisms for staff and student engagement, such as the academic board or the senate.

The Hon. Andrew McLachlan raised a number of issues in his contribution to the debate, to which I would like to briefly respond. Following an initial request from Flinders University for amendments to its act, the Department of State Development consulted at all three public universities on possible amendments to their acts. The bill reflects the outcomes of that consultation process with the University of Adelaide and Flinders University. The University of South Australia elected not to pursue any amendments to its act at this time.

The University of Adelaide and Flinders University put in place their own processes for consulting with their communities on the amendments in this bill. I outlined these processes in my second reading speech. The amendments in the bill have also been approved by the councils at both universities, and the universities will continue to be required to present their annual reports to the parliament. This will provide a mechanism for the parliament to monitor the success of these changes to the governance arrangements.

The changes to the council structure have been broadly modelled on the existing structure at the University of South Australia, and the composition of the Flinders University council will be exactly the same as the University of South Australia. The University of Adelaide will differ in two respects: it substitutes one independent appointed member for an elected alumni member, and there will be a degree of flexibility in the overall size of council by allowing for between four and seven independent appointed members.

Council members at the University of Adelaide and Flinders University do not receive board fees. The Chancellor at the University of Adelaide does receive an honorarium, and I am advised that there are no current proposals to change this arrangement. The measures contained in the bill do not impact on existing university policies around academic freedom of speech at the University of Adelaide and Flinders University.

I acknowledge the support from members for the implementation of many of the measures contained in this bill. I note questions read into the record by the Hon. Tammy Franks, and officers will have taken note of those questions and will prepare a response for me to provide at clause 1. I understand that there is support for this bill to be read a second time but for the committee stage to be taken into consideration at a later stage so, should the bill pass the second reading, I will move that the committee stage be an order for the next day of sitting.

The PRESIDENT: The Hon. Ms Franks has moved an amendment to the second reading position, so I put the question that the words proposed to be struck out stand as part of the question. If you support the Hon. Ms Franks you will vote no.

Motion negatived.

The council divided on the second reading:

Ayes.....18
Noes 3

Majority..... 15

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Gago, G.E.	Gazzola, J.M.	Hanson, J.E.
Hood, D.G.E.	Hunter, I.K. (teller)	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Maher, K.J.
Malinauskas, P.	McLachlan, A.L.	Ngo, T.T.
Ridgway, D.W.	Stephens, T.J.	Wade, S.G.

NOES

Franks, T.A. (teller)	Parnell, M.C.	Vincent, K.L.

Second reading thus carried.

SUMMARY OFFENCES (INTERVIEWING VULNERABLE WITNESSES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 August 2017.)

The Hon. A.L. McLACHLAN (16:23): I rise to speak to the Summary Offences (Interviewing Vulnerable Witnesses) Amendment Bill, and I speak on behalf of my Liberal colleagues. The Liberal Party is supporting the second reading of the bill. The bill seeks to amend the Summary Offences Act and it follows the passage of the Statutes Amendment (Vulnerable Witnesses) Bill 2015, which came into operation on 1 July 2016.

The Hon. T.A. FRANKS: Point of order: the speaker is right next to me and I cannot even hear him.

The PRESIDENT: Can anyone who wants to hold a discussion please do so in the corridors and allow the speaker to be heard.

The Hon. A.L. McLACHLAN: Thank you, Mr President, for your protection and thank you to the Hon. Tammy Franks for bringing the noise to your attention. We will be supporting not only the second reading but also the passage of this bill, as well as the amendments that have been filed by the government. A recent Supreme Court decision has highlighted a potential gap in the extant legislation concerning the application of the transitional provisions. The extant legislation governs interviewing vulnerable witnesses—that is, those who are under the age of 14 or those who have a cognitive impairment—and the use of video records of interviews in court.

Provisions were previously enacted to enable video interviews of vulnerable witnesses to be admissible at trial in lieu of an examination-in-chief, subject to certain safeguards. The recent Supreme Court decision highlighted some slight ambiguity in the transitional provisions, that they might only be enlivened in matters involving serious offences against the person. However, as the government asserts, this was not the intention of parliament.

This bill amends the Summary Offences Act to provide clarity and ensure that video interviews with a vulnerable party are admissible in proceedings for all criminal offences, not just those involving serious offences against the person. Although the Supreme Court decision still permitted the admission of the video evidence, the Liberal Party concurs with the government proposition that it is prudent to explicitly clarify the law on the issue, and hence the bill is before the parliament.

Today, the Attorney-General in the other place also made a statement in relation to prescribed interviewers. There was a further technical problem in relation to certain interviews that took place that were not fully compliant. There is a further amendment to this bill that seeks to rectify this situation. It has been set out at length in the Attorney's ministerial statement to the house, which

has also been tabled in this chamber. The Liberal Party will support these technical amendments. I note that there is a very late filing with a minor amendment with reference to a clause, and I would ask the minister in the second reading summing-up to clarify that minor change for the benefit of Hansard.

The current law introduced a requirement for an audiovisual recording to be taken of an interview with vulnerable witnesses and for the interview to be conducted by a prescribed interviewer. These recordings were then tendered in court proceedings in lieu of examination-in-chief of vulnerable witnesses.

Due to an administrative oversight, child protection staff were not prescribed for the purposes of the act between 1 July 2016 and 21 August 2017 as was intended. It appears that training undertaken by interviewers at the Women's and Children's Hospital had not been accredited by the then health minister. As a result, a court ruled last month that at least one recorded interview was inadmissible. Further amendment will enable the Minister for Health to specify by notice in the *Gazette* those child protection services staff who conducted interviews between 1 July 2016 and 21 August 2017 as designated persons and therefore conducted by a prescribed interviewer. I commend the bill to the chamber.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:27): I thank honourable members for their contributions and the Hon. Andrew McLachlan, who has carriage of this on behalf of the Liberal Party. I note that there was, I think, one clarification on the minor amendment, which I will seek to make during the committee stage, if it pleases the honourable member. With that, I wrap up my second reading speech.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.L. VINCENT: I have already spoken to this bill on behalf of the Dignity Party. However, given the information that has come to light in the last few days, I wanted to put on the record what has happened. As has already been explained, due to an administrative oversight by the government some of the evidence collected from young people, particularly those with disabilities, by SA Health child protection officers may not have been admissible in court and therefore they may have had to testify or give that evidence again. Given that these are very young people, again, often with additional needs or vulnerabilities, we were very concerned that it could be unnecessarily traumatic for them to have to go through that entire process again.

So, we are very glad that the government has agreed, thanks to the Dignity Party push, to make this a priority for today and to get this dealt with today so that we can ensure that the evidence that was collected between July last year and August this year can be admitted in court and, therefore, we have a greater chance of getting convictions of abuse against young people with disabilities in particular. With thanks to the government for acting quickly on this and seeing the reason to act on this today, we support the amendment.

The Hon. A.L. McLACHLAN: In my discussions with the minister, there was a draft circulated for approval that referred to part 17, division 3, and the filed bill number refers to a different section. I would just like, for the purposes of clarity and for *Hansard*, the minister to explain why the new section was inserted post the draft.

The Hon. K.J. MAHER: As I am advised, the amendment that was filed, rather than the draft amendment circulated, more correctly and specifically describes the section of the act, rather than more broadly, consistent with the regulations. It is not a change: it is more accurately describing the section of the act being referred to in the filed version of the amendment.

Clause passed.

Clauses 2 and 3 passed.

Schedule 1.

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

Amendment No 1 [Employment–1]—

Page 3, after line 29—After clause 1 insert:

2—Prescribed interviewer

(1) An interview conducted by a designated person with a potential witness during the transitional period will be taken to be (and always to have been) an interview conducted by a prescribed interviewer for the purposes of section 74EB of the *Summary Offences Act 1953*.

(2) In this clause—

designated person means a person identified by the Minister for Health by notice in the Gazette as a designated person for the purposes of subclause (1);

transitional period means the period commencing on 1 July 2016 and concluding on 21 August 2017.

Note—

The Statutes Amendment (Vulnerable Witnesses) Act 2015 came into operation on 1 July 2016.

I think these issues have been quite well agitated. I thank the Hon. Kelly Vincent for her words and her strong interest and advocacy for these matters. I think the issues that this amendment goes towards have been rather extensively addressed in the ministerial statement that the Hon. Andrew McLachlan referred to, so I move the amendment as printed. If there are any specifics that members have questions about, I am happy to address those, but I think they have been well agitated both in briefings that have been given to interested members but more particularly in the ministerial statement that was made in another place and tabled in this chamber today.

Amendment carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:33): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (TRANSPORT ONLINE TRANSACTIONS AND OTHER MATTERS) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 August 2017.)

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:34): I thank honourable members who have contributed to this bill. I am happy to explore further details or issues in this bill during the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The CHAIR: There are 41 clauses and one schedule. I will open clause 1 to anyone who wants to make a contribution.

The Hon. J.M.A. LENSINK: I would just like to note that the government may have spruiked this prior to the bill actually being passed. Can the minister advise whether there has been any publicity already in relation to these particular measures?

The Hon. K.J. MAHER: I thank the honourable member for her question. I am advised that the officers involved think there may have been discussion about the changes being proposed, which is not an unusual thing, in my experience, for discussion about proposed changes.

The Hon. J.M.A. LENSINK: Perhaps I could enlighten the chamber in that an article in something called iTnews says, 'SA beats NSW to digital driver's licence rollout'. Newly appointed minister Chris Picton has been cited. I am assuming that what minister Picton has been talking about relates to these particular measures in this bill.

The Hon. K.J. MAHER: I am happy to inform the member that I am advised that does not relate to the measures in this bill. This is a different bill to do particularly with online transfers for registrable motor vehicles. It is a completely separate matter.

The Hon. J.M.A. LENSINK: In relation to these online transactions, is the minister able to advise what the software arrangements are that will protect people from hackers and fraudulent transactions and those sorts of things?

The Hon. K.J. MAHER: I thank the honourable member for her question. I am advised that the software that is used is the software that already is used with the EzyReg online system, which many people, including some members, will be familiar with when they re-register their vehicle online. That has been successfully used in the order of 15 years. I am advised that the level of data security for the holding of online information is very high. The registration information is stored in data centres within Australia, and the systems are maintained and patched with the latest security fixes. They are subject to regular penetration testing and PCI DSS auditing where applicable. This is in line with standards in this industry for the secure holding of such data.

The Hon. J.M.A. LENSINK: Is this part of any broader strategy the government has in relation to digital transactions? Secondly, is the government looking at how this particular database may be linked with other databases that the government may use for identification of particular people who might apply for licensing through consumer and business services, or the concession systems in DCSI or any of those sorts of things?

The Hon. K.J. MAHER: I thank the honourable member for her question. This certainly is part of the digital by default strategy that this government has to make it as simple as possible for people in South Australia to interact with government, including digitally. I am advised that there are no plans to integrate this with other sections of the government at this stage, but that obviously would be something that could be looked at in the future.

Clause passed.

Remaining clauses (2 to 41) passed.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:42): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LAND AGENTS (REGISTRATION OF PROPERTY MANAGERS AND OTHER MATTERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 August 2017.)

The Hon. D.G.E. HOOD (16:43): The Land Agents (Registration of Property Managers and Other Matters) Amendment Bill that we are dealing with in this chamber touches on issues in which I have a particular interest, namely, in the function and operation of real estate and tenancies in this state. There is no doubt in my mind that our industry in South Australia and, indeed, elsewhere in the country, no doubt, does not function perfectly. As a parliament, we need to address the ongoing tenancy and management issues as a matter of urgency.

On the face of it, the three key elements to the reforms appear to be appropriate measures to address some of the issues the industry is currently facing, as outlined in this bill. They are: increasing consumer protections; reducing the regulatory burdens on commercial property managers; and enabling the Commissioner for Consumer Affairs to address misconduct.

To carry on the business of selling, purchasing or otherwise dealing with land or business in general, a land agent must be registered. It, therefore, makes sense that this bill requires a residential property manager, who for all intents and purposes deals with these matters, should also be registered.

The Conservatives have consulted with the industry, and the industry itself is supportive of this view. The Conservatives also agree with the government's assertion that 180 calls per month in respect of poor service or other matters, whether it be questionable conduct or even misconduct in some cases by property managers, is too many, and we believe it is representative of broader issues within the industry. Of course, the fault does not always lie with the property manager or the industry itself, but these matters can indeed be difficult to determine. Nonetheless, this bill attempts to deal with these matters, and as I said a moment ago, 180 calls per month along these lines or dealing with these issues is certainly far too high.

Whilst there are, of course, many exceptional property managers who operate in our community on a daily basis, we know that there are those who could perhaps use some further mentoring or training to ensure a more uniformly successful statewide operation. The training requirements under this bill are yet to be determined, which gives rise to questions about cost, effectiveness and accessibility for those who fall within the ambit of this bill.

My party and I will reserve judgement at this stage as to whether this will genuinely improve the current situation in which we find ourselves or whether it becomes yet another hoop that businesses have to jump through that has no measurable benefit to the agent, the manager or the client whatsoever. In principle, we lend our support to these provisions and look forward to the release of further details of the training requirements once consultation with the industry takes place. This is a very important aspect of this bill and the details of it are yet to be fully explained.

As always, the Australian Conservatives welcome common-sense approaches to genuine issues. We believe this bill goes some way to affording better protections and support the rights of those who choose to rent their properties. Certainly, widening the provisions to allow prosecution of employees who intend to defraud or engage in misconduct, rather than simply prosecuting the employer, as the law currently stands, is an important and welcome change. There needs to be consequences for misconduct, and we certainly believe that in cases where prosecution is warranted an employee should be subject to a stronger deterrent than mere dismissal from their employ. Accordingly, we support enabling the commissioner to act on compliance and enforcement where appropriate. Again, I understand the industry itself supports this change, to their credit.

It will, of course, remain to be seen now how this new regulatory system affects the industry and if regulatory and therefore cost burdens are decreased, as the government supposes. Certainly,

that is our hope. However, on balance, this reform still remains important to improve the benchmark for property managers and those dealing within this industry.

In respect to tenancies in general, we believe we have a system that is not optimal. Private rental properties in some instances, indeed increasingly, have become a new form of social housing, whereby landlords are required to provide housing at their cost during certain operational periods with little or no effective recourse when difficulties are encountered.

For matters that require resolution, we currently have the SACAT system, whereby an aggrieved party can lodge an application for the cost of $71.50 and present their matter. Frequently, when the agent was the initiating party, the tenant does not front the tribunal. In fact, just last week I had a constituent ring and inform me that of their five scheduled SACAT appearances for that week, four of the five tenants simply did not show up to the tribunal. I am told that these tenants fully understood that their claims were malicious and that SACAT would not award in their favour, so they simply did not show up. In fact, one person actually hung up the phone on the tribunal once they realised why they were calling. This is an absurd waste of the tribunal's time, not to mention taxpayers' money.

Since we are talking about deterrents and reducing burdens on agents and property managers in this bill, I consider it is high time we look at the way in which the system is being exploited and how those exploits are driving up the cost for the taxpayer and the private investors, many of whom are mum-and-dad investors who are trying to secure a better future for themselves and their children through investing in residential real estate and are facing unnecessary costs and difficulties in doing so.

I would like to foreshadow my intention to introduce a bill into this parliament in the coming weeks, which is currently out for consultation but is thus far receiving strong support. The bill in question provides that SACAT has the power to award costs, either by application or of its own initiative, in proceedings before the tribunal that are lower than the current jurisdictional limit of $40,000 currently in place for the tribunal. The Conservatives view this as way too high.

As I have said, the Conservatives are always looking for common-sense approaches to issues that our constituents face. Our system is not working properly, and changes must be made to ensure an equitable system. In relation to this bill, it appears to strike a reasonable balance between the regulation of the industry and the rights of the property owner. We look forward to the passage of this bill and to monitoring its impact within the industry.

I would take the opportunity to commend the industry on its positive engagement during this process. Indeed, when we have contacted them for their input on this bill, not only have they engaged with us well, but they have informed us they have been engaging with the government for some time on this and that they are broadly supportive of the measures within this bill. I think when we have a situation where government consults industry, it results in better legislation and often an industry that is more happy to comply and therefore higher rates of compliance.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (16:50): I thank the honourable member for his contribution and I thank all members for their contributions and their involvement with this bill. I note that the government has taken on notice a question from the member for Bragg in the other place, which I will now address and put on the record.

The member for Bragg sought clarification in relation to prosecutions under the Land Agents Act 1994 (the act), specifically when matters fall under the responsibility of Consumer and Business Services as opposed to South Australia Police, who makes these determinations and whether the existing legislative framework is being administered as intended. The act empowers Consumer and Business Services (CBS) to prosecute or take disciplinary action against a land agent with respect to allegations of the inappropriate deposit or withdrawal of trust account money.

Where an employee of a registered land agent misappropriates trust money at present, the act does not empower CBS to take action against the individual, only the registered land agent. The land agent may also rely on the general defence in the act, that the offence was not the result of any

failure on their part to take reasonable care. In these circumstances, the evidence may not support prosecution or disciplinary action of the land agent.

Alternatively, it may not be appropriate to pursue action against the land agent due to the general defence and that the agent may have taken appropriate action in response to the alleged breach, such as by reporting the alleged breach by the employee, terminating their employment, personally replacing the misappropriated money, and strengthening safeguards against misconduct.

Existing trust account offences in the act are narrow and primarily relate to the deposit or withdrawal of trust moneys as opposed to serious misconduct of a dishonest nature and only attract a maximum penalty of $20,000. The benefits gained from a breach may be highly profitable, resulting in the maximum penalty not being sufficiently high enough and CBS being unable to take appropriate action. In cases where a registered land agent is alleged to have misappropriated trust money, CBS may refer its investigation to SAPOL to consider prosecution under the Criminal Law Consolidation Act 1935, which attracts penalties of up to 10 years' imprisonment.

In recent years, CBS has referred three investigations of this nature to SAPOL. I am advised that one agent has been successfully prosecuted and the other two investigations are being progressed with a view to prosecute. Under the act, CBS does not have jurisdiction to consider disciplinary action or prosecution of any person other than the registered land agent with respect to the misappropriation of trust money. Alleged breaches by individual employees—i.e. sales representatives or property managers—must be reported directly to SAPOL, often by the employer, that is, the registered land agent.

In these circumstances, SAPOL will investigate the conduct of the employee while CBS assesses the conduct of the registered land agent in light of the general defence in the act. The bill proposes to empower CBS, the primary regulator of the real estate industry, to take action against the appropriate individual (employee or employer alike), with sufficient maximum penalties for the misappropriation of trust money.

I would also like to take this opportunity to clarify how the bill relates to Airbnb-type operators. Airbnb is an online platform within the peer-to-peer sharing economy which puts property owners offering short-term accommodation in touch with consumers. The bill does not seek to amend the definition of a land agent under the act, which primarily relates to a person carrying on the business of selling, purchasing or leasing property on behalf of others, or selling or purchasing their own properties.

With respect to leasing, the key aspects of defining an agent relate to 'carrying on business' and 'on behalf of others'. I am advised that in broad terms owners offering their property on Airbnb are generally not carrying on business, nor are they managing someone else's property. Airbnb itself is an online platform designed to put owners in direct contact with consumers and is therefore not considered an agent for the purposes of the act.

However, I understand there are some circumstances where a third party carries on the business of managing property owners' Airbnb listings. In these cases I am advised that the third party may well be acting as an agent and is required to be registered. For the most part, Airbnb operators are not required to be registered under the act, and this bill does not change that. However, agents utilising the Airbnb or similar online platforms are still required to be registered.

I believe this should go some way to answering questions put forward by the Hon. John Darley, namely, that Housing SA is not a land agent. It does not carry on a business on behalf of others, and this bill does not change that. All appropriate businesses in the real estate sector are headed up by a land agent, and this bill seeks to ensure that their employees performing property management are registered, similar to sales representatives.

In relation to community housing providers, for the most part they do not fall under the definition of a land agent and therefore will not be affected by this bill. However, there are a very small number of providers who hold land agents' registration, some due to ongoing tenancies with the National Rental Affordability Scheme. In these cases, only two staff out of a large workforce might manage properties on behalf of others; the remaining staff are managing properties on behalf of the provider and would otherwise not be affected by this bill.

The government does not wish to unnecessarily burden community housing providers, especially where it is not consistent with the intent of the bill. The government is working closely with these providers and will seek to alleviate the burden on staff exclusively performing property management on behalf of the provider through the regulations.

In response to the Hon. John Darley's question as to whether the government is considering similar reforms for strata managers, he might recall the extensive 2013 strata and community reforms, which were the culmination of the government considering the broad regulation of this sector. These reforms placed extensive conduct requirements on strata managers, rather than imposing a licensing regime.

The reforms and measures contained in the bill, I am advised, have received broad support from the real estate and community housing sectors, including industry and tenant advocacy groups. The reforms aim to increase protection for tenants, landlords and the broader community engaging the real estate sector. I commend the bill to this chamber.

Bill read a second time.

LIQUOR LICENSING (LIQUOR REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 May 2017.)

The Hon. R.L. BROKENSHIRE (16:58): The Liquor Licensing (Liquor Review) Amendment Bill is here being debated today as a result of a review that the government requested be conducted by former Supreme Court justice, the Hon. Timothy Anderson QC. The focus of his review was examining the existing liquor licensing regime under the Liquor Licensing Act 1997, and recommending ways to improve the regime, to reduce red tape, foster and promote safer drinking practices, and provide efficiency and flexibility to business models within the industry. As the last comprehensive review of the licensing framework occurred in 1996, the Australian Conservatives do believe that it was necessary and welcome.

The bill removes restrictions on the sale of liquor on Sundays, Christmas Day, Good Friday, New Year's Eve and New Year's Day. It is questionable whether this will promote responsible drinking, as people do have a right to stockpile prior to these events and do not have to frequent liquor stores on Christmas Day. It creates an automatic extension for trading on New Year's Eve until 2am on New Year's Day, and it removes requirements for meals to be served in some new classes of licence. It aims to increase efficiency during the application process, such as reducing the class of licences, using a submissions-based process to lodge objections for licence applications. We certainly welcome removing the requirement for crowd controllers who are licensed under the Security and Investigation Industry Act to then again be approved under this act.

It creates a community interest test to replace the needs test. The new community interest test will consider harm that might be caused due to the excessive or inappropriate consumption of liquor and the cultural, recreational, employment and tourism impacts, and the social impact in and the impact on the amenity of the locality of the premises, existing or proposed, and any other prescribed matter. I understand the Aboriginal Legal Rights Movement supports the inclusion of this test, and I suggest this is reflective of what the community would expect when determining an application. The reforms that are aimed at promoting a safe drinking culture include:

- mandating a three-hour liquor break in trade between the hours of 3am and 8am;
- putting details of licensees who are convicted of an offence against the act on a non-compliance register;
- introducing further provisions to reverse the onus for offences relating to the sale or supply of liquor to minors and intoxicated persons; and
- tightening the laws regarding the supply of liquor to minors.

This is something we are particularly concerned about and we would support any initiatives that would make it harder for minors to access liquor. To give the minister notice, I want to flag that at clause 1 I will be asking the government a question about the suggested regulation which will ensure that people holding alcohol for minors at warehouse parties will fall within the ambit of this change. If I am satisfied with the government's answer, then the Australian Conservatives will sit with that; however, we do advise the chamber that if we are not satisfied with the minister's answer at that point I reserve the right to immediately introduce an amendment to address the issue of warehouse parties in the legislation, which would have been our preference in any case. The reforms also include:

- strengthening the fit and proper person assessment;
- restricting the hours of sale of packaged liquor;
- providing the Liquor and Gambling Commissioner with wider powers to deal with breaches of the act or serious offences; and
- attempting to combat so-called 'grog running', where large amounts of alcohol are lawfully purchased and driven to a remote community and illegally sold. That is something we really have to work hard to stamp out.

I notice that in the other house the member for Davenport, Mr Sam Duluk, indicated his belief that the government is not providing reform that will boost industry or protect the community. He questioned the effectiveness of new licence categories and whether they were workable, and he saw the model recommended by Mr Anderson as having outrageous licence fees.

Personally, I do not have any examples but Mr Duluk, in his speech, gave examples of fees going from $771 at Belair Fine Wines to $4,000 a year and of other hotels going up with those higher licence fees. I notice that the Deputy Leader of the Opposition accepted the bill but presented three amendments: one to remove the provisions for a three-hour no-trading period, the second relating to the proposal that we have a register of licensees who have in some way been disciplined or suspended or the like, and thirdly, that licence fees are unconscionable.

In the Law Society's submission they supported the prevention of grog running, which I am pleased to see. I did meet with both the AHA and the South Australian wine industry, and I must say that initially both the AHA and the South Australian wine industry had quite a lot of concerns regarding the proposed amendments. My understanding is that the minister with the carriage of the bill in the other place has now negotiated or modified it and come to a situation where those industry sectors are prepared to see the bill pass.

I will be checking that before we get to the committee stage but, based on that and based on what I have flagged about the warehouses, which is a particular problem for schools when they have formals and the like—the schools do the right things, but these warehouse parties then breach all licensing conditions to entice young people there and supply them with alcohol; that must stop, and we will do everything we can to ensure that occurs—we support the general intent of the bill, subject to the final sign off with industry sectors and, as I said, an explanation from the government on warehouse parties.

Debate adjourned on motion of Hon. D.W. Ridgway.

BAIL (MISCELLANEOUS) AMENDMENT BILL

Final Stages

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

BUDGET MEASURES BILL 2017

Introduction and First Reading

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

Second Reading

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (17:08): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech and explanation of clauses incorporated into *Hansard* without my reading it.

Leave granted.

The Budget Measures Bill 2017 (hereafter, the Bill) contains measures relating to the Government's budget initiatives for 2017-18 and amends the First Home and Housing Construction Grants Act 2000, Land Tax Act 1936, Payroll Tax Act 2009, Stamp Duties Act 1923, and the Taxation Administration Act 1996.

This Bill amends the First Home Owner and Housing Construction Grants Act 2000.

Grants—$10,000 for off-the-plan apartments

The Bill amends the *First Home and Housing Construction Grants Act 2000* to provide a $10,000 grant for eligible purchases of off-the-plan apartments where the contract is entered into while the development is still at the pre-construction stage. The $10,000 grant is only available for eligible contracts entered into between today (22 June 2017) and 30 September 2017 (both dates inclusive).

All other eligibility criteria applying to the off-the-plan stamp duty concession scheme included in the *Stamp Duties Act 1923* will also apply to the grant, including that the grant will not be available to foreign purchasers.

Where a $10,000 grant is paid and the applicant is later found not to be eligible, the existing recovery provisions within the *First Home and Housing Construction Grants Act 2000* will be extended to apply to the recovery of the $10,000 grant.

Grants—Penalty Appeal Rights

The *First Home and Housing Construction Grants Act 2000* will also be amended to enable grant recipients to object and appeal against penalty charges that may be applied by the Commissioner of State Taxation where the grant recipient is, subsequent to the grant being paid, found to be ineligible for the grant in question. This aligns the objection and appeal rights for grant recipients to the rights that generally apply to taxpayers.

Grants—Recovery and Charges on Land

A technical amendment to the *First Home and Housing Construction Grants Act 2000* will also be made to ensure that any grant which is recoverable will be a first charge on the land to which the grant was paid, irrespective of whether a home was completed on the land or not. Currently, the charging provisions only apply to 'homes' and not land upon which the applicant failed to build a home as required.

Land tax exemption—off-the-plan apartments

The Bill amends the *Land Tax Act 1936* to provide for land to be exempt for five years where that land was subject to an off-the-plan stamp duty concession granted with respect to a contract entered into between today (22 June 2017) and 30 June 2018. If the land is on-sold by the recipient of the off-the-plan stamp duty concession during the five year exemption period, the land tax exemption will not transfer to the purchaser of the land.

Eligibility criteria for the exemption are the same as those that apply to the off-the-plan stamp duty concession scheme included in the *Stamp Duties Act 1923*, including that the exemption will not be available to foreign purchasers.

Introduction of the Major Bank Levy Act 2017

As part of the Budget's revenue initiatives, the Government will introduce a major bank levy from 1 July 2017.

The levy will apply to all authorised deposit-taking institutions (ADIs) that offer services in South Australia and are liable for the Commonwealth Government major bank levy.

The levy will supplement and leverage off the Commonwealth major bank levy. The amount payable under the State levy will be 0.015 per cent of South Australia's estimated share of the total value of bank liabilities subject to the Commonwealth major bank levy at the end of each quarter.

Under the legislation South Australia's estimated share of relevant bank liabilities will be determined as South Australia's gross state product share of national gross domestic product (currently around 6 per cent).

The timeframes for reporting and payment will align with the timeframes required for the Commonwealth Government's major bank levy.

Levy liabilities for the first quarter will be based on the total value of relevant bank liabilities as at 30 September 2017, but the first levy payment will not be due until 21 March 2018.

Payroll Tax—Tiered Rate Structure

The Bill amends the *Payroll Tax Act 2009* to introduce a tiered payroll tax rate structure from 1 July 2017.

Under the structure, the payroll tax rate applying to small and medium sized businesses with annual Australian taxable payrolls of between $600,000 and $1 million will be lowered from 4.95 per cent to 2.5 per cent. The payroll tax rate will then phase up from 2.5 per cent to 4.95 per cent for businesses with annual Australian taxable payrolls of between $1 million and $1.5 million. Australian taxable wages above $1.5 million will incur a flat 4.95% rate.

Eligible small businesses will also receive a small business payroll tax rebate payment in 2017-18 (which is based on the 2016-17 payrolls) but rebates will no longer be paid in 2018-19 and 2019-20.

Payroll Tax—Owner-driver Exemption—Contractor Provisions

The Bill also amends the *Payroll Tax Act 2009* to reinstate the policy intent on the introduction of the owner-driver exemption within the contractor provisions prior to the adverse decision in the New South Wales Supreme Court in the decision of Smith's *Snackfood Company Limited v Chief Commissioner of State Revenue* (NSW) [2012] NSWSC 998.

In that matter, the Court concluded that the owner-driver exemption provision can be apportioned into taxable and non-taxable services. The contractor provisions were not intended to apply to allow services provided under a contract to be apportioned between exempt and taxable services. They are intended to operate on the basis that the contract is either fully exempt because it falls within the relevant exemption or is taxable because it does not fall within the relevant exemption.

Payroll Tax—Exempt Rate for Motor Vehicle Allowances

The Bill amends the *Payroll Tax Act 2009* to reflect changes to income tax legislation relating to the exempt rate for motor vehicle allowances. The amendments reflect the fact that the Australian Taxation Office now allows for the use of a standard rate for all motor vehicles, which is 66 cents per kilometre for the 2016-17 income year, rather than being based on the car's engine size.

These amendments will take effect from 1 July 2016 to coincide with the change at the Federal level.

Stamp Duty—Foreign Ownership Surcharge

The Bill amends the *Stamp Duties Act 1923* to introduce a foreign ownership surcharge on the conveyance or transfer of an interest in residential property to a foreign person, corporation or trust, executed on or after 1 January 2018 (including land holder acquisitions).

The surcharge will be set at a rate of 4 per cent of the dutiable value conveyed but will only be payable with respect to the extent of the interest in the residential property. The surcharge will be in addition to the normal stamp duty that is payable.

The definition of foreign person includes natural persons, corporations and trusts. A foreign natural person is a person who is not an Australian citizen or permanent resident. Generally, a company is a foreign company where it is incorporated outside Australia or where 50 per cent or more of its shareholding is held by other foreign persons or companies in aggregate. A trust will be a foreign trust where the trustee of the trust is a foreign individual or company, or where the trust itself is established for the benefit of, or is controlled by, foreign persons or companies.

Stamp Duty—off-the-plan concession

The off-the-plan stamp duty concession is scheduled to expire on 30 June 2017. The Bill extends the off-the-plan stamp duty concession for a further 12 months to 30 June 2018. The eligibility criteria for the concession will also be amended to exclude foreign purchasers from being eligible to receive the concession. This revised eligibility criteria will take effect from today (22 June 2017).

The definition of a foreign purchaser will be identical to the definition that will apply for the purposes of the foreign ownership surcharge.

Stamp Duty—Third Party Reporting

The Bill also makes a number of minor amendments to the *Stamp Duties Act 1923* to facilitate the collection of data as part of the Commonwealth Government's initiatives on third party reporting and National Register of Foreign Ownership of Land Titles.

Amendments to the *Taxation Administration Act 1996* are also included in the Bill for this purpose and provide for the Commissioner of State Taxation with the ability to collect and disclose the information required by the Commonwealth Government.

Explanation of Clauses

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

4—Interpretation

This clause defines terms used in the major bank levy measure.

5—GSP percentage

This clause requires the Commissioner of State Taxation to determine and publish the GSP percentage for each financial year (which is used in the calculation of the levy amount). The clause also specified how the GSP percentage is calculated and allows for proof of the applicable GSP percentage in legal proceedings.

6—Taxation Administration Act

The measure will be a taxation law for the purposes of the *Taxation Administration Act 1996*.

7—Liability to levy

This clause specifies who will be liable to the State major bank levy.

8—Payment of levy

This clause specifies when State major bank levy payments are to be made.

9—Amount of levy

This clause sets out the manner in which the amount of the levy will be calculated.

10—Returns

This clause requires the provision of returns by ADIs that are liable to the levy.

11—Returns etc to be completed in manner approved by Commissioner

Returns must be provided in a manner and form determined or approved by the Commissioner of State Taxation.

12—Notice of adjustment of Commonwealth levy liability

An ADI must notify the Commissioner of State Taxation if its liability for Commonwealth major bank levy is reassessed or otherwise the subject of a determination under the *Taxation Administration Act 1953* of the Commonwealth that has the effect of altering the liability. Failure to notify is an offence with a maximum penalty of $10,000 (which matches the level of penalties under the *Taxation Administration Act 1996*).

13—Levy not to be paid by customers

The clause specifies that the State major bank levy payable by an ADI must be paid out of the profits of the ADI and cannot be directly recovered from customers of the ADI.

14—Regulations

This is a regulation making power.

Schedule 1—Related amendments—major bank levy

Part 1—Amendment of *Taxation Administration Act 1996*

1—Amendment of section 3—Interpretation

This is a related amendment so the *Taxation Administration Act 1996* refers to a levy as well as a tax or duty.

2—Amendment of section 4—Meaning of taxation laws

This makes this measure a taxation law under the *Taxation Administration Act 1996*.

Schedule 2—Other budget measures

Part 1—Amendment of *First Home and Housing Construction Grants Act 2000*

1—Amendment of section 3—Definitions

This clause inserts definitions needed for the measure.

2—Insertion of section 6A

This clause relocates the current section 18BB to the preliminary Part of the Act.

3—Amendment of section 7—Entitlement to grants

This clause makes an amendment that is consequential to clause 2 and provides that an off-the-plan apartment grant is payable on an application if the requirements of section 18BB are satisfied. Only 1 off-the-plan apartment grant is payable in relation to a particular qualifying apartment.

4—Insertion of section 12C

This clause sets out the criteria applicable to an applicant for the off-the-plan apartment grant. An applicant must be a purchaser of a qualifying apartment under a qualifying off-the-plan contract.

5—Insertion of section 13B

This clause defines an eligible off-the-plan apartment transaction.

6—Amendment of section 14—Application for grant

This clause is consequential.

7—Amendment of section 15—All interested persons to join in application

This clause is consequential.

8—Substitution of section 18BB

This clause provides for payment of the off-the-plan apartment grant if:

- the applicant complies with the criteria set out in section 12C; and
- the application relates to an eligible off-the-plan apartment transaction; and
- the eligible off-the-plan apartment transaction has been completed.

The amount of the off-the-plan apartment grant is $10,000. There is however no entitlement to a grant if the Commissioner is satisfied that a contract that formed the basis of an eligible off-the-plan apartment transaction for the purchase (or purported purchase) of a qualifying apartment does not constitute a genuine sale of the apartment.

9—Amendment of section 18C—Amount of grants must not exceed consideration

This clause is consequential.

10—Amendment of section 25—Objections

This clause allows an objection to be made by an applicant or former applicant who is dissatisfied with a decision of the Commissioner to impose a penalty under section 39(2) or (3).

11—Amendment of section 40—Power to recover amount paid in error etc

This clause extends the charge securing a payment, or repayment, to unimproved land (currently the charge only applies to a home).

12—Transitional provision

This clause provides a transitional provision allowing ex gratia payment by the State of the off-the-plan apartment grant for the period between 22 June 2017 and the day on which this measure is assented to by the Governor.

Part 2—Amendment of *Land Tax Act 1936*

13—Amendment of section 5—Exemption or partial exemption of certain land from land tax

This clause allows an exemption from land tax, for up to 5 years, where the current owner of land acquired the land under a qualifying off-the-plan contract (within the meaning of section 71DB of the *Stamp Duties Act 1923* and that contract was entered into between 22 June 2017 and 30 June 2018.

Part 3—Amendment of *Payroll Tax Act 2009*

14—Amendment of section 29—Motor vehicle allowances

This clause makes technical amendments to section 29 of the *Payroll Tax Act 2009* related to technical changes to the ITAA relating to calculating deductions for motor vehicle expenses.

15—Amendment of section 32—What is a relevant contract?

This clause amends section 32 of the *Payroll Tax Act 2009* which defines *relevant contract*. The amendments address deficiencies in the owner-driver exemption which were identified in a 2012 New South Wales Supreme Court decision (*The Smith's Snackfood Company Limited v Chief Commissioner of State Revenue*). The amendments also remove the door-to-door sale of goods and insurance seller exemptions.

16—Amendment of Schedule 1—Calculation of payroll tax liability

This clause amends Schedule 1 of the *Payroll Tax Act 2009* to provide for differing payroll tax rates depending on the total wages paid or payable by an employer.

17—Amendment of Schedule 2—South Australia specific provisions

This clause amends Schedule 2 of the *Payroll Tax Act 2009* (the South Australia specific provisions) to provide for differing payroll tax rates depending on the total wages paid or payable by an employer.

18—Transitional provision

The transitional provision relates to the backdating of the amendments to section 32 to 1 July 2017.

Part 4—Amendment of *Stamp Duties Act 1923* that takes effect on day fixed by proclamation

19—Amendment of section 2—Interpretation

This clause defines the proposed new stamp duty certificates and sets out the legal effect of such certificates.

20—Insertion of Part 1 Division 4

This clause inserts a new Division allowing the Commissioner to determine classes of instruments that may be the subject of an application for a stamp duty certificate and providing for the issue of such certificates.

21—Transitional provision

Section 2(13) of the *Stamp Duties Act 1923*, as in force immediately before the commencement of clause 19, will continue to apply in relation to dutiable instruments described in that provision that are executed before the commencement of clause 19.

Part 5—Amendment of *Stamp Duties Act 1923* that is taken to have effect on 22 June 2017

22—Amendment of section 2—Interpretation

This clause inserts definitions of the terms *foreign person* and *foreign trust*.

A natural person is a foreign person if the person is not—

- an Australian citizen within the meaning of the *Australian Citizenship Act 2007* of the Commonwealth; or
- the holder of a permanent visa within the meaning of section 30(1) of the *Migration Act 1958* of the Commonwealth; or
- a New Zealand citizen who is the holder of a special category visa within the meaning of section 32(1) of the *Migration Act 1958* of the Commonwealth.

A corporation is a foreign person if it is incorporated in a jurisdiction that is not an Australian jurisdiction or a person who is a foreign person or a trustee for a foreign trust (or a number of such persons in combination)—

(a) holds or hold 50% or more of the corporation's shares; or

(b) is or are entitled to cast, or control the casting of, 50% or more of the maximum number of votes at a general meeting of the corporation.

A trust is a foreign trust if the beneficial interests of the trust are fixed and a beneficial interest of 50% or more of the capital of the trust property is held by 1 or more foreign persons. A discretionary trust is a foreign trust if a trustee under the trust, a person who has power to appoint under the trust, an identified object under the trust or a person who takes capital of the trust in default is a foreign person.

The clause also inserts related definitions of *wholly foreign owned corporation* and *wholly foreign owned trust*.

23—Amendment of section 71DB—Concessional duty on purchases of off-the-plan apartments

This clause amends section 71DB so that the section will not apply in relation to a contract entered into on or after 22 June 2017 if the Commissioner is satisfied that the purchaser under the contract, or a person who is to become owner of a qualifying apartment as a consequence of the purchase, is a foreign person or the trustee for a foreign trust.

Part 6—Amendment of *Stamp Duties Act 1923* that is taken to have effect on 1 July 2017

24—Amendment of section 71DB—Concessional duty on purchases of off-the-plan apartments

Section 71DB, which provides for a concession on duty in relation to purchases of off-the-plan apartments, is amended by this clause to extend the availability of the concession so that it applies in relation to conveyances giving effect to qualifying off-the-plan contracts entered into between 1 July 2014 and 30 June 2018 (rather than 2017).

Part 7—Amendment of *Stamp Duties Act 1923* that takes effect on assent

25—Amendment of section 71DC—Concessional duty on designated real property transfers

This clause removes a reference to the *Development Act 1993*. Section 71DC will refer instead to the planning and development law of the State. This wording is consistent with the new sections proposed to be inserted by clauses 26 and 27.

26—Insertion of Part 3 Division 9

This clause inserts a new Division into Part 3 of the Act.

Division 9—Foreign ownership surcharge

72—Surcharge for foreign purchasers of residential land

Proposed section 72 makes provision for a *foreign ownership surcharge* payable in respect of a dutiable instrument executed on or after 1 January 2018 if the instrument effects, acknowledges, evidences or records a transaction whereby an interest in residential land is acquired by a foreign person or a person who takes the interest as trustee for a foreign trust. The surcharge, which is equal to 4% of the value of the interest acquired by the person, is to be taken to be duty payable on the instrument and is payable in addition to duty otherwise payable under the Act.

The proposed section includes a requirement for the Commissioner to refund a foreign ownership surcharge to a person where, within 12 months of the acquisition of the relevant interest, the person ceases to be a foreign person or the trust for which the person is trustee ceases to be a foreign trust. The refund is payable only if the interest is retained by the person when the person ceases to be a foreign person or the trust ceases to be a foreign trust.

There is also a requirement for a person who acquires an interest in residential land effected, acknowledged, evidenced or recorded by an instrument to which the section applies to pay the surcharge if the person becomes a foreign person, or the trust for which the person is trustee becomes a foreign trust, less than three years after the acquisition. A person who is liable to pay duty in these circumstances must notify the Commissioner that the person has become a foreign person, or that the trust has become a foreign trust, within 28 days.

The criteria for determining whether land is residential land are the same criteria that apply under section 71DC. Land will be taken to be residential land for the purposes of the section if—

- the Commissioner, after taking into account information provided by the Valuer-General, determines that it is being predominantly used for residential purposes; or
- the Commissioner, after taking into account information provided by the Valuer-General, determines that although the land is not being used for any particular purpose at the relevant time the land should be taken to be used for residential purposes due to improvements that are residential in character having been made to the land; or
- the Commissioner, after taking into account information provided by the Valuer-General, determines that the land is vacant, or vacant with only minor improvements, that the land is within a zone established under the planning and development law of this State that envisages the use, or potential use, of the land as residential, and that the land should be taken to be used for residential purposes due to that zoning (subject to the qualification that if the zoning of the land indicates that the land could, in a manner consistent with the planning and development law, be used for some other purpose (other than for primary production) then the vacant land will not be taken to be used for residential purposes).

27—Insertion of section 102AB

This clause inserts a new section into Part 4 of the Act (Land holding entities).

102AB—Surcharge where foreign person or group acquires interest in residential land

Proposed section 102AB provides for the payment of a foreign ownership surcharge in relation to transactions entered into on or after 1 January 2018 that are dutiable under Part 4. The surcharge is payable by a foreign entity if the entity, or a group of which the entity is a member, notionally acquires an interest in residential land. A *foreign entity* is a foreign person or a foreign trust. The amount of the surcharge is 4% of the value of the interest notionally acquired by the entity, or 4% of the entity's interest in the interest notionally acquired by the group, in the residential land. Section 102AB includes requirements for the payment of a refund where an entity that has paid the surcharge ceases to be a foreign entity within 12 months of the relevant notional acquisition. The refund is payable only if the relevant interest is retained when the entity ceases to be a foreign entity. As with section 72, there is also a requirement for an entity to pay the surcharge if it becomes a foreign entity within three years of the notional acquisition of an interest in residential land by the entity, or by a group of which the entity is a member, as a result of a transaction to which the section applies.

The criteria for determining whether land is residential land are the same as the criteria that apply under section 71DC and proposed section 72.

Part 8—Amendment of *Taxation Administration Act 1996*

28—Amendment of section 78—Permitted disclosure in particular circumstances or to particular persons

29—Amendment of section 80—Prohibition of disclosures by other persons

30—Amendment of section 81—Restriction on power of courts to require disclosure

These clauses make consequential amendments.

31—Insertion of Part 9 Division 4

This clause inserts a new Division as follows:

Division 4—Collection of information for disclosure to Commonwealth

81A—Interpretation

This section defines certain terms used in the proposed new Division, including the concept of 'reportable information'.

81B—Relationship with other laws

Other laws don't prevent the collection of information under the Division (and the Division doesn't prevent the collection of information under other laws). Reportable information may be collected under the Division for disclosure to the Commonwealth even if the information is not required for the purposes of any State law.

81C—Collection and disclosure of reportable information

The Commissioner or a public sector agency may collect reportable information. Where it is collected by a public sector agency, it may then be disclosed to the Commissioner. The Commissioner may disclose reportable information to the Commissioner of Taxation of the Commonwealth.

81D—Commissioner may direct agency to collect and disclose

The Commissioner may direct that reportable information be collected and disclosed by a public sector agency.

81E—How reportable information may be collected

Reportable information may be collected by requiring a person providing information for the purposes of a function carried out under a State law to provide the reportable information (for example, by requiring it to be provided in connection with the lodgment of an instrument, record or return, or the making of an application, under a State law).

81F—Enforcement

This section provides for the application of various enforcement powers in the *Taxation Administration Act 1996*.

Schedule 3—Substitution of short title

1—Amendments on commencement

This Schedule makes amendments to allow the body of the measure to be retitled as the *Major Bank Levy Act 2017* after it commences (and once the other budget measures set out in Schedule 2 have taken effect).

Debate adjourned on motion of Hon. D.W. Ridgway.

STATUTES AMENDMENT (YOUTHS SENTENCED AS ADULTS) BILL

Introduction and First Reading

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

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE

The House of Assembly appointed Ms Vlahos to the committee in place of Ms Cook.

LEGISLATIVE REVIEW COMMITTEE

The House of Assembly appointed Mr Snelling to the committee in place of Ms Cook.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The House of Assembly appointed the Hon. J.M. Rankine to the committee in place of Ms Cook.

STATUTORY OFFICERS COMMITTEE

The House of Assembly appointed Ms Vlahos to the committee in place of Ms Cook.

Bills

STATUTES AMENDMENT (SACAT NO 2) BILL

Introduction and First Reading

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

STATUTES AMENDMENT (COURT FEES) BILL

Introduction and First Reading

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

At 17:12 the council adjourned until Wednesday 27 September 2017 at 14:15.

Answers to Questions

COUNTRY CABINET

In reply to **the Hon. T.J. STEPHENS** (31 May 2017).

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy): I have been advised:

The government's response to issues raised during the APY Country Cabinet was released on 24 August 2017.

CASHLESS DEBIT CARD TRIAL, CEDUNA

In reply to **the Hon. K.L. VINCENT** (1 June 2017).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): The Minister for Communities and Social Inclusion has provided the following advice:

The cashless debit card is an initiative of the commonwealth government.

I am advised the commonwealth government provided $1 million funding for wraparound services in the Far West Coast to support the 12-month trial (March 2016 to March 2017) of the cashless debit card.

These services included:

- funding for a coordinator for the Mobile Outreach Street Beat program, an active outreach service in Ceduna established as part of the Ceduna Service Reform Program;
- additional funding to the Ceduna Family Violence Prevention Legal Service to run targeted workshops and sessions to address domestic violence;
- a rapid response fund to support urgent access to drug and alcohol services; and
- alcohol and other drug outreach workers, including a registered nurse (via Drug and Alcohol Services SA/non-government providers).

The trial has been extended to 30 June 2018 and I am advised that a further package for wraparound services to support this extension is being finalised by the commonwealth.

I have also been advised the quoted cost of $10,000 per recipient includes one-off start-up costs for the trial and the actual per recipient cost is lower.

PARA WIRRA CONSERVATION PARK

In reply to **the Hon. J.M.A. LENSINK** (10 August 2017).

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change): I have been advised:

1. Camp fires are permitted in 140 conservation parks outside of the fire danger season. This information is available on the Department of Environment, Water and Natural Resources' (DEWNR) website: http://www.environment.sa.gov.au/files/sharedassets/parks/dewnr-park-fire-restrictions-2016-17.pdf

2. DEWNR's local rangers will include monitoring of fire rings in their compliance for both the Para Wirra and Onkaparinga camp sites. The issue of wood collection in and around camp sites is one that will be considered as part of compliance planning and communications with strong messaging proposed, on signs and in web based information.

3. The proposed introduction of camp fires as part of the camping experience to be offered in Para Wirra Conservation Park will include discussion with the CFS.

As with all other parks, camp fires would only be permitted outside of the fire season during the milder months of the year. It is proposed that camp fires are only permitted in small fire pits with lockable lids so they cannot be used during the fire season, and the pits are located on hardened rather than grassy surfaces.

4. To assist with the management of camping and increased visitation expected at Para Wirra Conservation Park and other parks five new rangers have been employed in the region. In addition, in 2017-18 DEWNR will again employ seasonal fire staff to implement fire management programs which include fuel reduction work, conducting patrols during the fire season and fire response.