LEGISLATIVE COUNCIL

Thursday, 1 August 2019

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

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

Parliamentary Procedure

SITTINGS AND BUSINESS

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

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

Motion carried.

Bills

EDUCATION AND CHILDREN'S SERVICES BILL

Conference

The Hon. R.I. LUCAS (Treasurer) (11:01): I have to report that the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

That the disagreement to amendments Nos 4, 5 and 7 of the Legislative Council be insisted on.

Consideration in committee of the recommendations of the conference.

The Hon. R.I. LUCAS: I move:

That the recommendations of the conference be agreed to.

In doing so, I will speak briefly to the conference of managers, which was conducted in a very cordial and convivial fashion on behalf of managers of both houses. Essentially, there had been lots of issues to be resolved, but there had been three ongoing discussions: one related to the issue of an ombudsman, another related to religious instruction within schools and the other one related to Australian Education Union representation on various committees. The conference of managers essentially was resolving issues as it related to the latter two issues, that is, religious instruction and the Australian Education Union issues.

In speaking to the recommendations of the conference of managers, broadly, amendment No. 4 and amendment No. 7 canvass the same issue, and if I can speak on behalf of the minister and say as follows. The bill continues to provide for the formation of committees to conduct reviews into schools in a particular area. Such committees will include provision for a member nominated by the Australian Education Union. However, as resolved at the managers conference, if the AEU fails to nominate a member of a review committee within a specified time frame, being no less than 14 days, the minister will be able to nominate a member of staff of the school to which the review relates in accordance with the regulations.

Similarly, in amendment No. 4, the bill continues to provide for the establishment of committees to consider applications for promotion level positions in the teaching service. As agreed at the managers conference, the bill continues to provide for the Australian Education Union to nominate a member of those committees; however, if the chief executive does not receive a nomination from the AEU within 14 days after calling for applications in relation to the position, the chief executive may appoint in lieu of a nominee an officer of the teaching service elected or nominated by other officers of the teaching service to represent them on such committees in accordance with the regulations.

Those two amendments are recognition by the government, in the interests of seeing a massive rewrite and reform of the Education Act, in terms of the government's original position in relation to these issues which was disagreed to by the Legislative Council, that in the interests of seeing a resolution the government has amended its position in the House of Assembly and recommended the recommendations of the conference of managers.

The remaining issue which is canvassed is referred to in amendment No. 5 that the committee is being asked to consider. On behalf of the minister I report as follows. As agreed in the managers conference, there is provision for regulations to be made relating to obtaining consent of persons who are responsible for students at the school for a student's participation in religious or cultural activities or to make provision in relation to the exemption of students from participation. This will enable the government of the day to set the consent arrangements for religious and cultural activities in a manner they determine appropriate.

The minister, on behalf of the government, believes that was a sensible compromise or resolution of the varying views that have been expressed in both houses, both in this current debate and previously in relation to this issue. The minister and the government recommends the result of the conference of managers to the Legislative Council.

In doing so can I conclude, on behalf of the minister, by thanking Dr Close, whose electorate I forget—

Members interjecting:

The Hon. R.I. LUCAS: —the member for Port Adelaide, representing the Labor Party, and various members in this chamber, the Hon. Tammy Franks, the Hon. John Darley and I think the Hon. Frank Pangallo, although I suspect at an earlier stage it may have involved the Hon. Connie Bonaros as well. The minister would like me to thank the Labor Party and crossbench representatives for the willing way they engaged in compromise and discussion on this particular issue.

I would conclude my remarks by saying the conference of managers has been a mechanism perhaps not used as often as it should have been over the last 16 years. Certainly, the Marshall government does see the conference of managers as a potentially very useful vehicle in trying to resolve differences between houses. It is not always successful, but ultimately that is the role of the conference of managers. It does give the houses of parliament, the government, the opposition and crossbenchers an opportunity to seek to resolve issues in the interests of making progress and compromise on all sides.

I think in this case this is a perfect example of how a conference of managers should be utilised. As the Leader of the Government in this chamber I am a strong supporter of the efficacy of the conference of managers mechanism. I speak on behalf of the government and say that we do see it as useful; we do see it as a vehicle we should use in an endeavour to settle on compromises where it possible. In the end if it is not possible, then the bill gets laid aside at the end of the conference of managers. With that, I recommend the conference of managers results to the committee.

Motion carried.

LANDSCAPE SOUTH AUSTRALIA BILL

Committee Stage

In committee.

(Continued from 23 July 2019.)

Clause 1.

The Hon. J.M.A. LENSINK: When parliament last considered this legislation before us at clause 1, the honourable Leader of the Opposition posed a number of questions to the government, which I would like to provide responses to, if I may. I have been advised that, firstly, in relation to stakeholder consultation, an extensive engagement process was undertaken across the state between July and October 2018, with more than 1,000 people taking part to help shape the future of

natural resources management (NRM) in South Australia and 250 submissions received from community and stakeholders.

The consultations aimed to seek feedback on how the government's commitment to reforming the NRM system should best be achieved in practice. A discussion paper, Managing Our Landscapes: Conversations for Change, was released to support the engagement. Twenty-three stakeholder engagement sessions were held with key stakeholders such as Primary Producers SA, the Conservation Council of SA, the Local Government Association of SA, NRM board presiding members, the South Australian Native Title Services, First Nations (Native Title Prescribed Bodies Corporate), and the South Australian Regional Organisation of Councils.

Twenty-six community forums were held across metropolitan Adelaide, regional and outback locations. The forums were attended by land managers, volunteer groups, industry experts, Aboriginal people, primary producers, other tiers of government and advocacy organisations. Fifteen regional staff sessions were held with employees from the Department for Environment and Water. During this period, there was also online engagement through YourSAy where we heard from 64 interested stakeholders via online discussions.

Key stakeholders included peak bodies from the conservation, primary production and local government sectors. NRM boards and government agencies were subsequently provided with a draft of the Landscape South Australia Bill for comment. Engagement facilitation arrangements: Becky Hirst Consulting was engaged by the department to design and implement an extensive and contemporary stakeholder and community engagement process to inform development of the bill for the period 7 June 2018 to 5 November 2018.

This included a comprehensive statewide engagement plan supported by tailored engagement tools and products, a series of face-to-face meetings and forums with key stakeholders that helped to inform the engagement process, a series of community meetings and forums in Adelaide and key regional centres, summary reports on stakeholder and community meetings, and a final consultation report that summarised all feedback received. The final cost was $270,832. The total includes costs associated with facilitating community forums throughout the state.

Engagement with Aboriginal communities: Aboriginal people, representative Aboriginal bodies and landholding authorities took part in engagement sessions or made submissions during the engagement process undertaken between July and October 2018. The minister wrote to First Nations of South Australia prior to the engagement sessions.

The letter highlighted that from 6 August until 20 September 2018 there would be a series of facilitated stakeholder workshops and regional community forums. Advertising was placed in local newspapers as well as tailored advertisements in *The Courier Mail* and *Aboriginal Way* publications and the SA *Native Title Newsletter*. An Aboriginal engagement section on the YourSAy consultation page was also created, where people could ask to speak to a local Aboriginal engagement officer and provide feedback through that officer.

In addition, forums were held in regions and towns, including Scotdesco, Umuwa in the APY lands, Marree in Coober Pedy, and with Kaurna and the four nations—Kaurna, Peramangk, Ngadjuri and Ngarrindjeri—near Adelaide. A meeting was held with representatives of the Aboriginal Lands Trust, and additional sessions were held on request, including for residents at Point Pearce.

A separate engagement session was also held with representatives from South Australian Native Title Prescribed Bodies Corporate on 11 October 2018, supported by South Australian Native Title Services, to share with them what had been said during the engagement process to enable deeper conversations to occur. South Australian Native Title Services and the South Australian Aboriginal Advisory Council were then consulted in late 2018 on the draft Landscape SA Bill.

Relationship to election commitments: the bill is the result of the government's pre-election commitments and feedback received during extensive consultation. One of the government's commitments in reforming NRM is that all levies—land and water—collected in a region will be spent in that region.

During consultation on the reforms, there was overwhelming support for distributing some levy funding from the metropolitan area to regional South Australia. In light of this, the bill provides

for a proportion of Green Adelaide's land and water levies to be dedicated to a new statewide landscape priorities fund. The fund will enable investment in large-scale integrated landscape restoration projects and statewide priorities.

The government also committed to a cap, and in the Empowered Communities document advised this would be set by an independent body. Shortly after, in July 2018, on release of the Managing Our Landscapes: Conversations for Change discussion paper, which informed the community consultations, the government sought direction as to whether this should occur by an independent body or according to the consumer price index.

The bill provides for capping by the CPI as a cost-neutral capping mechanism that uses an independent rate determined by the Australian Bureau of Statistics. In exceptional circumstances, the minister will be able to approve increases to the land levy above CPI. Increases to the water levy above CPI will also need to be approved by the minister.

It was envisaged that each region, including Green Adelaide, will have an annual grassroots program. Each region's program will access funds from the regional landscape board fund rather than just one centrally operated fund. The bill provides for Green Adelaide to be a regional landscape board, with seven legislative priorities and up to 10 members appointed by the minister. As a result of amendments passed in the House of Assembly, Green Adelaide's seven priorities now include biodiversity sensitive urban design.

In line with the government's commitment, the general managers of boards will be responsible to the board for managing the board's business and supervising staff engaged in board work. Boards will recommend the general manager for appointment, with the mechanism of manager appointment being to ensure staff remain employed under state public sector arrangements.

In line with the government's commitment, the bill provides for landscape boards in regional areas to have three elected and four minister-appointed members. In response to feedback, the bill also provides for alternative arrangements to be made where issues specific to a particular region mean that community elections are not practical or desirable at a given point in time.

The proposal to establish a separate plains and valleys region was consulted on during the engagement on the landscape reforms in 2018. Noting that the regional landscape boundaries remain a proposal at this stage, following consultation on the reforms in 2018, the intent is not to proceed with this proposal. The minister has stated publicly that this is due to feedback received during consultation. In response to feedback on the reforms, the proposed names and boundaries of some regions have been adjusted to better align with how local communities identify their region.

Partnerships with Aboriginal people: the bill provides far stronger foundational elements for partnerships with Aboriginal communities and a stronger emphasis on Aboriginal cultural values and knowledge in natural resources management relative to the Natural Resources Management Act 2004. For the first time, supporting the interests of Aboriginal people is an object of the bill. Currently, the NRM Act only requires Aboriginal heritage to be considered under a principle of ecologically sustainable development. The significance of landscape to Aboriginal people is expressly recognised in the bill as a principle of ecologically sustainable development.

The importance of decision-making being informed by Aboriginal traditional knowledge is also recognised in the bill's principles of ecologically sustainable development. The bill provides that boards should seek to work collaboratively with Aboriginal communities on regional priorities. Each region's grassroots grants program will provide funding opportunities for local community groups, including Aboriginal organisations. Partnerships between boards and local organisations through the landscape priorities fund are also an opportunity for partnerships with Aboriginal people to deliver large-scale landscape restoration projects.

NRM levies: I am not aware of any advice from the Local Government Association as to the annual amount of unpaid levies. I understand the Local Government Association recently quoted $690,000 in total unpaid levies across the state's 68 local councils. This amount would have progressively accrued over the 24 years since catchment levies were first introduced in 1995.

The Hon. M.C. PARNELL: For my benefit, and it may assist other members, as a fairly pedestrian administrative arrangement I thought I would put on the record the amendments that I

have filed and the ones that I will be moving. I will give an indication of what I believe other members are doing, and they can correct me if I am wrong because, as the committee would know, many sets of amendments have been filed.

In terms of my amendments, I filed three sets. Sets 2 and 3 relate to the issue of levy collection. I will not be moving those amendments. In discussions with other members, in particular the Hon. Frank Pangallo, and the Local Government Association, I prefer his amendments to my own, so I will not be moving mine in relation to that.

In relation to the Hon. Frank Pangallo's amendments, of the seven sets that have been filed my understanding is that only sets 3, 6 and 7 survive. The member can tell us whether he thinks that is the case. The Hon. Kyam Maher has two sets, both of which are still alive, and I believe the minister has one set. For other members' benefit, that is my understanding of what we will be doing as we go through committee.

The Hon. J.M.A. LENSINK: The advice I have received is that that is correct.

The Hon. F. PANGALLO: To avoid it becoming a rather complicated thing, I will not be moving amendment sets 2, 4 or 5. I will be moving set 6 and the consequential amendments in set 3 and set 7. When we get to set 6, I will clarify that set 6 is a substitute for set 2 and is an amalgamation of sets 4 and 5, if you can follow that.

The Hon. K.J. MAHER: While we are pouring out what we are going to do, we will be moving the amendments that are filed in my name. Can I just check, and this is a useful process to do this efficiently: the Hon. Frank Pangallo, are you moving amendment set No. 1, or not moving that instead of moving amendment set No. 6?

The Hon. F. PANGALLO: I will only move No. 1 if [Pangello-6] and [Pangello-3] and [Pangello-7] are not passed. Amendment No. 1 [Pangello-1] is a suggested amendment, I understand, because it is a money clause but I will only move that if [Pangello-6] and [Pangello-3] and [Pangello-7] are not passed.

The Hon. K.J. MAHER: It may be of some assistance for the conduct of this to indicate that the Labor opposition will be supporting amendment sets 3 and 6. I just have to check on 7 but that might give some indication. For completeness, I think amendment set 7 is consequential on the previous ones which I have suggested that we, as the Labor opposition, are going to be supporting and, in that case, we will not be supporting [Pangello-1] in favour of the other ones.

The CHAIR: For the benefit of the committee, amendment No. 1 [Pangello-3] seeks to delete a definition which refers to the levy, so that will be a test vote.

The Hon. J.M.A. LENSINK: On clause 3?

The CHAIR: Yes, clause 3. From there, if the clause survives the council, then that will obviously have an impact on further amendments. Any substantive debate members were intending to have regarding the levy we are going to have to have at amendment No. 1 [Pangello-3]. Is everyone clear on that? Does anyone object to that course of action? I think that is the fairest way to go about it. Does anyone have any contributions on clauses 1 or 2?

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. M.C. PARNELL: I move:

Amendment No 1 [Parnell–1]—

Page 20, after line 26 [clause 3(1)]—Insert:

peak body means—

(a) the LGA; and

(b) Primary Producers SA Incorporated; and

(c) Conservation Council of South Australia Incorporated;

This is a very simple amendment. It inserts a new definition into the definitions clause, clause 3. That definition is the term 'peak body' which is defined as meaning the Local Government Association, Primary Producers SA Incorporated and the Conservation Council of South Australia Incorporated.

This amendment was drafted at the request of the Local Government Association and supported by the Conservation Council. I understand that whenever an amendment like this is moved the government would point out that, of course, it was always the intention that these bodies be consulted, but I think those of us who have been around the block a few times would note that it does not always work out that way.

Inserting this definition, which has work to do in subsequent amendments, basically ensures that those three peak bodies that have the most interest in natural resources management will, in fact, be consulted at various stages of the process.

The Hon. J.M.A. LENSINK: The government opposes this amendment which reinserts what is in the existing legislation. A large part of the vibe, if you like, of the consultations and the intent of this legislation is for delivery of a simpler system and therefore removing prescriptive requirements to consult in certain instances. As the honourable member has identified in moving, it would be not just highly unusual but almost unimaginable that these particular bodies would not be consulted.

I do not think that I necessarily agree with him that the peak bodies have more interest than others. Having been around the block—I might have been in parliament before the honourable member—I am certainly aware through other pieces of legislation, most notably all the health legislation that we dealt with under the previous government when I think the Hon. John Hill was the health minister, a lot of those prescriptive requirements to consult with peak bodies were removed from legislation, so this would be consistent with parliament's approach to that.

Going forward, the new arrangements will focus on delivery and collaborative government in practice where consultation is tailored to the circumstances rather than being prescribed through legislative processes. That is something we have heard in opposition long and hard about the overly prescriptive nature of the existing NRM legislation and, therefore, we are not supportive of this particular approach.

The Hon. K.J. MAHER: I rise to indicate that the opposition will be supporting this amendment. Although it is not in relation to this amendment, I might flag here that, once this amendment is put before the clause is put, we will be asking the minister to give a bit of time for this answer to be given. What are the changes in the definitions from the existing NRM act? In this new bill, what are the changes as to what things are or are not in there from the old act? But I will put that question formally when we get to putting the clause.

The Hon. J.A. DARLEY: I indicate that I will be supporting this amendment.

The Hon. F. PANGALLO: I will be supporting it on behalf of SA-Best.

Amendment carried.

The Hon. K.J. MAHER: I put that question now on clause 3 on the definition sections. Can the minister advise whether any of the definitions in this clause of the bill differ from the NRM act definitions?

The Hon. J.M.A. LENSINK: The advice that I have received is that a number of the existing definitions do remain. There is a change of terminology from natural resources management to landscapes, so those are reflected in changes to definitions. Furthermore, changes to the water resources management—as I indicated in my summing-up speech—were not anticipated to be part of this legislation, so those remain largely unchanged. Plus, there are language supports and new measures in the bill such as the landscape administration fund and priorities. It is a bit difficult on the run to provide a comprehensive list.

The Hon. K.J. MAHER: A specific question: my understanding is there is no definition of pest plant or animal under this clause nor under clause 183 where those issues are addressed. Can the minister outline what is the rationale behind the decision not to define those terms for the purpose of the bill?

The Hon. J.M.A. LENSINK: I will start to answer the question to say that the advice is that the definition of 'animal' and the definition of 'plant' remain unchanged from the existing legislation. We are just doing further examination of the matter of pests.

In relation to the matter of pest plants and animals, that is at clause 183 of the Landscape South Australia Bill, and I am advised it is not changed from the definition in the existing legislation.

The Hon. K.J. MAHER: The answer to that question is that pest plants and animals are not defined under the NRM bill so are not defined under the new one; is that the answer?

The Hon. J.M.A. LENSINK: That is correct.

The CHAIR: We now come to amendment No. 1 [Pangallo-3], so I give the call to the Hon. Mr Pangallo to move his amendment and then speak to it.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Pangallo–3]—

Page 21, line 15 [clause 3(1), definition of *regional landscape levy*]—Delete the definition and substitute:

regional landscape levy means a levy declared under Part 5 Division 1 Subdivision 1;

As I have pointed out, this amendment seeks to change the definition. These are all consequential on [Pangallo-6], but we are considering them now so shall we speak to [Pangallo-6], Chair?

The CHAIR: Because this is sort of a test clause, it is appropriate to have the debate in relation to your further amendments now. Rather than just restricting your comments on the definitions as such, I think members would be served by having the debate now.

The Hon. F. PANGALLO: Thank you, Chair. In amendment No. 1 [Pangallo-6], where we are seeking to delete clauses 64 to 68 and substitute, in this these are standard definitions. The landscape board sets out and declares the levy in its annual business plan, and the parameters are what the levy amount can be. It sets that out, and also the boards set it but the minister approves it. CPI is capped and increases as per the government's bill, and there can be higher levies if the minister approves, but in exceptional circumstances. There are also criteria outlining what these exceptional circumstances can be in the event that the levy needs to be increased.

If the board does not set a levy and declare it then the minister may set that amount. Section 66, basis of the levy, deals with how the levy can be collected, and section 67 provides who has liability for the levy, which is a standard practice. If there is more than one ratepayer they are jointly and severally liable. A subsequent ratepayer is liable for the original ratepayer's debt, and this can be recovered by the subsequent ratepayer. In terms of regulation powers with the Governor, the Governor may also make discounts for pensioners in regard to that levy, for example. It also covers that if the subsequent ratepayer or a second ratepayer then also sells the land, the first ratepayer is still liable if the first did not pay the levy.

In section 68, the constituent councils are to provide information. The councils have to provide the Landscape SA boards with the information, the assessment record and any other information as per the regulations. The landscape board will need to serve the levy. The councils will give the landscape board their database with the assessment records. The Landscape SA board is liable to the council to pay a fee for the council providing this information to them. This is done after consultation with the LGA, but the minister sets this fee. Regulations will control the detail of the information to be provided by the council so that, for example, privacy can be maintained.

In 68A—Notice and collection of levy, the Landscape SA board prepares the levy notice and it also lays out what must be in the levy notice: the amount that is payable; the factor on which the levy is based, if it is a differential levy; and the date on or before which the levy must be paid or, if the regional landscape board is prepared to accept payments by instalments, etc., the amount of each instalment and the date on or before which it must be paid.

The landscape board must also give levy notices to the Commissioner of State Taxation. The Commissioner of State Taxation serves the levy notices and collects the taxes. The levy notice may go out with the emergency services levy notices. The Commissioner of State Taxation is responsible for the costs of serving the levy notices and collecting the levy fees, and serving one of

two or more owners is still regarded as being served. It can be changed by the Governor or by regulation so that there is some flexibility.

Proposed section 68B—Funds may be expended in subsequent years is standard as per the current NRM Act. Proposed section 68C—Regulations gives the regulating power to the Governor should the need arise. I think that covers it all. Amendment No. 2 [Pangallo-6] is also consequential to that, but that is it.

The Hon. J.M.A. LENSINK: The government opposes this amendment. I will speak first to clause 3 and then I will go into more detail, given that we are debating 64 to 68 in cognate. We also oppose related suggested amendments that would see councils no longer being responsible for collecting the land levy inside council areas.

The government's position remains that councils should continue to collect the land levy as this is the most cost-effective model. This position is based on successive reviews, including one initiated in 2003 by a joint state and local government working group to identify the most cost-effective option for collecting the levy. That group concluded that local government was the most cost-effective option for collecting the levy.

I am advised that when the idea of RevenueSA collecting the levy was explored in 2003 a number of alternative options for RevenueSA collecting the levy were considered. The advice of the Department for Environment and Water, based on that review with the model that is proposed by Mr Pangallo, is that it could cost, in set-up costs, over a million dollars, with ongoing costs in the order of several million dollars.

Sending a separate invoice is likely to be more expensive again, as this would involve standalone printing and postage costs rather than it just being printed on somebody's rates notice. The postage costs associated with sending a separate invoice to over 800,000 ratepayers are significant. At $1 per letter, that is almost $1 million on postage alone. If invoices were sent quarterly, as they currently are, this would equate to over $3.2 million per annum in postage, so add all that up and have a good think about it. By way of comparison, in the 2019-20 financial year, around $400,000 will be paid to councils to reimburse them for collection costs.

I note that the Hon. Frank Pangallo stated during his second reading speech on the bill that he wants to see better regional outcomes and more bang for our buck. I also note the honourable member's support for the CPI cap. The additional costs he is proposing through these amendments would need to be met somehow, either by passing this cost onto households or reducing ongoing delivery of activities to manage our natural resources.

I also note the honourable member's objection in principle to councils collecting the levy. This matter was ventilated during numerous community consultation sessions in 2018 when the preferred model of levy collection proposed by government was that being under current local government processes. The facilitator of the reform engagement sessions held throughout the state in 2018 considered it was not an issue of real concern for community participants; rather, it was considered part of what is working well.

The bill provides for council cost recovery arrangements to be provided by regulations that are to be subject to consultation with the LGA. This provides an opportunity to review the existing cost recovery arrangements that have applied under the NRM Act to see if they remain appropriate or if the councils are being left out of pocket, and to address this through new cost recovery arrangements. I suggest that this is the best course of action to address the concerns that have been raised.

If I can pursue some of the matters that are consequential amendments. The bill currently provides for the landscape levy to appear as a separate line on council rate notices. Councils will be liable to pay a contribution to the relevant board, set out in the board's business plan. Councils will then be able to set a rate under existing local government rating arrangements to reimburse themselves for the amount that they are liable to pay the regional landscape board. This model is a simplification of the existing model that is applied under the NRM Act and its predecessors since land levies were introduced in 1995 by the Catchment Water Management Act.

The substitute clauses proposed would replace this model with new arrangements that introduce double handling at each stage of the levy collection process. Instead of councils charging the levy based on their data and invoicing ratepayers through council rate notices, regional landscape boards would be responsible for preparing an invoice for each rateable property in their region.

To generate the invoice, boards would first need to obtain the assessment record held by each council in their region and pay each council a fee for accessing that record, which I know from experience is quite high. Boards would then need to pass this invoice on to the Commissioner of State Taxation, who would then be responsible, in practice through RevenueSA, for serving the notices on people who are liable to pay the levy.

This would not then be a simple matter of RevenueSA putting two invoices into the one envelope: not everyone who is liable to pay the emergency services levy is liable to pay the land levy. This is because the land levy is only charged on land that is considered rateable under the Local Government Act, whereas the emergency services levy is charged against all land in the state.

Under current administrative frameworks, land levy invoices would need to be sent separately or an information technology solution found to enable matching of those properties that attract both the ESL and the land levy. Both scenarios would represent additional administrative costs and processes. It is apparent that a cost-effective model of collection exists and has been in operation since 1995, well accepted by the community. Imposing a further administrative task upon the community already familiar with paying one account merely adds an unnecessary layer of red tape for no apparent benefit.

I am advised that when the idea of RevenueSA collecting the levy was explored in 2003, the cost of including a separate invoice with the emergency services levy was considered. Paying significant additional costs will significantly reduce the ongoing capacity of regional landscape boards to deliver on ground. The alternative is to recoup these costs through increases to levies, undermining the commitment to a CPI cap. Sending a separate invoice is likely to be more expensive again, as this would involve standalone printing and postage costs.

The substitute clauses proposed provide for the commissioner to recover the levy on behalf of the regional landscape boards. If the levy debt is unpaid, the minister responsible for administering the act would be able to sell the property. This, again, introduces duplication. Councils are currently responsible for recovering unpaid levies. In practice, this debt recovery occurs as part of the process for recovering unpaid council rates.

Forced sale of property to recover unpaid council rates, while relatively rare in practice, can be used to recover unpaid council rates and unpaid levies at the same time. Forced sale of property to recover levies as a standalone measure would be unlikely in practice, given the relatively small monetary amounts involved. Given that levy collection by councils still remains the most viable option, I suggest that the way forward on this issue is to continue to work with councils to address their concerns around ensuring they are being reimbursed for the true cost of collecting the levy.

If the amendments were to be adopted, transitional arrangements to manage these changes would need to be provided for in the bill. I would also like to pose a question to the honourable member while I am on my feet and invite anybody who is supporting these amendments to advise who they think should pay: whether they think it should be the households themselves or whether the money should come from environmental programs.

The Hon. F. PANGALLO: Just to respond to that, this is another example of state government wanting to cost shift onto local government and create an extra burden on local government to collect what is essentially a state government levy. The money is all going back to the state government, so why should local government be responsible for that? The view we have is that if the state is going to benefit from this levy, they should be paying for it.

I note the minister pointed out the cost to the government could be around $2 million. If the councils are getting only $400,000 as a result of that, they are going to be left quite short. With all that, I just think the government needs to take responsibility for it rather than cost shift again. The suggestion of a review really gives them no comfort.

The Hon. J.M.A. LENSINK: Could I just respond to those? All of those suggestions I completely reject. In relation to cost shifting, it is a levy which is collected on behalf of the state government and councils can cost recover the costs that are incurred by them in collecting it. The money goes to natural resources management boards for their activities. Who benefits from it? It is not the state government. It is the environment. It is the community. So I just make those points.

I would once again invite the honourable member—if I can tally up some of the costs that are known: we have $1 million in set-up costs; $3.2 million in postage, if it is to be done quarterly; and upwards of $2 million, potentially a lot more, in terms of the ongoing costs. Where do the honourable member and any of the parties who are supporting this proposal suggest that money should come from? Should that be levied to ratepayers to cover the costs of this collection scheme, or should it be money that is not paid to NRM boards for environmental programs?

The Hon. F. PANGALLO: Again I will suggest that that is something that the government—

The Hon. J.M.A. LENSINK: Oh, that's nice.

The Hon. F. PANGALLO: Well, precisely. I mean, you are about to introduce a land tax into the state, so how are you going to collect that? That is going to cost upwards of $8 million. Who pays for that? No. As I pointed out, this is a levy that the government is going to benefit from in terms of collecting it all; local government does not. They will be left with the debt from trying to collect it. Particularly after the 40 per cent hike with the waste levy that has been inflicted upon them, they should not have to be burdened with additional costs in collecting that levy.

The Hon. M.C. PARNELL: The simplest answer to the question the minister posed is that the punters always pay. Whether they pay through this levy or that levy, the punters always pay, and if the government is so anxious that not enough money is being spent on the environment, here is a hint: there is a thing called the state budget; it comes out every year. If you think we are not spending enough on biodiversity, on pest plants and animals, then you spend more money. The punters will ultimately pay, the citizens of South Australia.

Ultimately, the government's argument seems to be that because local councils are so efficient at collecting money from their ratepayers, and because RevenueSA and the Commissioner of State Taxation are so hopeless at it, we have to put it back onto councils to do this job. Their argument that councils are the most effective appears, from what the minister has said, to be based on a 16-year-old review, probably conducted on a Commodore 64 computer. It predates so many innovations in relation to public administration and taxation in particular.

The idea suggested is that you calculate the costs on a snail mail letter sent every quarter, yet I reckon every single bill I have got in the last year has exhorted me to go paperless, and many people are doing that. You do not base your system on old-fashioned technology.

The other thing the minister has said is that because the emergency services levy database, which, if you tapped into it would save you a fair bit of postage, is not 100 per cent overlapped with the liability for the landscape levy database, that is therefore a complete disaster. I tell you what: it is about a 95 to 99 per cent overlap. They are the same. The ability of computers to work out the difference quite quickly has advanced a fair bit since the year 2003.

Ultimately, what has convinced me to support these sets of amendments has been the representations of the Local Government Association. They point out that because the existing levy and proposed future levy is included with council rates, many community members mistake the NRM levy for an increase in council revenue and then they contact their local council to complain about the cost of the levy.

The Local Government Association also points out that local government revenue data, included in the Australian Bureau of Statistics' figures, includes this state government tax and as a result there is inaccurate reporting of changes to council rates and revenue from year to year. So if the Australian Bureau of Statistics does not quite understand whose tax it is, what chance does an ordinary member of the public have? The Local Government Association points out that they have undertaken significant consultation with their member councils and the result has been that councils agree that it is untenable for them to continue to act as levy collection agents for the state government.

The Local Government Association has made this point many times but it has not been heeded. They do point out, of course, that within the existing bill is the mechanism for the state government to directly collect the levy and that is because not everyone lives in a council area. So there is already a mechanism for directly collecting the levy from people who live outside the area, and there is no reason why that same arrangement cannot be applied across the state.

Whilst the state government wishes to hide its own levy within a local government regime and relies on the fact that local government has been quite efficient in collecting council rates, I think that the honest and fair thing to do is for the state government to effectively collect its own taxes. I do not accept the figures that the minister has provided, based on a 2003 review in relation to the cost of the state government collecting its own taxes, are valid.

I point out that, ultimately, RevenueSA is going to have to get its act together if the state government and other parties finally come to the position that the Property Council has come to, and ACOSS and SACOSS have come to, that is, that we need a broad-based land tax as an alternative to inefficient transactional taxes such as stamp duty. I know that is an entirely different issue, but what I am saying is that RevenueSA is eventually going to have to get its house in order and it is not hard, there are things called computers that will do most of the work. For the reasons propounded by the Local Government Association, the Greens will be supporting the Hon. Frank Pangallo's amendments.

The Hon. J.A. DARLEY: I rise to indicate my position on the raft of amendments that have been moved on this matter. There have been a number of amendments moved by the opposition, SA-Best and the Greens to address the issue of councils collecting the landscape levy. The Local Government Association have lobbied me, and I imagine they have lobbied other parties as well, to have this provision removed or altered.

I understand their position is that because this is a state government tax then it should be the state government that should collect it rather than farming off the responsibility to local government. I would agree with this if the state government had a mechanism to collect the levy; however, in my opinion and experience, local government are by far the most efficient and cost-effective mechanism to collect these levies.

Amendments have been filed that suggest that RevenueSA should be charged with the task of collecting the levies. I was involved in the development and implementation of RevenueSA's revenue collection system and I know how complex it is. The system is simply not designed to be able to collect the levies due to a number of reasons. RevenueSA's system works on the basis of issuing accounts based on ownerships. This means that if you own five properties then you will receive one account with all properties on it.

I see this being problematic because at the moment there is only one multiple that needs to apply to calculate the emergency services levy; however, the multiplier to determine the landscape levy may differ from region to region. The system is not set up to cope with this and I expect it will be costly and time consuming to change the system to be able to manage this.

The Commissioner of State Taxation, as the head of RevenueSA, would be charged with the responsibility to change the system or collect the levy if the Hon. Frank Pangallo's amendments are successful, and I wonder if the Hon. Frank Pangallo, or any others, have consulted with her to find out what tasking her with this responsibility would mean and whether it is possible.

I want to put on the record that I am wholeheartedly in support of the Local Government Association's position that they should not be lumped with a debt if ratepayers refuse to pay their levies. I understand that the boards will ask councils to collect a certain amount of money, say $3 million. Councils have to give the boards $3 million regardless of whether they collect this money from ratepayers or not. This results in councils being out of pocket if not all ratepayers pay their levy, and they are faced with the choice of either writing the debt off or chasing the ratepayer for payment.

The Local Government Association did provide me with details of how much it costs councils to chase these debts. I do not recall at the moment what it is, but I remember thinking at the time that it was an extraordinary amount each year and most likely was more than what they were seeking to

recover. In any case, I do not believe that councils should be out of pocket because of the landscape levy, and I believe this is the position of the minister and the government too.

Because of the above, I am supportive of the Hon. Frank Pangallo's set 1 amendments. However, I understand he will not be moving these. If he does not, then I will not be supporting any of these alternatives and would look to the government to address this issue between the houses.

The Hon. K.J. MAHER: Very briefly, I indicate that we will be supporting this amendment, which is consequential on ones that are to come, so this is an indication that we will be supporting this raft of amendments.

The Hon. J.M.A. LENSINK: I have long heard the complaints from the Local Government Association in relation to this matter. I think their position is largely political, that the matter is on the rates notice. I think they ought to examine the costs to the alternative arrangements that are before us today.

The Hon. Mr Parnell, in relation to his comments, talked about people going paperless. SA Water has been undertaking a process to try to encourage its customers to go paperless. There is not a lot of uptake for that. I think local government is also doing that. I would be interested to know what their take-up is, but I suspect it is not very high.

What we are talking about here are two different sets of data, new IT systems, new staff. In response to my question put to the mover of this about who should pay for the costs, I think he just indicated that it is not his problem, which I do not think is a particularly useful position to have. If you are going to suggest an entire new system that is going to cost millions of dollars, there ought to be some idea about who ought to pay.

The Greens, in effect, have belled the cat by saying that the punter always pays. Perhaps they are indicating that if they are supportive of this system that is going to cost millions of dollars more they therefore also support that householders' rates notices will be going up significantly and they accept that position in favour of this particular matter. The Leader of the Opposition has not indicated at all who he thinks should pay. I think that is a disappointing position. I have outlined how complicated and expensive this process will be, and I would urge honourable members to reflect on that as they cast their vote.

The committee divided on the amendment:

Ayes 11
Noes..... 8
Majority..... 3

AYES

Bourke, E.S.	Franks, T.A.	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Ngo, T.T.
Pangallo, F. (teller)	Parnell, M.C.	Pnevmatikos, I.
Scriven, C.M.	Wortley, R.P.	

NOES

Darley, J.A.	Dawkins, J.S.L.	Hood, D.G.E.
Lensink, J.M.A. (teller)	Lucas, R.I.	Ridgway, D.W.
Stephens, T.J.	Wade, S.G.	

PAIRS

Bonaros, C.	Lee, J.S.

Amendment thus carried; clause as amended passed.

Clauses 4 to 6 passed.

Clause 7.

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

Amendment No 1 [Maher–1]—

Page 27, lines 31 to 33 [clause 7(1)]—

Delete 'the ecologically sustainable development of the natural resources that make up or contribute to our State's landscape' and substitute:

ecologically sustainable development by establishing an integrated scheme to promote the use and management of the natural resources that make up or contribute to our State's landscape

At the outset, I would like to acknowledge that many of these amendments were moved in some form by the shadow minister for environment and water in the other place, Dr Susan Close, the member for Port Adelaide. During the committee debate in the other place the Minister for Environment and Water put on record his willingness to consider some of these amendments and adopt some of them in some form, and I would like to thank the minister for his cooperation in that way.

Turning back to this specific amendment, natural resources management has always been a process of integrating many different approaches and balancing many different needs. We believe that it is important that this be reflected in the objects of the bill. The bill should promote an integrated approach dealing with the many challenges facing the state's landscape and natural resources. This amendment also seeks to clarify language to emphasise that not all natural resources need to be developed, even in an ecologically sustainable way. To remedy this, this amendment borrows some of the wording from the equivalent provision that is in the NRM Act.

The Hon. J.M.A. LENSINK: The government supports this amendment which is consistent with the overall aims of the bill to provide an integrated framework for managing the natural resources that make our state's landscapes.

The Hon. F. PANGALLO: We will be supporting it.

The Hon. M.C. PARNELL: If we are going to go through a roll call, the Greens will be supporting this. We note that it is also something that conservation groups have recommended and we are pleased that the government has seen fit to support it as well.

Amendment carried.

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

Amendment No 2 [Maher–1]—

Page 28, lines 1 to 3 [clause 7(1)(c)]—Delete paragraph (c) and substitute:

(c) provides for the protection, enhancement, restoration and sustainable management of—

(i) land, soil and water resources; and

(ii) native fauna and flora,

especially so that they are resilient in the face of change; and

In the opposition's view, the clause as it currently stands does not adequately address many of the current issues facing natural resources management in this state; particularly issues relating to native flora and fauna are omitted from the current clause. Many of the opposition's amendments seek to restore an ecosystem-wide approach to the bill, and to address the issues facing our state's environment. This amendment forms a key part of that process by amending the objects of the bill to make sure that that ecosystem-wide approach is there.

The Hon. J.M.A. LENSINK: The government opposes this amendment. This amendment would expand the object of the bill to include providing for the protection, enhancement, restoration and sustainable management of native fauna and flora. I want to be clear that biodiversity outcomes remain a very important objective of this legislation. However, the amendment greatly expands the role of the legislation and, by extension, that of regional boards relative to the current provisions of the NRM Act.

While boards can and should play a role in delivering biodiversity outcomes, biodiversity outcomes are also delivered through other legislation, namely the Native Vegetation Act and the National Parks and Wildlife Act. The very concept of integrated landscape management is about managing our landscapes to deliver on multiple outcomes, including the natural values.

The United Nations-backed report on biodiversity and ecosystem services released earlier this year identified integrated landscape management as being one of the policy tools required to address the current decline in nature. The report identifies integrated landscape management as being a way to simultaneously provide food security, livelihood opportunities, maintenance of species and ecological functions. The concept of integrated landscape management reflected in this bill emphasises that recommended approach.

Boards will continue to be able to undertake nature-focused programs and will have a continued role in delivering commonwealth-funded programs. Over $30 million in commonwealth-funded biodiversity programs are being delivered through boards over five years to 2022-23. The bill does not limit the ability of boards to continue this work or to seek further funding in the future. The new grassroots grants program and the landscape priorities fund will also support biodiversity outcomes through investment and partnerships.

The Hon. M.C. PARNELL: The Greens will be supporting this amendment. I note the minister's observations in relation to what we really mean by integrated landscape management, but it strikes me that opposing a clause like this—and I will just say that I have some similar amendments that I will move later on—is more reflective of a silo approach to the way we manage our environment. It is a silo approach; in other words, 'Let's not put it in here because there are other bits of legislation that might deal with it.'

If we are serious about integrated management, then biodiversity has to be in everything. This planet is facing an extinction crisis. We are in a climate emergency. The idea that, 'Let's not talk about biodiversity too much in this bill because people might take it more seriously and might think they need to do something about it,' I find quite remarkable.

The silo approach, you would like to think, is disappearing from our policy regime and our statute book but, in fact, just to give an example, there is a parliamentary committee tomorrow morning that will be considering the issue of when we zone the outback—the vast bulk of South Australia—should national parks be included in a conservation zone? Currently, they are not. They created a conservation zone and left out all the national parks. I mean, really?

This silo approach has not served us well. It has resulted in more species being added to the endangered species list. It has resulted in declining environmental indicators, as shown in the government's own State of the Environment report. So the Greens are pleased to be supporting the inclusion of this and a number of other measures into the bill to make sure that issues such as biodiversity and climate change are at the heart of all decisions that relate to the management of natural resources.

The Hon. J.M.A. LENSINK: I will just say in response that promoting healthy and resilient biological diversity and ecosystems is already an object of the bill. We have at clause 7(1)(d):

> promotes healthy native fauna and flora, biological diversity and ecosystems that are resilient in the face of change;

Honourable members may be seeking to add definitions so that they can go back to their constituent organisations and say that they added things, but we do not believe that it is necessary to keep adding, particularly given that we want to see an integrated approach to this, not the silo approach described by the previous speaker.

The Hon. F. PANGALLO: We will be supporting the amendment of the honourable Leader of the Opposition.

The Hon. J.A. DARLEY: I indicate that I will be supporting this amendment, also.

Amendment carried.

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

Amendment No 3 [Maher–1]—

Page 28, lines 4 and 5 [clause 7(1)(d)]—Delete paragraph (d) and substitute:

(d) promotes, protects and conserves biodiversity, and insofar as is reasonably practicable, supports and encourages the restoration or rehabilitation of ecological systems and processes that have been lost or degraded, and promotes the health of ecosystems so that they are resilient in the face of change; and

This amendment is again on clause 7. It deletes paragraph (d) and substitutes a fresh paragraph that goes to a lot that I spoke of before. This amendment seeks to ensure that the promotion, protection and conservation of biodiversity is central to this legislation. As honourable members would be aware, there are further amendments to be moved by the opposition to ensure that biodiversity is put back at the heart of this regime.

As the Hon. Mark Parnell just spoke about, it is almost inconceivable that, in an act that seeks to protect the environment, this is not at its heart and that the government deliberately does not want this to be at its heart. It is almost inconceivable that they do not want this to be at the heart of the regime.

While the government has contended in the other place that the bill already sufficiently addresses issues of biodiversity, it is clear that the government does not believe that by their strident opposition to these amendments. This, quite frankly, is not the view that was taken by many stakeholders during consultation undertaken on this bill. They did not buy it either that the government actually thinks that biodiversity is sufficiently addressed in this bill. As a result, this is one of the many amendments to restore references to biodiversity in this bill to strengthen the language and to ensure this issue is given the priority that it needs. Similarly, this issue addresses the overall health of ecosystems and the need to take a wide view when assessing the health of the environment.

The Hon. J.M.A. LENSINK: The government opposes this amendment, and I oppose the assertions made by the mover of this particular amendment. These matters are already addressed by the bill. Perhaps the Labor Party has not actually been through the legislation to examine where they are touched on.

I read from the objects clause in relation to my last contribution, where promoting healthy and resilient biological diversity in ecosystems is an object of the bill. Safeguarding ecological systems and processes is fundamental to the concept of ecologically sustainable development, and this reflects an integrated landscape management that focuses on health and resilience to support a range of outcomes. Sometimes this will involve restoring or rehabilitating systems as well as supporting adaptation, which are all important management practices going forward.

In addition, the bill addresses the top driver for biodiversity decline, being the enormous changes in land use through agricultural practices. It does this by ensuring that regional landscape boards are engaged in integrated landscape management planning when dealing with land now in productive use, which the United Nations-backed report identifies as a way to a simultaneously provide food security, livelihood opportunities, maintenance of species and ecological functions.

Critically, integrated planning will form part of the new landscape boards' functions. This bill also supports many of the recommended policy tools, going forward, by the United Nations. Promoting good agricultural and sustainable agricultural practices will form part of the new landscape board functions. Effective water resources management and promoting good land management practices will, again, be priorities for the new boards. Reducing land degradation through improved practices remains as a key measure in the bill.

This summary report identifies a healthy urban environment for low-income communities and improved access to green spaces and ecological connectivity within urban spaces. This is, effectively, part of the vision of Green Adelaide, and is reflected in a number of Green Adelaide's priorities.

The summary report further identifies the importance of including different value systems and diverse interests and world views in formulating policies and actions, including the participation of

Indigenous people. Unlike the NRM act, the value of Aboriginal traditional knowledge is embedded in the principles of ecologically sustainable development that underpins the bill.

The emphasis that the summary report highlights as necessary, going forward, is for, 'a wide range of illustrative actions for sustainability and pathways for achieving them,' critically, to adopt an integrated management and cross-sectoral approach. This necessarily involves a wide range of legislation.

Addressing widespread habitat loss through changes in land and sea use being the number one threat to nature is identified as a much broader issue that transcends private land management practices under the Landscape SA Bill, although it plays a critical part. Habitat loss is regulated through a large number of legislative frameworks, those relating to local government and planning laws, linear park legislation, native vegetation, national parks, animal management, fisheries management and marine parks frameworks, with the bill largely preserving existing statutory relationships. Further, point source and ambient pollution control is regulated under a series of other legislative frameworks including environment protection laws.

The committee divided on the amendment:

Ayes 12
Noes..... 7
Majority..... 5

AYES

Bourke, E.S.	Darley, J.A.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Pangallo, F.	Parnell, M.C.
Pnevmatikos, I.	Scriven, C.M.	Wortley, R.P.

NOES

Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A. (teller)	Lucas, R.I.	Stephens, T.J.
Wade, S.G.		

PAIRS

Bonaros, C.	Ridgway, D.W.

Amendment thus carried.

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

Amendment No 4 [Maher–1]—

Page 28, line 6 [clause 7(1)(e)]—After 'environment' insert:

(including a recognition of the need for mitigation and adaptation)

While the opposition is supportive of efforts to ensure this bill places greater emphasis on tackling climate change than the 15-year-old legislation it seeks to replace, we do not, as an opposition, believe it goes far enough. This particular amendment seeks to ensure that the key actions the landscape boards will need to undertake, works that mitigate climate change and ensure our state's natural resources are adapting to a changing climate, are enshrined in the objects of this legislation. Again, this is one of a number of amendments the opposition will be moving to the bill to ensure that this issue is given sufficient prominence and attention in the legislation.

Climate change poses an enormous threat to our state's environment and natural resources. In determining the framework for managing our natural resources in years to come it is incumbent on us to ensure that that threat is adequately addressed.

The Hon. J.M.A. LENSINK: The government supports the proposed amendment. This amendment builds on the current object of the bill, recognising the significance of climate change so as to reflect the need for mitigation and adaptation.

The Hon. M.C. PARNELL: The Greens also support the amendment. I want to remind members of a study that was done sometime ago by the CSIRO and the Goyder Institute, which basically suggested that, unless we address climate change, Goyder's line of reliable rainfall will be marching south and could reach as far south as Clare. So that is a very sobering thought, when we look at one of the areas that is one of our premier wine growing areas, to think that will be at the margin of reliable rainfall and that agricultural properties north of that line would effectively be regarded as marginal country. I think we do need to make sure that this legislation fully reflects the challenges posed by climate change.

The Hon. F. PANGALLO: We will be supporting the amendment. I reflect on the Hon. Mark Parnell's comments: I was talking to a wine grower from Clare the other day and he was telling me how precarious the situation is already. It is quite important that we are readying ourselves for climate change, particularly in our regional areas. With that, we will support the amendment.

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

Amendment carried.

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

Amendment No 5 [Maher–1]—

Page 28, after line 41 [clause 7(3)]—Insert:

(ca) environmental factors should be taken into account when valuing or assessing assets or services;

This amendment amends the objects of the act and specifically inserts a new principle. As I said, this will be taken into account with achieving ecological sustainability development for the purposes of the bill. In advancing the environmental objectives of the bill and of the opposition's amendment, this amendment seeks to ensure environmental factors are being considered in valuing or assessing assets or services. It is the opposition's view that these factors should be considered in addition to other considerations, such as, for example, productive value of land.

The Hon. J.M.A. LENSINK: The government supports the proposed amendment, noting that the bill provides for a simplified set of principles of ecologically sustainable development informed by community feedback. The amendment makes it clear that environmental factors should be considered in valuing or assessing assets or services.

The Hon. M.C. PARNELL: The Greens support the amendment.

The Hon. F. PANGALLO: We will be supporting it.

Amendment carried.

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

Amendment No 6 [Maher–1]—

Page 29, after line 4 [clause 7(3)]—Insert:

(da) consideration should be given to the conservation of biological diversity and ecological integrity;

Again, this amendment seeks to restore references to biodiversity and ecological integrity to the bill; in particular, a similar provision appears in the same section of the NRM Act. In opposing this amendment in the other place, the minister stated his belief that the legislation should be accessible and workable and that he felt the issues were already addressed elsewhere in the legislation.

The opposition's clear view is that if the legislation needs to be one line longer to adequately ensure these important outcomes are considered throughout the process of managing our landscapes, that is a fair trade off. We do not believe the bill as it stands adequately addresses the declining biodiversity in this state. To achieve those issues needs to be central to this legislation.

The Hon. J.M.A. LENSINK: This is a very similar argument to the one that we prosecuted several clauses previously. The government opposes this amendment. Promoting healthy native fauna and flora, biological diversity and ecosystems is an object of the bill, as is the need to recognise and protect the intrinsic values of landscapes. The bill requires that the minister and boards consider and promote these objects in making their decisions.

The Hon. M.C. PARNELL: The Greens support the amendment.

The Hon. F. PANGALLO: We are supporting it.

The Hon. J.A. DARLEY: I will be supporting it.

Amendment carried; clause as amended passed.

Clause 8.

The CHAIR: We now come to clause 8, and the first amendment we have is amendment No. 2 [Parnell-1].

The Hon. M.C. PARNELL: If the committee agrees, I could move amendments Nos 2, 3, 4, 5 and 6. Just as we have been debating in relation to the previous clause, the objects and principles clause, the next clause, clause 8, is in relation to the actual obligations of people when making decisions that are covered by the act. The heading is 'General statutory duties' and clause 8, over two pages, lists the expectations that the parliament has of people when making decisions. So just as we did when including biodiversity into the objects of the act, my amendments seek to include a requirement to take biodiversity into account when people are actually making decisions that are covered by the act.

Really, I think that, whilst they are not consequential to the earlier debate, they cover the same ground. In other words, the question before us is: to what extent should biodiversity be an integral part of decision-making under the act? The Greens believe that this act is improved by including references in a number of places in clause 8, starting with my amendment No. 2 and including amendments Nos 3, 4, 5 and 6. I move the amendments—if I can move them all standing in my name, that would be even easier.

The CHAIR: You move them all standing in your name, fine.

The Hon. M.C. PARNELL: I move:

Amendment No 2 [Parnell–1]—

Page 29, line 27 [clause 8(2)(a)]—After 'resources,' insert:

including the protection of biodiversity,

Amendment No 3 [Parnell–1]—

Page 29, line 30 [clause 8(2)(b)]—After 'including' insert:

in relation to the state of matters regarding biodiversity and

Amendment No 4 [Parnell–1]—

Page 29, line 36 [clause 8(2)(e)]—After 'resources' insert:

including in relation to the environment and its biodiversity

Amendment No 5 [Parnell–1]—

Page 29, line 38 [clause 8(2)(f)]—After 'environment' insert:

and its biodiversity

Amendment No 6 [Parnell–1]—

Page 29, line 40 [clause 8(2)(g)]—After 'resources' insert:

including the environment and its biodiversity

The Hon. J.M.A. LENSINK: The government opposes this amendment. The definition of 'natural resources' actually includes native organisms and ecosystems and therefore encompasses

biodiversity. The bill's objects expressly recognise biodiversity, meaning this will underpin all decision-making.

While boards will be able to play a role in delivering biodiversity outcomes through their activities and investments, as is the case currently, biodiversity outcomes are also delivered through regulatory arrangements under other legislation, as I have mentioned previously. The bill operates alongside these other pieces of legislation and will not change the important role that they play. As part of the government's ongoing considerations for reform, the exploration of improved interactions with other state legislation that intersects with landscape management will occur.

The Hon. F. PANGALLO: We will be supporting the amendment.

The Hon. J.A. DARLEY: I will be supporting the amendment.

The CHAIR: Leader of the Opposition, just your position on these amendments would be great.

The Hon. K.J. MAHER: I rise to indicate, just to give some clarity, that we will be supporting the Parnell amendment and the rest of the amendments that go to the same thing; I think there are another four on clause 8, if I am counting correctly. So we will be supporting this one and, for the sake of efficiency, the rest of them.

The Hon. J.M.A. LENSINK: I can advise that the government opposes them all.

The CHAIR: On sound advice, I am going to put amendment No. 2 [Parnell-1] first, just in case someone feels the need to call 'division', and we can use that as a test.

Amendment carried.

The CHAIR: Given that it was not the mood of the council to divide, I intend, unless any honourable member objects, to put amendments Nos 3, 4 ,5 and 6 [Parnell-1] in the same question.

Amendments carried.

The CHAIR: I understand that is all the amendments for clause 8. Does any honourable member have a further contribution?

The Hon. K.J. MAHER: I have a quick question for the government on clause 8 as it was drafted in the bill. I wonder if the minister could briefly outline why the changes were made to this clause compared with the previous NRM Act and the reasons that these changes were made? What is the rationale behind it?

The Hon. J.M.A. LENSINK: I thank the honourable member for the question. This clause requires a person to act reasonably in relation to natural resources management. It is a general duty which applies to all. It is acknowledged that, in line with other statutory duties, the means for ensuring compliance with the duty are found elsewhere in the bill. The clause sets out the factors to be taken into account in determining what is reasonable. These factors now include a requirement to take local circumstances into account.

The clause provides that a person acting consistently with the bill, a plan or policy under the bill or the regulations, will be taken not to be in breach of the duty. A person who can demonstrate they followed best practice methods, standards or guidelines will also not be in breach. Going forward, local circumstances will be relevant to determining what constitutes best practice for land management.

Taking local circumstances into account reflects the value of landholders' understanding of the landscape. For example, there are times when practices that would normally be considered as not being a best practice actually need to be used to save the soil from erosion. An example of this is after the Pinery fires where tillage was used in places to stabilise drifting soils where all of the stubble had been burnt and there was nothing holding the soil together. In these areas, accepted best practice is usually no-till farming and has been for many decades.

Clause as amended passed.

Clause 9.

The Hon. K.J. MAHER: On clause 9, I note there is no explicit reference to climate change in this section, meaning the bill does not take the opportunity to require action of the minister to consider climate change. I am wondering what was the rationale behind the government's decision to omit a climate change reference in this clause?

The Hon. J.M.A. LENSINK: If I could point the honourable member to clause 7 of the bill, which we have now passed, at subclause (4):

> The Minister, the Court and all other persons or bodies involved in the administration of this Act, or performing, exercising or discharging a function, power or duty under this Act, must have regard to, and seek to further, the objects of this Act.

The objects of the act are outlined in subclause (1), which includes climate change, at paragraph (e).

The Hon. K.J. MAHER: The bill also removes references to the River Murray and the Murray-Darling Basin, which appear in the equivalent provision in the NRM Act—I think that is section 10 of the NRM Act. What was the government's rationale for omitting that in this bill?

The Hon. J.M.A. LENSINK: I thank the honourable member for that question. The advice I have received is that references to Murray-Darling Basin arrangements form part of other sections of this legislation before that, specifically in areas such as water resources management, so those relevant sections reference River Murray management issues.

Clause passed.

Clause 10 passed.

Clause 11.

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

Amendment No 7 [Maher–1]—

> Page 32, line 30 [clause 11(2)(a)]—After 'environment' insert:
>
> and give particular attention to water catchment areas

Under the current NRM Act, the minister is required to give particular attention to water catchment areas. This requirement was removed by the government in drafting this bill and in turn this amendment seeks to restore that requirement. Water management is a particularly significant issue for our state, for reasons members will be well aware of. We lie at the bottom of a river system that we rely on. We are an incredibly dry and drought-prone state, and many South Australians have lived through the impact of severe water shortages.

It is our view that in a decision as fundamental as the establishment of regions within which our natural resources will be governed, water catchment should be a driving consideration. During debate in the House of Assembly, the Minister for Environment and Water said he would like to think that water boards would pay attention to water catchment areas, as the deputy leader's amendment suggests, as part of their good governance. We agree, and in turn we suggest that the minister should be required to have regard to water catchment areas when establishing regional boundaries.

In speaking against this amendment in the lower house, the minister outlined his view that communities of interest trumped water catchments and gave examples of such communities of interest. It is important to note that this amendment does not choose one over the other. It seeks to incorporate both in legislation and points out that in such an environment as South Australia the minister should give particular attention to water catchment areas when making a recommendation to the Governor on regional boundaries.

The Hon. J.M.A. LENSINK: Some of what the Leader of the Opposition has said we agree with, and that is the primacy of the importance of water catchment areas. We just disagree on how it should be expressed in legislation. That water catchment areas are an aspect of nature and form part of the natural environment goes without saying. In recommending regional boundaries to the Governor, the minister will still be required to consider the nature and form of the natural environment, alongside other factors.

Feedback during consultation on the reforms indicated support for greater weight being given to community and other factors in setting regional boundaries, reflecting the role of boards in providing a service to communities in their region. For this reason, the government opposes this amendment.

The Hon. M.C. PARNELL: The Greens will be supporting this amendment. In doing so, at the risk of having a competition about who has the longest memories around these things, I am reminded of the Catchment Water Management Act 1995, now ceased. It was basically the predecessor of the Water Resources Act 1997, which was the predecessor of the Natural Resources Management Act.

In some ways, this amendment goes back to where we started; that is, when you are drawing lines on a map to come up with administrative boundaries, the catchment boundary is a pretty good place to start if your objective relates to environmental management. As has been said, there are a range of considerations. This amendment seeks to make sure that particular attention is given to water catchment areas when deciding where these lines on maps should be drawn. In my view, it is a sensible amendment, as it was back in 1995.

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

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

Amendment carried.

The Hon. M.C. PARNELL: I move:

Amendment No 7 [Parnell–1]—

Page 33, after line 7 [clause 11]—Insert:

(4a) The Minister must, before a proclamation is made under subsection (3), give each peak body notice of the proposed proclamation under that subsection and give consideration to any submission made by any peak body within a period (being at least 21 days) specified in the notice.

Again, depending on the will of the committee, I would like to think that this is consequential on an earlier amendment. If members cast their minds back to the definitions section, clause 3, we inserted a definition of 'peak bodies'. This is the first substantial reference to peak bodies, basically requiring consultation with peak bodies when regions are established. I will not say any more about it now, if members can accept that it is consequential on the amendment we passed earlier.

The CHAIR: This is not a technical problem, but it has been drawn to my attention that later, in clause 13, amendment No. 8 [Parnell-1] is virtually identical. It competes with the Leader of the Opposition's amendment No. 8 [Maher-1]. I am providing an opportunity if members want to give some clarity around whether the debate on this amendment may indirectly flow into subsequent—

The Hon. K.J. MAHER: On [Maher-1]?

The CHAIR: Yes.

The Hon. K.J. MAHER: Perhaps I can give some clarity here. If it is the case that the committee is minded to support the Parnell amendment, I can indicate that I will not move my amendment No. 8 [Maher-1]. In talking generally to this clause, I can indicate that we think it is important and we are concerned about the extent to which the minister has cut consultation requirements in this bill and attempted to make them less prescriptive.

As a general proposition, we are supportive of the Parnell amendment. Should the committee support the Parnell amendment, it is our intention not to move the Maher amendment. Talking generally to this clause, it might give some clarification if members indicate whether they are supportive of the Parnell amendment, then I can indicate that I will not be moving the Maher amendment.

The Hon. J.M.A. LENSINK: The government can indicate that we do not like either of them but regard the Parnell amendment as the least worst.

The Hon. F. PANGALLO: We will be supporting the amendment of the Hon. Mark Parnell.

The Hon. J.A. DARLEY: I will be supporting the Hon. Mark Parnell's amendment.

The CHAIR: Leader of the Opposition, I assume the government is going to vote against this. Can I ask what you are voting on this one because you did not make it entirely clear.

The Hon. K.J. MAHER: The opposition will be voting for the Parnell amendment and, given the support the committee has shown for the Parnell amendment, I will foreshadow that I will not be moving my amendment.

The Hon. J.M.A. LENSINK: Mr Chairman, are we still on Parnell 7?

The CHAIR: We are on Parnell amendment No. 7, yes, but I just needed clarity around what the opposition was doing.

The Hon. J.M.A. LENSINK: I would have to say that this is one of the worst examples of reintroduction of red tape because the proclamation matter is one that comes fairly late in the piece in terms of the process. There is a whole lot of consultation that takes place prior to this and then the proclamation is made at the end of it. This is an example of one of the many invidious things that has tied NRM up in red tape for years and years, and we would urge people not to support this particular amendment.

Indeed, I point out that one of the peak bodies is the Local Government Association, which must be consulted, and yet it will apply to out of council areas where they do not have jurisdiction. There is consultation in practice that will take place well prior to this process and prescribing these sorts of matters, we believe, is just going to frustrate the regional landscape boards and the entire process.

The Hon. M.C. PARNELL: I am afraid, Mr Chairman, that I cannot let that go through to the wicketkeeper. The logic of the minister's response is, effectively, 'Of course we're going to consult with all these people but if you write it into the act it becomes red tape.' The second thing she said was that there are some areas of South Australia that are not within local councils and the Local Government Association has to be consulted. Well, yes, there are some areas of South Australia that do not have any farms on them and the primary producers are going to be consulted. It does not undermine the importance of having these peak bodies written into the legislation as bodies that must be consulted.

There is real red tape and there is imaginary red tape. It makes no sense at all for the minister to say, 'Of course we are going to go through a comprehensive consultation process and all these people will be engaged, just don't write it into the act.' It makes no sense at all. The only other thing is that this does at least put in a pretty minimal 21-day time frame just as an added level of security. If the government fully intends to properly consult with all of these bodies it has absolutely nothing to fear from putting it in the legislation.

The Hon. J.M.A. LENSINK: I must respond, Mr Chairman.

The CHAIR: You can do as you please.

The Hon. J.M.A. LENSINK: I would really encourage honourable members in this chamber to go and talk to people who have been engaged in the natural resources management process. We have debated that in this place endlessly. Go and talk to the people on the ground who are involved in the board process, talk to them about all of these processes that have been prescribed in legislation which has meant that there is a specific way to do the things they were going to do that has been prescribed, they have to do it, and it does not allow them flexibility, it does not respect local community wishes and it does not respect the way that people would do things if they were allowed, indeed, respected to go about and do in the best way they see fit.

This chamber seems to think that it knows best, and I find that quite objectionable. I would urge members to reflect on that and also to reflect on the comprehensive consultation that I outlined in response to the Leader of the Opposition's comments about the extensive consultation, the feedback that the government has taken in good faith, which has been effectively ignored by a number of members of this chamber.

The committee divided on the amendment:

Ayes 12
Noes 7
Majority 5

AYES

Bourke, E.S.	Darley, J.A.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J.
Ngo, T.T.	Pangallo, F.	Parnell, M.C. (teller)
Pnevmatikos, I.	Scriven, C.M.	Wortley, R.P.

NOES

Dawkins, J.S.L.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A. (teller)	Lucas, R.I.	Stephens, T.J.
Wade, S.G.		

PAIRS

Bonaros, C.	Ridgway, D.W.

Amendment thus carried; clause as amended passed.

Progress reported; committee to sit again.

Sitting suspended from 13:04 to 14:15.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Determination and Report of the Remuneration Tribunal—No. 5 of 2019—Common Allowance for Members of the Parliament of South Australia.
Determination and Report of the Remuneration Tribunal—No. 6 of 2019—Electorate Allowances for Members of the Parliament of South Australia.
Determination and Report of the Remuneration Tribunal—No. 7 of 2019—Accommodation and Meal Allowances for Ministers of the Crown and Officers and Members of Parliament.
Determination and Report of the Remuneration Tribunal—No. 8 of 2019—Reimbursement of Expenses Applicable to the Electorate of Mawson—Travel to and from Kangaroo Island by Ferry and Aircraft.
Gambling Regulation-Systems Criteria-Prescription (General) Variation Notice 2019 under the Casino Act 1997.
Rules of Court—
Magistrates Court—Magistrates Court Act 1991—Criminal—Amendment No. 74—Corrigendum.

By the Minister for Trade, Tourism and Investment (Hon. D.W. Ridgway)—

Report on the Interim Operation of the City of Adelaide Minor Amendments Ministerial Development Plan Amendment.

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

Report for the Minister for Health and Wellbeing on the Review of the Advance Care Directives Act 2013.

Question Time

LAND TAX

The Hon. K.J. MAHER (Leader of the Opposition) (14:18): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment a question regarding taxation.

Leave granted.

The Hon. K.J. MAHER: During the estimates process the minister was asked whether he had received any negative feedback from investors or the private sector about the Liberal government's land tax changes. The minister responded 'that not one of them has raised this as a concern'. My questions to the minister are: now that he has had his feet planted firmly back in SA for a few days, is he aware of any investors or representatives from the private sector who have raised concerns about the Liberal government's proposed land tax? Has the minister met with or listened to the concerns of the Property Council or Business SA regarding the Liberal government's land tax changes?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:19): I thank the honourable member for his question and, for some context, I will respond. When I responded during estimates, I had had a discussion with my department the day prior in relation to the companies that we may be talking to, both interstate and overseas, about relocating to Adelaide or opening up a business here, or investing here, so when I said that not one had raised it, that was the advice that I was given: that, of the people that we are talking to interstate and overseas, the issue of land tax had not been raised with them.

Of course, I am well aware of some of the concerns that have been raised by the Property Council and Business SA. Even though I was out of the country, I do have some connectivity so there were emails and the like and the sort of, if you like, group emails that go out. As the Treasurer said, we are still looking at the proposed changes.

There is, if you like, a bill that we are consulting on, which the Treasurer and his team are doing, and I am sure over time that will give industry an opportunity to have another look at it. I have not met formally with any of those groups because at the moment we are still in the consultation phase. What are we discussing? I am leaving that to my very capable and trusted colleague, the Treasurer.

The PRESIDENT: Supplementary, Leader of the Opposition.

LAND TAX

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): The minister mentioned there is a bill that is being consulted on. Has the minister himself actually read this bill that is being consulted on?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:21): A lot of what happens and is discussed in cabinet, as the former minister opposite knows, is confidential. They are out consulting and the consultation work has been—there will be a bill that will be introduced and tabled and that will be consulted on, but the issue is being consulted on. Members opposite are just trying to split hairs on this last day before we rise. They are tired and they are a whingeing, whining, carping opposition.

We will be consulting, and we are consulting with industry and stakeholders right across the sector. It won't just be the Property Council and Business SA; there is the UDIA, the MBA, there is a whole range of interest groups that I know the Treasurer and his team will consult with, and then, at

the end of all that, I am certain the Treasurer will have a comprehensive package that he will introduce to parliament.

LAND TAX

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): A further supplementary arising from the original answer: is there a bill that is being consulted on?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:22): I explained in my answer to the previous supplementary question that there is some consultation undergoing and there will be a bill prepared. There is some work being done to come up with a bill to consult.

LAND TAX

The Hon. K.J. MAHER (Leader of the Opposition) (14:22): Supplementary arising from the original answer in relation to consultation that has occurred and complaints that have been made. Can the minister outline any private sector investors who have discussed this issue with him?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:22): As I said in my answer, I have had no formal meetings with anybody around this issue, and I am not going to disclose the contents of any private conversations I might have. I have conversations with a whole range of people, on a whole range of topics, on every day of the week. I am not going to disclose them in the chamber.

LAND TAX

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): A further supplementary: without disclosing the individual nature of conversations or of people he has met with, can the minister outline broadly, has anyone suggested to him that the government's land tax changes may harm investment in South Australia?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:23): I thank the honourable member for his supplementary question. The nature of the discussions are, 'Well, what is actually proposed?' Because the consultation is going on, nobody quite knows what the final make-up of the package will be. The discussion that I have had with members of the community is, 'Why don't you actually sit down and have a look at the consultation as we move forward?'

GLOBELINK

The Hon. C.M. SCRIVEN (14:24): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding GlobeLink.

Leave granted.

The Hon. C.M. SCRIVEN: Last night on Radio Adelaide, Evan Knapp, CEO of the Freight Council, was asked about GlobeLink and responded that, I quote:

> GlobeLink would have added about an hour or more to transit times through to the Port and that has major costs, major freight efficiency, negative externalities and frankly just wouldn't have worked for South Australia...would have hurt Adelaide Airport and our chance to get new flights to new destinations as well.

Adelaide Airport is one of the fastest growing major international airports over the last decade. My questions to the minister are: does the minister agree with the assessment of the chief executive of the Freight Council that GlobeLink will hurt Adelaide Airport and international flights, and have any of his agencies provided any advice about the potential impact of GlobeLink to Adelaide Airport's freight operations?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:25): I thank the honourable member for her question and her ongoing interest in GlobeLink. It is heartening that she is continually asking questions about it. Of course, GlobeLink is a project—

Members interjecting:

The Hon. D.W. RIDGWAY: It is interesting that members opposite are so excited by all of this or are getting excited, looking forward to the break. They just can't help but interject. GlobeLink

is a project and the study that we are doing is being conducted by my good friend and trusted colleague the Hon. Stephan Knoll, the Minister for Transport. The actual details around GlobeLink I am not able to provide any information on.

Mr Evan Knapp is entitled to his view. He had a strong view opposing GlobeLink when the policy was announced and he is entitled to that view. I have not seen the comments that he has made—I don't listen to Radio Adelaide—but he is certainly entitled to that view. On Adelaide Airport, I will take that part of the question on notice. I will make sure I bring back a response if any of my agencies have been asked to provide advice. I am not aware of any, but I will ask that question.

GLOBELINK

The Hon. C.M. SCRIVEN (14:26): Supplementary: how many dedicated freight aircraft have landed in Adelaide in the past 12 months?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:26): I am aware we have 54 international flights a week, which all take freight in and out of South Australia. Actual dedicated freight planes—

Members interjecting:

The Hon. D.W. RIDGWAY: I don't have those figures at my fingertips. I didn't realise the members opposite were air traffic controllers as well as freight logistics experts. We announced a GlobeLink policy and we have committed significant money: $20 million to do the study and to have a look at it. All of those things will be taken into consideration.

GLOBELINK

The Hon. C.M. SCRIVEN (14:27): Further supplementary: is the minister—

Members interjecting:

The PRESIDENT: Have we all finished the casual conversations? I would like to hear the Hon. Ms Scriven's supplementary question.

The Hon. C.M. SCRIVEN: Is the minister concerned that diverting air freight may affect our international flight attraction?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:27): That is why we have commissioned the $20 million study to actually have a look at GlobeLink. We have seen a great example in Queensland where the Wellcamp Airport has provided a second alternative. I know that Adelaide Airport are really focused on growing their freight and passengers. The other thing I think members opposite have to understand is that GlobeLink, first and foremost, was about getting the noisy train out of the suburbs and coming through Adelaide and then maybe making the route a little bit safer, with semis and B-doubles coming down the freeway.

The third component is that because Monarto was planned by the sort of godfather of the Labor Party, Don Dunstan, land was set aside for an airport. The track record of this state, mostly in the time the Labor Party were in government, would be to sell off pieces of land. We had a corridor through our city for the Metropolitan Adelaide Transport Study, right through the western suburbs. Former premier Steele Hall says that the most dangerous thing and the most nasty thing ever done to our state was to sell that corridor, done by the Labor Party.

The announcement by the Marshall government to have a look at GlobeLink, including rail, road and air freight, was to make sure that that parcel of land is quarantined when it stacks up, if it stacks up. That is why we are spending $20 million for the airport. That bit of land is quarantined.

We have seen time and time again where people do things, sell things, and then 30 years later go, 'Gee, we have to spend billions of dollars.' Look at the north-south corridor. We had a corridor that would have served this state well, and it has been sold off. Look at the billions and billions of dollars we have to spend as a state and a nation on our north-south corridor. Why we wanted to announce this policy was to make sure we had future opportunities and room for expansion in the future.

GLOBELINK

The Hon. C.M. SCRIVEN (14:29): A further supplementary: what land has been quarantined in the GlobeLink proposal?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:30): The honourable member should take time to have a look at the Rural City of Murray Bridge; it has done a master plan. The actual land that was set aside under the Don Dunstan vision for the airport—my recollection is that it is two farming properties. The Rural City of Murray Bridge have it zoned for airport development. At the end of the day, what we wanted to do was to make sure that the opportunities for future generations of South Australians were preserved.

GLOBELINK

The Hon. C.M. SCRIVEN (14:30): One more supplementary: when is the GlobeLink report due to be completed, and will the report be made public?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:30): Those two questions are really the responsibility of the Minister for Transport, the Hon. Stephan Knoll, and I will take those two components of the question on notice and bring back a reply.

MINISTERIAL STAFF

The Hon. E.S. BOURKE (14:31): I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding staff appointments.

Leave granted.

The Hon. E.S. BOURKE: On 20 July 2019 an 'Off the record' article appeared in *The Advertiser* about minister Ridgway's performance in his portfolios. The article revealed that there has been a concerted effort to 'help Ridgy'. The article also revealed that former federal staffers Andrew Ockenden and Kathryn McFarlane had been shoehorned into his office after the minister's former chief of staff was given his marching orders. My question to the minister is: did the minister personally select his new members of staff or did the Premier make a captain's pick, and if so, is the minister concerned his new staff will be reporting the minister's movements back to the Premier's office?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:31): What a lovely question! Actually, most of the help that Ridgy gets is leaks from that side to help them help me. That is most of the help I get. In answer to the question, I interviewed and chose both of those new staff myself.

LAKLINYERI BEACH HOUSE

The Hon. J.S.L. DAWKINS (14:32): My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on support for South Australian families in the public health system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32): I thank the honourable member for his question. The Australian health system is one of the best in the world, and we are lucky to be able to rely on a high level of health care right across the nation. The system is large and complex, but in amongst the busyness, it is good to stop and remind ourselves what it is all there for. The health system is there to deliver the day-to-day miracles of Australians helping Australians—health professionals, volunteers, philanthropists working together and having an impact on people needing health care.

Recently, I was privileged to see the real difference being made to the lives of South Australian families at the opening of the Women's and Children's Hospital Foundation Laklinyeri Beach House. The beach house is a respite care home for families whose children have complex medical needs, providing an otherwise almost impossible opportunity for these families to get away from the significant stress of frequent medical care.

Laklinyeri is the name developed in conjunction with the elders of the Ngarrindjeri traditional owners and means a sense of connectedness to the extended family, a place and the life in that

place. Visitors to the house will find medical equipment and disability support tools and resources as well as meals, carers, nursing care if needed and medical assistance—and of course just the benefits of a holiday and a time away.

The beach house is an amazing partnership between the Women's and Children's Hospital Foundation and generous private enterprise partners. It grew from an idea first imagined by Sara Fleming, a palliative care nurse at Women's and Children's Hospital, and developed collaboratively with a group of families known as the founding families, families whose children had received palliative care through the Women's and Children's palliative care service.

This collaboration has been a hallmark of the project. The house itself was co-designed by the founding families, working alongside private sector partners, to ensure that it was actually fit for purpose, including in terms of the supply of medical equipment. The partners in particular deserve thanks and congratulations. Bella Build and Design built the home and raised more than $1 million towards the cost of the build. They were joined in the work by contributions by Greenway Architects and the landscapers Coastal Landscapes and Fencing. The contribution made by these three private partners was very generous and lifted the facility to what is an extraordinary oasis with all the support ill children and their families might need.

The facility is designed to sleep 12 and includes such support as a hoist to carry a child from the bedroom to the bathroom, and a movable wall between the master bedroom and the larger child's bedroom. There were a range of other contributors to the project, such as the Sam Roberts Family Fund, the Thyne Reid Foundation, the Golden Angels, the Van Diemen Foundation, Ian Wall AM and Pamela Wall OAM, and the CMV Group Foundation.

The first families have already had a chance to spend a holiday at the beach house, including one 10-year-old girl who was able to have a sleepover with her best friend for the first time in her life. This is an excellent example of the support given to families facing the challenges of complex and ongoing medical care.

I congratulate the Women's and Children's Hospital Foundation for coordinating this process and bringing together families and private partners to bring the beach house into reality. The beach house was opened by His Excellency the Governor. A recurring thought at the opening was that this beach house is a gift from the people of South Australia. On behalf of the sick children and their families who will enjoy this gift for years, I thank all of those who made this wonderful gift possible.

LAND TAX

The Hon. F. PANGALLO (14:36): I seek leave to make a brief explanation before asking the Treasurer a question about land tax.

Leave granted.

The Hon. F. PANGALLO: Bank SA CEO, Nick Reade, one of the state's most prominent economic experts, and who also happens to be one of the Premier's handpicked members on his Economic Advisory Council, has today come out and criticised the government's proposed land tax aggregation reforms. Mr Reade has said the proposed aggregation reforms are 'worrying a few people', and, 'Higher taxes aren't much good for business or confidence.'

He also believes the government's windfall from the proposed land tax overhaul will be significantly more than the $40 million per year the Treasury says will be raised. In an excellent article in InDaily today by Tom Richardson, Mr Reade is quoted as saying he expected the figure to be more north than that, like about $90 million a year. Mr Reade is a member of the Premier's Economic Advisory Council, a group of well-respected and diligent business leaders, handpicked by the Premier himself, whose main role is to provide—and I quote from the Premier's own website:

> …strategic advice to the Premier on the State Government's range of bold ideas and policy initiatives aimed at stimulating strong economic growth and jobs creation.

This is the same prominent businessman who backed the Liberals in leading the charge against the former Labor government's controversial and failed bank tax in 2017. My question to the Treasurer is:

1. Are you surprised by Mr Reade's public comments today given his prominent role on the Premier's Economic Advisory Council?

2. Do you agree with his assertion that the government's windfall will be closer to $90 million a year instead of the $40 million a year guesstimate through your proposed land tax reforms?

3. Has Mr Reade made his concerns known to you and/or the Premier prior to today?

4. Was the Liberal government's economic advisory committee asked to comment on the aggregation land tax policy? If so, what was that advice? If not, why does the council exist at all if it is not going to be asked by the government to comment on the impact of one of its most significant economic reform policies that will impact on our economy and the property sector, which happens to be one of the biggest sources of government revenue?

The Hon. R.I. LUCAS (Treasurer) (14:39): I thank the honourable member for his question. Given that we end up on SA-Best video, I thank the honourable member for his wonderful question and a series of wonderful questions. Where's the camera?

Members interjecting:

The Hon. R.I. LUCAS: That way, is it? I would like to thank the Hon. Mr Pangallo for his wonderful question, following a series of other excellent questions he has asked in recent days. Yes, I am aware of Mr Reade's views. I met with him and had discussions with him yesterday. I welcomed him back—I think he has just returned from a well-deserved rest or vacation—and had a discussion with him yesterday about these issues.

Mr Reade indicated to me that he was not in a position to accurately estimate the impact of the government's land tax revenues. He does have the view that it is likely to be more than $40 million, but he conceded that because the government hasn't actually finalised the structure and nature of the bill it is going to put to the house, he is obviously not in a position to give a definitive estimate or comment in relation to that, because he has not seen the final detail of the proposal.

I think if one looks closely at the summary of the statements made in the InDaily article, he indicates what he indicated to me yesterday, and that is that until there is a chance to see the final proposal that the government brings to the parliament, no-one is in a position, including himself, to make an estimate. But he does have a view that it will be more than $40 million.

As I said in response to another excellent question from the member yesterday, and somebody else's excellent question, if it is more than $40 million then the government will, as is its commitment, return more in land tax cuts by either more quickly implementing the reduction to 2.9 or even further reducing the 2.9 per cent. The government's land tax reform package is designed from a reform package to collect less land tax revenue than before the introduction of the reform package.

So, by increasing the threshold, by reducing the rate and on the other hand introducing changes to the aggregation, we are committed to collecting less land tax from those particular provisions. If ultimately it is more than $40 million, as is Mr Reade's view, then we will return more by way of increasing thresholds, reducing rates more quickly or reducing the top rate, or a combination of those sorts of initiatives.

I think what will be very interesting is that I understand in the next week or so we are likely to see the BankSA monitor, which monitors the impact of government decisions and announcements in relation to the investment climate in South Australia. I think it will be useful to see that, when it comes out, as to whether or not there has been the impact the Hon. Mr Pangallo and others—the Property Council and others—have said, that there is this all-pervasive, terrible view in the South Australian business community and South Australia about the government's budget and the land tax reform proposal.

I think that will be useful because it is an ongoing monitor that is being conducted for 10 or 20 years. It monitors the business environment in terms of the investment climate. I will certainly be watching with interest the results of that particular monitor's results in the next week or so when they are actually released, because that will give some evidence or not in relation to some of the concerns the Hon. Mr Pangallo, the Property Council and others have been raising in relation to what the

concerns might be in the investment climate in South Australia and the business community in particular.

Is it as comprehensive, pervasive and all-encompassing as the Hon. Mr Pangallo and the Property Council believe it to be, or is it not? I guess that will be a useful independent assessment done by a respected monitor, which has been going, as I said, for some 10 to 20 years.

The PRESIDENT: The Hon. Mr Pangallo, a supplementary.

LAND TAX

The Hon. F. PANGALLO (14:43): Has the Treasurer or the Premier been contacted by prominent Liberal Party supporters and backers expressing their concern about what is being proposed?

The Hon. R.I. LUCAS (Treasurer) (14:44): About what?

The Hon. F. PANGALLO: Have the Premier and the Treasurer been contacted by prominent Liberal Party supporters and backers about the proposed land tax aggregation, expressing their concerns at the damage it will do to the state's economy?

The Hon. R.I. LUCAS: I was previously congratulating the Hon. Mr Pangallo on some excellent questions, but I am not sure where he has been over the last four weeks if he is having to ask me that particular question. I think in the first few days the Property Council publicly indicated, and it was reported widely in the media, that prominent Liberal backers and supporters, people who had funded the Liberal Party campaign, had expressed very strong opposition right from the word go.

As the Premier and I have indicated, this government is about making good decisions in relation to the interests of the South Australian economy overall. We are not dictated to by the people who donate to our campaigns or don't donate to our campaigns. We make judgements that we believe to be in the best interests of the future development of the South Australian economy, balancing our budget and a whole variety of other issues as well.

It may well be that others are dictated to by the size of the donations made to them by individuals or others but, ultimately, that is not the way to run a government. Ultimately, you have to make judgements on the basis of what you believe to be right. I am surprised at the honourable member's question, if he wants to ask that question. I think right from the word go there has been an indication that prominent supporters, donors, funders and former friends of mine have strongly opposed the reform package that the government has outlined.

We have indicated, I have indicated and again I repeat that the intent of the reform package is to collect less land tax by increasing the threshold and reducing the top rate so that we have a much more competitive land tax regime in South Australia. I can only repeat: if in the end it is more than $40 million, then there will be much more than the $50 million to $60 million that we are currently projecting over the forward estimates to be returned by way of increasing thresholds and lowering the top rate of the land tax in South Australia.

LAND TAX

The Hon. J.A. DARLEY (14:46): Supplementary: did the Treasurer or the Premier speak to the Premier's economic advisory board before they formulated the new land tax proposal?

The Hon. R.I. LUCAS (Treasurer) (14:47): I don't speak to the Premier's Economic Advisory Council, so I certainly did not meet with them. As I have indicated earlier—I have had a number of other questions on why we did not consult with this particular group or that particular group prior to it—it would be my assessment that it is highly unlikely that, prior to bringing a budget down, confidential decisions that are the subject of confidential cabinet discussions are discussed, whether it be with the Property Council, the Tax Institute, the Economic Advisory Council, etc.

The Economic Advisory Council has a role to play but, ultimately, budgets and cabinet decisions are subject to cabinet confidentiality. That is unlike the former Labor government, when various people like Mr Champion de Crespigny, Monsignor Cappo and others were given status in terms of involvement on cabinet committees and others, something that we trenchantly opposed

from opposition as they were not elected members of parliament and therefore had no entitlement to access cabinet confidentiality, in our view.

That is not a role that we have adopted in relation to Liberal government. Members of parliament are elected, cabinet ministers are nominated or elected, and they have responsibilities. Individuals, whether they be business leaders, prominent members of the Catholic community, or indeed anybody else, are non-elected officers or representatives. They have not been elected by the people of South Australia and, in our view, are not entitled to the confidential discussions of the cabinet or a cabinet committee in relation to the processes of government in this state.

LAND TAX

The Hon. J.A. DARLEY (14:49): Supplementary: Treasurer, I did not suggest for one minute that you would discuss what you were proposing with the Premier's economic advisory board, but I thought you might have discussed the state of the economy with the board without discussing the actual issue of concern, and in particular the report that came out from CommSec this week suggesting that South Australia ran number six in the state.

The Hon. R.I. LUCAS (Treasurer) (14:49): I am sure the Premier, every time that particular group meets with him, discusses the state of the economy. I am not sure when his most recent meeting with that particular group might have been. I know that Mr Reade, for example, has been away, so I am not sure when the most recent meeting was. I think the frank answer to that question is that I am sure the Premier, when he meets with them, has a frank discussion about a whole range of issues, but one of them I am sure at each meeting will be the state of the economy, how the government through policies, direction, the state's growth agenda, population growth strategies—all those sorts of things—can help grow the state's economy.

I am sure those sorts of issues would be canvassed and I am sure, if there has been a recent meeting since the budget or if there is to be one in the near future, the issue of tax reform, and in particular land tax, would be a subject of some discussion. They would be confidential discussions between the Premier and the members of that particular group. I am not a member of that particular group; it's an advisory group that specifically meets with the Premier on a regular basis.

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

LAND TAX

The Hon. F. PANGALLO (14:50): When did the Treasurer and the Premier decide that they would introduce aggregated land tax, particularly after the announcement that was made a week before last year's election that they were looking at land tax reforms and reducing the rate of land tax? The word 'aggregated' never appeared in any of those statements. When did that happen?

The Hon. R.I. LUCAS (Treasurer) (14:51): I can only say again that the quality of the honourable member's questions has declined steadily as it has gone along, having congratulated him on the first one. Aggregation, as I indicated yesterday, has existed in land tax law for decades. The government hasn't introduced aggregation, so the honourable member's question as to when did the Premier and the Treasurer decide to introduce aggregation doesn't make sense because aggregation has existed in land tax law for decades.

The former government, as I have indicated on a number of occasions, in 2008 made amendments to the aggregation laws and the former treasurer referred to—and these are his words; I have not used them—antiavoidance mechanisms. That was the former Labor treasurer who sought to make changes to the aggregation provisions. There is this view which is being cultivated by, I think, inaccurate statements in the public media, that in some way aggregation is being introduced.

There are people coming to members of parliament saying, 'You're going to introduce aggregation. You are going to add my one investment property to my principal place of residence.' No-one has ever even contemplated that sort of circumstance but there is, at this stage, concern—which when the bill is introduced should be allayed, as long as people accurately reflect what is in the bill—that in the case, for example, where someone has a principal place of residence which is exempt and they have a single investment property, because the threshold is actually going up to $450,000 there are almost 8,000 people who will not be paying any land tax as a result of that.

If you have an investment property which is worth between $1 million and $5 million, instead of paying 3.7 per cent you will be paying 2.9 per cent; you will be paying less land tax. But people have this view that all of a sudden the government is going to introduce aggregation. Now, because the bill, in its final nature, because we had promised to consult on it with the Property Council and everybody else, we have left ourselves open to that sort of scare campaign.

We accept that, but in the end, on balance, we decided that because it would be controversial it was better for us to accept the criticisms of that but at least be able to say to all the groups who were going to be opposed to this, 'We are consulting and we are listening in relation to the final shape, nature and structure of the bill that we are going to introduce to the parliament by the end of September.'

I am consulting at the moment. I have had a whole series of meetings and so, too, has the Premier, with a whole variety of people. We are already consulting in relation to that. There will then be a bill that will go out and there will then be the final bill to be introduced to parliament and, as I said yesterday, it will be subject to the will of both houses of Parliament as to whether or not the parliament agrees that it is a worthwhile reform to be supported.

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

LAND TAX

The Hon. F. PANGALLO (14:54): Just to clarify that, Treasurer: yes, I know that aggregation does exist, but where did the proposal to aggregate trusts come into effect?

The Hon. R.I. LUCAS (Treasurer) (14:54): The issue isn't just in relation to the aggregation of trusts. The issue as it exists in New South Wales, Victoria and Queensland does relate to trusts, companies and individuals. As we indicated in the lead-up to the budget, a range of difficult decisions had to be taken by the government when, in the lead-up to this year's budget, we saw a $2.1 billion writedown in expected GST receipts. There were a range of difficult decisions that the government had to take. We are committed because people had been telling us that people were no longer investing in South Australia because of the 3.7 per cent top rate of land tax in South Australia.

We had been told for years that people were already not investing in South Australia; they were investing in the western suburbs of Sydney and the western suburbs of Melbourne because our land tax rate was too high. Whilst I hear the concerns being expressed about the impact on investment, we have already been told by people in the property market that the property market has already been impacted for many years because the former government was unprepared to change the 3.7 per cent and the very low threshold at which that came in, which was $1.2 million. You are paying 3.7 percent.

So for somebody who had bought three modest properties in Newton or Campbelltown 20 years ago, when $1.2 million meant a lot more than it does today, all of a sudden they were paying 3.7 per cent on their three modest properties in Newton. The former government was unprepared to do anything in relation to the reform. We said that it was unacceptable at 3.7 per cent and that we had to drive that top rate down and increase the threshold. Because of the GST writedown, a way of generating that particular reform was through actually mirroring some of the aggregation provisions that exist in the other states.

I conclude by saying again to all the opponents—and I challenge the Hon. Mr Pangallo and anyone else who wants to oppose the legislation—explain to me the fairness that I, as an individual, can next year own seven properties worth $400,000 each, but because I structured myself into seven separate Rob Lucas trusts, Nos 1, 2, 3, 4, 5, 6 and 7, I won't pay a single dollar in land tax, yet I own almost $3 million in property. I challenge the Hon. Mr Pangallo—I hope this gets on the video tonight—and indeed those who might support his view, as to how it is fair that I can own almost $3 million in properties next year and not pay one dollar in land tax just because I structured myself into Rob Lucas trust Nos 1, 2, 3, 4, 5, 6 and 7. I hope that makes the cut.

The PRESIDENT: The Hon. Ms Bourke, a supplementary. This will be the last one on this topic.

LAND TAX

The Hon. E.S. BOURKE (14:58): Can the Treasurer confirm if it was the Treasurer or the Premier who proposed reform to land tax?

The Hon. R.I. LUCAS (Treasurer) (14:58): The sins of the government in relation to financial matters rest wholly and solely on my desk. I am the Treasurer of this state. Ultimately, the cabinet either agrees or doesn't agree, but I accept responsibility for the good things and the bad things of the state budget. If there is any angst, it should be directed at me and not at the Premier, or indeed at anybody else in our very collegial government.

LYELL MCEWIN HOSPITAL

The Hon. J.E. HANSON (14:58): My question is to the Minister for Health and Wellbeing. What is the minister's response to the death of a 71-year-old patient at Lyell McEwin Hospital from a bacterial infection, who was stuck in emergency for eight hours waiting for an ICU bed? Will the minister ensure that resources are available to fully staff the Lyell McEwin ICU?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I have already offered my sincere condolences to the patient's family. Out of respect for the family and the fact that the matter is before the Coroner, I am unable to comment further on the specifics of the case.

WINE INDUSTRY

The Hon. D.G.E. HOOD (14:59): My question is to the Minister for Trade, Tourism and Investment. Will the minister give the council an update on South Australia's wine export situation?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:59): I thank the honourable member for his ongoing interest in our great economy and also the great industry of the South Australian wine industry. We have a lot to be proud of in South Australia, being the home of a thriving, world-class wine industry. It is certainly one, I think, that stands head and shoulders above the rest of the nation with the quality of the wine we produce and the value it is to our economy.

Of course, we are a member of the Great Wine Capitals. Our 18 wine producing regions are internationally renowned for exceptional quality, which is reflective of South Australia, as I said, producing 50 per cent of Australia's bottled wine and almost 80 per cent of the country's premium wine.

Wine remains South Australia's largest export. In the 12 months to June 2019, South Australian wine exports increased to $1.796 billion. This growth comes despite a decrease in export volume of 6 per cent, with the 2018 vintage not as large as the record-breaking one in 2017. It shows that wine drinkers across the world are willing to pay more for South Australian wine than ever before. The growth has been shared across the state, according to Wine Australia, and the value of wine exports labelled as Barossa Valley increased by 29 per cent or $120 million in the year to June.

But there has also been significant growth in regions such as Langhorne Creek, up 23 per cent, and Limestone Coast, up 22 per cent. Additionally, wines labelled as coming from the McLaren Vale and Clare Valley regions saw growth of 11 per cent or $101 million and $30 million in exports respectively.

With most of our other markets remaining steady, wine exports to China are continuing to grow, with bottled wine reaching $627 million of value for the same period. This is up 12 per cent from the $560 million recorded for the same time last year. Results like these continue to justify the government's decision to open a new trade office in Shanghai and help South Australian businesses generate new business through trade.

Proving yet again South Australia's credentials as Australia's wine capital, last week Adelaide hosted the 1,500 industry delegates at the 17th Australian Wine Industry Technical Conference. At the event, the Premier launched a new program for wine and tourism start-ups called 'Foment—SA's Wine and Tourism Tech Revolution'. Foment will run in partnership with Flinders University's New Venture Institute and business growth specialists Hydra Consulting to help start-ups in the industry take advantage of new advanced technologies. This latest investment by the Marshall government

into the wine industry will bring entrepreneurs, technology and the industry together to ensure the continued growth of South Australia's wine and tourism sectors.

Our wine sector has a global reputation for excellence, and we are seeing sustained and diverse investment into the industry, demonstrating confidence in both the sector and the outlook for South Australia's economy. A strong wine industry generates increased exports, strengthens our global reputation for premium food and drives more tourists to South Australia. The Marshall Liberal government will continue to support this critical industry to create more jobs and wealth for South Australia.

CONFUCIUS INSTITUTE

The Hon. T.A. FRANKS (15:03): I seek leave to make a brief explanation before addressing a question to the Assistant Minister to the Premier on the topic of her ambassador role at the Adelaide University Confucius Institute.

Leave granted.

The Hon. T.A. FRANKS: I note that next month the New South Wales government's internal desktop review of their Confucius classrooms will be released. This follows action taken last year by that government and that education minister to halt all expansion of Confucius classrooms until such an investigation occurred. Last week, it was further revealed through a media investigation and freedom of information requestions that, of the 13 Confucius institutes at Australian universities, 11 of the contracts that were able to be accessed through that freedom of information request found that our academic institutions are being compromised, specifically through Hanban by the Chinese Communist Party.

Only two universities refused to comply with that FOI agreement. One was RMIT, the other was the University of Adelaide. I have raised in this place before my concerns and certainly hosted a film documentary called *In the Name of Confucius*, which has seen exposure in Canada of such political interference in their academic institutions and has led to the closure of Confucius institutes in Canada.

The content of the contracts for the 11 Australian universities were eerily similar, not only to those in Canada but indeed to each other. They have led the federal Attorney-General to calling on Universities Australia to act, they have led the federal Attorney-General to question whether or not our federal laws with regard to foreign interference are indeed being compromised, and they have led, again, as I say, to the New South Wales government suspending all interaction with Confucius classrooms. My questions to the assistant to the Premier are:

1. What message does this parliamentary ambassadorship that you hold at the Confucius Institute of Adelaide University, send to our expatriate communities here such as the Uighurs, Tibetans, Taiwanese or Falun Gong practitioners?

2. Have you taken personally any measures to ensure that the University of Adelaide comply and release their contract with the Confucius Institute and with Hanban?

3. Will you now reassure all members of our community that your role in the Marshall government is not compromised by your role as a parliamentary ambassador to the Confucius Institute at Adelaide University?

The Hon. J.S. LEE (15:05): I would just like to say that I take those questions from the honourable member very seriously. In terms of the ambassadorship for Confucius Institute, I would just like to remind members of the house, as well as other members, that it was a bipartisanship support across the parties and, at the time when the ambassadorship was created, in the Labor government, I recall that Lisa Vlahos, Tom Kenyon, Martin Hamilton-Smith and myself became the parliamentary ambassadors representing the parliament.

Subsequently, many trips were conducted overseas, and I believe from this chamber the Hon. Mark Parnell has also participated in the Confucius overseas trip, with colleagues from both sides of politics. In regard to other investigations that were carried out in other states, I will take those questions on notice and bring back the answers once I have had the opportunity to speak to the Confucius Institute based at the University of Adelaide.

CONFUCIUS INSTITUTE

The Hon. T.A. FRANKS (15:07): A further supplementary: has the member taken any investigations into the current contract at Adelaide University herself given that these issues have been publicly raised, not just last week but in the last year, by governments of all sides in this country?

The Hon. J.S. LEE (15:07): As I stated earlier, I will take those questions on notice and bring back those answers.

CONFUCIUS INSTITUTE

The Hon. T.A. FRANKS (15:07): A further supplementary: what is the role of the assistant to the Premier in her duties as a parliamentary ambassador for the Confucius Institute, and does she promote and support the behaviours that have led to their withdrawal in Canada, and the suspension of classrooms in New South Wales?

The Hon. J.S. LEE (15:08): Just let me clarify that every state and every other country have their own jurisdictions and different universities also operate differently as well. As far as I know, many schools and many teachers and students who are undertaking courses within Confucius institutes have praised the Confucius institutes for their work and for their promotion of cultures and language. I have not been told that there are other very adverse comments and feedback so far from the constituents I have dealt with. But, as I said earlier, I will take the other questions on notice and carry out those investigations and bring back the answers to the chamber.

CONFUCIUS INSTITUTE

The Hon. T.A. FRANKS (15:08): Why has the parliamentary ambassador, in her role as assistant minister, not undertaken due diligence in this parliamentary ambassadorship role, and what communications has she made to the communities in our state of the Uighurs, of Tibetans, Taiwanese and of Falun Gong practitioners?

The Hon. J.S. LEE (15:09): I have spoken to the University of Adelaide Confucius Institute and I am waiting for the report. Until I receive the report, I won't be able to bring the answers to the chamber. I have reassured the honourable member earlier that I will continue to advocate for our communities and I will be able to bring back answers that will fulfil the requests of the honourable member in her questions.

CONFUCIUS INSTITUTE

The Hon. I.K. HUNTER (15:09): I ask the assistant minister: has she seen the contract between Adelaide University and the Confucius Institute? If so, is she confident that there is no provision of that contract that would cause a loss of academic freedom at the Adelaide University?

The Hon. J.S. LEE (15:10): I have not seen the contract.

CONFUCIUS INSTITUTE

The Hon. I.K. HUNTER (15:10): Will the assistant minister now call on the university to provide her with a copy of that contract so that she can satisfy herself that there is no compromise of academic freedom at the University of Adelaide?

The Hon. J.S. LEE (15:10): I will ask the department of multicultural affairs to provide a brief to my office and then we will carry out that due diligence and other procedural matters accordingly.

LYELL MCEWIN HOSPITAL

The Hon. R.P. WORTLEY (15:10): My question is to the Minister for Health and Wellbeing. What immediate actions will be taken to address the staff shortages and overcrowding that allegedly caused the death from a bacterial infection of a 71-year-old patient at the Lyell McEwin Hospital who was stuck in the emergency department for eight hours, waiting for an ICU bed? Will the minister ensure that resources are available to fully staff the Lyell McEwin ICU?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:11): As I said earlier, out of respect for the family and the fact that the matter is subject to a coronial investigation, I am not commenting further.

The PRESIDENT: The Hon. Mr Wortley, are you seeking a supplementary?

The Hon. R.P. WORTLEY: A supplementary.

The PRESIDENT: This is going to be somewhat difficult.

LYELL MCEWIN HOSPITAL

The Hon. R.P. WORTLEY (15:11): Will the minister now invest in a proper winter demand management plan that invests extra resources in hospital beds, such as the Lyell McEwin Hospital?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:11): I am not adding further to my answer.

The PRESIDENT: That wasn't a surprise, the Hon. Mr Wortley. You can't ask a supplementary if a minister does refuse to answer a question—for future reference.

The Hon. R.P. Wortley: Your response was quite pathetic, really. So you won't tell us what extra resources you are going to put in to fix this problem up?

The PRESIDENT: It is not a debate, the Hon. Mr Wortley. Discuss it with the health minister in your own time. The Hon. Ms Lee.

HOMELESSNESS WEEK

The Hon. J.S. LEE (15:12): My question is to the Minister for Human Services about homelessness in South Australia. Can the minister please outline to the council how South Australians can recognise Homelessness Week from 4 to 10 August?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12): I thank the honourable member for her question. National Homelessness Week is indeed held from 4 to 10 August with a theme of 'Housing ends homelessness'. Key events occurring in South Australia include the Hutt St Centre's Walk a Mile in my Boots fundraising event and the Don Dunstan Foundation's 2019 Homelessness Conference.

The Hutt St Centre's Walk a Mile in my Boots events will take place in McLaren Vale on Friday, 2 August 2019—tomorrow morning—and in the Adelaide CBD next week on 9 August. The Don Dunstan Foundation's 2019 Homelessness Conference will be held on 7 August at the Adelaide Convention Centre with a theme of 'Preventing homelessness'.

The 2019 Homelessness Conference will examine the ways that those working in the public, community and private sectors can collaborate more effectively to prevent homelessness in South Australia. I will be delivering an opening address at the conference with the housing association, presenting on the development of our homelessness and housing strategy.

The Marshall Liberal government is supportive of the work undertaken by Homelessness Australia in coordinating National Homelessness Week. I understand that a range of members of parliament will also be attending that particular conference, which, as I might have mentioned, is put on by the Don Dunstan Foundation.

While I am talking about homelessness and referencing the Hutt St Centre, can I take the opportunity to acknowledge and recognise two employees of the Hutt St Centre who have, between them, been involved in over 50 years of service: Brenda McCulloch, who is the well-known cook who has been a volunteer at the centre for 25 years, and Mr Ian Cox, who has had a similar period of service, both of whom were celebrated at the Convention Centre last week. A number of members both of this place and the other attended that particular event.

There is also a youth vigil for young people who have died during the period as a result of being homeless. I think we no longer release balloons, but we had white paper cranes that we had at Victoria Square last year to commemorate their passing and reflect on their lives and the conditions that have led to them ending up in the situations they were in.

We also have opportunities, through the development of the strategy, for people to engage in the development of our strategy, which I encourage anybody who has an interest in getting involved in. It is available through the YourSAy site. There have been a range of stakeholders sessions that have been held, the most recent one as recently as yesterday, and we are undertaking regional round tables as well, in Kadina on 12 August, Far North, Port Augusta on 13 August, Whyalla and Eyre Peninsula, Murraylands and Riverland, Berri, Nuriootpa, Mount Barker and Naracoorte—those dates are available. We are hoping that people will engage with us.

Homelessness is something that can happen to anybody, and there are a range of reasons. Young people, I mentioned, are often leaving difficult situations in their family of origin and have trouble getting along with their family. Some of them leave in some really horrendous situations. Obviously, we know domestic and family violence is a key driver for women leaving and often becoming homeless. As well as finding themselves in their later years with less superannuation, they can often run down their assets quickly and find themselves in that homeless situation. The other main cohort is middle-aged or older men who may have mental health or drug problems.

There are a range of services that are available, and it is a wonderful thing that so many people participate in the Walk a Mile in My Boots. I will be there; I trust many members will be there. I think I saw the Hon. Emily Bourke there last year with her family, so I look forward to catching up—

The Hon. D.W. Ridgway: I'll be there.

The Hon. J.M.A. LENSINK: The Hon. Mr Ridgway will be there. I look forward to catching up with everybody Friday week. It is at Victoria Park racecourse.

The PRESIDENT: Minister, we have got to the four-minute mark. Are you happy to wind up your comments? The Hon. Mr Darley.

LAND TAX

The Hon. J.A. DARLEY (15:17): I seek leave to make a brief explanation before asking the Treasurer questions about land tax.

Leave granted.

The Hon. J.A. DARLEY: The Valuer-General is currently undertaking a revaluation initiative of all properties in the state. I understand the purpose of the revaluation is to collect additional data on properties which should result in more accurate valuations, although I am concerned that no research was undertaken to prove this.

I understand the first local government areas which were targeted by this initiative were Unley, Walkerville and Adelaide Plains and that the Valuer-General has a schedule by which certain local government areas will be revalued until all properties are completed by 2021-22, which in my opinion is a deliberate breach of the Valuation of Land Act. My questions are:

1. Can the Treasurer advise, as a percentage, what the average increases were for properties in the Unley, Walkerville and Adelaide Plains council areas for the 2018-19 financial year for both site and capital values?

2. Has the Treasurer spoken to the Valuer-General about the effect the revaluation initiative will have on the values of properties in South Australia and as a consequence land tax, water and sewer rates and the emergency services levy?

3. Does the Treasurer have an indication from the Valuer-General of how much values are expected to rise for those council areas targeted in the 2019-20 financial year?

4. Does the Treasurer have an indication from the Valuer-General of how much values are expected to rise for those council areas targeted in the 2020-21 financial year?

5. Have these increases been taken into account when formulating the state budget and in particular when calculating the estimated revenue for land tax in the 2019-20 and 2020-21 financial years?

The Hon. R.I. LUCAS (Treasurer) (15:19): The simple answer to the question: have I had discussions with the Valuer-General, is no. As the honourable member will know, I think under the

former government the Valuer-General was stationed with reporting, perhaps is the best way of putting it, through the Treasury department. Under the Marshall Liberal government, that has returned, rightfully, to the Department of Planning, Transport and Infrastructure. Nevertheless, the Valuer-General, as the member knows, is completely independent. The answer to the question: have I had discussions, is no, I have not had any discussions.

In relation to budget estimates, I can only repeat what I have said on a number of occasions and that is the former treasurer, the member West Torrens, Mr Koutsantonis, included on their best, I assume, combined then valuer-general (there was a previous one) and Treasury's estimates, a figure of $19 million a year extra from the valuation exercise. I would need to check the exact year but I think it was for 2020-21 or 2021-22.

As I have indicated before, the former treasurer hid that number in contingency and didn't reveal it prior to the election in the expected land tax receipts in the forward estimates. When I became aware of that, as Treasurer post the election, I insisted that it be included in the forward estimates of land tax. I have had that discussion with the Hon. Mr Darley on a number of occasions that we at least were transparent and accountable and put it into the forward estimates rather than hiding it in Treasurer's contingency. That is what is currently included in the forward estimates.

In relation to Unley, Walkerville and Adelaide Plains, which I think are the three initial councils that have been revalued, I can take advice on that, but the Valuer-General has issued a public statement by way of a press release, which I think is available on, I assume, the Valuer-General's website. If it is not, I will get the detail, but if it is I refer the honourable member to the Valuer-General's website. They have indicated there what the estimates are of average increases in land values in those particular council areas and they are significantly less than some of the figures that have been quoted of 20 per cent and 100 per cent and 60 per cent increases that some have been talking about.

They do indicate that, whilst that is the average, there are some—and I think they actually list the number of properties—that had increases in value of between 10 and 20 per cent, those that had increases in value of between zero and 10 per cent, and those that actually had reductions in values. Valuation, of course, one is assuming is always up, but in some cases there has actually been a revaluation downwards in terms of properties, and she lists the number of properties that were revalued downwards in terms of the estimates. If it is not on their publicly available website, then I am happy to bring back the answer, but if it is I can only refer the honourable member's question to their publicly available information on the website.

Finally, in relation to potential impacts: yes, it obviously impacts on land tax and I have indicated what the former treasurer estimated the impact might be. In relation to ESL, for example, then it is not a direct impact because what the government has done with its $90 million remissions is we look at what might be collected through the ESL, what has to be spent, and we work backwards as to what the rate might be.

The issue might be in relation to local government council rates, that if valuation is increased and if they don't adjust downwards their rate in the dollar, then they might reap significantly increased sums of money as a result of revaluation in a particular area. It was, of course, one of the reasons why some of us were very passionate about local government council rate capping in terms of capping council rate increases as a result of, for example, a revaluation like that.

In relation to sewerage, again, that is more likely to be governed by decisions of the independent regulator, which is ESCOSA. The two where there is potential exposure as a result of revaluations upwards are, clearly, land tax, which the former treasurer has included in the forward estimates, and, potentially, local government councils' rates, and that is a decision for individual councils, ultimately. Many councils, I suspect, will adjust their rate in the dollar down if the total valuation goes up, but not all of them will do so, and that is something that I guess will need to be the subject of public criticism if people do take advantage in that way.

Bills

APPROPRIATION BILL 2019

Introduction and First Reading

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

DIRECTOR OF PUBLIC PROSECUTIONS (PENSION ENTITLEMENTS) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:26): I move:

That this bill be now read a second time.

In doing so, I propose to read the second reading explanation. I am subject to responses this afternoon from the opposition and crossbenchers that there has been agreement that this bill is not going to be opposed and can be passed this afternoon, but I am open, of course, to any contrary view that a member might indicate. If there is a contrary view, the bill will not proceed, from the government's viewpoint. I have made it quite clear to my lower house colleagues that it would only be on the express agreement of all members that this would proceed.

Last Friday, the Attorney-General announced that Justice Martin Hinton, a current justice of the Supreme Court of South Australia, would be appointed to the position of Director of Public Prosecutions. Justice Hinton will resign his commission as a justice of the Supreme Court to become the first ever former Supreme Court justice to take on this important role, once this bill has passed through the parliament.

The Attorney-General takes this opportunity to place on the parliamentary record that Justice Hinton is a highly respected member of the judiciary and has vast experience in the criminal law. Prior to his appointment to the bench in 2016, he held the role of Solicitor-General for nearly a decade. His proposed appointment has been universally welcomed.

The government's wish to appoint Justice Martin Hinton to the role of Director of Public Prosecutions has resulted in the need to reconsider the terms and conditions upon which a director can be appointed. In order to attract high-calibre candidates such as Justice Hinton to the role both now and in the future, the Director of Public Prosecutions Act 1991 must be amended so that, where the person to be appointed is already entitled to a pension under the Judges' Pensions Act 1971, the terms and conditions upon which the director is appointed can include the application of the Judges' Pensions Act 1971, as if the director were a judge. This approach is consistent with the Attorney-General's desire to elevate the position of director to a higher standing and is a similar approach to that taken in New South Wales, Victoria and the Northern Territory.

The Director of Public Prosecutions (Pension Entitlements) Amendment Bill 2019 amends the Director of Public Prosecutions Act to insert new provisions allowing the instrument of appointment for the director to apply the Judges' Pensions Act to, or in relation to, the director, as if service as the director is judicial service under that act, provided the director is or has been a judge as defined in the Judges' Pensions Act, or has held an office that is treated as if it were judicial service under the Judges' Pensions Act. In the case of the appointment of a sitting Supreme Court judge or a Solicitor-General to the role of director, it is entirely appropriate to apply the Judges' Pensions Act.

For a person appointed as director who is a current Supreme Court judge, such as Justice Hinton, the bill means that the terms and conditions of his appointment remain the same and that service as director will be treated as judicial service under the Judges' Pensions Act. Not all persons appointed as director will have the benefit of the application of the Judges' Pensions Act to them. A director who has never been a judge and never held a position that is treated as judicial service will not be eligible.

Therefore, only a person who has been a judge as defined by the Judges' Pensions Act, or who has had a role such as Solicitor-General where the Judges' Pensions Act is applied to their service, will be entitled to include in their instrument of appointment a clause stating that the Judges' Pensions Act applies to them.

The Attorney-General thanks the opposition spokesperson, the Hon. Mr Maher, for indicating his support for the appointment when the Attorney spoke with him last week. The position of the Director of Public Prosecutions is an important one and one that is and should be beyond party

politics. By passing this bill, as we trust we will next month, South Australians will be well served by a director of Justice Hinton's calibre and well served by others of his calibre in the future.

Before I commend the bill to members and insert into *Hansard* a copy of the explanation of clauses, can I indicate that I propose to have the debate adjourned at this stage to resume the very important Landscape South Australia Bill. It will at least give some members an hour or two to consider the legislation, and then we will return to it after the landscape bill.

The Hon. K.J. Maher: I think you might find that everyone is ready to go. We can do it now.

The Hon. R.I. LUCAS: I am happy to, but I feel uncomfortable about not having distributed an explanation of clauses or anything like that to members prior to passage through this parliament. In the absence of any other issue, we still have 2½ hours this afternoon. If the landscape bill has not been concluded by 5 o'clock-ish, we will adjourn the debate then and resume this. We also have the opportunity to hear from the Hon. Mr Pangallo on another bill that he wants to do this afternoon. We hope we will complete the landscape bill. With that, I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of Director of Public Prosecutions Act 1991

3—Insertion of section 4A

This clause inserts a new section as follows:

4A—Pension entitlements

This clause allows the Governor, in appointing a person with previous judicial service (or service that is equated with judicial service for the purposes of the *Judges' Pensions Act 1971*) as the Director of Public Prosecutions, to apply the *Judges' Pensions Act 1971* to the appointment, so that service as the Director would be equated with a period of judicial service under that Act.

Debate adjourned on motion of Hon. E.S. Bourke.

EDUCATION AND CHILDREN'S SERVICES BILL

Conference

The House of Assembly, having considered the recommendations of the conference, agreed to the same.

LANDSCAPE SOUTH AUSTRALIA BILL

Committee Stage

In committee (resumed on motion).

Clause 12 passed.

Clause 13.

The Hon. M.C. PARNELL: I move:

Amendment No 8 [Parnell–1]—

Page 34, after line 8 [clause 13]—Insert:

(4a) The Minister must, before publishing a notice under subsection (3), give each peak body notice of the Minister's intention to publish a notice under that subsection and give consideration to any submission made by any peak body within a period (being at least 21 days) specified in the notice.

At the risk of riling the committee to reagitate issues that we have already discussed, this is yet another occasion when we are seeking to amend the bill to include the requirement for consultation with peak bodies. I think we have agitated this already but we are in the hands of the committee.

The CHAIR: Does any other honourable member have a contribution?

The Hon. J.M.A. LENSINK: I will make a brief contribution, very similar to my comments in relation to the amendment that we finished up on just prior to lunch, just to plead with honourable members to be mindful of the fact that they are making things overly prescriptive and ignoring the wishes of those people who have diligently worked within the natural resources management system for some time. I would be disappointed if the Legislative Council thought that it knew better than the community in relation to these matters, and I urge honourable members to oppose this amendment.

Amendment carried.

The CHAIR: We have no more amendments on clause 13. Leader of the Opposition, do you have some questions?

The Hon. K.J. MAHER: I have a couple of questions on the clause. Can the minister outline the government's anticipated time line for the establishment of regional landscape boards and when the government expects the boards to be fully constituted?

The Hon. J.M.A. LENSINK: It is quite a complex question to answer in that it is clearly subject to this parliamentary process and then the proclamation, but if we assume that the proposed boundaries are proclaimed relatively quickly following the passage of this legislation, the next step will be to establish the landscape boards and then the regulations. If everything goes swimmingly, then we anticipate that the process for the majority of the landscape boards would be six to eight months.

The Hon. K.J. Maher: From now.

The Hon. J.M.A. LENSINK: No, once the proclamation of the legislation—but that Green Adelaide could be done sooner.

The Hon. K.J. MAHER: A further question on clause 13. Can the minister let me know if we are reading this correctly, in that the requirement for the minister to report to the parliament's Natural Resources Committee if they assign a special function to a particular landscape board or if they vary a board's functions has been removed, and if that is correct, for what reason was that removed from what was the NRM Act?

The Hon. J.M.A. LENSINK: I thank the honourable member for his question. Yes, he is correct. The advice I have received is that, in providing a simpler and less prescriptive legislative framework, equivalent NRM Act provisions requiring consultation with peak bodies and a report to be furnished to the Natural Resources Committee on any function assigned to a board have not been replicated. Any additional function assigned to a board must be published in the *Government Gazette*. There are also reporting requirements through the board annual reports.

The Hon. K.J. MAHER: In the government's striving for simpler and less prescriptive ways for this framework to operate, have any other reporting requirements to parliament or parliamentary committees been removed in this bill, compared with the NRM Act?

The Hon. J.M.A. LENSINK: The advice I have received is that there is no change to the Natural Resources Committee's overarching responsibilities with respect to natural resources under the Parliamentary Committees Act. Currently, plans containing levy proposals must be referred to the Natural Resources Committee, which can resolve to object, suggest amendments or not object to the proposal. With key documents and decisions tabled in parliament and with levy capping now applicable, it will no longer be required to refer a levy to the Natural Resources Committee. Going forward, the bill requires that if the minister approves a board proposal to increase a land or water levy above CPI or charge land or water levy arrangements, a report justifying the variation would be required to be tabled in the House of Assembly.

The House of Assembly could disallow a proposal, resolve not to object to a proposal and suggest amendments to a proposal. Where they relate to operational matters, requirements to report

to or consult with the Natural Resources Committee have not been replicated in the bill. Alternative arrangements for accountability to parliament are provided for where necessary. Currently, the NRM Act requires reports to be furnished for information to the Natural Resources Committee upon establishing new regions or changing regional boundaries, upon the minister assigning additional functions to a board, if a regional NRM board operates outside its region or outside its regional NRM plan, or if an amendment is made to a plan without formal procedures, noting that this can only be made on limited grounds.

The minister must also consult with the Natural Resources Committee before varying board functions. These arrangements have not been replicated in the bill; instead, where a plan is amended without formal procedures, a report on the matter must be tabled in both houses of parliament. The remaining requirements to report relate to matters that are operational in nature. Currently, before prescribing an additional water-affecting activity by regulation, the minister must consult with the Natural Resources Committee. This has not been replicated, given the tabling of regulations is already required under the Subordinate Legislation Act.

Clause as amended passed.

Clause 14 passed.

Clause 15.

The Hon. M.C. PARNELL: I move:

Amendment No 9 [Parnell–1]—

Page 35, after line 5 [clause 15]—Insert:

(3a) Of the members of a regional landscape board that are to be appointed by the Minister under subsection (1)(a), (2) or (3), at least 1 must be a member or officer of a council at the time of the member's appointment unless—

(a) the board's region does not include any part of the area of a council; or

(b) the Minister cannot, after taking reasonable steps, find a member or officer of a council who—

(i) in the opinion of the Minister, is suitable to be appointed as a member of the board; or

(ii) is willing and available to be a member of the board.

(3b) Before appointing a person or persons under subsection (1)(a), (2) or (3), the Minister must give each peak body notice of the fact that an appointment or appointments are to be made and give consideration to any submission made by any such body within a period (of at least 21 days) specified by the Minister.

This amendment seeks to retain the status quo in relation to the current Natural Resources Management Act. Section 25 of the NRM Act makes provision for consulting with peak bodies before appointing a person to an NRM board. It also makes provision for at least one board member to be a council member or officer. This requirement in the current act is not replicated in this bill. My amendment seeks to do that.

The words that I have used are effectively taken from the existing legislation and brought across. I make the point that, given that local councils work closely with their communities, it is critically important to have local government knowledge on boards if decision-making is to be decentralised, which is a main aim of the reform.

The Hon. J.M.A. LENSINK: The government opposes this amendment, which reintroduces NRM Act requirements for at least one ministerially appointed member of a board to be a council representative. It will also reintroduce prescriptive requirements to give notice of the intent to make appointments and give consideration to submissions made by peak bodies.

Requirements in the bill for boards to create strong, strategic and financial partnerships and work collaboratively with local government reflect that local government knowledge and input need to inform board decision-making in a number of respects. Noting that the best way to achieve that outcome will be different for different regions and communities, the bill is not prescriptive about how

this should occur. Rather, there are a number of mechanisms to achieve this, such as board membership committees, ongoing collaboration and consultation.

As part of delivering a simpler system, prescriptive requirements to consult with peak bodies, which currently apply under the NRM Act, have not been replicated. Going forward, the new arrangements would focus on delivery and collaborative government in practice, where consultation is tailored to the circumstances rather than prescriptive legislative processes.

Once again, for the arguments I have already made, thus far unsuccessfully, I urge members not to support this amendment. I would appreciate if all parties would express which way they are going to vote on all of these clauses to prevent me from having to call divisions.

The Hon. K.J. MAHER: I rise to indicate that the opposition will be supporting amendment No. 9 [Parnell-1] as well the ones in the next clause, that is, amendments Nos 10 to 13.

The Hon. J.A. DARLEY: I indicate that I will not be supporting amendment No. 9 [Parnell-1].

The Hon. F. PANGALLO: We will be supporting it.

Amendment carried; clause as amended passed.

Clause 16.

The Hon. M.C. PARNELL: I move:

Amendment No 10 [Parnell–1]—

Page 35, lines 21 to 23 [clause 16(1)]—Delete subclause (1) and substitute:

(1) A regional landscape board must consist of persons who collectively have the knowledge, skills and experience necessary to enable the board to carry out its functions, including, so far as is reasonably practicable, knowledge, skills and experience across the following areas:

(a) community affairs at the regional level;

(b) primary production or pastoral land management;

(c) soil conservation and land management;

(d) conservation and biodiversity management;

(e) water resources management;

(f) business management;

(g) local government or local government administration;

(h) urban or regional planning;

(i) Aboriginal interest in the land and water, and Aboriginal heritage;

(j) pest animal and plant control;

(k) natural and social science;

(l) if relevant—coast, estuarine and marine management, fisheries or aquaculture.

Amendment No 11 [Parnell–1]—

Page 35, lines 24 to 28 [clause 16(2)]—Delete subclause (2)

Amendment No 12 [Parnell–1]—

Page 35, lines 32 and 33 [clause 16(3)(a)]—Delete 'determined by the Minister (and the Minister may put in place processes to ensure' and substitute:

referred to in subsection (1) (and the Minister must put in place processes to ensure, so far as is reasonably practicable,

Amendment No 13 [Parnell–1]—

Page 35, line 39 [clause 16(4)]—Delete 'subsection (3)' and substitute:

subsection (3)(b)

These amendments seek to set out the types of skills that should be included on these landscape boards. In this place, we often debate the creation of boards and committees. There are a number of approaches that are taken in legislation. At one end of the spectrum, you have anyone who the minister wants—no qualifications at all. At the other end of the spectrum, you have representative bodies nominating representatives to go onto committees.

The approach that is probably most common in legislation now is to give a government or the minister some leeway but to at least set out the types of experience and qualifications that are needed to do the job properly. The particular amendment No. 10 sets out that:

A regional landscape board must consist of persons who collectively have the knowledge, skills and experience necessary to enable the board to carry out its functions…

And there is then a list of qualities, if you like, that should be included. I will not go through the entire list. Members have it before them, but there is a dozen or more qualifications. It is not as if one person must have each of those qualifications, but collectively that is the skill set that I believe is necessary for these regional landscape boards to do their job properly. The other amendments are effectively consequential to that.

The Hon. J.M.A. LENSINK: In relation to this particular clause, once again, it is an attempt to make this legislation overly prescriptive and does not take account of the issues that are important to different areas. If we look across the state, the diversity in particular regions is quite stark. If you look at the South-East, clearly an understanding of water and groundwater issues is incredibly important.

If we look at the Green Adelaide area, which is to encompass metropolitan Adelaide, the honourable member's point (b) includes primary production or pastoral land management. I think there might be a couple of orchards in the member for Davenport's electorate but beyond that, particularly relating to the metropolitan area, putting a requirement for this particular skills matrix is inappropriate. The government opposes this amendment and, once again, I would appreciate it if other parties would indicate whether they are going to support this or not, otherwise I will have to call a division.

The Hon. K.J. MAHER: As I said at clause 15, we will be supporting these amendments.

The Hon. F. PANGALLO: We will be supporting it.

Amendments carried; clause as amended passed.

Clause 17.

The Hon. J.M.A. LENSINK: I move:

Amendment No 1 [HumanServ–1]—

Page 36, line 36 [clause 17(3)(a)(ii)]—Delete 'section 17(1)' and substitute 'section 17(1)(a)(i) and (b),'

This is the first of two amendments to provide that prescribed persons, for the purpose of section 17 of the Local Government (Elections) Act, are not eligible to be nominated as a candidate for election as a landscape board member. Prescribed persons for the purposes of the Local Government (Elections) Act are people who were council members between 1997 and 1999. There is no special reason why this category of people should be singled out for eligibility to stand in board elections. If they are on the relevant roll and meet other criteria, they will still be able to stand on that basis.

The CHAIR: Minister, do you want to move amendment No. 2 as well? I think they are related, are they not?

The Hon. J.M.A. LENSINK: Certainly. It is doing the same thing, so I think it is an artefact of some piece of a clause that has been left in through the NRM legislation.

The CHAIR: Could you please move that?

The Hon. J.M.A. LENSINK: I move:

Amendment No 2 [HumanServ–1]—

Page 37, line 11 [clause 17(3)(b)(ii)]—Delete 'section 17(1)' and substitute 'section 17(1)(a)(i) and (b),'

The Hon. K.J. MAHER: The three amendments to clause 17 we consider as technical amendments in nature and the opposition will be supporting them.

Amendments carried.

The Hon. J.M.A. LENSINK: I move:

Amendment No 3 [HumanServ–1]—

Page 37, after line 35 [clause 17]—Insert:

(6a) If—

(a) a council is constituted by an administrator or administrators (whether under the *Local Government Act 1999* or any other Act) at the time that the processes for the conduct of an election are commenced (being at a date determined by the Minister for the purposes of this subsection); and

(b) the Minister determines, by notice in the gazette, that this subsection should apply for the purposes of the election (on the ground that it is not practicable or appropriate to use the council's voters roll for the purposes of the election),

subsections (3), (4) and (5) will apply as if the council did not exist (and as if the area in relation to which the council is constituted were an area outside the area of a council).

This is to address circumstances where a council does not have a council role due to an administrator being in place. Examples including the Roxby Downs council, which was created and operated under the Olympic Dam and Stuart Shelf Indenture. Under these arrangements, currently, no local council elections are held for this council area; an appointed administrator performs all of the functions of council. The amendment will enable the arrangements that apply outside council areas to apply in this situation, which will enable landscape board elections to be held in the Roxby Downs council area.

The Hon. K.J. MAHER: As I said, we support the three amendments.

Amendment carried.

The Hon. K.J. MAHER: During debate in the other place, the Minister for Environment and Water advised that he was looking at a procurement process for undertaking board elections. I am wondering if the minister who represents the Minister for Environment and Water in this place can update the committee on the expected costs of running board elections, particularly the initial election prior to a potential alignment with local government elections?

The Hon. J.M.A. LENSINK: The total cost of the board member elections will depend on a range of factors, including the voting method and how those services are provided. It is envisaged that a procurement process will be run to engage the services of an external organisation equipped to run the elections. A final cost will not be known until a provider is engaged.

The Hon. K.J. MAHER: Can the minister outline what the expected time frame is for that procurement process, or at least what the budget is for running those elections?

The Hon. J.M.A. LENSINK: We are not deliberately trying to be evasive but, because of commercial in confidence issues, I am not trying to outline too many details—

The Hon. K.J. MAHER: Just timing.

The Hon. J.M.A. LENSINK: Timing? Sorry. It is hard to give a definitive timetable, as the honourable member would appreciate. We are hoping to undertake the procurement in the second half of this year with elections next year.

The Hon. K.J. MAHER: My next question on clause 17 relates to subclause (1), which gives a very wide discretion to the minister to determine that a person is ineligible to stand for election as a member of the board. I have two questions. I will put them both now so that the minister can get advice on both of them, because they are related.

What was the rationale behind giving the minister such a wide discretion to determine if, in the minister's opinion, someone does not have the skills and, therefore, the minister determines they

are ineligible to stand? Secondly, clause 17(1) talks about, in the opinion of the minister, the necessary skills, qualifications, knowledge and experience. I think that is very similar language to clause 16, which was amended by the Hon. Mark Parnell's amendments to be more prescriptive in terms of the specific skill sets that are preferable to have for board members. Do the amendments made to clause 16 now affect how 17(1) will be interpreted; that is, it may not be as subjective for the minister to determine, given clause 16 now has noted some reasonably prescriptive skill sets?

The Hon. J.M.A. LENSINK: In response to the first question, in response to feedback—just to emphasise this was through the consultation process; the participants asked that checks and balances to ensure candidates have the necessary skills, qualifications, knowledge and experience required to serve on a board—the minister has the ability to determine that a person may not stand if they are not considered to satisfy these requirements. The advice that I have received is that the amendments to the preceding clause would mean that the minister would need to take those into consideration.

The Hon. K.J. MAHER: To follow up on that, does that in effect then reduce the minister's discretion? Clause 15 as amended I think included a list of (a) to (l) of skills or necessary experience in various areas. Where does the minister's discretion now come into play? If a candidate possessed some of those or, for example, if a candidate for election possessed all of those skills, on what basis could the minister then knock that person out for not having the necessary skills or experience?

The Hon. J.M.A. LENSINK: I think it is difficult at this point to speculate about how that may operate. It is a new piece of legislation with a set of amendments that have been made to the requirements. We may have a happy coincidence that all of the nominations and the candidates who come forward meet that entire skills matrix very neatly. There may be circumstances in which there are some candidates who fit some, and then there is a distinct lack of candidates who meet the other parts of the matrix that the government is looking for. So I think it is difficult to answer that question definitively.

The Hon. K.J. MAHER: Under clause 16, prior to the amendments that were successful from the Hon. Mark Parnell, it is the case that under the regime as it stood before the amendments the minister would have to publish the list of skills and qualifications, knowledge and experience; is that right?

The Hon. J.M.A. LENSINK: I am advised that is correct.

The Hon. K.J. MAHER: And then if the clause had passed as it was originally put up to this chamber, would the minister have been able to rule someone ineligible only against the set of skills, qualifications, knowledge and experience that the minister published? That is, if the person could demonstrate that they possessed those skills that the minister had published, would the minister have had any right to disqualify them from eligibility?

The Hon. J.M.A. LENSINK: It is still a difficult question to answer. I am not sure whether I was reading the honourable member's line of questioning correctly, but—

The Hon. K.J. MAHER: I can rephrase it.

The Hon. J.M.A. LENSINK: No—was the honourable member trying to get to: if the person thought they had the qualifications and the minister thought they did not? Is that the sort of situation you are talking about?

The Hon. K.J. MAHER: Sort of. Clause 16, as it came to this chamber, required that the minister determined a set of skills, knowledge, qualification and experience that the persons on the board should collectively have. Then, under clause 16(2)(b), it required that the minister publish the list of skills that the board collectively should have, and it uses in clause 17, which we are now discussing, exactly the same language, that is, 'in the opinion of the Minister, the necessary skills, qualifications, knowledge and experience'. I am just wondering, if a person could demonstrate they possessed those skills, what right would a minister have to disqualify them?

The Hon. J.M.A. LENSINK: I am hoping that this provides a response that will satisfy the honourable member. In taking into consideration the necessary skills, qualifications and so forth, the list that has been added by the amendment will need to be taken into consideration, then the minister may also consider other matters, such as whether somebody has a particular offending history that

means that they are not a fit and proper person to be considered. I am not sure whether we are mixing up various issues in discussing this clause.

The Hon. K.J. MAHER: I think this will be the final question; there might be a simpler way to put it. For the provisions of clause 17(1), is the minister entitled to take anything else into account except those things that the minster had published, or, now, because it is a list of (a) to (l), can the minister take anything else into account except for those things that are required in clause 16 in terms of the necessary skills, qualifications, knowledge and experience?

The Hon. J.M.A. LENSINK: I think the advice that I have received—and I will look at our adviser here—is that there may be other matters that can be taken into consideration in addition to the ones—

The Hon. K.J. MAHER: In terms of skills and experience?

The Hon. J.M.A. LENSINK: Well, other matters, such as the example that I gave in relation to if somebody had an offending history—

The Hon. K.J. MAHER: Just in terms of the skills and experience part?

The Hon. J.M.A. LENSINK: The advice that I have received is that the amendments do not reduce or increase the minister's powers to remove eligibility. Is that what you asked?

The Hon. K.J. MAHER: Yes.

The Hon. J.M.A. LENSINK: Fantastic. Sorry it has taken a while.

The CHAIR: Does any other honourable member wish to make a contribution at clause 17? The Hon. Mr Parnell.

The Hon. M.C. PARNELL: I will make a quick contribution now, but this issue does come up later again. In relation to the elections, the minister earlier described how the government had undertaken comprehensive consultation in good faith in relation to this bill. That may or may not be the case, but it is not entirely borne out by the evidence that is before us in the form of this bill. A number of consultant's reports were prepared by Becky Hirst Consulting. The minister put onto the *Hansard* record before lunch how much money had been spent on this consultation, but when you read the consultation report in relation to elections, what it says is:

> The cost, effectiveness and risks of a community election process for three of the board positions was met with great concern by many people. The process of forming the Landscape Boards needs to result in a strong, equitable skills-based board with good representation and diversity.

The recommendation to the government was:

> It is recommended that the Minister explore options alternative to community elections to form the membership of the Landscape SA boards—

including a range of other suggestions that they put forward. Words similar to those are repeated in numerous places in the report. What we found instead was that the government persisted in the face of this opposition to having an election process.

As I say, we will come back to this later, but I thought it is an opportune time for me to put on the record that when we originally thought that we might just get rid of the elections altogether, it was put to us that there were a number of people who thought it might have some merit, but universally they were worried about the cost. The solution that the Greens have come up with—because we are here to help—is that the first elections will be held in conjunction with local council elections to be held at the end of 2022.

The main advantage of that is one of cost. We have just had a big debate earlier about the cost of sending out levy notices and who should do it. We were berated by the minister for allegedly adding to the cost of sending out the bills that people will have to pay, yet when the government consults, in good faith we are told, and the clear advice to them is, 'Maybe don't go down this path because it's really expensive,' then the government does not hear that advice at all.

In relation to board elections, the Greens have not deleted clause 17 or moved to delete clause 17, but we have, in transitional provisions, made arrangement for the first elections to be

postponed until they can be done cheaply in conjunction with local government elections. If I could just refer again very briefly to some other comments that came out of the consultant's report to government:

> In many locations it was felt that an election process would be a waste of money, take a lot of time, and participants weren't sure who would vote. It was felt that a community election process could be costly and result in three appointments of the same type of people and thereby missing out on an opportunity to increase diversity. Concerns were raised from NRM boards about whether the cost of the election process would be funded by the levy.

That is me channelling the minister earlier: 'Who is going to pay? Is it going to come out of the levy, or is it going to come from somewhere else?' My response, and maybe it was a flippant one, was that the punters always pay. I make the point that, in relation to any area of government, the populace, the people—whether they are ratepayers, taxpayers, whatever they are—ultimately are the ones who end up paying.

I make the observation that, whilst we are not seeking to remove the board election provisions, if my later amendment is successful they will be held later in the year 2022, which incidentally is after the next state election. That will give some time for reflection because if the current government is returned they might say, 'Well, we are going to proceed with elections.' If there is a change of government, then there will be time for the parliament to at least remove section 17 and the transitional provisions that we will be voting on later. I make the observation now that these election provisions share no level of consensus in the community; in fact, they were strongly opposed by most people who were consulted.

The Hon. J.M.A. LENSINK: If I could respond by saying that the election of community members to natural resources boards was anticipated in the state election, no less, and has had considerable support in the community through that process. Concerns about the concept of community elections have focused on the potential cost and the potential for elections to result in boards not having a good mix of members, which the honourable member has raised.

A range of potential membership models was considered, including suggestions raised in the community engagement process. Election of three members was considered the best way of giving communities a direct voice in board membership, reflecting the government's commitment to putting community at the centre. To minimise costs, elections will leverage local government arrangements and technological advancements. Landscape boards in regional areas will have a mixture of minister-appointed and elected members to ensure that there is a good mix of members on boards.

If the honourable member's amendments are successful in this regard, it will mean that elections will not be held until the next local government elections in late 2022, not permitting representation of community-elected members until 2023. Community elections will give regional communities a voice in who sits on their regional board. As I said before, coming into government, our statewide survey indicated strong support for local communities being able to nominate board members in their own region.

We do not believe it is acceptable for regional communities to have to wait four years for this commitment to be delivered. Noting that the first elections will not be held in conjunction with local government elections, the government is looking at ways to minimise the cost of the first elections, such as using electronic voting technology, which I understand the honourable member may be a supporter of. I may be misrepresenting him; he will correct me if I am.

Clause as amended passed.

Clauses 18 to 21 passed.

Clause 22.

The CHAIR: We now come to clause 22, and we have amendment No. 14 [Parnell-1].

The Hon. M.C. PARNELL: I will not move this amendment just now; I will hear from other members as to their views. Essentially, both my amendment No. 14 and the opposition's amendment No. 9 cover the same territory. My amendment is pretty straightforward. It just says that the agendas and minutes of a regional landscape board must be made available to the public in accordance with the regulations.

The Hon. K.J. Maher interjecting:

The Hon. M.C. PARNELL: Yes, that is my one. The opposition's proposed amendments go into a great deal more detail and include a requirement for the meetings to be held in public. They set out some requirements in relation to how notices of meetings are to be given and also some provisions to do with proper meeting procedures, for example, closing a meeting if confidential information is being received.

The opposition's proposal is to insert a new clause 22A and new clause 22B which, as I say, are on the same topic as mine but go into a great deal more detail. I will not move mine just now, and if the opposition indicates that they will be proceeding with their amendments then I will support those in preference to mine.

The Hon. K.J. MAHER: The opposition can indicate some things on this, I am pleased to say. This is a little confusing but I might indicate that I do not intend to proceed with amendment No. 9 [Maher-1] but do intend to proceed with amendment No. 1 [Maher-2], which replaces it. Amendment No. 1 [Maher-2] does what the Hon. Mark Parnell has outlined, and inserts after clause 22 a clause 22A and a clause 22B, which go into some detail.

In some ways it is similar in its aims and objectives as the Hon. Mr Parnell's amendment No. 14. Our amendment seeks to ensure greater transparency and accountability for regional landscape boards. It includes several key provisions: a requirement for a public notice of intention to hold a public board meeting, including a place and a time; a requirement that minutes and agendas of each meeting be made available to the public via a website; and a requirement that the agenda be made available at least three days before a meeting. It also recognises that regional landscape boards will sometimes need to consider matters confidentially and makes allowances for this.

Similar provisions currently exist in the NRM Act and I note that there was some suggestion, when this was discussed in the other place, that the minister may deal with some of these issues by regulation, but I invite the committee today to take the opportunity to enshrine them in legislation rather than to leave it to chance in regulations. In summary, we will be proceeding with amendment No. 1 [Maher-2] but not amendment No. 9. It might be worth getting an indication as to the will of the chamber as to which way they may support it and we can go ahead on that basis.

The Hon. F. PANGALLO: I will take on board what the Hon. Mark Parnell said and also what the leader said. We will be supporting the leader's amendment No. 1 [Maher-2], which goes into a great deal of detail about transparency and what is going to be required in relation to that, as well as making meetings open to the public and making their agendas public. There is also a provision in there in relation to holding meetings in camera, where it may be necessary. I will support the opposition's amendment No. 1 [Maher-2].

The Hon. J.M.A. LENSINK: I indicate that the government's preference is for the Leader of the Opposition's amendment, with some minor amendments. Am I able to indicate what they will be?

The CHAIR: All I have at the moment is the Hon. Mr Parnell having—no, you have not moved yet so just hold your horses, the Hon. Mr Parnell.

The Hon. M.C. PARNELL: I will just fix this up: I will not be moving my amendment. I have no further questions on clause 22, and I look forward to a debate on clause 22A and clause 22B, as proposed to be inserted by the Leader of the Opposition.

Clause passed.

New clauses 22A and 22B.

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

Amendment No 1 [Maher–2]—

Page 39, after line 32—Insert:

22A—Meetings of boards to be held in public

(1) Subject to this clause, a meeting of a regional landscape board must be conducted in a place open to the public.

(2) A regional landscape board must give public notice of its intention to hold a meeting that will be open to the public in accordance with the requirements prescribed by the regulations.

(3) The notice must state the time and place at which the meeting will be held.

(4) The regulations may dispense with the requirement to give notice in prescribed circumstances.

(5) A regional landscape board may order that the public be excluded from attendance at a meeting if the board considers it to be necessary and appropriate to act in a meeting closed to the public in order to receive, discuss or consider any information or matter in confidence.

(6) A member of the public who, knowing that an order is in force under subsection (5), enters or remains in a room in which a meeting of the board is being held is guilty of an offence.

Maximum penalty: $2,500.

(7) If an order is made under subsection (5), a note must be made in the minutes of the making of the order and of the grounds on which it was made.

22B—Agenda and minutes of meetings open to public to be made available

(1) A regional landscape board must make available to members of the public copies of the agenda, and copies of the minutes, of each meeting, or the part of each meeting, that is open to members of the public by publishing them on a website determined by the board, or in such other manner prescribed by the regulations.

(2) An agenda under subsection (1) must be made available at least 3 days before the meeting to which it relates is held except where the meeting is held in urgent circumstances.

I will not reagitate the issues that I already discussed when we were discussing clause 22 and the possible amendments to it and after it.

The Hon. J.M.A. LENSINK: What is the process? Do I now seek to amend?

The CHAIR: The process is that perhaps for the benefit of the chamber indicate—without moving just yet—what you would like to change in the Leader of the Opposition's amendments and then we will go from there.

The Hon. J.M.A. LENSINK: In amendment No. 1 [Maher-2], in the proposed new clause 22A at subclause (5), on the third line, insert the word 'prescribed' before the word 'information'.

The CHAIR: So, if it is read, it is 'any prescribed information'?

The Hon. J.M.A. LENSINK: Correct. Then, in proposed clause 22B at subclause (1), change the wording on the third line to 'publishing them in a manner determined by the board'.

The CHAIR: So you are seeking for the words 'on a website' to be deleted, if it is moved, and to replace them with the words 'in a manner'. That is as I understand it. Before I get the minister to move that, perhaps we can debate that issue. It would assist me.

The Hon. M.C. PARNELL: In relation to the proposed new clause 22A, I think adding the word 'prescribed' causes no great harm. In fact, if anything, it tightens the ability for the public to be excluded by only limiting the reason for closing a meeting to the public to prescribed information. I do not think that causes any great harm.

In relation to the proposed new clause 22B, the words are that the agenda and the minutes need to be published 'on a website determined by the board, or in such other manner prescribed by the regulations'. If the regulations prescribe something other than a website, it does not have to go on the website, so there is no need to actually remove the words 'on a website'. But really, that is the modern way for agencies to actually publish to the community what they are doing.

We recently went through a bill of many dozens of clauses. It was called the simplify bill, and almost every one of those clauses was to insert a reference to an obligation by a board, committee, minister or decision-maker to include information on a website to be maintained, etc. We spent a lot of time basically fixing up old acts of parliament to include the requirement for them to put information

on websites, so it does not make a whole lot of sense to me now that we would remove the reference to publishing minutes and agendas on a website.

It seems to me that, until some new technology comes along, that is the best, cheapest and easiest method to make sure that this information is available to anyone who seeks to access it. I cannot see the value in amending 22B, but I am happy enough with the minister's proposed amendment to 22A.

The Hon. K.J. MAHER: I will just say that I find myself in agreement with the Hon. Mark Parnell. The addition, in new 22A(5), of the words 'prescribed information' tightens it up and makes it more transparent, so you can put it in there. But in terms of 22B(1), the deletion of the word 'website' does not do much except make it less likely that people will find out about what is going on. For that reason alone we will not accept that, but we will accept the minister's first amendment. That might guide the minister in what she decides to move.

The Hon. F. PANGALLO: Could the minister clarify or give us a reason why 'website' needs to be deleted?

The Hon. J.M.A. LENSINK: It is a simple reason that is probably less about the bill and more about a matter of wanting things to be technology neutral. I think we are probably all showing our age in this chamber. I would never dispute that the Hon. Mr Parnell is a modern man, but communication technology changes over time. This is relying on, as the honourable Opposition Whip likes to refer to it, that 'interweb thingy'. We do see the way that people communicate and the technology they use changes over time. We have already seen that, particularly younger people, are less reliant on emails. It might seem like it is being a bit pedantic, but people often use Dropbox, phone apps and a whole range of things.

The federal government is using apps to communicate with people who interact with the Australian Taxation Office, Centrelink and so forth. To prescribe the 'interweb thingy' as the means by which boards must communicate with people, we believe, is just a little too prescriptive. In 20 years' time, people may look back on this legislation and go, 'What were they thinking? Why didn't they allow for that?'

The Hon. F. PANGALLO: I just do not understand that reasoning. Websites are going to be around for a lot longer than we are. Furthermore, I am just going to put on my cynical hat here because we have seen occasions in the past where some organisation had to publish a notice somewhere, and it was just done in a sneaky way so that people just were not even aware that it had been done.

I think what this does is give the opportunity for these details to be accessed widely. In regional communities we are talking about people who may not perhaps see it in the newspaper. They may be hundreds of miles away. They may not get this particular publication or the way the board wanted to determine publicly. This makes it easier for people to access information. I do not know why you would want to take away that ability to make it easier for people to access information. I just do not understand it. I will not be supporting removing 'website'.

The Hon. M.C. PARNELL: I have just one other quick observation. It just occurred to me that the only reason that we know that the Kangaroo Island Natural Resources Management Board was strongly opposed to private development in Flinders Chase National Park is because we read it in their minutes on their website.

On a sample size of one, I accept what the Hon. Frank Pangallo and the Leader of the Opposition are saying. It is the technology that is currently used. The minister mentioned others, most of which require passwords or something you have to be a member of, but a website is accessible to the whole world just by using the universal resource locator and keying that into your search engine or your browser. I am not convinced by the minister's answer. We will not be supporting her proposed amendment to 22B.

The Hon. J.A. DARLEY: I am quite happy with both amendments actually. I am sure that any common-sense board would understand how their community communicates. If they thought there was any problem, they would publish both on the website and in the newspapers or whatever.

The CHAIR: Minister, now that we have articulated that, it appears, as I understand it, you have some consensus for inserting the word 'prescribed' but not the second proposed amendment. Do you wish to proceed with both?

The Hon. J.M.A. LENSINK: Yes.

The CHAIR: In that case, I will get you to move as follows: that you seek to move an amendment to amendment No. 1 [Maher-2] by inserting the word 'prescribed' in 22A(5) after the word 'any' but before the word 'information'. That will be the first amendment. The second amendment you will move is to amend 22B by deleting the words 'on a website' and inserting the words 'in a manner'. I will put the questions separately. Over to you.

The Hon. J.M.A. LENSINK: I seek to move an amendment to subclause (5) by inserting the word 'prescribed' between the words 'any' and 'information'.

The CHAIR: I will put that question, which I think we have consensus on. The question is that the word 'prescribed' be inserted into the new proposed clause 22A(5), after the word 'any' but before 'information'.

Amendment carried; new clause 22A as amended inserted.

The CHAIR: Now we come to proposed clause 22B. Minister, if you could move to delete 'on a website' and insert 'in a manner'.

The Hon. J.M.A. LENSINK: I move that the words 'on a website' be deleted and be replaced with the words 'in a manner'.

The CHAIR: I put the question, as moved by the minister, which seeks to delete in the proposed new clause 22B the words 'on a website' and insert in their place 'in a manner' be agreed to.

Amendment negatived; new clause 22B inserted.

Clause 23.

The CHAIR: We have three amendments: amendment No. 10 [Maher-1], amendment No. 11 [Maher-1] and amendment No. 15 [Parnell-1].

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

Amendment No 10 [Maher–1]—

Page 39, line 39 [clause 23(1)(a)]—After 'landscape management' insert 'and biodiversity conservation'

This amendment seeks to insert after the words 'landscape management', 'and biodiversity conservation'. Like previous amendments, this amendment seeks to ensure biodiversity conservation is a key part of the landscape system. The amendment inserts consideration of biodiversity conversation in the functions of the board to ensure that it guides the work of the boards which will play a major role in implementing this system. While the minister in the other place contends that the biodiversity outcomes are already met in this clause, the opposition maintains that explicit references are important and, in any event, if it is already met by the clause, this will do no harm.

The Hon. J.M.A. LENSINK: This is an area that we have traversed previously. The government supports this amendment. It reflects that biodiversity outcomes are central to the concept of integrated landscape management.

The CHAIR: Unless any other honourable member has a further contribution, I intend to put the question.

Amendment carried.

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

Amendment No 11 [Maher–1]—

Page 40, after line 24 [clause 23(1)]—Insert:

(ea) to undertake an active role in ensuring, insofar as is reasonably practical, that the board's regional landscape plan, landscape affecting activities control policies, water allocation

> plans and water affecting activities control policies, advance the objects of the *Native Vegetation Act 1991* and promote the conservation of wildlife as envisaged under the *National Parks and Wildlife Act 1972*; and

This amendment inserts an extra paragraph (ea) into clause 23(1). The effect is that the Natural Resources Management Act or the potential Landscape South Australia Act is not the only piece of legislation governing the use of South Australia's environmental and natural resources. As such, the opposition thinks it is appropriate to link this bill with the Native Vegetation Act and the National Parks and Wildlife Act. Issues of native vegetation and native wildlife will be particularly relevant to the work of regional landscape boards. Creating these links and emphasising the importance of our native vegetation and wildlife is therefore something that we see as very important.

The Hon. M.C. PARNELL: I will just jump in and put on the record that I think this is a fine amendment. If the object of the exercise is to integrate land use and management in South Australia, then this makes a lot of sense. If members are interested in a practical example, you only have to look at the requirements in the National Parks and Wildlife Act in relation to native animals.

Native animals could be on an endangered list in one piece of legislation but might be regarded as an overabundant pest species by neighbouring farmers, so you have to actually reconcile these two things. Requiring the landscape boards to have regard to the requirements of other pieces of legislation actually adds a level of integration that I think is most important. It is the same with the Native Vegetation Act, as well.

The Hon. F. PANGALLO: I, too, reiterate the words of the Hon. Mark Parnell. It is an important amendment and I think it goes to the point that Mr Parnell made. We will be supporting it.

The Hon. J.M.A. LENSINK: The government opposes this amendment. The passage of the bill does not impact on the effective operation of the Native Vegetation Act or the National Parks and Wildlife Act. The proposed amendment would shift the relationship with the Native Vegetation Act and the National Parks and Wildlife Act and regional planning instruments.

In consulting on the reforms, stakeholders were told that the relationship with other legislation was to be explored separately and to be the subject of further consultation. Any further reforms in coming years will be the subject of further engagement. Currently, the Natural Resources Management Act provides that regional plans must be consistent with a range of plans and policies, including management plans under the National Parks and Wildlife Act, native vegetation principles and native vegetation guidelines.

As a matter of general practice, plans and policies implemented under the bill would take into account related existing plans and policies of complementary legislation without needing to exhaustively list the requirements to do so. As part of delivering a simpler framework, the bill instead provides that regional landscape plans and water allocation plans must be consistent with plans, policies, strategies or guidelines prescribed by the regulations. This enables regulations to be made if required.

The Hon. J.A. DARLEY: I have a question in regard to this amendment. Does this mean that the natural resources management boards are going to duplicate the work of the national parks, etc.?

The Hon. K.J. MAHER: No. I will expand on that a little more: this says, insofar as is reasonably practical, that they take into account the objects of those other acts. It does not mean that they have to do everything that the other ones do and necessarily duplicate everything but, insofar as is reasonably practical, take into account the objects of those acts.

The Hon. J.A. DARLEY: What protection is there to ensure that they do not duplicate?

The Hon. K.J. MAHER: The boards are given the powers and responsibilities that they have by the legislation that governs them. The fact that they should, and only insofar as is reasonably practical, take into account the objects of another act does not mean that they are given any powers or any responsibilities that the other act confers on the regime that looks after the native vegetation or the National Parks and Wildlife Act.

The Hon. M.C. PARNELL: Just to add very briefly for the benefit of honourable members, the animals example is a good one. It is not the job of these landscape boards to issue destruction permits, for example, in relation to native animals that farmers might regard as a pest but the national parks act might list as an endangered species; the management plan for the park might have a recovery program for it, for example.

All this provision really does is force the landscape boards to, as far as is reasonably practical, have regard to the fact that there are other management plans and other pieces of legislation that also impact on their work. It does not actually give the landscape boards any of the powers that the Native Vegetation Council or the minister have in relation to animals.

The Hon. J.M.A. LENSINK: The government takes a slightly different interpretation to this clause. The keywords in here are, in that first line, 'to undertake an active role in ensuring', etc., and then those other pieces of legislation are referenced at the end of the proposed clause. So it is really stepping on the toes of other legislation in many ways and trying to push them towards those being the purpose of this legislation rather than what it is at the moment, which has much more to do with landscape management. So we are opposed to this amendment.

Amendment carried.

The Hon. M.C. PARNELL: I move:

Amendment No 15 [Parnell–1]—

Page 41, after line 16 [clause 23(4)]—Insert:

(ab) the constituent councils for the region, and other councils as may be relevant; and

This is a very simple amendment. It amends clause 23(4). Subclause (4) basically is a list of who regional landscape boards should seek to work collaboratively with. The list is fairly thin at the moment. It is 'other regional landscape boards', which is fair enough, 'relevant sections and cross sections of the community, including Aboriginal people', yes, and 'persons who own and occupy land within the region of the board (insofar as may be relevant).'

The clear omission from that list is local government. My amendment simply seeks to insert into that list a requirement for landscape boards to seek to work collaboratively with the constituent councils for the region or any other councils as may be relevant. It is out of an abundance of caution, because of course we would hope that landscape boards would seek to work collaboratively with local councils, but to make it crystal clear I think it is best to incorporate it into this clause.

The Hon. J.M.A. LENSINK: The government opposes this amendment. The honourable member has read these clauses in isolation. If I could draw his attention to clause 23(3) as follows:

In performing its functions, a regional landscape board should…

(b) create strong strategic and funding partnerships and pursue appropriate and cost-effective opportunities to deliver its work programs through partnerships or other arrangements with other entities, agencies or authorities...

And further at clause 25:

A regional landscape board should work to provide, or to facilitate or support the provision of, funding and grants to councils and other bodies, organisations, groups and persons...

The Hon. J.A. DARLEY: As a result of the Leader of the Government's explanation I will not be supporting this amendment.

The Hon. K.J. MAHER: The opposition will be supporting this amendment.

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

Amendment carried.

The Hon. K.J. MAHER: Is there a part in clause 23, that is the functions of the board, that have a requirement for boards to take into account or consider the views of Aboriginal people or the requirements under Aboriginal tradition of land and what should be done to land in the area?

The Hon. J.M.A. LENSINK: That is almost a Dorothy Dixer. If I could draw the honourable member's attention, clause 23(4) provides:

> A regional landscape board should also seek to work collaboratively with…
>
> (b) relevant sections and cross-sections of the community, including Aboriginal people…

So, yes, that clearly is.

The Hon. K.J. MAHER: My question was: is there a requirement to do so? The minister answered it as a Dorothy Dixer, I think, without listening to the question. What is the requirement? What actually is required? The word 'should' is in there, so is the minister saying the word 'should' is not 'should' and it 'must'? What is the actual requirement that they must do it?

The Hon. J.M.A. LENSINK: I can provide the honourable member with quite a lengthy list of consultation with Aboriginal communities through this bill. It is our view that the bill provides a much stronger emphasis on Aboriginal people and cultural values in natural resources management relative to the existing NRM Act. For the first time, supporting the interests of Aboriginal people is an object of the bill. Currently, the NRM Act only requires Aboriginal heritage to be considered under a principle of ecologically sustainable development (ESD).

This represents a significant recognition of Aboriginal people's interests when considering the ESD of the natural resources that make up or contribute to the state's landscapes. Recognition of spiritual, social, customary and economic significance of landscapes to Aboriginal people is a principle of ESD in the bill. A broader concept of informed decision-making is included in the bill, including the role of Aboriginal traditional knowledge as a principle of ESD. The bill also introduces the concept of landscape, with landscape being defined as including the cultural and other values people have towards the landscape.

There is a new requirement, which is the clause that I have referred to, clause 23(4). Regional priorities will be shaped by Aboriginal traditional knowledge, which is clause 45(1)(b). Taken together, these arrangements reflect that Aboriginal issues and interests will need to inform an important part of a board's decision-making and day-to-day functions, noting that the best way to achieve that outcome will be different for different regions and communities.

The bill is not prescriptive about how this should occur; rather, there are a number of mechanisms to achieve this, including board membership, committees, ongoing collaboration and consultation. Boards will need to take responsibility for how they meet their requirements around this, noting the minister's overall accountability for the administration of the act.

The Hon. K.J. MAHER: Again, I know the minister is reading out a list of things from other sections, but in relation to clause 23—and I know the minister used the term again about boards being required to do something—are boards required to work collaboratively with Aboriginal people? Is it a requirement or is it something that they should do?

The Hon. J.M.A. LENSINK: The operative word there is 'should', so if they did not, then I think questions could be asked quite appropriately of why not.

The Hon. K.J. MAHER: A final question on clause 23, again for clarity. The relationship between clauses 23 and 24; that is, will the Green Adelaide board be required to comply with the functions as outlined in clause 23?

The Hon. J.M.A. LENSINK: Our advice is yes.

Clause as amended passed.

Clause 24.

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

Amendment No 12 [Maher–1]—

> Page 41, line 38 [clause 24(2)(e)]—Delete 'and flora' and substitute ', flora and ecosystem health'

The insertion of this amendment is designed to recognise that flora and fauna alone do not constitute a healthy ecosystem and taking an ecosystem-wide approach is essential to achieving that outcome.

The Hon. J.M.A. LENSINK: I think we support the same outcomes but we disagree with the language used by the opposition, given that promoting ecosystem health is part of delivering integrated landscape management, which is reflected as an object of the legislation, that all boards, including Green Adelaide, will be required to consider and seek to further in carrying out their functions.

The Hon. M.C. PARNELL: We support the amendment.

The Hon. F. PANGALLO: We will be supporting it.

Amendment carried; clause as amended passed.

Clause 25 passed.

Clause 26.

The Hon. K.J. MAHER: I have a question for the minister about clause 26 in relation to grassroots grant programs. Will funds for grassroots grants be made available only through funds raised from landscape levies, or will other funds be made available for these programs?

The Hon. J.M.A. LENSINK: Appropriation?

The Hon. K.J. MAHER: For further clarity, I guess what I am asking about these grassroots grant programs is: is it anticipated that that will come from the levies, and be some sort of proportion of the levies, or is it anticipated that these will be other funds outside the levies that go towards these programs?

The Hon. J.M.A. LENSINK: I think the answer to that is both. From a proportion of the levies, boards may have other resources that they can apply to that as well.

The Hon. K.J. MAHER: It may be a portion of the levies, but what other resources will be available to boards? Where would they get those resources from?

The Hon. J.M.A. LENSINK: The grassroots grants could potentially be funded from a combination of levies, state appropriation—where that exists—or federal grants, depending on their conditions. One example where state appropriation is likely is the AW board.

The Hon. K.J. MAHER: Is it expected that for grants that come out of the levies there would be a similar proportion across all the boards, or is it completely at the discretion of each board to take as much of the levy as they please for grants? Is it expected that there will be some consistency across boards?

The Hon. J.M.A. LENSINK: If I could direct the honourable member to subclause (3):

> The amount to be made available on an annual basis by a regional landscape board…will be an amount determined by the Minister from time to time.

So for each board, it may be a different percentage.

The Hon. K.J. MAHER: Clause 26(4) of the bill states that the minister may establish requirements or criteria for grant applications and assessment. Has the minister or the department drafted any such requirements or criteria to date?

The Hon. J.M.A. LENSINK: Administration of grassroots grants will need to comply with Treasurer's Instruction 15 as well as relevant accounting standards. Many grants will comprise small amounts. Treasurer's Instruction 15 provides for certain safeguards, including, for grants under $10,000, written evidence of the grant request and receipt, maintenance of records of the payment and a requirement for the grant received to be acquitted. Grants over $10,000 generally require a funding agreement.

The Hon. K.J. MAHER: I agree; that is all well and good. That is what Treasurer's Instruction 15 says but, in addition to that, clause 26(4) of this bill provides that the minister may establish requirements and criteria for grant application and assessment. My question is: has the minister or the department drafted any such requirements to date themselves?

The Hon. J.M.A. LENSINK: The advice I have received is: not as yet.

The Hon. K.J. MAHER: Because this is discretionary—the subclause uses the word 'may'—is it anticipated that the minister will establish such requirements and criteria for grant applications and assessment?

The Hon. J.M.A. LENSINK: Yes.

The Hon. K.J. MAHER: Following on from that, has consideration been given to what may be included in those yet?

The Hon. J.M.A. LENSINK: The advice is that preliminary work is underway, but it has not been formulated into anything at this stage.

The Hon. K.J. MAHER: Is it anticipated from this preliminary work that any grants under this fund will require the minister to personally sign off on them before they are allocated, or will it be completely at the discretion of the board, without any need for ministerial approval?

The Hon. J.M.A. LENSINK: The advice I have received is that regional landscape boards will administer the grants program for their regions.

The Hon. K.J. MAHER: I understand that. In saying that, am I to take it that it is anticipated that the minister will not be signing off on any of these grants?

The Hon. J.M.A. LENSINK: The advice is that the boards will issue the grants.

The Hon. K.J. MAHER: I know they will come through the boards, but will they require ministerial sign-off before they are granted? That is the question.

The Hon. J.M.A. LENSINK: My advice is that it is not the minister's intention that he sign off on them.

Clause passed.

Clauses 27 to 32 passed.

Clause 33.

The Hon. K.J. MAHER: Will the minister advise whether the current enterprise bargaining agreement for staff currently employed under the NRM regime will be in effect after they become staff under the landscape scheme that this bill introduces?

The Hon. J.M.A. LENSINK: Will be in effect, did you say?

The Hon. K.J. MAHER: Yes. Will the minister advise whether the current EBA for the staff currently employed will still be in effect after they become landscape staff?

The Hon. J.M.A. LENSINK: It is intended that any employees who transfer to a board as part of the landscape reforms will do so with predominantly the same or similar terms and conditions of employment as those currently under the Public Sector Act and the relevant awards and enterprise agreements. This will be the subject of further work as part of transition planning and consultation in line with industrial obligations.

The Hon. K.J. MAHER: Do I take it from that, that there is no assurance that current EBA provisions will apply to staff who are transferred over, just that 'we will follow the law'?

The Hon. J.M.A. LENSINK: The advice I have received is that there will need to be a new EBA but it will follow the conditions of existing arrangements.

The Hon. K.J. MAHER: If there will need to be a new EBA, can the minister give an assurance to staff that there will not be any lessening of their working conditions or their pay under the new system?

The Hon. J.M.A. LENSINK: My advice is that the minister in the other place was asked these questions and he gave an assurance that similar terms and conditions would be offered to existing employees.

The Hon. K.J. MAHER: Is the minister saying that terms and conditions will not be diminished by the passing of this act? Is that the assurance being given?

The Hon. J.M.A. LENSINK: The advice is that that is not the intention.

The Hon. K.J. MAHER: So will people be worse off?

The Hon. J.M.A. LENSINK: The advice I have received is that we do not envisage that staff will be worse off.

The Hon. K.J. MAHER: There is a lot of intention and envisaging without a clear answer there, but is there any expectation that there will be a loss of staff either in terms of headcount or FTEs in this transition?

The Hon. J.M.A. LENSINK: It is hard to be definitive on this matter because there will be new boards being formed, so it will be subject to those transition arrangements.

The Hon. K.J. MAHER: Subject to those transition arrangements, does the minister envisage or intend for there to be less staff?

The Hon. J.M.A. LENSINK: I do not think I am in a position to answer that question and give you a definitive answer.

The Hon. K.J. MAHER: Yes. But, again, subject to the transition and the new boards, is there any intention for there to be less staff as a result of this?

The Hon. J.M.A. LENSINK: The advice that I have received is that the government is working towards the safe and secure transition of staff. There is no intention to reduce staff. Our future staff arrangements are at the discretion of arms-length boards.

Clause passed.

Clauses 34 to 36 passed.

Clause 37.

The Hon. K.J. MAHER: Can the minister confirm that the Green Adelaide board is a regional landscape board for the purposes of this clause?

The Hon. J.M.A. LENSINK: The advice is yes, it is.

Clause passed.

Clauses 38 to 41 passed.

Clause 42.

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

Amendment No 13 [Maher–1]—

Page 53, after line 41 [clause 42(3)]—Insert:

(da) assess the state and condition of the natural resources of the State; and

This amendment inserts a new paragraph (da) to assess the state and condition of the natural resources of the state. It is intended to support the scientific work currently being undertaken in our state with regard to the assessment and monitoring of the condition of South Australia's environment and natural resources. It is our view that it should be an integral part of the landscape framework, so we seek to enshrine it in the bill that we are debating.

The Hon. J.M.A. LENSINK: The government opposes this amendment. Clause 42(4) of the bill already requires a state landscape strategy to take the state and condition of the state's landscapes into account. This includes the state and condition of natural resources and the other components that make up the state's landscapes. This particular amendment would require the state landscape strategy to include an assessment of the state and condition of natural resources, which will divert resources into preparing and publishing material that is available elsewhere. In addition, it does not reflect that, in line with the broader direction of the reforms, the strategy's focus is on landscapes, which is defined to include natural resources.

For the first time, statewide planning will need to take regional priorities into account, with regional plans outlining how those priorities are expected to maintain, protect, improve or enhance

the state of landscapes at a regional and local level. The underlying concern with this amendment is that the state landscape strategy should be a high-level document. This clause reinserts provisions that are in the existing NRM Act and will cause the board to have to undertake further reports, which is something that our boards are heartily tired of having to repetitively do, as I have heard consistently over the years.

The Hon. M.C. PARNELL: For the record, the Greens will be supporting this amendment to clause 42 and will also be supporting the Leader of the Opposition's other amendments to clause 42, which, whilst they are not consequential, canvass issues that we have agitated to a fair degree. Just to assist the council, we will be supporting each of the four opposition amendments to clause 42.

The Hon. F. PANGALLO: We will be supporting the opposition amendments.

The Hon. J.A. DARLEY: I will not be supporting this amendment.

Amendment carried.

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

Amendment No 14 [Maher–1]—

Page 54, after line 2 [clause 42(3)]—Insert:

(ea) provide for monitoring and evaluating the state and condition of the natural resources of the State; and

As the Hon. Mark Parnell outlined just a moment ago, this is very similar, although not consequential, to a previous one. Again, it seeks to support the scientific work being undertaken and to ensure this legislation requires that that work be undertaken, which we think will lead to the better health of our environment and natural resources.

The Hon. J.M.A. LENSINK: The government opposes this amendment because we think that it is already covered through other mechanisms and this is just another prescriptive way of managing our environmental assets.

The Hon. F. PANGALLO: We will be supporting the opposition amendment.

The CHAIR: As I understand it, the Hon. Mr Parnell and the Hon. Mr Pangallo are both supporting all the amendments to clause 42 which the opposition is putting forward, so I am proceeding on that basis.

Amendment carried.

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

Amendment No 15 [Maher–1]—

Page 54, line 8 [clause 42(4)(a)]—Delete paragraph (a)

I will not speak at length on it. In fact, I think it is actually consequential to my amendment No. 13 in that it reorders it as well.

The Hon. J.M.A. LENSINK: We are opposed.

Amendment carried.

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

Amendment No 16 [Maher–1]—

Page 54, after line 11 [clause 42(4)]—Insert:

(d) the best available climate science information.

Again, it is similar in nature to the previous three amendments to clause 42 that have been moved, but in many ways it may be the most important amendment. The seriousness of climate change—or the climate emergency, as it is often termed—necessitates that this legislation speak to and address the threat that it poses.

It particularly seeks to ensure that the best available climate science underpins the state landscape strategy in recognition of the huge implications climate change is having, and will continue to have, around the globe but particularly on a state like South Australia, which is so dependent not just economically but in so many other ways, including our water supply and our standard of living, on the climate. We think this is a critically important amendment.

The Hon. J.M.A. LENSINK: The government opposes this amendment, not for any reason that the best available climate science information is not important. Indeed, we would assume that that would be sought in any case, but to identify one type of science over others is not necessarily best practice for legislation. Science should underpin a large range of the activities that happen under this legislation. We also are seeking to put some weight towards local and traditional knowledge in this legislation. So to elevate one form of science over others, we think, is inappropriate.

Amendment carried; clause as amended passed.

Clause 43.

The Hon. K.J. MAHER: I intend to move the amendment standing in my name. This amendment is closely related to the next amendment, amendment No. 18 [Maher-1]. At this time, it might be worth seeking the views of the chamber as amendment No. 16 [Parnell-1] is very similar to amendment No. 18 [Maher-1]. If it is the will of the chamber to support the Parnell amendment, I can foreshadow that the opposition will not be moving amendment No. 18. Given that amendment No. 17 is closely aligned, it might be worth seeking the views of the chamber on the Parnell amendment.

The Hon. J.M.A. LENSINK: The government's intention is to support amendment No. 17 [Maher-1] and to oppose amendment No. 16 [Parnell-1].

The Hon. M.C. PARNELL: This is about as complicated as it gets because we have both sought to insert a new paragraph and they are not mutually exclusive. In other words, and I will be guided by parliamentary counsel as always, but it strikes me that they both have slightly different jobs to do. My intention was actually to support both. Just to make it really clear: basically, the bill as drafted requires such consultation as the minister determines, so unfettered ministerial discretion as to who to consult.

The Maher amendment No. 18 requires the minister to consult with bodies that are, in the opinion of the minister, bodies interested in or involved in the management of the state's landscapes. My amendment says that the minister must at least consult with peak bodies. I will take any technical guidance that is required because I would have thought that if both the Parnell and Maher amendments passed, there is a little bit of wordsmithing to be done by parliamentary counsel. There was always going to be because they both seek to insert a new paragraph (1a).

Whilst the Hon. Kyam Maher suggested that it might be one or the other, I would be interested in exploring whether we can do them both. Given the hour, it is not a die in the ditch issue. We have already tested the will of the chamber in relation to ensuring that peak bodies are consulted, and that is certainly my amendment, but, as I say, that is not to say that the Hon. Kyam Maher's proposed consultation words are not valid as well, so my intention was to support both.

The Hon. J.M.A. LENSINK: If I can explain the government's position. We support the Maher amendment No. 17, which we believe to be broader in terms of consultation. One of the limitations of the Parnell amendment, for instance, is that it does not include Aboriginal people because they are not a part of a particular peak body.

The Hon. K.J. MAHER: Just for the sake of clarity, I might just reiterate that if, for instance, the Hon. Frank Pangallo was minded to support the Parnell amendment, I will not be moving either amendment No. 17 or amendment No. 18.

The CHAIR: Leader of the Opposition, just hold your horses there slightly because I am just taking some advice from parliamentary counsel to see whether the Hon. Mr Parnell's proposition is correct, that they are not in conflict—just for the benefit of informing the chamber, before you all lock into your positions, being the benevolent Chair of committees that I am. The Hon Mr Pangallo, you do not need to commit yourself just yet if you do not wish to.

Parliamentary counsel has advised through the Clerk that the Hon. Mr Parnell's amendments and the Hon. Mr Maher's amendments can sit by side with some minor amendments to the Hon. Mr Maher's, which can either be done by us or between the houses. It is inserting in amendment No. 18 [Maher-1] the words '(other than peak bodies)' after the word 'bodies'. I only put that into the committee for members to debate. If you do not wish to, that is obviously up to you.

The Hon. K.J. MAHER: Given the advice, I can inform the chamber that it is now my intention, should both sets of amendments find support within the chamber, to move the Maher amendment in the amended form, as has been suggested.

The Hon. F. PANGALLO: Talk about an amendment that splits hairs. I will be supporting the Maher amendment as it is.

The CHAIR: I suppose the question is: will you be minded to support the Hon. Mr Parnell's amendment?

The Hon. F. PANGALLO: And the Parnell, yes; putting them together.

The Hon. J.A. DARLEY: For the record, I was going to support the Parnell amendment, but I am quite happy to support the Maher amendment as amended.

The CHAIR: Minister, do you want to speak at this juncture? Where I think we are sitting, the Hon. Mr Maher is going to move an amendment to his amendment.

The Hon. J.M.A. LENSINK: To amendment No. 18? What is he doing on amendment No. 17?

The CHAIR: He has not moved it yet, but when he moves it, he will be moving it and inserting additional words. That is going to find favour with the Greens, SA-Best and, indeed, Mr Darley.

The Hon. J.M.A. LENSINK: Can I clarify, then, are we debating amendment No. 17 [Maher-1]?

The CHAIR: We are debating amendments Nos 17 and 18 [Maher-1] and Mr Parnell's No. 16, but no-one has actually moved anything just yet.

The Hon. J.M.A. LENSINK: Alright, that is fine. I will just repeat the government's position: we support amendment No. 17 [Maher-1], conditional on amendment No. 18 being agreed to without the suggested amendments. Does everyone follow that? We are opposed to the Parnell amendment.

The CHAIR: Yes, that makes perfect sense. As I understand the honourable member's intentions, the Hon. Mr Maher will be successful in moving amendment No. 17, amendment No. 18 with some additional words inserted, and the council will find favour by majority with the Hon. Mr Parnell's amendment No. 16 [Parnell-1]. Any honourable member can scream out if they do not think I am on the right track. Leader of the Opposition, if you could move amendment No. 17 [Maher-1].

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

Amendment No 17 [Maher–1]—

Page 54, line 19 [clause 43(1)]—Delete 'The Minister' and substitute:

Subject to subsection (1a), the Minister

The CHAIR: I just need an amendment to your amendment. I am talking about amendment No. 17 [Maher-1], which you have moved. If you could move that in an amended form: 'Subject to subsections (1a) and (1b), the Minister'.

The Hon. K.J. MAHER: I move my amendment in the amended form, as suggested.

The CHAIR: That is because in amendment No. 18 [Maher-1], that becomes (1b). It is purely technical; it does not change the intent.

Amendment in amended form carried.

The CHAIR: We now come to amendment No. 18 [Maher-1] and I ask the Leader of the Opposition to move that but in an amended form. Where it says 'insert (1a)', that is 'insert (1b)', and also to insert after the word 'bodies', '(other than peak bodies)'.

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

Amendment No 18 [Maher–1]—

Page 54, after line 24 [clause 43]—Insert:

(1b) The Minister must at least, in acting under subsection (1), consult with bodies that are, in the opinion of the Minister, bodies (other than peak bodies) interested or involved in management of the State's landscapes.

Amendment carried.

The Hon. M.C. PARNELL: I move:

Amendment No 16 [Parnell–1]—

Page 54, after line 24 [clause 43]—Insert:

(1a) The Minister must at least, in acting under subsection (1), consult with each peak body.

Amendment carried; clause as amended passed.

Progress reported; committee to sit again.

DIRECTOR OF PUBLIC PROSECUTIONS (PENSION ENTITLEMENTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

The Hon. K.J. MAHER (Leader of the Opposition) (17:32): I rise to very quickly make a second reading contribution. I indicate that Labor supports this bill. I also indicate that I am the lead speaker. The appointment of Justice Hinton as the new DPP has met with acclaim and been warmly received across most sectors of South Australia's legal community. Justice Hinton was admitted to the bar in 1989 in South Australia and in the UK in 1992, where he worked in London as the Senior Crown Prosecutor. He first joined the DPP in 1993 and was appointed Deputy Director of Public Prosecutions in 2007. His Honour Justice Hinton was appointed QC in 2006 and Solicitor-General in 2008 and appointed to the Supreme Court in 2016.

He is considered by most to be very qualified to take on the role as the new Director of Public Prosecutions. I indicate once again, although it is unusual in the circumstance where we are asked to pass the bill quickly, we understand the need for this, and I thank the Attorney-General for the briefing in relation to this bill. We will support its passage as swiftly as possible.

The Hon. M.C. PARNELL (17:34): The Greens will be supporting this bill. Whilst in situations like this we would normally rail against the fact that it has been introduced and we have been asked to vote for it within a period of a small number of hours, I do appreciate that the Attorney-General's staff members have gone out of their way to brief us on it. I wish Justice Martin Hinton all the best in his new role as our Director of Public Prosecutions.

Normally, we would also direct criticism at previous drafting of this legislation, but I am prepared to acknowledge that it probably was not anticipated that a sitting Supreme Court judge might end up getting the job as Director of Public Prosecutions. I think, as a matter of fairness, it seems appropriate that His Honour should be able to maintain his existing entitlements. There is no question of any additional entitlements flowing. It is simply a matter of moving from one area of public service to another, and the bill, in those circumstances, seems entirely appropriate.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:37): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO. 2) BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:39): I move:

That this bill be now read a second time.

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

Leave granted.

The Statutes Amendment (Attorney-General's Portfolio) Bill 2019 makes miscellaneous amendments to various Acts committed to the Attorney-General. It addresses a number of minor or technical issues that have been identified in legislation.

Judicial Immunities

Parts 2, 4, 5, 7, 8, 15 and 18 of the Bill make minor amendments to a number of Acts to clarify that a judicial officer has the same immunities from civil and criminal liability as a Judge of the Supreme Court. Under the common law, a judge of the Supreme Court enjoys immunities from civil and criminal liability for acts done in the performance of judicial or quasi-judicial functions. The same immunity from civil and criminal liability extends to other judicial officers at common law and there is no distinction between superior and inferior courts. The immunity of a judicial officer from civil and criminal liability under the common law continues to apply despite any express statutory reference in legislation to the contrary. Notwithstanding, there are a number of express statutory references in various acts which currently refer to certain judicial officers *only* having immunity from civil liability.

The Bill amends s 33 of the Coroners Act 2003; s 46 of the District Court Act 1991; s 36 of the Environment, Resources and Development Court Act 1993; s 15 of the Liquor Licensing Act 1997; s 44 of the Magistrates Court 1991; s 110C of the Supreme Court Act 1935 and s 26 of the Youth Court Act 1993 to affirm the position under common law that judicial officers have the same immunities from civil and criminal liability as a Judge of the Supreme Court.

Criminal Procedure Act 1921

Part 3 of the Bill responds to an issue regarding inconsistences between the penalties that currently apply in relation to a breach of an order made under s 180 of the *Criminal Procedure Act 1921* and a breach of a firearms prohibition order made under s 45 of the *Firearms Act 2015*.

Section 180 of the Criminal Procedure Act allows the Court to make a range of orders where it is satisfied that a firearm or offensive weapon was used in, or facilitated, the commission of an offence. Relevantly, this may include an order under s 180(1)(g) that a person is subject to a firearms prohibition order within the meaning of the *Firearms Act*. In the event of a breach of an order under s 180 (including a firearms prohibition order), the Criminal Procedure Act imposes a maximum penalty of $500 or 12 months imprisonment.

This is to be contrasted with s 45 of the Firearms Act, which imposes maximum penalties ranging from $50,000 or 10 years imprisonment up to $75,000 or 15 years imprisonment in the event of a breach of a firearms prohibition order.

The Bill amends the Criminal Procedure Act to increase the maximum penalties that apply in the event of a breach of an order made under s 180 so that:

- in the case of a breach of an order relating to a firearm—the maximum penalty is $50,000 or 10 years imprisonment; and
- in the case of a breach of an order relating to an offensive weapon—

  the maximum penalty is $10,000 or 2 years imprisonment.

As a result, a person who breaches an order relating to a firearm under the Criminal Procedure Act will be subject to a substantially higher maximum penalty, which is proportionate to the penalties which currently apply under the Firearms Act in relation to a breach of a firearms prohibition order.

Similarly, a person who breaches an order relating to an offensive weapon under the Criminal Procedure Act will also be subject to a higher maximum penalty, which is proportionate to other maximum penalties which currently apply for related offensive weapon offences under Part 3B of the *Summary Offences Act 1953*.

Evidence Act 1929

Part 6 of the Bill amends the *Evidence Act 1929* to clarify that, for the purposes of the Act, a reference to a 'victim' in s 29A and in s 67H is taken to apply to a victim or '*alleged victim*' of the offence.

Section 67H defines 'sensitive material' for the purposes of Division 10 of the Evidence Act. Under s 67H(1)(a) of the Act, sensitive material is taken to include the audio visual record, or the transcript of any such record, of the interview of a witness. Currently, s 67H(3)(b) only refers to the victim of a sexual offence and does not include an '*alleged victim'* of an offence. As a result there is a risk that the pre-recorded interview of an alleged victim of a sexual offence may not be considered to be sensitive material for the purposes of the Act. This would mean that the safeguards designed to protect the highly sensitive interviews of young children or persons with a disability may not apply until *after* the offence had been found proven.

This is clearly contrary to the intent of the legislation to protect the evidence of vulnerable witnesses. The Bill amends s 67H(3) so that the audio visual record or transcript of interview of an alleged victim of a sexual offence is taken to be sensitive material. A similar amendment is also made to s 29A of the Evidence Act, to remove any doubt that the provision applies to a victim or *alleged victim* of the offence.

Public Interest Disclosure Act 2018

Part 9 of the Bill amends the *Public Interest Disclosure Act 2018*, at the request of the Independent Commissioner Against Corruption (ICAC), to ensure that councils are subject to the same obligations as public sector agencies under s 12 of the Act.

Section 12 of the Act imposes an obligation upon the principal officer of a public sector agency or council to ensure the existence of designated responsible officers. Section 12(4) further provides that a principal officer must prepare and maintain a document which sets out the procedures for a person who wishes to make an appropriate disclosure of public interest information to the agency and for officers and employees dealing with the disclosure.

Currently, s 12(4) of the Act *only* refers to the principal officer of a public sector agency and *not* a council. This is inconsistent with Parliament's intention, as evidenced in the explanation of clauses of the Public Interest Disclosure Bill 2018, that councils would also be subject to the requirement to prepare a document of the kind contemplated by s 12(4). The amendment therefore ensures that the obligations under s 12 which currently apply to public sector agencies will also apply to councils.

Sentencing Act 2017

Part 10 of the Bill amends the *Sentencing Act 2017* to remove the current $20,000 monetary limit on compensation that is able to be awarded by the Magistrates Court when convicting a person of an offence.

Section 124 of the Sentencing Act currently enables the court to make an order requiring a defendant to pay compensation for an injury, loss or damage resulting from an offence of which the defendant has been found guilty. Section 124(6)(c) provides that the Magistrates Court may not award more than $20,000 in compensation, unless a greater amount is prescribed by regulation.

Since 1 July 2017, there is no longer a limit on the amount of compensation that may be awarded by the magistrates of the South Australian Employment Tribunal (SAET) when convicting a person of a criminal offence. The removal of the cap was an inadvertent consequence of the transfer of jurisdiction over industrial offences from the Magistrates Court to SAET. As a result, there is now an inconsistency between the powers of the magistrates of the Magistrates Court and those of SAET in respect of the amount of compensation that may be awarded.

The Bill repeals the monetary limit on compensation that may be awarded by the Magistrates Court to ensure consistency with the compensation that may be awarded by SAET.

Serious and Organised Crime (Unexplained Wealth) Act 2009

Part 11 of the Bill amends the *Serious and Organised Crime (Unexplained Wealth) Act 2009* to extend the operation of the Act for a further 10 years. Section 36 of the Act contains a sunset clause which provides that the Act will expire 10 years after the date of its commencement, on 29 August 2020. If the Act is allowed to expire, South Australia will be the only jurisdiction without an unexplained wealth scheme in place to deter serious and organised criminals from bringing unexplained wealth into the jurisdiction. To ensure the continued operation of the scheme, the Bill extends the operation of the Act for a further 10 years so that the Act will not expire until 29 August 2030.

Sheriff's Act 1978

Part 12 of the Bill makes a minor amendment to the definition of 'premises of a participating body' in the *Sheriff's Act 1978*, at the request of the Chief Justice, in order to better provide for the security of the courts. The amendment expands the boundaries of the court premises to include the precincts and immediate environs of those premises, adjacent car parks and footpaths, the laneways between or abutting the premises or place and the entry and exit points of court buildings.

Spent Convictions Act 2009

Part 13 of the Bill makes a number of minor changes to the *Spent Convictions Act 2009.*

Firstly, the Bill repeals a number of uncommenced provisions of the *Spent Convictions Act,* moved by former member, the Hon Kelly Vincent, which, if enacted, would allow for a young person (of or below the age of 25 years old), with an immediately spent conviction, to apply to a qualified magistrate for an order that a prescribed exclusion under clause 14 of Schedule 1 of the Act does not apply in relation to that conviction.

The Vincent amendments sought to acknowledge that there may be exceptional circumstances in which the immediately spent conviction of a young person should not have to be disclosed to an employer or potential employer. However, the amendments proposed by Ms Vincent are impractical and fail to recognise that the spent convictions scheme is not specific to the particular offence committed by the relevant person, but rather the context in which the offence relates to the workplace in which they are currently employed or seek to be employed.

A finding of guilt in relation to a minor drug offence may not be considered particularly concerning to an employer seeking to employ a person as a landscaper, but may be concerning to the potential employer of a pharmacist. If enacted, the amendments would likely lead to persons with immediately spent convictions seeking an exemption from a qualified magistrate as a matter of course.

The Hon Kelly Vincent when moving these amendments to the former Government's Bill had foreshadowed the haste at which these were made, and the potential need for them to be reviewed, particularly to consider whether such oversight was necessary.

While both the former Government and the Liberal Opposition at the time supported the Bill passing as amended, further consideration of the amendments show they do not recognise the role of the spent convictions scheme and utmost need to protect vulnerable people in South Australia. It is therefore the Government's view that it is appropriate that these amendments should be repealed.

Secondly, the Bill also amends the Spent Convictions Act to ensure that certain uncommenced provisions of the Act made by the *Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017* and the *Statutes Amendment (Attorney-General's Portfolio No 3) Act 2017* are able to come into operation as intended.

Thirdly, a further consequential amendment to the Spent Convictions Act is made to correct a drafting error in the *Statutes Amendment (Attorney-General's Portfolio No 3) Act 2017* to ensure that spent convictions for historical homosexual offending cannot be disclosed in any circumstances, unless required by regulation.

Summary Offences Act 1953

Part 14 of the Bill amends the *Summary Offences Act 1953* to clarify that, for the purposes of a notice issued under s 21OD of the Act, which has yet to commence, the notice applies to land within a designated area that is within 20km of a boundary of a relevant prescribed area.

Section 21OD of the Act enables the Minister to declare an area of land as a 'designated area' for the purposes of certain grog running offences. Under s 21OD(3), a notice 'cannot include within a designated area land that is more than 20km from *the* boundary of a prescribed area.' A potential difficulty arises if the terms of s 21OD(3) are interpreted literally, as this may mean that, in order for land within a designated area to fall within the scope of the notice, *no* part of the land can be more than 20km from *any* boundary of a prescribed area. In the event that a Court applied a literal interpretation of s 21OD, there is a risk that a notice issued under the Act could be deemed invalid. This would likely impact the ability to prosecute persons seeking to unlawfully supply and transport liquor in certain prescribed areas.

The Bill therefore clarifies that, where a notice is issued under s 21OD, the notice applies to *any* part of the land within the designated area that is within 20km of *a* boundary of a relevant prescribed area.

Surveillance Devices Act 2016

Part 16 of the Bill addresses an omission in the transitional provisions of the *Surveillance Devices Act 2016* to ensure that material obtained contrary to s 4 of the former *Listening and Surveillance Devices Act 2016* continues to be an offence under the current Act.

Section 4 of the former Act made it an offence to use a listening device to record conversations without the participant's knowledge except as permitted by the Act. The Surveillance Devices Act commenced operation on 18 December 2017, replacing the former Listening and Surveillance Devices Act. Since 18 December 2017, Part 2 of the *Surveillance Devices Act* has regulated the lawful use of devices and recordings.

Where an unlawful recording is made contrary to Part 2 of the Surveillance Devices Act, s 12 of the Act prohibits the use of the material gained. Relevantly, s 12 makes it an offence for a person to knowingly use, communicate or publish information or material derived from the use of a surveillance device 'where obtained contrary to Part 2 of the Act.' As a result, it appears that s 12 would not currently prevent a person from using information or material, which, at the time it was recorded, was gained contrary to the former Act. To address this issue, the Bill amends the Surveillance Devices Act so that material obtained contrary to s 4 of the former Act continues to be an offence under the Surveillance Devices Act.

Trustee Act 1936

Finally, Part 17 of the Bill amends the *Trustee Act 1936* at the request of the Public Trustee to enable the Attorney-General to approve a trust variation scheme under s 69B of the Act to alter the powers of the trustees to manage and administer a relevant charitable trust.

Section 69B(3) of the Trustee Act currently enables the Attorney-General to approve a trust variation scheme to alter the purposes for which property may be applied in pursuance of a charitable trust, where the value of the trust property held in trust is low (i.e. below $300,000 or a limit prescribed by regulations). This has created uncertainty as to whether the Attorney-General possess the power to approve a trust variation scheme which would allow capital to be applied where the trust instrument provides for the use of income only.

In circumstances where there is uncertainty, s 69B(4) of the Trustee Act confers a discretion on the Attorney-General to refer an application to the Supreme Court. The Public Trustee advises that an application to the Supreme Court to vary the trust is often a costly and lengthy process. The option for a trustee to apply to the Attorney-General for approval of a scheme provides a more efficient and cost-effective method of varying the trust than offered by application or referral to the Supreme Court and is consistent with the approach adopted in New South Wales. The Bill therefore amends s 69B of the Trustee Act to allow for the Attorney-General to approve a trust variation scheme altering the powers of the trustees of a relevant charitable trust.

Where the application raises questions that should, in the Attorney-General's opinion, be decided by the Court, the Act preserves the ability for an application to be referred to the Supreme Court for appropriate determination.

This concludes the matters that are the subject of this Portfolio Bill. I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Coroners Act 2003*

4—Amendment of section 33—Immunities

This clause amends the principal Act to broaden the immunity protections that apply.

Part 3—Amendment of Criminal Procedure Act 1921

5—Amendment of section 180—Orders as to firearms and offensive weapons

This clause amends the principal Act to reconcile the penalties that apply for a breach of an order under the principal Act and a breach of a firearms prohibition order under the *Firearms Act 2015*.

Part 4—Amendment of District Court Act 1991

6—Amendment of section 46—Immunities

This clause amends the principal Act to broaden the immunity protections that apply.

Part 5—Amendment of Environment, Resources and Development Court Act 1993

7—Amendment of section 36—Immunities

This clause amends the principal Act to broaden the immunity protections that apply.

Part 6—Amendment of *Evidence Act 1929*

8—Amendment of section 29A—Victim or alleged victim who is a witness entitled to be present in court unless court orders otherwise

This clause amends section 29A of the principal Act to broaden the reference to victim to include ', or alleged victim'.

9—Amendment of section 67H—Meaning of sensitive material

This clause amends section 67H of the principal Act to broaden the reference to victim to include ', or alleged victim'.

Part 7—Amendment of Liquor Licensing Act 1997

10—Amendment of section 15—Judges

This clause amends the principal Act to broaden the immunity protections that apply.

Part 8—Amendment of Magistrates Court Act 1991

11—Amendment of section 44—Immunities

This clause amends the principal Act to broaden the immunity protections that apply.

Part 9—Amendment of Public Interest Disclosure Act 2018

12—Amendment of section 12—Duties of principal officers

This clause amends section 12 of the principal Act to extend references to a public sector agency to include a council.

Part 10—Amendment of *Sentencing Act 2017*

13—Amendment of section 124—Compensation

This clause amends section 124 of the principal Act to delete section 124(6)(c) which sets the limit on the amount of compensation that may be awarded.

Part 11—Amendment of Serious and Organised Crime (Unexplained Wealth) Act 2009

14—Amendment of section 36—Expiry of Act

This clause amends section 36 of the principal Act to extend the expiry of the Act from 10 to 20 years.

Part 12—Amendment of *Sheriff's Act 1978*

15—Amendment of section 4—Interpretation

This clause amends section 4 of the principal Act and the definition *premises of a participating body*.

Part 13—Amendment of Spent Convictions Act 2009

16—Amendment of section 13A—Exclusions may not apply

This clause amends section 13A of the principal Act and relates to amendments made by the *Statutes Amendment (Attorney-General's Portfolio No 3) Act 2017*.

17—Amendment of Schedule 1—Exclusions

This clause amends Schedule 1 of the principal Act to ensure that changes made by the *Statutes Amendment (Attorney-General's Portfolio No 3) Act 2017* do not result in an exclusion being unintentionally disapplied.

Part 14—Amendment of Summary Offences Act 1953

18—Amendment of section 21OD—Designated areas

This clause amends section 21OD of the principal Act to clarify the reference in section 21OD(3) to the relevant area of land.

Part 15—Amendment of Supreme Court Act 1935

19—Amendment of section 110C—Immunities

This clause amends the principal Act to broaden the immunity protections that apply.

Part 16—Amendment of Surveillance Devices Act 2016

20—Amendment of section 12—Prohibition on communication or publication derived from use of surveillance device

This clause amends section 12 of the principal Act to ensure that it is an offence to knowingly communicate or publish information or material derived from the use of a listening device in contravention of section 4 of the *Listening and Surveillance Devices Act 1972* (as in force immediately prior to the commencement of this Act).

Part 17—Amendment of *Trustee Act 1936*

21—Amendment of section 69B—Alteration of purposes of charitable trust

This clause amends section 69B of the principal Act to broaden the ability to alter a charitable trust and to alter the power of the trustee's power with respect to the administration of the trust by a charitable trust scheme.

22—Transitional provision

This clause inserts a transitional provision to ensure that the amendments made by section 25 of this Act apply whether a trust was constituted before or after the commencement of section 25.

Part 18—Amendment of *Youth Court Act 1993*

23—Amendment of section 26—Immunities

This clause amends the principal Act to broaden the immunity protections that apply.

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

LOBBYISTS (RESTRICTIONS ON LOBBYING) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:39): I move:

That this bill be now read a second time.

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

Leave granted.

Today I introduce a Bill that relates to the Government's election commitment to ban any office bearer of the state governing body of a registered political party, or an associated entity such as a union, from becoming a registered lobbyist in South Australia.

The purpose of these reforms is to ensure openness, transparency and accountability, and to avoid potential conflicts of interest, real or perceived.

The opportunity has also been taken to address an unexpected risk of constitutional invalidity identified in the current terms of the Act.

Under the *Lobbyists Act 2015*, it is an offence for a person to engage in lobbying of public officials unless the person is registered under the Act. In essence, 'lobbying' means to communicate (for remuneration) with a public official on behalf of a third party for the purpose of influencing the outcome of government deliberations.

This Bill has the effect that:

- first, only external independent lobbyists are required to be registered under the Act, and not employees or other office bearers or volunteers of an organisation who engage in lobbying on behalf of that organisation rather than a third party. This means for example that an in-house government liaison officer would not need to be registered to lobby or advocate on behalf of their employer's interests;
- secondly, an employee or other office bearer or volunteer of a designated organisation would not need to be registered under the Act to lobby on behalf of that organisation or a client of the designated organisation. A designated organisation would include, for example, an industry body, a union and a welfare body; and
- thirdly, an employee or other office bearer or volunteer of a registered parliamentary party, or of an associated entity of a registered parliamentary party, must not engage in lobbying in respect of matters other than those dealt with by the person in the ordinary course of their employment or of holding that office or role.

The first two amendments address the constitutional risk referred to earlier. These changes accord with the original intention of the legislation but which is not currently reflected accurately in the Act. The third amendment gives effect to the Government's election commitment.

By virtue of the definition of 'associated entity' in the *Electoral Act 1985*, the restrictions in the Bill are extended to certain bodies or persons with a significant relationship to a registered parliamentary party, namely an incorporated or unincorporated body or the trustee of a trust:

- that is controlled by one or more registered parties; or
- that operates wholly, or to a significant extent, for the benefit of one or more registered parties; or
- that is a financial member of a registered party; or
- on whose behalf another person is a financial member of a registered party; or
- that has voting rights in a registered party; or
- on whose behalf another person has voting rights in a registered party.

In the Bill, the persons who are considered to be an office holder of an organisation and thus subject to the restriction are generally the members of the governing body of the organisation, the organisation's employees and volunteers. However, this restriction does not apply to those registered lobbyists who merely act as volunteers for a registered parliamentary party to promote the party or its candidates.

The restriction would apply only for the duration of a lobbyist holding the relevant role in the parliamentary party.

This Bill further adds to the Government key priorities to ensure openness, transparency and accountability, and to avoid potential conflicts of interest, real or perceived. This commitment, along with public hearings for

misconduct and maladministration ICAC matters, shield laws and whistleblower protections goes a long way in uncovering the secrecy from 16 years under the former Government.

I commend the Bill to Members and I seek leave to insert the Explanation of Clauses in Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Lobbyists Act 2015*

4—Amendment of section 3—Interpretation

Section 3 is amended to add definitions of terms used in the measure.

5—Amendment of section 4—Meaning of lobbying

Section 4 is amended to clarify when a person is taken to be communicating on behalf of a third party within the meaning of the section.

6—Amendment of section 10—Register of lobbyists

This clause inserts subsection (5) which is an evidentiary provision to facilitate proof that a person was on the register.

7—Amendment of section 13—Certain persons must not engage in lobbying

Section 13 is amended to restrict lobbying by office holders within prescribed organisations (being registered parliamentary parties, or associated entities, and any other prescribed organisations).

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

APPROPRIATION BILL 2019

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:40): I move:

That this bill be now read a second time.

Following the precedent, that I had to check, from last year, I note that the budget speech has been tabled in this house and in the other place, which is the second reading of the bill. So members do have a copy of the second reading, and I therefore seek leave to have the detailed explanation of clauses inserted into *Hansard* without my reading.

Leave granted.

Explanation of Clauses

1—Short title

This clause is formal.

2—Commencement

This clause provides for the Bill to operate retrospectively to 1 July 2019. Until the Bill is passed, expenditure is financed from appropriation authority provided by the *Supply Act*.

3—Interpretation

This clause provides relevant definitions.

4—Issue and application of money

This clause provides for the issue and application of the sums shown in Schedule 1 to the Bill. Subsection (2) makes it clear that the appropriation authority provided by the *Supply Act* is superseded by this Bill.

5—Application of money if functions or duties of agency are transferred

This clause is designed to ensure that where Parliament has appropriated funds to an agency to enable it to carry out particular functions or duties and those functions or duties become the responsibility of another agency, the funds may be used by the responsible agency in accordance with Parliament's original intentions without further appropriation.

6—Expenditure from Hospitals Fund

This clause provides authority for the Treasurer to issue and apply money from the Hospitals Fund for the provision of facilities in public hospitals.

7—Additional appropriation under other Acts

This clause makes it clear that appropriation authority provided by this Bill is additional to authority provided in other Acts of Parliament, except, of course, in the *Supply Act*.

8—Overdraft limit

This sets a limit of $50 million on the amount which the Government may borrow by way of overdraft.

Schedule 1—Amounts proposed to be expended from the Consolidated Account during the financial year ending 30 June 2020

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

STATUTES AMENDMENT (MINERAL RESOURCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 July 2019.)

The Hon. F. PANGALLO (17:41): I rise to speak in opposition to the Statutes Amendment (Mineral Resources) Bill 2018. Let me say from the outset that, in stating my opposition to this bill, I am not going to use my second reading speech to advance any arguments I may have for or against the mining and farming industries to attempt a comparative analysis of the economic value of the agriculture and mining sectors, or even to provide an assessment of the relative impacts of each on future job prospects in South Australia.

My opposition to this bill is not based on trying to stop mining per se or to support an exemption of all farmlands, pastoral leases or national parks, as compelling and meritorious as those arguments might be. I am not proposing that ownership of minerals should be vested anywhere other than the Crown or that a percentage of mining royalties should be paid to farmers.

Indeed, as the member for Narungga, Fraser Ellis, has pointed out, farmers have no desire to wrest the ownership of minerals away from the Crown, and I am certainly not arguing for more courts to have jurisdiction to hear mining disputes. We already know that miners have a close to 100 per cent success rate in the courts. To become engrossed in a polarised and politicised mining versus farming debate is to avoid the inescapable threshold issue before us, that this bill does not remedy the fact that our mining legislation is the worst in Australia and needs a major overhaul.

What we do need is a full and frank analysis, including economic modelling and projections, expert assessments of the merits of increased, or decreased, mining activity on the agricultural and arable land in this state, a planning regime that makes land use and access crystal clear, and the facts about the potential revenue flowing to the government from each.

We also need an in-depth analysis of environmental considerations, including impacts on climate change, biodiversity and biosecurity. What we have heard from this government and the opposition is that greed is good, mining is good, and farmers just need to get out of the way. I am surprised that a majority of government members have so readily abdicated their purported Liberal Party values of supporting farmers, free enterprise and individual freedoms. Those members of the government should not be surprised when voters abandon them at the next election.

It has been just as sickening to hear Labor's delight that energy and mining minister Dan van Holst Pellekaan is working so hard to push Labor's pro-mining agenda. As the Hon. Tom Koutsantonis said in the other place, 'Make no mistake: this is Labor's legislation.' In my view, neither of these positions is particularly edifying nor cause for South Australians to have any confidence in this government's or the opposition's ability to enact good mining law.

This bill is a sellout by the major parties. The dichotomous polemics that the government and the opposition have engaged in contribute very little to the task before us, that is, to recognise the failings of our 48-year-old Mining Act and meet our responsibility to enact legislation that will strike an equitable balance between the interests of mining companies and farmers where they can both thrive to contribute to our long-term economic, social and environmental future.

Farming and mining are undeniably vitally important to the state. The mining industry employs about 26,000 people. Annual production is valued at $5.2 billion, exports are valued at $3.8 billion and mining royalties worth about $214 million flow to the government. We have about 9,500 farms, with annual production valued at $7.2 billion, and agricultural exports generating $6.2 billion from our relatively small 4 per cent of arable land. Like most South Australians, I want both the farming and mining industries to have certainty, to be able to coexist, to succeed and improve our collective wealth.

No-one wants to jeopardise our very limited food production areas or allow mining companies open slather. If we are to open the gate on our best arable lands, what assurances do we have that we have not sold off our long-term food security and pristine farmland for short-term financial gain? We need a legislative regime that strikes a sustainable, long-term balance between land that is mined and land that is farmed, that provides for where mining is to be permitted and, if it is permitted, how it is managed and regulated.

We need a Mining Act that will stand us in good stead into the future, but what we have before us, as the minister has described himself, is a half step instead of a whole step. He tells us that he is going to use the learnings of the past 15 months to make the Mining Act better and that he expects to make a second tranche of reforms at some stage. Both the government and the opposition have frankly admitted, in their second reading contributions to date, that this bill is an inadequate attempt at a short-term fix.

South Australians, as tolerant as they are, expect and deserve better from a government that, after 16 years in opposition and 17 months into the job, still clearly has its L-plates on. Clearly, it learned nothing in its near two decades in purgatory. I am also absolutely certain that neither farmers nor miners want to be the crash test dummies for the bill before us. What we have before us is a bill crying out for independent review. But do not just take it from me: this is the resounding message that some government members in the other place, the mining and farming sectors and conservationists have been trying in vain to make heard.

In an act of good faith, the South Australian Chamber of Mines and Energy, Grain Producers South Australia—including the Yorke Peninsula Landowners' Group—the National Farmers' Federation, Primary Producers South Australia and Livestock SA came together at a round table chaired by Rear Admiral Kevin Scarce. They told the government very succinctly that they wanted an independent review. Notwithstanding their different interests, they all agreed that the best way to proceed was by way of an independent review.

I just do not accept the minister's view that these groups will never agree on anything in five, 10 or 20 years. Farmers and miners were united in their wish to have legislation underpinned by clear planning, agricultural and mining policy and world's best practice. Why would we ignore the learnings from Queensland, New South Wales and Western Australia and choose risk and ignorance?

Again, as pointed out by the member for Narungga, Fraser Ellis, and indeed Business SA, Queensland has a Regional Planning Interests Act that deals with the land use and land access issue to better protect prime agricultural land and enable the proper exploitation of our mineral wealth. If Queensland can do it, why can't we?

Even energy and mining minister Dan van Holst Pellekaan agrees that an independent review is the right way to develop legislation that has the best chance of delivering for both agricultural and mining sectors into the future. The minister said on 3 July in the House of Assembly:

> …the proposal for an independent review into the mining sector and, broadly, land access in exploration and mining. It is an incredibly compelling proposal. We should have an independent review…I am 100 per cent on board with that.

Nick McBride, the Liberal member for MacKillop, said in the House of Assembly on the same day that an independent review of the mining legislation would, and I quote:

> …enable a fine toothcomb to be put across the issues that the mining sector and landholders are experiencing. An independent review would support the assessment of the provisions and workability of legislation from other jurisdictions.
>
> An independent review would be a platform from which a progressive and balanced legislative framework could have been generated.

The government and the opposition have admitted that what is before us will be bad law, but in a stunning act of self-denial or self-delusion neither are willing to take the patently obvious, entirely sensible step of referring this bill to a select committee. It is difficult to comprehend why the government and the opposition are hell-bent on ignoring their dissenting colleagues, the opposition, and Independents, Troy Bell, Frances Bedford and Geoff Brock, the best advice of economic and scientific experts, and our world-leading farming and mining sectors' best practices in order to push poor legislation through.

What I am arguing for, to ensure that we do make good legislation, is for the Legislative Council to properly perform its function and send this bill to a select committee to allow it to be properly scrutinised and substantially overhauled. We need more scrutiny of legislation that comes before us, not less. It occurs in other jurisdictions and we should look to those jurisdictions to show how we can better improve the parliamentary process to allow for increased engagement by South Australians with the parliament.

One means of achieving that is to send this bill off to an appropriate parliamentary inquiry to allow South Australians to have their say on it. This could inform the relevant planning and mining departments to develop a coherent policy on which to base legislation. We have a government that campaigned in the lead-up to last year's election on accountability and transparency, yet refuses to send the bill off for an inquiry. It is dispiriting that the opposition has fallen in step with the government on this bill, given that it was theirs in government, and they have given undertakings to the minister to pass the bill unamended. They are also refusing to send the bill off for inquiry.

There are so many deficiencies in this legislation that it is difficult to know where to start. One of the major failings of the bill before us is that it does not remedy the situation we have in South Australia where the department, as the promoter of mining, is also the regulator. We also have a complete disconnect between land use planning and mining legislation.

It is also of great concern to SA-Best that this bill devolves much of the machinery of the old act to regulations or ministerial determinations, especially the provisions pertaining to land access. This means that the minister will have greater discretion than he does now, which flies in the face of the government's election promises of increased transparency and accountability.

The failures in compliance and enforcement under the Mining Act 1971 are, sadly, legendary, as farmers across the state will tell you they are not isolated incidents. Recalcitrant miners like Rex Minerals are not alone in their practices and have learnt that the compliance and enforcement arms of the department are easily avoided. Dealing with the Mining Act through the department or the courts has been described by some farmers as worse than dealing with cancer.

Miners' access to land is proposed to be massively expanded, with a new rider for landowners to apply to the courts for an exempt land determination, which is cold comfort to farmers who do not want to be tied up in the courts, often for years and at great personal and financial expense.

A farmer can also be put under duress to waive an exemption over their land on application of a mining tenement holder. If the farmer does not sign a waiver, they can be taken to court. The implications of this can spread much further than the property in question, which impacts on neighbouring land use and values. This can cause irreparable rifts in communities, such as we have seen with wind farms. This bill is highly likely to drag more farmers into courts, where the greater resources, track record and—dare I say—deeper pockets of mining companies are stacked greatly against them.

The $2,500 initial legal advice fee that farmers are entitled to might just cover—and I say just—the costs of a lawyer pointing out to them the David and Goliath struggle that they would be ill-advised to embark upon, but nothing else. Similarly, a new alternative dispute mechanism inspires little confidence, with multinational companies knowing full well that they can take a very hard line and litigate any opposition away. The member for West Torrens, Tom Koutsantonis, can claim that the Wardens Court is a no-cost jurisdiction, but I can tell the member for West Torrens that it is mightily expensive to be in that court.

One farming family on Eyre Peninsula told me of how their family's livelihood, health and wellbeing had been destroyed by years of litigation, following a cowboy mining company's exploration activity on their previously model farming property. The miner neglected its obligation to pay compensation, and the department neglected its compliance role for years. When the department did finally do a site inspection, it saw firsthand the unrehabilitated 160 drill holes, the internal tracks that remained impassable and the damaged fences, gates and watering points. However, when the department admitted these failures it still did nothing because the matter was in court.

The mining company even had the audacity to put in a request for repayment of the meagre bond lodged with the department, falsely stating that the land was rehabilitated to the satisfaction of the landholder. The last I heard, this poor family was still battling in court. The member for Flinders, Peter Treloar, who I note did not have the courage of his conviction to cross the floor in the other place, and the member for Mount Gambier, Troy Bell, had their own similar horror stories to tell. As the member for Davenport, Steve Murray, stated when acknowledging his failure to convince the majority of his parliamentary colleagues of the merits of treating farmers fairly:

> There is little doubt that the existing Mining Act leaves farmers at a substantial disadvantage, and this bill…will exacerbate that situation.

The increased penalties and offences and modernised compliance and enforcement provisions in the bill that amend section 70 are all very well in theory; however, if the department continues to have responsibility as the promoter and regulator of mining with the same inadequate resourcing and staff to administer the act, these provisions will be meaningless in practice.

The department and mining companies are keen to tell us that they can return mined land to being pristine, prime, arable agricultural land. I challenge the minister to show us where this has occurred in South Australia. Farmers and miners both know that this bill is unworkable as it is. The minor amendments that were made in the House of Assembly fall well short of the root-and-branch overhaul that is required here. The balance between farmer and miner is significantly out of kilter and needs to be rectified. As the member for Kavel, Dan Cregan, one of the four more courageous members of the government to cross the floor, commented:

> Mining executives do not need to strike that balance. Farmers do not need to strike that balance. We [the parliament] need to strike that balance.

The obvious best course of action is what all sides of this place have overwhelmingly endorsed, albeit in words rather than action; that is, this bill needs to be sent to a select committee. We on the crossbench, and I include my Greens colleagues in this grouping, may be the lone voices in calling for this bill to be referred to a select committee, but that has never deterred us.

SA-Best will continue to strongly advocate for a centred, balanced approach to improve the prosperity and wellbeing of all South Australians. In closing, I urge the government and the opposition to rethink their positions about referring the bill to a select committee over the winter recess and see fit to support my contingent notice of motion for referral to a select committee.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

STATUTES AMENDMENT (BUDGET MEASURES) BILL

Introduction and First Reading

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

At 18:02 the council adjourned until Tuesday 10 September 2019 at 14:15.

Answers to Questions

RURAL HEALTH WORKFORCE

144 The Hon. K.J. MAHER (Leader of the Opposition) (6 June 2019).

1. What specific steps has the minister taken to attract more doctors to country areas?

2. Has the minister lobbied the federal government to declare country South Australia an area of need?

3. Has the minister requested additional provider numbers for Australian trained or suitably qualified experienced overseas trained doctors to practice in country areas?

4. Is the minister aware of any country areas that are utilising locum services to meet minimum standards?

5. What is the range between most expensive and the cheapest rate per hour/day for locum services utilised in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

1. The state government has committed $20 million to a four-year Rural Health Workforce Strategy.

A key priority of the Rural Medical Workforce Plan is the expansion of medical training based in rural South Australia. Training positions are already being expanded, with numbers of rural medical interns more than doubling from five to 12 in 2019.

In addition to work on the training pathway, it is acknowledged that there are currently a number of areas in rural South Australia where there are challenges recruiting doctors. The state government contracts the Rural Doctors Workforce Agency to provide specialised rural doctor recruitment and the Rural Doctors Workforce Agency is currently running a priority recruitment campaign for these areas.

The provision of general practice services in rural South Australia is the responsibility of the federal government, rather than the state government. However, given the close relationship between general practice and hospital services in rural South Australia, the state government works collaboratively with the federal government on this issue.

2. There are two different designations required for overseas doctors to be able to be employed in South Australia and/or access a Medicare provider number. These are Area of Need assessment and District of Workforce Shortage assessment. SA Health determines the Area of Need assessments, and therefore I have not lobbied the federal government for country South Australia to be determined an area of need.

3. As the vast majority of rural South Australia has been nominated a District of Workforce Shortage by the commonwealth government, provider numbers are available to suitably qualified overseas trained doctors. There is also no restriction on provider numbers for Australian trained medical graduates.

4. Locums are used in rural South Australia for a variety of purposes, including to support private general practices, private hospitals and health services as well as SA Health public hospitals.

5. The current standard rate for medical locum services provided by locum agencies is approximately $2,000 to $2,500 per day.

RELATIONSHIPS REGISTER ACT

145 The Hon. I.K. HUNTER (4 July 2019). Can the Attorney-General advise—

For each year since the Relationships Register Act 2016 came into operation, how many of each of the following have been received:

1. Applications to register a relationship;

2. Applications to revoke the registration of a relationship;

3. Applications for correction of entry in register;

4. Applications for search of entries made in register about a particular registered relationship.

The Hon. R.I. LUCAS (Treasurer): I have been advised:

1. 2017 : 250

   2018 : 681

   2019 : 433

2. 2017 : 0

   2018 : Complete = 21, Pending = 0

   2019 : Complete = 6, Pending = 10

3. 2017 : 1

2018 : 8

2019 : 9

4. Nil applications have been received because applications for a search of the register are subject to the access policy (as per s 23 of the RRA) and can only be made by a party to the registered relationship.

TOURISM EXPENDITURE

In reply to **the Hon. F. PANGALLO** (20 June 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Premier has advised:

1. Monthly marketing communication activity reports are published on the Department of the Premier and Cabinet (DPC) website for public viewing.

We are fulfilling the promise to present monthly reports. The March report was published on the DPC website on 17 June 2019, followed by the April report. The May report will be uploaded in the coming weeks.

We endeavour to have the reports up on the website as soon as practicable. However, it does take time to accurately account for all expenditure ahead of it being prepared for publishing.