

## HOUSE OF ASSEMBLY

### Wednesday, 19 October 2022

The **SPEAKER (Hon. D.R. Cregan)** took the chair at 10:30.

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

**The SPEAKER** read prayers.

#### *Bills*

### **ELECTORAL (TELEPHONE VOTING) AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 28 September 2022.)

**Mr TELFER (Flinders) (10:32):** I rise to speak in support of this motion and really highlight the important nature of what this is trying to achieve. The opportunity for everyone to be involved in our democratic process is a very important one. I was really encouraged to see the Electoral Commissioner put in place the opportunity for people wanting to vote at local government elections but not being able to have access to their voting packs because they are interstate or overseas or for those who are physically incapacitated, whether they are blind or visually impaired, to be able to have the opportunity to vote via telephone in very important local government elections.

As I said, the democratic process is really important, and for us as decision-makers we should always be considering what we can do to enable a greater involvement within our democratic process. The instigation of telephone voting in local government elections for these elections that are currently running I believe will be a good opportunity for us to prove that this model is one that is effective and able to be utilised in other levels of government election.

The importance of the opportunity for people to have their say should never be underestimated. I have been really encouraged by the positive nature with which the community has been looking at engaging with this telephone voting process and the opportunity for people who might not be able to have readily available access.

Throughout our previous state, local and federal government election processes there has been communicated to me a frustration with the opportunity for people who are not necessarily within the jurisdiction at the time of voting to have their say as well, and no more so especially than with people who are interstate or overseas. We have a very dynamic travelling population these days, and people are often in different places all around our beautiful country and around the world, and this provision really does put in place the opportunity for them to have their say.

The process that has been put forward by the Electoral Commissioner of South Australia for local government elections is proof of process, to be able to show that this can be done not just at local government level but at state election level as well. That is why I am standing here in support, as someone who has had a history of leadership within local government and obviously here within this place, to make sure every opportunity is given for people to have their democratic say within the processes, and I fully support the bill.

**The SPEAKER:** Member for Heysen. He is closing the debate.

**Mr ODENWALDER (Elizabeth) (10:31):** I move:

That the debate be adjourned.

**The SPEAKER:** It has been moved; is it seconded? I put the question: those of the opinion say aye, against no—the ayes have it. Adjourned debate to be taken into consideration?

**Mrs Hurn:** Divide!

**The SPEAKER:** Well, I have already put the motion.

**Mr Teague:** You already gave me the call as well.

**The SPEAKER:** That may be, but the Leader of Opposition Business then appealed to me, so if the opposition—

**The Hon. J.A.W. GARDNER:** Sir, for clarity I was reminding the Speaker of the convention that, if somebody would close debate, the house's attention is usually drawn to that fact, and then other members who want to make a contribution or move a motion by convention are given that opportunity. That was the call I was making. I was not appealing for that to happen, but I was just reminding the Speaker of that convention.

**The SPEAKER:** Very well, I am in your hands.

**The Hon. J.A.W. GARDNER:** So I vote no to the opportunity to adjourn debate.

**The SPEAKER:** Very well, division called. Ring the bells.

The house divided on the motion:

Ayes .....20  
Noes.....13  
Majority .....7

#### AYES

Andrews, S.E.  
Boyer, B.I.  
Clancy, N.P.  
Hood, L.P.  
Michaels, A.  
Pearce, R.K.  
Thompson, E.L.

Bettison, Z.L.  
Brown, M.E.  
Cook, N.F.  
Hutchesson, C.L.  
Mullighan, S.C.  
Picton, C.J.  
Wortley, D.J.

Bignell, L.W.K.  
Champion, N.D.  
Fulbrook, J.P.  
Koutsantonis, A.  
Odenwalder, L.K. (teller)  
Stinson, J.M.

#### NOES

Basham, D.K.B.  
Ellis, F.J.  
McBride, P.N.  
Pisoni, D.G.  
Telfer, S.J.

Batty, J.A.  
Gardner, J.A.W. (teller)  
Patterson, S.J.R.  
Pratt, P.K.

Cowdrey, M.J.  
Hurn, A.M.  
Pederick, A.S.  
Teague, J.B.

#### PAIRS

Malinauskas, P.B.  
Marshall, S.S.  
Szakacs, J.K.

Speirs, D.J.  
Hughes, E.J.  
Tarzia, V.A.

Piccolo, A.  
Whetstone, T.J.

Motion thus carried; debate adjourned.

### ABORIGINAL REPRESENTATIVE BODY BILL

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 6 July 2022.)

**The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (10:43):** I thank the member for Heysen for bringing this bill to the chamber and the member for Dunstan, the former Premier, for introducing this package of legislation last year, prior to the election.

The question of an Aboriginal Voice to Parliament is a very important one for us to consider in this state and it is being considered in the nation at the moment. There was a significant body of work undertaken by Dr Roger Thomas—I hesitate because he now has a different title to his role, but he was the Aboriginal engagement commissioner under the former government and he has served the people of South Australia in a range of roles over an extended period of time.

Roger Thomas spoke on the floor of this parliament a couple of years ago in what was a really important moment, a historic moment, and one that I think everybody who was here very much appreciated. In that speech nearly two years ago he outlined the incredibly important body of work that he had undertaken over an extended period of time in consulting with First Nations voices from around South Australia, government bodies, representative bodies and individual Aboriginal South Australians, in talking about the way they would engage with government and have more confidence and more agency in the work that government does.

It was a significant body of work and it was supported by the former government, particularly by the former Premier, Steven Marshall, in his role as Minister for Aboriginal Affairs and Reconciliation during the last term of government. That work culminated in a body of legislation that was very similar in form, if not exactly the same in form, to the bill that is in question today.

At the federal level, there is a significant level of debate underway about what form a Voice to Parliament will take, as presented by the new Albanese Labor government federally. To be frank, I think the federal Labor Party is not doing its best work in this area because there is a lack of clarity around what referendum is going to go forward. They say next financial year, and I think that is a problem because this is an important area for national unity, for reconciliation, and it is important for Aboriginal South Australians and Aboriginal Australians at a federal level.

That lack of clarity puts at great risk the federal proposition for a Voice to Parliament, and it is indeed very difficult for us to have a rational debate about that federal proposition when the federal government has, I think, put the cart ahead of the horse. They are talking very much about the referendum, they are using emotive language to describe whether or not it would be a good or bad thing and I still have yet to hear them, with clarity, explain to anybody what that proposition would entail.

The proposal that this house is dealing with at this moment is a piece of legislation which does provide clarity. It provides a genuine Voice to Parliament for South Australian Aboriginal people. Indeed, it is the result of a process of significant community consultation, led by Aboriginal voices and particularly the work of Roger Thomas. I think that there is an opportunity for this state parliament to provide leadership at a national level by providing this Voice.

This bill, if enacted, will provide a genuine representative opportunity for Aboriginal South Australians to have a clarity, a Voice to Parliament, a say on issues that affect Aboriginal South Australians that is led by Aboriginal South Australians. It does not propose some of the measures that are being talked about at a federal level that I think are creating a level of division in the community. It does not propose special representation by way of veto or extra votes in the parliament. It provides a voice to the parliament and a voice that has been developed in its nature over an extended period of time with many Aboriginal voices captured in the model.

Prior to the election, I cannot remember whether the former Labor opposition, now the government, opposed the bill or sought to certainly delay its commencement, and ultimately the legislation was not passed in time. I have heard the Minister for Aboriginal Affairs since the election, and potentially before, describe the consultation process as inadequate. It is an error for him to do so because the bill that was presented—and there was an opportunity for consultation, and certainly there has been more than a year's opportunity now for people to express points of view on the detail of the bill—was the culmination of a consultation period that was genuine, authentic and led by Aboriginal voices over an extended period of time.

I hope that the Labor Party reconsider their point of view on this bill because we can vote as a parliament today in this house and, not long after, in the Legislative Council to provide that Voice to Parliament that so many people have been seeking for a long time in a way that has been endorsed by many Aboriginal South Australians and, indeed, continue the good work of the Aboriginal advisory bodies that have existed in one form or another for an extended period of time.

During the term of the Marshall Liberal government, the Aboriginal advisory committee to the state government was given the opportunity to address cabinet twice a year and to raise issues that they felt were important to be priorities for the cabinet to consider, to ask questions of cabinet ministers in that room in the State Administration Centre on issues they felt to be important. This was not a group of people who were hand-picked by Steven Marshall and the Liberal Party. We continued the terms of those who were picked by Jay Weatherill's government and replaced people if they stepped down.

This was a body that was a good body. It was not elected, but it was, nevertheless, a good representative body for Aboriginal South Australians. I think that they felt empowered; I hope that they did, as that was certainly our goal. By keeping the cabinet accountable for the work that we had committed to doing over four years through our Aboriginal action plans and, indeed, having set goals and an opportunity for that committee to judge us on our achievement or otherwise, or give us feedback about what was not working, or give us ideas about how we could better resolve those issues that were not going at the pace that we would have liked, was important. That was a voice to cabinet.

I think a Voice to Parliament is ultimately more important because it will provide the opportunity for the reflections of this group, which will be representative of Aboriginal South Australians, to be on the record and, indeed, to have that public-facing engagement that the previous operations clearly did not provide in the same way. I think that the incumbency really behoves the Labor Party to give this serious consideration.

I know that up until now the Labor Party has not supported this bill. It has not supported this opportunity for an Aboriginal Voice to Parliament to proceed. I encourage them to vote for it today, but if that is not the case I encourage them in the weeks ahead to give it a second look, to think about the opportunity that it will provide to get ahead of the rest of the nation in this important space, and to do so in a way that is consistent with the operations of the parliament. Not only will it provide a head start but the purpose of it is to give agency and voice for Aboriginal South Australians to have that say on issues particularly that affect them.

There are issues in this state and our nation that will always particularly impact on Aboriginal South Australians and Aboriginal Australians. There are opportunities, too, to address some of those measures and to ensure that as we are conducting government business, designing policies and funding policies that are designed inherently to support the needs of Aboriginal South Australians, they are far more likely to be effective and have impact if Aboriginal South Australians have had agency and a particular opportunity to feel ownership of those solutions.

I commend the bill to the house, and I urge the government to support it today. I thank the member for Heysen for moving the bill.

**Mr ODENWALDER (Elizabeth) (10:51):** I move:

That the debate be adjourned.

The house divided on the motion:

Ayes .....	21
Noes.....	13
Majority .....	8

AYES

Andrews, S.E.  
Boyer, B.I.  
Clancy, N.P.

Bettison, Z.L.  
Brown, M.E.  
Cook, N.F.

Bignell, L.W.K.  
Champion, N.D.  
Fulbrook, J.P.

Hildyard, K.A.  
Koutsantonis, A.  
Odenwalder, L.K. (teller)  
Stinson, J.M.

Hood, L.P.  
Michaels, A.  
Pearce, R.K.  
Thompson, E.L.

Hutchesson, C.L.  
Mullighan, S.C.  
Picton, C.J.  
Wortley, D.J.

## NOES

Basham, D.K.B.  
Ellis, F.J.  
McBride, P.N.  
Pisoni, D.G.  
Telfer, S.J.

Batty, J.A.  
Gardner, J.A.W. (teller)  
Patterson, S.J.R.  
Pratt, P.K.

Cowdrey, M.J.  
Hurn, A.M.  
Pederick, A.S.  
Teague, J.B.

## PAIRS

Malinauskas, P.B.  
Marshall, S.S.  
Hughes, E.J.

Speirs, D.J.  
Szakacs, J.K.  
Tarzia, V.A.

Piccolo, A.  
Whetstone, T.J.

Motion thus carried; debate adjourned.

**FREEDOM OF INFORMATION (MINISTERIAL DIARIES) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 7 September 2022.)

**The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (10:56):** I urge the house to consider this bill from the Greens, from Robert Simms. I commend Robert Simms for bringing it forward to the Legislative Council. I am pleased the Legislative Council saw fit to pass it and support it. We in the Liberal Party in the lower house also support it. It is a measure that I think will be of benefit to transparency in this state.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.A.W. GARDNER:** The leader of the house asks why we did not do it in four years. I blame the Greens because it took them until the beginning of this parliament to present this bill in this format that convinced us of its significant merits.

Sir, you would know, as you FOI'd my diary not so long ago, that diaries from ministers are, of course, available to members of the house for free or to any member of the South Australian community on the application of a small fee through the FOI process. That is a process that can take several weeks, in my case—months in others, I hear—to proceed to the point of the diary being made available.

Of course, it does give rise to the risk, certainly in the future—not in the past—that a minister might seek to present their diary in such a fashion that is conscious of FOI, when actually the reason, the purpose, for your FOI, I imagine, sir, and the purpose for everyone wanting to support this bill is that there is a public good in understanding the focus of ministers' energies and time and consideration. I think what this bill will do is provide a format for the expected public release of that information in a way that is consistent, in a way that is transparent and in a way that is proactive.

It may well be that this bill will drive better behaviours by ministers in the future. I have no concerns, obviously, about any behaviours of any minister from 2018 to 2022. I have no particular reason for concerns about behaviours of ministers and their use of their diary since. It will drive good behaviour by the ministers, as they will understand that their activities in their diary and in the course of their ministerial duties are there for all to see.

It will help ministers to focus their minds on understanding whether they are paying due diligence to their portfolios over the course of their time as ministers, which they have a suitably increased level of opportunities to serve. It will help them to focus their minds on the way they are conducting that business. So I see no harm, frankly, possible as a result of this bill and the sensible way it has been set out by Robert Simms and the Greens.

I do not think that ministers should have anything to fear from this. I think that if there is an issue with the way that diaries are presented in ministerial offices, ministers should be aware that they are FOI-able, as has been established by precedent. They should not think there is any opportunity to hide information that is otherwise going to be available as a result of this bill. I commend the Hon. Robert Simms for bringing it forward. I think it has been presented well, and I urge all members to support the bill.

**Mr ODENWALDER (Elizabeth) (11:00):** I move:

That the debate be adjourned.

The house divided on the motion:

Ayes .....21  
 Noes.....12  
 Majority .....9

#### AYES

Andrews, S.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brown, M.E.	Champion, N.D.
Clancy, N.P.	Cook, N.F.	Fulbrook, J.P.
Hildyard, K.A.	Hood, L.P.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K. (teller)	Pearce, R.K.	Picton, C.J.
Stinson, J.M.	Thompson, E.L.	Wortley, D.J.

#### NOES

Basham, D.K.B.	Batty, J.A.	Cowdrey, M.J.
Ellis, F.J.	Gardner, J.A.W. (teller)	Hurn, A.M.
McBride, P.N.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Pratt, P.K.	Teague, J.B.

#### PAIRS

Malinauskas, P.B.	Speirs, D.J.	Close, S.E.
Marshall, S.S.	Piccolo, A.	Whetstone, T.J.
Szakacs, J.K.	Tarzia, V.A.	Hughes, E.J.
Telfer, S.J.		

Motion thus carried; debate adjourned.

#### *Motions*

#### **RESERVOIRS**

**The Hon. D.G. PISONI (Unley) (11:05):** I move:

That this house—

- (a) commends the Marshall Liberal government for implementing a plan to open up the Myponga, Bundaleer, South Para, Warren, Hope Valley, Little Para, Mount Bold and Happy Valley reservoirs to provide public access to beautiful open spaces that had been locked away for far too long; and
- (b) calls on the Malinauskas Labor government to continue investment in reservoir reserves to increase access to improve the visitor experience and boost local economies.

The Marshall Liberal government achieved in its four years a huge amount in terms of investment and promotion of our natural environment and our nature-based tourism. Our achievements were not isolated to just one area; however, our accomplishments under our Opening up our Reservoirs program have been significant. They continue to be hugely popular with South Australians. In 2017, we announced our election pledge to open reservoirs across the state, a plan to provide public access to these beautiful natural environments and to boost local tourism.

On being elected to government in 2018, we delivered on our promises. The Liberal leader David Speirs, who was then the environment and water minister, passionately delivered public access to our reservoirs. It was a huge step in promoting our natural environment and supporting healthy communities. Of course, it was not a world first to give public access to the land around reservoirs and the ability to use reservoirs for water activities; it was just that South Australia had never allowed it previously.

We have 16 reservoirs across the state. Eleven are now open for the public to enjoy, from the bottom of the Fleurieu Peninsula to the West Coast of South Australia. Nature-based tourism is hugely popular and opening our reservoirs has enabled tourism operators to provide tours, recreational services and educate people about our unique environment. These reservoirs have provided a much-needed economic boost for many regional communities in South Australia, with over a million South Australians now only a short drive away from enjoying one of these beautiful reservoir reserves.

We have encouraged South Australians to enjoy our reservoirs, immersing themselves in our natural environment and being able to fish, kayak, cycle, hike, paddleboard and swim. Importantly, we opened environmental volunteer programs within the reservoirs. We know it is our shared responsibility to foster a healthy and sustainable environment, and it is fantastic that there are opportunities for South Australians to now get a more hands-on experience. This is important because I think you treasure what you use, and opening these reservoirs, and now enabling people to use them, has certainly lifted the awareness of the importance of those reservoirs and, of course, of an interest in preserving our natural environment.

Volunteer opportunities are available at Barossa, Happy Valley, Hope Valley, Mount Bold, Myponga, South Para and Warren reservoir reserves, each tailored to the local environment and recreational activities at each site. It may include habitat improvement, weed control and revegetation involving seed collection, propagation and planting.

In 2021, the international National Park City Foundation awarded Adelaide National Park City status. This made Adelaide the first city in Australia and the second in the world, after London, to receive the honour. The Marshall Liberal government's reservoir policy has improved city life through enabling our community to enjoy connecting with nature and each other.

For over four years, Adelaide has been consistently rated as one of the world's most livable cities, with amazing food and wine, clean coastlines, beautiful hills, iconic wildlife, as well as national and conservation parks, and local reserves. Our reservoir system is now part of that experience. Our nature is special and unique. We have 30 per cent green space and diverse wildlife, with 1,080 native plant species and 281 native species of birds.

There are some fun facts about our reservoirs. For example, the Myponga Reservoir is 60 kilometres south of Adelaide on the Fleurieu Peninsula. I have visited the Myponga Reservoir on a Sunday and it is amazing the activity that happens; you cannot get a car park in Myponga with the activities that are happening. Families visit, the car park is full, the shops are full and people are buying from the bakery and other food outlets. It has been a real boom for the local economy. The trail is ideal for walking and running, with room for families to enjoy a picnic. The reservoir contains 250 hectares of water. Shore-based fishing is available within the publicly accessible area of the reserve, or you can drop a line in from a canoe or a kayak. It really has been a success story.

Bundaleer is south-east of Port Pirie in the Mid North—the member for Frome's electorate. It was constructed over a five-year period from 1898 to 1903. Bundaleer is a small reservoir where you can fish, kayak, enjoy views of the water from the loop walking trail and have a picnic. There is fishing, as the reservoir is stocked with golden perch, silver perch, Murray cod, rainbow trout and brown trout. This is important because our fly fishermen in particular have traditionally had to go

interstate to Victoria or over to New Zealand in order to have that experience. People can now have that experience of freshwater fishing here in South Australia. South Australians are staying here and enjoying what we are offering.

Bundaleer Reservoir was built to supply Snowtown, Redhill, Brinkworth, Narridy, Blyth and Port Wakefield, and was an important source of water to the region for local towns and agriculture until the Morgan to Whyalla pipeline was completed in 1944. Supplementing supply from Beetaloo, Bundaleer also helped secure water supply for the lead smelters in Port Pirie while maintaining water supply to the local towns.

The Warren Reservoir is a short drive south-east of Williamstown in the Barossa Valley. The Warren Reservoir was built during World War I, with a number of workers given a leave of absence to join the armed forces. It was built to ensure water supply to the local area. When the natural springs supplying Eudunda dried up every summer, Warren Reservoir was built to ensure reliable water supply for the local area.

Then, of course, there is the South Para Reservoir. It is the second largest reservoir in South Australia just a few minutes' drive or a leisurely 30-minute walk from Williamstown in the southern Barossa Valley. While construction of the South Para Reservoir began in 1949, it was not finished until 1958 due to the huge demand on funds and resources following the Second World War. It was built to support industrial development and population growth in the north of Adelaide in the 1950s. With the establishment of Elizabeth in 1955, the north of Adelaide was booming.

The Hope Valley Reservoir Reserve is located in the north-eastern suburbs. Hope Valley Reservoir was completed in 1873 to become Adelaide's second reservoir and is our oldest in operation. The Hope Valley Reservoir Reserve was the state's first metropolitan reservoir reserve to open to the public. The reserve links into the O-Bahn bikeway and it is a 4.6-kilometre trail. Cod have been released into the reservoir to ensure there is a quality fishing experience.

The Little Para Reservoir is South Australia's youngest reservoir, situated north of Adelaide alongside the suburbs of Greenwith and Golden Grove. It was built in 1979. The Mount Bold Reservoir, the largest reservoir in South Australia, is about 45 minutes' drive south of Adelaide. The reservoir is surrounded by more than 5½ thousand hectares of land, including three Trees For Life sites. The reserve is predominantly stringy bark woodland but also has an amount of gumwood land, swamps and creeks.

More than 160 native animals call Mount Bold home, including the southern brown bandicoot, and it was constructed over a six-year period from 1932 to 1938. A little-known fact about Mount Bold Reservoir is that between 1938 and 1961 Mount Bold also supplied its own electricity through a small hydro-electric plant.

The gates of the Happy Valley Reservoir in the southern suburbs were unlocked under the Marshall Liberal government, for the first time in 120 years. Visitors are now able to enjoy a range of land and water-based recreational activities such as kayaking, fishing, cycling, hiking and picnicking. It is just 35 minutes from the city and of course very accessible to those who live in the southern suburbs. The Happy Valley Reservoir was completed more than 120 years ago in 1897, making it one of our oldest reservoirs.

Labor remained highly critical of the Liberals' plan to open the Happy Valley Reservoir. The water minister at the time of the announcement had previously described the idea as setting off into big seas with a dinghy and no lifejackets. I think there is no doubt that South Australians were ready and prepared to swim in this world that was depicted by the Hon. Mr Hunter.

As I said earlier in my speech, this is not revolutionary and this is not world first. One of the biggest regional tourist spots in Australia of course is the Hume Dam and the reservoir that surrounds it. It has been open to the public for years as a caravan park. There are motels and hotels. The towns that feed it and that you pass on the way all have enormous economic activity from those visiting the dam, whether it be for a couple of hours of sightseeing or for an extended stay using the water on a kayak or swimming or fishing.

It is pleasing that, after having our dams locked away for so long, South Australians are now enjoying that natural resource right here on their doorsteps, something they can do for a few hours,



half a day, a whole day or a whole weekend if they wish. No longer do you need to drive hours or days to go to a location that offers the same amenity. You can do that right here in South Australia and of course word is getting out. We are seeing people coming from other states to experience our natural heritage and our natural environment surrounding those reservoirs.

It has certainly lifted the status and the awareness of the reservoir system in and around Adelaide and across the state as people are experiencing it firsthand and getting up close. Rather than just driving past and looking through the fences, people can get in there and experience those reservoirs and the parks that surround them firsthand. I commend the motion to the house.

**Ms THOMPSON (Davenport) (11:18):** I move to amend the motion by the member for Unley as follows:

Delete (a) and insert new (a):

- (a) Notes the action undertaken by the former government to implement the Opening up our Reservoirs program in South Australia;

Delete (b) and insert new (b):

- (b) Commends the Malinauskas Labor government for ensuring that recreational access is effectively managed together with the public safety and utility of our reservoir reserves.

SA Water operates 17 reservoirs around South Australia. Of these, a range of recreational activities have been introduced or expanded at 10 reservoirs across SA Water's portfolio. I would like to acknowledge the role that the former government played with their Opening up our Reservoirs program, which saw eight of the state's reservoirs either opened or their access upgraded.

I especially acknowledge the good work of the Department for Environment and Water and SA Water staff, who have ensured that the reservoirs were opened with great care and planning to prevent any impacts on the security of South Australia's safe, clean drinking water. I would also like to take the opportunity to acknowledge and thank all of the various 'friends of' reservoir groups around the state that have really helped to plant out these spaces and have helped with collecting any rubbish and keeping them clean.

Reservoir visitor numbers continue to grow. Activities include walking, bike trails, picnic locations, kayaking and fishing. My community in the electorate of Davenport and thousands of visitors to the area have been thoroughly enjoying the Happy Valley Reservoir since it opened last year. The beautiful Happy Valley Reservoir is home to some incredible wildlife, including a huge kangaroo population, other native species and more than 90 species of land and water birds. Visitors can take in the wildlife while walking, riding, fishing and, as I said, kayaking in this gorgeous part of the world.

Community meetings in my electorate now often include a short walk around the reservoir. These are now known as 'Around the res with Ez' and I encourage anyone to come and join us for those walks. We also always stop by and enjoy a coffee from Signature Coffee Co., which is a locally run Flagstaff Hill coffee van run by Anne-Marie Thornhill. She makes a fantastic coffee and is doing a great business there. At the moment, she is also looking to expand her business to offering picnic baskets for people to come and collect and take to a spot around the reservoir to enjoy. I am looking forward to seeing her business grow.

It was not long after the reservoir opened in my community that people started to notice some serious safety concerns. People were dashing across the road, Happy Valley Drive, which has an 80 km/h speed limit, often with bikes, kayaks in tow—little kids and their families wanting to get into the kayak but not having a safe passage to do so. I have worked with SA Water, the infrastructure department and also the City of Onkaparinga council to manage some of those safety issues. The community also raised safety issues such as gate access and the potential to get locked into the reservoirs at night. Again, we have worked through those safety issues. Further to this, the community has always had a keen interest in the protection of our wildlife and the water quality within our reservoirs; this is, of course, our drinking water.

While the opening of our reservoirs has increased access to green spaces and recreational pursuits for the community, it has been extremely important that the Malinauskas Labor government ensure that this has been done with complete due diligence. The position that our government took

was that we would seek assurance from SA Health that they regarded the current management of the reservoirs being opened as being safe. This assurance was provided early in our term of government.

It was necessary to seek assurance, as the reservoirs were opened without thinking through all the details. Projects that the Liberals pursued during their term of government did not demonstrate sound decision-making. Projects like the now cancelled Crystal Lake development posed unacceptable financial and environmental risks to South Australia. While the Malinauskas government values the benefit of creating open spaces, the Crystal Lake election commitment was a reckless and rushed policy idea that would have cost taxpayers millions of dollars.

Our now Minister for Climate, Environment and Water, Dr Susan Close, rightfully scrapped the project and cancelled the deed to protect South Australians and to provide the quarry owners, Holcim, with certainty going forward. The deed provided for the sale of that land had been signed on the eve of caretaker provisions by the former environment minister. Thankfully, there has been no cost to the taxpayer associated with our termination of that deed.

The announcement lacked any planning work, funding or community consultation and was ultimately just a thinly veiled campaign video paid for by taxpayers. Crystal Lake was a costly pipedream trotted out by a desperate Liberal Party on the eve of the state election, exposing—

*Members interjecting:*

**The SPEAKER:** Order!

**Ms THOMPSON:** —South Australian taxpayers to millions of dollars in costs. It was one of a number of rushed and thoughtless commitments made by the former government in its final days.

But, credit where credit is due, the opening of the reservoirs has been a positive initiative for our state and one that is certainly being embraced by our communities, particularly the people of my electorate of Davenport. That is why we will continue to invest in these important spaces, ensuring that recreational access is effectively managed, together with the public safety and utility of our reservoir reserves.

**Mr TEAGUE (Heysen) (11:24):** I take this opportunity to speak up for the motion as moved by the member for Unley. In coming back to this topic in the new parliament, the parliament ought rightly to congratulate in particular the former Marshall Liberal government and the leadership shown by the then Minister for Environment and Water on staying the course to deliver on an election commitment.

Not only that, it was a commitment that had been made years in advance of the 2018 election that was met before, during and after that campaign—indeed, for years after that campaign—with a negative response from the then opposition and the constant raising of the spectre that it might somehow bring down all kinds of calamity upon the population of South Australia if people could access reservoirs and enjoy the natural environment that surrounds them.

What has been brought to bear and demonstrated as a result of the opening of now many reservoirs throughout the state is just what a magnificent benefit it is to local communities to be able to make use of these spaces. So I am glad to hear the member for Davenport commending the previous government for that decision. As history has demonstrated, it is all very well, once you are out there, to come along and smile and cheer, as the member for Hurtle Vale did on that wonderful day, the opening of the Happy Valley Reservoir.

The member for Hurtle Vale was there, present, smiling and walking happily along the banks, yet not only she but also those all the way up through the opposition had maintained their opposition and spread fear in relation to the prospect of the opening. So congratulations to former Minister Speirs and congratulations to the former Marshall Liberal government on what was a tremendous policy initiative. It will benefit South Australians for generations ahead.

In the short time available to me, I propose to focus on the benefits to Mount Bold and Happy Valley, in particular, and go back for a moment to their origins. Part of the benefit of opening the reservoirs to all kinds of recreational activity, and access generally, involves an engagement in local regions and an understanding of our state's history.

As many know, the Clarendon Weir was first established in the 1890s as a means of flushing metropolitan sewers by holding back some water on its way through to the southern suburbs. That relatively modest establishment in the 1890s was followed by an extraordinary endeavour, the digging of the tunnel through to the Happy Valley Reservoir. That was constructed in the 1890s with no catchment of its own; Happy Valley Reservoir is a pond that is fed by the Clarendon Weir and the tunnel.

The engineering endeavour, the human ingenuity, and therefore the identity of Clarendon and the region to those endeavours that have served Adelaide's metropolitan area so well for more than a century, are appreciated, but they can be better appreciated, and I think they can be better appreciated by people being present in the environment.

After the Clarendon Weir, the tunnel and the Happy Valley Reservoir were completed, the needs of suburban Adelaide kept growing, and the great Mount Bold Reservoir was constructed as a 20<sup>th</sup> century project over the bulk of the 1930s, commencing in about 1932 and being completed in about 1938. As the member for Unley has adverted, until 1961 or thereabouts it did indeed supply its own power with a little hydro plant. It was an innovative 20<sup>th</sup> century project in every respect, and it was also the first reservoir built in the state that was storing on-stream water, water fed by the Onkaparinga River.

What we see now—and not just when there is an abundance of water but when the power fluctuation dictates that it is appropriate—is a gush down the Onkaparinga River coming from the Murray when it is the right thing to turn the pumps on and send that water down the Onkaparinga. It flows a long way down, including past the Mylor Baptist camp where, if you are there on the right day, the children will be playing on the oval and, all of a sudden, this gush comes down the Onkaparinga River on its way to the Mount Bold Reservoir. It is a key central part of SA Water infrastructure, and it is surrounded, as the member for Unley said, by thousands of acres of the most beautiful countryside in the Adelaide Hills.

Adjacent to it is the Scott Creek Conservation Park, an area that people have been able to appreciate over many decades, and it is well to remember that it was acquired by the government in the mid-seventies with a view to extending the water catchment. For a variety of reasons, it was not deemed necessary for that purpose, or perhaps suitable, according to the catchment and so over the ridge from Mount Bold Reservoir we now have what was long-settled suburban land that has been turned into a modern large conservation park in Scott Creek Conservation Park, unfortunately devastated by fire the summer before last but on the way to recovery.

In that Mount Bold-Scott Creek Conservation Park area and all the way down to the Happy Valley Reservoir, we have two connected areas of great natural beauty of great value to our state and, being a bit parochial, right at the centre of the Heysen Hills, of great local identity, not only for the community of Clarendon but also for Kangarilla and those in all directions around it.

Before Mount Bold Reservoir was opened, you had this extraordinary situation in which there were towns to the north, east, south and south-east, all the way around this area of Mount Bold, and there were great big, nicely maintained fences with SA Water signs saying 'Do not go past'. In a natural environment like that it really jarred. Just over that fence is a Flinders Ranges equivalent natural wonderland with all kinds of things that can be done.

Knowing that the Mylor Baptist camp is just the other side of those fences at Mylor, it was particularly clear that there are a whole range of children and adults who are coming to experience the outdoors in the Mylor area, and they are experiencing kayaking, bushwalking and learning about being out in nature, but they can only go so far before there is this area that has been shut off.

The opening of Mount Bold Reservoir—in all the ways that are appropriate to that particular set of circumstances, including the lookout on Razorback Road where those who just want to take in the amazing scenery now have that wonderful chance, all the way through to kayaking, fishing where it is appropriate and walking and at Happy Valley the opportunity to get around and do a lap of a reservoir that is really right in the middle of the southern suburbs—has added enormous value to those communities where reservoirs have been opened, and that is just to focus on those two in particular. Of course, Myponga, starting it all off, was a tremendous example. It has transformed the town as we know, and I was very proud to be present on that very happy day as well.

Mount Bold is a particularly special and historically important part of the state's infrastructure, and it is great that it can be part of this reservoir opening. The day at Happy Valley Reservoir, opening the connection between the two, is one that I will not forget. Meanwhile, of course, we see important capital upgrades going on to what are important SA Water assets. The \$12½ million that is about to be applied at Mount Bold to improve it for the future generation and for the century ahead is welcome and we look forward to seeing both done in concert. I commend the motion as originally presented.

**Mr WHETSTONE (Chaffey) (11:34):** I, too, rise to support the member for Unley's very good motion on the importance of our reservoirs, our dams and our water storages in South Australia, because we have to rely on those water storages for the sustainability of water supply, even though we have a desalination plant at Port Stanvac now. It is the continuity of water that we need not only for drinking but for water needs for industry and food production.

It is also important to understand that we need an ecology that is based around that water and those water bodies. We know that many of those water bodies are sustained by inflows and sustained by an environment that allows water to be captured, controlled and diverted, whether into a dam or a reservoir. It is very important that we maintain those capturing capabilities.

I will touch quickly on a matter that the members for Heysen and for Unley outlined. I was very disappointed by the government continually amending a very good motion. The former government had a vision in opening up our reservoirs. We know that reservoirs, water storages and dams all over the world are used for recreation. Whether it is used for nature-based tourism or for mainstream tourism, it is something that is there to behold.

If we look internationally and to our eastern seaboard, we see motor craft and all sorts of capacity of the tourism sector and nature-based sector using our water storages and waterways that are, at the end of the day, used for human consumption, for industry and for food production, without this fanfare of saying that, if someone is going to hop on a boat and go through some of our waterways, they will contaminate that water. That has been dispelled and proven to be inaccurate, and the former government had the vision that South Australia had long needed to give opportunities not only to our water bodies but to all of our waterways in the importance they play, not just for storage and consumption but for diversity that every water body on the planet presents.

I will touch on some of our reservoirs, which play an important role. We can look at the number of reservoirs and storages: Myponga, Happy Valley, Hope Valley, Mount Bold, Barossa, South Para, Little Para, Kangaroo Creek, Millbrook and the Warren. We cannot forget the Warren in the Barossa because it is a great piece of infrastructure that not only provides water for human consumption but also provides water for ongoing storage to provide an economy around food production and horticulture. It is very much like the River Murray in a small sense.

In South Australia our main reservoir capacity is about 200 gigalitres. If we look further beyond, we have many regional lakes and rivers: Baroota, Blue Lake, Bundaleer, Middle River, Tod River and Wirrina Cove. They play a role in water capture and diversion so that we have water for our country towns, our livestock and our country communities. I want to touch on some of the great water courses and water storages in South Australia but also importantly in the country.

For me, having the electorate of Chaffey on the banks of the River Murray, right from the border down to Mannum, gives me a great sense of pride but also a great sense of responsibility in having to monitor and advocate. As a local member of parliament in South Australia it is my job to ensure—and my constituents expect me to advocate for—a healthy working river. It is also about putting balance into the argument that often comes about. We know that many politicians like to use the River Murray as a political tool; they like to grandstand and make gratuitous comments that help nobody.

Over the course of time, South Australia has been a leader in water storages and the utilisation of some of those efficiencies within our water storages and within our watercourses. I must say that we saw a lot of overreaction by this current state government in its previous life when it saw an opportunity to build a 50-gigalitre desal plant as an insurance policy to provide critical human-needs water so that South Australia did not run out of water.

In the wisdom of the then government and the then minister they thought, 'We can double the size of that desal plant. Let's make it 100 gigalitres,' but in their wisdom they forgot to check the fine print and the fine print was that the first 50 gigalitres was there as an offset and as an environmental project. It was there to bolster critical human-needs water and it was also there to bolster the uncertainty around what we were experiencing in the Millennium Drought.

Again, back to the state government, what they forgot to understand was that the next 50 gigalitres of water was not going to be given funding from the commonwealth. That was through the implementation of the Murray-Darling Basin Plan. So all of a sudden, that decision to put the extra 50-GL capacity into that desal plant had to be stumped up by taxpayers here in South Australia, and that came at great cost. That came through the naivety of a government that saw this opportunity through rose-coloured glasses, and it came at great cost.

Sadly, we are not utilising that desal plant. In the good spirit of this debate, when we do have to use that desal plant it means that the Murray River is under stress and the question is: is it viable? Are the flows from the River Murray into South Australia sustainable? That would be the reason that we would turn the desal plant on. Over many, many conversations that all of us as politicians have had, that is a shiny nugget down there in the southern suburbs that is really not being utilised like it could be. Yes, it is expensive to run, but people have to drink. People need the security of water. People need to accept that a desal plant should be utilised; it should be there for the diversity of water supply, not just as a remnant piece of infrastructure lying idle.

As I said, I will touch on the Murray-Darling Basin. I have already mentioned that South Australia has been a global leader and is leading the way in all our basin states. What we have seen over time is that we have large water bodies as storage: reservoirs, dams, call them what you will. First, the Hume Dam was constructed between 1919 and 1936. It holds about a 3,000 gigalitre capacity. To put that into perspective, all South Australia's water storages—reservoirs and dams—hold about 200. If we look at what the Hume Dam means in the big picture, it is significant.

Then we saw the construction of the Dartmouth Dam. That was constructed through an agreement between our basin states and it came about after great political debate over time. I think now that we have seen that dam constructed, it is probably one of the most important pieces of infrastructure for South Australia's water security. It holds nearly 4,000 gigalitres and accounts for about 40 per cent of the River Murray's total storage capacity. The Hume and the Dartmouth work hand in glove. The Hume fills, spills and the Dartmouth captures. It is just like the tributaries that feed water into those dams to fill our water storages.

We have a regulated system now. We are currently seeing about 80 gigalitres of water flow over the border into South Australia. It is a great thing to see and I urge anyone who wants to see one of the great natural wonders to get up to the Riverland and have a look at the water flowing across our borders, replenishing our flood plains and our wetlands. It is breathing life back into a very stressed and fatigued flood plain system.

South Australia should be commended, but we are entering a third La Niña event nationally. We saw the first La Niña event on record back in the 1956 flood. We saw the second La Niña event in the 1974 flood and we are about to embark on the third La Niña event on record in 2023. So watch this space because we are going to see our storages, our reservoirs, our dams full. They are going to overflow and South Australia needs to be prepared.

We look around the globe at all the phenomenal water bodies and they are all under stress. Thankfully, here in the Murray-Darling Basin, we are enduring great wetting events, and I look forward to talking about that more one day.

**Ms PRATT (Frome) (11:44):** I rise to support the motion moved by the member for Unley, and an important one it is. It recognises the innovation of both the Marshall Liberal government and the former Minister for Environment, the member for Black, in understanding what a fabulous natural resource we had dotted around South Australia, sitting and taunting us all but really not being put to best use.

I have family and friends who live around the southern suburbs in the city, and to walk past Happy Valley Reservoir and see it twinkling in the sunshine but sitting behind really ugly fencing was,

I am sure, one of the motivations for the minister recognising what a fantastic resource it would be to all South Australians. The Marshall Liberal government recognised that this was going to be a game changer for local residents, for South Australians, for access to a water source, for domestic tourism, and I think the numbers speak for themselves.

Of the 16 reservoirs we have across South Australia, 11 of them are now open. In the time that those fences were torn down and the public was given access, we have seen over 700,000 visits, which is just extraordinary, so people have voted with their feet. South Australia is recognised as being the driest state in the driest continent, and I do pay my respect to people who live along a river system currently because they certainly would not recognise that adage. We love water in Australia. Most of us live closer to a coastline or a water supply than inland, and there is something magical and mystical about water in any weather condition. The idea that—

*An honourable member interjecting:*

**Ms PRATT:** 'Magical' and 'mystical' are terms I will stand by. Whether it is flat, whether it has a ripple or a bit of a white cap about it, there is something that draws us to water. In the electorate of Frome, I am proud that I get to rise to speak about Bundaleer Reservoir. To paint you a picture, this reservoir is nestled west of Spalding in the hills that lead across to Gulnare. It is lovely to discover this water source that is currently for emergency use only. Its capacity is of enormous relief, I am sure, to the locals—a capacity of 3,000 Olympic swimming pools. Its history goes back to 1898, when its construction was commenced, so it has been something of a water supply for many years.

For those who are fishing aficionados, there are certainly examples online, on YouTube and in other sources, for those recreational fishers to get a sense of what it would be like to canoe across Bundaleer Reservoir and drop a line. It offers a lot more than that, of course—all our reservoirs give an opportunity for families to come and have a picnic, walking trails and loops have been created—and I speak with particular reference to the Bundaleer site, where the sunrises and sunsets are quite spectacular. Whether you are facing east or west, you are not going to be disappointed.

The Marshall Liberal government and the former Minister for Environment recognised the recreational opportunities for all South Australians and visitors to this state. We know that getting out of the house, moving around, exercising and moving your joints and generally enjoying nature are great not just for physical wellbeing but also mental wellbeing.

Again, the initiative to open these reservoirs was an opportunity, I am sure with the support of Wellbeing SA and Open Your World, to encourage us through those limited months and years of experiencing COVID to get out and experience nature and get the endorphins going, but there is another benefit that came along with opening these reservoirs, and that of course was to the local economy. In the electorate of Frome, on any compass point, the townships that surround the reservoir also benefit.

If you are travelling north, the best way to get to this reservoir is through my town of Clare, and I recommend stopping in that beautiful town for a coffee or a pasty at the bakery or a little bit of shopping for the picnic before you head north-west to the stunning views that are offered by this reservoir. The other townships that surround the Bundaleer Reservoir allow camping sites to flourish. Certainly, in Jamestown Ali Cooper's work at the park has been extraordinary.

To the east, it is a quick drive over to Burra for some antiquing, and the road from Spalding to Gulnare is a beautiful drive. Currently, our crops are looking fantastic ahead of a bumper harvest, so the enticement for locals and visitors alike to drive around the Mid North, on their way to the Bundaleer or from the doorstep of the southern Flinders for that extended camping experience, is pretty good.

I note that last year in December the Northern Areas Council had a fantastic initiative through their youth advisory committee (YAC), which was a Come and Try Day: grab a canoe or kayak and get yourself out on the Bundaleer. It is with enormous regret that I was not able to attend, and I implore the local council to offer that initiative again. I will be there with flippers on, perhaps. The council has made commitments that support continuing the establishment of green space. It is somewhat bald compared to Myponga or Happy Valley in its treescape, so I look forward to seeing it green up. With those brief comments, I commend this original motion to the house.

**Mrs HURN (Schubert) (11:52):** I, too, rise in full support of the motion moved by the member for Unley. Can you believe that 700,000 visitors have passed through our reservoirs since we first opened them up—700,000 people passing through our reservoirs. I think that is a perfect example, which highlights so beautifully how popular this policy has been right across South Australia, including in my local community.

My beautiful electorate of Schubert is home to not one but two reservoirs that are now open to the public for fishing, kayaking, walking and cycling, and they are the South Para Reservoir and the Warren Reservoir in the southern Barossa, on the outskirts of Williamstown. These beautiful spots were locked up from the general public for far too long, and I think that opening them was a bold and really exciting vision that we saw come to fruition under the former government.

Of course, this policy was spearheaded by our now leader, the member for Black, David Speirs. This was all part of the Marshall Liberal government's \$130 million investment into nature-based tourism in South Australia, focused on improving the visitor experience, on creating local jobs and ultimately on building our reputation as one of the most livable cities and one of the most livable places in the nation and, indeed, the world.

Opening up our reservoirs has gone beyond just having people connect with nature and getting people active. It has also been the catalyst for some small businesses opening in my neck of the woods, and I think that is fantastic to see. We have a policy that is focused on not only getting people connected with nature but connecting with the environment and really getting out and getting healthy and active, not just physically but, indeed, mentally. What a genius policy.

I would like to acknowledge locals Matt and Faye Hale. They are a couple who went out on a limb on the back of this policy to open up our reservoirs. They are really two of the most grounded, dedicated and enthusiastic people I have come across. They are constantly throwing forward ideas, opportunities and ways in which we can better embrace the great outdoors and better embrace these reservoirs, which have been locked up for far too long.

They set up a business. They originally started with hiring kayaks and now they have moved on to e-bikes and they are also doing some hiking tours. There is really no denying that this policy has been a game changer not only for adventure seekers and for people who love the great outdoors but it has also provided a huge economic opportunity for so many people, including in my electorate.

Over the weekend, the Warren Reservoir hosted its second annual ROAR Barossa triathlon, an event that attracted more than 100 adventure seekers from right across South Australia. They are kayaking, they are running, they are cycling and, before you ask, Mr Speaker, I did not compete and therefore I did not win the race, but I was there to kickstart one of those races, and I presented the medals at the end on what was a truly idyllic day in the southern Barossa.

October 2021 was the inaugural event of the ROAR Barossa. It was the first event of its kind at a reservoir the Marshall Liberal government opened, and it was exactly the type of thing that we had hoped for when we really forged ahead with this policy of opening up our reservoirs. The former government helped to get that event off the ground by providing a \$6,000 grant to the organisers of the ROAR Barossa. That event went on to be named Community Event of the Year last year by the Barossa Council, and I think that it was truly fitting. I am not surprised because there was so much energy, activity and economic opportunity that people were really grabbing with open arms.

Interestingly, a survey done after the event showed that 90 per cent of the participants had never been to the Warren. Before this event, 90 per cent of the people had said they had never been to the Warren Reservoir, and 100 per cent of people said that they would be back. How good is that? I had the opportunity to speak with a participant whose name is Henry. Over the weekend, he did his second ROAR Barossa triathlon and he said that the thought that the event gave great exposure to the Warren. It gave him a reason to visit our beautiful region on multiple occasions for training.

There are some people who, of course, take their preparation far more seriously than others, which is why we have an intermediate race and a novice race. He also said that by getting involved and by putting himself forward for this race, throughout the preparation it did help him build a healthy lifestyle. Not only did it improve his physical health but it also really improved his mental health. I

think that goes to the heart of what this policy is all about: it is about improving mental health, it is about improving physical health, and what better way to do it than in the great outdoors.

I would like to send huge congratulations to a lady by the name of Lyn Venning. She is an absolute powerhouse of the southern Barossa, and she has called Williamstown home for many, many decades with her husband, Glen. She is a doer and she is the volunteer that every single community wants but they cannot have, because, of course, she is completely dedicated to the Barossa Valley and to spearheading events like we saw over the weekend with the ROAR Barossa.

I would like to extend my thanks to the Southern Barossa Alliance, to The Barossa Council, to the Barossa Kayak Hire and to all of the volunteers who worked around the clock to get the track ready, to make sure that everything was in pristine condition so that these adventure seekers could really make the most of what an idyllic day it was. It is not easy, but this event keeps getting better and better.

Whilst we are talking about reservoirs, I would also like to acknowledge the former Liberal government's half-a-million-dollar investment to revamp the Whispering Wall for new pathways, more green spaces, improved ramp access, as well as nature play. There is more to do, there is no doubt, but this is something that the local community wanted and we are so pleased to deliver.

In closing, my final message would be that we have really got to keep our momentum up with our reservoirs. I know that there are locals in my community who want to see more reservoirs open and they want to see more activity being allowed in our reservoirs, whether it is windsurfing, whether it is having paths for horses and for dogs, so I am certainly listening very closely to the calls of the community in that regard.

I support this motion and I thank the member for Unley for drawing the house's attention to what I think was a key policy of the former government. It was a fantastic achievement and I am so delighted that these reservoirs in my local community are open for all to use.

**The Hon. D.G. PISONI (Unley) (12:01):** I thank those who have participated in the debate. It is very pleasing to see that the doubting Thomases on the other side of the house have had a conversion on the road to Damascus. I came across a media report on ABC News from June 2019 on the opening of the Myponga Reservoir where the now Deputy Premier, who was the environment spokesperson for the Labor Party at the time, said:

We have a Government that is being reckless about our drinking water supply in order simply to stubbornly insist on opening reservoirs for recreation.

It is quite extraordinary that we are now seeing that the government will use its numbers to amend this motion to actually congratulate the former government on doing it—but to simply note that it was done—but then suggest in paragraph (b) of their amendment that this parliament commends the Malinauskas Labor government for ensuring that recreational access is effectively managed together with the public safety and utility of our recreational reserves.

Well, I have news for the Malinauskas government: that was being done before they came to office. It was being done before they came to office. That is why it is continuing. We had the foresight and the will to deliver it.

We heard from the member for Davenport, who praised SA Water for doing it. SA Water—sure, they opened them up, but it was government policy that opened them up. SA Water was being operated under a 16-year Labor government. There was no policy to open them up—as a matter of fact, the opposite—so it did not happen. That is how government works. Public servants and government instrumentalities deliver the policies of the government of the day. The policy of the Labor Party for 16 years, and when they were in opposition, was to oppose this very, very successful policy that opened up natural assets for South Australians to enjoy, ones that were sitting there behind fences. It is a bit like the locked shopping centre doors on public holidays that we will be seeing in the future.

There are some peculiar things about South Australia, but I am very pleased that when we were in office we removed one of those peculiar things and brought South Australia in line with what many other states are doing in opening up their natural assets to be enjoyed. I thank members for their participation in the debate. I understand that there will be a vote on the amendment. We do not



support the amendment, but of course it will go through on the voices. I hope that will then mean the Labor Party will be in a position to support this motion.

Amendment carried; motion as amended carried.

### **MEDICINAL CANNABIS**

**Mrs HURN (Schubert) (12:05):** In the absence of the member for Mount Gambier, he has asked that I rise to move this motion on his behalf, and I am very pleased to do so. I move:

That this house—

- (a) recognises the growing importance of medicinal cannabis and cannabidiol (CBD) as an alternative treatment option to South Australians;
- (b) moves to implement research and trials into the effects of cannabidiol (CBD) on patients with juvenile epilepsy, endometriosis and chronic pain; and
- (c) puts South Australia at the forefront of medicinal cannabis research and treatment.

I rise to put my remarks forward as I would have done if I had not moved the motion on behalf of the member for Mount Gambier. I was pleased to move it because I am certainly in support of this motion. Patients right across South Australia can access medicinal cannabis medicines as a result of federal legislative changes that came into effect in November 2016. Nearly six years have passed since then, and research and opportunities continue to expand and present themselves in this space.

I do not like to speak on behalf of everyone in this chamber, but on this occasion I think I can: no-one likes to see South Australians suffer, especially young families and young children. That is exactly why the former state government explored the use of medicinal cannabis for children, in particular, with epilepsy and compassionate access for these very unwell children who simply are not responding to other treatments.

I just cannot imagine the pain and the stress caused to a community or a family when little ones simply are not responding to other treatment. I think that opening up this access has really revolutionised the way in which some of our most vulnerable youngest South Australians can cope with the consequences of their insidious illnesses. Since that time, there have been some important changes in national access to CBD medicines following assessment through the national medicines assessment and funding pathways.

From 1 May 2001, Australia's first ever registered CBD medicine became subsidised under the PBS for adjunctive treatment in patients diagnosed with severe myoclonic epilepsy of infancy, also known as Dravet syndrome, which is a very rare and very severe treatment-resistant epilepsy in children. That provided a real glimmer of hope for those little ones who were suffering, and it really opened up the door to all those people who had engaged with their clinicians about using this as part of their treatment plan. They were able to explore this as an option, and it gave them that glimmer of hope they needed.

Clinical evidence to support doctors in making decisions about prescribing medicinal cannabis continues to evolve, and ongoing research continues to seek to better understand its role in clinical use across a range of several medical conditions that have not responded to more established treatments.

The Australian Centre for Cannabinoid Clinical and Research Excellence (ACRE) is funded by the National Health and Medical Research Council. The TGA and ACRE clinical reference guidance resources published on their websites include a helpful overview that addresses the evidence base for medicinal cannabis therapy as well as specific guidance about medical use in the treatment of various conditions, which I am sure in some way, shape or form really does touch and affect us all in this place: palliative care, epilepsy, chemotherapy-induced nausea and vomiting, multiple sclerosis, chronic pain and dementia, just to name a few.

In summary, as I have already outlined, medicinal cannabis offers hope. It offers hope for a number of conditions that are otherwise really difficult and beyond stubborn to treat. That is why it is so important that we continue to strive in research, to improve our understanding of its benefits, so that we can keep building this evidence base for targeted investment that really is focused on improving health outcomes for South Australians.

On that note, I would like to thank the member for Mount Gambier for putting forward this motion. I am sorry that he is absent today and cannot speak to it, but I would like to support this motion.

**Ms HUTCHESSON (Waite) (12:11):** The government supports the motion moved by the member for Schubert on behalf of the member for Mount Gambier. I thank the member for Schubert for her comments and the member for Mount Gambier for his dedication and advocacy on this matter.

I acknowledge the ongoing need to ensure consumers have access to a range of treatments to improve treatment outcomes for South Australians experiencing chronic pain, juvenile epilepsy, and endometriosis. The decision to consider medicinal cannabis as a treatment option is a matter for discussion between a patient and their practitioner about the patient's specific clinical needs and the safety and efficacy of medicinal cannabis in the particular condition to be treated.

I have made no secret of the fact that I, like one in nine other women in Australia, suffer from the debilitating disease known as endometriosis. Women across the country suffer in silence and often have to resort to taking heavy opioids to manage the pain. Having other options available to them allows the patient to work with their practitioner to determine the best way forward.

Since November 2016, cannabis medicines can be prescribed by medical practitioners and dispensed by pharmacists in line with the commonwealth and South Australian legal framework for medicines and controlled drugs. The commonwealth's Therapeutic Goods Administration is responsible for the assessment, registration approval and determination of use of medicines via the national Poisons Standard. CBD medicines registered by the TGA may be considered by the expert advisory committee on medicines, the Pharmaceutical Benefits Advisory Committee, which makes recommendations on treatments and subsidies.

As members may be aware, Australia's first cannabidiol or CBD medicine was registered by the commonwealth's Therapeutic Goods Administration in 2020 and subsequently subsidised in 2021 under the Pharmaceutical Benefits Scheme to treat patients diagnosed with severe epilepsy. The particular form of epilepsy subsidised under the PBS is Dravet syndrome, a severe myoclonic epilepsy that occurs in infancy. The treatment is subsidised for patients who have not responded with adequate seizure control with other anti-epileptic medicines.

I understand that more recently, in fact last month, an application for the medicine to be subsidised for another form of paediatric epilepsy, Lennox-Gastaut syndrome, was supported by the PBAC. This provides for further improved access for children with severe epilepsy and their families at an affordable cost, with eligible patients now paying the PBS co-payment of up to \$6.80 for concession cardholders and \$42.50 for general patients for a supply.

It was announced in 2020 that a pilot to trial the use of medicinal cannabis for children with epilepsy would be established. This pilot program, proposed by the former Marshall government, did not proceed on the basis of national changes to CBD medicine accessibility. The clinical evidence to support doctors in making decisions about prescribing medicinal cannabis is evolving, and there are currently 52 trials registered in Australia. Ongoing research continues to seek to better understand its role in clinical use across a range of severe medical conditions that have not responded to more established treatments.

In 2021, the University of Adelaide received \$1.5 million in funding from the commonwealth government to assist with research. The Medical Research Future Fund investment was targeted towards research in cancer therapy and improving the wellbeing of patients through management of symptoms of gut distress following mucosal injury as well as reducing the impacts of treatment side effects, including sleep, appetite, pain and fatigue-related impediments. The Malinauskas government will continue to review and expand capabilities for patients to receive the most appropriate care.

We certainly will be considering all available treatment options, following clinical guidance from medical practitioners and the commonwealth guidelines. Our government understands the importance of improving and aligning research practices to benefit the health and wellbeing of South Australians and has recently begun stakeholder consultation on South Australia's first health and medical research strategy.

We acknowledge the need to continue to assess and improve treatment practices in line with emerging research outcomes and changes in subsidies by the commonwealth. I appreciate the member for Mount Gambier's advocacy, and I look forward to working with him over the coming years.

**Mr PEDERICK (Hammond) (12:16):** I rise to support the motion from the member for Mount Gambier:

That this house—

- (a) recognises the growing importance of medicinal cannabis and cannabidiol (CBD) as an alternative treatment option to South Australians;
- (b) moves to implement research and trials into the effects of cannabidiol (CBD) on patients with juvenile epilepsy, endometriosis and chronic pain; and
- (c) puts South Australia at the forefront of medicinal cannabis research and treatment.

It is interesting that in this state, since the federal legislation medicinal cannabis has been able to be prescribed since November 2016, but the experience I have had through talking to constituents in my electorate office is that it has been very difficult to obtain a prescription. I believe it will get better over time.

There has been some hesitancy from doctors to take up the case of something when not a lot of clinical trial work has been done. More work is being done as time goes on. A lot of doctors are hesitant because they want to see more clinical trials. The simple fact is that people are crying out for access to medicinal cannabis. It has been legalised for just short of six years, and we need to be able to assist people with their access.

We need to get doctors to be more confident in prescribing medicinal cannabis for all sorts of ills that may be affecting patients, whether they be people who have back injuries or spinal injuries that they cannot seem to find relief for, whether they be people with epilepsy or women suffering from endometriosis, as we have just heard. There are a whole range of things for which, reportedly, medicinal cannabis can really come into play and give some relief.

A constituent I worked with a few years ago has tried to get access to it, and we helped him. He had to go through a doctor in Melbourne in the end. It became difficult and expensive, and I would like to see more doctors being prepared to prescribe medicinal cannabis to make it easier for people to access. The simple fact is that people will use other options. They might use illegal options, or they might be importing stuff from overseas. We have the legal structures in place, and I think we need to make sure that we can connect people with chronic conditions with a health network that will support them if this is what they are seeking.

I had a recent cry for help from a friend of mine whose wife was dying—and she was a very good friend of mine as well—and he wanted to know if he could get hold of medicinal cannabis, and I said that it was just not that easy. It just does not happen. I did what I could but, sadly, my constituent and my friend was in the very late stages. This was coming from a loving husband and partner who was trying to do all he could for his wife in her last weeks to have all the options available, just in case the pain relief did not come. In the end the other pain relief did come and helped her on her sad journey with her terminal illness.

Certainly, there is lots of evidence out there—some would say it is anecdotal evidence—around the support medicinal cannabis gives people with chronic pain and epilepsy and other conditions. I think we need to do all we can to make sure that people can get access to medicinal cannabis. I know there are various companies around the state that have looked at producing it and whether it is the whole supply and demand issue that is the issue—I know of one that was potentially going happen in my electorate that has not happened.

The beauty of medicinal cannabis is that it would be grown in a controlled area, controlled growing conditions, so that they can get oil levels stable, the THC level, because that is what you have to have in regard to medicinal cannabis. It would be good if we could get one of these projects going in South Australia. It has to work alongside a regime where the product can be prescribed, where it can be made more readily available through people going to their doctors with chronic pain and making sure that we can get the right forces in place to make it available for the public.

I commend the motion by the member for Mount Gambier and I just wish that we can assist people moving forward through the medical fraternity, through our doctors, so that those people with conditions and also those parents trying to look after their children with chronic conditions can get better access to medicinal cannabis into the future.

**Mr WHETSTONE (Chaffey) (12:23):** I, too, rise to support this motion. Many of us as MPs have had constituents who have visited us through the course of the journey with the request about speeding up the process of trials on the benefits of medicinal marijuana, or medicinal cannabis I should say, and for many reasons.

I think there is an underlying issue that there is some level of uncertainty out there where people have the belief that it is all the same. I can assure you that it is not. There are a number of businesses that are trialling medical cannabis at the moment, but the make-up of the medical capabilities and properties that it has are quite different.

While I was a former Minister for Primary Industries, we saw significant trials for hemp in South Australia at government research centres. Confusion has overlaid the properties within industrial hemp, which does not have the same compounds that the other two groups do. There is the CBD product, which that comes from medicinal cannabis, but there is also the THC. The CBD is a cannabidiol, and it is there to treat medical conditions primarily. It has no more than 0.3 of THC, which is the stimulant that gives us the high, if you like. THC has quite a technical name of tetrahydrocannabinol and, as I said, it is the compound that gives the high.

The CBD is the product being used in a lot of the medical research, a lot of the trials at the moment, to help people with a number of medical issues that have been deemed appropriate for the use of these products, and we talk about mood disorders, chronic pain, inflammatory diseases, neurodegenerative diseases, Alzheimer's, Parkinson's. As the member for Mount Gambier touched on, he has a constituent whose daughter has been suffering seizures and epilepsy. Through trialling the CBD, they have had great success. I know that some of those trials continue. Currently, if you are South Australian, you have to have legal access by a registered doctor to give you a prescription of those products.

While I was visiting my son in the US recently—he lives in California—I was able to travel to a dispensary out of curiosity when I was suffering a few old sporting injuries. My son had said to me, 'Give a couple of these products a try,' which I did. I used a CBD cream on some of my joints (pardon the pun) and straightaway there was a reduction in swelling and the inflammatory issues I was having with my knee—whether caused by the plane flight over there or whether it was just wear and tear at a certain point in time I do not know—and I can genuinely say that I did have relief.

I guess along the course of the journey it is about understanding what this product means in the medical world. Some of the cynical conversations are that the big pharmas are not looking to support the release of this into mainstream medical use because it competes directly with their products.

I can say that a number of Australians and South Australians have used it. In 2019, about 2½ million Australian aged from 14 and over had used cannabis in the previous 12 months, including the use for medical purposes prescribed by a doctor—2.7 per cent of the total population using cannabis for medical purposes, either always or sometimes. However, only 3.9 per cent of those who said they used cannabis for medical purposes obtained it by a prescription. What that is showing us is that there is a lot of this product potentially in the black market. As these trials continue, we will see progress in developing these products and in the way they are administered and accepted. I think that is a lot of the issue at the moment.

I have a very sophisticated and advanced trial business in Chaffey that is currently having great results, and it has grown a number of different strains. Many of them are all gauged by the potency, whether it is the CBD or whether it is the THC. It does have a level of sophistication about how it is grown, the tissue culture types that are used and how the benefits are targeted to specific medical conditions. Some of the heavy opioids and other addictive substances have been proven to be unnecessary, and they are very, very addictive.

What we are seeing through these trials is that CBD particularly, the cannabidiol, does not have a level of dependency when you are using it on an ongoing basis to treat some of those medical conditions. In cases of juvenile epilepsy, it can often be dangerous to introduce children to these types of substances at an early age but, as I said, CBD has been classed as not being addictive or habit-forming in itself. Taking CBD oil is the safest course to get some of those benefits, particularly with young children suffering seizures and epilepsy.

I do not have firsthand experience with my children, but I do have friends whose children have had conditions involving seizures and epilepsy. They have taken traditional medicines and there have been significant side effects. It is quite concerning to see a young child having a seizure, and it is very concerning knowing that that child has epilepsy or a condition that could easily be treated by medical cannabis through the CBD format.

It is a worthy motion that has come to this house, allowing us to engage in the conversation. I urge governments, both federal and state, to give support to some of these alternative medicines. They have been proven to be very worthwhile, and have been proven to be non-addictive and have much fewer side effects when treating children, in particular.

It shows us that there is a level of use that is not prescribed, and there is a lot of use particularly for adults, and adults suffering advanced chronic pain, particularly back and joint pain. They have used the THC form of cannabis, but I think that as we progress through the trials the CBD, the cannabidiol, will play a much more significant role in treating some of those ailments and medical conditions.

More importantly, it is about not having the side effects, not having the medical impact, particularly on our children. It is very, very sad when we see medical intervention that comes at a price. With no further ado, I support the motion and hope it will be supported by both sides of this chamber.

**Mr McBRIDE (MacKillop) (12:33):** I rise today to speak briefly to the motion moved by the member for Schubert, on behalf of the member for Mount Gambier, in support of the importance of the use of medicinal cannabis and cannabidiol as an alternative treatment for South Australians.

In his motion, the member for Mount Gambier has identified the need to implement research and trials for patients with juvenile epilepsy, endometriosis and chronic pain. The motion also highlights the objective of putting South Australia at the forefront of medical cannabis research and treatment. I support the motion, and thank the member for Mount Gambier for raising this and bringing it to this parliament's attention.

In South Australia, the South Australian Controlled Substances Act 1984 regulates the supply of medicinal cannabis products. South Australian patients have been able to access medicinal cannabis, as enabled through federal legislation that came into effect in November 2016. Patients are able to access medicinal cannabis on prescription from their authorised medical practitioner, which is dispensed by a pharmacist, with the benefits of access to this drug becoming better understood by medical practitioners.

Certainly, those in our community who are searching for treatment options or complementary treatments where medicinal cannabis has benefits are seeking it out and embracing its use. Medicinal cannabis is used for a wide range of conditions, including the management of chronic pain, anxiety and insomnia. I have recently spoken with one of my constituents, Mrs Meredith Pomery. With her permission, I will share part of her story.

Meredith was open to me sharing part of her story and is keen to see the profile and value of medicinal cannabis raised with the hope of helping others to understand the benefits of its use in improving legal and practical access to it as a medication. Meredith was diagnosed with bowel cancer in 2017. She proceeded with treatment, which included surgery and radiotherapy. For some time, the treatment was successful, and she thought she was clear of the cancer. Unfortunately, the cancer returned, impacting her lung and stomach, and is now a condition that she is seeking to manage. She is focused on ensuring that she can have the best life she can with her family. She is a strong woman who is staying strong for her family.

Meredith has explained that in the last 10 months the pain associated with the cancer has increased to levels that require careful management. She said that she has good days and days that are not so good. When it became evident that more pain management was needed, Meredith used traditional pain control, but started to seek out medicinal cannabis to support her treatment. Meredith explained that it took some time to locate a doctor to prescribe medicinal cannabis. She found that there was what seemed to be a lack of connection and information about the option to be prescribed the medication by medical practitioners she consulted. She had to really search to find a doctor to prescribe the treatment. Ultimately, she found a doctor in another state.

Meredith now uses prescribed medicinal cannabis in conjunction with traditional pain relief approaches. It is her desire for others who need pain relief that the profile of medicinal cannabis continue to be raised and used as a treatment by more medical practitioners. It is a treatment that works. She also highlighted the high cost of the medicinal cannabis as a matter that needs to be addressed.

I take this opportunity to thank Meredith for sharing her story. I share her desire to see the profile of medicinal cannabis continue to be raised and for it to become more of a mainstream treatment for pain relief. We need to continue to take opportunities to research and promote the use of medicinal cannabis for a range of conditions.

I do hope that this parliament and the state embrace medicinal cannabis for medical treatment. I hope that the medical treatment is widely accepted, and I hope that the research then follows to back it up and make it even more widely accepted as its true value is found in the way that it can address issues and health issues, as I have already highlighted, that perhaps modern medicines are struggling to cope with today. As our population ages and we find more means to survive the elements that health throws at our population, I think a wider variety of health options will only reinforce and add to the quality of life that we all strive for and want to live as long as we possibly can.

I again thank the member for Mount Gambier for bringing this to the parliament's attention. I commend the member for Mount Gambier's motion. I thank the member for Schubert for bringing it to the house and I support the motion.

Motion carried.

### **INTERNATIONAL DAY FOR DISASTER RISK REDUCTION**

**Mr PEDERICK (Hammond) (12:38):** I move:

That this house—

- (a) recognises that 13 October is International Day for Disaster Risk Reduction;
- (b) acknowledges that this day aims to promote a global culture of disaster reduction and preparedness;
- (c) expresses its appreciation to all professional and volunteer emergency services workers who protect communities across our state;
- (d) commends the Marshall Liberal government for investing \$80 million to establish a new multipurpose State Control Centre at Keswick for South Australia's emergency services headquarters; and
- (e) urges the state Labor government to work collaboratively with our emergency services to ensure their work is supported and they are adequately resourced.

The International Day for Disaster Risk Reduction was first recognised in 1989 after a call by the United Nations General Assembly for there to be a day to promote a global culture of risk awareness and disaster reduction. Each year, this day celebrates how people and communities around the world are reducing their exposure to disasters and raising awareness about the importance of reining in the risks they face.

In Australia, the National Resilience Taskforce has led an interactive process about what makes Australia vulnerable to disasters, including analysing its exposure to systemic risk: the best defence against systemic risk is to transform systems to make them more resilient. Australia, as we know, experiences many significant natural disasters, whether that be in the form of droughts, floods

(as we are seeing across the country at the moment, including here in South Australia), storms or our annual fire danger season.

Heading into the 2022-23 fire danger season, this day serves as a timely reminder for people to take a moment to think about how they can reduce the risk of a disaster occurring. Our State Emergency Service (the SES), the Country Fire Service (the CFS) and the Metropolitan Fire Service (the MFS) personnel do their absolute best to assist the community in preparing for natural disasters, and this was bolstered by the Marshall Liberal government's investment in the new multipurpose State Control Centre.

The state-of-the-art facility has given the senior leadership teams of our emergency services the ability to work together under the one roof, which was not, and had never been, an option prior to the Marshall Liberal government's \$80 million investment. It is home to more than 300 personnel from all of the organisations: the Country Fire Service, the Metropolitan Fire Service, the State Emergency Service and SAFECOM. The earthquake-resistant building features a self-sufficient power source so that staff and volunteers can continue their crucial work for up to 48 hours without worrying about going offline.

South Australia's State Emergency Service does a tremendous job in keeping our community safe from and informed about the disasters that occur in our state. The SES has approximately 1,600 volunteers across 73 units in South Australia, who provide emergency assistance 24 hours a day, seven days a week, 365 days a year. Volunteers are supported by a team of full-time staff, and together they respond to thousands of calls each year, including extreme weather events, road accidents and marine rescues. The SES also assists the CFS during major bushfires and supports South Australia Police in land search operations and traffic management.

I note that last year we launched a new rescue boat for the SES in Murray Bridge, the *Mulyawonk*, and this Saturday, along with the emergency services minister, we will be opening the new SES headquarters that the Marshall Liberal government instigated in Strathalbyn in my electorate. It will be a very proud moment to support those personnel in that part of the Fleurieu for the great work they do supporting that area and local community.

Meanwhile, our dedicated MFS and CFS personnel are always at the forefront during the fire danger season. They also attend numerous other incidents throughout the year. Our fire services have a combined workforce of roughly 14,700 personnel around the state, ready to assist at a moment's notice, with the majority of those being volunteers—in fact, over 13,000 of those are volunteers in the Country Fire Service.

The other key organisation in South Australia's State Emergency Management Plan is the St John Ambulance service. They are the key first aid providers and are always ready to provide support to the aforementioned emergency services during times of bushfires, floods, extreme weather events and unprecedented events like the COVID-19 pandemic.

The emergency services across our state do a magnificent job and they have been called upon so many times, especially in the last three or four years, to major events right across the state, whether it be the Cudlee Creek fire that impacted many electorates, and certainly part of my electorate around Harrogate and edging into the Rockleigh area, and throughout the Hills, or the Kangaroo Island fire, which was a major fire, burning hundreds of thousands of hectares and taking out a large portion of the island. Both fires were frightening and terrible events.

People need to do what they can to mitigate fire issues around their properties. We have seen other fires in the past, for example the Pinery fire that essentially started up near Balaklava and, with wall to wall crops all the way through to Gawler, that fire almost reached the township of Gawler. I must commend all our personnel and also our contract plane operators, such as Aerotech, who do such a marvellous job bringing water bombers in to assist our forces on the ground. In the end, fires are only beaten by the forces on the ground, but it involves a multiple use of all the assets you can use, the planes and the helicopters, and I note that they have some new helicopters now. It really is a concerted effort.

I mentioned the Kangaroo Island fire, and as a CFS volunteer I was privileged to go over and assist in the mopping up of that fire. I saw the concerted efforts of many CFS personnel and worked

alongside the Metropolitan Fire Service, which had quite a few vehicles there. The MFS also had a crew there and their main job was trying to keep the trucks going. You can imagine with such a big event that there were trucks with blown motors, gearboxes, differentials, and a whole range of things going wrong. That vital service was absolutely essential to keep as much of the fleet going as possible.

It certainly was good to see the community of firefighters across this state, whether they were metro units or Country Fire Service units, shipped across to the island to combat that fire. They came from right across the state, and certainly from right across the Murraylands in my electorate, and it was done in a strategic way so that brigades at home were not left without capability. Even Coomandook Country Fire Service has three trucks. We have a three-four and a four-four and also a bulk water carrier in our midst.

So there are plenty of communities with fire brigades like that that could have offset, and did offset, one vehicle to go down to Kangaroo Island. Cudlee Creek was certainly a major fire throughout the Hills, and I think it exemplified some of the issues, as did other fires around the state, concerning the fact that volunteers and Metropolitan Fire Service people cannot be everywhere all the time, especially when you have fires of such scale.

It is pleasing to see that people have realised that they do need to have a farm firefighting unit. Some of these people are on smaller properties, hobby farms or whatever you like to call them. It is good to see that even commercial builders of firefighting units are putting together basic trailers, using a 1,000-litre shuttle with a little pump. Sometimes it is called a rip-off of a Honda pump, a 'Chonda' pump, but it does not matter so long as it works. I have a Honda pump on mine because I trust them implicitly, and they are good.

Everyone with a reasonably sized property, even of a few acres, needs to have something so that they can be resilient in the first instance if they are still there looking after their property. Some people said to me after the Cudlee Creek fire, 'There were tunnels of fire and we were at home. We were deciding whether to stay or go and there were tunnels of fire in the tree lines down the side of the road.' I said, 'Well, if it gets to that, you've got to be prepared to stay at home because the risk of getting out on a road with burning limbs, burning bush on the road restricting your access and potentially being a life-threatening situation is far too high.'

Disaster risk reduction is something that people need to do, but they have to be vigilant right now as we head into the fire season. We have had a very wet couple of months and it does not look like letting up anytime soon. We have a massive grain harvest—probably the biggest in the state's history—just starting to come in. The crops are really starting to ripen in areas where they were getting close to ripen, but now with the extra rain the barley is becoming really golden, getting ready to ripen up, get harvested and come into the bin.

Alongside that, there are a lot of roadsides, a lot of vegetation around properties. I am not home as often as I would like and I have proved that a zero-turn mower can cut some pretty tall stuff. You might have to go over a couple of times, but it is certainly a good idea not just for fire reduction but to make sure you do not have too many brown snakes crawling up your back door. They just bask on my lawn, usually.

People need to be aware, and if you cannot control the growth around your property, seek some assistance from friends and family or a neighbour. Perhaps your local council may be able to assist because it may be the one thing that not only saves your house and your property but might just save your life.

I have seen what happens when we have gone out to fires. There have been fires right across the state, as other members will say, but in the Yumali-Netherton fire my brother got a burnt hand, but that was nothing compared to another guy who ended up having to wear one of those pressure suits because he got caught and was burnt. It is a terrible thing to happen. Thankfully, he is making a very good recovery, and certainly great thanks go to the burns unit in the Royal Adelaide Hospital. They do magnificent work if someone does get caught out in a fire front. They have assisted many people over the years.



I would also just briefly like to commend what we did as a government under the Marshall Liberal government in setting up the new state-of-the-art building for all our emergency services, the \$80 million building, which gives better coordination of these disasters when they do happen. It is not a matter of if, it is when they do. It is not just fires but also when we have great storms, when we have trees across the road, as we see now, with the potential for flooding through the Riverland coming through the Mid Murray, coming down to the Murray Bridge region and then flowing past through to Wellington and then the lakes.

As has been said by many people, one thing is certain: it is a good time to go up the river to see what can happen virtually under natural conditions with the locks flat out open, just letting her go. It is a great thing to see so long as the communities are safe. I commend the motion and I commend all our people in the emergency services field.

**Ms HUTCHESSON (Waite) (12:54):** I would like to amend the motion as follows:

Delete (d)

Delete (e), and insert new (d):

- (d) recognises that the state Labor government is working collaboratively with our emergency services to ensure their work is supported and that they are adequately resourced.

Insert new (e):

- (e) welcomes the Albanese Labor government's creation of the new commonwealth Disaster Ready Fund that will provide up to \$200 million per year to invest in disaster mitigation projects.

I rise today to speak in favour of this amended motion. The United Nations General Assembly has designated 13 October as the International Day for Disaster Risk Reduction, to promote a global culture of disaster risk reduction. The 2022 edition takes place during the mid-term review of the Sendai framework, which will conclude at a high-level meeting of the general assembly in May 2023 with a political declaration.

The Sendai Framework for Disaster Risk Reduction 2015-2030 is a global blueprint for building the world's resilience to disasters. This year, the international day will focus on target (g) of the Sendai framework that states, 'Substantially increase the availability of and access to multi-hazard early warning systems and disaster risk information and assessments to people by 2030.' The primary goal of the Sendai framework is to avoid creating new risk and reduce existing risk, but when this is not possible people-centred early warning systems and preparedness can enable early action to minimise the harm to people, assets and livelihoods.

The Sendai framework guides Australia's approach to disaster risk reduction both here in Australia, led by the National Emergency Management Agency, and in the support we provide through the Australian development program to assist other countries to reduce disaster risk. Australia is susceptible to disasters and we are recognised globally for our disaster risk management expertise, including through governance, disaster preparedness and understanding hazards and risk, as well as science and technological innovations to underpin investments and community action.

The National Disaster Risk Reduction Framework outlines a national comprehensive approach to proactively reducing disaster risk now and into the future, with key drivers for action being documented as:

- natural hazards are more frequent and intense;
- essential services are interconnected and interdependent;
- people and assets are more exposed and vulnerable;
- disaster impacts are long-term and complex;
- costs of disasters are growing; and
- the momentum to address financial impacts of changing climate is building.

The federal Labor government is committed to reducing disaster risk and increasing readiness, including through remodelling the Emergency Response Fund and setting up the National

Emergency Management Agency (NEMA). In September this year, the Albanese Labor government started the job of delivering on its promise to create a new disaster-ready fund, remodelling the ERF to help communities prepare for natural disasters.

The bill introduced to parliament will transform the former government's failed Emergency Response Fund into a dedicated ongoing source of funding for national disaster resilience and risk reduction initiatives. The Disaster Ready Fund will provide up to \$200 million per year to invest in mitigation projects like flood levies, cyclone shelters, firebreaks and evacuation centres around Australia.

My own electorate thanks the member for Boothby for her commitment to weed mitigation, emergency signage and quick-response vehicles. This is a significant improvement for Australians, and indeed South Australians, as the former federal Liberal government did not complete a single mitigation project or release a single cent in recovery funding, while earning the former government over \$800 million in interest. This left all Australians dangerously unprepared for increasing natural disasters.

Also in September this year, the Albanese Labor government combined the National Recovery and Resilience Agency and Emergency Australia to create NEMA, a single enduring end-to-end agency, to better respond to emergencies, help communities recover and prepare Australia for future natural hazard events.

A few weeks ago, the Minister for Emergency Services, the member for Cheltenham, attended the Asia-Pacific Ministerial Conference on Disaster Risk Reduction in Brisbane. Australia partnered with the United Nations Office for Disaster Risk Reduction to host this event. This forum brought together UN member states, intergovernmental organisations, international and national organisations, and stakeholder groups to accelerate progress on disaster risk reduction.

During the conference, the minister was able to meet with counterparts from across the region and specifically participate in bilateral discussions with delegates from Singapore, Samoa and Vanuatu. These discussions, and especially those with parties from Pacific Island nations, reinforced not only the dramatic impact of climate change on these nations but the compounding and urgent need for decisive and collaborative action to enhance disaster preparedness and to minimise harm to people, assets and livelihoods.

In November, I will be hosting a bushfire resilience forum with representatives from the CFS, both local and state, national parks and State Flora, Mitcham council and the emergency services minister, and hopefully the captains of the local CFS brigades. It is important to me that I do everything I can to ensure my community is ready, that they have the information they need and that they know what to do when a fire comes. I seek leave to continue my remarks.

Leave granted; debate adjourned.

*Sitting suspended from 13:00 to 14:00.*

#### *Petitions*

### **YELLOWTAIL KINGFISH**

**Mr WHETSTONE (Chaffey):** Presented a petition signed by 207 residents of South Australia requesting the house to urge the government to take immediate action to abolish commercial net fishing of yellowtail kingfish and impose a three fish per day commercial trip limit.

#### *Parliamentary Procedure*

### **PAPERS**

The following papers were laid on the table:

By the Deputy Premier (Hon. S.E. Close)—

Annual Reports 2021-22—

Attorney-General's Department

Civil and Administrative Tribunal, South Australian

Electoral Commission of South Australia

Public Trustee

*Ministerial Statement*

**HIGH FLOWS IN THE SA RIVER MURRAY**

**The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. S.E. CLOSE:** The distribution of the statement should arrive momentarily, and I apologise for the delay. I rise to advise the house on the current high flows of the South Australian River Murray. First, let me acknowledge the devastating situation that many upstream communities are currently experiencing as a result of flooding in the River Murray system. I believe I speak for all of us when I express my heartfelt concern for their wellbeing as they deal with the damage and losses that flooding of that scale can create.

It is timely to remember that just prior to the current run of successive La Niña events that have filled storages across the basin we were teetering on a return to Millennium Drought style conditions. While we will certainly be confronted with drought conditions again in the future, drought could not be further from people's minds in the Riverland today. As most members would be aware, the continuing high rainfall, full storages and graphic images of flooding upstream in the Murray-Darling Basin have created great speculation in the community about how big this current high-flow event will be. The truth is that we do not know yet.

Flood forecasting for the River Murray is a particularly challenging exercise as water spreads out and fills large areas of flood plains upstream, which can significantly affect the size and timing of the peak. Experience has shown that this occurs differently in each high-flow event. In addition, the complex interaction of inflows arriving from multiple river systems at different times, including the Murray, Murrumbidgee, Goulburn and Darling rivers, also increases the complexity of providing accurate forecasts in advance.

What this means is that you cannot just add the upstream flows in the different rivers and tributaries together and assume that this is what South Australia will be receiving in several weeks' time—it does not work like that. However, what we do know is that the peak in South Australia during this event will be higher than the high-flow events of recent memory, being 94 giganlitres per day in 2011 and 95 giganlitres per day in 2016. Those a little older may remember the peaks of 104 giganlitres per day in 1990 and 112 giganlitres per day in 1993. The advice that has been provided is that these peaks will be exceeded too.

The official projection from the South Australian Department for Environment and Water, following discussions with upstream authorities, is that flow in the River Murray in South Australia is expected to peak at 120 giganlitres per day in early December. However, it is important to note the department views this as a conservative estimate, as it does not account for any of the 50 to 150 millimetres of rain currently forecast by the Bureau of Meteorology to fall across large areas of the basin over the coming week.

A flow forecast of 120 giganlitres per day means that the current flow advice for the River Murray issued by the State Emergency Service will be expanded from only the shack areas to cover the length of the River Murray in South Australia. While we do not know what the peak flow will yet turn out to be, we do know that it will be the highest flow to come across the South Australian border since the run of high flows experienced from the early to mid-1970s that peaked at 182 giganlitres per day in 1974. There is currently no data that indicates a repeat of the 1956 flood, which peaked at 341 giganlitres per day. However, I can assure the house that there will be significant additional communication and action undertaken should the situation begin to change.

To assist response agencies, businesses and river communities with their risk management planning, the Department for Environment and Water will provide additional commentary to supplement the official warnings in its weekly high-flow advice that it already provides. Aligned with these projections, the department will also publish maps of the major towns along the river that show

the modelled areas of expected inundation at each of the potential flow rates provided. These are available at [www.waterconnect.sa.gov.au](http://www.waterconnect.sa.gov.au), and a link will be added to the Department for Environment and Water website shortly. The department will also work with PIRSA to provide the best advice possible to support primary producers in their risk management and business planning.

In the preparation for the anticipated high flows, the Murray Mallee Zone Emergency Support Team, otherwise known as the ZEST, has been meeting weekly since August. Through the ZEST, various state agencies are working closely together with local government to ensure that the community, business and visitors are well prepared for the high water levels, while also promoting the region as a visitor destination that can still be enjoyed despite restrictions on some activities.

In response to the potential seriousness of this issue, the government has also activated the state emergency centre process to ensure there is a strong and joined up response across the public sector to this matter. The SEC, as it is known, met earlier today to be briefed on this matter and has set up a number of working groups to address the issues we expect will arise. The Premier has announced a six-week campaign to ensure River Murray communities are afforded the best possible protection for floodwaters heading to South Australia.

As part of that immediate work, I can assure those concerned that I have a team of people from my department heading to the Riverland in the next 24 hours to work with councils and other landholders to ensure the levee banks of concern are being reviewed and action taken to ensure the integrity of those flood protection levies. As I indicated earlier, this is a complex and ever-changing matter, and I undertake to keep this house and the broader South Australian community informed as new information comes to hand and to do our best to support our River Murray communities.

#### *Parliamentary Committees*

#### **LEGISLATIVE REVIEW COMMITTEE**

**Mr FULBROOK (Playford) (14:07):** I bring up the 15<sup>th</sup> report of the committee, entitled Subordinate Legislation.

Report received.

#### *Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** Before I call for questions without notice, I acknowledge the presence in the gallery of Jimmy, Karen and Mitchell, guests of the member for Schubert from Calvert Pastoral in the Barossa Valley. Welcome to parliament. We are very glad to have you here with us. I also acknowledge representatives of the SDA, guests of the Hon. Emily Bourke from the other place. I recognise two: Sally Harding and Jeannette Lindqvist, guests of mine. It would be remiss of me not to observe that it is also the birthday of the member for Elder.

#### *Question Time*

#### **GOVERNMENT MINISTERS**

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:08):** Happy birthday to the member for Elder. My question is to the Premier. Is the Premier confident that all his ministers are across the portfolio briefs? Sir, with your leave, and that of the house, I will explain.

Leave granted.

**The Hon. D.J. SPEIRS:** *The Advertiser* reported on 6 October:

Senior government sources said concerns centred on an unnamed Labor minister being 'unable to satisfactorily answer questions' from [the Governor].

Was it the Minister for Human Services? Was it the Minister for Local Government? Was it the Minister for Planning? Premier, which minister was it?

*Members interjecting:*

**The SPEAKER:** Order! The Premier has the call.

**The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:09):** I feel very privileged to be able to lead an extraordinary group of South Australians who are dedicated to their portfolios as well as their broader responsibilities. Each and every one of our members of the cabinet has been expeditious and diligent in undertaking all their functions in a way that accords with the best principles of cabinet government.

#### **SPORTING AND INFRASTRUCTURE GRANTS**

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:10):** My question is again to the Premier. Did the Premier refuse to release documents relating to sporting and infrastructure grants that were requested by the Auditor-General? With your leave, sir, and that of the house, I will explain.

Leave granted.

**The Hon. D.J. SPEIRS:** The Auditor-General's report stated, and I quote:

I requested the SA government submissions for approval of these two programs which were prepared by the Department of the Premier and Cabinet. They had not been provided to me at the time of this report.

*Members interjecting:*

**The SPEAKER:** Order! The Premier has the call.

**The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:10):** I thank the Leader of the Opposition for his question because it is an important one. I am happy to confirm to the house that on this side of the house we are implementing the same policy that was applied by those on the other side of the house, consistent with a Premier's circular.

*Members interjecting:*

**The SPEAKER:** Order! The Premier has the call.

**The Hon. P.B. MALINAUSKAS:** The Premier's circular that was established under the former government makes it clear that requests for cabinet documents must be requested through to the Premier's office. I am happy to confirm that on this side of the house we take very seriously our obligations—indeed, our solemn commitment—towards cabinet confidentiality. Cabinet confidentiality is an established principle that has existed for hundreds of years. It's a principle that actually underpins—

*Members interjecting:*

**The SPEAKER:** Order, member for Hartley!

**The Hon. P.B. MALINAUSKAS:** Cabinet solidarity underpins all the deliberations that are taken within cabinet.

*Members interjecting:*

**The SPEAKER:** Order, member for Chaffey! The Premier has the call.

**The Hon. P.B. MALINAUSKAS:** In fact, the established principle of cabinet solidarity is one that has existed throughout the entirety of the Westminster system to ensure that the deliberations that occur within cabinet are done in such a way that allows for a full dissection—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.B. MALINAUSKAS:** —and a full air of frank opinions amongst the senior executive arm of government. So, on that basis, given our commitment, we indeed ensure that cabinet confidentiality is maintained, and that pertains in relation to all cabinet documents.

*Members interjecting:*

**The SPEAKER:** Order!

**SPORTING AND INFRASTRUCTURE GRANTS**

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:12):** My supplementary is to the Premier. Since coming to office seven months ago, has he or his office provided any documents to the Auditor-General at the Auditor-General's request?

**The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:12):** It would be my expectation that the government provides the Auditor-General all documents to which they are entitled. On the subject of cabinet confidentiality—

*Mr Tarzia interjecting:*

**The SPEAKER:** The member for Hartley is warned. The Premier has the call. The member for Hartley is on one warning.

**The Hon. P.B. MALINAUSKAS:** The only people—and the honourable Leader of the Opposition, the member for Black, would well understand this—who have an absolute right to cabinet documents are members of the cabinet themselves. If the opposition—

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. P.B. MALINAUSKAS:** —now has a different view in respect of cabinet documents and their confidentiality, they can apply their policy right now and make a commitment to release all their cabinet documents.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.B. MALINAUSKAS:** If that is the policy—

*Members interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. P.B. MALINAUSKAS:** —we will submit our request to the Leader of the Opposition—

*Members interjecting:*

**The SPEAKER:** Member for Hartley!

**The Hon. P.B. MALINAUSKAS:** —forthwith to release all the cabinet documents that you have.

*Members interjecting:*

**The SPEAKER:** Order! Premier, please be seated.

*Members interjecting:*

**The SPEAKER:** Member for Morialta, you are warned. Member for Hartley, you are on two warnings. If you continue to interject—

*Members interjecting:*

**The SPEAKER:** Order! Member for Hartley, you are on three warnings and you are five minutes into question time. The Premier has the call.

*Members interjecting:*

**The SPEAKER:** Member for Morialta, you are warned. The exchange between the member for West Torrens and the member for Morialta will cease.

*Members interjecting:*

**The SPEAKER:** Thank you, member for Morialta, for your guidance. The Treasurer, in any case.

**The Hon. P.B. MALINAUSKAS:** It is not for me to respond to interjections, but I believe I heard the member for Morialta just say that the member for West Torrens is completely innocent—

**The SPEAKER:** It's a significant moment.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.B. MALINAUSKAS:** Although I don't think the member for West Torrens looks for absolution, we nonetheless note the reference. This is about upholding a principle that is important to the functioning of government. It's a conscious decision to ensure that all the deliberations that happen within cabinet are the right ones with the right considerations, and it's a principle we intend to maintain.

### SPORTING AND INFRASTRUCTURE GRANTS

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:15):** My question is again to the Premier. Is the Premier aware of any assessment or recommendation from any government agency regarding the expenditure of \$133 million of taxpayers' funds for sporting club and infrastructure grants? With your leave, sir, and that of the house, I will explain.

Leave granted.

**The Hon. D.J. SPEIRS:** The Auditor-General's Report tabled yesterday states, and I quote:

...I was advised...that there are no government records that capture the assessment processes and decisions about which individual sporting clubs and local infrastructure projects would receive grants...

**The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:15):** I again thank the Leader of the Opposition for his question because it goes to an important principle, and I am happy to confirm to the house and the opposition at large that, yes, we did seek the authority in respect of our decisions on this expenditure to sporting clubs; we did seek the authority of the highest order in the land, and that of course is the people of South Australia.

At the 19 March election, we went to the election with an explicit and prescriptive set of commitments in a whole range of policy areas, including investing in communities, which was the principal thing that got us through COVID. They made it clear to us their expectations of the government and what all their hopes and aspirations of the government were. We made it clear to them, in full detail on the public record that indeed enjoyed scrutiny of the then government at the time about what we would do. Having received the endorsement of the highest authority in the land—

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. P.B. MALINAUSKAS:** —in our liberal democracy, we intend to honour the commitment that was made to them. Of course, I do note that that qualification and commitment that was made on this side of the house—

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. P.B. MALINAUSKAS:** —might have been made by those on the other side of the house as well.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. P.B. MALINAUSKAS:** Of course, we know that residents in the seat of King now enjoy an outstanding representative who is a powerful advocate for her local community, so when she made a commitment to the people of King that should she and Labor be elected as government that the McGilp Recreation Park would receive \$1.5 million, the people of King agreed, but it also turns out that so did the member for King and the government at the time. So only a few months later they, too, made the commitment.

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. P.B. MALINAUSKAS:** Similarly, when the member for Wright—

*Ms Stinson interjecting:*

**The SPEAKER:** Order, member for Badcoe!

**The Hon. P.B. MALINAUSKAS:** —accompanied by the member for Newland, made a commitment to Tea Tree Gully Gymsports of \$3.5 million, guess what? Someone else made a commitment too, except this time it was \$3.6 million. Of course, the list goes on: TK Shutter Reserve in Torrens—

*Members interjecting:*

**The SPEAKER:** Member for Chaffey! Member for Morialta!

**The Hon. P.B. MALINAUSKAS:** The member for Torrens made a commitment, and of course the Liberal Party quickly followed.

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** The member for Morialta is warned.

**The Hon. P.B. MALINAUSKAS:** And, of course, this old doozy: when we made a commitment to fund building a new aquatic centre, you canned it first—

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. P.B. MALINAUSKAS:** —then backed it second.

*Mr Cowdrey interjecting:*

**The SPEAKER:** Member for Colton!

**The Hon. P.B. MALINAUSKAS:** Was your election commitment in the lead-up to the election a qualified one? This is an important principle because maybe when we come to 2026—

*Members interjecting:*

**The SPEAKER:** Member for Morialta! Leader!

**The Hon. P.B. MALINAUSKAS:** Maybe when we come to the 2026 election there will be two different methodologies applied when it comes to election commitments. On this side of the house, they make the commitment, we deliver; on that side of the house, you make the commitment but there's a little asterisk associated next to it saying there's a qualification associated with it—two very different processes.

*Members interjecting:*

**The SPEAKER:** Order! On this occasion, the member for West Torrens. The Premier has the call.

**The Hon. P.B. MALINAUSKAS:** The Leader of the Opposition asked if we sought a higher authority in respect of this expenditure and the answer is yes. We went to the electorate, we made commitments on a whole suite of areas—

*Members interjecting:*

**The SPEAKER:** Member for Chaffey!

**The Hon. P.B. MALINAUSKAS:** —it didn't matter if they were big health infrastructure commitments, or commitments to local community groups—

*Members interjecting:*



**The SPEAKER:** Member for Schubert!

**The Hon. P.B. MALINAUSKAS:** —that it turns out you backed in as well, we made commitments. We see those commitments as being absolute and that's why we intend to deliver upon them.

*Members interjecting:*

**The SPEAKER:** Order!

#### *Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** Before I call the leader, I acknowledge the presence in the chamber of Howard Vertigan and Diana Weiler, guests of the member for Davenport, and also the presence of students from Christian Brothers College, friends of the parliament. Welcome.

#### *Question Time*

#### **MINISTERIAL CODE OF CONDUCT**

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:20):** My question is to the Premier. Will the Premier provide evidence that the Ministerial Code of Conduct was fully complied with by all ministers in determining the sports and infrastructure grants and, if not, why not?

**The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:20):** As I have stated previously and am happy to reiterate for the benefit of the Leader of the Opposition, it is my expectation that all members of the cabinet comply with the Ministerial Code of Conduct and I am not aware of any evidence whatsoever to suggest otherwise.

#### **ELECTION COMMITMENTS**

**Mr ODENWALDER (Elizabeth) (14:20):** My question is to the Treasurer. Can the Treasurer advise the house whether the government has received any correspondence about the need to deliver on their election commitments?

**The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:21):** I am pleased to inform the house that the government is in receipt of correspondence from members of the community about the importance of delivering election commitments. I have an example to share with the house that demonstrates just how important it is that the government delivers its election commitments. The correspondence actually was to the Minister for Recreation, Sport and Racing and it reads:

Dear Minister,

I write to seek a guarantee that the State Labor Government will deliver \$320,000 towards the installation of new lights and other capital works at the Hectorville Sports and Community Club...

*Members interjecting:*

**The SPEAKER:** Order, member for West Torrens! The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** I continue:

Since the establishment of the Club in 1964, the Club has advanced into an engaging sporting organisation and offers a range of sporting and social activities for the community.

Approximately 2,500 people are associated with the Club, either through a sport, parent roles and social and community groups—therefore this funding would be beneficial for everyone involved.

The correspondence continues and it gets more interesting:

At the 2018 State Election, I made a commitment to the Club for the upgrade of the women's changerooms—I was pleased to deliver on this commitment, with the former Liberal Government providing \$280,000 of funding for the construction of the changerooms, now open for use.

I look forward to hearing from you.

*Members interjecting:*

**The SPEAKER:** Member for Morialta, order!

**The Hon. S.C. MULLIGHAN:** It makes it very clear that when those opposite seek to query this government's commitments that we made at the election to deliver improvements for sporting community clubs—

*Members interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. S.C. MULLIGHAN:** —they deliberately speak with a forked tongue. There is one standard for them when they are in government and another standard that they seek to hold us to account. This is from not just any member of the community, not just anyone with an interest in this Hectorville club, but from the member for Hartley.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** The member for Hartley!

*Members interjecting:*

**The SPEAKER:** Order! Member for Badcoe! Member for Morialta!

**The Hon. S.C. MULLIGHAN:** Not only a frontbencher at the moment—

*Members interjecting:*

**The SPEAKER:** Member for Morphett!

**The Hon. S.C. MULLIGHAN:** —and fourth in line, but also a former cabinet minister—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** —let alone one of the many Speakers that those opposite went through during the previous election.

*Members interjecting:*

**The SPEAKER:** Member for West Torrens!

**The Hon. S.C. MULLIGHAN:** It is clear that when those opposite seek to criticise this government—

*Members interjecting:*

**The SPEAKER:** The member for Morialta is on two warnings.

**The Hon. S.C. MULLIGHAN:** —for delivering every single one of our election commitments they speak with a forked tongue—

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. S.C. MULLIGHAN:** —because remember, Mr Speaker, unlike those opposite who broke election commitment after election commitment that they made in 2018—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** Do you remember the tram—

*Ms Stinson interjecting:*

**The SPEAKER:** Member for Badcoe!

**The Hon. S.C. MULLIGHAN:** —will turn right—

*The Hon. J.K. Szakacs interjecting:*

**The SPEAKER:** Member for Cheltenham!

**The Hon. S.C. MULLIGHAN:** —or that we will have GlobeLink and GlobeLink will definitely happen?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** We don't have a privatisation agenda—remember all these election commitments?

*Members interjecting:*

**The SPEAKER:** Order! Member for Wright! Member for Cheltenham!

**The Hon. S.C. MULLIGHAN:** Fortunately, they made room for some election commitments. They just happened to be upgrades—

*Mr Cowdrey interjecting:*

**The SPEAKER:** Member for Colton!

**The Hon. S.C. MULLIGHAN:** —to sporting—

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. S.C. MULLIGHAN:** —and community clubs, just like what they are criticising us for now.

*Members interjecting:*

**The SPEAKER:** Order! There is a spirit of lively debate in the room, but I do remind members of the standing orders.

### SPORTING AND INFRASTRUCTURE GRANTS

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:25):** My question is to the Premier. Premier, which minister took the submissions to cabinet to approve \$133 million of sporting club and infrastructure grants, and can the Premier confirm that all requirements under relevant legislation were complied with? With your leave, sir, and that of the house, I will explain.

Leave granted.

**The Hon. D.J. SPEIRS:** Relevant acts include the Public Sector Act, the Public Finance and Audit Act and the Public Sector (Honesty and Accountability) Act.

**The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:25):** Who signed in the cabinet submission of course goes to the cabinet documents and is subject to cabinet confidentiality; however, as the Premier of the state and the chair of cabinet, needless to say I accept responsibility along with the cabinet for all the decisions that are made. Of course, those decisions need to be made in accordance with the law and no-one anywhere, to the best of my knowledge, has suggested that there is any reason to believe that anything to the contrary has occurred.

*The Hon. L.W.K. Bignell interjecting:*

**The SPEAKER:** Order! The member for Mawson knows better.

*Members interjecting:*

**The SPEAKER:** Order! Member for Morialta! Member for Florey!

*Members interjecting:*

**The SPEAKER:** Order! The member for Chaffey and the member for Florey are warned.

*Parliamentary Procedure***VISITORS**

**The SPEAKER:** Before I call the member for Newland, I acknowledge the presence in the gallery of members of the Association of Ukrainians in South Australia, including their president, Mr Frank Fursenko. Welcome. You are most certainly friends of our parliament.

*Question Time***DRIVER'S LICENCE REPLACEMENT FEE**

**Ms SAVVAS (Newland) (14:26):** My question is to the Minister for Infrastructure and Transport. Can the minister update the house on the government's initiative to waive the driver's licence replacement fee for South Australians affected by the Optus breach?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:26):** It's an important question and the breach of the private information stored by Optus has shocked our nation and shocked the people who are customers of Optus. Why Optus decided to keep information that was that confidential and that dangerous unsecured on their servers is beyond belief and of course there is an ongoing commonwealth investigation into that.

Among the information captured was one of the most important pieces of identification most South Australians carry, which is a driver's licence. It has your date of birth, it has your photograph, it has your home address, it has a unique identifying number and your signature, and that being compromised can lead to all sorts of dangerous implications for identity theft. Identity theft can be expensive, it can be stressful, it can be traumatising and it can have long-term financial consequences, so it was important that the government acted quickly and swiftly and we did.

The first thing we did was waive the fee for driver's licence replacement. On average, we were doing about 200 of these a year and we have done thousands in a short period of time. I want to take this time to thank the hardworking public servants of the South Australian government who went above and beyond. We called for volunteers to assist, and they turned up. They worked as hard as they possibly could to make this as quick and efficient as possible for South Australians.

It didn't always go well; there were still queues and for that we apologise, but we attempted to do hundreds of years' worth of work in days. I want to read some of the positive feedback we received. The first one is from the centre at Modbury, which was scheduled for closure by the previous government but which we kept open. One person said:

A huge thank you to the staff at Modbury. I visited last week and, although the line was huge, it was an uncomplicated process and they were a pleasure to deal with, which was a breath of fresh air considering the stress caused by Optus.

Another person at Port Adelaide said:

Port Adelaide is very busy but flowing beautifully—nice and fast. Well done to Service SA staff for handling this so efficiently.

At Gawler:

Well done to Service SA Gawler, had Optus affected people in and out in around 20 minutes. Made it super easy and stress free for everyone.

Since starting waiving the fee there have now been 90,000 licence replacements. Considering that on average we process between 200 and 300 per year, Service SA staff processed a century's worth of licence replacements in just eight days—in eight days—and has now processed three centuries' worth of licence replacements. That is no easy feat and it translates to hours and hours of additional work. The breach occurred just before the school holidays so we had Service SA staff voluntarily cancelling their leave to work extra hours.

The first week after we introduced the fee waiver, SA branches operated at extended hours to manage the demand. In total, an extra 240 hours were collectively worked by Service SA staff. Of course, this is unsustainable. It was only a temporary measure while another solution could be

developed. The following week, the department added the capacity to claim the fee waiver over the internet by using sa.gov, which was an incredibly important implementation.

We have also received extra feedback since then and I want to read one more review: 'Excellent. That only took [a] few seconds to do. I never had time to make it to a Service SA [centre] because of work.' Common sense prevailed. I want to thank again the Department for Infrastructure and Transport for their exceptional work and our commitment to keeping face-to-face Service SA centres open.

**The SPEAKER:** Before I call the member for Hartley, I also take this opportunity to thank Frances at the Mount Barker Service SA, who replaced my own licence.

### SPORTING AND INFRASTRUCTURE GRANTS

**Mr TARZIA (Hartley) (14:31):** My question is to the Minister for Recreation, Sport and Racing. How was Mitcham council consulted before recent sports grants were allocated? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr TARZIA:** The Mitcham city council was prevented from accessing the need for millions of dollars of sports grants before the grants were allocated to them. An email from 22 April, which I provided to you, sir, within Mitcham council says, 'Council staff had little to no involvement in the designs and costing of the sporting and infrastructure grants.'

**The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:32):** I am happy to explain how election commitments were arrived at. Members of parliament and candidates for election directly engaged with members of their community, and in particular with sporting and community clubs, to understand what their experience was like undertaking their activities in the community and also to hear from them whether there was anything that would make their lives easier, make their sporting community club provide an improved experience or flourish into the future and perhaps also maybe even recover from the last two years of dealing with COVID and all the interruptions.

It stands to reason that for many sporting and community clubs, rather than owning their own facilities they quite often use council facilities. I am fascinated to understand the basis of the line of questioning that that means that, rather than engaging with the sporting or community club, a candidate or a member of parliament should instead engage with the council. Let me give you an example, Mr Speaker.

*Members interjecting:*

**The SPEAKER:** Member for Morialta! Member for Flinders! The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** The expectation of those opposite would be, for example, if we were to make an election commitment to, say, build a new hospital at Mount Barker, then we would ring up Christopher McGowan from opposition and say, 'Would it be okay with you if we made a commitment to build improved hospital infrastructure within your portfolio?'

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** How remarkable! Rather than speaking—

*Members interjecting:*

**The SPEAKER:** Member for Morialta! Member for Chaffey!

**The Hon. S.C. MULLIGHAN:** —to the doctors, the nurses, rather than speaking to the patients in a hospital, instead: 'Don't worry about any of that. Don't worry about what the clinical experience is in a hospital. Don't worry about what members of the community want in Mount Barker. Don't worry about that. Just go to the bureaucracy and see what fits in with them.' How remarkable! Or, for example—

*Members interjecting:*

**The SPEAKER:** Member for Florey! Member for Mawson! Member for Flinders!

**The Hon. S.C. MULLIGHAN:** —if you thought it was a good idea to build five new technical colleges, you should seek the approval of the Chief Executive—

*Members interjecting:*

**The SPEAKER:** Member for Heysen!

**The Hon. S.C. MULLIGHAN:** —of the Department for Education. How extraordinary!

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** Don't worry about the skills needs—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** —or the training prerogatives of industry.

**The SPEAKER:** Treasurer, please be seated.

**Mr TARZIA:** Point of order, sir: 98, debate.

**The SPEAKER:** I will hear the member for Hartley. He raises 98. I draw the Treasurer's attention to the substance of the question.

**The Hon. S.C. MULLIGHAN:** Thank you, Mr Speaker. I am grateful for your guidance. Just specifically to address what consultation went on with Mitcham council, and not having seen that particular email but understanding it has been furnished as widely as possible from the opposition and staff apparently not having any knowledge of such a project—

*Mr Tarzia interjecting:*

**The Hon. S.C. MULLIGHAN:** —and the member for Hartley interjects it was on the ABC. It's extraordinary that the council staff had no knowledge because, of course, the former member for Elder Carolyn Power made exactly the same commitment for exactly the same amount of money.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** So the government of the day didn't consult with the council—

*Members interjecting:*

**The SPEAKER:** Member for Hartley!

**The Hon. S.C. MULLIGHAN:** —and yet those opposite criticised the opposition of the day for not criticising the council. I tell you what! Who put you up to this? It's just extraordinary.

*Members interjecting:*

**The SPEAKER:** Order!

#### **CITY OF MITCHAM**

**Mr TARZIA (Hartley) (14:35):** My question is to the Minister for Recreation, Sport and Racing again. Why was the Colonel Light West Tennis Club offered \$250,000 in grants recently, despite the pre-election announcement by the member for Elder being \$140,000? With leave of the house—

**The SPEAKER:** Member for Hartley, please be seated. There is a point of order I will hear from the member for West Torrens.

*Members interjecting:*

**The SPEAKER:** The member for Chaffey is on one warning.

**The Hon. A. KOUTSANTONIS:** Standing order 97, sir: the question has assumed facts in it.

**The SPEAKER:** There is some force in what the Leader of Government Business, member for West Torrens, raises with me. I am going to give the member for Hartley an opportunity to recast the question.

**Mr TARZIA:** On what basis was the Colonel Light West Tennis Club allocated \$250,000 in grants? With your leave, sir, and that of the house, I will explain.

**The Hon. A. KOUTSANTONIS:** The question still has assumed facts, sir: standing order 97.

*Members interjecting:*

**The SPEAKER:** Order! I do not necessarily have the documents in front of me. I understand that there may have been a text sent to me; I have not had the opportunity to absorb those materials. In any event, there is some force in what is said. There is some force in what is raised with me under the standing orders. I am going to allow the question.

**Mr TARZIA:** With your leave, sir, and that of the house, I will explain which may give some context.

**The SPEAKER:** That does assist. Leave is sought; is leave granted?

Leave granted.

**Mr TARZIA:** An email from the Mitcham council to the Office of Recreation, Sport and Racing from 1 June reads:

Attached is the Facebook post from [the member for Elder now, then candidate] announcing the \$140,000 for Colonel Light West Tennis Club, unsure where the \$250,000 came from.

Also, a Facebook post from the then candidate for Elder on 4 December shows the amount for the upgrade depicted as \$120,000.

*Members interjecting:*

**The SPEAKER:** Order! The Treasurer has the call.

**The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:38):** I am happy to respond to this question about again providing funds to improve facilities once again in the electorate of Elder.

*Members interjecting:*

**The SPEAKER:** Member for Morialta! Order! Member for Morialta, you are on two warnings. The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** As I said in my previous answer, these funds were provided to that club to improve their facilities. I don't think there is anything extraordinary—

*Members interjecting:*

**The SPEAKER:** The member for Morialta is now on three warnings. The Treasurer has the call.

*Mr Tarzia interjecting:*

**The SPEAKER:** Member for Hartley, please depart the chamber until the remainder of question time under 137A. The Treasurer has the call.

*The honourable member for Hartley having withdrawn from the chamber:*

**The Hon. S.C. MULLIGHAN:** These funds were provided to improve the facilities at that particular club.

### ROAD SAFETY

**Ms HUTCHESSON (Waite) (14:39):** My question is to the Minister for Road Safety. Can the minister inform the house about the progress of any road safety election commitments in the electorate of Waite?

**The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (14:39):** It is an absolute pleasure to do so, and I commend the member for Waite for her question. On the theme of election commitments, can I commend the member for Waite for her extraordinary advocacy for her community.

One of those election commitments, clearly ignored by the government at the time, was to install safety measures for the Upper Sturt CFS station. The Upper Sturt CFS station, one that I visited recently with the member for Waite, was crying out for years for a very simple yet very complicated ask, it would seem, to install some safety lighting not only to protect them but to protect commuters on that road right out the front.

The member for Waite would know more than others in this chamber just what is required of the Upper Sturt station because the member for Waite is a CFS volunteer at Upper Sturt CFS station. As it is put to me by the loyal and dedicated members of the Upper Sturt CFS, not only is the member for Waite a firefighter but she is an outstanding firefighter. She is one who dedicates herself—and I must commend the member for Hammond for his service as a CFS volunteer.

Can I report to you, Mr Speaker, that recently I had the pleasure of attending the CFS in Upper Sturt to proudly open the new safety lights installed by this government—shock, horror—in pursuit and in execution and delivery of an election commitment of ours. We are in the job of delivering election commitments on this side of the house.

*Members interjecting:*

**The SPEAKER:** Member for Schubert!

**The Hon. J.K. SZAKACS:** Whether it is safety for our CFS volunteers, whether it's managing—

**Mrs Hurn:** Just forget about ramping.

**The SPEAKER:** Member for Schubert! The minister has the call.

**The Hon. J.K. SZAKACS:** —whether it's a generational investment in our health system, but the truth is that whether it is something as minor as a lighting upgrade for the Upper Sturt CFS or whether it is something as major as fixing messes that the former government has left us in generational investments, in capital investment, on this side of the house we are proud to stand up and ask the community that we seek to represent what they would like to see from us and get on with the job of delivering it.

### COMMUNITY INFRASTRUCTURE GRANT PROGRAM

**Mr COWDREY (Colton) (14:42):** My question is to the Minister for Recreation, Sport and Racing. Can the minister confirm that \$50,000 given to the Eyre to There Aviation company for an electric plane trial was funded through the Community Infrastructure Grant Program managed by the Office for Recreation, Sport and Racing, and did that payment meet the grant program criteria?

**The SPEAKER:** I should say at the outset that that question 2 does assume a number of matters. I had anticipated that leave would be sought, but it wasn't. I am going to permit the question in any event, but I remind the member of the standing orders.

**The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:42):** For the member's benefit, election commitments and the entirety of election commitments—even if they were deemed or seemed to be given to community organisations or community clubs—not all of those were necessarily managed by the Office for Recreation, Sport and Racing. There are other agencies relevantly and appropriately placed to organise those arrangements after cabinet had given that approval. As for that particular one, I am happy to come back to him and outline which agency organised those arrangements and provide him with those appropriate details.



*Mr Whetstone interjecting:*

**The SPEAKER:** Order, member for Chaffey! Supplementary question from the member for Colton.

#### **COMMUNITY INFRASTRUCTURE GRANT PROGRAM**

**Mr COWDREY (Colton) (14:43):** As I understand it, the answer provided to me from the Treasurer on notice stated that the Eyre to There Aviation company received \$50,000 from the Community Infrastructure Grant Program managed by the Office for Sport, Recreation and Racing.

**The Hon. A. KOUTSANTONIS:** Point of order.

*Members interjecting:*

**The SPEAKER:** Order! Member for Colton, there is a point of order from the Leader of the Government Business, which I will hear under 134.

**The Hon. A. KOUTSANTONIS:** Standing order 97: he is offering an argument and an opinion and stating as fact within the question, which is disorderly under the standing orders.

*Members interjecting:*

**The SPEAKER:** Order! I understand that the question arises from a response to a question on notice.

**Mr COWDREY:** I am happy to rephrase the question.

**The SPEAKER:** Very well, member for Colton.

**Mr COWDREY:** Does the Treasurer disagree—and with your leave, and that of the house, I will explain, sir.

**The SPEAKER:** Well, a number of matters come to my mind.

*Members interjecting:*

**The SPEAKER:** Order! Member for Colton, the first is that a disagreement is most certainly an argument within the terms of the standing order, so perhaps you might have another opportunity to recast the question or a supplementary.

#### **COMMUNITY INFRASTRUCTURE GRANT PROGRAM**

**Mr COWDREY (Colton) (14:44):** As a supplementary, does the Treasurer stand by his answer? With your leave, and that of the house, I will explain, sir.

**The SPEAKER:** Very well. It must be the answer to the question that was provided on notice, as we understand it, member for Colton. Very well.

**Mr COWDREY:** As the opposition understands it, we were provided an answer to a question on notice that stated that the \$50,000 provided to Eyre to There Aviation company was funded through the Community Infrastructure Grant Program managed by the Office for Recreation, Sport and Racing.

**The SPEAKER:** Here again we run into some difficulties because the proposition is put essentially as either an argument or an opinion, but a device of leave to introduce facts has been used. Can I remind members to my left as to the standing orders. I am going to permit the question because I see that the Treasurer arose and wishes to answer.

**The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:45):** To be fair to the member for Colton, I undertook to take the question on notice, so I stand by that commitment. What I think the member for Colton is seeking, or was seeking, was, firstly, an understanding of which agency it came from and in particular—and this is I think where his interest perhaps really lies; I am happy to be corrected—whether it came out of a particular grant program or grant line pre-existing.

I think this gets to the basis of some of the issues and concerns which are being promulgated by those opposite. There has been an ongoing attempt to conflate the delivery of our election commitments into some sort of process where a pre-existing grant program, which is open to the

community, receives bids, is assessed ostensibly on a competitive basis, decisions are recommended by the department according to guidelines and then a decision is made. Of course—

*Members interjecting:*

**The SPEAKER:** Order, member for Florey! Member for Colton! The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** Of course, in the past there have been occasions where there have been serious concerns about that going awry. Indeed, a few years ago we raised serious concerns that when it came to a grant program—I think was called the grassroots sporting grant program, or something similar to that—run by the previous Liberal government, where 12 of the 13 grants in an open, competitive round, with clear guidelines, happened to go to Liberal electorates. But let's be clear—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** —the difference—

*Members interjecting:*

**The SPEAKER:** Order! The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** Let's be clear, Mr Speaker—

*Members interjecting:*

**The SPEAKER:** The member for Morialta is on three warnings. The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** Let's be clear, because these efforts to conflate the delivery of election commitments entirely separate to and entirely different from pre-existing grant programs—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** —which are managed by the department, which are opened on a periodic basis to the community with the delivery of our election commitments, that is completely wrong. The only reason—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** —they continue to deliberately conflate and misrepresent this process—

*Members interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. S.C. MULLIGHAN:** —is to pursue a political red herring to try to accuse us of the practice that they were guilty of—

*Members interjecting:*

**The SPEAKER:** The member for Chaffey!

**The Hon. S.C. MULLIGHAN:** —when they were in government over the last four years.

*Members interjecting:*

**The SPEAKER:** Member for Schubert! Member for Hammond!

**The Hon. S.C. MULLIGHAN:** I am very pleased to say that is exactly what we have not done. We have not engaged in the same conduct that the very verbal member for Morialta and his cabinet colleagues appeared to do when they were in government. We deliberately made these election commitments so that they were completely separate to pre-existing grant programs of government of agencies within government so that we would be delivering a much greater amount—

*Members interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. S.C. MULLIGHAN:** —of community and sporting infrastructure investment across South Australia. That's what we did. When the member for Colton asks did we take it out of an existing grant program that had guidelines, this was an election commitment—

*Members interjecting:*

**The SPEAKER:** Member for Colton!

**The Hon. S.C. MULLIGHAN:** —and it was made separate to and different to—

*Members interjecting:*

**The SPEAKER:** Member for Florey!

**The Hon. S.C. MULLIGHAN:** My answer was to take it on notice.

*Members interjecting:*

**The SPEAKER:** The member for Chaffey is warned. The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** Why are you deputy? You do nothing.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** You turn up, you get the cash, you get driven home—

*Members interjecting:*

**The SPEAKER:** The member for Morialta knows better.

**The Hon. S.C. MULLIGHAN:** —you can't get a question, you don't do any media.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** Why are you deputy?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.C. MULLIGHAN:** Why are you deputy?

*Members interjecting:*

**The SPEAKER:** Order! The member for Chaffey is on two warnings. The member for Morialta is on three warnings—and I must say that is a most generous interpretation of the warning system. The member for Elder has the call.

#### **VOLUNTEERING SA&NT**

**Ms CLANCY (Elder) (14:49):** My question is to the Minister for Human Services. How is the Malinauskas Labor government supporting young volunteers—

*Members interjecting:*

**Ms CLANCY:** Guys, it's my birthday. Let's listen to me.

*Members interjecting:*

**The SPEAKER:** Order, members to my left! The leader will come to order. The member for Morialta! The member for Schubert!

*Members interjecting:*

**The SPEAKER:** Order, Deputy Premier!

**Ms CLANCY:** My question is to the Minister for Human Services. How is the Malinauskas Labor government supporting young volunteers to make a difference for themselves and their communities?

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:50):** Thank you very much. We will change the tone a little bit, I hope. I will take this opportunity to wish the member for Elder a very happy birthday. I thank the member for the question and commend her interest in the important work of Volunteering SA&NT and the hundreds of thousands of volunteers across South Australia.

Volunteers are all around us, from the SES and the CFS—particularly important at the moment, as we face flood—to people who help our kids read at local schools or those who go into aged-care homes to provide company and a bit of entertainment. Our world is moving faster every day and we seem to have endless demands on our time. This is why volunteers who make time for others are such a critical part of our local communities. With great respect to Treasury officials, there are some things that money can't measure or value. The time and consideration that volunteers give to others is simply priceless.

But volunteering doesn't just happen. It's a culture and a behaviour that is shared with families and communities. Like so many things, it needs support and nurturing to grow. The Malinauskas Labor government recently allocated funding to do exactly that. A grant of \$125,000 over two years will help to create a youth volunteer army. This will fund a two-year trial that promotes and recognises the volunteer efforts of young people in South Australian public high schools.

The program will link volunteering to skills that support young people to get jobs, build networks and increase civic participation. The program will focus on changing a young person's trajectory by improving their resilience, confidence and employability. It will create a crucial link between volunteering and education. It will support volunteer organisations by encouraging a culture of volunteering in young people. It will support South Australia working towards the United Nations Sustainable Development Goals.

The project is based on the Student Volunteer Army Service Award programs in both Tasmania and New Zealand. Students log their volunteering hours via an app and can work towards achievement badges that recognise their volunteering in the community. The Student Volunteer Army Service Award app automatically builds a CV of volunteering that can later help with applications for apprenticeships, scholarships and employment.

Youth Volunteer Army Service Award participants work towards Sustainable Development Goals of their choice and reflect on the impact of their volunteering and what effect that is having. This program will support our young people to be well-rounded citizens and have a genuine impact across our community. It is fundamentally about planting the seed of volunteering early so that it grows in future years.

The government is further supporting Volunteers SA&NT with a \$25,000 grant to explore the social, cultural and economic contribution of volunteers to the state economy. This is our contribution to a national project under the national volunteering strategy and will ultimately produce the South Australian State of Volunteering report. This report will provide real data on the impact of volunteering across South Australia, which will enable the government and the sector to more effectively plan and inform its future.

We know that volunteers are the lifeblood of our community. I am incredibly proud to support the important work of Volunteering SA&NT. To each and every one of the hundreds of South Australians who give their time, energy and skills for free every year, we thank you.

#### **SPORTING AND INFRASTRUCTURE GRANTS**

**Mr COWDREY (Colton) (14:54):** My question is to the Treasurer. Does the Treasurer stand by his comments on ABC radio this morning? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Mr COWDREY:** On ABC radio this morning, the Treasurer claimed the sporting grants provided as election commitments by the government had been assessed within the public sector financial management framework. The Auditor-General's Report states that they were conducted 'outside the public sector framework'.

**The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:54):** I thank the member for Colton for his question. The Auditor-General's Report raises the concern that spending decisions were taken outside the public sector framework.

**Mr Cowdrey:** No, the assessment, Treasurer.

**The SPEAKER:** Member for Colton!

**The Hon. S.C. MULLIGHAN:** The Auditor-General's Report raises the view that the spending decisions were taken outside the public sector framework.

**Mr Cowdrey:** No, the assessment, Treasurer. That's not what he said.

**The SPEAKER:** Order! The shadow treasurer is called to order. The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** What I made clear yesterday when I spoke to the ABC is that the spending decisions happened inside the public sector framework. Indeed—

**Mr Cowdrey:** Not the assessment? That's what the Auditor-General was worried about.

**The SPEAKER:** Order! The member for Colton well knows the standing orders. The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** Indeed—

**Mr Cowdrey:** You're being very selective with your language, Treasurer.

**The SPEAKER:** Member for Colton, you are warned. If you have a point of order to raise, please raise it.

**The Hon. S.C. MULLIGHAN:** Indeed, the spending decision was made by cabinet which, of course, is the appropriate decision-making body in this instance. The decision was made in cabinet, and then the—

**Mr Cowdrey:** When did the assessment happen?

**The SPEAKER:** The member for Colton is warned.

**The Hon. S.C. MULLIGHAN:** The decision was made by cabinet. That then not only provides the expenditure authority but enables the relevant agencies to carry out and give effect to those election commitments. They are then carried out by reaching funding arrangements with the recipients of those funds, whether they are sporting community clubs, indeed, whether they are a council—

**Mr Cowdrey:** The Auditor-General was not worried about that at all.

**The SPEAKER:** The member for Colton is warned for a second time.

**The Hon. S.C. MULLIGHAN:** —which then enables them to go about the delivery of those election commitments to those recipients. That is then done within the public sector and financial management framework of government. I don't agree with the view necessarily that these decisions were taken outside of the public sector framework because the decision was very clearly—

**Mr Cowdrey:** You disagree with him?

**The SPEAKER:** The member for Colton is warned for a third time. The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** Thank you, Mr Speaker. The decision was very clearly taken by cabinet, which then authorised the agencies to enter into arrangements to give effect to those election commitments. That was the advice that I provided the ABC when I was interviewed by them yesterday, and that is fact. That is not an opinion: that is fact. Cabinet made the decision. That is the appropriate decision-making authority for this purpose—

**Mr Cowdrey:** What about the assessment process, Treasurer?

**The SPEAKER:** Order! The Treasurer has the call.

**The Hon. S.C. MULLIGHAN:** —and that then provides the expenditure authority and the legal authority for the agencies to give effect to those election commitments. There is, of course, one part of the process that did happen outside the public sector framework, and that is the parliament ultimately approved these decisions in its consideration and approval of the budget, which wasn't just approved by us but was approved by all members of parliament.

**The SPEAKER:** The member for Frome and then the member for Gibson. I observe that the—

*The Hon. S.C. Mullighan interjecting:*

**The SPEAKER:** Order! The Treasurer is called to order.

*Members interjecting:*

**The SPEAKER:** Order! The exchange between the member for Chaffey and the Treasurer will cease.

#### RENTAL AFFORDABILITY

**Ms PRATT (Frome) (14:58):** My question is to the Minister for Human Services. When will the minister follow up with Megan from Paralowie to ensure that she does not become homeless? With your leave, sir, and that of the house, I will explain.

Leave granted.

**Ms PRATT:** It was reported on *Seven News* last night that Megan, a single mother of four children from Paralowie who cares for her visually impaired father full time, lives in private rental but can no longer afford to do so on a carer's pension. Megan has tirelessly applied for at least 30 properties in the last six weeks since her landlord gave her notice, and her case was referred to the minister's office on Tuesday 11 October as urgent. However, the minister's office sent through an acknowledgement on 12 October, but she has not heard back since.

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:59):** Thanks for the question. I will follow through and get you an answer and bring it back to the house.

**The SPEAKER:** The member for Gibson, and I observe this is only the fourth question from government members in question time today.

#### GENDER-BASED VIOLENCE

**S.E. ANDREWS (Gibson) (14:59):** My question is to the Minister for Women and the Prevention of Domestic and Family Violence. How is the government working on a national level towards preventing and ending gender-based violence?

**The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence, Minister for Recreation, Sport and Racing) (15:00):** I thank the member for her question and also thank her for her tireless advocacy and support for women and girls in our community. The horrific scourge of domestic, family and sexual violence is persistent, it is deeply unacceptable and it is a compelling call to action. It is the responsibility of every government, every person and every sector to work to prevent and end it.

On Monday, we took a step forward in these crucial efforts. I was extremely proud to represent our government at the launch of the new National Plan to End Violence against Women and Children. This plan is ambitious and it outlines a bold vision to end the scourge of domestic violence, of harassment and disrespect toward women in one generation. It is firmly framed around preventing and ending gender-based violence and creating a safe community for girls and women.

It has priority areas of focus across the continuum of prevention, early intervention, response, recovery and healing. Together with every government around the country, we have committed to this ambitious plan. Importantly, the plan is strongly informed by input from victim-survivors. It is they

who are at the heart of this plan and it is they whom we must all keep in our minds and hearts as we go about making change.

I deeply acknowledge the courage of those who spoke their truth so that others may not have to experience the violence that they experienced and so that others are empowered to speak up. At the launch, an extraordinary woman, Lula Dembele, on behalf of the Coalition of Survivors shared these powerful words and call to action:

We are your mothers, your sisters, your brothers, your aunties, your cousins, your children, your partners, your colleagues, your friends, your family, your kin, your community.

Do not continue to shame us for what other people have done to us. We did not ask for abuse. We have resisted violence, or done what we needed to do—to protect ourselves, our families. To survive.

Stand with us, do not look away when we show you our pain. See what is happening all around you every day, from the sexist comment, or homophobic joke, to the excuse 'boys will be boys'.

I say to Lula and all survivors that we see you, we hear you, we will act and we will walk with you as we work to ensure no woman experiences violence. As Lula said, 'It is time to transform pain into action.'

The plan has a key focus on coercive control, aligning with the commitments of this government to criminalise this insidious behaviour. Underpinning the national plan are six cross-cutting principles:

- advancing gender equality;
- working with victim-survivors;
- closing the gap;
- person-centred coordination and integration;
- intersectionality; and
- people who choose to use violence being held accountable.

Everyone has a role to play in bringing these principles to life, in working to prevent and end violence against women. We know that governments alone cannot progress change. We need everyone to work with us: business, industry, schools, universities, media, sporting clubs, faith-based organisations and, indeed, people in every corner of every community to address gender inequality.

#### HOUSING TRUST

**Ms PRATT (Frome) (15:04):** My question is to the Minister for Human Services. When will the minister resolve the issue of an empty Housing Trust property in Fulham. With your leave, sir, and that of the house, I will explain.

**The Hon. A. KOUTSANTONIS:** Point of order.

**The SPEAKER:** There is a point of order from the member for West Torrens under 134.

**The Hon. A. KOUTSANTONIS:** Standing order 97 says:

In putting any such question, a Member may not offer argument or opinion, nor may a Member offer any facts except by leave of the house.

In the body of her question, the member included facts in the question about the house and its state.

**The SPEAKER:** Yes, it may also be that the question sought to introduce opinion or an element of argument, but in any case I am going to offer the member the opportunity to recast the question.

**Ms PRATT:** Thank you, Mr Speaker. Will the minister commit to resolving the issue relating to an empty Housing Trust property in Fulham? With your leave, and that of the house, I will explain.

**The SPEAKER:** There is no point of order before me, member for Frome, but it occurs to me that that question is infected with the same difficulty. It may be that there is a way to recast it. I will give you the opportunity.

**Ms PRATT:** Mr Speaker, I thank you again. Will the minister commit to resolving the issue that relates to a Housing Trust property in Fulham and, as I stated before—

**The SPEAKER:** Well, member for Frome, that introduces the difficulty that there is an issue with a home in a particular locality. I am going to allow the question.

*Members interjecting:*

**The SPEAKER:** Order!

**Ms PRATT:** Mr Speaker, I also sought your leave and that of the house to explain further.

**The SPEAKER:** Very well. Leave is sought; is leave granted?

Leave granted.

**Ms PRATT:** It has come to the opposition's attention that an empty Housing Trust property at Fulham has been left in a squalid condition. Footage from inside the home shows rubbish and dog food strewn throughout the property, power points ripped out of the walls, windows smashed and drug paraphernalia left lying around the kitchen. Issues at this property were raised with the minister's office five months ago and have still not been resolved.

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (15:06):** I thank the member for the question. There are several things to say. This was raised with my office some months ago as a matter of antisocial behaviour. The member for Colton has received responses in relation to that. This is not an empty home; this is a tenanted home. Someone has entered the home and taken vision of it. That was not their home to take vision of. This matter actually, in terms of the research I have done since finding out about this, goes back to 2019. I was not the minister then.

**Mr Cowdrey:** The house was not in that state.

**The SPEAKER:** Order!

**The Hon. N.F. COOK:** The honourable member in the other place—

**Mr Cowdrey:** Don't mislead the house.

**The SPEAKER:** The member for Colton is on three warnings. The minister has the call.

**The Hon. N.F. COOK:** There are several things. In the last four—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. N.F. COOK:** In the last four years, 200 staff were removed from the housing authority under the previous government. That is 20 per cent.

*Mrs Hurn interjecting:*

**The SPEAKER:** Member for Schubert!

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** Member for Morialta!

**The Hon. N.F. COOK:** I would love to be able to—

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** The member for Morialta is called to order.

**The Hon. N.F. COOK:** —recruit that many staff in that time, but it's very difficult. Two hundred staff were removed.

*Mrs Hurn interjecting:*

**The SPEAKER:** Member for Schubert!



**The Hon. N.F. COOK:** Every year, the number of public housing properties went down. It has significantly compromised the ability of the tenancy officers, the housing officers, to be able to do deep and meaningful work with tenants who have a range of complex challenges in their housing properties. This tenant clearly has complex problems.

The ability for us to respond does have legal parameters around it. In the last five months, this particular property has been subject to a number of visits and formal warnings, as well as offers of help, so there is a process underway. There is a process underway to follow up this particular tenancy that is occupied by a very vulnerable person who has complex degrees of challenges that we are working with.

If the local member, and indeed the shadow minister asking the question, would like to have a conversation regarding this tenancy, I would be very happy to do so. We would like to see this person living a much better life and that property being looked after in a much better way. But, as I said, my information is that that property has been a challenge since 2019. It is tenanted; it is not a vacant property.

#### *Parliament House Matters*

### PARLIAMENT HOUSE OPEN DAY

**The SPEAKER:** Members, before we turn to grievances, I remind the house that there will be an Open Day on Sunday 30 October and members are encouraged to participate as volunteers, together with their staff. I am informed by Natalie, the House Education Officer, that we are seeking some additional volunteers for the day.

#### *Grievance Debate*

### JETTIES

**Mr TELFER (Flinders) (15:10):** I rise today to speak about the incredibly important community assets of the more than 70 public jetties and wharves dispersed along the South Australian coastline. In my electorate of Flinders, there are much-valued jetties all around my coastline, including Cowell, Arno Bay, Port Neill, Tumby Bay, Louth Bay, North Shields, Port Lincoln, Coffin Bay, Dutton Bay, Elliston, Venus Bay, Port Kenny, Haslam, Streaky Bay, Smoky Bay, Ceduna, Denial Bay, Point Sinclair and Fowlers Bay.

These are the central pieces of infrastructure that many of our coastal communities are built around. Whilst many of these were originally used as export facilities, most are now incredibly popular tourism drawcards used by visitors and locals to access our unique marine environment. One jetty in particular that is close to my heart is at Tumby Bay. It was built in the early 1900s and throughout the years has seen generations of locals and visitors all enjoying the ability to go swimming, fishing, diving and walking in our beautiful environment.

The Tumby Bay jetty has also seen its share of fix-up jobs from its community, council and government. If you take the time to look closely at the physical construction of the jetty at Tumby Bay, you will find the original timber piles and framework, more recent timber construction, some concrete piles that have been put in place to replace some of that timber and, most recently, some steel components added to strengthen the construction.

Unfortunately, in recent weeks, there has been storm damage to the Tumby Bay jetty, which means that it is temporarily closed at the moment. This is a terribly disappointing outcome and one which must see a concerted effort to find a solution for. There has been much time, effort and funding put in over the many years of the life of this jetty. In the 1970s there was the very real threat that the government would come in and demolish it.

The community rallied together against that and, whenever the word was spread around town that the government department was coming towards the jetty, the whole township, at the calling of the late Laurie Curtis, would come together and gather on the jetty. Hundreds of people coming together to protect their jetty and ensure that future generations had the same opportunity to experience the marine nature that they did. I am so very happy that they stood up for their jetty, and the current population is too. I will do all I can to stand up for the locals and visitors to Tumby Bay to make sure we do not lose our jetty.

Jetties all around the state are owned by the state government, with around half of them leased to the local councils for their ongoing maintenance. Councils all around the state have invested hundreds of thousands of dollars over recent years to keep their jetties to a point of being able to be used. Many of these leases are expiring over coming years, and there is currently no certainty for those communities about what the future of their jetty looks like.

We need a sustainable governance structure for the future of our jetties. The state government needs to play a significant leadership role in funding the long-term solution for jetties around our state. We need strategy, we need a plan, we need to recognise the important social, recreational and tourism role that jetties play in South Australia and we need to fund them appropriately.

Each jetty is so important for each one of these individual communities. I know the people at Ceduna have significant concerns about their jetty. Port Lincoln jetty, too, will need significant investment in the near future. I know the Yorke Peninsula council worries about the future of the 12 jetties they are responsible for. This feeling is replicated across our state, especially in our regional communities, where jetties contribute immeasurable social and community value.

The community consultation work was done by the Department of Infrastructure under the previous Liberal government to understand the importance of jetties to the communities of South Australia. It is now time for concerted effort across levels of government to provide direction and certainty. Government funding allocation generally requires an economic justification, and it really is that immeasurable social and community value that means that the decision-making systems that allocate funding should not rely solely on the economic contribution of the assets.

During its election campaign, the government promised to identify key infrastructure projects like boat ramps, jetties and wharves to encourage the important recreational fishing sector which brings families together and contributes to the health and wellbeing of our community. It is time for positive action on the future of our jetties, as we cannot afford as a community to lose these incredibly valuable pieces of community infrastructure.

### ABORIGINAL HEALTH

**The Hon. D.R. CREGAN (Kavel) (15:15):** As has been said before with no less feeling, reconciliation with Aboriginal peoples requires changes of the heart and spirit. It requires determined work and at times a willingness to face criticism. Jeanette Lindqvist, present in the gallery, a member of my community, identified the nonconsensual use of the contraceptive Depo-Provera on Aboriginal girls in Oodnadatta. I have learned about her work and I wish to acknowledge it in this place. In consequence of her work, she faced ostracism.

Jeanette, then Sister Jeanette Kelly, was employed as a nurse by the Aboriginal Health Service at Oodnadatta in 1982. She was 32. Her house was always open. She cared deeply for the Aboriginal community. Jeanette commenced a review of how Depo-Provera had been administered. She considered medical records and interviewed Aboriginal girls. It was her view that Depo-Provera had been administered without consent on a number of occasions. She felt her view was supported by others in the community.

In December 1984, Jeanette's concerns with the focus of an article in *The Advertiser*. The newspaper wrote:

Aboriginal teenage school-girls at Oodnadatta had been taken from their classrooms and unwillingly given injections of the controversial three-month contraceptive drug Depo-Provera it was claimed in Adelaide yesterday.

Jeanette is reported to have said, 'I believe it is still happening in Port Augusta and Alice Springs and some WA communities.'

There were significant racial tensions in Oodnadatta. Many felt that the Aboriginal Health Service was making a case to run the hospital. Rumour and speculation replaced all reasoning and careful reflection. On her return from Adelaide after the story appeared in the newspaper I mentioned, Jeanette faced a sign in the street which read, 'Welcome back liar.' As well, a card Jeanette received at the time reads in part, 'I just want to reassure you that most Australians feel the same way about [this] as you do.'

The health minister the Hon. John Cornwall MLC established a review group to examine the use of Depo-Provera in Oodnadatta. The group's redacted report was tabled in the other place on 21 August 1986. Its findings are oblique. For example, the report reads in part:

The group believes that the situation should never have been allowed to occur and its incidence can be attributed to a number of factors including the remoteness of the region, a lack of facilities and resources and perhaps over zealotness.

The report also states:

It is probably fair to say that the situation at the time was handled from a European perspective with some lack of appreciation of the perception of the Aboriginal women involved.

The group was reluctant to recommend punitive action. It expressed the opinion that the evidence before it was inconclusive. It identified conflicting accounts and gave them equal weight. Quoting from the report:

The Group does not believe beyond reasonable doubt that force was used.

Amongst other matters, it is unclear why the report was prepared having in mind the criminal law standard beyond reasonable doubt. A report prepared having regard to the balance of probabilities may have come to different conclusions and in other ways have been more useful. Thank you, Jeanette, for your important work. In this way and in other ways, reconciliation is made possible.

### MURRAY RIVER

**Mr WHETSTONE (Chaffey) (15:18):** I rise to give you a headline for tomorrow's paper, sir: the Riverland is not under water nor is the water running up the main streets, as many of the media have indicated along the course of the last week. The Riverland is bustling with activity; it is a hive of activity with river flows. The environment is looking magnificent. Our flood plains and our wetlands are currently experiencing a one-in-20-year drink, and it is magnificent to see.

I know that where I live at Spring Cart Gully the Gurra wetlands are experiencing a flooding event at the moment, but it is a wetland flooding event. It is not towns. It is not the region. What I would say to visitors and tourists is please come and visit the Riverland and have a look at the region in its splendour. The natural environment is having a wonderful time.

If we look at my most recent visit to the Chowilla regulator, we see all of the floodplains and the wetlands up there being slowly submerged. What that means is that both the red gum community and the black box community are now getting a drink. Some of those black box communities have not had a watering for 20 years. This is just music to the environment's ears. It is music to the Riverland's ears because we know that this will incentivise people to come and visit and have a much better look around.

Currently, coming into South Australia at the border we are experiencing about 80,000 megalitres a day. For many of you, 80,000 megalitres might mean the perception that we are under flood. That is not the case. The perception is that we will see in the next few years somewhere in the vicinity of it being bumped up to 100,000 megalitres a day, and then into December we could see as much as 120,000 megalitres.

It is all about timing. It is about the rainfall that we are about to experience. We know that in the Mid North we are seeing thunderstorms and flooding events on the roads and in some of that pasture country. But what we see in the river valley and what we see in the Murray-Darling Basin is that it is currently under stress. It is seeing significant rainfall.

In the catchments, particularly on the eastern seaboard, we are seeing significant stress. We are seeing water in the streets, some towns are fully submerged, but that is not the case in the Riverland. I want to make that really clear because I have had a number of conversations with some journalists who continue to use the 'f' word.

I urge everyone, journalists and commentators, not to use the 'f' word because it is a bit like using the 'd' word. The 'd' word is for drought—'Don't come to the Riverland because there is no water in the river.' 'Don't come to the Riverland because it is in flood,' which means the main street is under water. That is not the case. I want to reiterate that the Riverland is a great place to visit, but at the moment it is an even better place to visit as it experiences one of the great natural wonders,

and that is significant inflows into South Australia to regenerate much of that wetland and flood plain that has been under severe stress for such a long time.

There are so many ways to enjoy the area. I know that Destination Riverland has been a very strong advocate, making sure that people are fully informed about where there is any inundation, where there are any threats with some of those river tracks in some low-lying areas in the Riverland and, of course, we will continue to monitor and keep people informed.

Another issue I would like to talk about today is the levee bank, particularly around the township of Renmark. This goes back a long time. I remember challenging the former Labor government and the then minister, saying that we needed to have some action to remediate some of that levee bank around Renmark. That was in 2012. Nothing happened. What we are seeing now is some uncertainty. There are forecasters, and I am working with both the Minister for Emergency Services and the Minister for Environment, and potentially the Minister for Infrastructure.

What we know is that there is a level of uncertainty and we do not want to have to go in there at the eleventh hour and think that we are going to fix up the levee bank. The levee bank is screaming out for help. It has been compromised over many areas. It has a lot of vermin that have lived in it for a long period of time—remembering that it was built in 1956—and so it is overdue for a fix up.

I am concerned that the minister today said that the truth is we do not yet know, yet we will send another team of people up there to assist the flood plain, and we might be able to get to it in a week or two. Time is of the essence. I urge the government, the council and the private landowners to please get on with the job and remediate that levee bank so that we can put people's minds at ease, particularly in the town of Renmark.

#### ADELAIDE FILM FESTIVAL

**Mr FULBROOK (Playford) (15:24):** With the Adelaide Film Festival beginning, I rise to speak on the local screen industry, specifically on the Make it Australian campaign, driven by the Media, Entertainment and Arts Alliance, Screen Producers Australia, the Australian Writers Guild and the Australian Directors Guild.

As a state proud of its screen success, South Australians should note its significance. For those who are unaware, this is an industry-driven campaign drawing together producers, directors, screenwriters, actors, crew and other industry professionals who, like me, want to see a vibrant, local and sustainable screen sector. It has three main objectives, which include the evolution of the Australian content rules to cover media like Netflix, Amazon, Disney+, telcos and ISPs; competitive tax incentives; and well-funded public broadcasters and screen agencies.

With the meteoric rise of streaming services, our ability to keep telling Australian stories on screen is at risk of being drowned out by overseas content. Back in August, I had the pleasure of meeting with Aaron Connor of the media alliance, who argues that streaming services should have an obligation to tell Australian stories. Mr Connor argues that overseas content has already made its money before it is shown locally. Therefore, in many cases, anything streamed here is a bonus to foreign studios. Given that Australians spent a total of \$4.4 billion on streaming services last year, that is a lot of revenue being distributed overseas.

With work underway on a new cultural policy, spearheaded by the federal Labor government, the looming opportunity for local production to benefit is hopefully about to dawn. We need to cast our minds back to *McLeod's Daughters*, which over eight seasons continuously supported the livelihoods of the local industry, from 2001 to 2009. While it was a boon to South Australia during production, its loss was a blow and arguably left a big hole we have yet to fill. You only have to look at the recent cancellation of *Neighbours* to realise what a disaster this has been to Melbourne and the broader industry.

Some may point out that the production of *Mortal Kombat* is a sign things are healthy in the local screen industry, but Mr Connor rightfully points out that production required significant numbers of crew from interstate and was a temporary benefit. It is a bonus to have foreign studios set up locally, but these occurrences are as sporadic as a fluctuating dollar. For change, we therefore need legislative steps to ensure South Australian kids have a realistic chance to develop their skills as make-up artists, camera operators and screen actors in their backyard.

Over the years, we have seen these problems compounded through the gutting of ABC from Collingswood, with a rationalised and centralised operation enshrined in Ultimo, a suburb of Sydney. This is a terrible outcome not just for South Australia but for anybody living west of the Great Dividing Range. I cannot blame the corporation for trying to survive in the face of more than \$526 million in cuts since 2014 and a 20 per cent decline in commission budgets for adult drama and children's content, but its survival instinct has hurt places like South Australia the most.

While we no longer have a federal government at war with public broadcasting, as they untangle the mess we need to impress upon them the consequence of a centralised ABC. Fixing this and creating opportunities for locally produced programming by the streaming services are causes that we should consider.

My support for this campaign is driven not just by a desire to create local jobs. We have an amazing lifestyle in South Australia, with beautiful landscapes, people and stories to share. Subsequently, continual production of series content in South Australia should be something to strive for. The Media Entertainment and Arts Alliance argues these are within reach through sensible reforms, and I encourage members to consider these possibilities.

### REGIONAL ROADS

**Mrs HURN (Schubert) (15:28):** Our regional roads connect us all. There are thousands upon thousands of kilometres of roads right across our state. Locals, particularly in the regions, tend to know these roads like the back of their hands, so when they raise an issue with you about road safety or a condition of the road, you listen and you do everything within your power to take action. I have been contacted by locals right across my community who are rightly concerned about the disgusting state of the Eden Valley Road, particularly between Eden Valley and Springton, in my electorate of Schubert. To say that it is disgusting and appalling is, frankly, an understatement.

Locals have reported not only multiple accidents, or accidents that have been missed by some pretty studious driving, but also some vehicle damage as a result of locals swerving as best they can to miss these dreadful and really large potholes situated in the middle of Springton and Eden Valley roads. This is a critical route for our region, and it is an important thoroughfare for locals, for farmers and, in particular, for our visitors. At the moment, it is not good enough—in fact, it is downright dangerous.

It is critical for locals who are travelling to and from work or for school, and for people who are travelling right across our region for sport, and for tourists who are coming to visit all that we have to offer here in the Barossa. Unfortunately, the condition of the road continues to drastically deteriorate. It has been crumbling for many months, largely due to the weather; obviously it has been a wet season, but that is not an excuse. We need action on this regional road, and that is exactly what I have been calling for.

Many of these potholes have been filled in once the emergency line was contacted by locals, but it is quite clear that a long-term fix is exactly what is needed—some regular maintenance that is occurring around the clock, a long-term solution of repair that is going to ensure that this road is kept up to the best possible state.

In fact, I have today spoken to the Minister for Regional Roads, the member for Stuart, Geoff Brock, and he has given the undertaking that he will pursue this matter, and of course I am really greatly appreciative of that. I would also like to acknowledge the work of The Barossa Council, who have also taken it upon themselves to raise this directly with the department. I would like to acknowledge the work of Barossa Valley Mayor, Bim Lange, in that regard.

The former Liberal government ploughed through a whopping \$750 million road maintenance backlog left by the former Labor government. We upgraded roads right across South Australia—particularly in the regions, including in my electorate of Schubert. However, make no mistake about it: there is so much more work that needs to be done. That is exactly what we are focused on advocating for on behalf of all our local communities here.

That is why it was particularly disappointing that our funding for regional roads in this new government's first budget fell so spectacularly short. Of the \$7.83 billion budgeted for roads over the next four years, just \$467.4 million is going towards our regional roads. That is just 6 per cent

allocated towards our regional roads. I just think that is absolutely appalling because we have to do everything that we possibly can within our power to ensure that we have safer and better regional roads because they do connect us all.

In particular, I would like to thank all of those members of my community who have contacted me. I would like to thank the *Leader* newspaper, who have done a remarkable job in shining a light on this issue as well. Action does need to be taken. From my perspective, from the perspective of The Barossa Council, we will be holding the government to account and making sure that the department does everything it can to ensure that this critical road is fixed, and it is just the beginning.

### WALKERVILLE ART SHOW

**Ms HOOD (Adelaide) (15:33):** I rise today to talk about two really wonderful community events that I have had the pleasure of attending recently. On Friday 7 October, I had the honour of officially opening the Walkerville Art Show. It is the 13<sup>th</sup> show that has been held by Walkerville Rotary, and the size and the calibre of the artworks just keep getting better each and every year.

I would like to thank a couple of people who are involved in making this such a wonderful community event. In particular, the art show director, Chris Richer; all the wonderful Walkerville Rotary volunteers who put in hours and hours of work to make this happen; all the artists and attendees; the art show judge, Denis Noble, who has the really challenging task of picking the best artworks for the show; and also the artist-in-residence, Katherine Fitz-Gerald, who on the night I think really summed it up when she said that even throughout COVID, which has been such a challenging time for people who work within the arts industry and who are artists themselves, it was the Walkerville Art Show that just kept on going, even throughout the COVID-19 pandemic. It really provided that wonderful opportunity for artists to do what they do best.

There are a number of causes that this art show supports through the proceeds from the sale of the artwork, including bushfire regeneration and tree planting. It also supports youth programs, which I was a beneficiary of 20 years ago. I was lucky enough to receive the opportunity to go to Canberra as the Naracoorte Rotary Adventure in Citizenship recipient, which was absolutely incredible, so it supports important causes like that. It also supports international causes, including portable solar panels in villages in the Philippines and the education of girls in developing countries. Whilst it is a really local event, the impacts of an event like this are felt not just locally but nationally and internationally.

I will give a shout-out to the award winners on the night. Best in Show went to Victoria Rolinski for her painting *Salty Vibes*; the Community Award went to Glenda Michael for her painting *Trinkets*; Best Oils or Acrylic to Mike Barr for *Sun Showers—Town Hall*; Best Watercolour to Jayson Castor for his painting *Somber Mood on Pulteney Street*; Best Sculpture to Rachel Scholich for *Drift Wood Shark*; and the Picture Hangers' Award went to Anne Bowman for *Billabong*.

On Saturday, I also had the pleasure of attending the Prospect Community Garden's 10<sup>th</sup> birthday and saying a few words there. Ten years ago, two women in our community—Jenny Smith and Lindy Neilson—had a vision to create a community garden in Prospect. It has grown into not just a really beautiful garden but an incredible community hub. The strength of community gardens is that, whilst you might not play a sport or be part of a large group, a community garden gives you that space to be able to quietly reflect but still be a part of the community and feel connected. That is just one of the magical things about not just Prospect's community garden but community gardens all over the state.

For those people who would love to get involved in the Prospect Community Garden, it is open on Tuesday and Saturday from 9am until 12 noon west of Prospect Memorial Gardens off Willcox Avenue. It is a garden that does grow more than fruits, vegetables, plants and flowers: it really does grow a stronger and more connected community. Thank you to Jenny Smith, Lindy Neilson and all the people involved in the Prospect Community Garden. Congratulations on your 10<sup>th</sup> birthday.

**The DEPUTY SPEAKER:** A quorum is not present, ring the bells.

*A quorum having been formed:*

*Bills***ADVANCE CARE DIRECTIVES (REVIEW) AMENDMENT BILL***Introduction and First Reading*

**The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:40):** Obtained leave and introduced a bill for an act to amend the Advance Care Directives Act 2013. Read a first time.

*Second Reading*

**The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:40):** I move:

That this bill now be read a second time.

Today, I rise to introduce the Advance Care Directives Review Amendment Bill 2022. This bill seeks to amend the Advance Care Directives Act to improve the functioning of the advance care directive legislation in South Australia.

This is necessary to continue supporting the community and health practitioners by having legislation as up to date and appropriate for the task of achieving compliance with the act. The bill enhances the operation of the act in response to the statutory review of the act that was conducted by Professor Wendy Lacey in 2019.

With your leave, sir, I seek leave to introduce the remainder of the second reading explanation and explanation of clauses into *Hansard* without my reading them.

Leave granted.

The *Advance Care Directives Act 2013* was passed by the South Australian Parliament in 2013 and commenced on 1 July 2014.

An Advance Care Directive enables a competent person to make decisions and give directions in relation to their future health care, accommodation arrangements and personal affairs; provides for the appointment of substitute decision-makers to make such decisions on behalf of the person if a person is not able to make them due to impaired decision-making capacity; ensures that health care is delivered to the person in a manner consistent with their wishes and instructions; facilitates the resolution of disputes relating to advance care directives; and provides protections for health practitioners and other persons giving effect to an advance care direction.

Section 62 of the Act provides for a review of its operations to be completed before the fifth anniversary of the commencement of the Act.

The Department for Health and Wellbeing engaged Professor Wendy Lacey to undertake the review which was conducted over a 10-week period from 10 April 2019 to the end of June 2019. Professor Lacey consulted extensively, with both targeted consultation with interested organisations, persons and professions; as well a broad invitation to contribute provided to members of the community.

The Lacey Review made 29 recommendations and was tabled in Parliament on 1 August 2019. The former Government's Response to the Review was tabled in Parliament on 23 July 2020 and supported, in full or in principle, 22 of the recommendations.

To guide the implementation of the recommendations of the Review, an Advance Care Planning Oversight Group and a Working Group were established by the Department for Health and Wellbeing. This ensures the implementation has been overseen by a broad range of stakeholders from the health, aged, disability, legal and community sectors, including the Australian Medical Association, Council on the Ageing and the Legal Services Commission South Australia.

The Malinauskas Labor Government is committed to continuing to implement the recommendations of the Lacey Review to improve the functioning and uptake of Advance Care Directives in South Australia.

This Bill has been drafted to implement the recommendations of the Review that recommend changes to the Act. It closely aligns with the Bill that was introduced into Parliament in 2021, which was subject to extensive consultation in 2021.

The bill includes amendments on the following:

- Inclusion of references to digital copies of ACD documents
- Interaction with other Acts and laws
- Giving advance care directives where English is not the first language

- Requirements in relation to appointment of substitute decision makers and their empowerment
- Resolution of disputes by Public Advocate; and
- Referral of certain matters to Tribunal.

The previous Minister introduced amendments on how an ACD cannot be used as the basis for refusing life-saving treatment following an attempt to suicide or cause self-harm. This provision does not exist within the current Act but may be subject to members consideration in committee stage.

Strengthening Advance Care Directives legislation will support all South Australians to make clear legal arrangements for their future health care.

I commend this Bill to members.

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

#### Explanation of Clauses

#### Part 1—Preliminary

##### 1—Short title

##### 2—Commencement

These clauses are formal.

#### Part 2—Amendment of *Advance Care Directives Act 2013*

##### 3—Insertion of section 5A

This clause inserts new section 5A into the principal Act, providing for the recognition of certain digital copies of advance care directives.

##### 4—Insertion of section 8A

This clause inserts new section 8A into the principal Act, setting out the relationship between the principal Act and other Acts and laws.

##### 5—Amendment of section 14—Giving advance care directives where English not first language

This clause amends section 14 of the principal Act to set out requirements and limitations relating to the use of interpreters under the Act.

##### 6—Amendment of section 21—Requirements in relation to appointment of substitute decision-makers

This clause amends section 21 of the principal Act to clarify that there can be any number of substitute decision-makers under an advance care directive.

##### 7—Substitution of section 22

This clause substitutes a new section 22 into the principal Act setting out the relationships between substitute decision-makers under an advance care directive and how they exercise their powers, including by providing for orders of precedence.

##### 8—Amendment of section 24—Exercise of powers by substitute decision-maker

This clause amends section 24 of the principal Act to provide that substitute decision-makers under an advance care directive can produce certified or electronic copies of advance care directives rather than the original.

##### 9—Amendment of section 45—Resolution of disputes by Public Advocate

This clause amends section 45 of the principal Act to remove to the ability of the Public Advocate to make certain declarations relating to mediation under the section.

#### Schedule 1—Statute law revision of *Advance Care Directives Act 2013*

This Schedule is a statutes law revision exercise correcting obsolete references and gendered language in the principal Act.

Debate adjourned on motion of Hon. J.A.W. Gardner.



**STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO AND OTHER JUSTICE MEASURES) BILL***Second Reading*

**The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (15:42):** I move:

That this bill be read a second time.

I seek leave to insert the second reading explanation and the explanation of clauses into *Hansard* without my reading them.

Leave granted.

Mr Speaker, today I rise to introduce the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2022.

Further to the Attorney-General's Portfolio Bill that was received in this place in September, this Portfolio and Other Justice Measures Bill seeks to rectify minor errors, omissions or other deficiencies identified in legislation committed to the Attorney-General and to make technical amendments.

Given the minor or technical nature of these amendments, it is often more efficient to deal with such matters in an omnibus bill rather than in separate amendment Bills for each Act.

This Bill makes various amendments to 14 Acts committed to the Attorney-General, and two justice-related amendments to Acts committed to other Ministers.

All of the amendments were previously contained in the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2021, introduced by the former Government last year but which did not pass before the end of sittings.

On 5 May 2022, the Attorney-General introduced the Statutes Amendment (Attorney-General's Portfolio) Bill 2022 in the other place. That Bill proposed to progress a small number of amendments previously contained in the former Government's Bill that were identified as a priority.

The Bill I introduce today seeks to implement the majority of the remaining amendments from the former Government's Bill.

Turning to the substance of the Bill, Part 2 amends the *Aged and Infirm Persons' Property Act 1940* in relation to the jurisdiction of the South Australian Employment Tribunal and the South Australian Employment Court.

The amendments in clauses 3, 4 and 5 enable protection orders to be made by the Court and Tribunal in the course of exercising their personal injury jurisdiction.

They remove the present requirement in section 8A that, for a protection order to be made, the 'infirmary' or reduced capacity prompting the protection order must arise from the injury that is the subject of the personal injury proceedings.

This will allow, for example, a protection order to be made in respect of a second plaintiff spouse in a dust diseases matter, where the spouse's incapacity arises from age or other illness rather than the dust disease.

Mr Speaker, Part 3 of the Bill amends the *Children and Young People (Safety) Act 2017*. Section 86 of that Act allows the Chief Executive of the Department for Child Protection to give a direction to prevent a person communicating with a child who is in the custody or under the guardianship of the Chief Executive.

I understand that, historically, there have been practical difficulties in proving that communication occurred, even where a child is in the company of the person who is the subject of a direction.

The amendment in clause 6 provides the Chief Executive with an additional ground for issuing a direction so that a person can now be directed not to be in the company of, or otherwise associated with, a child under guardianship.

New section 86(4a) of the *Children and Young People (Safety) Act 2017* will ensure that a child commits no offence by being in the company of a person who is the subject of a direction, communicating with such a person, or where the child is harboured or concealed in contravention of a direction.

New section 86(6) provides that a child to whom a direction relates cannot be compelled to give evidence in proceedings in relation to an offence charged under this section.

Part 4 amends the *Civil Liability Act 1936* to remove a redundant reference in section 64(3)(b) to section 105 of the *Law of Property Act 1936*, which has been repealed. The effect of section 65 of the *Civil Liability Act* is unchanged.

Part 5 amends the definition of 'judicial office' in section 27A of the *Courts Administration Act 1993*. This change is consequential upon an amendment to the *Judicial Conduct Commissioner Act 2015* in clause 23 of this Bill, which sets out the hierarchy of judges and other judicial officers.

Mr Speaker, Part 6 of the Bill makes various amendments to the *Criminal Law (High Risk Offenders) Act 2015*. Clause 9 of the Bill amends section 10 of the *Criminal Law (High Risk Offenders) Act 2015*. That section spells out the conditions that automatically apply to extended supervision orders.

The amendment inserts new section 10(1)(e) to clarify that the Supreme Court may impose any condition able to be imposed by the Parole Board under section 11.

This amendment is linked to Clause 10 of the Bill which inserts an additional sub-paragraph (ia) in section 11(1)(a) to clarify the Parole Board's powers to place conditions limiting the movements outside the home of high-risk offenders under extended supervision orders. In practice, this may be a curfew or close supervision at home.

Clause 11 amends section 17 of the *Criminal Law (High Risk Offenders) Act* to allow the Parole Board to direct that a person be detained in custody pending circumstances necessary for the purposes of ensuring their compliance with a condition of a supervision order.

These circumstances may include matters such as appropriate accommodation or treatment programs.

Mr Speaker, Part 7 of the Bill amends section 103 of the *Criminal Procedure Act 1921* to clarify that the power to lay criminal charges in a superior court may *only* be exercised with the authority and in the name of the Director of Public Prosecutions.

Section 103 of the *Criminal Procedure Act* currently provides that a person *may* be tried on an information presented to a superior court in the name and authority of the Director of Public Prosecutions, but does not make it clear that this power may *only* be exercised by the Director of Public Prosecutions.

The power to lay criminal charges in section 103 of the *Criminal Procedure Act* was formerly found in section 276 of the *Criminal Law Consolidation Act 1935*.

Section 276 of the *Criminal Law Consolidation Act* made it clear that the Director of Public Prosecutions was bound to present an information in every case where a person was committed to one of the superior courts for trial.

Accordingly, an amendment is made to section 103 of the *Criminal Procedure Act*, for the avoidance of any doubt, to clarify that *only* the Director of Public Prosecutions has the power to lay an information in a superior court, consistent with the previous position under section 276 of the *Criminal Law Consolidation Act*.

Part 8 of the Bill amends the *Environment, Resources and Development Court Act 1993* to allow for the appointment of Judicial Registrars in the Environment, Resources and Development Court and other consequential amendments. Part 9 of the Bill amends the *Fences Act 1975* to update a reference in section 24 to refer to the *Magistrates Court 1991* instead of the *Local and District Criminal Courts Act 1926*.

Mr Speaker, Part 10 of the Bill amends section 61 of the *Guardianship and Administration Act 1993* to remove an obsolete reference to the *Criminal Law Consolidation Act 1935*.

Section 61 currently provides that the South Australian Civil and Administrative Tribunal is not to consent to a termination of pregnancy unless the carrying out of the termination would not constitute an offence under the *Criminal Law Consolidation Act 1935*.

As the *Termination of Pregnancy Act 2021* has rendered it no longer illegal to terminate a pregnancy, the reference to the *Criminal Law Consolidation Act* is redundant.

Section 61 has been re-cast so that the reference to the *Criminal Law Consolidation Act* is removed. The section is otherwise unchanged.

Part 11 of the Bill amends the *Judicial Conduct Commissioner Act 2015*. Clause 23 inserts references to judicial registrars in the hierarchy of judges and other judicial officers.

Clause 24 clarifies that the holders of judicial office can be removed from office regardless of whether the Act appointing them provides for such removal.

In addition, clause 25 inserts new section 34A in the *Judicial Conduct Commissioner Act 2015*, to allow the Judicial Conduct Commissioner a discretion not to give a written notice required under the Act in relation to a complaint or the dismissal of a complaint.

It is important to note that this discretion must be read in the context of other provisions of the Act, including section 13(2) which makes it clear that the rules of procedural fairness apply.

Mr Speaker, Part 12 of the Bill makes various amendments to the *Legal Practitioners Act 1981* in relation to foreign lawyers. Clause 26 extends the application of section 14AB(1)(c) to suspected unsatisfactory conduct or professional misconduct of Australian registered-foreign lawyers.

Clause 27 inserts new sub-section 23(4) to clarify that the prohibition on legal practitioners sharing profits with non-lawyers does not prevent a legal practitioner from entering into an agreement to share profits with an Australian-registered foreign lawyer.

Clause 28 amends section 23D of the *Legal Practitioners Act 1981* to require an Australian-registered foreign lawyer establishing an office in South Australia to give notice to the Supreme Court to that effect, in the same way that interstate-registered practitioners must do.

Part 13 of the Bill amends section 84(1) of the *Mental Health Act 2009* to remove the inference that mandatory initial reviews of short-term treatment orders under section 79 of that Act carry an automatic entitlement to government funded legal representation in every case.

In practice, the South Australian Civil and Administrative Tribunal conducts initial reviews under section 79 on the basis of written reports and treatment plans. This means legal representation is not necessary for initial reviews.

Mr Speaker, Part 14 of the Bill amends the *Ombudsman Act 1972* to update an obsolete reference in section 5 to refer to the *Police Complaints and Discipline Act 2016* instead of the *Police (Complaints and Disciplinary Proceedings) Act 1985*.

Part 15 makes minor amendments to the *Real Property Act 1886* to update obsolete references in the Act.

Part 16 amends the *Roads (Opening and Closing) Act 1991* to update obsolete references in section 46 which are consequential upon the enactment of the *Planning, Development and Infrastructure Act 2016*.

Finally, Part 17 of the Bill amends the *Youth Court Act 1993* to remove the requirement for principal members of the Youth Court (including Special Justices) to be appointed for a set term.

Mr Speaker, that concludes the matters that are the subject of this Bill. It is a Bill which covers many different areas, and deals with a range of important issues to ensure that our justice system continues to work efficiently and effectively for our community.

I commend the Bill to the chamber and seek leave to insert the Explanation of Clauses into Hansard without my reading it.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

These clauses are formal.

##### Part 2—Amendment of *Aged and Infirm Persons' Property Act 1940*

###### 3—Amendment of section 3—Interpretation

This clause amends section 3 to insert a definition of *employment court* and make a consequential amendment to the definition of *court*. Employment court is defined as the South Australian Employment Tribunal established under the *South Australian Employment Tribunal Act 2014* constituted of—

- the South Australian Employment Court; or
- a member who is, or at least 1 of whom is, a President or a Deputy President of the Tribunal.

###### 4—Amendment of section 4—Exercise of jurisdiction of court

This clause inserts a new subsection (1b) to provide jurisdiction for an employment court in which an action for damages for personal injury is brought to make a protection order under section 8A of the Act. If the court makes such an order, the provision further provides jurisdiction for the same or any other employment court to hear and determine any consequential or related proceedings under the Act. The other amendments in the clause are of a consequential nature.

###### 5—Amendment of section 8A—Protection order on court's own initiative

Section 8A(1) allows a court to make a protection order in respect of a person in an action for damages for personal injury if that person is, by reason of that injury, unable to manage their own interests. This amendment removes the requirement for the inability for the person to manage their interests to be as a result of the injury the subject of the action before the court.

##### Part 3—Amendment of *Children and Young People (Safety) Act 2017*

###### 6—Amendment of section 86—Direction not to communicate with, harbour or conceal child or young person

Subclause (1) makes a consequential amendment to the section heading. Subclauses (2) to (4) propose to insert subsections (1a), (4a) and (6).

Proposed subsection (1a) provides that the Chief Executive may, by notice in writing, direct a specified person not to be in the company of, or otherwise associate with, a specified child or young person who is in the custody, or under the guardianship, of the Chief Executive during the period specified in the notice.

Proposed subsection (4a) provides that despite section 267 of the *Criminal Law Consolidation Act 1935* or any other Act or law, a child or young person who undertakes conduct that contravenes a direction under the section commits no offence in relation to that conduct.

Proposed subsection (6) provides that despite a provision of the *Evidence Act 1929* or any other Act or law, a child or young person to whom a direction under the section relates is competent, but is not compellable, to give evidence in proceedings relating to a charge of an offence against the section.

#### Part 4—Amendment of *Civil Liability Act 1936*

##### 7—Amendment of section 64—Abolition of rule as to unity of spouses

This amendment removes an obsolete reference to an application under a repealed section of the *Law of Property Act 1936*.

#### Part 5—Amendment of *Courts Administration Act 1993*

##### 8—Amendment of section 27A—Interpretation

This clause amends the definition of *judicial office* to mirror the amendments made to the equivalent definitions in the *Judicial Conduct Commissioner Act 2015* as proposed in clause 23 of this measure.

#### Part 6—Amendment of *Criminal Law (High Risk Offenders) Act 2015*

##### 9—Amendment of section 10—Supervision orders—terms and conditions

This amendment clarifies section 10(1)(e) to provide that a condition imposed by the Court as they think fit and specified in an extended supervision order may include a condition of a kind able to be imposed by the Parole Board under section 11.

##### 10—Amendment of section 11—Conditions of extended supervision orders imposed by Parole Board

This amendment adds to the list of conditions able to be imposed by the Parole Board a condition that requires the person subject to the order to remain at the person's residence during a specified period and not leave the residence at any time during that period except for a specified purpose, or in specified circumstances.

##### 11—Amendment of section 17—Proceedings before Parole Board under this Part

Section 17(1)(b) provides that in proceedings before the Parole Board relating to an alleged breach of a supervision order, the Board may vary or revoke a condition of the order, and make further orders as set out in paragraph (b). This amendment adds a provision to this list of further orders to provide that the Board may direct that the person the subject of the order be detained in custody pending circumstances necessary for the purposes of ensuring the person's compliance with a condition of the order being in place.

#### Part 7—Amendment of *Criminal Procedure Act 1921*

##### 12—Amendment of section 103—DPP may lay information in superior court

This clause substitutes section 103(1) to clarify that an information may only be presented to the Supreme Court or the District Court in the name and by the authority of the Director of Public Prosecutions, and, despite any other provision of Part 5 of the Act, a person named in that information may, as a result, be tried at any criminal sessions of the Supreme Court or District Court (as the case may be) for any offence on that information.

#### Part 8—Amendment of *Environment, Resources and Development Court Act 1993*

##### 13—Amendment of section 3—Interpretation

The clause makes amendments consequential on the inclusion of Judicial Registrars in the Act.

##### 14—Insertion of section 11A

This clause inserts a new section allowing for the office of Judicial Registrar to be established as follows:

###### 11A—Judicial Registrars

The proposed section provides that any Judicial Registrar holding office under the *District Court Act 1991* who is designated by the Governor, by instrument in writing, as an officer of the Environment, Resources and Development Court will (while they continue to hold office as a Judicial Registrar) be a Judicial Registrar of the Court.

##### 15—Amendment of section 15—Constitution of Court

This clause makes amendments consequential on the inclusion of Judicial Registrars in the Act.

## 16—Amendment of section 16—Conferences

The clause makes an amendment consequential on the inclusion of Judicial Registrars in the Act.

## 17—Amendment of section 26—Issue of evidentiary summonses

This clause makes an amendments consequential on the inclusion of Judicial Registrars in the Act.

## 18—Amendment of section 30—Right of appeal

This clause makes an amendment consequential on the inclusion of Judicial Registrars in the Act.

## 19—Amendment of section 36—Immunities

This clause makes an amendment consequential on the inclusion of Judicial Registrars in the Act.

## 20—Amendment of section 48—Rules

This amendment is consequential on the inclusion of Judicial Registrars in the Act.

Part 9—Amendment of *Fences Act 1975*

## 21—Amendment of section 24—Rules of court

This clause removes a reference to the repealed *Local and District Criminal Courts Act 1926* and replaces it with a reference to the *Magistrates Court Act 1991*.

Part 10—Amendment of *Guardianship and Administration Act 1993*

## 22—Amendment of section 61—Prescribed treatment not to be carried out without Tribunal's consent

This amendment removes a reference to the offence of termination of pregnancy under the *Criminal Law Consolidation Act 1935* consequent on this offence being repealed under the *Termination of Pregnancy Act 2021*.

Part 11—Amendment of *Judicial Conduct Commissioner Act 2015*

## 23—Amendment of section 4—Interpretation

This clause makes several amendments to the definition of *judicial office* to insert references to judicial registrars.

## 24—Amendment of section 26—Removal of judicial officer

This clause inserts a new subsection (3) that provides, to avoid doubt, that the power to remove a judicial officer under this section may be exercised despite any other provision for the removal of the judicial officer under the Act under which the judicial officer was appointed.

## 25—Insertion of section 34A

This clause inserts a new section as follows:

## 34A—Commissioner may determine not to give notice in a particular case

The proposed section gives the Commissioner power to determine, if the Commissioner thinks fit in a particular case, not to give a written notification required under the Act to a person in relation to a complaint or the dismissal of a complaint.

Part 12—Amendment of *Legal Practitioners Act 1981*

## 26—Amendment of section 14AB—Certain matters to be reported by Society

This amendment adds a reference to Australian-registered foreign lawyers to subsection (1)(c).

## 27—Amendment of section 23—Unlawful representation

This clause inserts a new subsection (4) to clarify that the offence in subsection (3) relating to a prohibition on entering into an agreement or arrangement with an unqualified person under which the unqualified person is entitled to share in the profits arising from the practice of the law does not apply to an agreement or arrangement entered into with a Australian-registered foreign lawyer in accordance with Schedule 1A of the Act.

## 28—Amendment of section 23D—Notification of establishment of office required

This clause makes several amendments to section 23D to extend the notification of establishment of office requirements to Australian-registered foreign lawyers.

Part 13—Amendment of *Mental Health Act 2009*

## 29—Amendment of section 84—Representation on reviews or appeals

This amendment removes the mandatory entitlement to legal representation for all reviews of treatment orders and other matters under section 79 of the Act, but maintains that a person may still be legally represented in such proceedings.

Part 14—Amendment of *Ombudsman Act 1972*

30—Amendment of section 5—Non-application of Act

This clause updates an obsolete reference.

Part 15—Amendment of *Real Property Act 1886*

31—Amendment of section 146—Discharge of mortgage by Minister in certain cases

This clause deletes an obsolete reference to certified mail and replaces it with a reference to registered post, and makes a further amendment to update a gendered language reference.

32—Amendment of section 276—Service of notices

This amendment deletes an obsolete reference to certified mail and replaces it with a reference to registered mail.

Part 16—Amendment of *Roads (Opening and Closing) Act 1991*

33—Amendment of section 46—Delegation by other authorities

This clause updates a number of obsolete references to matters under the repealed *Development Act 1993*, replacing them with the equivalent references under the *Planning, Development and Infrastructure Act 2016*.

Part 17—Amendment of *Youth Court Act 1993*

34—Amendment of section 9—Court's judiciary

This amendment removes subsection (3) which requires a proclamation designating a magistrate or special justice as a member of the Court's principal judiciary to state a term for which they are to be a member of the Court's principal judiciary.

Debate adjourned on motion of Mr Teague.

## **SHOP TRADING HOURS (EXTENSION OF HOURS) AMENDMENT BILL**

### *Second Reading*

(Second reading debate adjourned on 18 October 2022.)

Bill read a second time.

### *Committee Stage*

In committee.

Clause 1.

**Mr COWDREY:** Minister, has the public had an opportunity to provide feedback on the proposal post the election?

**The Hon. J.K. SZAKACS:** Thank you, member for Colton. I might indicate, with the indulgence of the Chair of Committees, that I may sit. Mr Chairman, just formally, may I not stand or not rise?

**The CHAIR:** Given your physical situation at the moment, I am happy to give you permission to stay seated. It would be improper of me to impose that on you.

**The Hon. J.K. SZAKACS:** That is very good of you, Mr Chair. Thank you for that. Member for Colton, I am happy to advise that this was widely consulted on with the electorate when we took this as a well-articulated and well-ventilated policy to the election, to the people. We advised and disclosed and ran this through as a policy well and truly before the March election and I think the results of that election somewhat speak for the community's support of our initiative.

**Mr COWDREY:** So the public have not had an opportunity to provide any feedback in regard to the proposal post the election?

**The Hon. J.K. SZAKACS:** Insofar as we have got on with the job of delivering a commitment that we have made to the public, we have not sought to revisit that commitment or to test the temperature of the public since making that commitment to them.

**The Hon. D.G. PISONI:** Can you advise how the hours from nine to 11 for Sunday were ascertained as being the only extension to Sunday shopping for this bill?

**The Hon. J.K. SZAKACS:** This was twofold. This is a consistently held policy of the Labor Party since 2018. In the four years that we were serving in opposition, as the then opposition we consulted widely with members of the business community, employee associations and retail groups, both registered and otherwise constituted. One thing that we did extensively in opposition was to engage with the business community. We took this policy with nine to 11, as put by the member, to the election and we bring that in execution of that election commitment by virtue of this bill.

**The Hon. D.G. PISONI:** Was the bill itself developed in consultation with the SDA, the Shop, Distributive and Allied Employees' Association?

**The Hon. J.K. SZAKACS:** I refer to my previous answer to the member for Colton in his inquiry.

**The Hon. D.G. PISONI:** Did members of the caucus who are members of parliament who rely on support from the shoppies union for their preselections excuse themselves from the decision on this policy during any party room debate as a conflict of interest?

**The Hon. J.K. SZAKACS:** It is a ridiculous question from the member for Unley but not one that I am surprised about. I would see no reason to give anything further in response to it other than to say it is a ridiculous, ill-informed proposition.

Clause passed.

Clause 2.

**Mr COWDREY:** Are you able to provide a full list to the committee in terms of the parties who were consulted by the then opposition when producing this policy position?

**The Hon. J.K. SZAKACS:** I will take on notice the question from the member for Colton but I can provide, as I did to the member for Unley I think, confirmation that this engagement and consultation was wide and it was with various and extensive bodies across the business community, including Business SA. It was across the trade union movement and employee associations. It was also across associations like independent retailers. Later in the questions, we may get around to the consultation required by the bill itself in respect of ministerial exemptions, but the consultation was wide and it was with registered and unregistered or non-registered associations.

**Mr COWDREY:** How many of those parties consulted actually agreed with the position being taken forward by the government?

**The Hon. J.K. SZAKACS:** This was a widely supported and popular policy that the then Labor opposition and now, I am proud to say, government took to the people of the state. Again, not to rub salt in the wound, but I think it was widely supported by virtue of the result at the March election.

Clause passed.

Clause 3.

**Mr COWDREY:** Can you confirm whether or not the shop trading hours legislation applies to businesses located on federal land?

**The Hon. J.K. SZAKACS:** I will take some further advice and hopefully I can provide an answer to that, member for Colton, as we sit here. I will take that on notice specifically in respect of those businesses operating on federal land.

**The Hon. D.G. PISONI:** Can the minister advise whether the legislation would prevent the Chapley family Foodland at the Pasadena Shopping centre from trading on Boxing Day but allow international company, TK Maxx, which also trades at the Pasadena Shopping centre, to open on that day?

**The Hon. J.K. SZAKACS:** Member for Unley, I am not familiar with TK Maxx and their operations whatsoever. I will take on notice, if I can, specially about TK Maxx. Are they a supporter of yours? Is that the lobbying that has been provided or are they a donor?

**The Hon. D.G. PISONI:** They are a clearing house for brand names.

**The Hon. J.K. SZAKACS:** I have not frequented TK Maxx, but obviously you have. I will take some advice.

**The Hon. D.G. PISONI:** I will be correct: no, I have not; I am just aware of what their business is.

**The Hon. J.K. SZAKACS:** I will take that on notice.

Clause passed.

Clause 4.

**Mr COWDREY:** Minister, can you provide the committee more information as to how the provision around changes to exemption came about? Can the minister provide further information to the committee about how the exemption process will actually work in practice, what the consultation process will actually look like, how many of the entities listed in both categories will need to be consulted? If you could just give the committee an overarching understanding of how the provision will actually work in practice, because at the moment it is very, very unclear.

**The Hon. J.K. SZAKACS:** As a point of clarity, do you mean that the current exemptions process is unclear, as exercised by the former Treasurer?

**Mr COWDREY:** No, I present it as the actual potential application of the exemption process outlined in this bill in regard to consultation that must take place, and then the minister being compelled by the outcome, of which there is very little practical explanation as to how that would work in practice.

**The Hon. J.K. SZAKACS:** I appreciate, member, that much of the question is trying to get some context, but much of the question is around hypotheticals. I will not err into the side of hypotheticals.

But in respect of some of the clarity regarding the application of the clause, and particularly regarding the ministerial exemption process, I can give the member some comfort that this bill, and the policy approach of this government, is a dramatic diversion from the overt political execution of exemptions by the former government, led by commander-in-chief the Hon. Rob Lucas. We are very clearly and proudly moving from what is currently a subjective test when it comes to matters of which the minister must be satisfied and moving to an objective test. If there are any specifics that the member has, I will be happy to try to answer those or take them on notice.

**Mr COWDREY:** I do note the position of authority that the government has in this house, but it is not necessarily reflective of that to continue to demean previous people who have served in roles. In any case, my question to the minister is in regard to those organisations that meet the criteria outlined within the clause regarding parties that need to be consulted or can be consulted. Can the minister please provide us with the list of parties or organisations that the government currently sees as fitting the descriptions outlined within the clause, both on the side of organisations that represent workers and also on the side of organisations that represent business?

**The Hon. J.K. SZAKACS:** I may give you a real-time example. I am advised that the Hon. Kyam Maher, who has been exercising his exemption discretion under the current act, has been applying a test as would be provided under this bill. Recently there was an exemption sought for the purposes of Fashion Week in Rundle Mall. I am advised that the minister consulted with bodies or associations including Business SA, the National Retail Association, the Rundle Mall Management Authority, the Shop Distributive and Allied Employees' Association, and SA Unions. In that instance, all of those organisations and entities were supportive of the granting of an exemption.

If I may add further, member for Colton, as for other examples, because the nature of exemptions being sought will be or is dynamic, and there is not one size fits all, there is not a definitive



list of organisations or associations that must be consulted with, other than the guidelines provided within new subsection (7) of this clause, and that is industry parties as broadly defined.

**Mr COWDREY:** As a point of clarification, in regard to the example the minister has given, is it up to the discretion of the minister to determine how many parties or which parties are consulted as part of that from an agreed list of organisations that may meet those requirements? We understand that those requirements, particularly in regard to organisations that represent workers, are obviously prescriptive in the way that they are written within the clause.

There would be limited numbers of organisations that would meet those requirements in regard to peak organisations. They may be many or different depending on the situation, as you have said, but we are generally talking about the retail sector more broadly, so I would suspect that the government has a view or at least a guide as to how many organisations and what those organisations are. Can the minister provide, to the best of his knowledge, the organisations that would meet those criteria?

**The Hon. J.K. SZAKACS:** Further than the prescriptive nature of the bill, which says that the minister must consult with interested parties, as you rightly pointed out in respect of my previous answer which gave that example, I think the nature of my answer gives a broad framework of the nature of parties with whom the minister intends or deems appropriate to consult.

I think of note there is the Rundle Mall Management Authority—not a registered organisation. There are, in fact, quite a few registered organisations. As you have said, there are those who are registered in industrial matters, including from business as well as unions, organisations like the Rundle Mall Management Authority. There may be other associations within particular geographic areas or otherwise, but it is right to say that the example I have given you gives guidance on the minister determining who he must consult with, as provided for under the act.

**Mr COWDREY:** Sorry, but the point of clarification I was seeking was with regard to the discretion as to how many are chosen from each group purely with the minister. Is it an opt-in process? Is it a process where somebody who believes they met the criteria who has not been asked by the minister could then add themselves to the list? Is it purely in the minister's discretion to seek out these organisations? Is there the opportunity for organisations that have not been sought to join the consultation? How exactly is that list of organisations that are consulted arrived at? That is the point I am seeking to clarify.

**The Hon. J.K. SZAKACS:** Insofar as the limited discretion that is available to the minister under the act, it would be for him or her to determine, but I would expect and assume that under any ministerial discretion, as is usually the case, they would take the best advice available to them to the infinite capacity of the public sector advisers. This is not about a process of exclusion; it is a process, as we determine under this bill, to enable the best consultation with the most appropriate industry groups determined on the circumstances.

**Mr COWDREY:** To be clear, the minister can consult with as many or as few organisations as he wishes?

**The Hon. J.K. SZAKACS:** I cannot—

**Mr COWDREY:** Technically, under the regulations. We have the clauses in front of us. As they are written plainly, the minister will have the opportunity to consult with as many or as few organisations as they wish.

**The Hon. J.K. SZAKACS:** That number and the quanta are defined by the act in the way that it is constructed in respect of the consultation with interested parties.

**Mr COWDREY:** I will move onto my final question. With regard to the need for the minister to be assured that there is a majority of consulted parties agreeing to the exemption that is being sought, can the minister make it clear whether 'the majority of parties' means that the majority of one category needs to be assured, whether the assurance needs to be provided of a majority of both categories or whether the number of parties, whether it be seven on one side and two on the other, is combined and then the minister must be assured that the majority of that combined number of interested parties are for an exemption being provided? Can the minister make that clear for us?

**The Hon. J.K. SZAKACS:** I can, member for Colton. It is a two-tier approach. The first is a majority of all parties consulted by virtue of this bill, act. The second qualification is at least one employer body and at least employee body.

**Mr TEAGUE:** Perhaps for my benefit and the benefit of those watching along at home and following the debate and for the benefit of posterity, I am turning to clause 4(3), which would delete subsection (8). As I understand it, there are presently no subsections (5), (6) and (7) and that this is 'delete (8)'. The opportunity there is to sub back in as new subsections (5) and (6) the contents of what was caught up in the old (8)(a) and (b), so that bit is largely replicated.

As the member for Colton, my colleague the shadow treasurer, has been testing, the rubber seems to hit the road in terms of this particular proposed reform in terms of the words that are proposed for new subsection (7). That really imposes a new prohibition against the minister granting or declaring an exemption unless the proviso is met.

Then, as I understand it, we are faced with a term that is defined in the singular in the previous clause, that is, of an interested party. There you have an interested party that, on the one hand, is a fairly broad notion in new paragraph (a) 'any industry association representing the interests of shopkeepers in shops that would be the subject of the exemption or notice,' so it is defined according to the particular circumstances of the contemplated exemption, so that is a potential class which may or may not be capable of being determined with certainty.

Then, paragraph (b) states 'any of the following entitled to represent employers, or employees, in shops that would be the subject of the exemption or notice' and then their organisations as may be registered under the relevant acts. They can be partially identified, but again they are identified by reference to the particular exemption that is being contemplated by the minister at the time.

If I am right about those things, turning back to what will be new subsection (7), first of all, (a) has an obligation to consult with, and now we are met with the plural, so one presumes there is more than one of these interested parties that are going to be involved in each case, although it contemplates by saying 'if any'—there might not be any—and 'in such a manner as is determined by the Minister', so that one might be capable of being achieved on the face of the record. I think the minister has given some sort of an answer there as to how the minister make about satisfying herself or himself about that.

Then at paragraph (b), and bear in mind this is not just a discretion, the minister also has to be satisfied that the proposed exemption is supported by a majority (that is, 50 per cent plus one, I presume, as I understand it at least) of interested parties, if any. So if there are not any, then it could be zero, I suppose, on the mathematical analysis. If it is one, it would have to be 100 per cent; if it is two, it would have to be 100 per cent again; if it is three, it would have to be two out of three, and so on, including, and this is where I think we understand—one such defined body that is representing employees and one such body that is representing employers.

My question is: first of all, is the minister satisfied that the clause on its face is capable of anything remotely sufficiently certain in terms of its application? How could any minister be able to satisfy themselves with relevant legislative vigour that they had possibly complied with their duties pursuant to this proposed clause?

**The Hon. J.K. SZAKACS:** Thanks, member for Heysen. As to your final question, the answer is yes. The question that you asked, albeit a comment, regarding the parties, if any, I am advised that there are not circumstances that have been identified where that is likely. However, it is a drafting redundancy to not require consultation if there is not any, but I am advised that there are no circumstances as determined. I will take much of the rest of your contribution as comment.

**Mr TEAGUE:** What about answering the rest of it? Much of it was comment. Much of my contribution was comment. It was endeavouring to elucidate common ground as to how we might go about understanding together what is proposed, but there was a question at the end.

**The CHAIR:** That is what I thought you answered.

**Mr TEAGUE:** No, you answered the bit about 'if any' and the drafting point about an example where there are no interested parties, as far as you are advised. I get that.

**The Hon. J.K. SZAKACS:** Is this your second question?

**Mr TEAGUE:** No, I am trying to get the fact that I asked a substantive question. The substantive question, and I will repeat it, was: how can a minister possibly satisfy themselves that they have applied the test that is set out in subsection (7)? Leaving aside the 'if any' bit, how can they, according to the interaction between the definitions in the operative clause, satisfy themselves that they have consulted with interested parties sufficiently and, secondly—and perhaps, as it were, more mathematically rigorously—satisfy themselves that they have the agreement of a majority of such interested parties, assuming that in many cases there might be many?

I only spelled out the circumstances of zero, one, two or three, but let's say there are 35. How does the minister satisfy themselves as to having achieved the acquiescence of 18 of them in that particular example? That is really just to repeat the question that was at the end. What I was really endeavouring to step through was a means of understanding if there is anything I have missed in terms of what is planned here.

**The Hon. J.K. SZAKACS:** It probably goes more from a question to a comment. Let me try to provide some greater explanation. The minister, in executing his or her obligations under the act, will determine the cohort of interested parties, first step. As I have already advised, in the discretion available to the minister the minister determines that cohort. The minister may then write—likely write, probably write—to interested parties setting out the proposed determination and seeking their opinion.

As the member rightfully commented, a majority of 50 per cent plus one is the way that the act would be interpreted. As I previously advised the member for Colton, that would be a simple majority. If there were 10 parties, five parties, one party, it is a simple majority of all those parties. The further qualification is then that, of the cohort of interested parties of whom the minister seeks opinion, one employer group and one employee group must be supportive.

**Mr TEAGUE:** Maybe just to assist the minister, my understanding of the intent of that answer was to say that the relevant majority there (the 50 per cent plus one) includes amongst them at least one of the employer representative bodies and one of the employee representative bodies that are the subject of subsections (1) and (2). Is that correct?

**The Hon. J.K. SZAKACS:** That is correct, yes.

**Mr TEAGUE:** I was going to say that the next question was going to be how. I might get there. Perhaps then focusing on the new subsection (8), bearing in mind this is now replacing the old subsection (8) and the new one does not bear any relation, it is the opportunity for an interested party to seek judicial review. That begs the question: given the minister is going to have to determine from exemption consideration to exemption consideration who, for the purposes of that exemption consideration, meets the definition of an interested party?

You do not just meet the definition of an interested party for all purposes because you happen to be an industry association representing the interests of shopkeepers. You have to be one that represents those interests that would be the subject of the particular notice. The same goes for the bodies that are entitled to represent employers or employees in shops to be subject to the exemption notice in (b).

The minister has to say, 'Alright, well, you were an interested party last time, but I am having to determine whether you are an interested party this time for this particular exemption notice,' and then work out what their list is to work out what the majority is, including other purposes. 'That's the list I have to consult, that's the number, and that's the nature of the majority that needs to be determined before I get there for the subsection (7) purposes.'

Does a party, whether or not previously participating in this process as a defined interested party, have the opportunity to avail themselves of the proposed subsection (8) for all purposes, including whether or not the minister has decided they are an interested party for the purposes of the

proposed exemption, or do they first have to be determined as on that list for that particular consideration and then go and seek their judicial review or not pursuant to subsection (8)?

**The Hon. J.K. SZAKACS:** I am advised that the determination of a body or an association being an interested party for the purposes of one exemption does not, by virtue of that determination by the minister, give them cause to be an interested party for subsequent and further exemptions. As I have previously advised, there is the case-by-case basis of this. I have pointed to the Rundle Mall authority, which has a particular interest in that geographic cohort but may not for another geographic cohort.

Regarding subsection (8), which gives the capacity for judicial review for the interested party, the determination of the minister on a previous matter of them being an interested party will not necessarily give them access—I am hesitant to use the word 'standing' because that is another matter—by virtue of subsection (8) to judicial review.

**Mr TEAGUE:** The question was whether the scope of subsection (8) extends to a body that considers themselves relevantly an interested party for the purposes of the particular decision, that might not have been consulted because the minister might have formed a view that they were not an interested party for this purpose. Do they get to avail themselves of subsection (8) in order to determine that question or do they have to first be an interested party before they can then avail themselves of subsection (8) for a judicial review on the merits of the decision one way or another?

**The Hon. J.K. SZAKACS:** I am advised that if an entity—an association, an organisation—meets the definition of an interested party under the act and then for a reason, maybe administrative, that group is not brought into the cohort by the minister for the purposes of that exemption, they will have capacity to seek judicial review of that decision made by the minister to issue or grant that exemption.

**The CHAIR:** Member for Heysen, you are entitled to three questions or comments. I have been very—

**Mr TEAGUE:** I thought I was still on the first one.

**The CHAIR:** Clearly you did not study mathematics.

**Mr TEAGUE:** No I did, actually.

**The CHAIR:** Obviously not very well.

**Mr TEAGUE:** Not according to the then administrators of the SSABSA process. I am proud to indicate that I did do rather well in mathematics, at least at a high school level, and I enjoyed it very much. I enjoyed my mathematical studies and I certainly concede there is a degree of art about the assessment of how many questions there have been. I have endeavoured to—

**The CHAIR:** I passed art too.

**Mr TEAGUE:** —give the minister the benefit of perhaps repeating the question a number of times in order to get to the crux.

**The CHAIR:** How about I give you an opportunity for one more direct question and then we will move on. How is that?

**Mr TEAGUE:** The minister is encouraging me to shorten it down.

*An honourable member interjecting:*

**The CHAIR:** Member for Heysen, just ignore the interruptions and continue with your question.

**Mr TEAGUE:** I hope it might be apparent on the face of it that this is certainly not time that is wasted.

**The CHAIR:** No, he was not suggesting that at all.

**Mr TEAGUE:** I guess what I am indicating is that we have already added to the body of what is going to be the sources of interpretation of the application of this provision by what is on the record

in the course of this committee. It might be self-evident that what we have here in at least the proposed subsection (7) is going to be a particularly difficult matter to determine one way or the other for the person who might be put to it, pursuant to subsection (8). I appreciate, Chair, the opportunity to ask even one more question on this.

**The CHAIR:** You cannot provide rolling commentary, though.

**Mr TEAGUE:** Well—

**The CHAIR:** Member for Heysen, can I suggest that you just ask the question. If you choose to make commentary I will count that as your next question and we will move on. I am giving you an opportunity to ask your question; please avail yourself of that opportunity.

**Mr TEAGUE:** I hesitate to raise a point of order, Mr Chair, but my understanding is that I am entitled to some time to elucidate. We can all consult the record in due course and if that reveals that somehow I might have managed to express myself more succinctly or that I have somehow taken up the time of the committee, I will certainly apologise. I am endeavouring to get to these points as efficiently as I possibly can in each respect.

Perhaps to wrap up—and I really believe it is going to be left, if this is it, at a really inadequate level—I want to unpack what the minister might be expected to do pursuant to the new subsection (7). Another way of going about this could have been to say that an interested party is a party that is listed in the schedule or is identified pursuant to regulation and is so for all purposes. That might have been simpler. It also might have meant that you were consulting too many interested parties for particular exemption decisions, and I concede that. It is a matter for the government and those who are drafting the legislation, but it has not gone that way.

So we do not have: interested parties are those listed in the regs, so we know that every time a subsection (7) decision is being made you are going to have to get consultation done with all 96 of them and you are going to have to get the majority view of all 48, plus the bottom one and one at least.

Given the way it has been structured, are we going to see published somewhere in advance or together, or for the purposes of dealing with subsection (8) applications, a statement from the minister saying, 'Okay, for the purposes of this exemption decision, I have identified the following interested parties, total number and name and whereabouts they have been determined as qualifying, that is, subject to subsection (7)(a) or (b), and that I am satisfied that I have the support, whatever that means, of a majority of those interested parties, presumably by that 50 per cent plus one of the number of interested parties and I have the one, so they are in bold in the list or something like that to say I have satisfied myself as to one or the other'?

Is there going to be some sort of reference to the nature of the response from those interested parties having been so identified? Is it done in advance? 'We have an exemption decision coming up, folks. There are 41 on the list for this one. That is a medium-sized one or a big one or a small one or it might be average. All those interested parties are now needing to be mandatorily consulted with, so I am now going to go ahead and consult with all 41.'

I think pursuant to your previous answer, a party not on the list could dive in at that point and say, 'Hang on, I've got a subsection (8) application here. I'm not on the list. I want to be consulted with before you go about doing anything.' Do you then revise the list and get the list settled and then go on and consult with them and then determine that you have a majority of them and, if so, how? Is the decision going to indicate how formed that majority was determined, if only for the purpose of being able to deal with any subsection (8) outcome?

Really the question that arises from all of that is: how are you possibly going to ever have an exemption that is granted pursuant to this new replacement for subsection (8)? Five and six are relatively familiar as they are. More particularly, how are the new subsections (7) and (8) possibly going to permit in practical terms, given the reason they are described as an exemption is that they have some temporal context—tourism, community event, otherwise—that a reliable complying exemption is granted or declared by the minister under the proposed subsections?

**The Hon. J.K. SZAKACS:** I will do my best to elucidate some questions and answers to those from that comment. Broadly speaking, the question is put somewhat rhetorically by the member: how can the minister or how can this possibly do so? I am not only advised but I can advise the member that the framework that is set out in this bill allows the minister to grant exemptions, as I have advised multiple members in inquisition of this section. As for subsection (8), it will naturally be for the court to determine, if a party is to seek judicial review relief, whether that party was in fact an interested party under the act.

Finally, before referring to my previous answers on these questions, the interested parties who are determined or provided for under the act, I think a hypothetical was put by the member: well, if the minister goes out and determines a cohort, consults with that cohort and a party then contacts the minister and says, 'Wait up, you should have come to me,' then that minister will of course be guided by the act first and foremost about whether that group is an interested party.

If the minister determines that interested party could or should be consulted, then no doubt they will consult with that party. It is also infinitely before the minister to, with advice, determine that group seeking to be consulted is not an interested party under the act and proceed with their decision notwithstanding. That will then, if that party ultimately seeks judicial review, be for the court to determine whether that party was an interested party.

**The CHAIR:** If members wish to ask a question, can they please rise in their place and ask questions. I am not sure if it is just across the chamber banter or actually asking more questions that they want recorded.

**The Hon. D.G. PISONI:** To carry on from that, I am interested in how public this process is. Are records kept of the consultation process? Are they made public? Are the interested parties who participate made public? Is the intent of either the government wanting to implement an exemption or somebody applying for an exemption made public so that people could present themselves as interested parties?

**The Hon. J.K. SZAKACS:** I can assure the member that all relevant legislation in respect of public records will be followed by the minister.

**The Hon. D.G. PISONI:** I am asking specifically if it is the intent of this legislation that that information be made public? Not through FOI but actually published, just like those who may declare an interest in the development that is happening next door, people know who they are. They can turn up at the council meeting or the state body planning commission and present their case. Their submissions are available for people to see online. I am asking: is there a proactive system in place for the transparency of decision-making outcomes, participants and discussion, or is that something that will only be available through FOI or through some other means? Will it be published and, if not, why not?

**The Hon. J.K. SZAKACS:** I can advise the member that the outcomes will be gazetted.

**The Hon. D.G. PISONI:** Sorry, the *Gazette*?

**The Hon. J.K. SZAKACS:** The outcome is gazetted.

**The Hon. D.G. PISONI:** In the case of a one-off event—and I am particularly thinking of a Drakes on Goodwood Road that has had exemptions under the Labor government and the Liberal government to open earlier for those at the Show. Thousands of people are at the Show; a number of them live at the Show during that period. Will they need to make that application every year? If they do, will they need to go through this laborious process? Will they still qualify for an exemption under this legislation? Who will be able to declare themselves as a person of interest in any decision-making for the extension of their trading hours during the Show?

**The Hon. J.K. SZAKACS:** I am advised, member for Unley, any party will need to seek an exemption. If it is as you have put in that example a matter of an exemption sought for a particular annual event, that exemption will need to be sought every year. I think your reflections on this being an alleged laborious process are somewhat ironic considering the extraordinary amount of red tape that the member for Heysen was musing about inserting into the bill.

**The Hon. D.G. PISONI:** If somebody chooses to take up the option of a judicial review, has the government been advised on how long that process will take? Will the notice of intent give someone who feels they have an interest in this matter the ability to go through the process of a judicial review of the decision, of their not being considered a party of interest, in time to participate in the consultation? How will they know that this exemption is being applied for or being considered? Will the consideration be gazetted or will only the outcome be gazetted?

**The Hon. J.K. SZAKACS:** As for how long a judicial process or determination takes is a matter for the courts, member for Unley. The government has no line of sight on that. New subsection (8) provides under what circumstances and to whom judicial review is available, and that is quite clear and deliberately implemented in the bill to provide clarity for those parties defined as interested parties under the act.

**The CHAIR:** Member for Unley, you have had three questions.

**The Hon. D.G. PISONI:** This is actually a point of clarification, if that is okay, Mr Chair: is it the government's intention to enable somebody to use a judicial process—in other words, to give them enough time to use a judicial process if they choose to?

**The Hon. J.K. SZAKACS:** I refer to my previous answers in respect of the new subsection (8).

**Mr BATTY:** Just going back to the process of consultation under proposed subsection (7), you have said that the outcome of that consultation will be gazetted. Will the actual consultation be made public in the sense of the parties that the minister consulted with and what each of those parties' advice was?

**The Hon. J.K. SZAKACS:** I thank the member for Bragg for his question, and it is nice to see you in committee for the first time with me. I clarify that my answer before was in respect of the outcome of the process—that is, the determination of the exemption by the minister—and that is gazetted as provided for under the act.

**Mr BATTY:** I repeat: will the parties that the minister consulted be made public, and will their advice be made public?

**The Hon. J.K. SZAKACS:** I refer to my previous answers to the member for Unley in respect of the fact that this bill does not provide or intercede with the existing legislative framework regarding public disclosure or public records.

**Mr BATTY:** What is the time frame for the consultation process expected to be?

**The Hon. J.K. SZAKACS:** I am advised that as for the intention of time frames it would be for best endeavours and as soon as possible. I did seek some advice regarding the example I gave before regarding the exemption for Fashion Week. I am advised that that was about a week turnaround from start to finish in respect of the consultation. Once the consultation had concluded in this case, all parties being supportive, that gazettal occurred a matter of days afterwards.

**The CHAIR:** Any further questions on clause 4? There being none, the question before—

**Mr TEAGUE:** Can I just say, as a form of negotiation, I suppose: this is a rather large operative clause and, as I said, it is taking out old subsection (8), replacing it largely and then adding these new subsections (7) and (8). Having introduced it in that sense, perhaps I will just take the opportunity, speaking for myself, to indicate that from what I have heard in the committee so far at least the proposed—in terms of clause 4 as it is printed—

**The Hon. J.K. SZAKACS:** Point of order, sir.

**The CHAIR:** Minister, you have a point of order.

**The Hon. J.K. SZAKACS:** You have previously, in respect of the questions on this clause, been not only clear to all members but specifically the member for Heysen, who I believe you gave the opportunity to ask a final question, having asked six or seven to my count. Unless the member is raising a point of order, I would seek for you to determine that his three questions have been well and truly asked.

**Mr TEAGUE:** On the point of order, Mr Chair, I respect and concede the veracity of the point raised by the minister. I guess I am just endeavouring to assist the committee, and I am not leading to a question here. That is, insofar as—

**The CHAIR:** You are a friend of the committee then?

**Mr TEAGUE:** Indeed, and to the extent that—

**The CHAIR:** Which standing order does a friend of the committee come under?

**Mr TEAGUE:** To the extent that it is not specifically apropos—

**The CHAIR:** Member for Heysen?

**Mr TEAGUE:** Well, if we are going to consult standing order 364, I am happy to unpack what a question means for the purposes of standing order 364. I know that we are used to determining that as three times per question or something of that nature. It is expressed somewhat elegantly, but we are left to interpret that as three questions per clause, and that is really what I am getting at. That is to say that we have really a whole—

**The Hon. J.K. SZAKACS:** Sir, I—

**The CHAIR:** Hold on.

**Mr TEAGUE:** I am only going to be 10 seconds more, minister, to be fair, if you will just allow me. Subsections (7) and (8) are the problem for this side of the house.

**The CHAIR:** Well, that is not my problem.

**Mr TEAGUE:** No, but—

**The CHAIR:** My problem is to enforce the standing orders.

**Mr TEAGUE:** What I am just suggesting and giving the government the opportunity to consider before we proceed further is to consider the removal of subsections (7) and (8) before being proposed—and I do not mind doing that in a formal way—but I just want to indicate that that might be where we are at on this side.

**The CHAIR:** Sorry, were you going to seek an amendment which you have not filed yet? It is a yes or no question that one, simply.

**Mr TEAGUE:** There is nothing filed. It is just what emerged in the course of the committee so far.

**The CHAIR:** We are under clause 4. You can file an amendment on the floor, and it has to be quite clear what you intend to do. It has to be written and you need to be very clear because, quite honestly, I am not clear.

*Mr Teague interjecting:*

**The CHAIR:** Let me finish. Unless you are prepared to do that, we are moving on.

**Mr TEAGUE:** You have to put the question, in that case.

**The CHAIR:** I will put the question. I am putting the question now. That has solved it. Thank you, minister.

**Mr TEAGUE:** I would afford the minister the opportunity in case he wants to do something on the run because we have had the benefit of this process.

**The CHAIR:** In his current capacity, he is not running anywhere. The question is that clause 4 as printed be agreed to.

The committee divided on the clause:

Ayes .....	25
Noes.....	16
Majority .....	9



## AYES

Andrews, S.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brown, M.E.	Champion, N.D.
Clancy, N.P.	Close, S.E.	Cook, N.F.
Fulbrook, J.P.	Hildyard, K.A.	Hood, L.P.
Hutchesson, C.L.	Koutsantonis, A.	Malinauskas, P.B.
Michaels, A.	Mullighan, S.C.	Odenwalder, L.K. (teller)
Pearce, R.K.	Picton, C.J.	Savvas, O.M.
Stinson, J.M.	Szakacs, J.K.	Thompson, E.L.
Wortley, D.J.		

## NOES

Basham, D.K.B.	Batty, J.A.	Bell, T.S.
Cowdrey, M.J. (teller)	Ellis, F.J.	Gardner, J.A.W.
Hurn, A.M.	McBride, P.N.	Patterson, S.J.R.
Pederick, A.S.	Pisoni, D.G.	Pratt, P.K.
Tarzia, V.A.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

## PAIRS

Brock, G.G.	Speirs, D.J.	Hughes, E.J.
Marshall, S.S.		

Clause thus passed.

Clause 5.

**Mr COWDREY:** Minister, under what circumstances would the minister revoke an appointment of an inspector?

**The Hon. J.K. SZAKACS:** Thanks, member. It may be an instance where the inspector ceases to be employed at SafeWork SA or it could be misconduct or other like circumstances.

**The Hon. D.G. PISONI:** Will it be the role of inspectors to assess whether the size of the shop entitles it to be open outside of trading hours? If so, on what basis will that happen? Will that be physical inspections with tape measures or electronic measuring devices? For shops that have floor areas that would disqualify them from trading outside of these hours, are they able to close off sections of their shop after trading hours and remain open? Will there be additional inspectors employed to manage the new bill once it becomes an act?

**The Hon. J.K. SZAKACS:** Thank you. I would assume the member has read the clause. This clause does not confer any new powers, nor does it provide the kind of red tape that the member is advocating for prescribing within the bill. In relation to the types of tape measures or the types of strategies that an inspector may undertake, that is entirely unchanged from the status quo. This clause simply changes the nature by which an inspector is appointed.

**Mr COWDREY:** Minister, we discussed earlier the consultation process that was undertaken. Were the interested parties, businesses, groups that you referred to earlier provided with a copy of this bill prior to that consultation, or were they just given a vibe, an idea, a principle that you were going to take to the parliament?

**The Hon. J.K. SZAKACS:** Thanks, member, for the question. I think there were nine or 10 questions from various members with respect to consultation in clause 1, and I refer to my answers to all those questions in respect of that relevant clause. I am not sure if it is relevant to ask questions, albeit ones that have been asked prior. I think the member asking the same question over and over again does not allow it to be asked across multiple clauses.

**Mr COWDREY:** On a point of clarification, did the stakeholders that were consulted see this clause and the rest of the bill prior to providing their opinion on it?

**The Hon. J.K. SZAKACS:** I am happy to answer that perhaps just for clarity and then I will allow the Chair to consider the point. I was asked by the member, I believe in clause 1, about the nature of consultation that occurred post election. I gave advice on the consultation that occurred pre and post election, and I refer to my extensive answer to that question.

**Mr COWDREY:** What we really have here then is a group of people who have been asked for their opinion on something that could possibly come before parliament—

*The Hon. J.K. Szakacs interjecting:*

**Mr COWDREY:** There is a bill that has been constructed by the government where no business groups, no unions—so we are led to believe—have been consulted in regard to the actual structure of the bill itself. The test that sits within the bill has not been consulted by the broader interested parties in South Australia.

We have a poorly constructed test in regard to the provision of exemptions where businesses will have no idea if the minister is even considering granting an exemption, and they will have no ability to access a right of legal recourse to join a consultation process because they do not even know that they should be looking out for a consultation happening. This is a clunky bill that has had no proper consultation from the business community. It has not been provided more widely than to the unions, I suspect. It is clunky. It looks like it could lead to an absolute legal nightmare in terms of how this is applied outside in the real world when rubber hits the road and the practical realities of this bill start to be seen.

There is a reason that the opposition voted against the previous clause, because no matter how you dress this up, no matter how the minister says he has the right given to him by the people of South Australia, they were not consulted about the SDA or the Labor Party getting a right of veto to shop trading hours moving forward outside the parliamentary process. That concept did not go to the people of South Australia. This is a furphy and it is a fraud, and the minister should be disappointed in himself for some of the answers that he has provided to this place today.

**The Hon. J.K. SZAKACS:** Are you going to get to your question or are you going to waste this one as well?

**Mr COWDREY:** What conditions does the minister see as being relevant or that he may add to inspectors?

**The Hon. J.K. SZAKACS:** I refer to my previous answer to the member for Unley in respect to his question. That is, there are no provisions under this clause to add or subtract any powers of inspectors. While I would probably be forgiven for entering into reflections on the member's ill-informed observations regarding the application of this act, for brevity I will seek not to.

**Mr TEAGUE:** I am not sure if I understood the minister's previous answer. Did the minister just indicate to the committee that this amendment provides no power for what will now be substituted to be not the Governor but the minister to put conditions on the appointment of an inspector, or to add conditions to the appointment? Minister, is that the way to understand your previous answer?

**The Hon. J.K. SZAKACS:** No, I did not indicate that.

**Mr TEAGUE:** What did you indicate?

**The Hon. J.K. SZAKACS:** Other than to refer to my previous answer, you asked me a question: did I indicate, as your proposition? I answered no, and you asked me to repeat my answer to the previous question. I must say that I just do not recall it at this stage, but I would refer to my previous answer. I am not sure what the question from the member for Colton was some moments ago.

**Mr TEAGUE:** I might perhaps ask a question or two of my own in that case. We are at clause 5 and I am at subclause (2). Subclause (1) is clear enough. The intent of this bill is to give the minister the power to appoint inspectors and then, somewhat curiously from my point of view, the operative amendment in clause 5 is to allow the minister to make an appointment of inspector subject

to conditions that may be specified in the instrument of appointment and to, at any time, either revoke the appointment altogether, as I read it, or vary or revoke or add a condition of an appointment of that particular inspector.

The proposed amendment is considerably ramping up the extent to which the minister becomes puppetmaster of the inspector from time to time, including post appointment and including as to the very tenure of the inspector during the time of that appointment. I can leave this to the schedule if necessary, but I draw the minister's attention to the transition provision in the schedule.

Are we, at least for a time, going to have some inspectors who are subject to the puppetmaster approach on the one hand and then, in transition, some of the old-fashioned inspectors enjoying the benefit of independence, having been appointed by the Governor and on terms that do not make their tenure so fragile as to be subject to the whim of the minister from time to time, or the conditions of the work that they do subject to the whims of the minister from time to time?

**The Hon. J.K. SZAKACS:** Thank you, member. For the purposes of your question regarding transitional provisions, I am advised that the transitional provisions operate in such a way that all members appointed by the Governor, due to the transitional provisions, are determined to be appointed by the minister. Again, as to your reflections—I think you used the words 'puppetmaster' and 'influence'—it is by no stretch a novel approach in legislation for the minister to make appointments nor from the member's time in Executive Council would he be surprised that the Governor, subject to her prerogative, makes appointments subject to the advice of Executive Council.

I think your reflections on this being some game of 4D chess on behalf of the minister are quite an overstatement and would reflect that the understanding of the discretion of which this legislative instrument would give the minister to appoint is simply to reduce the red tape of asking at present Her Excellency to appoint and revoke according to the section.

**Mr TEAGUE:** I am with the minister to the extent that I have not focused on subclause (1). The puppetmaster reference is to do with the conditions that are set out in subclause (2) in relation to the nature of the appointment. As I read the transitional provision, it is my understanding that the inspectors that were previously appointed by the Governor under the old section will be deemed to be inspectors appointed pursuant to the amended act and therefore vulnerable to the imposition of conditions from the get-go and vulnerable to the imposition of the ministers will in respect of revocation of appointment from time to time from the get-go as well. That is as I understand the minister's answer on that, but the minister might care to correct me if I am wrong in my interpretation.

Could the minister possibly assist the committee by shedding any light on any example of a condition that might be specified that he has in mind or the broader purpose or purposes for the imposition of such conditions? To put it in some context, is it contemplated that any condition from time to time might be the sort of thing that is applied to all inspectors because it is the nature of what the minister has in mind from time to time that is the subject of the inspector's work, that conditions will be applied across the board, or is this now contemplating that the minister from time to time might have in mind a certain subset of inspectors who are tasked to do certain things under certain conditions for a period of time and others will be in a different category? Is that a condition for a particular unifying purpose, or is that all just in the realms of hypothetical speculation?

**The Hon. J.K. SZAKACS:** It is not the intention of the minister, as I am advised, to have specific cohorts or conditions of appointment. Some context is that multiple people at SafeWork SA will hold or be appointed as inspectors, but not all of them will exercise the powers given to them or conferred upon them as an inspector at any time. That may be the case in instances of appointments under this section; that is, there may be persons or people who are appointed as inspector who may be fulfilling roles at SafeWork SA who may not exercise those powers conferred to them at a particular point in time.

**Mr TEAGUE:** This is my last one.

**The CHAIR:** No, you do not have one question. I am sorry. You cannot define a question as you wish to define it, member for Heysen.

**Mr TEAGUE:** I realise this.

**The CHAIR:** That was your third question. You chose to requestion a question put by the member for Colton and then you asked another question, and that was your third question. I have been very lenient. I will now allow other members to ask questions they wish to.

**Mr TEAGUE:** I am not accused of—

**The CHAIR:** You have asked your three questions. You will now take your seat, please.

**Mr TEAGUE:** I yield to the Chair.

**The Hon. D.G. PISONI:** The minister referred me to what inspectors already do. I am just wondering whether for *Hansard* he is able to advise the house what is the role of inspectors. He also failed to answer the question that I asked earlier about whether traders who have square metreage that is larger, or square metreage of shops that would require an exemption to open outside the hours as prescribed in the bill, are able to close off sections of their shop outside trading hours in order to stay open?

For example, they might make a decision that, quite frankly, after 5 o'clock on a Sunday they do not really sell many breakfast cereals, so they will section that bit off and that will get them underneath the square metreage and enable them to open. Is that something that is allowable under this bill?

**The CHAIR:** Before the minister answers that, there were two questions in that question. Which one do you wish to proceed with, or do you want two questions considered?

**The Hon. D.G. PISONI:** I have asked two questions and I would like them answered.

**The CHAIR:** Okay, you asked one, so that is your three, thank you.

**The Hon. J.K. SZAKACS:** In respect of the member's questions regarding powers of inspectors, I refer him to section 8 of the principal act, which defines the powers of inspectors. Further to his question, I respect the prerogative and the discretion of the member to ask questions not relevant to this section. I also have the discretion not to answer irrelevant questions—

**The Hon. D.G. PISONI:** Point of order: is it not an inspector's role to ensure that people are not breaching the trading act?

**The CHAIR:** It is not a point of order. It is a well-established matter: you can ask the question as you like and the minister can respond as he likes. There is no point of order. Minister, continue, please.

**The Hon. J.K. SZAKACS:** What I will not be doing is entertaining hypotheticals around—

*The Hon. D.G. Pisoni interjecting:*

**The Hon. J.K. SZAKACS:** It is four questions now. I am not going to entertain hypotheticals regarding matters that are not contained within this bill. The committee stage and the relevancy of questions are well established. I have been in the hands of the Chair regarding his appetite for the number of questions according to standing orders. I will raise points of order if I feel the need to, but I simply will not be answering questions that are irrelevant.

I might just invite the member to read the clause and read the section that is before us, if he is so desperate for content and questions to ask of the government. He asked me will I read into *Hansard* the section of the principal act? Well, no, I will not. It is section 8.

**The Hon. D.G. PISONI:** Section 8 states that the powers of an inspector are to:

(cb) take measurements, or make notes and records; or

(cc) take photographs, films or video or audio recordings;

I argue that my question about whether somebody can temporarily change the size of their floor area in order to comply with the shop trading act—in other words, continue to have their shop open with floor area closed off to the public—whether that is a legal act under these amendments and whether it will be allowed.

**The CHAIR:** You have previously asked that question. In my view, the minister has answered that question.

**The Hon. D.G. PISONI:** No, he has not. I did not hear a yes or no. He said he was not going to answer it.

**The CHAIR:** Member for Unley, you have had your three opportunities; in fact, I have given you four opportunities to speak. The minister has indicated his answer. You do not like his answer, I understand that. Fair enough.

**The Hon. D.G. PISONI:** The point of order—

**The CHAIR:** Member for Unley will resume his seat.

**The Hon. D.G. PISONI:** Point of order, sir. I am calling a point of order.

**The CHAIR:** There is no point of order. I have already made my ruling. You will resume your seat.

**Mr Odenwalder:** Sit down, David. The Chair is speaking. Sit down.

**The CHAIR:** I do not need assistance from my right.

**The Hon. D.G. PISONI:** It just needs a yes or a no. Can you temporarily change the size of your floor area to avoid this legislation? It is a very simple question: yes or no.

**The CHAIR:** Member for Unley, if you speak again, I will name you.

*Mr Teague interjecting:*

**The CHAIR:** Member for Heysen!

**The CHAIR:** Member for Unley, this is your last warning. If you speak again, I will name you. I will suspend the sitting and call the house. Have I made myself clear? Clause 5, any further questions on clause 5? No. I have addressed you. You take your seat. No, you have had your chance.

*The Hon. D.G. Pisoni interjecting:*

**The CHAIR:** The member for Unley will withdraw that comment.

**The Hon. D.G. PISONI:** I withdraw, sir.

**The CHAIR:** And apologise to the minister.

**The Hon. D.G. PISONI:** I apologise, minister.

**Mr TEAGUE:** With the indulgence of the minister, if I may, because I think the minister has actually answered this question—

**The CHAIR:** Hold on a second. If you are going to ask for his indulgence, then I will ask for his indulgence. Minister, do you wish to indulge the member for Heysen?

**The Hon. J.K. SZAKACS:** Sir, it is not for me. The standing orders are the—

**The CHAIR:** The answer is no. Next. Anybody else wish to ask questions? No.

*Members interjecting:*

**The CHAIR:** No, the rules are quite clear. Hold on a second. Minister, you will respect the Chair as well.

*An honourable member interjecting:*

**The CHAIR:** I did not hear what he said. If you would like to bring it to my attention, I will make a ruling. Members have an opportunity to make three contributions. What contribution they make is up to them. It is quite clear. You drew the clause to my attention, member for Heysen. Does any other member wish to make a contribution to this discussion? Member for Bragg?

**The Hon. J.K. SZAKACS:** Sir, if I may, if there are no further questions, I would put the question.

Clause passed.

Clause 6.

**Mr COWDREY:** I move:

Amendment No 1 [Cowdrey-1]—

Page 4, line 25 [clause 6(1), inserted subsection (1)(b)]—Delete '5.00 p.m.' and substitute '6.00 p.m.'

Amendment No 2 [Cowdrey-1]—

Page 4, line 26 [clause 6(1), inserted subsection (1)(c)]—Delete '5.00 p.m.' and substitute '6.00 p.m.'

As I outlined during my second reading speech, these two amendments together combine to provide, as we said, a proposal that will allow workers in today's economy—families who have been at school sport on weekends, those who have caring responsibilities, or for whatever other reason—the ability to more easily access retail.

We all know that 9am to 5pm is no longer reflective of today's society by any means. Most importantly, this was heavily supported by the consultation process that we have undertaken and that continues. The proposal is supported by Business SA, by Harbour Town and a range of other businesses that we have engaged with. As advocates who have been supportive of the government's changes of an additional two hours on Sunday mornings have said, 'We employ more people and they are going to get more hours, so it's a win-win for everyone, and, 'It would create more employment opportunities within the sector.' Again, we pose the question to the house: why should this logic only apply to the two hours between 9am to 11am on Sundays?

**The Hon. J.K. SZAKACS:** If I can provide clarity for you, sir, the government opposes the amendments filed in the name of the member for Colton.

The committee divided on the amendments:

Ayes .....14  
Noes.....24  
Majority .....10

#### AYES

Basham, D.K.B.  
Ellis, F.J.  
Patterson, S.J.R.  
Pratt, P.K.  
Telfer, S.J.

Batty, J.A.  
Hurn, A.M.  
Pederick, A.S.  
Tarzia, V.A.  
Whetstone, T.J.

Cowdrey, M.J. (teller)  
McBride, P.N.  
Pisoni, D.G.  
Teague, J.B.

#### NOES

Andrews, S.E.  
Boyer, B.I.  
Clancy, N.P.  
Fulbrook, J.P.  
Hutchesson, C.L.  
Mullighan, S.C.  
Picton, C.J.  
Szakacs, J.K.

Bettison, Z.L.  
Brown, M.E.  
Close, S.E.  
Hildyard, K.A.  
Koutsantonis, A.  
Odenwalder, L.K. (teller)  
Savvas, O.M.  
Thompson, E.L.

Bignell, L.W.K.  
Champion, N.D.  
Cook, N.F.  
Hood, L.P.  
Michaels, A.  
Pearce, R.K.  
Stinson, J.M.  
Wortley, D.J.

#### PAIRS

Speirs, D.J.  
Brock, G.G.

Hughes, E.J.  
Gardner, J.A.W.

Marshall, S.S.  
Malinauskas, P.B.

Amendments thus negatived.

**Mr COWDREY:** I move:

Amendment No 1 [Cowdrey-2]—

Page 4, lines 27 and 28 [clause 6(1), inserted subsection (1)]—

Delete '1 January, Easter Sunday, 25 December or any other day that is a public holiday in any year' and substitute:

Good Friday, Easter Sunday, 25 April or 25 December

The purpose of this amendment is to allow trade on select public holidays, with the exclusion of certain public holidays, those being ANZAC Day, Good Friday, Easter Sunday and Christmas Day. Essentially, this would allow shops to trade on select public holidays. The response to our consultation was absolutely overwhelming. People want to shop on select public holidays, as was also evidenced by the number of people who took up the opportunity over the past few years and the number of people who rocked up to nothing but closed doors just a couple of weeks ago on the most recent public holiday.

The feedback that we received made it abundantly clear—very, very clear, to be completely frank—the days that people saw as sacred, those, as I said, being ANZAC Day, Good Friday, Easter Sunday and Christmas Day. We know from this bill about a clause that we are soon to get to with regard to the fact that workers cannot be forced to work on public holidays, but we believe that workers should have the choice to work should they want to work. We obviously know that for some retail workers working on public holidays the penalty rates that come with that are absolutely sought after.

These changes go a long way in terms of limiting the confusion about what can open on public holidays. We certainly believe that traders should not have to worry about their floor size or what they sell when making those decisions. This is a simple, pragmatic and clear proposal that will, as I said, remove much of the confusion that currently exists around public holidays. It will provide certainty for business and will finally bring South Australia's shop trading hours into the 21<sup>st</sup> century.

The committee divided on the amendment:

Ayes .....	14
Noes.....	22
Majority .....	8

#### AYES

Basham, D.K.B.	Batty, J.A.	Cowdrey, M.J. (teller)
Ellis, F.J.	Hurn, A.M.	McBride, P.N.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G.
Pratt, P.K.	Tarzia, V.A.	Teague, J.B.
Telfer, S.J.	Whetstone, T.J.	

#### NOES

Andrews, S.E.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brown, M.E.	Champion, N.D.
Clancy, N.P.	Close, S.E.	Cook, N.F.
Fulbrook, J.P.	Hildyard, K.A.	Hood, L.P.
Hutchesson, C.L.	Koutsantonis, A.	Odenwalder, L.K. (teller)
Pearce, R.K.	Picton, C.J.	Savvas, O.M.
Stinson, J.M.	Szakacs, J.K.	Thompson, E.L.
Wortley, D.J.		

## PAIRS

Speirs, D.J.  
Brock, G.G.

Malinauskas, P.B.  
Gardner, J.A.W.

Marshall, S.S.  
Hughes, E.J.

Amendment thus negatived.

**Mr COWDREY:** I move:

Amendment No 1 [Cowdrey-3]—

Page 4, lines 34 and 35 [clause 6(1), inserted subsection (2)(b)]—Delete 'if the business of the shop is not wholly or predominantly the sale of foodstuffs—'

This amendment addresses an issue in the bill to allow all shops to open on Boxing Day. Should the bill pass in its current format, we on this side of the house—and I think the public of South Australia would be with us—say this will create more confusion around Boxing Day than there has been previously.

As we have said, under this strange Labor logic, Labor say that I can go to the shops on Boxing Day to buy a flat screen TV and that I can go and buy a new set of pyjamas, but in the very same shopping centre I cannot go in and get Weet-Bix and milk. It is as simple as being a step too far and it is illogical. With these particular holidays, where there has been broad agreement around shops being open on Black Friday and Boxing Day, if shops within a particular centre are open then shops should be open.

The committee divided on the amendment:

Ayes .....	13
Noes .....	23
Majority .....	10

## AYES

Basham, D.K.B.  
Ellis, F.J.  
Patterson, S.J.R.  
Pratt, P.K.  
Whetstone, T.J.

Batty, J.A.  
Hurn, A.M.  
Pederick, A.S.  
Teague, J.B.

Cowdrey, M.J. (teller)  
McBride, P.N.  
Pisoni, D.G.  
Telfer, S.J.

## NOES

Andrews, S.E.  
Boyer, B.I.  
Clancy, N.P.  
Fulbrook, J.P.  
Hutchesson, C.L.  
Odenwalder, L.K. (teller)  
Savvas, O.M.  
Thompson, E.L.

Bettison, Z.L.  
Brown, M.E.  
Close, S.E.  
Hildyard, K.A.  
Koutsantonis, A.  
Pearce, R.K.  
Stinson, J.M.  
Wortley, D.J.

Bignell, L.W.K.  
Champion, N.D.  
Cook, N.F.  
Hood, L.P.  
Malinauskas, P.B.  
Picton, C.J.  
Szakacs, J.K.

## PAIRS

Gardner, J.A.W.  
Brock, G.G.  
Marshall, S.S.

Hughes, E.J.  
Speirs, D.J.  
Michaels, A.

Tarzia, V.A.  
Mullighan, S.C.

Amendment thus negatived.



**The CHAIR:** Any other questions or comments on clause 6?

**Mr COWDREY:** In regard to clause 6, can the minister explain to me and explain to the people of South Australia why, as I outlined when moving amendments, it is acceptable that I should be able to go to a shopping centre on Boxing Day, that I should be able to buy a TV, that I should be able to buy a pair of pyjamas, but I should not be able to go to a supermarket to buy Weet-Bix and milk?

**The Hon. J.K. SZAKACS:** I thank the member for his question. Rather than starting with him or the people of South Australia, I might just respond to the committee to start with. I refer to my previous answers on this, and that is a particularly rhetorical question.

**Mr COWDREY:** My question is in regard to the part of the clause that provides the ability for the minister to consult regarding the Christmas holiday exemption. Why was the stricter consultation process outlined in clause 4 not considered for the Christmas holiday exemption process? Did the SDA not ask for a right of veto over Christmas holiday shopping?

**The Hon. J.K. SZAKACS:** I think I have explained quite extensively matters regarding the SDA and other organisations.

**Mr COWDREY:** Does the minister think that workers who worked and received penalty rates on public holidays over the past four years who wanted to work will be disappointed by the government's approach?

**The Hon. J.K. SZAKACS:** I am incredibly pleased to receive a question from the Liberal opposition on penalty rates for workers. Thank you, member for Colton, for that question. When it comes to penalty rates, there could not be a more stark divide between those in political office who support workers, support the fact that working unsociable hours deserves compensation, and those who believe that penalty rates should be abolished.

Those of us on this side of the house in government and the Labor Party firmly stand on the side of workers and firmly stand on the side of our proud labour movement, who have fought for generations for penalty rates for working people because they are the right thing to do and they are fair compensation. For the opposition to seek their own justification for a worker's right to earn more is a bit rich, member for Colton, considering it is your side of politics that would have workers working longer and getting paid less for it.

**Mr TEAGUE:** I thought that was just the minister taking a breath. It looked as though the minister was just preparing and then going onward, entirely in accord with the standing orders, I might say, as well.

**The CHAIR:** Do you wish to make a contribution to this committee discussion? I am not exactly clear what you are doing at the moment.

**Mr TEAGUE:** I do.

#### *Parliamentary Procedure*

#### **VISITORS**

**The CHAIR:** While you are thinking, I might just acknowledge the presence of Mr Leonardo Tarzia in the gallery and also wish him a happy birthday.

#### *Bills*

#### **SHOP TRADING HOURS (EXTENSION OF HOURS) AMENDMENT BILL**

#### *Committee Stage*

Debate resumed.

**Mr TEAGUE:** Shall we all sing?

**The CHAIR:** No, that is taking it too far. I was trying to buy you some time. I was trying to be lenient.

**Mr TEAGUE:** I was just waiting for the call.

**The CHAIR:** I gave you the call and asked what you were doing.

**Mr TEAGUE:** You asked me if I was going to ask a question.

**The CHAIR:** Then you spoke to your colleague and were looking for papers.

**Mr TEAGUE:** Mr Chair, given some of what has gone on previously, I did not want things to get any more testy than they were in the lead-up to previous divisions. I was looking for the call.

**The CHAIR:** I did not notice anything testy. Did you? I did not notice anything testy.

**Mr TEAGUE:** I might have—

**The CHAIR:** This is your first contribution.

**Mr TEAGUE:** Really?

**The CHAIR:** Yes.

**Mr TEAGUE:** I have the call?

**The CHAIR:** You have had the call for the last five minutes and if you do not actually start making use of your call I will go to the next speaker.

**Mr TEAGUE:** Thanks very much, Chair. If I may, Mr Chair, I will just consult my colleague briefly.

**The CHAIR:** No, I am sorry, you had a chance.

**Mr TEAGUE:** The minister has his—

**The CHAIR:** Let me finish. You are now being disrespectful to the Chair and I will take this further if you do not now proceed quickly.

**Mr TEAGUE:** Thank you, Chair. What consultation does the minister imagine seeing fit for the process and what would you see is appropriate under subsection (2)(d)?

**The Hon. J.K. SZAKACS:** I am advised that the minister has already written and consulted with numerous employer and employee associations. I am happy to take on notice who that has been and about the intention for the 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> to be gazetted. I am advised that there has been no indicated opposition to that proposal by the minister and that the intention would be to gazette that imminently.

**Mr TEAGUE:** So that is a preview of this year?

**The Hon. J.K. SZAKACS:** Yes.

**Mr TEAGUE:** In respect of the regime that is the subject of clause 6 and given that it sets out a structure that applies in part through the week and in part for the purposes of those special days each year, what arrangements are in place in other states of Australia on public holidays and were any or all of the models that apply interstate considered in terms of arriving at this structure for this state? I certainly invite the minister to take the opportunity to reflect on how this leaves South Australia relative to other jurisdictions within Australia.

**The Hon. J.K. SZAKACS:** I will take the member's question regarding the jurisdictional snapshot on notice and I will come back to him with what information I can.

**Mr TEAGUE:** Perhaps just an indication in that case—and I appreciate that being taken on notice—were any of those considered in terms of arriving at what we see in clause 6?

**The Hon. J.K. SZAKACS:** I will take that on notice.

**The Hon. D.G. PISONI:** This clause relates to hours during which shops may open. Is the minister able to advise the house whether a shop, whose square metreage restricts them to trading under the prescribed trading hours, can temporarily reduce that square metreage to remain open to trade beyond 5pm on a Saturday or Sunday and other times in which shops of that normal size, that is without alteration, can trade under the legislation?

**The Hon. J.K. SZAKACS:** I thank the member for his question. I refer to my previous answers with respect to his inquiry on—

**The Hon. D.G. PISONI:** No, there was no answer. There was no answer.

**The CHAIR:** The member has asked a question and the minister has answered it. The member goes to question No.2.

**The Hon. D.G. PISONI:** With all due respect, Chair, there has been no answer. I have asked whether the shop can remain open if it adjusts its floor size to meet the smaller floor sizes that prevent that shop from being able to trade beyond the prescribed trading hours in this bill. It is a very relevant question.

**The CHAIR:** No, the question that you have asked now I think at least three times that I can recall, the minister has answered it on every occasion and the minister has indicated that nothing changes from the existing arrangements in that act. He has mentioned that.

**The Hon. D.G. PISONI:** I want to put on the record he has not answered that question. It simply requires a yes or a no. He said he will not answer hypothetical questions. He has not answered the question.

**The CHAIR:** It is not a point of order.

**The Hon. D.G. PISONI:** And that question is not hypothetical. It happens now.

**The CHAIR:** There is no point of order. The member will resume his seat. Do you have another question? No, you do not. Does anybody on my left have another question? No.

Clause passed.

Clause 7 passed.

Clause 8.

**Mr COWDREY:** I would just like to indicate for the benefit of the committee that the opposition supports this clause.

Clause passed.

Clause 9 passed.

Schedule.

**Mr TEAGUE:** This is an opportunity to clear up what we might have had an opportunity to clear up earlier when we were dealing with clause 5. I take the opportunity to refer to section 8 of the act setting out the powers of inspectors. I understand, and for the benefit of the committee and the record, that the section 8 powers of inspectors are unchanged. I think the minister has said that eloquently, I might say, by saying nothing more than section 8 does not change.

The powers of the inspector as prescribed in section 8 are unchanged. The capacity of now the minister substituted for the Governor by clause 5(1) to make an appointment of an inspector subject to conditions that are specified in the instrument of the appointment, subject to clause 5(2), are not conditions that would vary, detract from, expand or otherwise alter section 8 powers of inspectors. If I have that right, is the minister able to indicate then and perhaps expand upon what in fact those conditions are that are contemplated by clause 5(2)?

**The Hon. J.K. SZAKACS:** The member is correct: subsection (8) is not subverted in any way, as advised to me by the conditions under which the minister will appoint under subsection (8). As to the nature of those likely or potentially, if I can bring back to the member, other similar applications, I will do so; I will take that on notice.

**Mr COWDREY:** Just a final question from me: in regard to inspectors, will the changes made to the act have any impact on resourcing in terms of the number of inspectors at SafeWork SA?

**The Hon. J.K. SZAKACS:** No, it is not anticipated.

**Mr TEAGUE:** It might be that the minister has said all he is going to say, but I will just indicate that at least as far as I am concerned the meaning then of 'made subject to conditions' in 5(2) in what will be the new subsection (3), and 'vary, revoke or add a condition of an appointment' perhaps is even more unclear. I thought we were getting to an understanding of what that meant earlier in respect of the minister's answer in relation to SafeWork SA employees who might also be employed as inspectors and therefore conditions might relate to the scope of their work or something. I just indicate that I am unclear as to what those conditions might amount to and, if there is anything at all that might provide some sort of characterisation of them, that would be of assistance.

**The Hon. J.K. SZAKACS:** In one of my previous answers I referred to the fact that those conditions may reflect employment conditions, including the fact that an inspector must remain an employee of SafeWork SA, but I did undertake in my previous answer to take on notice a more comprehensive list or otherwise for the member.

Schedule passed.

Title passed.

Bill reported without amendment.

At 17:58 the house adjourned until Thursday 20 October 2022 at 11:00.