

## HOUSE OF ASSEMBLY

### Tuesday, 29 November 2022

**The SPEAKER (Hon. D.R. Cregan)** took the chair at 11:01.

**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*

### **AUTOMATED EXTERNAL DEFIBRILLATORS (PUBLIC ACCESS) BILL**

#### *Second Reading*

**The Hon. C.J. PICTON (Kurna—Minister for Health and Wellbeing) (11:02):**

I move:

That this bill be now read a second time.

This bill was introduced by the Hon. Frank Pangallo in the other place and passed last sitting week. I am pleased to be the lead speaker for the government on this legislation. This bill will require the installation and registration of automated external defibrillators, known as AEDs, in certain buildings, facilities and vehicles.

This is an important measure to protect our community, ensuring access to potentially life-saving equipment when it is needed most. There is substantial evidence that widespread access to AEDs can help prevent deaths by cardiac arrest. They are increasingly user-friendly, guiding users every step of the way to administer to someone in a life-threatening situation. It is true that an AED cannot actually do harm to someone who is unconscious, I am advised, as an electric shock is only distributed if it is required.

According to the Heart Foundation, time is everything in a cardiac arrest. Every minute without defibrillation to restart the heart reduces the chance of survival by 10 per cent, and if bystanders have not been trained in CPR that simply means that time is wasted. Public access to AEDs will help to reduce this risk. Previously, in opposition Labor supported this legislation, which was introduced by Mr Pangallo in the other place. Unfortunately, the former government did not prioritise it in this house and we saw the bill lapse in the previous term. I am very pleased that it has now been reintroduced by the Hon. Frank Pangallo in the other place.

We are pleased to bring this legislation to the floor now to prioritise it before the end of this year, recognising its importance in supporting good and potentially life-saving health outcomes for our community and also ensuring the maximum amount of time to be available for implementation of this. Indeed, we continue to hear positive stories of the way that publicly accessible AEDs have helped to save lives.

It is pleasing to hear that in recent years organisations such as supermarket chain Coles have rolled out AEDs to all their stores, providing access for customers and team members having a sudden cardiac arrest. I acknowledge the advocacy of the Heart Foundation and Mr Greg Page on this important issue that we have seen. Since this time, there have been positive developments in regard to the technology used, with new single-use AEDs available to the market, which have helped to reduce the implementation costs. The coverage of AEDs across designated buildings and facilities will ensure that South Australians have access to these easy-to-use devices most of the time. If there is not an AED in the building where it is needed, there will hopefully be one close by.

We believe the bill's proactive clause requiring commercial buildings of a certain size, particularly for newly constructed buildings, is a reasonable step that achieves a good outcome for

communities and is not unnecessarily onerous on small businesses and property owners. The government has already taken positive steps to install AEDs in a number of places that the bill mandates, including SAAS, MFS and SES vehicles. I note that, following consultation with SA Police following the introduction of the bill in the other place, it became clear that there were concerns and that has now been removed from the bill. However, the inclusion of publicly accessible AEDs in other vehicles will ensure good coverage across the community.

In addition, SA Ambulance is currently developing a register and software, the GoodSAM program, that will allow members of the public to locate AEDs in their vicinity. This will meet the requirements outlined in the legislation. I would add that SA Ambulance are very supportive of this legislation and the need for it in terms of providing access to these important life-saving devices.

There is a great benefit in reasonable lead-in time frames for implementing such a significant reform, allowing time for both government and non-government organisations to adequately prepare for the commencement of these measures. The implementation for 1 January 2026 across non-government sites provides these owners with a reasonable lead-in time to ensure they can appropriately plan and prepare for the installation of AEDs. We have also made a shorter implementation time available for government facilities.

In supporting this bill, the government is reaffirming its commitment to the community and ensuring better health outcomes for those in an emergency situation. In conclusion, I would like to thank the Hon. Frank Pangallo for his passionate advocacy of this important cause—not just now but over a number of years. I think that because of his advocacy, because of his determination to see this through the parliament, and with hopefully the support of this house, we will see lives being saved in South Australia by greater availability of these life-saving devices in more places across the community.

**The SPEAKER:** Before I call the member for Schubert, I acknowledge the presence in the gallery of advocates and supporters of this legislation and also of the Hon. Frank Pangallo MLC from the other place. I pay tribute to Nick Brockhoff, an advocate in my own community, for this legislation.

**Mrs HURN (Schubert) (11:08):** The delivery of health care is and remains front of mind for all South Australians, as South Australians want to know that every single action is being taken and that every single action is being considered to keep them and their families safe. We know that the community has a very clear expectation that this Labor government will deliver on a number of promises that it made in health, particularly the promise it made very clearly to fix ramping in South Australia, given it was such a clear and essential element of the recent state election campaign.

However, to date the government have so far failed to deliver on this promise to fix ramping. In fact, under their watch it is the worst that it has ever been, which means that ambulances are stuck outside on our hospital ramps more than at any other time in South Australia's history. It is with this in mind that it is vital that the opposition, and indeed this parliament, positively considers all proposals put forward to provide South Australians with a greater assurance that there are measures in place to protect their health. It is very much through this lens that the opposition has landed on its position to ultimately provide support for this bill, albeit with some amendments in relation to penalties.

This bill requires the installation and registration of automated external defibrillators (AEDs) in certain buildings, facilities and vehicles and for other purposes. Currently, we know that there are thousands of defibrillators deployed on private premises and in public places and, indeed, the minister has outlined them for the benefit of the house. However, there is no legal requirement for any site, including on high-risk sites, to have an AED. The SafeWork SA Code of Practice fact sheet advises that an AED is advised. Safe Work Australia's national First Aid in the Workplace Code of Practice states that providing one can reduce the risk of fatality from cardiac arrest.

The opposition understands that the cost of AEDs has fallen significantly in recent years. In fact, an AED can vary from as much as \$2,600 for the larger types, which are typically deployed in our larger public areas, through to the smaller devices that have been approved by the Therapeutic Goods Administration, and they cost around \$360 for a single use. We all remember those images of the Hon. Frank Pangallo in the other place showing us how they work.

We know that the South Australian Ambulance Service (SAAS) states very clearly that, for more people to survive cardiac arrest, South Australia needs more AEDs available in communities, workplaces, schools and clubs in the event of an emergency. For every minute that defibrillation is delayed, the chances of a person surviving a cardiac arrest decrease by 10 per cent. So, in that light, it is safe to say that time is of the essence and that there is no time to waste in the face of an emergency.

The opposition did conduct some additional consultation in addition to what the Hon. Frank Pangallo in the other place had done, and we know that the AMA and other industry bodies, including SAAS, whose presence I acknowledge in the public gallery today, support this legislation. However, we note that the LGA has raised some concerns, as well as Business SA. Business SA raised concerns with the fines stipulated in this bill, as well as the up-front costs that the bill will impose on South Australian businesses, particularly in the current challenging economic circumstances. It is with that feedback in mind that we have what I would call some really sensible and reasonable amendments when it comes to the penalties.

If this bill does pass, South Australia will become the first jurisdiction in the nation to mandate the installation of AEDs. While in principle we acknowledge that there are very clear benefits of having AEDs widely available, there are several practical issues that we believe arise. As I have already foreshadowed, we do have a number of amendments and they are in light of the penalties. If this bill is successful, failing to have an AED installed can attract a maximum penalty of \$20,000. We believe that is at the upper echelon of what South Australians would expect.

Of course, we acknowledge that we need to get the balance right because we want there to be an incentive to put them in, but not such an arduous penalty that it actually becomes a little bit imposing for businesses. What we propose is common sense: it is for a maximum penalty of \$2,000 and for there to be an opportunity of an expiation notice of \$500. Not only is that \$500 threshold more than the minimum cost of an AED but we also believe that it will help free up the court system, if it is progressed through that, and assist with compliance.

We do urge those opposite to consider the amendments we are putting forward. In saying that, it is hoped that the current government will follow the former government's lead in ensuring some grants are made available to sporting clubs in particular to support them in complying with this legislation. Whilst we acknowledge that the smallest amount or the lowest cost for an AED is currently \$360, having discussed this with the Hon. Frank Pangallo in the other place, we want some sporting clubs to think about getting the more expensive ones. We believe that having some grants available would potentially aid them in making sure they have the most up-to-date and most comprehensive AED available to them.

As South Australia continues to endure the worst ramping in the state's history, the opposition recognises the importance of such devices as the AEDs in keeping South Australians safe, and it is with that in mind that we support this legislation with some amendments.

I would like to acknowledge the presence of the Hon. Frank Pangallo, who is in the gallery today, and thank him as well for all the work he has done in bringing this forward to the South Australian parliament to consider. This is going to be nation leading. It appears that the bill will pass this chamber, and that will be a historic day for South Australia, so thank you, the Hon. Frank Pangallo, for all the work that you have done.

We are hopeful that our amendments will gain some commonsense consideration. Thank you very much for the opportunity to speak on this bill.

**Mrs PEARCE (King) (11:15):** I, too, rise to speak on the Automated External Defibrillators (Public Access) Bill. This bill will require the installation and registration of automated external defibrillators (AEDs) in certain buildings, facilities and vehicles. AEDs are portable, life-saving devices designed to treat people experiencing sudden cardiac arrest, a medical condition in which the heart stops beating suddenly and unexpectedly.

We know that the combination of CPR and early defibrillation is effective in saving lives when used in the first few minutes following a collapse from sudden cardiac arrest, and that every minute without defibrillation to restart the heart reduces the chance of surviving by 10 per cent. Mr Speaker,

you may already be aware, but these devices are incredibly user-friendly, so much so that they even help to guide users each step of the way to be able to help someone in a life-threatening situation. Interestingly enough, an AED cannot actually do any harm to someone who is unconscious. An electric shock is only distributed if it is required.

Currently when it comes to AEDs in the workplace, the SafeWork SA Codes of Practice fact sheet states that an automated defibrillator is advised 'where there is a risk of electrocution or large numbers of members of the public are regularly in or around the workplace', and Safe Work Australia's national First Aid in the Workplace Code of Practice states:

Providing an automated external defibrillator (AED) can reduce the risk of fatality from cardiac arrest.

It is a useful addition for workplaces. When it comes to my community, there is a strong growing desire to see these devices more accessible. In fact, earlier this year I discussed this matter with the local progress association at One Tree Hill. The institute in the township there is home to many: the local playgroup, which I had the pleasure of sharing story time with recently; and the local seniors group, who spends time there every week. It is hired for birthday celebrations, engagements and wedding receptions and even hosts an ANZAC ceremony every year. On the first Saturday of the month, you can spend time there for the amazing country market they host.

As you can imagine, there are many different groups of people who use this space, and the availability of an AED would go a long way to aiding someone's chances of recovery in a dire situation. I understand that this bill seeks to ensure that we have an AED in designated public buildings and places such as sporting facilities, schools, retirement villages and aged-care facilities. Furthermore, an AED would be required in any building used for commercial purposes that exceeds 600 square metres, all emergency services vehicles, including the CFS, MFS and SES, and also on public transport, like trains, trams and buses.

There will be penalties for noncompliance and for any person who is caught stealing or damaging an AED. It is just another way that we can improve health outcomes in communities across our state, by improving accessibility to this potentially life-saving equipment when it is needed most. We know that there will be a need, as about 30,000 Australians suffer cardiac arrest every year. I am fortunate and proud that my community has already been taking proactive steps in this space to help make AEDs more accessible.

Take the City of Salisbury, for example—not only were they one of the first local councils to set the standard of having AEDs in all their buildings but they also provide a one-off grant of \$2,000 for a defibrillator for local community groups, voluntary associations, health, and religious organisations. The City of Tea Tree Gully are also doing great work in this space and run a grant program to support one-off funding for AEDs. I commend both councils for being proactive in this space and appreciate that the passing of this bill today will assist in having accessibility consistency across the board within communities in our state.

Furthermore, I am pleased to share that the Malinauskas Labor government is already taking active steps in this space. We are already in the process of installing AEDs in some of the places that this bill mandates, including all South Australian Ambulance Service, MFS and SES vehicles. In addition, SA Ambulance is currently developing a register and software, known as the GoodSAM program, which will allow members of the public to locate AEDs within their vicinity. I understand that this will meet the requirements outlined in the legislation pertaining to the registration of AEDs, along with the provision of a smartphone app to make all relevant information accessible.

As a very important aside, those who do have an AED can now register it online via the SA Ambulance website. I had a look at it myself, and I can vouch that registration is very easy, with only a few quick questions to answer. I understand that a training scheme must also be established for AEDs for people who complete first-aid training under the Education and Care Services National Law (SA) or the Work Health and Safety Act 2012, or for any other person prescribed in the regulations. This step will understandably increase the number of people in our community who will have life-saving CPR skills.

I must say that I am glad that this bill is being considered in this place again. I was sad to learn that it was not prioritised in the last term of government. I say that because I am confident that this bill will help deliver better social, health and economic benefits to local communities. By having

an implementation that provides non-government sites with a reasonable lead-in time to ensure that they can appropriately plan and prepare for the installation of AEDs, we will be able to achieve outstanding results together.

I understand that this bill is supported by healthcare stakeholders such as the AMA, the Heart Foundation of Australia and the Ambulance Employees' Association. In supporting this bill, we, the Malinauskas Labor government, are reaffirming our commitment to communities such as mine to help deliver better health outcomes by having these life-saving devices publicly and readily available to save lives in our community. It makes sense, it will likely save lives and it will absolutely lead to better health outcomes. With that, I commend the bill to the house.

**Mr TELFER (Flinders) (11:22):** I rise to speak on this important bill. Can I also echo the recognition of those who have worked hard get us to the point of consideration of this legislation, in particular the Hon. Frank Pangallo from the other place. I recognise his presence in the gallery, along with the presence of my favourite Wiggle of all time, Mr Greg Page.

Can I say that I, like many South Australians and Australians, have had family members who have had challenges with cardiac arrest. I was in the unfortunate position of losing my grandma to cardiac arrest many years ago, and I recognise that having technology like this can absolutely save lives in communities.

I, for one, with a history in leadership within local government, have been proactive in my small community in Tumbay Bay on Eyre Peninsula, in particular during my time as mayor some three or four years ago. I proactively looked at what we could do as a community, in conjunction with community groups and councils, to prepare our community for the technology as it was coming along.

I was very proud that, in collaboration with community groups such as the local Lions, we installed some dozen or so AEDs in public areas around Tumbay Bay and districts, in recognition that every minute matters when it comes to cardiac arrest. If there is an opportunity for this technology to be more readily accessible, closer to where an event is happening, then there is a higher likelihood that that person is going to have a positive outcome.

In recognition of that, we also made sure that there was a public awareness campaign within our council area—a very small council area, as far as population goes, but geographically it is certainly one that has a bit more of an extensive footprint, perhaps, than some of my metropolitan cousins.

That piece of work we did as a council really was at the leading edge of AED installation at the time and, as has already been mentioned, it was not a cheap exercise. The technology at that point was a lot more expensive than it is now, but there was great collaboration between council, community and the Red Cross in particular. I am someone who has firsthand experience, both with family members who have suffered from cardiac arrest and being in a community which has put in proactively a number of AEDs.

As my colleague the member for Schubert has mentioned, this is obviously legislation that is groundbreaking; it is nation leading. With that obviously come complications. I will speak in favour when the time comes of the amendments which the member for Schubert is moving to try to strike a balance between the carrot and the stick when it comes to fines in this piece of legislation.

We do need to make sure that it is something that we bring the community across South Australia along with, not just in education, getting them to realise the opportunities and the advantages that having a close AED for someone having a cardiac arrest actually does deliver, but in making sure that they are part of that journey of awareness and community support. That is, as I said, why I will be voting in favour of the adjustments to the fine schedule in particular, to make sure the balance is right when it comes to the incentives versus the disincentives.

As has been detailed throughout this legislation, there are parameters which are spelt out in black and white, with the stipulation that there is going to be more definition created within the regulation. There are certainly some concerns and uncertainties that come from this legislation, which have been reflected to me, as the shadow local government minister, by local governments around the state and the Local Government Association of South Australia as well.

As someone who has had a history in local government, I know how many public buildings and facilities there are around our council areas. Although there is not certainty in the legislation, I do hope—and conversation has been had with the honourable member—that there is some commonsense balance put in through the regulations. We note that a public building or facility includes a swimming pool, a library, a local government office, a town hall and a building or facility prescribed by the regulations, but does not include one excluded from the ambit of this definition by the regulations.

This is where the local government sector uncertainty does come in. In my area in particular—and I am sure it is reflected all around the state—we have a sporting precinct, which is a central part of a community. There will be a football oval, there will be football clubrooms, there will be change rooms, there will be opposition change rooms, there will be a toilet block, there will be a netball facility; there will be a number of different public buildings.

This is where I think the real key is to get the balance right and also make sure that, as has been stipulated in this legislation, the signage is appropriate so that people know and can recognise—as has already been done in communities which have had this installed—when they see that little AED sign, that little triangular sign sitting on the building, or when they see the external box, that if they have to deal with someone who is potentially going into cardiac arrest that is the go-to place and that there is a process they can be stepped through even if they have no medical training.

This is the aspect of the legislation I am going to be taking particular notice of. The drawing up of the regulations is going to be crucial because we need to get the balance right between the locations of these and the cost there would inherently be if there was a legislative obligation on local government overburdening them as far as cost and process go.

I am happy to stand here and speak in favour of this, as I said, because I am someone who has been at the leading edge as a community leader for putting AEDs in place and have seen the passion the advocates for this have, they themselves having had their lives saved because of the quick reaction time of those around them and the availability of an AED defibrillator there ready to go. That is why we on this side will be supportive of this, albeit to try to strike the balance when it comes to the fine system that is in place.

**S.E. ANDREWS (Gibson) (11:30):** I rise to speak in support of the Automated External Defibrillators (Public Access) Bill 2022. As we know, a heart attack can occur at any time, and quick action is crucial to give people the best chance of survival. Approximately 30,000 Australians suffer a cardiac arrest every year. The chances of surviving an out-of-hospital cardiac arrest are significantly higher when a person receives early life support in the form of CPR and the use of an AED. That is why it is important for an automated external defibrillator (AED) to be available.

The Heart Foundation advise that time is everything in a cardiac arrest; every minute without defibrillation to restart the heart reduces the chance of surviving by 10 per cent. If bystanders have not been trained in CPR, it simply means time is being wasted. Public access to AEDs will reduce this risk. AEDs are fairly easy to use and everyone can be trained to use them from a young age. Once it is turned on, they step you through the process, so you can set out the AED while another person is performing CPR.

I thank the Hon. Frank Pangallo for introducing this bill in the other place and am pleased that our Labor government is supporting its passage through this house, unlike the former government, which failed to prioritise this life-saving bill. They were a government that did not prioritise health, unlike this government, which is delivering more ambulances, more paramedics, significant investment in hospitals, including a new Women's and Children's Hospital, and significant investment in Country Health.

I was pleased to join the Minister for Health last week and speak with some of the 32 new paramedics hitting the roads of the southern and western suburbs, servicing the state's busiest areas of Adelaide and adding 23,000 hours of annual crewing to care for South Australians. The new crews, supported by an additional four ambulance vehicles for Marion and Edwardstown, form part of the Malinauskas Labor government's \$124 million investment for 350 more ambos.

The paramedics are split evenly across the two locations—16 for Marion and 16 for Edwardstown—but the Edwardstown crew will initially join crews at the Marion station before a brand-new Edwardstown station is built, with land searches currently underway: a government delivering on its election promises, a government that cares about South Australians.

This bill will require the installation and registration of AEDs in certain buildings, facilities and vehicles. This is an important measure to protect our community, ensuring access to potentially life-saving equipment when it is needed most. Importantly, an AED cannot do any harm to someone who is unconscious. An electric shock is only distributed if it is required. It is very safe technology, and we often see cases where an AED has been the difference between a person living, to enjoy more time with their family and friends, or passing away.

The coverage of AEDs across the designated buildings and facilities will ensure that South Australians have access to these easy-to-use devices most of the time. If there is not an AED in the building where it is needed, there will be one close by. This is important; as I said earlier, seconds are critical during a cardiac arrest. I encourage all local community clubs and public buildings across my electorate, if they do not already have one, to make the small investment of the less than \$3,000 to purchase an AED.

I also remind everyone to ensure they check the pads and batteries in their AED regularly. It is important that the state government also makes AEDs available, so I am pleased that this bill will mandate an AED in SA Ambulance vehicles, Metropolitan Fire Service trucks and SES vehicles. I commend this bill to the house.

**Ms WORTLEY (Torrens) (11:34):** I rise to speak to the Automated External Defibrillators (Public Access) Bill 2022. This bill will require the installation and registration of automated external defibrillators (AEDs), and it is a very important measure to protect our community, ensuring access to what can be life-saving equipment in many situations that can be used when it is most needed.

There is substantial evidence that the widespread access to AEDs can help prevent deaths by cardiac arrest. When people have access to this equipment, it is important they actually understand that it is very simple to use. I know that under the previous Labor government there were a number of programs. In particular, the Oakden Ambulance Station in my electorate delivered informal training on AEDs. That took place in one of my local football clubs, the Gaza Sports and Community Club, and people were very interested.

One of the most important things they found was that, following the instructions, they could not do any damage. They were particularly pleased to know that it would put the person who had suffered the heart attack, the cardiac arrest, in a much better position to be able to recover. We know that time is crucial during a cardiac arrest and that every minute without defibrillation to restart the heart reduces the chance of surviving by 10 per cent. If we have bystanders who have been trained in PCR, and how to use an AED, that will mean we will have better outcomes.

Recent years have seen significant improvements in the technology, and we know that single-use AEDs are available on the market and that the cost has been significantly reduced. We believe that this bill's proactive clause requiring commercial buildings of particular sizes to include an AED is a reasonable step and will achieve better outcomes for our community.

It is worth noting that our government has already taken positive steps to install AEDs, including in SAAS, MFS and SES vehicles. We have heard from the minister that SA Ambulance is currently developing a register and software, the GoodSAM program, to assist members of the public to be able to locate AEDs should the need arise. The lead time from now until 1 January 2026 across non-government sites provides owners of these buildings and organisations with a reasonable lead time to ensure that they can appropriately plan and prepare for the installation of AEDs.

We know that the bill has wide support in our community, and I have spoken to many of my community groups with regard to this. In fact, we have been approached on numerous occasions about ensuring that people have access to that, and the implementation of an informal program where members of the Oakden Ambulance Station visited sporting organisations was well received in our community. I welcome the opportunity to speak to this bill, to support this bill, and I commend it to the house.

**Ms THOMPSON (Davenport) (11:38):** I, too, rise to offer my support for the Automated External Defibrillators (Public Access) Bill presently before the house. Each year, more than 30,000 Australians suffer a sudden cardiac arrest. If it happens outside a hospital, their chances of surviving are less than one in 10. When sudden cardiac arrest happens, the heart simply stops beating, and the worst part is that it can happen to anyone at any age and it cannot be predicted.

An automated external defibrillator (AED) can make the difference between life and death. This bill will require the installation and registration of AEDs in certain buildings, facilities and vehicles. It is an important measure to protect our community, ensuring access to potentially life-saving equipment when it is needed most. If not treated in minutes, a sudden cardiac arrest usually causes death.

The data will tell you that out of the 30,000 out-of-hospital cardiac arrests that happen each year, 85 percent of victims will die. With statistics like that, defibrillators should be treated as being as essential as fire extinguishers. Sudden cardiac arrest does not discriminate. It is not your age, it is not your fitness level and it is not your background. It can happen to anyone and it happens without warning.

But the good news is that sudden cardiac arrest can be arrested and the best chance of survival following an arrest is with the urgent use of a defibrillator. There is substantial evidence that shows widespread access to AEDs will prevent deaths. These life-saving devices are designed to analyse the heart rhythm using electrodes. They will automatically analyse the heart rhythm and give a visual or audio display. The device will then examine the heartbeat and deliver a shock when needed.

The devices are very user-friendly, guiding users every step of the way. So if a cardiac arrest happens in a park, at a school, in a supermarket or at a local sports game, an AED is our best chance of survival. That is why it is so important to have AEDs in public places, and why we should be making them as easily accessible as we can. The Heart Foundation tells us that time is everything in a cardiac arrest. Every minute without defibrillation to restart the heart reduces the chance of surviving by 10 per cent, and if bystanders have not been trained in CPR it simply means that time is wasted. Public access to AEDs will reduce this risk

Immediate access to a defibrillator is the only way to survive a sudden cardiac arrest. This bill will make the installation, maintenance, signage and registration of AEDs mandatory in all public buildings, including schools, universities, libraries, sporting facilities, local council offices and swimming centres. Privately owned buildings, including shopping centres, aged-care and retirement villages, some commercial properties and certain residential apartments will also be required to install the devices.

It is reasonable to offer lead-in time frames for implementing such significant reform, allowing time for both government and non-government organisations to adequately prepare for the commencement of these measures, and ensuring it is not an unnecessary onus on existing small businesses and property owners. The implementation date of 1 January 2026 across non-government sites will provide this lead time to ensure owners can appropriately plan.

A dedicated grant program will be established to assist sporting clubs and other community organisations to meet the cost of purchasing this equipment and meeting the requirements of the legislation. This is particularly exciting for those local sporting clubs and other groups in my electorate of Davenport, as well as right across the state, who have already prioritised the implementation of these life-saving devices but have not yet accommodated it in their budgets.

I would like to thank the Hon. Frank Pangallo for bringing this legislation to parliament and also the Heart Foundation and Mr Greg Page AM, the original Yellow Wiggle, for their advocacy on this important issue. In supporting this bill, the government is reaffirming its commitment to the community by ensuring better health outcomes for those in an emergency situation. This bill will save lives, and I commend it to the house.

**Ms HUTCHESSON (Waite) (11:42):** I also rise in support of this bill, and I would like to acknowledge the presence of the Hon. Frank Pangallo from the other place, and thank him for introducing it into the house last week. I would also like to acknowledge the presence of



Greg Page AM, the original Yellow Wiggle, a great advocate and supporter of access to defibrillators in the workplace. As a parent of a 19 year old, I would like to thank you for the hours of peace and rest I got whilst my son sat and enjoyed your and your team's entertainment with the Wiggles. I really cannot thank you enough.

Being a trained senior first aider through my duties as a volunteer CFS member, I really understand how important these devices are and can be in saving lives. Having access to an automated external defibrillator when needed can be the difference between life and death, especially for people having a cardiac arrest.

These devices are really easy to use; anyone can work them—literally anyone. The device tells you where to put the pads. If you are a passenger in a car, your seatbelt goes like that, one goes on your shoulder and one goes just under your breastbone. They also can tell you when to stand clear and when to resume compressions. They continue to analyse the patient's heart rhythm as you continue to provide CPR.

Whilst the song changes from time to time in regard to compressions, originally *Staying Alive* was the song of choice but I believe *Baby Shark* also fits the bill. I understand that Greg Page may have also written a song. I encourage everyone to learn not only CPR but also first aid and get yourself trained. Earlier this year I learnt about the importance of these when I also updated my St John's first-aid certificate. From that, and from advice from the Heart Foundation, I learnt timing is everything: every minute somebody goes without this device can decrease their chance of surviving by 10 per cent.

These things are incredibly important when it comes to just helping people on the street, and that is why this bill is so important. When we were in opposition Labor supported this legislation, which was introduced at the time by the Hon. Frank Pangallo in the other place. Unfortunately the former government did not prioritise it, which saw the bill lapse in the previous term.

I am glad we have been able to support a vote on this legislation before the end of the year so that we can get moving on rolling out the requirement for all commercial buildings and government buildings of a certain size to have an AED. This coverage of AEDs across the designated buildings and facilities will ensure that South Australians have access to these easy-to-use devices most of the time.

If there is not an AED in the building where it is needed, there will be one close by. The government has already taken positive steps to install AEDs in some places this bill mandates, including SAAS, MFS and SES vehicles—in fact, my own CFS brigade has one in each truck and one in the station.

The use of apps that can locate AEDs is very useful. SA Ambulance is currently developing its own register and software, the GoodSAM program, that will allow bystanders to locate AEDs in their vicinity quickly. This meets the requirements outlined in the legislation.

Encouraging and supporting businesses to meet the requirements of this legislation will take time and, as such, the implementation date of 1 January 2026 across non-government sites is appropriate. However, I will take this opportunity to encourage businesses to begin consideration of this as soon as they can so that there are better health outcomes for those in need when they need it.

There are many stories about how AEDs have helped save lives and, as such, this is an important move by our government as we continue to put the health needs of our communities at the forefront of our mind. My community knows the importance of these devices. Back in 2019, the Blackwood Lions Club generously provided an AED to our Blackwood Football Club. Cardiac arrest does not happen just to those who are aged or who have a weak heart: it can happen at any time to anyone, so having an AED available to sporting clubs is really important.

I hope this bill passes the house. It is incredibly important that we have access to AEDs when we need them. They will result in better health outcomes for people who do go through cardiac arrest. I commend the bill to the house.

**The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (11:47):** I also rise today to support the Automated External Defibrillators (Public Access) Bill. As you are aware, Mr Speaker, this piece of legislation is an Australian first, and we will be one of a few jurisdictions the world to mandate the installation of automated external defibrillator machines.

The bill proposes the installation and registration of AEDs in prescribed buildings, facilities and vehicles. This is an important measure to protect our community, ensuring access to life-saving equipment when it is most needed.

So what is a defibrillator? I have done some research on this: a defibrillator is a device that uses an electric shock to restart a heart or shock it back into its correct rhythm. It is used when someone has a sudden cardiac arrest. An AED analyses the heart rhythm and determines whether an electric shock is needed to either correct the rhythm of the heart or restart it.

Every year, more than 30,000 Australians suffer from a cardiac arrest. If a cardiac arrest happens outside a hospital, the chances of survival are significantly diminished. An AED may be used wherever CPR is necessary. In the event of a cardiac arrest time is crucial. If someone is found unresponsive and not breathing, 000 needs to be called first and then CPR started, with the use of an AED as soon as possible. Ultimately, this underlines the importance for people to regularly undertake first-aid training. Giving an unresponsive person immediate CPR and using an AED early can greatly increase their chance of survival. The most important thing is to use an AED quickly.

There are several different types of defibrillators and they work in different ways. AEDs are commonly found in public places—and will be found in public places after the passing of this bill—and they can be used by anybody in an emergency. They guide the operator through each step of the process. They do not give the person an electric shock unless it is necessary, so you cannot harm someone by using an AED. I am told they are actually very easy to use. Some models ask you to press a button to deliver the shock. Other models deliver the shock automatically.

There are also manual defibrillators that are used by health professionals, for example, in an ambulance or emergency department. There are also implantable cardioverter-defibrillators (ICDs), which are defibrillators surgically implanted inside the body. They are designed for people who are at high risk of a life-threatening heart rhythm problem, such as those who have suffered a recent heart attack or have certain medical conditions.

This bill will result in AEDs becoming a common sight in public places. I commend the City of Adelaide, which rolled out AEDs in public places and the city squares some time ago. These are easily identified by the 'hearts of hope' signage indicating the location of the public AEDs. As I said, they are simple to use, so much so that anyone can use an AED properly simply by following fairly easy instructions. The AEDs will literally tell you how to use them. The device steps you through each stage of what to do, but it must also be remembered that AEDs need to be used in conjunction with CPR.

The area around an unresponsive person should be clear, with no-one touching them while the AED is in use, as this can interfere with how it reads the person's heart. If necessary, the AED will tell the operator where to put electrodes or pads on the person's body. The device may deliver one or more shocks to re-establish the rhythm of the heart. The AED may instruct the operator to continue CPR after a shock has been administered and to continue CPR until the ambulance arrives and a paramedic takes over.

It is important to note that this bill proposes the use and installation of automated external defibrillators. It will require the installation and registration of AEDs in certain buildings, facilities and vehicles. It is an important measure to protect our community, ensuring access to potentially life-saving equipment when it is most needed. As mentioned already, there is substantial evidence that widespread access to AEDs can help prevent the deaths of people by cardiac arrest. They are user-friendly and help guide users every step of the way to administer to someone in a life-threatening situation.

An AED cannot do any harm to anyone who is unconscious. An electric shock is only distributed if it is required. According to the Heart Foundation, timing is everything. Every minute

without defibrillation to restart the heart reduces the chance of surviving by 10 per cent. If bystanders in the general vicinity have not been trained in CPR, that simply means that there is time wasted. Public access to AEDs will reduce that risk.

When in opposition, we supported this legislation introduced by the Hon. Frank Pangallo in the other place. We saw it as an important piece of legislation that would ultimately save people's lives. We are pleased now as the Malinauskas government to see it reintroduced in this term of government and to support a vote in the first sitting year of the Malinauskas government. Recognising this bill's importance in supporting good and potentially life-saving health outcomes for our community is a very good thing.

Since the bill was introduced in the last term of government, there have been positive developments regarding the technology used. New single-use AEDs are now available in the market, which has helped reduce implementation costs. The bill provides a significant lead time for the implementation of this much-needed and important reform, allowing time for both government and non-government agencies to adequately prepare for the commencement of these measures.

The implementation date of 1 January 2026 across non-government sites provides these owners with a reasonable lead-in time to ensure that they can appropriately plan and prepare for the installation of AEDs. In supporting this bill, the Malinauskas Labor government is reaffirming its commitment to the community in ensuring better health outcomes for all South Australians. We went to the state election with a strong commitment to our public health system, and this legislation is important in delivering on those promises.

The coverage of AEDs across designated buildings and facilities will ensure South Australians have access to these easy-to-use devices most of the time. If there is not one in the building where it is needed, there will be one close by. This government has already taken positive steps in installing AEDs in some places that this bill mandates, including South Australian Ambulance Service, MFS and SES vehicles. In addition, SA Ambulance is currently developing a register and software, the GoodSAM program, which allows members of the public to locate AEDs in their vicinity, and this will meet the requirements outlined in the legislation.

I also want to touch on a particular issue: as a female, I take comfort in the fact that my own medical peace of mind is supported by this bill making AEDs more accessible. Forty per cent of heart attacks in women are fatal and many occur without any warning. Sadly, the majority of women do not realise it is one of the leading causes of death in females. Heart disease is less recognisable in women. We tend to develop symptoms of heart disease later than men and our symptoms are often vaguer or non-specific. Some diagnostic tests of heart disease are less accurate in women than men and we are less likely to seek help quickly.

Hypertension is two to three times more common in women than in men and it becomes much more common as we get older. Hypertension is a silent killer. Hypertension, or high blood pressure, is the most important risk factor for both stroke and heart failure. An early 2000s study showed that more than half of Australian women aged over 55 had hypertension. It is a disturbing fact because many are unaware that they have this condition. It is called the silent killer because it does not cause any symptoms. Once diagnosed, hypertension can usually be well controlled with appropriate medication, and if it is controlled the risk of developing heart failure or stroke is greatly reduced.

The AEDs and this bill will greatly support women, in particular, who have a greater risk of heart attacks. Having AEDs more readily accessible and available will help save the lives of many and if it helps save the life of one mother, father, sister or brother, it is a small price to pay, and for that reason I commend this bill to the house.

**The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (11:56):** Today, I rise in support of the Automated External Defibrillators (Public Access) Bill. I thank the member in the other place for introducing this bill, an Australian first, which seeks to mandate the installation of AED machines in public places. The bill proposes the installation of these life-saving machines in certain buildings and some vehicles. Easy access to these machines will allow untrained laypeople to assist in the event of a cardiac arrest.

Most significantly, we know that access to AEDs has proven, even when utilised by untrained bystanders, to save the lives of people who suddenly experience a cardiac arrest. Lives have been saved since the 1960s in public areas of hospital settings, shopping malls, airports and on aircraft. This clever piece of machinery can be used by anyone. This is the important part: the defibrillator analyses the heart rhythm and decides whether an electric shock is needed.

In the event of a cardiac arrest, access to an AED or someone trained or prepared to provide CPR is essential—every moment counts. Giving the person immediate CPR and using an AED early on can greatly increase their chances of survival. The most important thing is that the AED needs to be used as quickly as possible. Of course, the closer an AED is to the patient, the faster they can receive this life-saving intervention.

It is interesting to look at examples of easily accessible AEDs already in use and the evidence of their impact. When speaking on this bill, I thought I would refer to my own portfolio of tourism and have a look at where AEDs have been situated. As an example, 25 years ago, in 1997, an American airline was the first to equip its fleet of aircraft with AEDs. In this case, the airline also trained its flight attendants on how to correctly use the device.

As we know, these devices have been designed to be used with no training at all, and there are examples where passengers have been able to use the devices. Between June 1997 and July 1999, these AEDs were used in 200 cases—191 on aircraft and nine in the airport terminal. The rate of survival of patients requiring defibrillation increased significantly, and no complications arose from the use of this automated defibrillator.

Closer to home, just last year in Sydney Airport, where an average of 10 passengers suffer a cardiac arrest every year, the Heart of the Nation organisation, headed up by the original Yellow Wiggle, Greg Page, recently launched the new easy-to-spot AED stations, which have been increased by nearly 20 per cent and given a colourful, easy-to-spot, yellow facelift. If they are close by and they are easy to spot, no matter where passengers, customers, staff, family or friends are, help is close at hand when time is of the essence.

One more story that caught my eye was the story of a hotel chain in the United Kingdom. This hotel chain decided just two years ago that they would install these devices in the lobbies of all 800 of their hotels. It is the only major hotel chain in the UK to have installed defibrillators in every property. Within three days of installation, it was used in the lobby of one of their hotels and saved the life of not only one of the guests but also a person at the pub next door, when a hotel staff member on their break at the pub dashed next door and brought the equipment back to the pub where the patient was experiencing a cardiac arrest. Location and accessibility are the most important things here.

For every minute that passes without CPR and defibrillation, a victim's likelihood of survival decreases by up to 10 per cent. Having an AED on hand can be the difference between life and death. This bill goes to the heart of that because it increases the prevalence of AEDs, brings life-saving equipment closer to where it might be needed and makes it accessible when it is. AEDs are simple to use with clear, step-by-step instructions that guide users, even with no medical knowledge, through providing help to someone experiencing cardiac arrest. You cannot go wrong using an AED. An electric shock is only given if it is measured to be required by the device.

In my other portfolio of multicultural affairs, I meet many new arrivals and communities who speak languages other than English. It is of great comfort to know that AEDs are also universal and that they use pictogram guides for people with different levels of literacy or English proficiency.

This life-saving legislation has been introduced by the Hon. Frank Pangallo in the other place. The last time it was introduced, it was supported by our party from opposition. I would like to thank the member for reintroducing this bill and add to the voices of my colleagues in sharing the disappointment and disbelief that this bill was not made a priority by those opposite before the end of their term.

We have heard that, in the event of cardiac arrest, timing is everything. 'Timing is everything' seems to be the message, but that was not heard by the previous government. We are very pleased

to be seen as a government that gets things done through leadership, making those tough decisions. This is one of those decisions.

Since the bill was last in parliament, the Hon. Frank Pangallo has filed additional amendments to the bill regarding implementation of this legislation. The Malinauskas government supports the legislation and welcomes and supports the additional amendments. The increase of AEDs in designated buildings and other locations will safeguard South Australians in the event of an emergency. Just like the example of the UK hotel, it is not just about the immediate location of these devices but also about access as close to an incident as can be.

Already in South Australia there are AEDs installed in places that this bill mandates, including all South Australian Ambulance Service stations and all MFS and SES vehicles. Already public areas like airports, shopping malls and some hotel chains in Australia have these devices installed. We know that around the CBD the Adelaide City Council has installed publicly available AEDs in Victoria Square, Elder Park, Rundle Mall and other areas where festivals and events are held so that devices are nearby when they are needed.

This legislation will increase the availability of devices, which will save lives. I would just like to comment on the speech of the member for Enfield. While it is really important that we have access to AEDs, and I congratulate the Hon. Frank Pangallo on this, it is timely for us to consider how we can prevent cardiac arrest. We know that we have greater access to food than ever before, whether it be takeaway or Uber Eats or the five McDonald's in my constituency that are very nearby.

As much as we talk about this bill and we are here to endorse this bill, it is timely for us to all consider how we can prevent chronic conditions, as we know that we have increasing chronic conditions here in South Australia and Australia. I congratulate the Hon. Frank Pangallo on bringing the bill forward and I commend it to the house.

**The Hon. C.J. PICTON (Karna—Minister for Health and Wellbeing) (12:05):** I thank all members for their contribution in relation to this important legislation. I appreciate particularly the support of many members on my side who spoke in favour and also the opposition, who indicated that they will be supporting it as well, albeit they would like some amendments.

This is an important piece of legislation that will ultimately help to save lives across South Australia. We know that every minute and every second count in relation to a cardiac arrest, and having more defibrillators located particularly in public areas will help not only in terms of people who need defibrillation but also in terms of the assistance that defibrillators provide for people to undertake CPR. Both those elements together are critically important in helping to save people's lives.

Again, I thank the Hon. Frank Pangallo for his passionate advocacy and his introduction of this legislation. It certainly sounds from the support from the house as though we will be making very significant legislative history in terms of Australia today with the passage of this legislation. We will, I think, be the first of many states, hopefully, to pass this law to make sure that defibrillators are where they need to be.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1 passed.

Clause 2.

**Mrs HURN:** I have a quick question in relation to the commencement but particularly in relation to the estimated cost for the state government. I am just wondering whether the minister can outline what the estimated cost is for the state government.

**The Hon. C.J. PICTON:** There has been an estimate in terms of some of the additional costs that will be implemented and particularly they relate to some of the transport and infrastructure expenses, particularly buses, trains and trams and also CFS facilities and vehicles, etc. The current estimate that we are looking at is \$7.2 million over four years.

**Mrs HURN:** Thank you very much for that answer, minister. I am wondering whether the Crown has been engaged in relation to any indemnity issues arising from the use of AEDs under this legislation.

**The Hon. C.J. PICTON:** Clearly, we would not mention legal advice in any case, but that has not been a concern that has been raised or that particular advice has been sought on.

**Mrs HURN:** What does the minister understand to be the interplay between this proposed legislation and the existing health and safety requirements that are also under the obligations of workplaces?

**The Hon. C.J. PICTON:** Obviously, there are a broad range of workplace health and safety requirements that businesses have in place, but these are very specific rules around public locations. I guess the benefit of this is that it not only applies to employees of a particular workplace but, going through the legislation as it has been drafted by the Hon. Frank Pangallo, the focus is really on public places—places where there will be significant numbers of people, rather than other particular workplaces that would not be public facing.

**Mrs HURN:** With your guidance, Chair, I have a supplementary because I think it is worthwhile. In specific relation to, for instance, sporting clubs, where sporting clubs may or may not be publicly owned, they may or may not come under the supervision of the local council. For instance, in my own electorate there are a number of sporting facilities that are privately owned, so, from an indemnity perspective, could you elaborate on what that will mean for them?

**The Hon. C.J. PICTON:** My understanding is that there are provisions not specifically in relation to this act but in other pieces of legislation that are commonly—and I believe in some of the federal legislation as well—referred to as good Samaritan provisions, that, essentially, if people are seeking to provide assistance in an emergency, they are legally covered. I would not seek to proffer legal advice about that.

I think the increased availability of AEDs does not differ from the fact that there are AEDs available in the community at the moment and that clearly there are legal provisions that help in relation to people who are acting in good faith as good Samaritans in those situations, so I do not see that this fundamentally differs from the legal relationship that would be in place. You mentioned sporting clubs. There are a lot of sporting clubs that already have AEDs in place, so this is not something that has never happened before. We are seeking to increase the availability of those and they would be operating in the same legal framework, in terms of other interactions with laws, as they currently do.

**Mr TELFER:** Obviously, as has already been spoken about, this is a national first and it is imperative on us as legislators to understand the impacts it is going to have on groups, whether they are local government, business or community groups. Can the minister give me some detail and tell the house about the consultation process in relation to the bill? Can the minister assure the house that impacted groups will be consulted before sections of the bill commence in 2025?

**The Hon. C.J. PICTON:** This is a private member's bill and I understand that extensive consultation has taken place by the Hon. Frank Pangallo. I believe that it is something he outlined in the other place, so I would certainly refer to the evidence he provided. From the government's perspective, it is something we have been consulting our agencies about.

Following the hopeful passage of this legislation, there will be, as is now in the bill, a significant lead time in terms of the implementation of this—particularly for non-government operators—between now and 1 January 2026. It is certainly something where we will conduct further consultation, especially in relation to, as you say, the commencement but also the regulations, whether there will be any particular regulations that sit underneath the legislation as well. This has obviously been a private member's bill, so a private member has been leading the work on that consultation.

**Mr TELFER:** As part of that consultation to do with the commencement of the bill, can the minister inform the house if there is any insight into what the overall cost would be for that implementation incurred by the persons or organisations affected?

**The Hon. C.J. PICTON:** There is not one particular estimate in terms of what the private implementation costs will be. There are a number of factors that lead into that, one of which is the price of the AEDs themselves. One of the very positive developments since the parliament last considered this legislation is that we have seen some new products come onto the market, which has significantly lowered the price and increased the possibility of other people taking up AEDs.

One of those is the new ability for single-use AED devices. These can be offered for in the order of, say, \$350 as opposed to several thousand dollars for the other devices. Clearly, there would be some people who would look to implement the single-use AEDs; there would be other people who would look for the more substantial AEDs. That is hard to quantify.

The other area where it is hard to quantify is how many people would have AEDs installed already in particular sporting clubs or other public facilities and how many would be in the process of obtaining them already between now and 2026, when this provision will come into place. Another thing that is hard to estimate is that we do not know what the future technology will look like over the next couple of years, so that may have some bearing in terms of what the impact of that is going to be.

However, we are clear that there is going to be a cost for people. We are currently working through the process of considering some assistance that can be provided through grants programs through the government that could help people, particularly not-for-profit organisations, in this regard. We will be considering the details of that further. I think it is important that, as part of the drafting of the legislation and the amendments that were introduced, it does give that lead time between the passage of legislation and the final implementation date to enable everybody to have lots of notice. I think it is good that, hopefully, we will be passing it this week, to give that maximum amount of notice and also consideration of grants programs and consideration of regulations between now and then.

**Mr TELFER:** Minister, you spoke before about the good Samaritan provisions. Is it your understanding, is it true, that an employee of a sporting club or council would not have access to those good Samaritan provisions?

**The Hon. C.J. PICTON:** I think we are now delving into the questions of legal advice that would not necessarily pertain specifically to this legislation but to the situation that would be in place more broadly currently. There are a lot of councils and sporting clubs that have AEDs in place already, and I have not been notified of any particular legal issues that have taken place in relation to those. It is something I would be happy to look into further if the member wants to raise it with me, but I do not currently have any concerns in front of me in that regard, nor am I going to provide tort law legal advice in this regard. I am sure my law lecturers from Flinders University 20 years ago in tort law would be horrified if I started providing tort law legal advice to members.

This does not change the situation in regard to tort law; this is about increasing the availability. The current legal situation that would apply to an AED would be the same. It is not something I am aware there are any particular concerns about, but if the member is happy to provide further details, it is certainly something I would be happy to look into further.

**Mr TEAGUE:** We will come to it perhaps more particularly when we come to clauses 7 and 8, as those are the operative provisions. In the context of a 2025 commencement regime, to what extent has there been consideration in relation to the amendment that we have seen from initially this being a bill that is going to come into force fairly promptly after it has passed to having this now relatively lengthy period of time prior to its commencement?

Has there been any particular consideration, or does the government have a view about what one might expect over the course of the next three years in terms of the voluntary taking up of the devices and the general raising of awareness in the community? Has any particular thought been given to the consequences of extending the commencement to 2025 and what happens in the meantime?

**The Hon. C.J. PICTON:** I think I will clarify in terms of the commencement. We really have to consider the interaction with the other provision of the bill, which is in relation to the schedule 1 transitional provision. For people who are not involved in the government, essentially their

commencement date will be 1 January 2026. However, the bill will commence in 2025 and that will apply to government facilities. I think it is fair and appropriate that the government should be moving faster on this matter.

Between now and both 2025 and when it privately comes into operation in 2026, you are right: there will be a lot of consideration that we will need to do in terms of awareness raising. I have already mentioned consideration in relation to grant programs, in relation to regulations that will be in place and also the communications that will need to happen with businesses or other organisations that will be affected.

**Mr TEAGUE:** Thank you, minister, for that answer and, yes, for the record, we are here talking about clause 2, which on its face provides for a commencement in 2025 and we go to the very end, to the schedule that then says that for all facilities other than those owned by the Crown it is actually 2026. That might have been better expressed in clause 2. Anyway, it is spread out in the bill that we have a 2025 commencement for those Crown facilities and 2026 for the rest. Obviously, that is in the context of the original form of the bill providing for commencement pretty much pronto within the next 12 months.

We have a situation in which we are legislating for the introduction of AEDs. There is a significant period of time, whether it is to 2025 or to 2026, as the case may be, and then, as it were, the hammer falls, and we have some debate to be had about penalties, enforcement and all that sort of thing in due course. I guess the point is that we go from a structure in which we have the application of a mandatory environment fairly quickly to one in which the legislation builds in this relatively long period of time, after which there will be penalties imposed for those who do not have their act together.

Does the government provide some indication of provision for funding, support and otherwise, including the rollout of grants and so on, to those who might benefit from such assistance over the course of the interim, if you like, or is that all going to be held up pending commencement either in 2025 or 2026? What does the government have in mind in terms of supporting the non-mandatory period following the passing of this legislation?

**The Hon. C.J. PICTON:** The whole idea behind having a decent period of time before the introduction, or commencement rather, of the legislation is to give people time to consider, to make sure that they have implemented this, and also to make sure that, as you say, we have supports available for some of those not-for-profit organisations that may wish to apply for support. It would be a lead-in time, and I would hope lots of communication would be happening in terms of people's obligations to give them time to get ready.

**Mr TEAGUE:** Just to draw a line under that for the moment, we could have had legislation in which a bill is passed and there is then a period before which you would have these—we will get to them in a minute—what are on the face of it really significant monetary penalties applied. The legislation could have been structured that way, so that we all know there is this legislation that is in force and there is a built-in legislated period during which there will not be applied these great big penalties.

But what we have is—the minister calls it a transition period or an introductory period, but that is really only because the act is not applying at all. You would be forgiven if you were one of the organisations caught by all this if you were not aware, you had not done anything about your AED obligation and then all of a sudden it comes into force.

So, if this is going to be used as a period for awareness raising—and perhaps I am going over the ground again—what steps does the government have in mind to provide satisfaction for all the community, if not itself, whether it comes in at the beginning of 2025 or 2026 and starts imposing penalties, that it is not going to be doing so against a background other than one in which the unfortunate recipient of such a penalty is not going to be turning around and saying, 'Well, I have only just heard about this and I have only just got my wheels in motion because it's only just commenced'? What sort of across-the-community confidence and awareness can be expected in circumstances where this bill is providing for the immediate application of those penalties?



**The Hon. C.J. PICTON:** I am not sure I agree with the statement being put essentially, that people will not know because of the way the drafting of this has been done. I think it will be very clear to everybody that, as of 1 January 2026, this will apply to the people who fall under the provisions of this legislation. As I have already stated, it will be something the government considers further in terms of how this is best communicated, but I think in all those communications we will be very clear that this will apply to people from 1 January 2026, as the legislation says.

Clause passed.

Clause 3.

**Mrs HURN:** Minister, we know that South Australia Police are often some of the first responders to incidents where people are requiring emergency assistance and support. We know that a gentleman down south fell off his skateboard a couple of months ago and SA Police were the first on the scene. Of course we know that, in that incident, this man did not need an AED, but could you just elaborate on the justification as to why SAPOL is deliberately excluded from this scheme, particularly in the face of the fact that SAPOL was initially included in the Hon. Frank Pangallo's first drafting in the other place?

**The Hon. C.J. PICTON:** I will not speak on behalf of the Hon. Frank Pangallo, but I would refer the member to read his answer to this in the other place. I think he was clear that he was following consultations that he had with the Police Association in South Australia, and it was determined not to include South Australia Police within this legislation.

A number of concerns were raised by the police in that regard, and the Police Association more particularly, I think, with the Hon. Frank Pangallo. I do not have a disagreement with that point of view. I think that clearly some concerns have been raised. Obviously, it is up to the member if she seeks to make a change in that regard, however the government is not seeking to.

**Mrs HURN:** I am hoping that the minister can provide further clarification. Perhaps he could take on notice how many SAPOL officers tend to be first on the scene in the case of emergencies. I think that would be a further justification as to why it is they have been deliberately excluded, particularly in light of the fact that almost every other emergency service provider in the state falls under the remit of this legislation except South Australia Police.

As I have said, I note that the minister and the government obviously agree that SAPOL is not necessarily the first on the scene and does not necessarily need to have an AED. However, that is probably something that we are struggling to understand, specifically in light of the example I have just outlined, where it was very public that a man had fallen off his skateboard down south, that SAPOL was the first on the scene and that, in fact, he had to wait another 48 minutes, or so, for an ambulance.

It is just in this entire sphere that I am struggling to understand why it is that SAPOL is deliberately excluded. Secondary to that, can the minister confirm that the CFS, the SES and the MFS were all comfortable and very much supportive of having these AEDs in their vehicles?

**The Hon. C.J. PICTON:** I am advised that certainly those agencies were supportive. In relation to the CFS, some of those vehicles are already covered. There are some that are not, and certainly part of the implementation of this would be that we would have to make sure that all those vehicles have it in place.

In relation to the questions of statistics, etc. the member was asking about, I dare say that it might be impossible to get an accurate answer to that question. I will look into it. If there is something that can be provided I will do so, but I suspect that it might be too difficult to answer that question.

**Mrs HURN:** Given that the minister has outlined that there are indeed some CFS and MFS vehicles that do already have AEDs in place, can the minister take on notice—or potentially he has the information with him at the moment—how many of those vehicles have AEDs currently and how many will be required to implement them?

**The Hon. C.J. PICTON:** I do have these statistics, which is great. For the MFS, 103 vehicles are fitted with AEDs, which are all the vehicles in the fleet, I am advised. For the CFS, there are approximately 300 vehicles that are fitted with AEDs and approximately 600 vehicles that are not, so

they will have to be installed. For the SES, I am advised that 228 vehicles are already fitted with AEDs. For the South Australian Ambulance Service, I am advised that, at the moment, the ambulances and the quick-response vehicles do have them but the other corporate vehicles do not necessarily have them, so there may be some corporate vehicles that have to be considered in relation to that.

**Ms PRATT:** Minister, in relation to public buildings or facilities—and I can come up with a few examples from my own electorate—if a council oval is surrounded by a grandstand, a mens' change room and a women's change room, I imagine a toilet block, two permanent coaching benches and a shed for the rolling machine, will a separate AED be required in each of these buildings?

**The Hon. C.J. PICTON:** Thank you, member, for the question. I think that there is a degree of reasonableness—or I do not think it is the intention of the Hon. Frank Pangallo, the government, the opposition or anybody in the parliament that every single element that she has just described would need to have a separate AED installed. This would obviously be something that we would have to consider in terms of its implementation, and we have some time in relation to that. We will also need to consider it in relation to the setting of regulations as well, which will help to address some of those issues.

I know this is an area where we have been in discussions with the Local Government Association, who obviously have a number of facilities of this type where they are seeking to make sure that they are in compliance with what the law will be and also making sure that they are providing the appropriate support for their community in relation to a cardiac arrest. Obviously, we do not want to be in a position where we have to go completely overboard in relation to the types of different demarcations of different buildings in a sporting facility, as you have described. It is something we will continue to work on with the Local Government Association, should this legislation proceed. It is something that, if there are issues in terms of clarity, we would seek to address in terms of regulations.

**Ms PRATT:** Minister, in a similar vein you speak of reasonableness, but if that same council park contains playground equipment, skateboard ramps, basketball backboards, soccer goals, outdoor equipment, barbecue shelters—you get the picture—what guarantee can the minister give to that same relevant council, in using the word 'reasonableness', that they will not be required to install individual AEDs on all those pieces of equipment?

**The Hon. C.J. PICTON:** I think I have just answered that question.

**Ms PRATT:** Minister, does the bill apply to disused buildings that the public might have access to, such as historical buildings or ruins on council land?

**The Hon. C.J. PICTON:** I would not have thought that the provisions would apply to ruins, but if there is concern in relation to ruins then presumably it would largely be the Local Government Association, potentially, who might be impacted and we will consider that if there need to be particular regulations in place. I think, with a number of these matters, some common sense would apply in terms of their implementation, and I would have thought ruins would be in that category.

**Mr TEAGUE:** Going to the definition of 'automated external defibrillator' because it is defined at clause 3, it is defined to mean a portable device, and the balance of the bill is oriented towards the installation of such devices. The question really goes to paragraph (b) of the definition because we see primarily it is a device that is contemplated as being included on the Australian Register of Therapeutic Goods or, in the event that there is not one included, approved by the minister.

Is that a belts and braces provision that has fallen away because there is a device or devices on the register? The question, bearing in mind the introduction, is: is there any such device on the register that is by its nature portable and not amenable to installation, whether on or about a building, because it is specifically manufactured for the purposes of its remaining portable?

**The Hon. C.J. PICTON:** The advice I have is that there certainly are TGA approved devices available at the moment. I presume that this has been drafted in this manner, should there be some sort of change to that register, to give us the fail safe that there still could be devices that could be approved by the minister. However, we are not expecting that to be a particular issue.

**Mr TEAGUE:** The balance of the question was about portability and the definition. I might perhaps put that in a context more particularly of a concern in this regard raised by the Local Government Association, as I understand it, because clause 3(2) makes it clear that installation for these purposes, installation in a building, includes installation on an external area of a building. That might capture fairly comprehensively what installation contemplates.

My previous question included a question about whether or not there are any approved AED devices that are constructed for particular application and may be, of their nature, not amenable to installation in any form. They are designed for a particular other purpose, but a community organisation is going to have to consult the list of those that are on the register, hence the question. I remain interested in an answer to that question.

To put it in a context of a concern raised by the LGA, when contemplating the definition of relevant building, it is defined as a place to which the public has access. Does that include a place where the public has access to the outside of the building, and is that a particular example of where clause 3(2) has work to do, or are they just coincidental and is there an answer to the question anyway?

**The Hon. C.J. PICTON:** In relation to the first question, I am doing the best I can to try to interpret the question in relation to the portability of the devices. Rather than the CEO of SA Ambulance Service, who is here, my experience is at a lower level, as a barely scrapeable pass member of the Moana Surf Life Saving Club in my first-aid training. As I understand it, all defibrillators have a level of portability to them, otherwise it would be difficult to utilise them. Even with those in a box on the wall, you have to take them out of the box and use them. You cannot take the person up and stick them on the wall to use the defibrillator. I am not anticipating particular concerns in relation to the definition of portability there.

In relation to a public building or facility where the public has access, I think there is a commonsense interpretation of that, again. It goes back to the question of the member for Frome in relation to whether that includes ruins, and I do not believe that would be an issue. However, I think the important element of this is that, if issues are identified where there are particular areas in a significant period of further consultation and implementation before the commencement that we will have, we will be able to make very clear under the regulations—and the definition does make clear that we can exclude particular elements if an issue was identified.

**Mr TEAGUE:** Just to be really clear, the definition includes reference to its being a portable device—that is really straightforward—right? An AED is a portable device. The point is that the minister has given an answer that says that there are such devices included on the TGA register, so someone thinking about complying with this legislation will choose one from the list on the register, as opposed to what the minister decides will be suitable for the act; the minister has told us that so far.

So the question is, and it is not a trick question: are there any such AEDs that we know about, because they are on the register, that are not amenable to installation for the purposes of this act and, if so, can you tell us, or are they all amenable to installation for the purposes contemplated by this act? I do not know if I can be any clearer than that.

**The Hon. C.J. PICTON:** I thank the member for Heysen for his question. I am advised that there are some defibrillator devices that would only be available for purchase by surgeons or other appropriate medical practitioners that could be inserted in your body for particular medical purposes. However, they would not be available for purchase, but they would be something that would be on the register of therapeutic goods.

However, we are not anticipating any issues where, for instance, a local council would purchase a defibrillator device that was intended for insertion inside a person's body and put them up in the sporting club, for instance, both because of a level of common sense but also because those devices are not generally available for purchase by the public. The advice I have received from SA Ambulance is that the devices available for purchase by the public would be in compliance with these provisions.

**Mr TELFER:** Recognising, minister, that when we legislate it is for the whole of South Australia, as someone from a regional area with distance between and facilities that are not necessarily used all the time I have a particular interest in expanding a little on the member for Heysen's question. In determining when the public have access to a building under this legislation, does it mean 24 hours a day or during business hours? I am contemplating a 'public facility' that may be used once, twice, four, five or six times a year, knowing that a small regional hall may only be used a couple of times a year. Will that fall under the prescription that is designated within this section?

**The Hon. C.J. PICTON:** I go back to my previous answer. In addition to that, a town hall is specifically mentioned in relation to this section. Obviously there is also the ability, if there was to be consideration of something, if it was to be put in the regulations, that it would not be appropriate to fall under that provision.

I would make the point—and I think this is an important one—that there may be a hall that might not be used every day, but when those halls are used they often have a significant number of people inside them. It is important for local governments, if they have halls available to the public for hire, etc., that we do make sure that AEDs are installed within them. There would be a number of local councils that already have these provisions in place.

If you have significant numbers of people, then clearly there is concern in terms of the impact if somebody was to have a cardiac arrest. That is clearly the rationale behind the drafting of this by the Hon. Frank Pangallo. There is that provision that makes it clear that regulations could be made if there were issues identified, but in relation to town halls, etc. I would not anticipate issues.

**Mr TELFER:** In this section is the definition of the 'relevant authority': the CFS, the MFS and the SES. Can the minister confirm that these organisations were consulted through this process about their new obligations pursuant to this bill and, if they were, what was the nature of their feedback?

**The Hon. C.J. PICTON:** Yes they were and they were supportive.

Clause passed.

Clause 4.

**Mrs HURN:** Minister, can you please update the house on the process that was undertaken when it came to determining which of the designated buildings or facilities were captured from (a) to (j)? Obviously, we note that those are quite prescriptive and, in fact, that is what clause 4 says: 'Meaning of designated building or facility'.

What was the process that was undertaken, what was the consultation and what was the feedback, for instance, from sporting groups across the state and from public and private schools across the state? What was the feedback from Corrections? What was the feedback when it came to all the aged-care providers who no doubt were also consulted? What was the feedback from tourism operators, as well, when it came to caravan parks and residential parks? Could you give us a sense of what that consultation period looked like and how this list was determined?

**The Hon. C.J. PICTON:** I refer back to my previous answer to a very similar question in relation to the consultation undertaken by the Hon. Frank Pangallo. Obviously there has been consideration not only in the term of this parliament but also in the term of the previous parliament in relation to a very similar piece of legislation. I do not want to speak on behalf of the Hon. Frank Pangallo, but I understand that there was consultation undertaken.

I feel confident in saying that the Hon. Frank Pangallo has done as much as he possibly can to promote this legislation to the public and in the media. Certainly, the particular buildings and facilities designated within clause 4—again, I do not want to speak on his behalf on his original drafting of these provisions—clearly were areas identified by him, in the conduct of his consideration and consultation, that were of high risk and high consideration for the installation of an AED within them. Those areas certainly speak to me as being ones in which there would be a significant number of people and therefore an appropriate consideration for an AED to be installed.

**Mrs HURN:** I refer the minister to clause 4(l), which states: 'a building or facility, or class of building or facility, prescribed by the regulations'. Naturally we have seen from the initial drafting from the honourable member that paragraph (k) was withdrawn, and that was obviously in relation to some of the smaller businesses in South Australia, which I think was a really valuable exclusion in the end, because I am imagining my own community with a main street, for instance, where you potentially have 15 or so very small businesses, door to door, having a requirement to have an AED.

I thank the member for removing that from the original drafting but note that via clause 4(l) there still is an opportunity, I suppose, for the government to put in small businesses again via the regulations, and I am just hopeful that the minister can rule out that small businesses will not be put back on the drawing board as a result of the regulations.

**The Hon. C.J. PICTON:** We might get the member an updated copy because I think what the member is referring to as (l) is now (k) because of the removal of (k). Certainly in relation to paragraph (k) as it is in this house, there is no consideration by the government at this stage of additional buildings, etc., that would be included within that. As the other member said, we certainly supported the removal of the previous paragraph (k) in the other place.

**Mrs HURN:** Can the minister outline and update the house on what discussions the government is having to provide support for all of those prescribed or designated facilities to really assist them in purchasing an AED? Obviously, we have been through this in the second reading. We note that, according to the TGA, you can now get AEDs as cheaply as \$360, but the upper level—which I think is really what we are shooting for people to be able to consider—is around the \$2,600 mark. What support packages or grants is the government considering to help some of these designated facilities purchase an AED?

**The Hon. C.J. PICTON:** I again reiterate my previous answer in relation to what the government will be considering in relation to grant programs, but I will make clear that consideration is largely focused in relation to not-for-profit organisations, sporting organisations or other organisations of that ilk that may require assistance. We may be putting out the call for people in organisations like the Casino, etc. to install an AED, but perhaps they already have them. I think that is another factor to consider in relation to this clause, as well. There are a lot of organisations within this list that will already have installed AEDs in their facilities and so there will be no impact upon them.

Progress reported; committee to sit again.

*Sitting suspended from 12:58 to 14:00.*

#### **NEW WOMEN'S AND CHILDREN'S HOSPITAL BILL**

*Assent*

Her Excellency the Governor's Deputy assented to the bill.

#### **STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL**

*Assent*

Her Excellency the Governor's Deputy assented to the bill.

#### **STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (GAS PIPELINES) BILL**

*Assent*

Her Excellency the Governor's Deputy assented to the bill.

#### **STATUTES AMENDMENT (NATIONAL ENERGY LAWS)(REGULATORY SANDBOXING) BILL**

*Assent*

Her Excellency the Governor's Deputy assented to the bill.

*Petitions***YELLOWTAIL KINGFISH**

**Mr WHETSTONE (Chaffey):** Presented a petition signed by 205 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.

*Answers to Questions***ANSWERS TABLED**

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

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the Premier (Hon. P.B. Malinauskas)—

Remuneration Tribunal—Supplementary Report and Determination No. 5 of 2022—  
Allowances for Members of Local Government Councils

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

Annual Reports 2021-22—

Law Society of South Australia—Legal Practitioner's Fidelity Fund

Legal Services Commission

Professional Standards Councils

Public Advocate

Summary Offences Act 1953—Road Block Authorisations return pursuant to section 74B—  
Report for Period—1 July 2022 to 30 September 2022

Rule made under the following Act—

Legal Practitioners—Legal Practitioners Education and Admission Council—

Miscellaneous

By the Minister for Industry, Innovation and Science (Hon S.E. Close)—

Innovation and Skills, Department for—Annual Report 2021-22

By the Minister for Defence and Space Industries (Hon. S.E. Close)—

Defence SA—Annual Report 2021-22

By the Minister for Climate, Environment and Water (Hon. S.E. Close)—

Annual Reports 2021-22—

Botanic Gardens and State Herbarium, Board of the

Coast Protection Board

Co-Management Board—Witjira Park

Environment and Water, Department for

Environment Protection Authority

Green Industries SA

Heritage Council, South Australian

Koala Life—International Koala Centre of Excellence

Pastoral Board

Premier's Climate Change Council

SA Water Corporation

South Eastern Water Conservation and Drainage Board

Stormwater Management Authority

By the Minister for Infrastructure and Transport (Hon. A. Koutsantonis)—

Regulations made under the following Acts—

Harbors and Navigation—Alcohol and Drug Testing—Transport Portfolio

Rail Safety National Law (South Australia)—Drug and Alcohol Testing—  
Transport Portfolio

Road Traffic—

Miscellaneous—Transport Portfolio

Road Rules—Ancillary and Miscellaneous Provisions—Parking

By the Minister for Energy and Mining (Hon. A. Koutsantonis)—

Petroleum and Geothermal Energy Act 2000—Compliance Report 2021

Regulation made under the following Act—

Electricity—General—Prescribed Conditions

By the Treasurer (Hon. S.C. Mullighan)—

Dog Fence Board—Annual Report 2021-22

By the Minister for Health and Wellbeing (Hon. C.J. Picton)—

Annual Reports 2021-22—

Australian Health Practitioner Regulation Agency and National Boards—

National Health Practitioner Ombudsman and National Health Practitioner Privacy  
Commissioner—Annual Report 2021-22

Regulation made under the following Act—

South Australian Public Health—Notifiable and Controlled Notifiable Conditions—  
Miscellaneous

By the Minister for Local Government (Hon. G.G. Brock)—

Regulations made under the following Act—

Local Government—

Amendment of Schedule 5 of Act

General—Miscellaneous

Procedures at Meetings—Presiding Member

Transitional Provisions—Conduct

By the Minister for Small and Family Business (Hon. A. Michaels)—

Small Business Commissioner, South Australian—Annual Report 2021-22

By the Minister for Consumer and Business Affairs (Hon. A. Michaels)—

Club One—Special Club License Condition 3—Distribution of Funds among Community,  
Sporting and Recreational Groups—Annual Report 2021-22

By the Minister for Arts (Hon. A. Michaels)—

Annual Reports 2021-22—

Adelaide Festival Centre Trust

Adelaide Festival Corporation

Art Gallery of South Australia

Carrick Hill Trust

Country Arts SA

Film Corporation, South Australian

JamFactory Contemporary Craft and Design Inc

Libraries Board of South Australia  
 Museum, South Australian  
 State Opera South Australia  
 State Theatre Company of South Australia

By the Minister for Police, Emergency Services and Correctional Services (Hon. J.K. Szakacs)—

Australian Criminal Intelligence Commission Chair, Board of the—Annual Report 2020-21  
 Annual Reports 2021-22—  
 Fire and Emergency Services Commission, South Australian  
 Police, South Australia

By the Minister for Planning (Hon. N.D. Champion)—

Regulation made under the following Act—  
 Planning, Development and Infrastructure—General—Schedule 4

*Parliamentary Committees*

**PUBLIC WORKS COMMITTEE**

**Mr BROWN (Florey) (14:08):** I bring up the 15<sup>th</sup> report of the committee, entitled Bookmark Creek Project.

Report received and ordered to be published.

**Mr BROWN:** I bring up the 16<sup>th</sup> report of the committee, entitled Bolivar Wastewater Water Treatment Plant Inlet Works Upgrade.

Report received and ordered to be published.

**Mr BROWN:** I bring up the 17<sup>th</sup> report of the committee, entitled Lyell McEwin Hospital 48 Bed Expansion.

Report received and ordered to be published.

**Mr BROWN:** I bring up the 18<sup>th</sup> report of the committee, entitled Lefevre Peninsula Upgrade.

Report received and ordered to be published.

*Parliamentary Procedure*

**VISITORS**

**The SPEAKER:** I acknowledge the presence in the gallery of Anne Tabner, John Stevens and Tom Ormsby. I understand that they are here as guests of the member for Gibson. I also acknowledge the presence in the gallery of Ms Yahnika Meyers from Naracoorte, who is visiting Parliament House as part of her traineeship with the member for MacKillop. I also see Ms Lauren Chance, who is in the gallery, a trainee completing her traineeship in the office of Kavel. She has been absolutely terrific. Well done, Lauren!

*Question Time*

**RIVER MURRAY FLOOD**

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:09):** My question is to the Premier. Does the Premier have a plan to provide immediate emergency shelter to people who may become homeless due to high floods in the Riverland and, if so, what is it? With your leave, sir, and that of the house, I will explain.

Leave granted.

**The Hon. D.J. SPEIRS:** It was reported in *The Advertiser* today that, and I quote:

...between 3500 and 4000 homes and businesses in total are expected to be inundated when flood waters hit.



**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 on an obviously exceptionally important subject. It also provides an opportunity for me to inform the house and, more broadly, the people of South Australia of important information that has come to hand with respect to this very issue in only the last 24 hours, essentially.

The 3,500 to 4,000 figure that *The Advertiser* reported—and it is also the number the government has been using publicly now for some time—is principally derived from South Australia Power Network figures. What we have been able to do more recently, through the Office for Data Analytics within the government, is take the flood mapping and then layer that over the top of other data the government has available to it, from RevenueSA and the like, to try to have a more prescriptive figure not on just the number of properties that are affected but more specifically on the number of homes where it is the primary place of residence.

We have always known that the majority of that 3,500 to 4,000 number has actually been shack owners or for properties that aren't a principal place of residence. We are very determined to know what the more discreet number is. From that exercise, there are two key numbers. The first is that at the 200 gigalitres level of water flow the number of homes affected is 455. I will qualify that number by saying there could be some inside and outside that number; it might be less than that, it could be slightly more, but that is the best available number that we have. At the 250 gigalitres level, that number goes from 455 to 1,086.

If we take the worst-case scenario of 250 gigalitres a day, which we are naturally preparing for, there will be 1,086 homes where people will have to find alternative accommodation. All the advice—because we have been actively asking this question, not surprisingly, at the Emergency Management Cabinet Committee forum, amongst others—is that the overall majority of those 1,086 homes do have their own plans and are in the process of executing those plans, and most people will have access to alternative forms of accommodation.

Our concern rests with those people who either don't have plans or, even worse still, in an absolute minority of cases, those people who might not even be fully aware of the fact that at 250 gigalitres their home could be inundated, which is why the government, having been in receipt of that data, is now going through a comprehensive exercise to visit upon those properties and have direct communication with them. That's an effort being led by SAPOL, but other key agencies such as the SES, but also the MFS, amongst others, are embarking on that. We want to get to those people and make sure they have alternative accommodation arrangements in place.

In terms of what those could be, principally it will be people finding their own arrangements with friends, family and the like, but where that can't be accommodated the state government is providing a range of services and assistance: support through bonds, support through emergency relief grants, up to \$5,000 for alternative accommodation. But then there is also an effort to make sure we've got places for people to go.

Between the South Australian Housing Authority, the location of particular centres, the acquisition of facilities at caravan parks, we are trying to facilitate all options available, particularly given the tight circumstances we see within the housing market, particularly the rental housing market at the moment. This effort remains ongoing, but I can assure the house that the government is turning its mind to all of these considerations to address them as best as possible.

#### RIVER MURRAY FLOOD

**Mr PEDERICK (Hammond) (14:14):** My question is to the Minister for Housing and Urban Development. Can the minister outline whether any emergency accommodation is currently available to people who need to leave their homes due to high river flows and, if so, what are their options and how is this being communicated to the community?

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:14):** This actually doesn't lie with the Minister for Housing and Urban Development. This question lies with the Minister for Human Services, who oversees the South Australian Housing Authority under which public and social housing and the emergency relief coordinator are situated. I'm happy to respond to the

question, but, to be honest, I would like you to repeat it because I believe you put it to the incorrect minister, so I wasn't listening from the start. So if that's okay—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. N.F. COOK:** Is that alright?

*Members interjecting:*

**The SPEAKER:** Order! Member for Hammond.

**Mr PEDERICK:** Okay, I will have another go. My question is to the Minister for Human Services. Can the minister outline whether any emergency accommodation is currently available to people who need to leave their homes due to high river flows and, if so, what are their options and how is this being communicated to the community?

**The Hon. N.F. COOK:** Thanks very much for the question. I believe that in part some of that was addressed by the Premier in his response. There have been a few things done to ensure people are made aware. One of those is that all the information that is out there for this particular emergency is being pulled together and centralised into one website, so people just need to go to sa.gov.au. At the top of that website, there is a yellow alert banner and people can click on that and that will take people to a very clearly spelt out, very well-articulated—

*Members interjecting:*

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

**The Hon. N.F. COOK:** There are a range of ways in which people have been communicated to. I am happy to go through them. There is the yellow alert banner on the website that people can go to, so they don't have to go searching if they are internet users. Other than that, the relief info line will provide people with information if they wish to make a phone call. That is 1800 302 787. Thirdly, we have the relief centre, which is now being set up in Berri.

Locals will be well aware of the senior citizens centre. That is where we now have a whole range of people providing information face to face for those who need additional explanation in that part of the Riverland. As I have been told, three people turned up there this morning for information and assistance.

As well as that, for many, many weeks now people have been out making contact via doorknocking and also making phone calls proactively to homes in that flood-mapping area to try to make contact with people. As you know, correct phone numbers aren't always available, so there is now a second layer going on as well that there is updated modelling with face-to-face doorknocking happening through areas where it's anticipated that there could be flood damage or inundation.

Through my department, through the regular channels, I have also asked for local areas' housing officers to reach out to tenants in public and community housing properties. As we know, those people often have a different level of vulnerability and an inability to seek support and assistance. They also, in many cases, don't have alternatives, so we have asked for direct communication through our department to go to those people as well to provide assistance.

*Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** Before I call on the next question, I acknowledge the return of Ms Elizabeth Henson to the press gallery and also a junior member of the press gallery, Eliana. Congratulations, Ms Henson.

*Question Time***RIVER MURRAY FLOOD**

**Mr PEDERICK (Hammond) (14:19):** A supplementary to that question: so you haven't activated anything like Humanihuts or other emergency accommodation that can be used immediately?

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:19):** Thank you for the question. What we have in place is a system of being able to provide immediate crisis accommodation. There are two different levels of support that we are looking at: one for the flood as is mapped and expected and one strategy in case of a sudden influx of water into a town.

There are two different types of responses that are being readied. I think the Premier just articulated that the numbers were in the several hundreds that we thought would need—according to the modelling—some crisis accommodation. That in the first instance can be temporary accommodation in hotel or motel accommodation.

We also have Minderoo pods at the ready in case we need to activate some of those. There is also a showground that is available—with amenities and power—that will accommodate around 200 caravans in a safe area away from the water. As well as that, we have been investigating the use of a premises to provide accommodation for those who have poor mobility, people with disability or frail, elderly people who might need a carer to be with them, or who may need a fully accessible accommodation option as well.

We are, to the best of the information I have been provided, actually able to stand up accommodation in the hundreds at this point. The advice I have been given is that, should the need then escalate for a longer period of time, which in some cases it will, we do have people now at the ready in the relief centre able to provide support to connect to longer term accommodation options.

**RIVER MURRAY FLOOD**

**Mr PEDERICK (Hammond) (14:21):** My question is to the Minister for Police, Emergency Services and Correctional Services. Does the minister have plans to open any new relief centres in addition to the ones in Berri, Mannum and Murray Bridge, and, if not, why not?

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:21):** The relief centres and the relief response are attributed to, as I explained before, the South Australian Housing Authority. In the case of an emergency like this, they become the state controller in terms of relief.

In terms of relief centres, yes, we are certainly looking at alternate and other options. We've got one ready to go in your electorate. We aren't releasing the location of that until we need people to go there. It wouldn't be wise to have people turning up to a place for information that is not yet stood up, but I can have a talk with the member after question time to reassure him regarding the very concrete plans for another relief centre, which is absolutely required further down the river.

As we know, the expected flood obviously will arrive in more distal locations towards the coast over the next coming weeks. I am very happy to talk to the member offline about that, but we won't announce a relief centre location until it is about to be opened because we don't want people actually turning up for advice at a place that isn't yet staffed, opened or necessary, as has happened with this current one, which was announced and opened today.

**HYDROGEN JOBS PLAN**

**Mr HUGHES (Giles) (14:23):** My question is to the Minister for Energy and Mining. Can the minister update the house on the government's progress on the election commitment to deliver its Hydrogen Jobs Plan?

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:23):** I thank the member for his question because I know he has a keen interest, as it impacts his home town dramatically. The key elements of the project have progressed well, which I will try to summarise in the short time I have available.

Establish an expert panel and receive reports on the most appropriate location for our assets—check. Establish a dedicated—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. KOUTSANTONIS:** —Office of Hydrogen Power SA to deliver the project and ultimately run the operations—

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

**The SPEAKER:** Order! The member for Cheltenham is called to order. The minister has the call.

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

**The SPEAKER:** The member for Cheltenham knows better. The minister has the call.

**The Hon. A. KOUTSANTONIS:** Establish a dedicated Office of Hydrogen Power SA to deliver the project and ultimately run the operations of the plant as a debt-free government business enterprise—check. Undertake a thorough market sounding to gauge the private sector's appetite for—

*Mr Pederick interjecting:*

**The SPEAKER:** Member for Hammond!

**The Hon. A. KOUTSANTONIS:** —the project and receive interest from 60 companies from all over the globe—check.

*Members interjecting:*

**The Hon. A. KOUTSANTONIS:** Sixty.

**The SPEAKER:** Member for Florey!

*Members interjecting:*

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

**The Hon. A. KOUTSANTONIS:** Establish relationships and sign seven statements of cooperation with major industry partners to work together—

*Mr Tarzia interjecting:*

**The SPEAKER:** Member for Hartley!

**The Hon. A. KOUTSANTONIS:** —to accelerate the development of South Australia's hydrogen energy economy and fast-track the global transition to clean energy—check. Start engagement for the development of a new hydrogen and renewable energy act to serve as a single window into government for the orderly and competitive development of hydrogen projects and large-scale renewable energy projects—check. Pre-engagement with native title groups on this world-class—

*Members interjecting:*

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

**The Hon. A. KOUTSANTONIS:** Something about Victoria and the weekend?

**The SPEAKER:** The minister won't respond to interjections.

**The Hon. A. KOUTSANTONIS:** Sorry. Pre-engagement with native title groups on this world-first act has occurred and broader engagement has now begun. The government has already hosted a two-day forum in Port Augusta earlier this month where I was joined by the Attorney-General and where many South Australian Aboriginal leaders gathered to discuss the growing renewable energy and hydrogen sector.

The forum provided an initial opportunity for Indigenous groups and the government to work together to share information about guiding the successful development of renewable energy and the hydrogen economy. We wanted to make sure that our first Australians were the people we spoke with first about utilising the vast resources that we have in this state of our sun and wind.

I think it's fair to say that it was one of the best engagements I have seen as a minister, and that was shared by the local groups there. The Hydrogen Jobs Plan is not just a suite of world-first government-owned assets but it is also an opportunity to catalyse private investment in hydrogen projects, large-scale renewable energy projects and domestic value-adds by adding complexity to our economy. That is why it's called the Hydrogen Jobs Plan. The steps we have achieved so far—

*Mr Patterson interjecting:*

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

*Members interjecting:*

**The SPEAKER:** Order! The member for Morphett can ask questions in the usual way.

**The Hon. A. KOUTSANTONIS:** I'm not usually up to attacking those who are infirm. I know the member is recovering from surgery and I will give him the benefit of the doubt, but the new interconnector has claimed its first victim: Torrens Island. I think those 100 families that work at Torrens Island deserve an explanation from the opposition about their plans and they received none. In fact, what they were told was—

*Members interjecting:*

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

**The Hon. A. KOUTSANTONIS:** —this is just progress. They deserve better than that. The steps we have achieved so far are necessary on the journey to achieve our vision for private investment in South Australia in the order of billions of dollars while maintaining our beautiful landscapes and respecting traditional owners of this land.

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

**The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:27):** My question is to the Premier. Did any minister declare a conflict of interest in relation to any local sporting club and infrastructure grants?

**The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:27):** With respect to the election commitments that we made, which I assume the Leader of the Opposition is referring to, we went through the appropriate cabinet process and, as I have made abundantly clear, it is my expectation that all ministers abide by the appropriate cabinet processes and that includes appropriate declarations when they are due to be made.

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

**Mr TARZIA (Hartley) (14:28):** My question is to the Minister for Recreation, Sport and Racing. Did the Minister for Sport declare a conflict of interest in relation to any local sporting club grants and, if so, when? With the leave of the house, I will explain.

Leave granted.

**Mr TARZIA:** FOI documents reveal that the Office for Recreation, Sport and Racing advised the minister on 30 May this year that she had at least 12 potential or perceived conflicts of interest in relation to local sporting club grants.

**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) (14:28):** I thank the member for his question. It is a question that he has asked me many, many times in this place and that I have answered many, many times in this place. As the Premier just spoke about, myself and all cabinet ministers follow the expectation that we adhere to all processes—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. HILDYARD:** —all procedures—

*Mrs Hurn interjecting:*

**The SPEAKER:** The member for Schubert is warned. The minister has the call.

**The Hon. K.A. HILDYARD:** —our code of conduct, and we will continue to do so.

*Members interjecting:*

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

### **SPORTING AND INFRASTRUCTURE GRANTS**

**Mr TARZIA (Hartley) (14:29):** Again to the Minister for Recreation, Sport and Racing, has the minister written to the Premier to inform him of any conflict of interest and, if so, when? With the leave of the house, I will explain.

Leave granted.

**Mr TARZIA:** On 31 May, the minister confirmed in writing to the Minister for Infrastructure and Transport that 'I have identified 12 election commitments where I have a potential or perceived conflict of interest'. Section 3.3 of the Ministerial Code of Conduct states that ministers are under an obligation to write to the Premier after they become aware of any conflict of interest.

**The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:30):** As has been made abundantly clear, the government made election commitments to sporting communities, amongst others, throughout the state of South Australia. The cabinet process has presided over the delivery of those election commitments that were best represented through the handing down of the budget, which was only done a few weeks after the state election. In respect of all those cabinet deliberations, it is my expectation that due process was followed and that's what I understand our ministers are doing.

*Members interjecting:*

**The SPEAKER:** Order! The member for Unley knows the standing orders.

### **RIVER MURRAY FLOOD**

**Ms HUTCHESSON (Waite) (14:30):** My question is to the Minister for Planning. Can the minister advise the house on the recent regulation amendments to assist Riverland councils with the construction of emergency flood levees along the River Murray?

**The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning) (14:30):** I thank the member for Waite for her question. I can inform the house that businesses and homes along the River Murray will be better protected following the government's recent undertaking of urgent regulatory reform allowing councils to construct flood levees without the need for planning approvals. This regulation change demonstrates the adaptability and responsiveness of our planning system and the commitment of the government to meet the challenges that are presented by the difficult flood situation.

On 14 November, Clinton Jury, the CEO of the LGA, wrote to me requesting an amendment to the Planning, Development and Infrastructure (General) Regulations 2017 in response to the ongoing River Murray flooding crisis. The request followed roundtable discussions that were held with affected Riverland councils on 10 November, where the proposal to reform the planning regime was developed in response to the need of Riverland councils to undertake urgent works to minimise the impact of the rising floodwaters.

Mr Jury noted that the proposed changes would provide regulatory certainty required for councils to undertake this work. On 15 November, the government approved the amendment to item 2 of schedule 4 of the regulations excluding the undertaking of any development including the forming of a levee or mound which is required for an emergency situation from constituting development under the act. The effect of this amendment provides councils with an exemption from

requiring development approval when conducting emergency levee construction activity. The planning regulation changes were approved in Executive Council on 17 November.

Effectively, these changes bring councils into line with state agencies, who are able to construct levees in an emergency under a similar pre-existing exemption. Riverland councils preparing for flooding on the banks of the River Murray can be assured that they no longer require development approval to construct these temporary levee banks. It means that those councils facing a rapidly evolving situation can confidently initiate and undertake construction that protects property and infrastructure during this emergency. Where a council determine that a temporary levee bank or mound should remain permanently, they will need to apply for development approval in the future.

While this regulatory change does not extend to private landholders, the government understands that many Riverland residents may be required to undertake emergency measures to protect people and buildings, including the construction of private flood levees. Under existing regulations, where that action is required private landowners will be able to do this provided they notify their local council, and they will be required to apply for development approval within 28 days. Importantly, sandbagging of any individual property does not require development approval.

Like everybody in the government, I continue to be heartened by the resilience of Riverland communities. I commend their tireless work. We in the planning department are only too happy to provide this small amount of regulatory certainty. Obviously, I would like to thank Mr Clinton Jury, Mr Stephen Smith and the broader LGA team for their role in this regulatory reform and acknowledge that local government plays a critical role at this time in the Riverland.

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

**Mr TARZIA (Hartley) (14:34):** My question is again to the Minister for Recreation, Sport and Racing. Did the minister at any point recuse herself from cabinet deliberations or decisions in relation to any local sporting club and infrastructure grant? With the leave of the house, I will explain.

Leave granted.

**Mr TARZIA:** On 31 May, two days before the state budget, the minister confirmed in writing that she had 12 potential or perceived conflicts of interest. Section 3.5 of the Ministerial Code of Conduct states, and I quote:

A Minister must not participate in any deliberations on a matter in respect of which a conflict of interest has validly been disclosed by that Minister and must withdraw from the Cabinet room during those deliberations.

**The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:35):** As the Chair of cabinet, I am more than happy to answer the question because, as the Chair of cabinet, it is—

**Mr Tarzia:** Why don't you let the minister speak?

**The SPEAKER:** Order! The member for Hartley is warned.

**The Hon. P.B. MALINAUSKAS:** As the Chair of cabinet, it is my responsibility to make clear—

*Mr Tarzia interjecting:*

**The SPEAKER:** Member for Hartley, you will cease your interjections.

*Members interjecting:*

**The SPEAKER:** Order! Member for Hartley, you are warned for a final time. The Premier has the call.

*Mr Brown interjecting:*

**The SPEAKER:** Member for Florey, you are warned for a second time. The Premier has the call.

**The Hon. P.B. MALINAUSKAS:** I thank the honourable member for his question. As the Chair of cabinet, it's my responsibility to make sure that members of the cabinet fulfil their responsibilities and make clear my expectations. In respect of the honourable member's specific

question, presumably through freedom of information I think the minister has ascertained information that publicly demonstrates very clearly that the minister understands her responsibilities and is fulfilling them accordingly, which is something we have been making clear.

*Members interjecting:*

**The SPEAKER:** Member for Unley!

**The Hon. P.B. MALINAUSKAS:** In respect of the cabinet process, as the member for Hartley well understands, having been a former member of cabinet, there is cabinet confidentiality. Just as my obligations are important as the Chair of cabinet—

*Mr Tarzia interjecting:*

**The SPEAKER:** Member for Hartley!

**The Hon. P.B. MALINAUSKAS:** —to ensure that ministers understand their obligations, it is also my responsibility to make sure that we uphold the essential principle of cabinet confidentiality. What I can say is that the information—

*Members interjecting:*

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

**The Hon. P.B. MALINAUSKAS:** —that the—

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** Order!

*Members interjecting:*

**The SPEAKER:** Premier, please be seated. Order! Member for Hartley, I understand you have additional questions. I am reluctant to exercise 137, but you are coming close to giving me no choice. Given that you have further questions, I am going to permit you to ask those questions. The Premier, though, is still on his feet. That is your final warning.

**The Hon. P.B. MALINAUSKAS:** As I was saying, the information that the member for Hartley has presumably obtained through FOI, as is utterly appropriate, demonstrates the diligence that the minister has applied in this regard—

*Mr Pederick interjecting:*

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

**The Hon. P.B. MALINAUSKAS:** —in respect of the cabinet process. As I have made clear, it is our expectation that all processes are followed.

#### MINISTER FOR RECREATION, SPORT AND RACING

**Mr TARZIA (Hartley) (14:38):** My question is again to the Minister for Recreation, Sport and Racing. Does the minister intend to write to the Clerk of the House of Assembly to update her Register of Members' Interests? With the leave of the house, I will explain.

Leave granted.

**Mr TARZIA:** On 30 May, the minister was advised that she had 12 potential or perceived conflicts of interest. However, not all these interests appear to be listed in June's Register of Members' Interests.

**The Hon. A. KOUTSANTONIS:** Sir, he seems to be asserting facts rather than providing facts to the house.

**Mr Tarzia:** Sir, the leave of the house was granted. The minister should withdraw leave. You would think that after 25 years he would know this.

**The SPEAKER:** Order! Leave was sought and leave was granted on the basis that, member for Hartley, you would introduce facts under the standing orders. I have listened carefully. It does seem to me that you have put an argument that there may be a contravention of the member's



requirement to disclose certain information. I uphold the point of order, but I am going to give you an opportunity to recast the question.

**Mr TARZIA:** Thank you, sir. Does the minister intend to write to the Clerk of the House of Assembly to update her Register of Members' Interests? With the leave of the house, I will explain.

**The SPEAKER:** Leave is being sought, but it may be that the question stands alone.

**Mr TARZIA:** I am happy to ask the question alone, sir.

**The SPEAKER:** Very well. The question has been put.

**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) (14:39):** Thank you again to the member for the question. What I might do first of all is just talk about the importance of sport and recreation to communities right across our state—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. HILDYARD:** —and also speak about how we have responded—

**The SPEAKER:** Minister, there is a point of order from the member for Heysen, which I will hear. That being said, member for Heysen, the minister has barely begun to make a contribution and, if you can extract some point of order from the brief remarks that have been made, I will hear it.

**Mr TEAGUE:** It's standing order 98(a), and I can extract the point of order from the very words that the minister uttered—and I am accustomed to waiting for much longer than the first 10 seconds before raising a point of order.

**The SPEAKER:** What is your point of order, member for Heysen?

*Members interjecting:*

**The SPEAKER:** Order! What is your point of order?

**Mr TEAGUE:** The point of order is that the minister must comply with standing order 98(a), including in relation to the framing of the intended response.

**The SPEAKER:** I will listen carefully.

**The Hon. K.A. HILDYARD:** As I was saying, I wanted to give some context to this answer about how important sport and recreation is to communities everywhere. It is absolutely powerful.

*Members interjecting:*

**The SPEAKER:** Order! The member for Hammond is warned.

**The Hon. K.A. HILDYARD:** It brings communities together and enables people to improve their physical and mental, indeed their emotional, health and wellbeing. It gives many people a lovely sense of belonging. It welcomes people.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. K.A. HILDYARD:** It enables people to equally and actively participate, and I am really proud that in the lead-up to the election many candidates were out engaging with communities about the needs of particular sporting clubs—

*Members interjecting:*

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

**The Hon. K.A. HILDYARD:** —and responding to the needs of those sporting clubs.

**The SPEAKER:** Minister, there is a point of order from the member for Heysen. I understand he may be maintaining his point of order as earlier raised.

**Mr TEAGUE:** So the point of order is pursuant to 98(a). Another full minute has passed and, as one might predict, following along, still no closer to relevance.

*Members interjecting:*

**The SPEAKER:** Order! The member for Mawson is called to order and warned. Member for Heysen, it's not another minute; it is in fact the first minute. I have the point of order. I am listening carefully. We are accustomed in this place to hearing a degree of compare or contrast or some context. I understand we have had some context. I draw the minister's attention to the question.

**The Hon. K.A. HILDYARD:** As I was saying, I am really proud that members of this house have engaged and do engage with their local sporting communities about their particular needs and will continue to do so because of that incredibly important role that sport and recreation does play for both individuals and entire communities. As the Premier has spoken about, I, along with other members of cabinet, will follow that expectation to comply with all necessary processes and procedures, and I, and other members of cabinet and indeed I am sure all members of this house, will continue to do so.

### LOCAL GOVERNMENT ELECTIONS

**Mr ELLIS (Narungga) (14:43):** My question is to the Minister for Local Government. Does the minister think that ratepayers should have to pay for a local government election where one doesn't actually occur? Mr Speaker, with your leave, and that of the house, I will explain.

Leave granted.

**Mr ELLIS:** The Copper Coast Council only had one nomination for mayor, and fewer nominations for councillors than positions required, yet still received a bill from the Electoral Commission for \$35,000 for an election that didn't occur. Included in that bill was an amount for printing ballot papers, postal ballot return and costs for a deputy returning officer. Should the ratepayers have to foot the bill?

**The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (14:43):** I thank the member for Narungga for his question. The Electoral Commission of South Australia ran the elections across all of South Australia. That is the first I have heard of that issue, so I am happy to talk to the member for Narungga and have a bit more investigation of it. Certainly, local governments across all of South Australia were run by the Electoral Commission of South Australia independently of the government, but I am happy to have a chat to the member for Narungga to get more information.

### TOURISM AND MULTICULTURAL AFFAIRS

**Mr ODENWALDER (Elizabeth) (14:44):** My question is to the Minister for Tourism. How has the government delivered on its election commitments in the tourism and multicultural affairs portfolios?

**The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (14:44):** I thank the member for Elizabeth for his enthusiasm for my portfolio areas, and I particularly thank him for representing me from time to time in the area of multiculturalism.

It has been a really huge year for both areas of my portfolio but, more importantly, this is an opportunity for us to reflect on the election commitments we took out to South Australians, asking them to support us to become the government. They did support us, and we were pleased to roll out these election commitments.

We know that it has been an incredibly difficult time in tourism. I have spoken many times in this house about how, while South Australians did discover their own backyard and enjoyed many of our regions, the uncertainty around border closures and different restrictions did make it an incredibly challenging time. We went to the election with some commitments and we delivered on those commitments: an additional \$45 million over four years for marketing and \$40 million for major events.

Of course, this weekend we are very excited to see the VALO Adelaide 500 rolling out. Lots of people are very excited about this, and people in my electorate still talk about it. They can't believe

it's happening and cannot wait to be there Thursday, Friday, Saturday and Sunday. There have been more recent announcements around the Magic Round and LIV Golf, and these are national and international head-turning events.

However, if you don't have industry with you, supporting you, you can't deliver, and there are challenges around skill shortages. That is one of the reasons we went out, with the Tourism Industry Council of South Australia, with an additional \$1.6 million. That is increasing business capabilities for people to have just-in-time training to work on their business; more importantly, that \$1.6 million goes towards attracting people into tourism and hospitality.

I was absolutely honoured to sign a historical agreement with the Tourism Industry Council of South Australia, a partnership between themselves and myself as minister. That shows a dedication to the industry not seen before. With that dedication we have committed to co-hosting round tables—we have had 11 this year in both our regions and here in the CBD—talking to people and engaging with people, advocating for what it is we want to see here.

I was also very honoured to host an Aboriginal operators round table, which was held in the Speaker's Dining Room, because the Tourism Industry Council wants to set up the first ever Aboriginal tourism operators association here in South Australia. We also launched the \$2 million Experiencing Nature Tourism Fund, and I will be announcing the grant recipients for that in the next two weeks.

I can't go past the additional \$16 million delivered for multicultural communities. We have an incredibly diverse community, with people here in South Australia born in more than 200 different countries. A key part of that was \$4 million for community language programs; we now have 101 community language schools. I have spoken about two rounds of funding so far: case management and, just the other week, infrastructure grants for community language schools.

I was also pleased to reinstate a multicultural women's leadership training course at TAFE, which was cruelly cut by the previous government, and, of course, introduce the Multicultural Media Grants, which were well in demand.

#### FREEDOM OF INFORMATION

**Mr TARZIA (Hartley) (14:48):** My question is again to the Minister for Recreation, Sport and Racing. Can the minister outline the process that she and her office follow in communicating responses to FOI requests?

**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) (14:48):** I thank the member for his question. All the processes were followed in accordance with the FOI Act, as they should be and as they will be.

#### FREEDOM OF INFORMATION

**Mr TARZIA (Hartley) (14:49):** My question is again to the Minister for Recreation, Sport and Racing. Can the minister provide any record to show that FOI 16818880 was posted to my office? If so, what courier company did she contract for its delivery? With the leave of the house, I will explain.

Leave granted.

**Mr TARZIA:** On 23 November, the minister's office wrote to my office confirming that an FOI response was 'posted' to my office on Tuesday 15 November; however, the documents were delivered to my electorate office on Thursday 17 November without any stamp.

*Members interjecting:*

**The SPEAKER:** Order!

**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) (14:49):** Thank you again to the member for the question. It is quite extraordinary, when one follows all the processes and makes the necessary declarations, to have these questions. Nonetheless, I will make sure that I take a note of the particular number—1681120A, was it?

*An honourable member interjecting:*

**The Hon. K.A. HILDYARD:** I just remembered it. I remembered it. That's how diligent I am with all the—

*Mr Brown interjecting:*

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

**The Hon. K.A. HILDYARD:** —processes that I need to follow.

*Mr Pederick interjecting:*

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

**The Hon. K.A. HILDYARD:** I will certainly inquire as to the missing stamp and any other aspects of that question—1681120A. I will certainly see what happened to the stamp in question.

*Mr Brown interjecting:*

**The SPEAKER:** The member for Florey is warned for a final time.

### FREEDOM OF INFORMATION

**Mr TARZIA (Hartley) (14:50):** My question again is to the Minister for Recreation, Sport and Racing. Can the minister guarantee that the contents of that FOI were not tampered with and that she or her office did not breach—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr TARZIA:** —the Protective Security Framework and the State Records Act? With the leave of the house, I will explain.

*Members interjecting:*

**The SPEAKER:** Order, member for West Torrens, member for Florey! Leave is sought; is leave granted?

Leave granted.

**Mr TARZIA:** The response to my FOI request was delivered to my electorate office letterbox in a beige envelope—

*Members interjecting:*

**The SPEAKER:** Order!

**Mr TARZIA:** —which had no stamp on it and no identification of the person who sent it, and it did contain several documents that were identified as sensitive.

*Members interjecting:*

**The SPEAKER:** Order! The Treasurer is called to order. Order, member for Badcoe, member for Wright! The minister has the call.

**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) (14:52):** Thank you to the member for his question about 1681120A and the missing stamp and now also the beige-coloured envelope.

*The Hon. A. Koutsantonis interjecting:*

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

**The Hon. K.A. HILDYARD:** I will certainly follow that matter up.

*The Hon. A. Koutsantonis interjecting:*

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

**The Hon. K.A. HILDYARD:** I will certainly follow that matter up, but again I would say that I am quite fastidious about adhering to processes and procedures in relation to FOI. As the member himself spoke about, I have made the necessary declarations and will continue to make those declarations, and I will certainly also follow up on the delivery method for that particular set of documents.

*Members interjecting:*

**The SPEAKER:** Order! The Treasurer is called to order. The member for West Torrens is called to order. The health minister is called to order.

### **MOUNT GAMBIER PARAMEDICS**

**Mr BELL (Mount Gambier) (14:53):** My question is to the Minister for Health. Can the minister inform the house when Mount Gambier's new paramedics, including a new 24/7 crew and a new 12-hour regional transfer crew, will be on the road?

**The Hon. C.J. PICTON (Kurna—Minister for Health and Wellbeing) (14:53):** Thank you very much for this very sensible and actually important question to the people of South Australia from the member for Mount Gambier. He and I and the Premier have spent a lot of time talking about the issues in terms of our Ambulance Service, and at the election we outlined a very detailed plan in terms of additional ambulance resources to go in across the state.

It all adds up to 350 additional ambos over the course of four years. There are a significant number in the city, but also 150 of those 350 will go into regional areas. I am very pleased to report that that includes 18 who will be on the Limestone Coast, based in Mount Gambier, because we identified that and listened to the community as a significant need in the community. Twelve of those will be an additional emergency crew. Six of those, comprising three paramedics and three ambulance officers, will be an additional regional transfer crew.

As at the election, we outlined a schedule for bringing these online because we know that it takes time to recruit the ambos, to train the ambos, to put those in place. The time that we said for those to come on board in Mount Gambier was July 2024 and we are on track for that. In fact, what we have done now is detail the entire planning for our additional recruitment and crews to come online across the whole state. This has now been posted across all our ambulance stations, I am advised, because we want ambos to know when those opportunities for additional crews come up so that hopefully there will be ambos who will see that and say, 'I'm interested in joining that crew when it comes online in Mount Gambier in a bit over 18 months' time.'

This is a clearly detailed list that goes crew by crew across the whole state. I am very pleased to report that, as of just last week, we brought an additional two of those crews on board, covering the Marion and Edwardstown areas. I was joined by the members for Gibson, Badcoe and Elder at the Marion Ambulance Station, where those additional crews have come on board, in addition to where we have already brought crews on board in the Norwood area as well.

This is on track for delivery of those 350 ambos across the whole state. There is a clear need when it comes to Mount Gambier. We have seen a number of pressures in terms of the ambulance services in those areas, so I am really delighted that we are on track for delivering the commitment we gave at the election.

### **FREEDOM OF INFORMATION**

**Mr TARZIA (Hartley) (14:56):** My question again is to the Minister for Recreation, Sport and Racing. Can the minister guarantee that the contents of the mentioned FOI were not tampered with by her or her office in any way? With the leave of the house, I will explain.

Leave granted.

**Mr TARZIA:** It was later revealed through CCTV footage—

*Members interjecting:*

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

**Mr TARZIA:** —that the documents were hand-delivered at 7.10pm, or thereabouts, on Thursday 17 November by an individual.

*Members interjecting:*

**The SPEAKER:** Order! Member for Mawson, member for Florey, member for Frome! The minister has the call.

**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) (14:56):** Thank you to the member for the question. I think I have already made it clear that I will follow up on the stamp and the envelope, and I will certainly follow up on other matters in relation to his question.

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

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

### HOUSING AND HOMELESSNESS FUNDING

**Ms STINSON (Badcoe) (14:57):** My question is to the Minister for Human Services. Can the minister update the house on the difference made by the Malinauskas Labor government in terms of housing and homelessness since the last state election?

*Members interjecting:*

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

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:57):** Thank you very much to the member for Badcoe for her interest in this really important area of policy and for her question. At the 2022 election, Labor knew that there was a crisis in housing and homelessness. We made big promises to address these challenges. Labor promised more than \$180 million to start repairing our system. In contrast, the Liberal Party went to the election with an 85-word housing policy that included no new money and simply repackaged old announcements. This followed the then Liberal government announcing a 10-year housing strategy which also included exactly zero extra dollars.

Soon after the election, we signed funding agreements worth more than \$6 million over four years for the Hutt St Centre, Catherine House and Vinnies, significant and substantial investments in really important organisations that help those who are most vulnerable. All of these organisations had lost out—

*Members interjecting:*

**The Hon. N.F. COOK:** I note that there is cackling from those opposite regarding this important work. All of these organisations had lost out under the former Liberal government's homelessness reform. Our investment means that Hutt St will continue with their important Aspire program work, Catherine House will keep providing crisis beds for women in need and Vinnies will continue to improve their services for homeless people.

We also promised an extra \$177.5 million for public housing, and our budget on 2 June locked in that funding. No whistle for that one? This will deliver at least 400 new homes and upgrade 350 vacant properties so they can be homes again for people in need. They will also have a maintenance blitz undertaken on 3,000 tenanted homes.

We have already started to work on the new homes in Mount Gambier, and these are part of the 150 new homes that we promised for regional areas. We visited the South-East and Upper Spencer Gulf to talk to local councils and communities about how this investment can deliver the best outcomes for those communities. Vacant public housing properties dropped from 1,800 plus last year to around 1,400 this year, and we negotiated a new eight-year maintenance contract worth almost a billion dollars.

After the election of the federal Labor government in May, we have been working with the commonwealth on the housing accord and the \$10 billion Housing Australia Future Fund. Together, these commonwealth and state initiatives are expected to deliver more than 50,000 social and

affordable homes over five years from mid-2024. In contrast, under the Liberals public housing got smashed.

More than 190 FTEs, around 20 per cent of the total Housing SA workforce, disappeared under the Liberals. Public housing stock numbers went down every single year under the Liberals, and they had plans—big plans—to keep selling. Labor committed to increasing supply, but we also promised to consult with stakeholders about sustainability, efficiency and accessibility standards. While the former Liberal government did not commit—

*Mr Pederick interjecting:*

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

**The Hon. N.F. COOK:** —Labor consulted with key groups and endorsed changes to the National Construction Code, which will see energy efficiency improve, and also Aging in Place, a very important thing for people in South Australia. I also commend the Minister for Small Business and Consumer Affairs for her recent residential tenancy discussion paper release. I look forward to hearing the results of that and—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. N.F. COOK:** —the older women's taskforce.

**The SPEAKER:** The member for Hammond, the member for Florey and the member for Hartley are each on three warnings.

#### LOCAL GOVERNMENT ELECTIONS

**Mr TELFER (Flinders) (15:01):** My question is to the Minister for Local Government. Has the minister requested a briefing from the Electoral Commission on the number of complaints received on the local government election process, including on reports of serious allegations of fraud or irregularity?

**The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:02):** As I said before, the Electoral Commission of South Australia ran elections across all of South Australia. As most people would be aware in here, I had two weeks off for sick leave and I'm just catching up at the moment. I am in the process of arranging meetings with the relevant people, and we are going to arrange a meeting with the Electoral Commissioner in the near future. Unfortunately, I had two weeks off for sick leave and my office is now catching up.

Can I reinforce my belief that the Electoral Commission did a good job of running the electoral campaigns across all of South Australia. I'm also very pleased with the turnout at council elections across all of regional South Australia in particular and also metropolitan. At the same time, whilst the turnouts were in addition to the previous one in 2018, I think we in this chamber, across all our regions and across metropolitan, need to promote local government across all our communities and through the—

**Mr TEAGUE:** Point of order.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. A. Koutsantonis:** Here we go: if it please the court—

**The SPEAKER:** Member for West Torrens, order! I will hear the member for Heysen.

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

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

**Mr TEAGUE:** It's 98(a). There is no occasion to give a general review of the outcome. The minister is required to answer the question.

**The SPEAKER:** I have the point of order. I will listen carefully.

**The Hon. G.G. BROCK:** I did indicate at the start that I am in the process of arranging meetings with the Electoral Commission of South Australia. That will be done, as I have said. The last two weeks I have been off for sick leave, but certainly that is in the program for the next week or so—to have the meeting when the Electoral Commissioner is available for the meeting.

### LOCAL GOVERNMENT ELECTIONS

**Mr TELFER (Flinders) (15:04):** My question is again to the Minister for Local Government. Does the minister have direct concerns about the integrity of the local government election process and outcomes, and, if so, what are they?

**The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:04):** I thank the member for his question. As we are all aware in here, the member for Flinders, as an ex President of the Local Government Association, is very well aware and understands, as we all do, that after each election the Electoral Commission will have a review of the whole process.

As I said earlier, I am in the process of arranging a meeting with the Electoral Commissioner. At the same time, I am also having a look at the opportunities and what we have done at the last election across all of South Australia. As a previous President of the Local Government Association, the member for Flinders would be very aware that local government reviews are always held by the Electoral Commission afterwards. We will have that meeting as soon as we can, and I am happy to have a liaison with the member for Flinders.

### GENDER EQUALITY

**Ms WORTLEY (Torrens) (15:05):** My question is to the Minister for Women and the Prevention of Domestic and Family Violence. Can the minister update the house on progress of the government's agenda to address gender inequality and prevent domestic and family 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) (15:05):** I thank the member for this really important question and for her steadfast advocacy for ending gender inequality and her commitment to the prevention of violence against women and girls. This government took to the election a platform of fairness with a deep focus on the need to work together to achieve gender equality, with recognition that an equal future benefits all.

It is a stark fact that across a woman's lifetime it is likely that, compared with a man, she will earn less, be less likely to advance her career, accumulate less superannuation savings and be more likely to live in poverty in old age. We also know that gender inequality is at the core of domestic, family and sexual violence—violence that impacts one in three women from the age of 15. Doing what we can to advance gender equality is a core focus of our government. We want to empower girls and women to equally participate in our economy and in every aspect of community life.

We have recently marked the International Day for the Elimination of Violence Against Women, and the 16 Days of Activism is underway. I encourage everyone to take part in the range of awareness raising and educational activities taking place over the coming days, including the lighting up in orange of Parliament House to bring attention to the effects of gender-based violence.

One of our election commitments was to establish a Gender Pay Gap Taskforce, which we have delivered on with our task force underway and ready to consult with subject matter and industry-specific experts and people with intersectional barriers in order to form recommendations on where change can have the most impact, be that through policy, practice, legislative reform or elsewhere, taking into account the needs of those groups who experience additional challenges to participation beyond gender alone.

I am also glad to inform the house that as we committed to, a re-established Women in Sport Taskforce met for the first time just last week to progress action on all that prevents women and girls participating fully in their sporting passions. Since the election, we are also progressing legislative change, preventative actions and policies and options for recovery that help women stay safe.



Swiftly upon coming into government, we restored the \$800,000 of funding over four years to the Women's Domestic Violence Court Assistance Service, which was cruelly cut by the former government. This important vital service helps women at the most difficult time in their lives with intervention order applications, variations and revocations, ending tenancies and liaising with police to report breaches of intervention orders.

Our government also reinstated the \$1.2 million of funding to Catherine House, which was shamefully also cut by the former government. Catherine House offers a safe place for women experiencing homelessness often as a result of domestic violence. Our government is staunchly committed to making a real difference to the lives of women in South Australia. We will continue to relentlessly speak up and act to help prevent and end domestic violence.

Domestic, family and sexual violence has no place in our community, and we will relentlessly work to ensure that everybody can enjoy a future where gender has no bearing whatsoever on your choices, your pathways, your participation, your safety or any other aspect of life.

**The SPEAKER:** In view of the fact that the minister's contribution extended beyond the four minutes, I recognise the member for Flinders.

### LOCAL GOVERNMENT ELECTIONS

**Mr TELFER (Flinders) (15:10):** My question is to the Minister for Local Government. Can the minister outline any action that he is taking to ensure that future local government election processes have integrity and transparency?

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:10):** I think I made it a bit clearer a minute ago to the member for Flinders' question. I am happy to wait for the review from the Electoral Commissioner. I did hear unsubstantiated concerns—as you may have, member for Flinders—but, as I said, I gave a commitment a minute ago that we are catching up.

Last week, my main concern was the River Murray and talking to the local councils there. Certainly, once I have had the opportunity to talk to the Electoral Commissioner and have a review, I am happy to liaise with the shadow minister regarding any issues that he may also have encountered during the last elections.

### *Grievance Debate*

### APPRENTICESHIPS AND TRAINEESHIPS

**The Hon. D.G. PISONI (Unley) (15:11):** Today, I rise to congratulate Rob Bonner on his recent success at the national Training Awards last week. The Outstanding Achievement in the VET and Skills Sector Award recognised Rob Bonner for his achievements in vocational education and training skills over the last 32 years. Rob is the Director of Operations and Strategy for the national Nursing and Midwifery Federation, SA branch.

I have had the pleasure of working with him during my time as the Minister for Skills to deliver increased skills training outcomes here in South Australia in the crucial areas of aged care and disability support. Rob's passion for training and education, particularly across the social care sector, is evident. He fully embraced the Marshall government's \$200 million Skilling South Australia program and was able to implement many wonderful and innovative projects. Through Skilling South Australia's flexibility, he strengthened the workforce across the aged-care and disability sectors.

Training a skilled workforce to support Australia's growing demand for skilled aged-care and disability support staff remains a challenge for government and care providers. By 2058, the number of Australians aged 85 years and over will increase to more than 1.5 million people, making up 3.7 per cent of the Australian population, driving exponential growth in demand for home support and related relief. The Marshall government invested more than \$75 million in publicly subsidised training in the health and community care sector training packages in the 2020-21 year alone.

This investment supported 15,000 training places. Only time will tell if this government's new free TAFE training model will be effective or if this policy will result in South Australia going back to being the worst performing state in the nation for the commencements of trainees and apprentices that Labor delivered over their last six years in office. Expertise and innovation across the training sector will be lost by excluding successful non-government training providers from this funding.

We took the training system from the worst performing under Labor to the best in less than four years. The latest data released by the National Centre for Vocational Education Research confirms that South Australia under the Marshall government skills reforms led the percentage growth in a number of those taking up apprenticeships and traineeships and those in training in Australia.

The apprentices and trainees 2022 March quarterly report shows that over the life of the former Liberal government South Australia saw a 71.7 per cent increase in the number of apprentices and trainees in training, the largest increase in the country and far above the national increase of 39.5 per cent in the 12 months ending 31 March 2022 compared with the 12 months a year earlier.

The NCVER data also reveals that South Australia is a nation leader in apprenticeship and traineeship commencements, with a huge 89.7 per cent increase in 2022 compared with four years earlier. This is double the national increase of commencements of just 44.6 per cent. Skilling South Australia worked with industry and employers to support on-the-job training, enabling people to learn real skills while on the job and also getting paid. There are so many opportunities in the care sector and it was terrific that industry embraced paid caring pathways—something that did not exist before the Marshall government.

Rob's successes are numerous. He established the Australian Nursing and Midwifery Federation branch's registered training organisation known as the Australian Nursing and Midwifery Education Centre. Rob was deeply involved in the aged-care staffing, training and education in both VET and university programs. I thank Rob also for his valuable contribution as a volunteer on the Industry Skills Councils established by the Marshall government in 2019. Rob was also behind the success of the Australian Nursing and Midwifery Federation training centre, winning the Training Provider of the Year Award in 2019 at the South Australian Training Awards.

Congratulations go to other South Australian winners and finalists at the 2022 national Training Awards recently, including Sakina Qambari, winner of the Australian School-based Apprentice or Trainee of the Year Award, Certificate III in Hospitality; Sarah Gritt, runner-up in the Trainee of the Year Award, Certificate IV in Training and Assessment; Angelina Dunnett, runner-up of the Aboriginal and Torres Strait Islander Student of the Year Award, Certificate III in Community Services; and the Regional Anangu Services Aboriginal Corporation, Small Employer of the Year Award, receiving the gold medal.

### HARVEST ROCK

**The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (15:15):** South Australia's festival season has kicked off with Harvest Rock. The music, food, wine and brew event hit all the right notes ahead of a huge summer of new and returning events to inject multimillions into the state's economy. Harvest Rock starts off not just the summer but the whole of our 2023 season.

At the end of this week, the streets are calling—the Adelaide 500 is back, followed by the Santos Tour Down Under back in its traditional format, international tennis, a bumper Mad March festival season and, of course, leading to those huge sporting events in April. Let's not forget Tasting Australia in May and the Australian exclusive Frida Khalo exhibition starting in June, followed by Illuminate in July, drawing visitors and boosting hotel occupancy all year round.

What a success Harvest Rock was. The new two-day live Adelaide exclusive music, food, wine and brew festival in Adelaide's Rymill and King Rodney parks was held last weekend. It was the only Australian show for Jack White of the White Stripes, headlining the festival, as well as Crowded House, the Black Crowes, Lumineers, Groove Armada and more, bringing the party to the Parklands.

The organiser, Secret Sounds, made Harvest Rock as much about the food and beverage as about the music. They partnered with one of Adelaide's best chefs, Jake Kellie of arkhé, and acclaimed Australian wine critic and South Australia's own Nick Stock. I got the chance to talk to Nick on both Saturday and Sunday. On Sunday, he told me that everything in the South Australian cellar-door tent sold out on Saturday, such was the demand for our fantastic wineries, including many of the small boutique winemakers who were celebrated there. People loved the South Australian wines; they sold out, so we had to get more.

The weather was not kind to us. It was sunny, wet, very wet and then a little humid at times, but that did not stop people enjoying themselves and getting out there and having a great time. We had feedback from Mike, who said:

15,000 people had a wonderful experience in the most extraordinary of weather experiences!!! You'd throw more cold water on a great day than the weather was able to do. I like to see people have wonderful experiences which they can remember for years.

Jane said, 'It was a roaring success even in the weather.' We heard from ABC's Dan Condon with a Harvest Rock review:

You cannot fault a line-up like this. A perfectly balanced range of artists from our past as well as some of today's most exciting acts. As we get older, our expectations for the experience shift. We want more than a field to lose our minds in...We want good food, we want easy access, we want music that we loved in the past and new music we love right now. And while we still know how to get wild, we want to do it in a more civilised fashion. Maybe we even want a space safe enough for our kids to join us.

We can only hope that Harvest Rock can hang on a little longer. We deserve it.

This is some of the really positive feedback we had from people.

Booking data from the South Australian Tourism Commission and STR show spikes in CBD hotel bookings for major events, including this inaugural Harvest Rock. This spike ended up being one of the most nights booked in Adelaide spurring an all-time high for CBD hotels. Data shows a record-breaking number of hotel rooms were filled for this inaugural event. The Saturday night of the festival saw 9,105 room nights occupied in Adelaide, toppling in August the previous record of 9,001 rooms. This drove occupancy to 91 per cent for that night, the highest post-pandemic occupancy rate.

It is vitally important to bring major events to South Australia. It turns people's heads and makes them come here and say, 'I really want to go to that event. I'm booking my flight to Adelaide.' It fills our hotels rooms, our restaurants, our pubs and our clubs, and helps our economy recover from the pandemic. We are known as the Festival State, but we must always attract new people. We are known for the Fringe, the Festival and WOMAD, but now we have the Harvest Rock Festival as well. We are looking for a bigger and better events calendar to generate multimillions of dollars for our South Australian economy.

## BRAGG ELECTORATE

**Mr BATTY (Bragg) (15:20):** With another school year drawing to a close, I rise to talk about some of the very good schools that we are lucky to have in my electorate of Bragg and to congratulate the graduating class of 2022 and wish them all the very best for the future.

I have mentioned in this house before that we have in Bragg some of the best schools in the state. Having been the member for Bragg for a little over a hundred days now, and having engaged with every single one of these schools, I have been able to see this firsthand. I have been proven correct as recently as today, when we have seen *The Advertiser* reporting NAPLAN results for the past five years. All our schools in Bragg have featured extremely well.

We have three primary schools in Bragg—Linden Park Primary, Rose Park Primary and Burnside Primary—and they are frequently ranked as the best in the state. Indeed, today Linden Park Primary took out the top honours, but all three of those schools are in the top five of the NAPLAN results over the last five years.

It has been a privilege already in my short time as the member for Bragg to get involved with the school communities and engage with every single one of them, whether it is fielding tough questions from their student leaders, hosting them here in Parliament House or meeting with their

exceptional educators and principals. By visiting each of these schools and seeing the values they are instilling in these children and students, you can see exactly why they are enjoying the incredible success they are. I am very proud to be their local member, and I look forward to supporting them in any way that I can in this role.

We do have a bit of a problem, though, and it is a good problem to have but it is a problem nevertheless: these schools are so good that they are bursting at the seams. All three of those local primary schools are subject to capacity management plans and I think there is sufficient demand in our local area for a new local primary school. That is something I will continue to advocate for in this place. These primary schools are complemented by St Patrick's Special School, which caters for over 50 students with a disability, as well as two outstanding high schools.

Glenunga International High School were front-page news this morning, taking out the top of the state based on NAPLAN results for the last five years, and it was a privilege to attend their graduation ceremonies just last week. It was a one and two for Bragg because in second place, according to *The Advertiser* this morning, was Marryatville High School. It has been a privilege to host them here in Parliament House, as well as to enjoy the return of their Marryatville in Concert music program, which celebrated their specialist music program earlier in the year.

We have three exceptional girls' schools, including Seymour College, where my wife attended—and we celebrated their centenary just this year; it was a fun night indeed—and St Peter's Girls School, where my sister attended. I toured the school earlier this year and commend the outgoing principal, Julia Shea, for the incredible legacy that she leaves behind. I wish Julia all the best in her next endeavours.

Of course, I also speak of Loreto College where I have also enjoyed the return of their annual spring art show after a hiatus during COVID. I attended their Community Environment Day very recently and planted the first of a couple of hundred trees that they have set out to plant at that school this year.

So it has been an absolute privilege to be involved in every single one of these local school communities in my short time as the member for Bragg. I look forward to being even more involved over the coming couple of weeks by attending every single one of their graduation ceremonies and celebrating their successes over the past year.

I sponsor an award at each of these ceremonies—the Steele and Cooper Award—and that is given to a female recipient who shows courage and determination in their school endeavours in leadership. That was an initiative established by my predecessor as the member for Bragg, Vickie Chapman, who was a trailblazer in South Australian politics in her own right. It celebrates two other trailblazers in South Australian politics, being Joyce Steele and Jessie Cooper. It is a privilege to be able to be at these ceremonies to present these awards, to celebrate their successes this year and to wish them all the very best in their future endeavours.

## QATAR

**S.E. ANDREWS (Gibson) (15:25):** I am a proud unionist and proud ally of the queer community, and I stand here today to condemn Qatar for its treatment of workers and the rainbow community; it is shameful. I am also a soccer player and a fan of the world game, and that is why I am speaking out today.

The Universal Declaration of Human Rights in article 2 details the right of everyone to enjoy all rights and freedoms without distinction—that is, no discrimination in society and no discrimination at work. More than 6,500 migrant workers have died building the World Cup stadiums in Qatar, a nation where you can be imprisoned for up to seven years for being homosexual. Last month, human rights organisations documented cases in which security forces arrested LGBT individuals in public places based solely on their gender expression and searched their phones. They also said it was mandatory for transgender women detainees to attend conversion therapy sessions as a requirement for their release.

An investigation by *Rolling Stone* magazine found stadium workers were subjected to 'captive and controllable' conditions as Qatar's government and FIFA shielded 'forced labour' under the veneer of reform, where migrant workers in stadiums worked 14-hour days in 52-degree heat

while suffering full-body sweats with spells of vomiting and heart palpitations to build air conditioners for open soccer stadiums and earned \$8,000 for just three years.

Fifty years ago in Adelaide, Dr George Duncan was drowned in the River Torrens, allegedly by police, for being gay. However, actions like these are acceptable in some nations still today and queer rights in Qatar are very limited. This is unacceptable and needs to be called out because there are Qatari citizens who are gay, there are Muslims who are gay and there are footballers who are gay.

Australia has come a long way. South Australia was the first state to decriminalise homosexuality in 1975 and the queer community has many rights. However, we are also not perfect. Our queer community is not always safe, respected and protected. Our queer people can live a life generally free of discrimination by the police, legal system and our general community. We do, as a community, need to take some serious action in relation to LGBTQIA+ mental health, self-harm, suicide, and domestic and family violence.

I am pleased to see players, fans and sporting teams across the world showing their support, including the Norwegian, German and Danish national teams. It is shameful that FIFA banned 10 team captains from simply wearing One Love armbands in their support of Qatari citizens. I am pleased to see the Socceroos become the first FIFA World Cup team to collectively speak up on human rights issues in Qatar.

In a powerful video, 16 Australian players expressed their solidarity with migrant workers and LGBT people, making it clear that 'universal values like dignity, trust, respect and courage should define football values'. Go the Socceroos. I also congratulate Adelaide United's Josh Cavallo and English international Jordan Henderson MBE on their work and advocacy, plus Scotland's Zander Murray and Blackpool's Jack Daniels. I thank the BBC and SBS for highlighting the truth in Qatar and call out Tim Cahill and David Beckham for their silence.

FIFA needs reform to bring its officials into an age where sport is for everyone, free from discrimination, corruption, sportswashing and the endorsement of human rights violations. I urge Australia and other football nations to continue to pressure FIFA to change. I believe we all want to see a world of peace, kindness and dignity where people are safe and free; however, until we achieve that I wish the Socceroos well and hope that other sports clubs can be as accepting as Adelaide United. After a brilliant match against Tunisia, I wish the Socceroos all the best in their match against Denmark this week.

## RIVER MURRAY FLOOD

**Mr PEDERICK (Hammond) (15:30):** I rise today as the member for Hammond and the shadow emergency services minister to talk about the flooding—and I will use the word 'flooding'—in the Murraylands and Riverland of this state.

I have had the privilege to see the many, many thousands of tonnes of earth that have been put in place and are being put in place as I speak. We look at the major levee banks at Renmark, essentially an island built under the 1956 flood level, and the major work that has happened there, and at Cobdogla, where there is equipment from all over the state, including a grader I noticed from the Mount Remarkable council area, assisting to build a major levee bank.

I note that at Blanchetown they have been left to their own devices, with their caravan park and the Paisley community there, but I also note the positive attitude the caravan park owners are taking in dismantling buildings and other facilities and getting them off site. I look at the major work that has been started at Mannum both by the council, and sanctioned by the government, and by the private operators at the Pretoria Hotel to protect their businesses and properties.

At Mypolonga, I managed to work with the chief executive of the environment department, John Schutz, to make sure we got access to clay pits so that work could go on there on levee banks to assist the town. At Toora, sadly, I saw a levee bank that looks as if it is going to let go because it is already collapsing and will only survive a 180-gigalitre flow. At Murray Bridge, I talked with the council and worked with the SES to make sure we got the DefenCell sandbags in front of both the rowing club and the community club, and at Jervois I inspected the banks that should stand a flood of 240 gigalitres a day.

As the local member representing some of the communities that have been and are going to be impacted by the flooding, I have been inundated with inquiries from worried constituents. The biggest concern my constituents have is with the lack of communication about what is happening. We have known about the possibility of severe flooding for months but, just weeks out from the peak hitting people, we still have no idea what their situation is going to be.

I have had numerous emails and phone calls from constituents and businesses wondering whether their power or sewerage is going to be disconnected and how long they have to prepare for it. I have had people wondering if alternative access routes will be created when the roads to their properties are under water. I am trying my best, with my staff, to get answers for all the constituents who have contacted me, but there seems to be a lot of uncertainty and mixed messages out there.

Even just today, one of my constituents at Younghusband contacted my office to say that SA Power Networks rocked up to his property to turn off the power for his pumps with no notice. This lack of communication is absolutely disgraceful when we have been told that between two and seven days' notice would be given to people. He could have watered his crops more.

People deserve to be given a heads-up on when these services will be cut off so that they can at least have time to organise themselves. Just today, I was also contacted by Foodland in Mannum, as they have heard nothing from SA Power Networks about whether their power is going to be disconnected, and they are going to be protected by a levee and are right up behind the main street.

Throughout all this, though, we must take the time to express our appreciation for our vital emergency services personnel, who have put in an incredible amount of time and effort in preparing for this flood event, including some guys from West Torrens I met, who had come down to assist with sandbagging with the SES at Mannum. These efforts include holding information sessions.

I want to compliment the people from multiple departments putting on these information sessions. They are doing fantastic work, including Chrissie Bloss from the Department for Environment and Water. Their efforts also include organising sandbagging events, providing flood mapping and resources and just being available to assist community members with their flood preparations.

I want to acknowledge some of the chiefs of departments: John Schutz, Department for Environment and Water, and David Ryan, SA Water, who I must say are doing their best to knock on doors—because there has been some misinformation, I believe, sent to homes around Mannum—to get the right outcomes with sewerage and water cut off; and Chris Beattie, State Emergency Service, and Alex Zimmermann, the emergency coordinator, who I contact directly and continuously by either phone or text and we update each other, and I appreciate that coordination. I also want to put a shout-out, acknowledging they have had their problems, to Paul Roberts and the SA Power Networks crew. We all have to get this right for the communities of the Murraylands and Riverland.

### **RIVER MURRAY FLOOD**

**The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (15:35):** The community spirit of the Riverland has never been in doubt at times of need. People are obviously drawn in any way to help how they can with whatever skills they can. This was particularly evident last week, when I visited the area to see firsthand the preparations that were underway for the floods.

Like many, having spent holidays on the river myself over the years, I have certainly enjoyed the hospitality it has to offer and have a sincere affection for that region. Like many, I am concerned about how the floodwaters will impact on the local communities. As we drove in, the water levels were already notably high. There were power poles with water halfway up where roads normally are visible all the way up to Renmark and picnic tables with just the tabletop showing. It is really shocking to consider what the next month is going to look like.

I want to thank Leanne from the Housing Authority, who took time out of her busy schedule to take me on a tour of housing expected to be flooded. I saw new levees being built, some of them with compounded clay, that are certainly expected to withstand the water, as well as older levees constructed for the flood of 1956. The flood of 1956 remains a constant point of reference: if you live in the Riverland, you either experienced it or you have heard stories about it. The stories are real,

raw and hard to imagine and were from a time when we really did not have any opportunity to ensure that people were aware or given time to prepare.

There are so many people working to ensure that those who are going to need help or have needed help are getting as much as they can. Those who were sleeping on the riverbanks, sleeping rough, are being assisted. They have been informed of the upcoming danger, and dozens of them have been housed. There are very few people now sleeping rough in the Riverland area. The homelessness provider is ac.care, working in collaboration with Housing SA to ensure the best possible outcomes. Organisations are working with not only those currently homeless but also those at risk, ensuring that they are aware if they are in a flood-prone area.

The benefit we have on this occasion is advance notice. The emergency relief centre opened today, and I have every confidence in the team behind it. Last week, they were very much all systems go in setting up that centre. The staff were very calm and assured, and they made me feel very safe. I have no doubt they will pass this sense of security onto those coming through the doors in the months ahead.

This is not their first rodeo. Many of them have been here before one way or another, be it through flood, fire or other community emergency, not just here but interstate. These are the teams that are activated to help all across Australia. They are there to support locals who are scared and those who are unsure, possibly sometimes just with a cup of tea and a conversation, a reassuring space to feel safe. If people do have questions on how any aspect is to be managed, someone will have looked into it, not when they were asked but in the past few months. Ideas have been discussed, plans have been made, and locals are at the heart of these plans and actively involved in the consultation.

Due to the local information, opportunities to assist our most vulnerable have been identified. The pre-emptive work does give me great confidence, and I hope it gives those living in the area some confidence too at this time. Peter at Foodbank is just one of those locals. Noting the subtle detail of the cans being donated are not ring-pull, the thing is that if you find yourself needing assistance and you are not in your home you probably do not have a can opener, so having cans with a ring-pull is very helpful.

The kind of forethought and consideration Peter is showing will make a difference. He makes a difference. He was proud to show me all the hampers that have been prepared and delivered, and he talked about those that are coming up there, not just standard food hampers but also the Christmas hampers that are already coming up. Thank you, Peter and the team.

The message is clear: the flood is coming and you are in a high-risk area. Please make a plan to preserve your life and your property, as you can. Use this time now to make sure that you and your loved ones are safe. If you are impacted, know that the Malinauskas Labor government is here to assist with that emergency relief centre, emergency accommodation, counselling, food relief and a range of grants. My heart goes out to our colleagues and friends in the Riverland and the Murray Mallee. I will be visiting regularly, as needed, to listen and to ensure that anything else that needs to be offered can be offered.

### *Bills*

## **AUTOMATED EXTERNAL DEFIBRILLATORS (PUBLIC ACCESS) BILL**

### *Committee Stage*

In committee (resumed on motion).

Clause 4.

**Mr TELFER:** Minister, thank you; I appreciate this process. Particularly looking at the meaning of 'designated building or facility', there is a lot within these definitions that will fit under the jurisdiction of the state government. There will obviously be a significant body of work and also cost to the state government when it comes to the installation in areas such as schools and tertiary institutions, and we are looking at correctional institutions and the like. Is there any insight into the expected cost or the amount the state government will budget to install these if this piece of legislation is to pass?

**The Hon. C.J. PICTON:** I think I answered this a bit before. There is a combination of places where AEDs are already installed, there are places where we are confident they will be able to be installed within the existing budgets and then there are places where we believe additional funding will be required. Off the top of my head, I believe over \$7 million will be provided over four years in terms of those areas where there will need to be additional funding provided.

**Mr TELFER:** I am curious. Obviously, we have already had the discussion that there will be areas that have to have more clarity delivered to them through the regulations, but is it envisaged that temporary structures, which otherwise fall within the definitions, will be caught by the ambit of the bill, such as temporary stages constructed to hold theatrical performances or temporary tent arrangements or the like? Are they going to fall within this legislation if it is temporary rather than permanent?

**The Hon. C.J. PICTON:** As you said, there is always the ability for us to have regulations to make things clearer. In relation to a temporary stage to be established, in my mind it would not fit within the definition of a theatre or other venue, but if that is something of concern that is raised then, during the three years this will be considered before the implementation date, we would be happy to consider whether there is a need for any further regulation in that regard.

**Mr TELFER:** Has the minister considered a more reasonable risk-based approach that considers the specific locations where AEDs can do the most good and balances it out with the significant cost of installing and maintaining AEDs in what may be considered by some to be low-value locations as far as potential outcomes?

**The Hon. C.J. PICTON:** I have considered the bill that has been presented to us from the Legislative Council that was drafted and moved by the Hon. Frank Pangallo after significant work on his behalf. After having considered this legislation, it is my view that it should be supported, but it is open for members as to whether they have a different view in that regard.

**Mr TEAGUE:** I hear the minister observe that he has done his best with the legislation as presented and as prepared by the Hon. Frank Pangallo in another place. Understanding that context, perhaps a first question is about whether we have the capacity for buildings, facilities or classes of them being prescribed by regulations. Does the minister have any particular building or class of building or facilities on the plan as a result of having reviewed the legislation? These are some that might be included in regulation. On the flipside, is there any indication from the government about ruling that out for the time being in the light of the research that has been done in preparation for bringing the bill to the house?

**The Hon. C.J. PICTON:** There is no further consideration on my behalf or the government's behalf in relation to additional areas where there would need to be movement, other than the areas that are defined in the legislation. As has already been discussed, there were some concerns raised about what was the previous paragraph (k), which the Hon. Frank Pangallo sought to remove from the bill. I think that was broadly supported in terms of removing that section.

**Mr TEAGUE:** So we understand, in clause 4 we are dealing with designated buildings or facilities, and they are broadly in a class of public facing, community, semi-public or of that nature. I suppose there is always an issue where there is a comprehensive codification process, or an attempt to, that you do not leave some out or that you talk in colloquial terms about buildings of a certain class that might be recognised as such but there is perhaps a lack of particularity.

It is with a particular concern, I suppose, to what is going to be the hammer fall in 2026 and possibly with respect to some of these designated buildings in 2025. They are going to need to know whether they are caught well and truly—that is, the clause 4 buildings—and their only guide in many respects is undefined terms that might be readily understood in the ordinary sense, but there might be room as to whether or not a building meets the descriptor.

In terms of the time between now and 2025-26 and otherwise, does the government have any plans to assist the community to determine how and, if so, what plans might need to be taken that they might be needing to understand that they are relevantly responsible for a designated building, and would any such engagement be commencing immediately or shortly thereafter the passage of the bill?



**The Hon. C.J. PICTON:** I have already made clear that we believe that we will need to undertake communications in regard to making sure that people are aware of their responsibilities under the legislation, and I would hope that that would start soon. Obviously, one of the elements of passing legislation this week is that it gives people a maximum amount of time before that implementation date, 1 January 2026, to be aware of their responsibilities from that date.

**Mr TEAGUE:** It might be a clause 12(1) point or a clause 14 point, and we can get to that as we do, but what we do not see in the bill, and tell me if I am wrong, is that unlike some legislation previously or might commonly be applied there is no internal process for the determination of whether or not a building or a facility is meeting the definition of a designated building or facility for the purpose of clause 4.

Clause 5 is a bit of a different category because it is slightly more prescribed in terms of a change of circumstance. Can the minister indicate what process a person or group of persons, association or organisation might take, or might need to take, in the event that there is a question to be determined about inclusion or otherwise of clause 4? I could give you examples, but I will not trouble you with them. Paragraph (j) states 'another venue where artistic or cultural performances are provided'. There might be room for all kinds of questions about what is included.

I am looking to understand and work with the legislation. Many of those subcategories are determined by reference to their descriptor in relevant legislation but not all of them, so can any light be shed on not so much ensuring that there is a comprehensive outcome now, but what process does the government anticipate or could indicate to the committee now will need to be followed by a party who is either not sure or in the unfortunate circumstance of challenging that question in the face of attracting a penalty pursuant to clause 7?

**The Hon. C.J. PICTON:** I think that this will be a combination of not only our providing communications in this regard and making clear provisions of the bill but also making sure that, if there are issues that arise and questions and problems, we do have the ability to make regulations over the course of the next three years.

It is helpful for the member to highlight paragraph (j) as an example where he has some concern in that regard. I am less concerned when it comes to that. I feel that people who provide those appropriate venues would understand who would be covered. I think it is important that we have communications that broadly make it clear, but if there are particular issues then obviously the regulation-making power allows us to address those over time.

**Mr TEAGUE:** I know I am out.

**The CHAIR:** You have asked a supplementary as well.

**Mr TEAGUE:** Have I?

**The CHAIR:** You used that up as well, even though there is not an entitlement to it. Resume your seat, member of the Heysen.

**Mr TEAGUE:** I will provide the examples subsequently.

Clause passed.

Clause 5.

**Mrs HURN:** I have a question for the minister in relation to the 600 square metres provision. Are you able to outline for the benefit of the house what consultation process was gone through to land on that kind of footprint and whether there was any discussion to giving a larger footprint or, indeed, a smaller one?

**The Hon. C.J. PICTON:** I again reiterate my comments previously in regard to the consultation undertaken by the Hon. Frank Pangallo. I am happy to take it on notice and follow up with him in regard to his drafting of the legislation. However, I am sure he would be happy to chat to the member herself in that regard. I am not wanting to speak on his behalf, but I suspect it was regarded that this was an appropriate size level to ensure a balance that would meet the needs in terms of providing those AEDs within a reasonable distance of time to make sure they could be used.

**Mr TEAGUE:** First of all, I have a question in terms of my understanding of the purpose of clause 5. Unlike clause 4, clause 5 is dealing with buildings used for commercial purposes that become prescribed buildings if certain changes occur or if certain actions occur in relation to those buildings. If they are not otherwise a designated building for the purpose of clause 4, a building that is on land used for commercial purposes, as I read it—and regardless of the size of the building—will not attract the operation of the act, pursuant to clause 5, unless there is a change of use or major works that meet the definition. Is that understanding of the way that works correct?

**The Hon. C.J. PICTON:** Yes, that is right, unless under paragraph (c) it is prescribed by the regulations. To pre-empt any question, we do not have any plans that prescribe anything else under that clause.

**Mr TEAGUE:** Thank you for that indication. In clause 5(b)—and clause 5(a) for that matter, as well—there is reference to the threshold of 600 square metres being the relevant floor area for the purposes of assessing the relevant size where there is a change in the land use to use for commercial purposes. Perhaps I could give an example, and I understand this may be typical of lots of such facilities around the state.

There is a poultry facility near Murray Bridge where I understand there are several sheds, each larger than 600 square metres. They are production facilities, and that is where the business of production occurs and, I am told, again may be typical of a business of this kind. The workers, the people, those who might benefit from the AED, are routinely located some distance away in a much smaller building.

To take that as a worked example, in circumstances where there is a need for rebuilding, redevelopment, extension or just general maintenance that on that scale might tip over the major works definition—and, bearing in mind, do nothing, they will not for the moment attract the clause 5 definition—when they do those works, and that is predictable enough if they stay in business, then on the face of it all of a sudden each of those buildings on the site, if one read the whole thing literally, as you do, they are facing, apart from anything else, a great big penalty, so you need to get it right.

Each time that happens, there is then the attraction of the prescribed building definition, it would appear, so you could have a situation in which there are some buildings on a site that are not prescribed, all for the time being, and works are done that affect the whole site. Would, as a result, one of those buildings or more than one or all of them together attract the clause 5 definition in that case if it is defined to be a facility, as the clause possibly embraces? Then, in the case of nine such buildings, are they needing to be careful that they comply in relation to installation obligations for nine such AEDs and risk a penalty in respect of any one or more times that they are short of installation?

I do not mean to spin the wheels on all the various possible outcomes, but in the context of the way that the prescribed building definition works, and I suppose it is a form of grandfathering, surely the government has contemplated the way in which that future works and particularly in relation to the major works definition, which is something I would expect all businesses would be contemplating on any kind of five to 10-year rolling approach, so is there any light the minister might be able to shed in the context of that particular worked example?

**The Hon. C.J. PICTON:** Certainly, the advice I have is that the example being given of a poultry production facility would be a primary production facility and not covered by a commercial purpose to which this clause applies. The reasonable interpretation of commercial purposes would be retail/office type accommodations, not primary production or poultry production facilities. After there would be a change in use or significant works, construction or major works, then there would be the requirement to comply with the installation that we will get to at some point in clause 7.

**Mr TELFER:** Obviously, there is no definition in the clause we spoke about earlier about what the definition of commercial is. I took it as meaning a commercial business, an operation, rather than what necessarily the land designation was or something like that. Is there going to be within the regulation a greater definition of exactly what a building on land used for commercial purposes is within the regs? I think that there is the potential there for that ambiguity.

**The Hon. C.J. PICTON:** My view, and the advice I have received, is that primary production would be seen quite differently from commercial in most regulatory forms, hence I am not sure that there would be the confusion that has been suggested. We will certainly consider that over time if there is a need for it.

**Mr TELFER:** For further clarification, obviously I am well aware of the designations under the planning act, and 'commercial' has a clear definition there. Another one that is predominant is 'industrial'. Would you envisage that 'industrial' would be coupled in with 'commercial'? There would be examples in reflecting the practical example the member for Heysen gave about a primary production facility that could potentially be a comparable example in an industrial area.

**The Hon. C.J. PICTON:** I think the view from the government's consideration has always been that this is a consideration of commercial similar to, as the member outlines, what we would see in the Planning, Development and Infrastructure Act in relation to commercial that would not necessarily include industrial premises as part of that. That is certainly something we could consider over time. If there were a need to do that, we could certainly consider it as part of the regulations.

**Mr TEAGUE:** Let me continue on from the member for Flinders' point. To make good the point about that particular worked example, the definition is not focused on the building. The legislation is focused on the installation on a building or facility of a portable device that is defined as an AED. The definition in clause 5 is concerned with the land. Again, I do not want to spend time rehearsing it; it is a straightforward point. Somebody who is otherwise getting on with their life is all of a sudden going to be subject to the legislation, and they are far from a position of equal bargaining power in terms of working through what will and will not be regarded sensibly by those who might be enforcing it.

In clause 5(a) the legislation talks about a building that is on land used for commercial purposes. Unless one wants to take a fairly artificially prescriptive use of the word 'land' for these purposes, being the particular area the building itself is constructed on, which is not a term used when talking about land, one might be talking about the zone or the owned property or the title even. But the premises might be over a range of conjoined titles that conduct a similar business in which it might be said that some of the activity is primary production or non-commercial but might be linked directly to a shopfront that is.

That could happen in a whole variety of different circumstances, not only primary production or related agricultural production on the land where there is that interaction, not only of the staff working at the premises, but if there is retail or other hospitality or visitation, for sensible purposes, related to those who visit on the site and either engage in the retail side or other activity, the definition in clause 5 would catch, on the face of it, the building on the land that is used for the commercial purpose. Those two are not separated out for the purposes of the building. The minister has given an answer about the primary production purpose perhaps of the large sheds in the worked example I have given.

On the face of the clause, is it not the case that those buildings, subject to the grandfather arrangements, might become subject to the installation obligation because of paragraph (a)? If not, why not?

**The Hon. C.J. PICTON:** I feel like we are entering the John Hewson definition of a cake territory to some degree.

**Mr Teague:** That was a proportional calculation.

**The Hon. C.J. PICTON:** The member for Heysen says that was a proportional calculation. I understand that the member for Heysen has concerns about this section. I do not share the same concerns. It appears to be logical in terms of its interpretation to me. If there is an amendment that he wishes to move, if there is a consideration of other wording, then certainly we would take a look at it, but it reads relatively plainly to me in my interpretation of it. As I have said on a number of clauses, if issues arise over the period of the implementation that we have on this for three years, then we would certainly seek to clarify those issues in the regulations.

**Mrs HURN:** Minister, I have a question of clarification in relation to churches across South Australia. Naturally this is one that I think could be asked in this clause or the previous clause. I would

not have thought that a church is under a public building or a facility, but you may have a different interpretation, so if you could elaborate whether AEDs will be required in churches across South Australia that would be fantastic.

**The Hon. C.J. PICTON:** The advice I have—and it is certainly my interpretation—is that our reading of this is that they are not intended to be covered. Certainly they are not 'commercial purposes', certainly they are not specifically listed within clause 4, which we have passed, nor would I see that they necessarily fall under the definition of a public building to which the public has access.

In my view, it would not be that you could define them as all the public has access to a church, and certainly there are a number of churches where that is not true. Unless the member has a particular set of words in here that she is concerned they do fall under, it is not apparent to me that they do.

Clause passed.

Clause 6.

**Mr TELFER:** Has an estimation been made of the expected annual costs of the Crown in complying with the bill and, if so, what are these costs?

**The Hon. C.J. PICTON:** In relation to the Crown, the King, in the interpretation of this section, the advice I have is that there are some costs that were factored into that over \$7 million over four years that we are committing as part of the passage of this legislation for a number of areas, particularly in terms of where there will be maintenance, etc. We are particularly looking at some public transport and also some of the CFS fleet.

However, most of the ongoing costs—after the initial purchase, obviously—would be met by agency budgets, as is currently the case for the many agencies that already have defibrillators. I can personally attest to the fact that on level 9 of the City Centre, where my ministerial offices are, there is a defibrillator. Presumably the Department for Health has a program where these are maintained and replaced within existing budgets.

**Mr TEAGUE:** The carving out of criminal liability on the Crown is not expressed in so many words in relation to those others that are caught by the obligations under the act, primarily on the installation, maintenance and testing and so on. Is it to be understood then—and surely not—that a responsible person in a public building, so in the category that commences in 2025, is not to be liable pursuant to any of the subsequent provisions? What is the force and relevance of that carve-out?

**The Hon. C.J. PICTON:** The advice I have on this is that it is a relatively standard clause. The best evidence I can attest to on that is that I do not think the Hon. Frank Pangallo would be seeking to do the government any favours or would have been trying to get the government out of anything when he drafted this bill originally. I suspect that this is a clause that fits within a number of different acts and has been imposed here on a standard basis.

Clause passed.

Clause 7.

**Mrs HURN:** I move:

Amendment No 1 [Hurn-1]—

Page 5, line 26 [clause 7(2), penalty provision]—Delete the penalty provision and substitute:

Maximum penalty: \$2,000.

Expiation fee: \$500.

This amendment reduces the maximum penalty for failing to install an AED from \$20,000 to a maximum of \$2,000 and also allows for an expiation fee of \$500. The opposition believes that our proposal of a maximum penalty and an expiation strikes the right balance of acting as a disincentive whilst also not being onerous. I point out that this expiation is more in line with failing to install a smoke alarm, which is a similar life-saving device.

By way of comparison, under the Planning, Development and Infrastructure (General) Regulations 2017, a failure to install a smoke alarm in a house or a dwelling could attract a maximum penalty of \$750. When you compare that with the maximum penalties outlined in this bill, they are quite onerous, so we believe that having these amendments considered by the house is a commonsense step.

We also believe that having an expiation regime, moreover, is quite a useful way of ensuring compliance with the system without having to overutilise the court system in South Australia. I encourage the government to consider these amendments very strongly and to consider them with the thought process of knowing that this is not too onerous, specifically with the comparison to the \$750 that you are fined if you fail to have a smoke alarm in your house or dwelling.

**The Hon. C.J. PICTON:** I can confirm that the government have considered these amendments being moved by the member for Schubert and will not be supporting them, as we believe they create inconsistencies with the existing fire safety requirements that are outlined in the Planning, Development and Infrastructure Act 2016.

**Mr TELFER:** I rise to speak in support of the amendments. As I said in my second reading contribution, I think this process in particular needs to be one that the whole community comes along with. I think the amendments that have been put forward by the member for Schubert, with a maximum penalty of \$2,000 and the capacity for an expiation of \$500, strike the right balance between ensuring that there are disincentives for those who do not want to follow the rules and not being too onerous for those who may potentially inadvertently not be following a rule that they are unaware of.

We have already highlighted in some of the answers the minister has been giving to questions that there is certainly some ambiguity around the designation of buildings or facilities and who is required and who is not required to have an AED in place. I think that having a maximum penalty of \$20,000 for a public building, a prescribed sporting facility, a school, a correctional institution and the like is out of balance with the expectations of my community and our communities around the state.

That is why I think this amount of \$2,000 as a maximum penalty and the potential for an expiation of \$500 gets that balance right. If people or organisations are looking to deliberately flout these incoming laws, they will obviously have the potential to be hit with a \$500 expiation, which then can escalate, for those who are deliberately trying to contravene these laws, to a \$2,000 fine. I believe that is a significant enough disincentive and wholeheartedly support these amendments.

**Mr TEAGUE:** I rise also to support the amendment moved by the member for Schubert just now, and I adopt and endorse and would seek to amplify the observations of the member for Schubert and the member for Flinders just now as well. I raise a couple of matters of both practice and principle in this regard. First of all, in the course of the committee process so far, we have navigated a space that includes the recent amendment of the commencement of this whole legislation from what was originally envisaged to be more or less straightaway to being in two waves—2025 and 2026—so there is a period of time before the operation of the legislation will commence, and that is noted. That is interesting.

With all the best continuing advocacy of those who have advocated effectively over many years the merits of the use of AEDs and the availability of them and community awareness and so on, together with whatever program the government might more publicly pursue over that period of time, it may have some benefit in providing the community more broadly with a sense of preparedness and a greater level of normality, I suppose, of the availability of installed AEDs across the range of what are going to be designated buildings and facilities and what are going to be prescribed buildings and facilities over that time.

However, what happens on commencement is a hammer fall and, all of a sudden, you go from zero compliance obligation to the risk of a maximum \$20,000 penalty out of the blue. What there is not in this legislation, for better or worse, is a process of either warnings and working with and assistance, as it were, to provide context. It may be that, within the day-to-day workings of those who might be doing work to administer the provision of the act, there is such ameliorative work and

awareness raising that precedes the application pursuant to enforcement provisions, but that is not to be found in the act.

We have a piece of legislation that, when it commences, is going to all of a sudden land a whole lot of the community into a space of significant financial jeopardy in what is a very wide range of different circumstances, one might conceive, that could arise and in circumstances where—again, it is what it is—there may be issues around the definition of the relevant building and whether or not the person is in fact caught by the obligations. However, hanging over that whole environment all of a sudden on day one will be this very large financial penalty.

As has been aired in a whole variety of different circumstances, you have on the one hand a really successful community campaign with a high public profile and a great deal of community goodwill that will drive more people and organisations to adopt and use these AEDs. On the other hand, you have this whacking enforcement regime that could, in the worst case, be a cause of such activities to shut down altogether.

There are plenty of organisations that operate in buildings that will become designated pursuant to clause 4. Much like the category of other duties and obligations that need to be weighed in terms of their relative proportionality, many of these, faced with the potential significant liability along these lines, will think very carefully about whether or not they continue. I sincerely hope and trust that they would, but it ought not, in my view, be a judgement that is weighed against the existential question of capacity for the potential liability, as opposed to awareness, obligation, yes, and a penalty that is sufficient to focus the mind without it coming in and being so large as to potentially threaten the existence of an organisation at one end.

To say one thing more about that, because it is a matter I have addressed in the context of sentencing and other matters where a set of particular circumstances is seen as driving a need to send a signal through an increased penalty provision as a means of sending a message, often there are, by the time you get to the most serious set of consequences associated with irresponsible behaviour, a whole range of other measures that ought properly be taken and significant penalties attached that would take over from the particular set of circumstances we are dealing with here.

Commencing in clause 7, this bill imposes a series of penalties at such a high level in terms of maximum. I recognise that it would arguably be ultra vires if it purported to set it out as any sort of fixed amount. It is a maximum penalty and, sure, there may be a response that a court dealing with this might come to a practice that might set a penalty in some of the circumstances I have described along the lines of what the member for Schubert is proposing, but there is nothing here that can give comfort to those organisations that might find that, no, the very opposite applies. On day one, there is a clear contravention of the relevant clause, the maximum penalty applies and it is the end of the show for that organisation.

For at least that variety of reasons, the amendment, insofar as it applies for present purposes to clause 7 but subsequently through the bill in like terms as we come to it, is a meritorious amendment that improves the bill. It ought to be supported and I commend it to the committee.

The committee divided on the amendment:

Ayes .....14  
Noes.....24  
Majority .....10

#### AYES

Batty, J.A.  
Hurn, A.M. (teller)  
Patterson, S.J.R.  
Pratt, P.K.  
Teague, J.B.

Ellis, F.J.  
Marshall, S.S.  
Pederick, A.S.  
Speirs, D.J.  
Telfer, S.J.

Gardner, J.A.W.  
McBride, P.N.  
Pisoni, D.G.  
Tarzia, V.A.

## NOES

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

## PAIRS

Whetstone, T.J.	Malinauskas, P.B.	Cowdrey, M.J.
Szakacs, J.K.	Basham, D.K.B.	Stinson, J.M.

Amendment thus negatived.

**Mr TELFER:** Minister, parliamentary counsel has a standard approach for setting fines and penalties so that comparable like-for-like offences across the range of legislation attract comparable like-for-like penalties. Is this \$20,000 maximum penalty fine in the bill consistent with parliamentary counsel advice?

**The Hon. C.J. PICTON:** It was drafted by parliamentary counsel together with the Hon. Frank Pangallo before it was introduced into the other place both recently and in the previous parliament. I cannot speak to discussions that were held between the Hon. Frank Pangallo and parliamentary counsel but, from previous experience, parliamentary counsel are very good at making sure that there are appropriate considerations of penalty provisions. Certainly there are consistencies with this and, as I stated previously, a number of the provisions are in the planning and development act.

**Mr TELFER:** Upon the progression of this clause, the maximum penalty for contravening a requirement is \$20,000. Once again, there is just a bit of ambiguity and uncertainty when it comes to the arrangements with this. I recognise that it is a maximum penalty for an offence. Is there an insight into the minister's thinking around this? Is this a maximum penalty for each omission?

For instance, if a council is required to install seven AEDs at each of the seven buildings surrounding a council-owned sporting oval or in a range of different council-owned buildings and the council fails to do so, will there be the potential for seven maximum penalties of \$20,000 or is it a potential cumulative penalty of a maximum of \$20,000? Is this something we are going to have to be dealing with on a facility-by-facility basis, or is a local government organisation or a business potentially going to receive a fine and that will serve as the warning for them to ensure that a proper installation happens in each of the appropriate facilities?

**The Hon. C.J. PICTON:** My reading of this is that people have to comply with the requirement under this section. The requirement under this section would be that you have two and if you do not have two then that is your requirement and hence there would be a penalty for failure to meet that requirement. From my reading of this and the advice I have received, there would not be individual different ones for each individual defibrillator because that is not the way this has been drafted.

**Mrs HURN:** Minister, can you outline first and foremost how the \$20,000 maximum fine was determined? I ask that specifically in relation to following on from the avenue of questioning the member for Flinders was pursuing, which is how is it that the maximum penalty under the PDI Act for failing to install a smoke alarm attracts a fine of \$750, yet the proposal under this bill is that there is a maximum penalty of \$20,000? I think that has been one of the challenges, frankly, when it comes to this bill.

As we have outlined on this side of the house, we support the bill as a whole, but the penalties are certainly something that not only we on this side of the chamber have aerated but also the

business community and indeed lots of sporting organisations and those types of things have fed through local members of parliament. I am just really after a clarification on how the \$20,000 maximum fine was landed on. Also, can the minister elaborate on how he weighs up a \$20,000 maximum fine for failing to have an AED but a \$750 fine for failing to have a smoke alarm in your house.

**The Hon. C.J. PICTON:** I reiterate my previous answer in relation to this question, and as has been previously discussed in the other place, there are fire safety requirements in the Planning, Development and Infrastructure Act that this is aligned with and clearly this is a maximum penalty that would be in place. I think the evidence is that it is very rare that those maximum penalties necessarily are put into action.

Again, this is a clause that was drafted by the Hon. Frank Pangallo. It has been circulated widely over a number of years. I certainly have not heard the level of concern that the member is referring to and I certainly have not heard that concern in relation to other requirements under fire safety regulations in the Planning, Development and Infrastructure Act that similar penalties would apply to.

**Mrs HURN:** For the benefit of the minister, it was advised by the honourable member's office that these penalties are based on section 157 of the Planning, Development and Infrastructure Act 2016. That applies to the owner of a building failing to comply with a notice relating to the adequacy of fire safety in that building. I think that arguably they are not comparable provisions, which is why those on this side of the house have put forward what I would refer to as really commonsense provisions.

The minister says that this is a maximum penalty and that often they are not pursued. I think that really defeats the purpose of the Hon. Frank Pangallo in the other place, where he does want there to be an incentive. If there is no option for an expiation, for instance, that we have put forward, how does the government plan on policing compliance? What is that avenue, or is it just a bit of a slap on the wrist and, 'You haven't installed an AED, so we are not going to take you to court because that's the maximum and we don't think it's reasonable that you pay \$20,000?' What is the mechanism then for ensuring that all the prescribed buildings and facilities actually do comply?

If the point has already been conceded that it is the maximum penalty that is not going to be pursued, then how are they going to be policed? That is my question: how is it that the government and agencies are going to police for compliance?

**The Hon. C.J. PICTON:** I think I might have been slightly verbedled. I do not know if I said that it would not be pursued; I think I said that it is not always applied by the courts. They are two very different things. We have two arguments being put forward by the opposition: one that it would be a slap on the wrist and the other that it would be too harsh. I think the answer is probably somewhere between those two allegations.

**Mrs HURN:** You have advised the committee that it is not likely that they are pursued for the \$20,000, so my question is: if it is not pursued, then how is it that you get these organisations to comply with the installation of an AED? That was my first point. My second point, which has not yet been answered is: what is the mechanism by which these will be policed?

We have been through what all the prescribed buildings are. We know that we have public buildings, schools, and a whole range of other designated facilities: correctional institutions, retirement villages, caravan parks, residential parks, the Casino and other gambling. Who is ultimately responsible for ensuring compliance with the installation of the AED?

**The Hon. C.J. PICTON:** In relation to where the compliance sits, that is something the government will be considering between now and when the legislation comes into operation in three years. Obviously, there needs to be consideration in terms of which agencies will look after compliance and have responsibility for that.

It is also important to bear in mind that there is also, as an element of this, a registration process that would be in place under the bill. That would enable us to understand where there are failures to register and where we do not have awareness that there are defibrillators in place. That would enable the government to undertake reminders, communication and education with those



people before having a heavy-handed approach of automatically going to fining, to make sure we can work with people to implement that and have those protections in place. I suspect that it would only be in circumstances where there is a clear unwillingness to comply and a lack of action following education and reminders that action would be taken in relation to penalties.

**Mr TEAGUE:** That is a particularly helpful indication in a way from the government, but it rather highlights the gap that is in this particular legislation in that, as I have said maybe somewhat dramatically a couple of times during the course of this committee, the way the legislation works is that on commencement there is a hammer fall.

There is no provision, as the member for Schubert has indicated, on the comparative of a notice, failure to comply with notice, significant penalty, nor is there provision in the act for assessment of register, go-round reminder. All those things might well happen in practice, but they cannot happen at least until 2025. In terms of the way that the transition provision in the schedule works, it is not coming into effect in relation to those buildings until 2026, so there would be no occasion to remind anyone of an obligation because it has not arisen yet.

So there is neither the occasion for the compiling of the register, and therefore reminding by reference to omission, nor is there the occasion for the issuing of a notice, failure to comply with which constitutes the offence. We have neither of those two which might provide some combination of notice and preventative action. It is just that one day you do not and the next day you are subject to this particularly high penalty. Those of us on this side of the house have made it plain that that is a problem.

We are here with the benefit of the government's sponsorship of the bill that has all kinds of merits in terms of its outcomes—the wider availability of these AEDs—but unfortunately a legislative mechanism, wittingly or unwittingly, that exposes this very broad range of the community to this very substantial penalty, and it is not just in these circumstances of the installation obligation in clause 7.

It is encouraging to hear the government indicating that between now and the commencement of the legislation there would be some serious consideration around those practicalities, but here we are now. The best we can do is put that on the record. We can move an amendment. We have had the result of a vote on that proposed amendment, and here we are.

The minister has made clear that he is alive to this range of circumstances that has been given here in the course of the committee, so I would simply add my voice to those urging that that work be done in what I think are going to be amending provisions in due course, should that be the outcome of that consideration. I very much urge that that be given priority, particularly in the period prior to the commencement of the bill should it pass following this committee process.

**Mr TELFER:** I seek some clarity, especially for me in my role as shadow local government minister. There is a definition in clause 7 around responsibility, as follows:

- (1) The owner of—
  - (a) a designated building or facility; or
  - (b) a prescribed building,must—

so we are talking about a person, and then it provides:

- (2) A person who contravenes or fails to comply with a requirement—

so this talks about a person. The arrangements with local government are unique, and in clause 4 we spoke previously about a public building or facility, and that is envisioned to include local government facilities.

Can a council as an organisation be guilty of an offence under the bill, or is it a particular officer of the council who will be deemed guilty of the offence? There are a number of different arrangements in place with other pieces of legislation that specify that it is a certain individual within a local government organisation, predominantly the CEO, but there is just this ambiguity when it comes to clause 7, specifically when we are talking about a public building or facility. If the minister

can please enlighten the house as to whom the responsible body would be, whether it would be the council or a particular officer of the council.

**The Hon. C.J. PICTON:** My reading, and there is a bit of statutory interpretation here, is that there is no definition in the bill that a person has to be a natural person; hence, my understanding is that that means there could be action taken in relation to an organisation, whether it be a council or other. I do not think the intention of the Hon. Mr Pangallo in moving this would be that, say, the CEO of the council would be the one it would be particularly raised with rather than the council itself.

Clause passed.

Clause 8.

**Mrs HURN:** I move:

Amendment No 2 [Hurn-1]—

Page 6, line 3 [clause 8(3), penalty provision]—Delete the penalty provision and substitute:

Maximum penalty: \$2,000.

Expiation fee: \$500.

The principles of this amendment, and indeed the few amendments I have that follow it, really follow similar principles to the one that came before it. Given this is the first legislation to be passed, ultimately presuming the house gets through this, which mandates the installation of AEDs, there is no direct comparison to similar legislation which does make this quite difficult to be able to weigh up to get the checks and balances right. The opposition does believe that these penalties are a hefty impost that fail to get the balance right, and that is why we have a series of amendments for the parliament to consider.

**Mr TEAGUE:** I rise to support the amendment. Without saying too much at this moment about the clause itself, I highlight that, as the member for Schubert has adverted, we are dealing with a combination of newly defined categories of people and places that are going to be the subject of obligations to install AEDs. There has been a variety of considerations just in the course of this committee process of who they might be and where those obligations might apply.

In clause 8, we have a series of definitions around vehicles that, again I just highlight, amongst other things leave room for a very wide variety of circumstances. Against that background, there is a penalty provision that applies not only to the quantum but also to the constituting of the offence that no-one has any control of after this legislation is passed.

Whether we like it or not, if the clause operates so as to constitute the offence, that is done: it is all over. There is no provision for somebody to indicate, 'I think you are relevantly operating a bus. I think you have relevantly failed to install an AED. As a result, I'm either issuing you a notice now, or I am inclined to, to ask what are you going to do about it and what do you think about whether or not that is breached,' and so on, before constituting the offence. We do not have that.

Just as in clause 7, we have a set of circumstances that are prescribed by the very terms of the clause itself. It is brand new and, all of a sudden and out of anybody's control, an offence is constituted with a substantial maximum penalty associated with it. Again, without applying any expectation of those who are going to have to determine the relevant penalty, it is not good enough to have a situation in which the offence is constituted and you go off to the tribunal to determine how much you are going to have to face.

It is the reason why, particularly in circumstances like these, it is preferable to err on the side of at least the capacity for the application of a lesser prescribed offence, including the expiation. I very much commend the amendment, in like terms and for similar reasons to that moved in relation to the previous clause.

Amendment negated.

**Mr TELFER:** There is a curious aspect here, and I would appreciate the minister enlightening us. From my reading, the installation of automated external defibrillators in vehicles is

purely around the prescription of the vehicles being emergency services organisation vehicles—CFS, MFS, SES and the like. If this is correct, I would appreciate clarity on that.

It would flow on that the owner of the prescribed vehicle must ensure that an AED is installed in the vehicle and, if not, then the fine of up to \$20,000 would apply, on my reading of it. Would the owner of the prescribed vehicle be the head of each of those organisations—the CFS, MFS and SES—or would it revert to the minister as the responsible owner of the prescribed vehicle?

**The Hon. C.J. PICTON:** There are two elements to this clause. One is in relation to emergency services, which are defined in the bill as the CFS, MFS, SES or anything else that has been prescribed by the regulations. The government has no plans at this stage for anything else. The other is in relation to the owner of a prescribed vehicle. A prescribed vehicle is defined as 'a train, tram, public bus or any other vehicle prescribed by the regulations', and 'public bus' has a meaning of 'a bus engaged in regular passenger services under the Passenger Transport Act'. Underneath that, 'bus' means 'a motor vehicle built mainly to carry people that seats over 14 adults'.

Therefore, this is essentially about transportation through public transport. They are the people who would be required, under this provision, to make sure that the requirements are met in terms of having a defibrillator on board. I have already outlined that we have provisioned funding both for where the CFS needs additional defibrillators to meet these requirements and in relation to public transport services that need to meet these requirements.

We will be acting in terms of making sure that these requirements are met. They will have to be met within two years. Clearly, as per our discussion previously in relation to councils, I do not think it would be particular people but, rather, particular organisations with which issues would be raised if that were going to be the case. However, I do not foreshadow or foresee that would be an issue because we are taking action to make sure that this will be complied with.

**Mr TELFER:** As a follow-on to try to have some clarity, because I do not think you quite got there with what I was asking, when we talk about trams, trains, public buses, etc. we already know that, for example, the trams responsibility falls under the Minister for Infrastructure and Transport. This is a piece of legislation that is going to be in place ad infinitum, and we already know that the maintenance and testing regimes are going to have a penalty apply.

If there is even inadvertently a failure under this act, whether it is to do with the installation or the maintenance and testing, who would be the responsible person? I use 'person' with the same definition that the minister has spoken about. Will that end up being the CEO of the department, for instance, or the minister? If we are talking about emergency services facilities, it is exactly the same way. If there is a CFS vehicle that inadvertently misses either the installation or maintenance and testing and that is found to be in breach of this piece of legislation, who would be the responsible person in the terms the minister has used?

**The Hon. C.J. PICTON:** If there were ever an occasion when it would have to be considered whether it be the minister or the particular organisation itself that was going to be raised in terms of a penalty since we are rolling out these devices across these particular premises, I do not foreshadow that a particular issue will arise that would cause a problem in this regard. But, if there was a future time in which that was to be occasioned, then I am sure the relevant people in the Crown Solicitor's Office, or whoever it may be who would look at this matter, would determine who they should file the fine with. I suspect this is likely to be the particular organisation, as I said in the previous discussion about clause 7.

**Mrs HURN:** Minister, throughout the course of discussing clause 7 we learnt that the \$20,000 maximum penalty for failing to have an AED in a prescribed building or facility was based on section 157 of the PDI Act, which is in specific relation to, and applies to, the owner of the building failing to comply with the notice relating to the adequacy of the fire safety of that building. Noting that that was the specific comparison and reference for clause 7 about the building, what is the same comparison now that we are talking about vehicles? Can the minister give an example to the committee where anything is mandated across the nation, or indeed the state and the world, when it comes to vehicles and what penalty that attracts?

**The Hon. C.J. PICTON:** I think this is entirely consistent with what we just discussed in relation to the previous section. In terms of having it in a building or in a vehicle, I think it is entirely consistent. I think the opposition should really decide whether or not they are supportive of this legislation. Do they think there should be defibrillators in these vehicles or not?

*Members interjecting:*

**The CHAIR:** Members on my left, you have had an opportunity to have your view without interruption. You give the minister the same courtesy.

**The Hon. C.J. PICTON:** You have been saying you support this legislation, but on the other hand you are taking up so much of parliament's time dragging into the minutiae of this in a blatant attempt to filibuster this legislation. I think it is clear that you do not support this legislation.

**Mr Teague:** Point of order.

**The Hon. C.J. PICTON:** And the evidence for that—

**The CHAIR:** Minister, there is a point of order.

**Mr TEAGUE:** Point of order: it would be highly disorderly to filibuster. The accusation of—

*Members interjecting:*

**Mr TEAGUE:** I'm sorry; I'm at a loss here. This is serious business.

**The CHAIR:** Member for Heysen, on which clause are you calling your point of order? Member for Heysen, can I please have your standing order?

**Mr TEAGUE:** Yes, it is a personal reflection.

**The CHAIR:** Can I have your standing order, please?

**Mr TEAGUE:** I need to find it. I think it is 124.

**The CHAIR:** If it is a personal reflection, I am happy to rule on that because I do not think it is a personal reflection because it is a general comment, rather than a reflection on an individual member.

**Mr TEAGUE:** The accusation has been made that those of us on this side are somehow filibustering this process. We have made it very clear that we—

*The Hon. C.J. Picton interjecting:*

**Mr TEAGUE:** It is a point of order. I am answering the Chair's question as to the nature of the concern. It is a reflection on members that is—

**The CHAIR:** It is standing order 127. As I stated, it is actually on a member not members. It is designed to protect members from individual comments. The minister clearly did not make a comment about any particular member. I am ruling that point of order out of order. Minister, you have the floor.

**The Hon. C.J. PICTON:** Again, I think it is clear that we on this side of this house, both in this chamber and in the other chamber, and in the previous parliament have been committed to making sure that this legislation passes. We will make sure that it passes this week. I am happy to answer each and every one of the questions, but I think it is becoming increasingly clear that there is a lack of support for this legislation from the other side. I think when we look at now dissecting whether we should have penalties in relation to vehicles—

*Members interjecting:*

**The CHAIR:** Members on my left will not interject.

**The Hon. C.J. PICTON:** Whether we should have penalties in relation to vehicles I think is yet another question of whether you are actually going to support this or not. We believe that—

*Mrs Hurn interjecting:*

**The CHAIR:** Member for Schubert, I have been really lenient. I would hate to remove you from the chamber.

**The Hon. C.J. PICTON:** We believe that there should be penalties in place both for the buildings and for the vehicles. We think it is important that both those provisions should be in place. As to suggesting that there is somehow not an appropriate connection between why you would have particular penalties for one or the other, I think we are viewing as a parliament—hopefully, as a parliament—that it is important that these provisions should be in place across the board in relation to whether it is a vehicle that is prescribed under the bill or whether it is a building that is prescribed under the bill. I am happy to go through the purposes again of why we are moving this legislation. With that, I will move that we report progress.

Progress reported; committee to sit again.

### **CRIMINAL PROCEDURE (MONITORING ORDERS) AMENDMENT BILL**

*Second Reading*

**The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (17:17):** I move:

That this bill be now read a second time.

I rise to introduce the Criminal Procedure (Monitoring Orders) Amendment Bill 2022. The bill will give effect to the government's election commitment to require convicted firebugs to be electronically monitored during the bushfire season. It is a notorious reality in Australia that bushfires can cause widespread catastrophic damage to property, interruption to businesses, as well as injury and death to people, animals and wildlife.

The potential for bushfires in this state is significant, giving rise to great anxiety in the community, particularly in people living in rural and semirural areas of the state. We have all seen in recent years the devastation that bushfires can unleash across our state, most recently on Kangaroo Island and also in the Adelaide Hills. Significant police and emergency service resources are devoted each summer to monitoring suspected firebugs and battling bushfires to prevent widespread damage to property and risk to lives.

The Parole Board has in practice previously imposed electronic monitoring during the fire danger season as a condition of release on parole of a person convicted of a bushfire offence; however, the duration of electronic monitoring that may be ordered as a condition of a sentence or parole is limited to the duration of an offender's sentence.

Although an extended supervision order under the Criminal Law (High Risk Offenders) Act may then be available on application, extended supervision orders are more intensive orders that include multiple conditions and require the high-risk offender to be under the supervision of a community corrections officer. In many cases, the duration of a bushfire offender's sentence and parole will be significantly less than the prescribed maximum penalty for the bushfire offence, which is life imprisonment.

Court statistics indicate that, of the six defendants convicted of this offence in the four-year period from 1 January 2017 to 31 December 2020, four were sentenced to imprisonment, ranging from a sentence of one year and nine months to a sentence of three years and seven months. Two offenders received in each case a two-year suspended sentence bond. More recently, a woman was sentenced in September 2022 to imprisonment for 5½ years after pleading guilty to two of six charges of causing a bushfire.

Modelled on existing provisions for paedophile restraining orders in the Criminal Procedure Act 1921, the bill would amend the Criminal Procedure Act to provide for a new bushfire offender monitoring order. An application will be able to be made by a police officer to the Magistrates Court for an order requiring that a person who has been convicted of the offence of causing a bushfire contained in section 85B of the Criminal Law Consolidation Act be indefinitely subject to electronic monitoring during the declared fire danger season each year.

The court would be empowered to make the order on the basis that the person has previously been convicted or found guilty of a bushfire offence, and the court is satisfied that the defendant is

at risk of committing a further bushfire offence. The court would be required to take the following factors into account in considering whether to make an electronic monitoring order in respect of a person previously convicted of a bushfire offence, these being:

- where the defendant has engaged in any conduct that indicates that they might commit a further bushfire offence;
- any psychological or psychiatric condition that indicates that the defendant may be at risk of committing a further bushfire offence; and
- any other matter that, in the circumstances of the case, the Magistrates Court considers relevant.

On application made by a police officer, or by the defendant, the court will be able to revoke a monitoring order if the court is satisfied that the person is no longer at risk of committing a further bushfire offence, or will be residing in a place outside the state of South Australia.

Provision is also made for the court to suspend a monitoring order for a specified period if the court is satisfied that the defendant is not at risk of committing a further bushfire offence during that period or that it is otherwise appropriate to do so; for example, for periods where the person travels temporarily out of the state or is immobile due to ill health.

The Malinauskas Labor government is committed to doing everything we can to prevent bushfires from being deliberately lit. The electronic monitoring of suspected firebugs during bushfire season will give police and our emergency services another tool in their arsenal to protect our community.

I commend this bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

These clauses are formal.

##### Part 2—Amendment of Criminal Procedure Act 1921

###### 3—Insertion of Part 4 Division 8

This clause inserts a new Division in the Act allowing a police officer to apply to the Magistrates Court for an order allowing the electronic monitoring of a bushfire offender during each fire danger season. The Court must assess whether there is an appreciable risk that the defendant may commit a further bushfire offence (i.e. an offence against an offence against section 85B of the *Criminal Law Consolidation Act 1935*), taking into account certain specified matters. The order may be suspended or revoked by further order of the Magistrates Court.

**Mr TEAGUE (Heysen) (17:22):** I indicate at the outset that I am the lead speaker on this side of the house and indicate opposition support for the bill. I will just make some brief remarks. I note the debate that has occurred in the other place, and I note the contribution of the Minister for Police just now.

It ought to be borne in mind as a matter of principle to start with that a regime such as this is unusual. It ought to be rare and apply only in circumstances of sufficient utility in risk management that outweigh what is otherwise an imposition upon a person who is not presently serving a sentence—someone who has completed a sentence.

The provision that is the subject of the bill applies specifically and only to a person who has been convicted of a bushfire offence, and that is an offence against section 85B of the Criminal Law Consolidation Act. Importantly, it ought to be borne in mind that the maximum penalty for that offence is life imprisonment. The analogy might therefore relevantly be drawn to the circumstances of other serious offenders, including those convicted of murder and most clearly in that event where there is

life imprisonment, and therefore a person convicted of murder will always, if they are not incarcerated, be subject to conditions of parole.

In the context of section 85B, yes, it is true that an offender may not be the subject of a sentence of imprisonment for life, but in considering what is a particularly onerous regime—and it should be borne in mind that this is an offence which carries such a maximum penalty—I note that for the context in which this occurs, section 85B provides an offence for conduct that is in the most serious category of criminal conduct. It applies where:

- (1) A person causes a bushfire—
  - (a) intending to cause a bushfire; or
  - (b) being recklessly indifferent as to whether or not his or her conduct causes a bushfire, is guilty of an offence.

As I have indicated, the maximum penalty is life imprisonment. Those who are the subject of this bill are within that category of offending. In that way, the reference has been made in the course of the debate to the analogy to those provisions the subject of division 7 and section 99AA of the Criminal Procedure Act.

It will be borne in mind that that regime does not apply in quite the same way and that it does not apply only to those convicted of particular offences, but goes somewhat further. This admittedly onerous process applies only to those who have been convicted of that section 85B offence, and I just emphasise that point. To put it in a practical and local context, I recall and bring to the house's attention the horrendous consequences of such offending and the reason why the community ought to take steps to mitigate the risk of this occurring.

In the way that these designations occur, the fire was named the Cherry Gardens fire the summer before last, which burned in such a dangerous way at Cherry Gardens and, subsequently, at Dorset Vale, Scott Creek and then all those areas in the Hills on both the Mount Bold Reservoir side and the Scott Creek Conservation Park side, through Bradbury and towards the surrounding areas over a period of days in late January.

This is in many ways an example of the extraordinary capacity of local volunteer brigades, as well as the tremendous, particularly airborne capacity to respond to fires and is ultimately an example of a bushfire that caused—as they all do—significant destruction of native vegetation and significant destruction of property and harm to the lives of local residents. It was a fire that could have literally destroyed vast swathes of the Adelaide Hills were it not for the combination of an expert dedicated response in the first 24 hours combined with, thankfully, relatively benign conditions to follow.

I bring that particular event to the attention of the house in the circumstances of this bill for the reason that if a person who is relevantly the subject of the bill can be monitored in a specific way that may have some effect to reduce the risk that either they engage in that sort of conduct again or they might be dissuaded from doing so, the result of being monitored in this way, then that price to liberty is one that is worth paying in the interests of community safety.

When one sees firsthand not only the physical consequences of bushfire but also the unseen human consequences that last sometimes for a lifetime that affect lives, foreshorten lives, there is no difficulty associating the imposition of a maximum life penalty for the offence in section 85B with that of murder or indeed terrorist-related offences, such are the serious consequences to community.

I really do highlight that this is an unusual regime and that it should be understood that way. Pursuant to the provisions of the bill, it is within the responsibility of police to determine the circumstances under which it is appropriate to make an application, and it is for the court to determine the duration and the application of that regime.

I indicate as well that I turn my mind to whether or not there ought to be provision for somebody who themselves has been convicted of the offence to make the application to the court for the monitoring. There may be circumstances in which that is desirable. It may be that someone who has offended may see that they need protecting from themselves and might seek to have that applied to them.

I also think there is merit in the counter argument, which is that that is a matter properly within the responsibility of police to determine whether that may be appropriate. I certainly will urge that there be an attitude of communication and risk management associated with the administration of these provisions such that any individual who might find themselves monitored in this way can recognise that this is not an extension of sentence but, rather, the application of a risk management measure that is in the interests of both themselves and community safety.

We are here in late November at the commencement of a fire season in a year when we have seen long rain and weather that have contributed to an enormous amount of growth. For the time being, we have cool conditions and green grass. That will change rapidly, and we will have to navigate a fire season that, as we get further into the summer, I expect is going to be as risky as ever. So it is appropriate that this legislation be considered now, with a view to its introduction as soon as that may be practicable.

I indicate my appreciation for those in the Attorney's office and the Attorney for facilitating what has been a helpful process of briefing and feedback in relation to the bill. I certainly commend its speedy passage through the house.

**Ms THOMPSON (Davenport) (17:36):** I rise to offer my support for the Criminal Procedure (Monitoring Orders) Amendment Bill presently before the house. Each year, bushfire arsonists endanger lives. They cause a considerable amount of damage to property, environment and wildlife and tie up the resources of our fire services.

This bill will help safeguard our community from dangerous firebugs by boosting surveillance for those who present the greatest risk. The bill amends the Criminal Procedure Act 1921 to provide for a new bushfire offender monitoring order, whereby a police officer can apply to the Magistrates Court for an order that will require offenders found guilty of causing a bushfire to be indefinitely subject to electronic monitoring during the fire danger season each year.

Electronic monitoring consists of a person being fitted with a GPS-enabled ankle bracelet and an accompanying unit being stored at the person's residence. The GPS device monitors the person's movements and can also detect when a person attempts to remove the bracelet. Under the bill, a person subject to a monitoring order is required to wear the electronic monitoring device for the purposes of the order at all times during the fire danger season. The order will operate indefinitely beyond any period of sentence, parole or extended supervision order, with the maximum penalty for noncompliance being \$10,000 or imprisonment for two years.

An application for revocation or suspension of a monitoring order may only go ahead with the permission of the Magistrates Court, and permission is only to be granted if the court is satisfied that there has been a substantial change in the relevant circumstances since the order was made. An offender is at liberty under the legislation to apply in the future to have that order removed but, unless that happens, it applies to every fire danger season. This is intended to target arsonists who pose the greatest risk.

Police already keep watch on suspected arsonists through existing measures, such as Operation Mandrake, which includes provisions for increased patrols through high-risk bushfire areas. The better the tools that we can give our police to better monitor and better track firebugs, the safer our community will be. Electronic monitoring is a simple but effective way to prevent fires being lit in the first place. In 2021, my local community was impacted by the Cherry Gardens fire. Most of the affected land was state conservation park, but several private properties were impacted.

Two homes, 19 outbuildings and two vehicles were lost in that fire that burnt more than 2,700 hectares of scrub and grassland. I remember visiting affected residents and their saying that it looked like someone had just driven down the road throwing flaming tennis balls out the window. Fires had just been lit all over the place. Visiting the ignition sites, it was absolutely sickening to think how anyone could have deliberately lit those fires in locations where they would have been able to see people's backyards so close by, knowing the potential catastrophic damage they could have been about to impose.

I was particularly distressed to see the scorched wildlife whose homes had been destroyed. The koalas that survived the blaze were hanging onto charcoal branches surrounded by a burnt-out



forest that would offer no shelter or food for months. Police charged a man from Hallett Cove with 12 counts of intentionally causing a bushfire and 10 counts of property damage. It was just so lucky that no-one was killed.

The new monitoring orders aim to reduce the risk of reoffending that could cause widespread catastrophic damage to property, significant interruption to businesses, and possible injury and death to people and animals. By requiring convicted firebugs to be electronically monitored during the bushfire season, this bill delivers on another one of the Malinauskas Labor government's election commitments. With that, I commend this bill to the house.

**Mr PEDERICK (Hammond) (17:40):** I rise to speak to the Criminal Procedure (Monitoring Orders) Amendment Bill 2022. I note that the Hon. Kyam Maher introduced the Criminal Procedure (Monitoring Orders) Amendment Bill in the other place on 3 November 2022. The bill would amend the Criminal Procedure Act 1921. The operation of the bill is that it would insert in the act a new part 4 division 8—Bushfire offender monitoring orders, which would provide for a police officer to apply to the Magistrates Court for an order for a bushfire offender to wear an electronic monitoring device during each fire danger season.

The information we have had is that the government asserts that the bill would give effect to an election commitment to require firebugs convicted under section 85B of the Criminal Law Consolidation Act 1935 to be electronically monitored during the bushfire season. Division 8 outlines how the court must assess such an application, including the ability to suspend or revoke that order.

In his second reading explanation, the Hon. Kyam Maher asserted that the bill is modelled on existing provisions for paedophile restraining orders under the Criminal Procedure Act 1921. The provisions are similar in relation to the mechanisms by which police can apply to the court for a restraining or monitoring order. However, the introduction of a monitoring device is a rare event in circumstances outside of parole or circumstances of an extended supervision order.

An electronic monitoring device means an electronic device of a class or kind approved by the minister under section 4 of the Correctional Services Act 1982. As a matter of principle, an order pursuant to the bill should not be punitive in nature but, rather, a risk management measure. However, the language used to refer to the offender remains the defendant and the government indicates that it adopts this language to be consistent with the provisions applicable to monitoring of a person convicted of a paedophilia offence under the Criminal Procedure Act 1921.

I note there are other CFS members in this place. As a CFS member and as a private individual with my private unit, I have fought many fires—too many. It has become apparent over time that some people, for whatever reason, get a kick out of being arsonists and it is disgraceful behaviour. We have had recent cases over the years where people were finally tracked down after multiple events of lighting fires over time and, sadly, sometimes these are the very people who volunteer to put out these fires—not all the time, of course. But sometimes we find out that these are volunteers in their own right who, for whatever reason, get a kick out of starting fires.

Obviously in any area a fire is a dangerous thing, but in the more built-up areas close to the city and in the Hills, as has been described by the member for Davenport, we have populations living in built-up areas where there are areas that are hard to access. In areas like Blackwood, for example, in a big event, like an Ash Wednesday event, some people say there could be the potential to lose up to 300 lives.

I hope it never happens, but as good as all the services are, whether it is the Metropolitan Fire Service or the Country Fire Service, and with the planes and now the helicopters we have on board—and we have fantastic assets that can be utilised—if you get the right day, or I suppose I should say the wrong day, with high winds and temperatures well into the 40s, literally all hell breaks loose. There is enough trouble in managing fires without having idiots running around lighting these fires.

As I said, bushfires are a major risk to the community and a major risk to assets. In recent years, we have seen major fires right across the state, whether they have been at Cudlee Creek in the Hills, which burnt down through Harrogate in my electorate, or whether it was the Pinery fire, a massive fire that came down through the Mid North. It almost got to Gawler before it was pulled up,

because it was burning through such heavy crops on the way through. We lost massive amounts of property, and sadly there were some lives lost and injuries as well.

We had Wangary on the West Coast years ago, a terrible fire with lives lost there, and fires down through the South-East, whether they were at Kingston or Keilira or Carcuma (one I was involved in a couple of years ago) or Yumali-Netherton a couple of years ago, just down from home. They happen all over the place. As I said, we certainly do not need idiots running around making matters worse for our 13,000-plus CFS volunteers and our MFS retained firefighters and full-time firefighters.

We saw the carnage that happened on Kangaroo Island. As I have said in this place before, I note the work that both the MFS and the CFS performed working side by side. It was excellent to see that synchronicity between the services to get the job done and protect what could be protected in very, very dire circumstances.

As has been mentioned, the police have various powers at the moment under Operation Mandrake. I have seen them in the Hills, when we get the hot summer days. You will see the police cars just parked there. They are usually on winding roads, so they are probably not there looking for speeding; they looking for potential firebugs. It is good work, but it does tie up resources.

With these events, we need all the resources we can throw at them, especially when we see the huge catastrophe of many hundreds of thousands of hectares burnt down on Kangaroo Island and so much property, so many thousands and thousands of hectares burnt around Cudlee Creek, which put so many properties at risk. I am still amazed that there was not more loss of life and more injury in some of these instances.

It is courageous work from all our firefighters, not forgetting the people with their farm fire units, who play a vital role in helping fight fires. Everyone works together. Certainly, flying crews like Aerotech, and now we have the Black Hawk helicopters as well (we used to have Elvis, but that seems to be yesterday's technology now) can come in to get to those tight situations. At times, we have also had the big aeroplane come in—it is very expensive, evidently—to assist in operations.

At the end of the day, you cannot put out a bushfire without the people on the ground working alongside all the other resources. They are the vital cogs that make it work to save property and lives. Legislation like this will assist the community and especially push back on the very worst cases of arsonists who have been convicted. They are the ones who could end up with an ankle bracelet, and obviously they will be able to be monitored electronically so that the police can track where they are. I commend the legislation, and I wish all our services, no matter what part they play in bushfire management and prevention, all the best. I hope you have a very, very quiet Christmas and new year.

**Ms HOOD (Adelaide) (17:51):** I also rise to speak in support of the Criminal Procedure (Monitoring Orders) Amendment Bill. Living in Australia, we are acutely aware of the impact of bushfires in our communities, the devastation that ripples through communities, the loss of livelihoods, homes, crops, stock and life. Each summer, our regional towns are on high alert for the slightest glimpse of smoke on the horizon, sending a shudder down the spine of you and your neighbours.

I know this firsthand, growing up on a farm in Bool Lagoon in the South-East. My mum often tells me the story of Ash Wednesday. My brother Toby had just been born. He had asthma. He was a baby with asthma, and she said it was an incredibly terrifying experience. I also remember the very early mornings when my father's CFS pager would go off for the CFS Bool Lagoon unit, alerting him to a nearby bushfire. As a child, I only ever thought that fires were caused by an accident, by machinery or by an act of nature, like lightning.

It beggars belief that someone could be so selfish or so destructive to deliberately light a fire, but the reality is that it does happen, and we need to ensure that we are doing everything in our power to prevent it. That is why I am proud the Malinauskas Labor government is delivering on its election commitment to require convicted firebugs to be electronically monitored during the bushfire season.

This amendment bill will empower the court to keep a watch on those who have previously been convicted or found guilty of an offence of causing a bushfire if the court believes that they are at risk of committing another bushfire offence. The catastrophic damage to property, interruption to businesses and the potential injury or loss of life in our communities may be prevented with this amendment bill. We are willing to take these monitoring actions to reduce the risk of reoffending. This amendment bill will only affect those who have put others' lives at risk in the past to stop them from doing so in the future.

As we approach summer, I also want to take a moment to acknowledge and thank all the CFS volunteers who will be called to attend bushfires this bushfire season, in particular the Naracoorte CFS. I hope we do not have to call on your service, but if that is the case I thank all the volunteers for their bravery and their commitment to protecting our communities and wish them a safe return to their family and friends in the need that they have to be called out. I commend this bill to the house.

**Mrs PEARCE (King) (17:54):** I may be biased, but my neighbourhood is one of the most beautiful places to live in our state. Golden Grove and Greenwith are known for their fantastic landscaping, open spaces and parks, which are absolutely magical during autumn, when everything turns gold. We are also fortunate to have Cobbler Creek running through those two suburbs, winding all the way through to Salisbury East, where we have one of the best places for trail walking, starting at Kites and Kestrels and heading all the way up to Teakle ruins. But we are not done there.

We have the Little Para River that runs through Salisbury Heights through to Carisbrooke Park in Salisbury Park, which I absolutely love visiting, especially for Saturday morning parkruns. We have the Little Para reservoir surrounded by Greenwith, Hillbank, Gould Creek and One Tree Hill. How could I forget to mention that we have the incredible picturesque vineyards, rolling hills and farmland as we head through Gould Creek over to One Tree Hill? So you can appreciate, Mr Acting Deputy Speaker, my neighbourhood is surrounded by picturesque views, rolling hills and gorgeous open spaces.

However, with a geographical area such as this my neighbourhood needs to be extra vigilant and careful when it comes to keeping safe during bushfire season. We have had a few scares over the years. The worst that comes to mind is the Sampson Flat fires that led to the majority of the community needing to be evacuated. As we know, over the six-day period the fire destroyed more than 12,500 hectares of land, 24 homes and multiple sheds, and an estimated 900 animals were lost. Its impact on my community has never left. In fact, it is often raised with me when I am out doorknocking in the community and when I am at the local One Tree Hill Progress Association meetings because it is a key example of what can happen and why we need to be prepared.

It is important to be prepared but also equally important that we do what we can to help prevent fires in communities where possible, which is why today I am providing my support for a bill that will deliver on our election commitment to require convicted firebugs to be electronically monitored during the bushfire season. This bill will amend the Criminal Procedure Act 1921 to provide for a new bushfire offender monitoring order, which means that an application may be made by a police officer to the Magistrates Court for an order requiring that a person who has been convicted of the offence of causing a bushfire be indefinitely subjected to electronic monitoring during the declared fire danger season each year.

It would act as a strong deterrent for those who may be tempted to participate in such a dangerous activity, one that has threatened my community before. Only a couple of years ago, we had a scare, thanks to firebugs turning their attention to Salisbury Park. A number of grassfires were lit across Harry Bowey Reserve. Had it not been restrained and controlled quickly, it would have had a huge potential to spread not only through the suburb but across Carisbrooke Park through to Salisbury Heights, and from there who knows? Our open spaces link all the way up to Greenwith and beyond.

That is all it takes. One small fire lit has the potential to cause a tremendous impact on a local community, especially one like mine, and we must do what we can to prevent it from happening. By fitting a person with a GPS-enabled ankle bracelet and an accompanying unit being installed at the person's residence, the GPS on the electronic monitoring equipment would then be able to track

the person's movements. Just as importantly, the system can also detect when a person attempts to remove their ankle bracelet. I seek leave to continue my remarks.

Leave granted; debate adjourned.

**HEALTH CARE (ACQUISITION OF PROPERTY) AMENDMENT BILL**

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

At 17:59 the house adjourned until Wednesday 30 November 2022 at 10:30.

*Answers to Questions***HAHNDORF TRAFFIC IMPROVEMENT PROJECT**

In reply to **Mr TEAGUE (Heysen)** (18 October 2022).

**The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining):** I am advised that upgrading the Verdun Interchange to a full interchange will allow vehicles travelling northeast (i.e. between Verdun and Mount Barker) to use the South Eastern Freeway rather than Hahndorf's main street.

I am advised the total traffic reduction of 990 vehicles per day for the entire Main Street comprises:

- 880 less vehicles per day for cars and light vehicles;
- resulting in a 22 per cent reduction north of Pine Avenue, and a 38 per cent reduction to the south of Pine Avenue of the light through traffic; and
- 110 less vehicles per day for trucks, buses and heavy vehicles.

Resulting in a 37 per cent reduction north of Pine Avenue, and a 55 per cent reduction to the south of Pine Avenue of the through trucks, buses and heavy vehicles.

Improvements to Hahndorf's main street will further reduce traffic volumes by making the route less desirable for through traffic, particularly for larger trucks.

**AUDITOR-GENERAL'S REPORT**

In reply to **Mr COWDREY (Colton)** (1 November 2022).

**The Hon. S.C. MULLIGHAN (Lee—Treasurer):** I have been advised of the following:

Access to cabinet submission documents is secured to my Chief of Staff, ministerial advisers, office manager and cabinet officer.

**AUDITOR-GENERAL'S REPORT**

In reply to **Mr COWDREY (Colton)** (1 November 2022).

**The Hon. S.C. MULLIGHAN (Lee—Treasurer):** I have been advised of the following:

The Fines Enforcement and Debt Recovery Act 2017 (FEDRA) provides the Chief Recovery Officer (CRO) with a range of measures for the recovery of outstanding fines, expiation fees, pecuniary sums and other civil debts owed to the state.

The unit operates an inbound call centre staffed by collections officers who work with clients to assist in managing their debts. Clients receive formal notification, through various means, from the unit of impending enforcement action encouraging clients to contact the unit to address outstanding debts.

Collections officers assist clients in addressing their debts in accordance with arrangements under the FEDRA. Clients may also attend to debts using the units online self-service portal. Clients are encouraged to pay debts in full or enter payment arrangements for the satisfaction of debts.

A small proportion of debts are referred to external debt collection agencies for outbound contact and action under the delegation of the CRO.

Prescribed enforcement actions within the FEDRA that are available to the CRO, refer to a range of measures that can be applied within prescribed timeframes when overdue fines and state debts remain unpaid. Enforcement actions provide points of escalation to encourage clients to address outstanding debts.

Enforcement actions applied by the CRO to clients with outstanding debts during 2021-22 included:

- Restrictions on carrying out business with the Registrar of Motor Vehicles \*
- Driver licence suspension \*
- Garnishment (deductions from salary or bank account)
- Charge on real property owned by the debtor

\*Enforcement action is not applicable to overdue state debts.

It is important to note that the small proportion of debts referred to the unit's external debt collection partners have generally had the above enforcement actions applied or attempted by the CRO before external referral to our debt collection agencies. The unit works closely with debt collection partners on all matters referred and generally the debt collection agency is acting as first party referral (on behalf of the unit) in line with the CRO delegations.

**REGIONAL ROADS**

In reply to **Mr PEDERICK (Hammond)** (2 November 2022).

**The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs):**

1. I am advised by the Department for Infrastructure and Transport that works are progressing on three new overtaking lanes on the Augusta Highway as part of the Rural Roads Safety Package and the Princes Highway Corridor Upgrade, which are jointly funded by the Australian and South Australian governments on an 80:20 basis. The three overtaking lanes are located to the south of Redhill, north of Lochiel and south of Horrocks Pass intersection—a summary of works is below:

Redhill overtaking lane (southbound)

- Localised SA Water service relocation works have recently been completed; and
- Major earthworks are expected to commence in December 2022 (weather permitting), with the lane expected to be open to traffic mid-2023.

Lochiel overtaking lane (southbound)

- No SA Water services are impacted for this upgrade; and
- Construction is nearing completion with the final seal and line marking scheduled to occur in December 2022 (weather permitting).

Horrocks Pass Road, Winninowie overtaking lane (northbound)

- Impact to existing SA Water services has been identified as part of the detailed design to accommodate the works. Early engagement with SA Water will be undertaken to implement the necessary service relocations in advance of the main construction works.
- Construction is scheduled to commence in April 2023.

**AUDITOR-GENERAL'S REPORT**

In reply to **the Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition)** (3 November 2022).

**The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs):** I have been advised:

In 2021-22, the South Australian government owned and managed major events, namely the Santos Tour Down Under, Tasting Australia presented by RAA, National Pharmacies Christmas Pageant and the Bridgestone World Solar Challenge.

**AUDITOR-GENERAL'S REPORT**

In reply to **Mr PEDERICK (Hammond)** (3 November 2022).

**The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs):**

1. I am advised by Veterans SA that for the 2021-22 financial year, 21 applications were received under the ANZAC Day Commemoration Fund (the fund). Of those applications, six were unsuccessful due to not meeting the eligibility criteria and one application was withdrawn.

14 applications were approved under the fund and subsequently received grants totalling \$81,788. Unspent funds from the allocated budget of \$100,000 were not used for any other purpose and were not carried over.

2. South Australia has over 300 ex-service organisations and veteran groups, varying in size, activity and needs. Veterans SA works with these established groups as well as forging relationships with new and emerging groups. These groups include:

- the Returned and Services League of Australia SA/NT and its sub-branches (139);
- Unit and Ship Associations (118);
- Legacy SA (18);
- Navy Associations (8);
- Partners of Veterans Associations (8);
- Vietnam Veterans Associations (5);
- Royal Australian Airforce Associations (4); as well as

- Soldier On, Northern Veteran Network, Defence Member and Family Support, Defence Kidz, Defence Family Association and other kindred organisations.

#### AUDITOR-GENERAL'S REPORT

In reply to **Mr PEDERICK (Hammond)** (3 November 2022).

**The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs):**

1. The investment options discussed in the Report of the Auditor-General, Report 8 of 2022, Part C: Agency audit reports have been considered for managing the growing road pavement backlog in the regional road network for the next four years. These options aim to reduce or eliminate the growth in road pavement backlog to 2025. Continued investment into road renewals will be required beyond 2025, to address future road pavement deterioration as road quality and maintenance condition deteriorate over time.

2. The Department for Infrastructure and Transport (the department) continually reviews and recalculates the road pavement backlog and reassesses various treatment strategies. During 2021-22 financial year, the department forecasted the following potential treatment types to address the predicted regional roads pavement backlog.

Descriptions	Length (kilometres)	Percentage
Road Surface Sealing Treatments		
Treatments will consist of either: A Single Spray Seal (a single layer of bitumen sprayed as a hot liquid with a single layer of aggregate (gravel) applied) or A Double Spray Seal (A single seal applied then another layer of bitumen is sprayed with a smaller aggregate applied over the top)	420	17%
Road Pavement Renewal Treatments		
Granular Overlay (additional material added over the existing pavement)	1500	65%
Asphalt Overlay various thicknesses	400	17%
Pavement Stabilisation	10	1%
TOTAL	2330	100%

3. It is important to note that with the current wet climate conditions being experienced in 2022, there will be a change in the rate of deterioration of the road pavement and as such the Department will recalculate the road pavement backlog.

#### *Estimates Replies*

#### COST OF LIVING CONCESSION

In reply to **Mr COWDREY (Colton)** (17 June 2022). (Estimates Committee B)

**The Hon. S.C. MULLIGHAN (Lee—Treasurer):** I have been advised:

Materials charge remission

As at 30 June 2022, the Department for Education has funded 126,000 \$100 material and service charges.

The department anticipates the number of School Card approvals will increase by the end of the school year. As School Card holders are not required to pay the material and services charge, the department anticipates that final remission numbers will change during the year. School budgets will be adjusted accordingly.

The actual number of students who have access to the \$100 materials and services charges rebate in 2022 will therefore be finalised at the end of the calendar (school) year.

Cost of Living Concession

The Department of Human Services is continuing to validate customer eligibility for the Cost of Living Concession payments which commenced in August 2022. It is expected that 190,000 existing customers will be paid by the end of August.

The application period for 2022-23 is open until December 2022, therefore new customers who apply from August to December will be paid on a monthly basis with the final payments paid in January 2023. The final total figures can be provided in early 2023.

**GOVERNMENT SAVINGS TARGETS**

In reply to **Mr COWDREY (Colton)** (17 June 2022). (Estimates Committee B)

**The Hon. S.C. MULLIGHAN (Lee—Treasurer)**: The following information is provided on behalf of all ministers:

Agency savings in 2022-23 and across the forward estimates are presented within the 2022-23 Budget Measures Statement. No additional savings task has been allocated to health, education, police, child protection, TAFE SA, courts and emergency services.

Agency chief executives will have flexibility to deliver savings in a manner that best suits the needs of the business. The government has made it clear that savings do not need to include FTE reductions and that a range of options can be pursued including reducing expenditure on consultants, contractors, marketing, communications, accommodation, travel, and other goods and services. A notional estimate of the number of FTEs that may be reduced as a result of savings measures is shown within table 2.11 of the 2022-23 budget statement.