HOUSE OF ASSEMBLY

Tuesday, 7 February 2023

The SPEAKER (Hon. D.R. Cregan) took the chair at 11:00.

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

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

Second Reading

Adjourned debate on second reading.

(Continued from 19 October 2022.)

Mr TEAGUE (Heysen) (11:01): I thought this day might never come. I rise to indicate I am the lead speaker and I indicate, unsurprisingly, the opposition's support for the prompt passage of this legislation and, I might say, finally or äntligen, as has become the tradition in Stockholm on the announcement of the winner of the Nobel Prize for Literature each year, because the history of this bill is in fact one of unusual delay at the same time as it is one in which the subject matter is both necessary and uncontroversial.

I remind the house that the contents of this bill directly repeat and replicate the contents of a portfolio bill that was introduced by the Attorney in the previous parliament in late 2021 and was in fact reintroduced by me on the *Notice Paper* on 1 June last year, so the whole content of the bill has been before both the last parliament and promptly at the beginning of this Fifty-Fifth Parliament. Eventually, the current government got around to introducing it in precisely the same form in this house towards the end of October last year, and I am grateful to the Deputy Premier for doing so.

For a bit of further context, I indicate that the debate in the Legislative Council, as has been the want of this parliament and the Attorney in the other place, was completed and dispatched within pretty short measure and with the support, as I understand it, of the whole house. The Attorney might have even done a slightly more efficient job than I did of traversing the contents.

The only other remarkable aspect of this bill is that, on coming back to it, I am reminded that the debate that occurred on 1 June was an occasion at which the house was able to see on display that particular aspect of the member for West Torrens' attitude to private members' time in circumstances where I had taken what I thought was the appropriate and necessary step of seeking leave in order to have the necessary time to step through what is already a relatively lengthy, although uncontroversial, set of measures in an omnibus bill.

That led to a storm from the member for West Torrens that I was surprised by, including a series of threats that are there on the *Hansard* and in a fit of pique a delay of the treatment of this bill to the bottom of the list until he saw the error of his ways some months later and decided to return it to the ordinary place I think out of a realisation that private members' time is private members' time.

Perhaps it has also served that purpose, that we can all learn a lesson and remind ourselves of the parliamentary process both with respect to the government's proper role and that of private members' business.

I expect to see, much as it did in the Legislative Council, that this bill, as now depicted in its third form in identical terms, can now pass this house promptly and that we do not take up either any more time in delay or certainly any more minutes, hours and days of this house's precious time in

hearing any more about what is already very thoroughly set out on the record. With those words, I again indicate the opposition's wholehearted support for the speedy passage of this legislation through the house.

Mrs PEARCE (King) (11:09): From time to time a bill is required to rectify minor errors, omissions and other deficiencies identified in legislation. The changes, however, whilst usually minimal, can make a significant impact, helping to achieve a fairer and more equitable state, which is why I rise to speak today in support of the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2022.

This portfolio bill seeks to amend 16 acts: 14 acts that are committed to the Attorney-General and two acts, one committed to the Children and Young People (Safety) Act 2017, the other the Mental Health Act 2009, give effect to various reforms previously contained in the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2021, which did not pass before the end of the previous parliament.

I also understand that the original bill was aided by a broad targeted consultation with relevant justice stakeholders in mid-2021. The aim of the consultation was to ensure the proper and effective operation of various laws committed to the Attorney-General by clarifying, removing and updating, where relevant, various inconsistencies, ambiguities and inefficiencies identified in the current legislation, such as the amendment in part 9, clause 21, of the bill, which is a minor technical amendment updating an outdated reference in section 24 of the Fences Act to refer to the Magistrates Court Act 1991 (instead of the Local and District Criminal Courts Act 1926, which has been repealed).

Part 15, clauses 31 and 32, makes minor amendments to sections 146(1a)(a) and 276(a) of the Real Property Act, replacing references to 'certified post' with references to 'registered post', as the original terms are now obsolete. It is also proposed to amend section 146(1a)(a) to replace the reference to 'he' or 'she' with 'the mortgagee', which I feel is much more appropriate.

This is not the first time we have introduced a statutes amendment under the Attorney-General's portfolio in this place, and it has been done to do better and to make matters fairer for all. We have and will continue to implement many important legislative changes to improve our justice system, improvements such as those to make clear our zero tolerance approach to despicable child sex crimes and our commitment to strengthen Carly's Law, and increasing the penalties of a range of child sex offences, which I have spoken about previously in this place—changes that have been warmly received from members of my community who long to see strong and decisive action taken in this place.

We have also legislated to protect and strengthen Nunga Courts by formalising their place in our justice system. Nunga Courts, established as first of their kind in Australia, are Aboriginal sentencing courts, available to Aboriginal offenders who have pleaded guilty to some offences. By including elders and respected persons in the sentencing process, they are seen to increase the efficiency of the process and reduce the risk of reoffending, because we are determined to create a fairer and more equitable future for all. I am pleased to share that we are continuing to make progress in this space.

This year, history was made in South Australia with the government appointing Aboriginal people to the judiciary for the first time in our state's history, they being the exceptional Ms Lana Chester and Ms Natalie Browne, who took up positions as magistrates this month. For those who do not know, Ms Chester has more than 25 years experience in criminal law, working with the Legal Services Commission. She held the position of senior Youth Court lawyer with the Legal Services Commission. She has an extensive background working in the Supreme, District and Youth Courts.

Ms Browne shines just as bright, with close to 20 years' experience in criminal law, first as a senior duty solicitor and later working in the commission's criminal law practice division and as a senior solicitor in grants. This move is monumental as it helps to ensure that the judiciary reflects the diversity within our community. I look forward to seeing the positive impacts, thanks to these women, and hope that they inspire other Aboriginal people considering a career in law to follow in their footsteps.

Delivering on our election commitments does not stop there, with the government passing legislation to introduce a new offence of concealing or interfering with human remains, monitoring the movement of bushfire offenders, increasing penalties for dog theft, closing loopholes and allowing authorities to prosecute serious drug offences.

Delivering on our election commitments will not stop there either, with our commitment to investigating changes to victim impact statements so that these are not edited for admissibility purposes and that it should be left to the judge or magistrate to exercise at their discretion as to the content contained in the victim impact statement.

We are continuing our work to crack down on child sex offenders through the closure of loopholes that make it easier for people to possess CEM or child-like sex dolls to get bigger sentencing discounts or bail.

We are also focused on ensuring that our domestic violence laws are strengthened and that these laws are protecting victim-survivors. Just this weekend, I stood on the steps of parliament with women from all backgrounds, including my colleagues the member for Elder, the member for Newland, the member for Torrens, the member for Davenport, the Deputy Premier, the Minister for Women, members from the upper house, women from support services providers, and survivors. We stood together to honour the 60 women who were killed across Australia last year.

As we honoured them, we sat through the harrowing details of what had befallen them. What was more distressing was not hearing about how they were burnt, beaten or stabbed (as were the most common forms of killings); the greatest injustice is that many of these women remain unnamed. For every murder, children, families and communities are impacted forever and the weight of the intergenerational trauma looms. We as a society need to do better, and I am so glad that as a government we are strengthening domestic violence laws and that these laws will better protect victim-survivors.

We are serious about tackling family and domestic violence, and our support is both legislative and financial. It is why we committed to, and have provided, over $1.6 million in funding for the Women's Legal Service to provide face-to-face legal advice and education to vulnerable women at risk of or experiencing domestic and family violence in the northern and southern regions, as well as restoring the funding to the Women's Domestic Violence Court Assistance Service.

We have also funded over $2.6 million for the Working Women's Centre to provide frontline support to address workplace sexual harassment and discrimination, because we firmly believe that gender-based violence has no place in our society and we are just as ardent in our belief that it has no place in workplaces across our state. The Working Women's Centre do great work in this area and will provide great assistance to the women who seek their services.

Justice is about fairness, peace and a genuine respect for people so that we can feel safe in our homes and our communities, no matter our sexual identity, our age or where we come from. This bill helps to achieve that by addressing inconsistencies, ambiguities and inefficiencies identified in the current legislation, and it helps to strengthen the foundation of commitments to come. With that, I commend the bill to the house.

Mr FULBROOK (Playford) (11:17): Before I begin, I just want to say how lovely it is to be back and see my colleagues, and to pass on my thanks for the many Christmas cards I received over the Christmas period.

Mr Pederick: Hear, hear! And the ones you didn't get.

Mr FULBROOK: Much appreciated. Sorry, member for Hammond. I do rise in support of the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill. As a former planning adviser to the Northern Territory government, omnibus bills of this nature were very common, and I must admit to being grateful to the Territory's Attorney-General for clearing up the occasional obsolete reference or anomaly in my portfolio. Rather than triggering the need to send each minister back to do legislative amendments for what could be described as a tidy up, it is a far more efficient use of the parliament's time to bulk these matters up on a regular basis.

In saying this, I do not wish to diminish the importance of the 16 pieces of existing legislation that we seek to change. South Australia prides itself on being a progressive society, and to ensure that parliament's values are in step with community standards we rightfully and often debate legislation that leads to a major change in direction. This then has flow-on effects across the legislative spectrum.

While great care is taken to make the necessary changes to laws the first time out, there is often need to revisit certain matters. By example, the Termination of Pregnancy Act 2021 rendered it no longer illegal to terminate a pregnancy. When noting that section 61(3) of the Guardianship and Administration Act 1993 specifically states that the SACAT cannot consent to a termination unless it does not constitute an offence under the Criminal Law Consolidation Act, it becomes clear that there is a need to address this legislative redundance.

On the flip side, some could argue the changes to the Fences Act, whereby a reference in section 24 seeks the removal of reference to the Local and District Criminal Courts Act to the Magistrates Court Act, are not seen as significant. Irrespective of impression, laws need to be cleaned up, and failure to do so may have adverse legal consequences.

To ensure the significance of these matters is not taken lightly, I understand consultation occurred with 26 different stakeholders over a two-week period in mid-2021. Noting the significant work on the preparation and refinement of this legislation happened under the previous government, I also seek to give credit where credit is due. That said, the work of the current Attorney-General in the other place has been exemplary since coming to office and has led to some significant reforms on the justice front, as well as his other portfolio space, including much-needed reforms in Aboriginal affairs. I must say, I look forward to hearing all about his great work this week.

It is interesting to note that this bill proposes amendment to the Criminal Procedure Act 1921. Quite recently, this bill was amended under the stewardship of the Attorney-General, as part of the Criminal Procedure (Monitoring Orders) Amendment Bill 2022. I note there was some criticism around this but, as the bill before us clearly shows, it is not out of step for governments of both persuasions to revisit legislation to ensure it functions as intended.

I am hoping we do not have to revisit it because I think the notion of giving police the powers to apply to a magistrate to have a person found guilty of a bushfire offence and make them wear an electronic monitoring device is a pretty good one. This was a key commitment by the Labor Party in opposition and I am glad it is not only law but also received bipartisan support from this parliament.

I grew up on a small block of land that is a stone's throw from the Scott Creek Conservation Park. I used to get asked where Scott Creek was and, unfortunately, the easiest way to explain was to refer to the last bushfire that threatened it. In this case, the Cherry Gardens bushfire of January 2021 is front of mind, which I understand destroyed two homes, 19 outbuildings, two vehicles and scorched 2,700 hectares of land.

While the devastation was there for all of us to see, I am not alone in being grateful for the fire crews saving more than 60 homes that came under threat. Without them, the home that I grew up in and that of my old neighbours would have been destroyed. I would hate to think, on a worst-case basis, how many lives could have also come under threat.

While the 2021 event is fresh, it is sadly a part of life that so many of us living in the country have grown up with. When you live next door to some of the thickest scrub in the state, even if your family was zealous in their efforts to keep fuel loads down on their own land, this can only go so far if we cannot keep tabs on the monsters out there with zero regard for the safety of our friends, families and, of course, our neighbours.

As I grew up in the 1980s and 1990s, the memory of someone lighting up the conservation park never fades, nor does the unfortunate loss of firefighters who would otherwise be here today if we had the ability to maintain a constant watch over firebugs. While I may now represent a suburban electorate, it is not lost on me that the next arsonist could hail from a metropolitan electorate, as we have seen in the past.

This is why both metropolitan and country MPs have an onus to ensure that legislation like this works. If it means we need to revisit much-needed reforms with omnibus bills like the one we are

discussing today, then so be it. As technology progresses, so must our laws. Getting ankle bracelets right on the bushfire front is a positive first step, and I am pleased that the Attorney-General will be moving on this front for domestic violence and child sex offenders in the not-too-distant future.

I have no doubt that significant effort has gone into putting this bill together. Some may say it is dry, but I argue it is necessary and I admire the resolve of all those who have worked to bring this together. As a former adviser, I know what goes on behind the scenes and the unwavering effort needed to bring a bill such as this to our parliament. I want to thank all the stakeholders and public servants for their feedback and efforts associated with drafting this bill.

From a political perspective, the Attorney-General's adviser, Patrick Stewart, is not only a decent person but does a great job in managing a huge workload. As an adviser, I always used to feel a sense of relief when a bill passed in one of my portfolios. I imagine Patrick does not have this luxury, as no doubt the next bill is well and truly on the boil. For all that it is worth, thank you for your outstanding efforts. I also wish to thank the Attorney-General, whose unwavering commitment to social justice is not just a credit to himself, but also to this government.

This omnibus bill updates acts that have been influenced through the efforts of past and present governments. As more progressive agendas permeate through this parliament, we will no doubt see similar bills follow. The need to update, adjust and correct existing acts is a necessity and, with this in mind, I commend this bill to the house.

Ms CLANCY (Elder) (11:25): I rise today in support of the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill. This bill seeks to amend 16 acts, a few of which I would particularly like to highlight today. Much of the amendments contained within this bill are of a minor or technical nature, correcting obsolete references and improving efficiency.

I understand this bill seeks to implement the majority of the remaining amendments from the 2021 portfolio bill, which was introduced by the previous state government, but did not pass before the end of their term. I also just want to acknowledge the member for Heysen for your work in this area. As part of their consultation toward that bill, and consequently this one, I wish to thank the numerous stakeholders who contributed their time, expertise and passion into improving our legal system.

I will begin by bringing your attention to part 13 of this bill, which seeks to amend the Mental Health Act 2009. This simple amendment clarifies that South Australians subject to short-term treatment orders are not entitled to legal representation in every case. Community treatment orders play an integral role in supporting the mental health and wellbeing of those in need in our community. These orders provide a legal way for South Australians to receive treatment for a mental illness when they are unable to agree to treatment and may not be safe. Such an arrangement will only take place when there are no less restrictive ways of ensuring that appropriate treatment is received and that person is safe.

Those who are on treatment orders have access to a comprehensive range of treatments, based on the best available evidence about what is most effective for an individual's mental illness. This treatment is provided at a specific place at regular intervals. Only a psychiatrist or authorised medical practitioner can decide what treatment is necessary, and these orders cannot be used to enforce treatment of other illnesses.

The Legal Services Commission of South Australia administers a legal representation scheme free of charge to all persons subject to an order under appeal as per section 84 of the Mental Health Act. This section of the act could be argued to currently read that for every review or appeal, or application for permission for review or appeal, of any community treatment order, the person to whom the proceedings relate is entitled to legal representation. This may even include automatic reviews of short-term treatment orders.

Currently, the South Australian Civil and Administrative Tribunal conducts automatic initial reviews under section 79 of the Mental Health Act, on the basis of written reports and treatment plans. These reviews are simply not the same as a review instigated by an aggrieved party. They are instead an important internal review included as an initial safety measure.

Legal representation during an initial internal review is counterproductive, potentially delaying reviews and may result in South Australians being detained on short-term treatment orders for longer periods of time than necessary. While treatment orders are integral to supporting the mental health of those in need in our community, we do not wish to see those in need being detained on short-term treatment orders a day longer than they medically need to be. This amendment does not affect reviews that are effectively appeals against earlier decisions, such as those under sections 81 and 83 of the Mental Health Act.

Of the 15 other acts this bill seeks to amend, 14 are committed to the Attorney-General. I recently had the pleasure of hosting our Attorney-General for a community meeting in Colonel Light Gardens. Whilst the rotunda in Light Place Reserve as well as some icy poles did provide some relief from the mid-summer heat, a scorching 37° was not enough to restrict local residents from turning out in numbers to have a chat with our Attorney-General.

So many important issues were raised, and thought-provoking ideas discussed, from criminal justice reform to introducing a First Nations Voice to the South Australian parliament. It became abundantly clear that many in our community are excited about the Malinauskas Labor government's reform agenda.

Our government is continuing to fulfil the promises we made to the people of South Australia last year. Already we have passed legislation, as per our election commitment, to strengthen Carly's Law and increase penalties on a range of child sex offences, and we have legislated to protect and strengthen our Nunga Courts so that they have a formal and recognised place in our justice system.

Established as the first of their kind in Australia, the Nunga Courts are Aboriginal sentencing courts available to Aboriginal offenders who plead guilty to some offences. They focus on the inclusion of elders and respected persons in the sentencing process, and are seen to increase the efficacy of the process and reduce recidivism.

This bill joins a long list of legislation and amendments we have introduced in less than 12 months since we came to government. It continues the important work of ensuring that our laws are up-to-date and express the values of social justice and equality that South Australians stand proud of.

In keeping with our government's commitment to reforming a justice that better reflects the people of this state, I was so proud to see the Attorney-General appoint the first Aboriginal people to the judiciary in South Australia's history. I appreciate that it may come as a surprise to some that an Aboriginal person has never presided over a court in South Australia or the colony that preceded it, and I also acknowledge that for others this has taken far too long. My sincerest and wholehearted congratulations go to Lana Chester and Natalie Browne, both Aboriginal women, who were appointed to the office of magistrate, commencing in their new roles just last week.

To be it, you must see it. It is of the utmost importance that our parliaments, our courts, our political and legal systems look like and talk like the communities they serve. These appointments are merited, and they are important. Lana Chester has more than 25 years' experience in criminal law, and is currently working with the Legal Services Commission of South Australia. Natalie Browne has almost 20 years' experience in criminal law, and she is also currently working with the Legal Services Commission.

Appointments such as these go a long way to improving social and criminal justice in South Australia. Bills such as these, although minor and technical in nature, build part of a broader improvement to our legal system, a legal system that is efficient, fair, balanced and representative. That is what the people of South Australia are asking for, and is what we are striving to deliver to them. I commend this bill to the house.

Ms HUTCHESSON (Waite) (11:32): I rise in support of this bill, the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill. The bill seeks to amend 16 acts, 14 of which are committed to the Attorney-General, and makes amendments to two additional acts, the Children and Young People (Safety) Act 2017 and the Mental Health Act 2009. It is required to rectify minor errors, omissions and other deficiencies identified in legislation committed to the Attorney-

General. Having a single omnibus bill allows us to be more efficient, given that the amendments are of a minor and technical nature.

One of the acts this bill seeks to amend is the Criminal Procedure Act 1921. Part 7 of the bill, clause 12, amends section 103(1) of the Criminal Procedure Act to clarify that the power to lay an information in a superior court under section 103 may only be exercised in the authority and name of the Director of Public Prosecutions.

Section 103 replaces the power formerly found in section 276 of the Criminal Law Consolidation Act 1935. That section made it clear that the Director of Public Prosecutions was bound to present an information in every case where a person was committed to one of the superior courts for trial. However, the wording of replacement section 103(1) is deficient, in that it allows for an interpretation that other entities may also have the authority to prosecute criminal offences in the superior courts. This amendment places it beyond doubt that only the Director of Public Prosecutions can do so.

I would like to take a minute to speak about this bill and the Criminal Procedure (Monitoring Orders) Amendment Bill that we passed earlier this year.

Mr TEAGUE: Point of order, Mr Speaker.

Ms HUTCHESSON: The bill delivered on the government's election commitment to require—

The SPEAKER: There is a point of order from the member for Heysen, which I will hear.

Mr TEAGUE: At some stage—and I realise it is important to rise on the point of order promptly—there is a 127(1) point. I am not being a jack-in-the-box, but it is not the Address in Reply. Although this covers 16 bills, we have already had this aspect rehearsed, similarly unrelated to the subject matter before the house, so I do raise the point of order.

The SPEAKER: I am listening carefully. I am not certain that the matter is rehearsed: I think the member is giving her own unique contribution until it is drawn to my attention that it is not. As well, each member of course under standing order 110 has a right to make a contribution in the house. I observe, too, that there was some perhaps personal reflection or digression in the contribution at an earlier point from the member who raises the point of order with me. I did not raise that. It was not raised as a point of order by the member for West Torrens. Of course, in those circumstances I am minded to allow a more robust debate. I am going to turn to the member for Waite.

Ms HUTCHESSON: Thank you, Mr Speaker. The bill delivered on the government's election commitment to require convicted firebugs to be electronically monitored during the bushfire season. I have spoken many times in this place about the Cherry Gardens fires on 24 January, and I make no apology for doing that and my ongoing commitment to the CFS. What I have never spoken of is the cause of that fire and many fires. I have spoken of my experience as a young child in the face of the approaching fire front in the Ash Wednesday fires, and how frightened I was for years after of summer and the bushfire season. Whilst some of the ignition sources were natural, some were deliberately lit. Three CFS members lost their lives fighting those fires.

On the day of the Cherry Gardens fire it was very hot, and we were guzzling lots of water while we were facing the fire front in Cherry Gardens. We did not take time to think about how that fire was lit when we were there but afterwards, when we were driving along various roads, it was becoming clearer that there was something going on there. We turned our attention to the side of the road and, when we were moving a bit slower across the paddock, you could see the ignition points. Whilst there was no time to speculate, we continued to think about that during the day.

It was devastating for our community that day. The Cherry Gardens and Bradbury communities lost two homes and 19 outbuildings, two vehicles and 2,700 hectares of land—and they were deliberately lit. A man was charged with deliberately lighting the fire. He was charged with 12 counts of intentionally causing a bushfire and 10 counts of property damage. It could have been a lot worse. The weather was on our side, but to know that the fire was deliberately lit made residents

very angry. Knowing the impact of this and many deliberately lit fires makes the amendments that we put through at the end of last year so important.

That bill aims to free up the resources of our community which are needed on catastrophic days. The bill that passed amended the Criminal Procedure Act 1921 to provide for a new bushfire offender monitoring order, whereby an application may now be made by a police officer to the Magistrates Court for an order requiring that a person who has been convicted of an offence of causing a bushfire (section 85B of the Criminal Law Consolidation Act 1935) be indefinitely subject to electronic monitoring during the declared fire danger season each year. The court is now empowered to make the order on the basis that the person has previously been convicted or found guilty of an offence of causing a bushfire under section 85B and the court is satisfied that there is an appreciable risk that the defendant may commit a further bushfire offence.

Knowing where known firebugs are during the bushfire season will make monitoring their movements much easier. On catastrophic days the police play an important part. They are there to monitor the streets where residents have done the right thing and left early. They are there to identify motorists who are not local to these areas and to have a presence in case looters were to be taking advantage of evacuated properties. They also help with road closures and keeping the public safe. Relieving them of having to also check on known firebugs will allow our communities to be even safer.

Known firebugs will now be fitted with GPS-enabled ankle bracelets and an accompanying unit installed at their residence. The GPS on the electronic monitoring equipment will then track their movements. The system also can detect when they attempt to remove their ankle bracelet. This new indefinite bushfire offender electronic monitoring order operates indefinitely, beyond any period of a sentence, parole or extended supervision order. Further, a person subject to a monitoring order must wear or carry the electronic monitoring device supplied by the Commissioner of Police for the purposes of the order at all times during each fire danger season.

The maximum penalty for noncompliance with a monitoring order will be $10,000 or imprisonment for two years. The monitoring orders aim to reduce the risk of reoffending which could cause widespread catastrophic damage to property, interruption to business, and potential injury and death to multiple people. It is heartbreaking to think that we have people in our community who seek to endanger the lives of others and cause such widespread environmental damage. The bill, when it passed, had my utmost support, and I am sure the rest of my community also supports it.

On the weekend just gone I hosted a bushfire resilience forum which was attended by over 150 people. We were fortunate to have an incredible panel of speakers, including Dr Mika Peace, from the Bureau of Meteorology; Alison May, from the CFS; Dale Thompson, from our local CFS group; Ian Tanner, from National Parks; Mark Austin, from the City of Mitcham; and Geoff Booth, from the Botanic Gardens and State Herbarium.

I am working tirelessly to educate, inform and provide opportunity to ensure my community becomes more resilient and is more prepared for the bushfire season. What I cannot control is ignition sources, especially when they are deliberate. I would like to take this opportunity to remind all in my community to refresh their bushfire plans and take the time to understand the new fire danger rating system.

It is so important that a lot of these amendments go through, and I do take the opportunity to thank the Attorney-General for all of his work and the previous government's, and I am glad these amendments are able to be passed today. I commend the bill to the house.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (11:40): I rise to close the second reading debate. I thank all those contributors.

Bill read a second time.

Third Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (11:41): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Mr ODENWALDER: Sir, I draw your attention to the state of the house.

A quorum having been formed:

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

Second Reading

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (11:43): I move:

That this bill be now read a second time.

From time to time an Attorney-General's portfolio bill is required to rectify minor errors, omissions and other deficiencies identified in legislation committed to the Attorney-General. Given the minor or technical nature of these amendments it is often more efficient to deal with such matters in a single omnibus bill rather than in a separate amendment bill for each act.

This bill makes amendments to two acts within the Attorney-General's portfolio, being the Judicial Conduct Commissioner Act 2015 and the Youth Court Act 1993, to address issues which have been identified by the Judicial Conduct Commissioner and the Judge of the Youth Court.

Turning to the substance of the bill, part 2 of the bill makes two separate amendments to the Judicial Conduct Commissioner Act. Firstly, clause 3 of the bill inserts new subsection 11(4) into the Judicial Conduct Commissioner Act. The amendment provides that delegation by the commissioner of a function or power because of a pecuniary or personal interest that conflicts, or may conflict, with the commissioner's duties does not constitute taking action in relation to the matter that is the subject of the delegation. The commissioner has requested that this amendment be made to ensure that complaints can be delegated in a timely and effective manner, noting that a similar delegation provision applies to the Legal Profession Conduct Commissioner under section 77(4) of the Legal Practitioners Act 1981.

Secondly, an amendment is made to section 12 of the Judicial Conduct Commissioner Act to clarify that the commissioner cannot receive a complaint from a person who has been declared to be a vexatious litigant by the Supreme Court exercising its inherent jurisdiction. Section 12(2) of the Judicial Conduct Commissioner Act currently provides the commissioner cannot receive a complaint from a person who has been declared as a vexatious litigant pursuant to an order made by the Supreme Court under section 39 of the Supreme Court Act 1935.

However, it is unclear whether this prohibition would extend to include persons who have been declared as a vexatious litigant by virtue of the Supreme Court exercising its inherent jurisdiction. For the avoidance of doubt, the amendment clarifies that vexatious litigants cannot make a complaint under the Judicial Conduct Commissioner Act, regardless of whether they have been declared to be a vexatious litigant by virtue of an order of the court or under its inherent jurisdiction.

Part 3 of the bill makes amendments to the Youth Court Act to allow for the judge of the Youth Court to delegate a judicial function conferred on them under the Youth Court Act, or other act, to a judge of the District Court, including a person who has been appointed to act in the office of judge of the District Court on an auxiliary basis.

Section 22(2)(b)(i) of the Youth Court Act provides that an appeal against an interlocutory judgement lies to the judge of the Youth Court. Prior to 1 January 2017, the Youth Court Act provided for multiple judges of the Youth Court. However, since 1 January 2017 there has only been a single judge of the Youth Court. Accordingly, all appeals from interlocutory judgements must be heard by the judge of the Youth Court.

There is currently no power in the Youth Court Act for the judge of the Youth Court to appoint an auxiliary judge or to delegate their judicial functions to a judge of the District Court. As a result, the judge of the Youth Court has been required to hear all appeals from interlocutory judgements, including proceedings in which they have had prior involvement and where there may otherwise be a reasonable apprehension of bias.

To address this issue, the bill inserts new subsections 10(7a), 10(7b) and 10(7c) to allow for the judge of the Youth Court to delegate their judicial functions to a judge of the District Court, including a person appointed to that office on an auxiliary basis. This will allow for a judge of the District Court, including an auxiliary judge, to hear and determine appeals pursuant to section 22(2)(b)(i) of the Youth Court Act in circumstances where the judge of the Youth Court may otherwise have a potential or actual conflict of interest.

That concludes the measures that are the subject of this bill. While the bill contains a relatively small number of amendments, it addresses important issues to ensure that our justice system continues to work efficiently and effectively for our community. I commend the bill to the chamber and I seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Judicial Conduct Commissioner Act 2015*

3—Amendment of section 11—Delegation

A new subsection is inserted to provide that delegation by the Judicial Conduct Commissioner of a function or power because of a pecuniary or other personal interest that conflicts or may conflict with the Commissioner's duties does not constitute taking action in relation to the matter the subject of the delegation.

4—Amendment of section 12—Making of complaints

The class of persons who may not make a complaint under the Act is broadened to include persons prohibited from instituting proceedings by the Supreme Court under its inherent jurisdiction.

Part 3—Amendment of *Youth Court Act 1993*

5—Amendment of section 10—Court's principal judicial officer

Provision is made for the Judge of the Court to delegate a judicial function conferred on the Judge of the Court under the *Youth Court Act 1993* or another Act to a Judge of the District Court (including a person appointed under the *Judicial Administration (Auxiliary Appointments and Powers) Act 1988* to act in the office of Judge of the District Court on an auxiliary basis).

Mr TEAGUE (Heysen) (11:49): I rise to indicate the opposition's support and to indicate that I am the lead speaker for the opposition. I commend the bill to the house, and so do I commend the Attorney's work in making what have been rightly described as administrative amendments in relation to the Judicial Conduct Commissioner Act and, secondly, in relation to the capacity of the judge of the Youth Court to make practical delegations.

I note that the minister has read into *Hansard* the contents of the Attorney's speech. I endorse those remarks and do not have anything to add to them, other than to perhaps indicate—I do not know if I misheard, but there is some discrepancy between the reference to the capacity of the judge of the Youth Court to hear and determine appeals pursuant to section 22(2)(a)(i) or (b)(i), I think as the minister might have indicated. I do not have either in front of me, so that is something that might be picked up by the *Hansard* in due course.

These measures are, as I have indicated, substantive but uncontroversial. I commend the hasty passage of this bill to the house.

Ms STINSON (Badcoe) (11:51): I rise to speak on the Statutes Amendment (Attorney-General's Portfolio)(No. 2) Bill 2022. From time to time we have these omnibus bills and, given the technical nature of these amendments, sometimes we put them all together in one bill, and that is

exactly what we are talking about today. This bill, No. 2, amends two acts: the Judicial Conduct Commissioner Act of 2015 and the Youth Court Act of 1993. The amendments in this bill are generally of a minor nature and are aimed at improving the efficiency of our justice system.

Can I thank the shadow attorney-general for his contribution and, of course, those opposite for their support for this bill. It is probably not the sexiest one that will cross our house this week, but it is an important one in terms of addressing and going to some very important bills and efficiencies that are needed in our justice system.

I would like to thank the Judicial Conduct Commissioner, Michael Boylan KC, and the Judge of the Youth Court, Her Honour Penny Eldridge, who have brought these matters to the government's attention and allowed the government to put this bill together and put it before the house today. I would also like to thank the Attorney-General and his industrious staff, as well as those officers in the Attorney-General's Department, for the work that they have done on this and on an earlier omnibus bill in making sure that these very technical points are catered to so that we are in a position to be able to consider these matters in the parliament today. I commend their work.

As we heard earlier from the member for Hurtle Vale, this goes to two particular acts, the Judicial Conduct Commissioner Act and, separately, the Youth Court Act. I might just spend a moment talking about the relevance of those acts and some of the changes that are contained in this omnibus bill in relation to those acts. I hope that there will be enough time—I am confident that there will be—to speak about some matters pertaining to the Youth Court and some of the victim-centred measures that the government is engaging in that go to our young people: the protection of our young people and also how we address young people who are offenders as well as victims.

Part 2 of this bill makes two separate amendments to the Judicial Conduct Commissioner (JCC) Act to address various issues which have been raised by the commissioner. Clause 3 of the bill inserts a new section into the JCC Act to remove the requirement for the JCC to seek written authorisation from the relevant minister—that is the Attorney-General in this case—according to the Public Sector (Honesty and Accountability) Act before delegating a function or power under that act to another person due to an actual or potential conflict of interest. Essentially, we are talking about the delegation of powers in relation to conflicts.

The JCC Act provides that the commissioner is a senior official within the meaning of the PSHA Act and, accordingly, ordinarily requires the JCC to disclose to the relevant minister in writing the nature of any pecuniary interest or any personal interest which conflicts, or may conflict, with his or her official duties before taking any further action.

The JCC has asked that an amendment be made to remove the requirement for him or her to seek prior written authorisation before delegating a complaint. Obviously, this is a matter of straightforward efficiency, ensuring that we do not have red tape involved when we should be prioritising the smooth delivery of judicial services to our community. However, it is important of course that we do have some strong provisions in terms of legal profession conduct.

Under the new section, the commissioner will be able to delegate complaints without having to notify the Attorney-General. This amendment will assist to reduce the administrative burden on that office and also improve efficiency when dealing with complaints where there is a need for the Judicial Conduct Commissioner to delegate the complaint to another decision-maker.

It is probably worth noting that it is not envisaged that there would be a large number of these instances arising, but it is really important for public confidence that, when a conflict does arise, or even the perception of a conflict, we have this mechanism in place and that that mechanism is as smooth and efficient as possible to make sure not only that we have the smooth running of the court but also that the public has confidence and can actually see that conflicts are being dealt with and dealt with appropriately.

Clause 4 of the bill makes a separate amendment to section 12(2) of the JCC Act to clarify that the commissioner cannot receive complaints from a person who has been declared a vexatious litigant by the Supreme Court. Having had many, many years experience as a court reporter, sifting through the court lists day and night to try to find that little nugget of a story, I have to say there are some names that pop up again and again both in our Magistrates Court and District Court in

particular. Those same names very occasionally do end up being the subject of an order to declare such a person a vexatious litigant.

It is incredibly rare in our justice system for a declaration of vexatious litigant to, firstly, be sought but also then be issued. Although a layperson looking at the court list might often think that there maybe should be a few more of these applications made, certainly the court takes the view that the justice system is there for people, that people have a right to use it and that it is only in the most extreme circumstances that the court system and, by extension, we as a community would declare someone as vexatious.

There are some quite serious ramifications if you are declared as a vexatious litigant in that it essentially robs you of your right, or removes your right, to be able to take court action. That is an important thing. It is really important for every one of us to know that, if we feel that an injustice has been done to us or others, we are able to utilise the court system and assert our rights and achieve remedies through the court system.

However, there are a small number of people who, unfortunately, from time to time really go beyond the bounds of what the system is set up to achieve and, I think, pervert those rights that are provided to all of us to utilise the court system to seek redress or remedy. In those cases, that is why we have this vexatious litigant legislation and why we do see it used, though, as I said, in extremely rare situations.

However, what has been pointed out by the Judicial Conduct Commissioner is that there is a discrepancy between that legislation and this particular act. The Supreme Court may make orders declaring a person a vexatious litigant to manage the deleterious effect of proceedings on other persons, drawing people into such litigation, and prevent the squandering of the court's limited resources. Such orders can be made under the Supreme Court Act 1935.

Section 12(2) of the JCC Act currently provides that a person who has been declared a vexatious litigant pursuant to an order made under the Supreme Court Act may not make a complaint under the JCC Act, but there appears to be no similar mechanism that would prohibit a person from making a complaint where the Supreme Court has declared the person to be a vexatious litigant by exercising its inherent jurisdiction. As such, in circumstances where the Supreme Court exercises its inherent jurisdiction, it appears that the JCC would be bound to consider the complaint. As I have just outlined, obviously that is inconsistent with the approach that has been taken in other acts.

Why anyone would want to spend excessive amounts of time and money going through our legal system, well in excess of what they might need in order to assert their rights, is perplexing. It is a mystery to many of us, but as I said, there are a small number of people who do sometimes take things a bit too far. That obviously has an impact on the efficiency of the justice system and also the rights of others to be able to efficiently and effectively access our justice system, not to mention those who may be the subject or the target of the legal action that is being sought.

A long leash is given to people, but in the circumstances where someone has been declared a vexatious litigant, it is important that we take the same approach right across different pieces of legislation. So for the avoidance of doubt and for consistency with the intended operation of section 12(2) of the JCC Act, the bill clarifies that a person cannot make a complaint where they have been declared to be a vexatious litigant by the Supreme Court, whether by an order made under section 39 of the Supreme Court Act or by exercising its inherent jurisdiction. That is what this amendment is aimed at remedying.

I move on now to the Youth Court Act and the amendments that this omnibus bill makes to that act. Part 3 of the bill amends the Youth Court Act to allow for the Judge of the Youth Court to delegate their judicial functions and powers to a judge of the District Court so that the delegate judge can hear and determine appeals in circumstances where the Judge of the Youth Court has a potential or actual conflict of interest. In a way, this is traversing some of that conflict matter that I was discussing earlier.

Section 22(2)(a)(i) of the Youth Court Act provides that an appeal against an interlocutory judgement lies to the Judge of the Youth Court. Prior to 2017, the Youth Court Act provided for multiple judges of the Youth Court. There have been instances in the past when we have had multiple

judges of the Youth Court, but since then there has only been a single Judge of the Youth Court, with the Youth Court otherwise being composed of magistrates—as if they are not busy enough. Accordingly, all appeals from the interlocutory judgements are heard by the Judge of the Youth Court. Currently, there is no power in the Youth Court Act for the Judge of the Youth Court to appoint an auxiliary judge or to delegate their judicial functions and powers to another judge of the Youth Court.

As a result, the Judge of the Youth Court has been required to hear all appeals from interlocutory judgements, including interlocutory proceedings in which she or he has had prior involvement, and that obviously poses a problem. In the absence of there being any power to appoint an auxiliary or to delegate, I understand that the Judge of the Youth Court has sought to rely upon the common law doctrine of necessity in order to hear these matters where there may otherwise be a reasonable apprehension of bias. If there had been a power of delegation, it would have been exercised to avoid that apprehension of bias.

Although this may not be something that vexes the court every single day, the current situation is rigid, and that lack of flexibility impedes the efficient running of the court and the ability of the judge of the Youth Court to make decisions that best suit the needs of the day in terms of attending to important cases.

Where there is an issue in terms of bias or conflict or perceived bias or conflict there should be easy, fast and efficient ways for a judge to be able to resolve it—referring a matter to a colleague who does not have such a bias or conflict or perception of bias or conflict—so that our courts run efficiently and lists can be dealt with as promptly as possible and also for those who are coming into the Youth Court, who are of course some of the most vulnerable people in our society, our youngest people in our society, who are often having their first contact with the judicial system, which is a frightening experience for anyone.

We should be doing all that we can, even with small measures such as this, to ensure that the court is given every possibility of running its lists and cases in the most efficient way that it can because at the end of the day it is not just about our legal professionals being able to manage their working day, at the heart of it of course are the lives of young people. We want to make sure that they are getting access to justice, whether they are a victim or whether they are an accused perpetrator, as quickly as possible, both for their own mental health and to make sure that they are dealt with as expeditiously and in as caring and respectful way as possible and also to give confidence to victims and family members who may have an interest in the life of either the accused perpetrator or the victim.

Although these things may seem a little removed, when talking about particular clauses and fairly rare circumstances of there being conflicts and biases to deal with, it is absolutely crucial that we all have faith in the justice system and what goes on in our Youth Court and also that the people who are dealing with the Youth Court and utilising it are given paramount consideration.

To address this issue that has been raised by the Youth Court judge, the bill now inserts a new subsection 10(7a), (7b) and (7c) into the Youth Court Act to allow for the judge of the Youth Court to delegate their judicial functions and powers to a judge of the District Court, including a person who has been appointed to act in the office of a judge at the District Court under the judicial administration act 1988. What this will do is it will enable a judge of the District Court, including an auxiliary judge, to hear an appeal pursuant to section 22 in circumstances where the judge of the Youth Court is otherwise unable to hear the appeal due to a potential or actual conflict of interest. As I said, it is not as though it never happens, but they are fairly rare circumstances in which that occurs. Of course, it is paramount that they are dealt with in a transparent way when those situations do arise.

With the time remaining, I thought I might address some of the matters that go to our young people and our Youth Court, both in terms of being offenders and also in terms of being victims. I think it is worth mentioning a very important piece of legislation that has taken place and that is around strengthening Carly's Law and increasing penalties on a range of child sex offences. I have to say that, in my time as a court reporter, which was some decade or so, it was absolutely heartbreaking every day to be going through our court lists and seeing the incredible number of sex offences on our Magistrates, District and Supreme Court lists. I honestly feel that the average

member of the public has no concept of the avalanche of cases that go through our courts every day in relation to sex offending. A large proportion of those is sex offending against children. It is a terrible thing to think about and a crime that absolutely rips people apart, sometimes for their entire lives.

I do not think that people who have not worked in the judicial system or in public office such as ours have much concept of the volume of historic cases but also more recent cases. Interestingly, it generally takes on average 18 years for a child victim of a sexual offence to verbalise it to another person, to actually say to someone else, 'This happened to me as a child.' That, in part, explains why we see so many historic cases on our court lists, because if it is taking 18 years for a person to be able to say out loud a crime that was committed against them as a child, then obviously it takes years after that if that person chooses to exercise their rights through the criminal or even through the civil justice system.

I am encouraged by Carly's Law, which obviously increases penalties for child sex offences, including sexual intercourse with a child aged 14 to 16, and that is increased to 15; indecent assault on a child under 14; producing, possessing or disseminating child sex dolls, and I acknowledge the work of the Hon. Ms Bonaros in the other place in relation to that matter in particular; and also producing or disseminating child exploitation material, which equally are a huge amount of cases that go before our courts.

I commend this bill to the house and I commend all those who are working to stamp out this terrible abuse against our children.

Mr ODENWALDER (Elizabeth) (12:11): I rise to make a very brief contribution to the second reading of this bill. I congratulate the member for Badcoe on finally getting to have her say on this bill. She has been champing at the bit all morning to speak on this bill and I am glad she finally got the chance.

Before I go to the bill, I want to make some general observations about what we do in this place and the nature of the legislation we have to deal with. There are various levels and some may be seen as more important than others, but they are really of the same level. There are the big ticket items that we do from time to time and I will get to those in a minute. There is what you might call medium-level new legislation that we do and then, of course, there is what we are doing today with this bill and the previous bill we discussed, which is tidying up.

It is treating legislation as a garden. You have laws. Like the member for Light's lawn, for instance. The member for Light's lawn does not look after itself. You have to revisit the lawn from time to time. You have to mow it, you have to fertilise it, and that is what we are doing with these types of bills. A lot of the time we do traverse what you might call big ticket items.

Without wanting to pre-empt anything that is going to happen in the other place later on this week, I want to congratulate the Attorney-General on bringing the bill to provide a First Nations Voice to this parliament and to this state. As I said, I do not want to pre-empt anything he has to say about it, but I think this is a massive moment in the history of this state. I hope this parliament will be seen very much as leaders in the national debate that is going to go on over the next couple of months. I want to commend the Attorney-General for that and I urge all members to support that bill when it eventually comes.

That, of course, builds on some other less big ticket items such as strengthening the Nunga Courts, which was done under this Attorney-General and building on some work done by previous governments. The legislation that was brought to this place provided that those Nunga Courts, which have been in operation for a while, were legislated to have a formal and recognised place in our justice system.

We know, as is often observed, First Nations Aboriginal people are criminally—if you will excuse the term—over-represented in our criminal justice system, in our prisons and in our court lists. Anything we can do to minimise that and reduce recidivism amongst the First Nations community, to provide them with a structure whereby they can influence both the courts, through the Nunga Court process, and also the parliament, in the bills we bring into this place, is to be commended.

I want to say in passing that I commend the work of the former Attorney-General, who sits opposite us, and his predecessor, the former member for Bragg. Without wanting to breach the standing orders too much, I want to acknowledge, as I am not sure others have, that he has brought measures very similar to the previous bill to this place before. I am not sure if other speakers mentioned that, but I commend him for that work and that is indicative of the bipartisan commitment to attending the lawn of the law, and I commend him for that.

In the time left available to me I want to go over some of the other things achieved by the Attorney-General and achieved by this parliament and brought to this place by the Attorney-General. One was very important, namely, the election commitment about the new offence of concealing or interfering with human remains. It blows my mind that this was not legislated before—it was something of an oversight, I think. That law was based on circumstances where the intention was to prevent the discovery of remains, to destroy evidence or to conceal the commission of an offence. It also inserted another more general offence of knowingly defiling or mutilating human remains, and again it beggars belief that that was not already legislated in the first place.

Another area of law that has been enacted in recent times is one particularly close to my heart, and that is the monitoring of the movements of bushfire offenders during bushfire season. I understand that this is probably not a law that will be used excessively, will not be used very much, but it is intended to target those people who the police are already aware of and are already the subject of Operation Nomad attention during bushfire seasons.

I assume some things are still the same, and I know that during COVID the SES helped out with this particular task. It is the task of the police to monitor known offenders and to take account of where known offenders are at various times, particularly during high-risk fire days, or geographically where fires have been known to break out, and to make sure those known offenders are not offending.

This new law now gives them the power, if all the other criteria are met, for them to monitor these people electronically, and this obviously is good in and of itself that we know where these people are during bushfire season, but also it frees up the police to do their other tasks during a bushfire season rather than spend a lot of human energy going around house to house checking that these people are home and not lighting fires.

I look forward to more legislation in this place from the Attorney-General. I think he is doing a remarkable job. I also recognise, as I did before, the general bipartisan approach to a lot of these things. We have our debates of course, and the shadow attorney-general is nothing if not thorough. I look forward to more legislation that strengthens our legal system, and I commend the bill to the house.

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (12:18): I confirm as well for the member for Heysen that we will ensure that the record is correct across both houses. The clause is 22(2)(b)(i), and I thank him very much for pointing that out. I commend the bill to the house.

Bill read a second time.

Third Reading

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (12:19): I move:

That this bill be now read a third time.

Bill read a third time and passed.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (MINISTERIAL RELIABILITY INSTRUMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 November 2022.)

Mr PATTERSON (Morphett) (12:20): I am taking the opportunity today to speak in parliament about the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill. I indicate that I am the lead speaker for the opposition.

In terms of what this amendment bill is about, it builds on the Retailer Reliability Obligation that was brought to this parliament by the former Liberal government in 2019. I had the opportunity to participate in the debate before it was ultimately passed by both houses in April and May of that year before coming into operation in July 2019.

The Retailer Reliability Obligation was a national reform. As such, it amended the National Electricity (South Australia) Act 1996 which, with South Australia being the lead jurisdiction, is the mechanism by which reform occurs nationally. The current ministerial reliability instrument amendment bill seeks to give equivalent ministerial powers for other jurisdictions that the South Australian energy minister had put in place in 2019 to make a T-3 reliability instrument.

Before going into that in more depth, it is worth addressing and revisiting the intent of the Retailer Reliability Obligation, to give a bit of context to these current amendments that are being proposed in the amendment bill. In terms of the National Electricity Market, it was designed at a time when it was predominantly run with coal and gas as base load generators and, as such, was based on being an energy-only market. They could run 24 hours a day, and it was taken for granted that dispatchable energy would be available at all times. It was an assumed ability of these generators.

As we fast forward into where the electricity market is going now, there has been a massive growth in intermittent sources, such as wind and solar, that now form part of the generation mix of electricity in the National Electricity Market. At the same time, this has been accompanied by the retirement of base load power from the system. This base load power is dispatchable and can be brought up on demand.

We have already experienced the retirement of base load power in South Australia and what effect that has had on electricity in our state. We saw that when the Northern Power Station was retired under the former Labor government. If we look at what the impact was in South Australia, just looking at a cost basis the total traded value in the National Electricity Market in South Australia was $450 billion in the 2014-15 year, which was prior to that closure. After the closure, the total value traded in the NEM in South Australia skyrocketed to $1,450 billion in the 2016-17 year. That is three times the value.

Where a lot of this value was, it saw a massive surge in spot prices over the higher price bands. Predominantly, this was because of capacity scarcity. We had lost a big base load generation source before there had been time for that to be replaced. The former Labor government had the opportunity to delay that retirement; they did not take it. Of course, what that meant was we saw this big surge in prices—three times the national total traded value—in South Australia. Of course, where that hits is on customers' bills, household electricity bills, business bills. We saw these jump massively by $477 in the final two years of the former Labor government from July 2016.

Not only is there an issue around cost but also we saw the electricity market becoming very unreliable. There were lots of blackouts, and that has a massive impact on people running their business and going about their daily lives. To emphasise the effect of that, we saw over seven million customer hours lost from unscheduled load shedding between 2014 and 2018. You can see the massive disruption that can occur if dispatchable energy is not available and if retirements of base load are not handled sufficiently.

When the former Liberal government came into power, a strong focus was put on trying to get that reliability back into the system to make sure that electricity for families and businesses was affordable and, as I said, most importantly, reliable as well. The Retailer Reliability Obligation was one such tool to increase reliability in the grids. The Retailer Reliability Obligation provides some form of recognition of capacity in the National Electricity Market and is designed to change the way generators will invest and places what is a clear value on dispatchability in the system.

Other jurisdictions internationally have also considered this. Countries such as the United States, the United Kingdom, Spain, France and Germany have various capacity mechanisms in place. Each have their benefits and their costs as well. When the Retailer Reliability Obligation was

introduced into parliament by the then energy minister Dan van Holst Pellekaan, he explained that the Retailer Reliability Obligation is a mechanism designed to ensure the electricity system operates to reliably meet electricity demand at the lowest cost.

The way to achieve that is to try to encourage retailers and other market customers to increase their long-term contracting of dispatchable electricity. Having these longer term contracts in place promotes investment into dispatchable capacity and investment in either the maintenance of existing plants or bringing new plants into the market as well. Having that ultimately supports the reliability of the National Electricity Market.

The Retailer Reliability Obligation requires that each year the Australian Energy Market Operator undertakes forecasting on reliability gaps for future years, which is outlined in AEMO's Electricity Statement of Opportunities, which is released annually. The Australian Energy Market Operator forecasts supply and demand of the market over a 10-year outlook and it refines its forecast annually with the intention that it provides the market with the opportunity to address identified reliability gaps.

In terms of what those reliability gaps are, they are linked to the National Electricity Market's reliability standard, which is a measure of unserved energy in each region. The reliability standard is based on no more than 0.002 per cent of energy demanded in a year not being able to be served. However, because there is unreliability in the National Electricity Market, there is currently an interim reliability measure, which is designed to reduce the risk of load shedding.

As I said, we experienced a massive amount of load shedding in those 2014 and 2018 years, with seven million customer hours lost, so it is a concern. This interim reliability measure has been put in place by AEMO to try to measure shortfalls, and that is at 0.0006 per cent. The way it works is that the reliability gap occurs where the forecast reliability in any particular region for a given financial year would result in the National Electricity Market reliability standard not being met to a material extent.

As I said, AEMO provides its statement of opportunities, providing a 10-year horizon and refining each year as it goes along. However, if AEMO continues to forecast a material reliability gap or if one emerges three years from the period in which the forecast is to occur—which is known as T-3, as I referred to earlier—AEMO applies to the Australian Energy Regulator to trigger the Retailer Reliability Obligation. If the Australian Energy Regulator agrees with AEMO’s request, the AER may make a reliability instrument and the Retailer Reliability Obligation would then be triggered.

The reliability instrument will provide information about the forecast reliability gap such as the region in which it is to occur and also the gap period. One of the key objectives of such a reliability instrument is for the market to have the right signals to contract and invest, which would minimise the likelihood of the reliability gap occurring in the first place.

So, that means if the market adequately responds—as I said, by investing into new plant that is dispatchable or keeping plant maintained to keep it in the National Electricity Market—then because of these incentives, any material reliability gaps should be resolved before that actual reliability obligation needs to be placed on the retailers. As I said, if this was to occur, then the reliability obligation does not need to be triggered to act as a safety net.

However, if there is a continuing forecast of a material reliability gap one year from the period in which it is forecast to occur, AEMO can then request another reliability instrument be made by the AER, and if the AER does make such reliability instruments, then liable entities must ensure that their net contract position for the trading period described in that instrument is no less than their share of a one-in-two-year peak demand forecast for that reliability gap period.

In terms of the South Australian context, AEMO’s latest statement of opportunities outlines that over the 2023 summer, the one-in-two-year peak demand forecast is approximately 2,950 megawatts, and this is expected to grow so that by 2026-27 it will be nearly 3,250 megawatts. So, you can see that demand is growing, so there needs to be a commensurate increase in supply into the market and, importantly, that supply needs to be dispatchable and help increase the reliability as well.

But in terms of the South Australian context, in this context of rising demand, we have experienced electricity supply events that had not been forecast by the Australian Energy Market Operator three years ahead of their occurrence. Recognising this, as I said, with seven million customer hours lost, in addition to AEMO having powers to trigger a reliability instrument, the former energy minister also provided an extra safeguard for the South Australian minister to also make a reliability instrument in the National Electricity (South Australia) (Retailer Reliability Obligation) Amendment Bill 2019.

So the South Australian minister can make a reliability instrument if it appears on reasonable grounds that there is a real risk that the supply of electricity to all or part of South Australia may be disrupted to a significant degree in one or more occasions during a period; and the South Australian minister can make a reliability instrument three years ahead of the real risk of disruption, known as a T-3 instrument, which I referenced earlier. But, of course, before making a T-3 instrument, the South Australian minister has to consult with both AEMO and AER. Additionally, there is no ability for the South Australian minister to issue a T-1 reliability instrument, so that is one year before the forecast is made, leaving AEMO to trigger that T-1 reliability instrument if they still see that there is a reliability gap forecast.

The ability for the South Australian minister to issue a T-3 reliability instrument has already been used to target reliable supply over the upcoming peak summer months. As an example, on 7 January 2021, the former South Australian energy minister triggered this reliability obligation in South Australia for the first quarter of 2024, which was between 8 January and 15 March 2024. Subsequently, on 24 October 2022, the AER made a T-1 reliability instrument for South Australia from 8 January to 29 February 2024 inclusive. This emphasises that had the T-3 instrument made by the South Australian minister not been in place, the AER would not have been able to make the T-1 instrument. So it is a vital tool that the SA energy minister can have in their abilities to try to protect reliability in South Australia.

As I said, you can see the former energy minister put a lot of time into making sure the system was reliable, and it contrasts with what I spoke about before. During the time 2018-22 when we were in government (the now opposition), there were zero customer hours lost to load shedding, so you can see it is chalk and cheese between the two and it really emphasises the importance of putting in an effort to making sure the system is reliable. The flow-on effect there of course is that customers are not without electricity, businesses can run smoothly and worry about actually producing goods and services, not whether the lights are going to be on and their plant equipment is going to be running.

If I could also reflect on another instrument that the former South Australian energy minister triggered back on 6 January 2022, which identified a reliability gap for the first quarter of 2025, between 13 January and 14 March 2025. Again, that is an encouragement, a signal to the system to make sure that that gap is not going to occur for companies and generators to invest to make sure there is dispatchable energy during that time, and we will await the outcome of that down the track.

Of course, seeing this in action, the other jurisdictions within NEM have recognised the additional level of oversight and powers that the South Australian minister has when it comes to reliability, and they are looking to also have the ability to issue a T-3 instrument, which we are discussing now in this bill before us.

This kicked off in September 2021. The national energy ministers agreed to include a ministerial lever for the T-3 instrument under the Retailer Reliability Obligation for all regions in a NEM. This decision was then endorsed by the national cabinet in October 2021. Added to this, the national energy ministers, also on September 2021, agreed to further progress design work on a mechanism that specifically values capacity in the NEM.

It is interesting that that has caused a lot of fracturing amongst the states around what they view as capacity, and it is a disappointing indication of where the NEM is going, the fact that that has not been able to be progressed. I would encourage the national energy ministers to relook at that because certainly we can see that, with upcoming retirements, it is going to be vital that we put a lot of effort into valuing capacity in the NEM going forward. One way to do that was to look at trying to set up a capacity market in the NEM.

Getting back to South Australia, as I mentioned before we are the lead legislator for the national energy laws. We now see these changes to ministerial powers for the Retailer Reliability Obligation being introduced here. To get to this point, the former Liberal government's energy minister was actively involved in the decision to grant other jurisdictions ministerial powers to issue a T-3 reliability instrument, and it has now finally arrived here in the house. Additionally, the convention for such changes to these national energy laws is that the legislative amendments are supported by the opposition, and so I indicate that the opposition will be supporting this bill.

I spoke previously about AEMO providing reliability forecasts over a 10-year time span, and this was provided yearly by AEMO's Statement of Opportunities. The latest Statement of Opportunities for 2022 came out and it forecast that for the 2022-23 year the interim reliability measure is forecast to be met in all NEM regions for this summer, which is encouraging. As I said, you can see that South Australia has concerns around that sort of January to March period in 2024 and 2025, and AEMO is able to provide comfort for this summer. The weather conditions have been mild, we have had La Nina events keeping that temperature down, so we are expecting that there should not be reliability shortfalls.

However, it does forecast reliability gaps in a number of jurisdictions moving forward. In fact, there are significant gaps forecast across the NEM in various jurisdictions. In New South Wales a forecast gap occurs before 2025-26. They have the Liddell Power Station scheduled to close down in a matter of only months, and that is certainly going to have an impact there. Victoria has a reliability gap identified in the 2027-28 year, and Queensland in 2028-29. So jurisdictions are facing these issues.

South Australia has a reliability gap identified in 2023-24. The gap itself is above the interim reliability measure, above the 0.0006 per cent, but it is below the standard reliability measure of 0.002 per cent. The reliability gap will come about when the Osborne Power Station is expected to retire; this identified gap recognises that shutting down. However AEMO, when it does its forecast, takes into account only current and committed generation. There is a gap there and it needs to be addressed. It is not as big as some of the gaps New South Wales, Victoria and Queensland are facing but, as I said, the projections take into account only what is committed.

There are projects in the pipeline that should give some comfort to those here in parliament today as well as those in the wider South Australian community, because there is certainly some anticipated generation to come online—again, encouraged by having this retail reliability obligation. There is the Torrens Island Battery Energy Storage System now being commissioned, the Bolivar Power Station, the Lincoln Gap Wind Farm, which also has battery energy storage at the same time, and finally the Tailem Bend battery project. These are online, and they should be able to cover any shortfall projected by AEMO.

Significantly, in AEMO's Statement of Opportunities it states, 'From 2024-25, the commissioning of Project EnergyConnect immediately improves the outlook.' Consequently, AEMO's reliability forecast drops below the interim reliability measure of 0.0006 per cent in 2024-25, and drops to effectively zero for the rest of the decade. This highlights the importance of having a second interconnector between South Australia and New South Wales.

The importance of that interconnector has certainly been in the news lately. Just in November we had that big storm come through on a Saturday afternoon that caused severe damage to both the electricity distribution and transmission network in South Australia. In metropolitan Adelaide we saw lines down on the streets, but at the same time there was significant damage to the Victorian interconnector near Tailem Bend and we saw a transmission tower collapsing, which had the effect of causing South Australia to be disconnected from the National Electricity Market in what is commonly known as 'islanding'.

While the state was 'islanded' there was significant potential for both electricity supply and network stability problems here in South Australia, especially on those very sunny days that may be mild in terms of temperature. There is a high amount of electricity being generated by rooftop solar without the commensurate demand, because air-conditioners are not running at the same time, which creates a real risk that significant quantities of rooftop solar could cause stability issues.

AEMO itself declared that the South Australian-New South Wales interconnector was absolutely critical for the ongoing secure operation of the South Australian power system. It is a transmission line of national significance. Again, it highlights the importance of having a second interconnector between South Australia and New South Wales to allow for scenarios such as occurred last November when South Australia was islanded.

Even the minister now acknowledges the interconnector's importance. When asked on ABC radio whether, if the South Australia-New South Wales interconnector had been running at the time that would have helped when the state was islanded due to the wild weather, the minister replied, 'Yes, it would have.' That is a strong endorsement.

On this side of the house we have been saying how important that interconnector is, but with that storm it really hit home why we should have it, why it should be in place: it provides that redundancy and increases reliability.

As a result of seeing the importance of the interconnector, the former Liberal government worked with ElectraNet on the South Australian side and Transgrid on the New South Wales side to fast-track the early works for what was a $2.4 billion interconnector, which is scheduled to be built and energised between the second half of this year and 2024. Stage 1 is Robertstown to Buronga, moving through to the end of 2024 when we will see the second stage between Robertstown and Wagga Wagga being energised and running. Once running, this interconnector will have an 800 megawatt capacity, which has the effect of being able to deliver power to 240,000 homes. Importantly, it also significantly reduces the likelihood of SA being separated from the NEM.

At the same time as reducing that risk, the interconnector also allows for renewable energy to be exported to New South Wales when South Australia is producing an excess which happens a large majority of the time. It also means that, in times when we are in deficit, South Australia can have access to energy from New South Wales when we are in times of shortfall as well. Having that will certainly help drive down the price of electricity for families and businesses and, at the same time, it will strengthen the power grid here so we can try to minimise and avoid islanding situations into the future.

At the same time as helping the electricity side of things, it is also attracting significant investment into renewable energy projects in South Australia worth billions of dollars and creating hundreds of jobs in major renewable projects along its route. This includes Neoen's massive $3 billion Goyder South project, with Neoen's CEO in January 2022 saying that without Project EnergyConnect it would have been impossible to go ahead.

These sorts of measures combined with the Retailer Reliability Obligation are going to help South Australia into the future to make sure that the reliability side of electricity is really given strong consideration. As I said before, because of this the other jurisdictions are facing the retirement of large coal-fired power stations, and they have significant reliability gaps forecast in the coming years by AEMO. Consequently, the other jurisdictions have endorsed the decision by the former Liberal government to give the SA minister the power to make a T-3 reliability instrument, and they wish to have the same ability to act in their jurisdiction.

Ultimately, this bill seeks to give equivalent ministerial powers for other jurisdictions to issue a T-3 reliability instrument that the South Australian energy minister put in place in 2019. By expanding the existing ministerial reliability instrument from South Australia to all NEM jurisdictions, it provides the ability for National Electricity Market jurisdictions to manage potential risks to their system reliability.

With the NEM becoming more interconnected so as to assist with an orderly transition, it is certainly to South Australia's benefit that these other jurisdictions address any reliability risks in their jurisdiction, especially with some upcoming significant retirement of large coal-fired power stations. This will certainly help to that end. As I said before, I indicate that the opposition will be supporting this bill.

Mr HUGHES (Giles) (12:48): I also rise to speak in support of the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill 2022. I am tempted to respond to some of the comments that have been made—I think there has been some subtle rewriting of history.

We did have a freak storm which wiped out our transmission assets in the Mid North of the state which had serious consequences, and there were a number of load-shedding incidents especially here in Adelaide, but those load-shedding incidents were not as a result of a lack of generating capacity: it was capacity that did not come online, capacity that was privately held. Why was it privately held? Because those opposite some years back privatised what was an essential service. We should never forget that.

I do not want to go over ancient history, but in this house Labor strongly opposed the privatisation of ETSA. When you look back at it then there was incredibly significant market concentration. There was virtually an oligopoly that was brought into being through the privatisation, and that had all sorts of consequences. To the credit of the Weatherill government and the very able minister at the time, Tom Koutsantonis, a number of initiatives were introduced.

I remember when the big battery was introduced—and it was not about long-term storage but about improving the reliability of the grid through its provision of ancillary services—how we were attacked by the federal government at the time, who called it a big banana and all sorts of other things. Now we see batteries of that nature and bigger batteries popping up all over the nation and other parts of the world. South Australia can be proud of its initiative in that area.

Because of the load shedding that occurred when a private sector generator did not come onto the market, we decided back then that it is always useful to have in your back pocket a publicly owned generator that can do a significant amount of work. We are returning to that now with the hydrogen plant, which will be great to see the opposition support in a fulsome way and support my community of Whyalla to diversify its economic base.

That is all a little bit of a tangent there. Seeing this bill come onto the *Notice Paper* provides me with a moment of deja vu, going back to 2019 when the substantive Retailer Reliability Obligation was debated in this place. The bill before us today goes over the same ground as was discussed back then, adding the capability of a relevant minister to declare a T-3 instrument, triggering the obligation. Only the South Australian minister was given the capability at the time. This bill provides for all jurisdictions to operate in the same way.

Back in 2019 I spoke on the Retailer Reliability Obligation and the contrast between the former Labor state government and the Coalition government in Canberra. That contrast grew even starker as the federal colleagues of those opposite tore themselves apart with an inability to land on a coherent energy and climate policy. We had a decade of almost total energy chaos at a federal level.

Thank goodness that particular dysfunctional government is no longer with us—no longer is the smirking Morrison passing around a piece of coal in parliament. One of the things that I always recall, one of the things that stuck in my mind, was when Barnaby Joyce was the Deputy Prime Minister and he turned up in Whyalla of all places with his big hat.

It was a bit of an Adani roadshow. I will not go into the details, but listening to Barnaby speak you just came to the conclusion it was all hat and nothing else. When he spoke on climate, when he spoke on the environment, it was just bizarre. It would have had to have been one of the most bizarre speeches I have heard in my life. I resisted the push on the part of Adani to line me up behind him so I would be caught in that same footage. It was a bizarre speech. I would normally respect someone who would come to your community as a Deputy Prime Minister, but this was just a very strange day indeed.

Now what we are going to see is a coordinated process between the new commonwealth government and the states. That has begun to ensure there is an affordable, reliable and cleaner energy system. It is good to see all of the states line up, mainly Labor states, but Tasmania and New South Wales are on board. Both Tasmania and New South Wales are doing some good things, and even the previous Liberal government here did some things that were worthwhile as well. I am more than happy to acknowledge that. It is just that sometimes the rewriting of history does not come over too well.

One of the things that was happening with the previous Coalition government in Canberra was during that period for every four megawatts of generating capacity that left the system nationally

only one megawatt replaced it. That was an example of the real-world consequences of that lack of investment certainty when it came to policy at a national level. That has now created a very challenging situation when it comes to meeting nationally the emissions targets, and it is interesting that all the states match the federal emission targets or go beyond the federal emission targets, including the Liberal states.

Last year, the Australian Energy Market Operator pointed out the nature of the challenge that we face. When it came to how much additional storage we need, it is 50 gigawatts of additional storage. That is 20 times more as of late last year or mid last year, 20 times more than the storage that we have in place at the moment. That is a huge challenge that federal policy could have addressed years ago, but they chose not to.

When it comes to renewable electricity, we need to roll out to 204 gigawatts. That is a sixfold increase on what we have now. There is a whole range of projects that are happening nationally. There is a whole range of projects, as the member for Morphett alluded to, in the pipeline, but we really do need to get cracking if we are going to address this and ensure cheap energy, ensure reliability and ensure that we do the right thing by the environment. When it comes to the transmission assets that we need, we also need to grow the national transmission asset base by one-fifth. The challenge is huge. There are all sorts of opportunities. There are opportunities for this state and the other states, but it is going to be a serious challenge.

Back in 2019, I highlighted the importance of storage in the energy system, and storage is one of measures which the Retailer Reliability Obligation is designed to encourage. I noted at the time that South Australia had some interest in prospective pumped hydro projects under consideration, including on Eyre Peninsula and the Upper Spencer Gulf. Even though the federal government at the time indicated there was going to be some funding to support them and they were shortlisted, nothing was forthcoming.

The electricity market and the developments that are going on are incredibly dynamic. You always have to look at whatever the project is, what is the levelised cost of electricity from those projects, and things do change over time. Regarding the projects in the Upper Spencer Gulf, there was the Goat Hill project, very close to major transmission assets, and that was going to be a freshwater project with recycling of that water, so its impact on the draw from the Murray would be minimal.

There was the interest in the Cultana project, which was a marine-based project using seawater. That would have introduced a few more complexities, and that did not go ahead. Then there was the Middleback Ranges, what was at the time a surplus iron ore mine site. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

Bills

HEALTH CARE (ACQUISITION OF PROPERTY) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (USE OF DEVICES IN VEHICLES) BILL

Assent

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (STEALTHING AND CONSENT) BILL

Assent

Her Excellency the Governor assented to the bill.

MAGISTRATES COURT (NUNGA COURT) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

AUTOMATED EXTERNAL DEFIBRILLATORS (PUBLIC ACCESS) BILL

Assent

Her Excellency the Governor assented to the bill.

CRIMINAL PROCEDURE (MONITORING ORDERS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 3) BILL

Assent

Her Excellency the Governor assented to the bill.

SUMMARY OFFENCES (DOG THEFT) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

LIVESTOCK (EMERGENCY ANIMAL DISEASE) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

VISITORS

The SPEAKER: I acknowledge the presence in the gallery of guests of the member for Elder: Ethan Kraus, visiting from Canada, and Sarah Longbottom.

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Speaker—

Reports received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991—

Public Works Committee—

19th Report—Truro Bypass Project

20th Report—Findon Technical College

21st Report—Flinders Medical Centre Medical Imaging Expansion and Repat Health Precinct Geriatric Evaluation and Management Service Development

22nd Report—BreastScreen SA Relocation Works

23rd Report—Warren Dam Outlet Works Reliability Project

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Mr BROWN (Florey) (15:01): I bring up the 24th report of the committee, entitled South Australian Sports Institute—New Work.

Report received and ordered to be published.

STANDING ORDERS COMMITTEE

Mr ODENWALDER (Elizabeth) (15:03): I bring up the first report of the committee, entitled Changes to Standing Orders.

Report received and ordered to be published.

Question Time

AMBULANCE RAMPING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (15:03): My question is to the Premier. Premier, when will you fix ramping? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: According to the latest SA Health data released on Saturday, ramping has nearly doubled since the former government's last full month in office. South Australians have now endured the worst nine months of ramping in our state's history.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (15:04): Thank you, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —and I would like to thank the Leader of the Opposition for his important question because, of course, the situation within our public hospital system is something which is incredibly important to this government, and that is why we have got a substantial program of works underway to undo the untold damage that was done over the course of the former government.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: The statistics released on Saturday by the health minister regarding ramping numbers did show that we have come back down quite substantially in recent months; we are now back down towards levels we saw in April of last year. We hope that is a trend that continues, but this will be a difficult exercise. What it takes is a lot more effort and a lot more resources to go into the system.

The Leader of the Opposition asked his question with a particular bent, and that is for him to account for. What I will say is that I invite the opposition to contemplate the counter facts here of what the world would look like had they been re-elected in March last year. What that would mean is that we would have—

Mrs Hurn interjecting:

The SPEAKER: Order! The member for Schubert is warned.

The Hon. P.B. MALINAUSKAS: There were literally hundreds of beds fewer in the system than there is today, there would be fewer nurses working than what there are today, there would be fewer doctors employed in our public hospitals than there are today, and a lot fewer ambos. There would undoubtedly be ongoing and protracted industrial disputation.

I note the member for Schubert's reference to appreciation for ambulance workers in the earlier exercise in the parliament, notwithstanding the fact that they did not award pay rises to ambulance officers—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —for years.

The Hon. J.A.W. GARDNER: Point of order, sir.

The SPEAKER: Order! Premier, there is a point of order from—

Members interjecting:

The SPEAKER: Order! Member for West Torrens, cease the exchange with the member for Schubert. Member for Morialta.

The Hon. J.A.W. GARDNER: Thank you, sir. Standing order 98 prevents the Premier from debating.

The SPEAKER: It certainly does. I will listen carefully, and I bring the Premier back to the substance of the question.

The Hon. P.B. MALINAUSKAS: What we have been doing since the election last year is putting in all those additional resources, acknowledging the contribution of health workers, whether it be nurses or ambos—

Mrs Hurn interjecting:

The SPEAKER: The member for Schubert is warned for a third time.

The Hon. P.B. MALINAUSKAS: What we are now starting to see is a downward trajectory in some of those numbers. We have a long, long way to go—

The Hon. D.G. Pisoni interjecting:

The SPEAKER: The member for Unley is warned.

The Hon. P.B. MALINAUSKAS: —before we realise our ambition, but it beggars belief that the opposition would see this as a criticism worth making, given, of course, that in their years of government during the course of COVID, where they had a total unfettered licence to invest more resources into our hospitals—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —what did they actively choose to do? They chose to bring in the corporate liquidators.

Mr Tarzia interjecting:

The SPEAKER: Member for Hartley!

The Hon. J.A.W. GARDNER: Point of order, sir.

The SPEAKER: The member for Morialta on a point of order; I anticipate 'debate'.

The Hon. J.A.W. GARDNER: For sure, sir.

The SPEAKER: That being the case, I do observe that there were a substantial number of interjections and, of course, that does encourage debate. Nevertheless, the standing order is as printed. I will listen carefully. I give the Premier some latitude because he is the Premier.

The Hon. P.B. MALINAUSKAS: Given that the public health system in this state had a substantial amount of cuts imposed on it during the course of a public health emergency, this government was elected and started to see flu and COVID in the state for the first time in our history. Notwithstanding that, we then put in place the resources required to turn the system around.

What we have seen in recent months, including the most recent statistics, is a substantial reduction in the number of hours lost as a result of ramping in a way that points to a positive trajectory. More recently, we have started to see ambulance response times improve, including on the same time—

Mrs Hurn interjecting:

The SPEAKER: Member for Schubert!

The Hon. P.B. MALINAUSKAS: —12 months ago, when those opposite were in charge of the system. We are absolutely dedicated and focused on rolling out those additional resources across the course of the three years. In response to the Leader of the Opposition's question, we always knew and always publicly stated that it would take time for the benefits of those additional resources to realise themselves; but I am very, very glad to see the numbers moving in the appropriate direction.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The Treasurer is called to order. Before I call the member for Schubert, I remind her that she is now on three warnings; the member for Chaffey is warned; the member for Hammond is warned; and the member for Morphett is warned. The member for Schubert is experienced now after one year in parliament; we won't be exceeding three warnings.

AMBULANCE RAMPING

Mrs HURN (Schubert) (15:09): My question is to the Minister for Health and Wellbeing. Is it the government's top priority to fix ramping? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mrs HURN: During the recent election campaign, an advertisement authorised by the Australian Labor Party said, 'Vote Labor like your life depends on it', offering a sort of urgency to the promise to fix ramping.

Members interjecting:

The SPEAKER: Order! The Treasurer is called to order and the member for Schubert is reminded that, in introducing material, it must be facts and not argument and there was, in the tail of the material introduced, a degree of argument.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:10): I am very happy to take this question and confirm that fixing the ramping crisis is this government's number one priority. The critical issue that we raised time and time again and was ignored but, more importantly than us, that our frontline healthcare workers were raising and were being gaslit day after day by the previous government saying, 'Everything is fine, nothing to worry about, no problem here,' is that those delays in the hospital system—

Mrs Hurn: That's your approach now.

The SPEAKER: Order, member for Schubert!

The Hon. C.J. PICTON: —were leading to people getting stuck on the ramp and ultimately leading to people waiting longer to get an ambulance when they need it. What we saw recently—what we saw last week come out—was the federal Productivity Commission's report on government services. Essentially, the last year of the previous government showed over the course of the four years what they had the chance to do while they were in office—

Members interjecting:

The SPEAKER: Order! Minister, please be seated.

Mr Patterson interjecting:

The SPEAKER: Order! The member for Morphett knows better. The member for Schubert is becoming closely familiar with 137A. She will depart for the remainder of question time. She has been given fair warning.

The honourable member for Schubert having withdrawn from the chamber:

The Hon. C.J. PICTON: What we saw was those ambulance response times continuing to get worse and worse. We went from 19 minutes four years ago on the 90th percentile for metropolitan

Adelaide up to 71 minutes at the end of the four years of the Marshall government. That is the key concern, and that is why we are so heavily focused and invested in addressing this issue.

As the Premier said, it's very welcoming and encouraging that we did see a significant reduction in January, but we know that we have a long way to go to turn around the upward trajectory over the past five years in terms of transfer of care and ramping hours. What we need to do is have that capacity in the system to make sure, ultimately, that we can get people through the emergency department into those inpatient beds without being stuck in the emergency department, which means that the next ambulance coming on the ramp isn't able to take that patient inside the hospital. That is what all of our plans are focused on.

Thanks to the Premier and to the Treasurer in the last state budget we had a massive investment of $2.4 billion into our healthcare system in terms of more doctors and nurses but, importantly, more hospital beds, because we really haven't seen that number of hospital beds increase by any significant margin over the past four or five years. We need to increase those numbers of beds because we have an increasing aging population, because we have increasing demand on our health services, and because we have seen the impact of the COVID-19 pandemic, which really significantly hit our hospitals last year more than it had in the previous two years where our borders had been closed, and we didn't have any room for margin to spare because we didn't have the bed capacity to be able to open it.

One of the first things the Premier and I did was sit down with Health as soon as we took office and said, 'We need to open up every single bed that we have.' They did that, but we still didn't have enough beds to be able to do it. So we are investing in more beds. If you look at even some of our announcements recently, we are even increasing the beds on top of what we had committed to do at the election, for instance at Flinders Medical Centre. At the election, part of our plan was to open 24 more beds at that hospital. We now have a budgeted plan, together with an Albanese government, to increase the number of beds there by 136 extra beds, at Flinders Medical Centre. In addition to that, 24 more beds at the Repat, and, in addition to that, we have now doubled our announcement in terms of Noarlunga Hospital, to put another 48 beds into Noarlunga Hospital.

Mr Tarzia interjecting:

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

The Hon. C.J. PICTON: So that's increasing the capacity of Noarlunga Hospital by 50 per cent of the inpatient wards; 48 more beds at Lyell McEwin Hospital; 72 more beds at Modbury Hospital. We know that that capacity is needed so that we can get people through the emergency department and deal with the situation.

PREMIER'S EXPENDITURE

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (15:14): My question is to the Premier. How much did his trip to Bondi Beach cost, and will he refund this back to South Australian taxpayers? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: 7NEWS reported that the Premier had jetted off to Sydney to bolster the election hopes of the New South Wales opposition leader.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (15:15): I can confirm that I jetted off to Sydney. That's how you get there normally—in a jet. Of course, last week I had the opportunity to travel to Sydney and Canberra ahead of national cabinet, which was in our nation's capital across Thursday and Friday. Often when you travel to Canberra you go via Sydney. I took the opportunity to stop in Sydney for important—

Members interjecting:

The SPEAKER: Order! The member for Unley is warned. The member for Frome is warned. The Premier has the call.

The Hon. P.B. MALINAUSKAS: I stopped in Sydney. I went to Sydney—

Members interjecting:

The SPEAKER: The member for Unley is on a second warning.

The Hon. P.B. MALINAUSKAS: That's right. I went to Sydney for important opportunities to pursue in South Australia, including the important responsibilities—

Members interjecting:

The SPEAKER: The member for Unley is on his third warning.

The Hon. P.B. MALINAUSKAS: It is absolutely true that the Leader of the Opposition, the leader of the Labor Party in New South Wales, a potential premier of that state, asked if I was willing to join him to go for a run in the morning. I was more than happy to oblige. If Premier Perrottet invites me to go for a run with him, maybe I will do that too, and that's a practice that I intend to uphold. If I get the chance to go for a run early in the morning, wherever I am around the country, I will grab it. But most importantly—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

Members interjecting:

The SPEAKER: Order! The member for Unley is on three warnings and is familiar with 137A. The Premier has the call.

The Hon. P.B. MALINAUSKAS: I will also acknowledge that the Leader of the Opposition in New South Wales has decided to adopt our policy to ban mobile phones in schools. Whenever we have the chance the show a position of leadership around the country as a state, I think we should grab that and be very proud of it. I think Chris Minns has the capacity to be able to deliver on important policy that matters to the people of New South Wales.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: But more than that, I did enjoy the opportunity to be able to meet with some key business leaders in New South Wales. Sydney, of course, is our largest city in the country and New South Wales is the largest economy. We have aspirations to be able to grow at a substantial pace and we want to attract investment to our state, so it makes sense that I travel interstate just as every other Premier who has preceded me has done. We also had the chance to talk about important issues that pertain to the nation in the lead-up to national cabinet as well.

Members interjecting:

The SPEAKER: Order! The member for Colton is warned. His leader has the call.

PREMIER'S EXPENDITURE

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (15:18): Supplementary, Mr Speaker, and my supplementary is to the Premier. Apart from Chris Minns, Labor Party staff and volunteers, who did the Premier meet with on his trip to Sydney?

Members interjecting:

The SPEAKER: Order! I must observe for the moment—

Members interjecting:

The SPEAKER: Order, members to my left—that that question, in fact, assumes a number of matters that may not be correct.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (15:18): I met with a number of business leaders in the state of New South Wales. I might just take this opportunity to add that I think South Australian taxpayers arguably got a lot more value out of that exercise that I undertook in Sydney than what they might have got out of $582.82 that the opposition leader charged to taxpayers for car rental in London recently. So I think that it's a perfectly legitimate—

Members interjecting:

The SPEAKER: Order! Member for Florey! Member for West Torrens! Member for Morialta! Member for Chaffey! The Premier has the call.

The Hon. P.B. MALINAUSKAS: So, of course, travel is an important part of the leaders of governments job—both myself and the executive—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —and we will always to undertake it in accordance with—

Members interjecting:

The SPEAKER: Order, member for Colton!

The Hon. P.B. MALINAUSKAS: —fairness to taxpayers.

Members interjecting:

The SPEAKER: Order! Members to my left, one of your colleagues—

Mr Patterson interjecting:

The SPEAKER: Member for Morphett, your colleague is seeking the call and yet there are interjections.

Members interjecting:

The SPEAKER: Order! My concern in relation to the supplementary question, to return to that point, is that it runs the risk of being argumentative. Member for Heysen.

CHILD PROTECTION DEPARTMENT CHIEF EXECUTIVE

Mr TEAGUE (Heysen) (15:19): My question is to the Premier. Is the Premier satisfied that the remuneration on offer for the new chief executive of the Department for Child Protection will attract the best possible candidate? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: The chief executive of the Department for Child Protection earns up to $382,932, yet the chief executive of the Office of Hydrogen Power South Australia, Sam Crafter, is paid $560,788.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (15:20): I think I have the ability to say, in this place, that I understand that the former government wasn't always attracted to the idea of paying the former chief executive of child protection a higher remuneration, so I acknowledge their change of position in that regard.

Nonetheless, the state government is committed to employing the best possible people that we can recruit to senior chief executive positions. That is certainly true for the officeholder of the chief executive of the Department for Child Protection, and although I acknowledge the advocacy of the shadow minister to drive up the price as best as he possibly can for us to recruit the best possible person, we do remain flexible to respond to the market's needs.

As is always the case, when we identify the best person for the job we also then go on to negotiation with them around their remuneration and their salary. But the simple fact is this: as I stated on the very first day that the news of Ms Taylor's resignation came to light, this was going to be a difficult undertaking. I think I foreshadowed on that first announcement that the Victorian government was also in the market for the chief executive, as the shadow minister has referred to

publicly more recently as well. So we have to do our level best; we have to be competitive in a difficult market, and we have every intention to do that.

CHILD PROTECTION DEPARTMENT CHIEF EXECUTIVE

Mr TEAGUE (Heysen) (15:21): Supplementary: does the Premier intend to compete, including with the Victorian government, for the best possible candidate globally for the Department for Child Protection chief executive? If so, how? With leave, I will explain.

The SPEAKER: Leave is sought. We are running the risk of, of course, entering into matters that were not canvassed by the answer itself, but we will hear from the member for Heysen.

Leave granted.

Mr TEAGUE: The Victorian Premier is reported publicly as offering $747,497 to find Victoria a new child protection boss. That's an extra $364,565 in salary to what is currently paid here. It's about what taxpayers pay Rik Morris to run the Premier's Delivery Unit. The Victorian search has already, as I think is well known, taken six months and still no replacement.

Members interjecting:

The SPEAKER: Order! We are testing the limits of supplementary questions.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (15:22): As I said earlier, it is a competitive marketplace. The government remains flexible to respond to it accordingly. We have the ambition, like I said, of recruiting someone of high calibre to that position, given it's a substantial responsibility. That candidate might come from interstate, might come from overseas or might come internally as well. The Victorian government can account for their process; we will account for ours, and we are getting on with it as quickly as possible.

CHILD PROTECTION DEPARTMENT CHIEF EXECUTIVE

Mr TEAGUE (Heysen) (15:23): My question is to the Minister for Child Protection. What involvement, if any, has the minister had in the global recruitment process for the new chief executive of the Department for Child Protection?

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) (15:23): I thank the member for his question. What I would say from the outset is that Ms Taylor advised me of her resignation on the morning of 27 January and, as has been spoken about publicly since then, she intends to remain in the position until around about the end of April. I wish her all the best for the future. I am happy to have this opportunity to say that in this house, and I thank her for her commitment in what is a really, really difficult and complex area of policy. I know that she has shown commitment to that role, and again I wish her all the very best in her future endeavours.

I will of course be looking at the recruitment process. I know that I have asked my office to organise a meeting with Erma Ranieri, the Commissioner for Public Sector Employment. From memory—I am certainly happy to speak with the member at the end of question time—I think that meeting is in my diary for very early next week, and there have already been conversations with DPC about the process that will be undertaken in the recruitment of that CEO. I think the Premier has also spoken about that process both on radio and in the media and also in this house.

The SPEAKER: Before I turn to the member for Davenport, I observe that on 19 November 2014, in response to a point of order concerning the asking of a supplementary question to another minister, Speaker Atkinson quoted Erskine May, 24th edition, at page 366 as follows:

> A supplementary question may refer only to the answer out of which it immediately arises, must relate to government responsibility, must not be read or be too long, or quote from letters, should contain only one question, must not refer to an earlier answer or be addressed—

I understand this may have been the point of order that was being considered at the time—

> to another Minister.

MOBILE PHONE BAN

Ms THOMPSON (Davenport) (15:26): My question is to the Minister for Education, Training and Skills. Can the minister update the house about the new education initiatives underway in term 1 around the state?

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (15:26): I thank the member for Davenport for her question and her interest in these topics. It was a great pleasure to join not only the member for Davenport but also the member for Gibson and the Premier at Seaview High School just over a week ago, where we launched our ban on mobile phones in high schools in South Australia.

Just to refresh the memories of those in the house, this was, I believe, the second commitment that was made from the then Malinauskas Labor opposition way back in 2019. In fact, I think it was the second commitment that was made after the Voice, which shows just how important we know this issue is. I am very pleased that very early in the life of this government we have begun the rollout of that commitment into our high schools, in fact all schools in the South Australian public system that have secondary enrolments.

In fact, last week for the start of term 1 of the 2023 school year, we saw about 30 per cent of the schools in the South Australian public system that have secondary enrolments bring the ban into effect. I was joined at Seaview High School not only by the members for Davenport and Gibson, and the Premier of course, but the principal of that school, Penny Tranter, and a Year 12 leader, Jess, who both spoke really passionately, I thought, and earnestly around why this change is needed, why it is necessary and the kind of positive benefits that we can expect to see not just in our classrooms but also in our schoolyards by banning the use of mobile phones in those settings from the first bell in the morning to the last bell in the afternoon.

We are in a privileged position to be furnished with a mountain of data around the negative effects that mobile phones and social media have on our society, particularly on our youngest people. We know that they can be used for bullying. We know that they can be used for harassment through social media platforms—things like TikTok and Snapchat and all those sorts of things—and we know also that they are increasingly being linked to more serious trends in our society like heightened anxiety and depression amongst very young people.

This is one of the things, I must say, that upon becoming the Minister for Education in March last year shocked me—to hear about the number of young people in the upper levels of primary school and the early levels of high school who are suffering from suicidal ideation. I think that it is not good enough. It doesn't meet the pub test, as the minister, to know all this information, to know all these negative effects that mobile phones can have, and access to social media and mobile phones at schools, and then not to anything about it.

We know, of course, and I'm sure current and former ministers in this place would agree with me on this point, that rarely, in these jobs that we do, the biggest and most important changes that have the most positive and beneficial effects for our society and community are the easy ones. They are often the tough and complex ones. No doubt, banning mobile phones in high schools is one of those. There will be bumps on the way.

It will come as no surprise to anyone in this place and it will come as no surprise to the South Australian public who are no doubt hearing about this from kids and grandkids that young people at school don't want to be separated from their mobile phones. There will be bumps along the way here, but I can tell the house, with my hand on my heart, that with every new principal I meet, with every new school I go to, with every classroom teacher I speak to, with every parent, grandparent and carer I meet and speak to, the more certain I am that this is the right thing to do and that we are going to start seeing some of those positive benefits that are already being seen in the first week and a half of this ban right across our public education.

MINISTER FOR CHILD PROTECTION

Mr TEAGUE (Heysen) (15:30): My question is to the Premier. Does the Premier stand by comments that his Minister for Child Protection spends most of her time in the Child Protection portfolio? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: On 31 January, the Premier told FIVEaa radio and I quote, 'I do know that when it comes to the bulk of minister Hildyard's time, it's certainly used in the child protection sector.'

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (15:30): I have no reason to believe otherwise because I know how dedicated the Minister for Child Protection is to that substantial responsibility. The Minister for Child Protection has undertaken a pretty substantial exercise to drive change within the department while at the same time responding to the myriad of reviews and recommendations that are being made to the government following the department not necessarily heading in the right direction over the course of the former government's tenure.

The Hyde review has been a very substantial exercise indeed and resulted in a number of recommendations to the minister, amongst other responses to coronial inquests, and she is dedicated to implementing each and every one of those recommendations where we have committed to do so.

Following the Hyde review, of course more recently we have had the very substantial undertaking of an additional 500—526 I think to be precise—checks of various children across the state. That's work that the minister has dedicated herself to as well, along with actively engaging with a whole range of different elements of the child protection system outside of the government itself: whether that be parents, whether that be grandparents for grandchildren, or whether it be organisations that represent foster carers. I think Minister Hildyard is doing an exceptional job under difficult circumstances.

It is also true that Minister Hildyard has other portfolio responsibilities outside those that pertain to child protection. She addresses each and every one of those needs with the appropriate diligence and thoughtfulness that I think any minister in this place is capable of delivering.

I would also note the shadow minister's advocacy for a minister being given the single responsibility of being the Minister for Child Protection. The irony of that advocacy is not lost on me or most observers of state politics given that the shadow minister himself has a range of portfolio responsibilities outside child protection.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: Shadow minister for attorney-general, shadow minister for aboriginal affairs, shadow minister for child protection, amongst others. It stands to reason that there is an inherent inconsistency between the shadow minister's advocacy for what we should do given that he himself does not apply the same logic. Nonetheless, we have zero doubt in the ability of the Minister for Child Protection to be able to undertake her multiple responsibilities, while at the same time focusing on the very serious needs that exist within the child protection portfolio more broadly.

POLITICAL DONATION REFORM

Mr BROWN (Florey) (15:33): My question is to the Treasurer. Can the Treasurer update the house on the progress of political donation reform and have any recent events contributed to the impetus of reform?

Members interjecting:

The SPEAKER: Order! The Treasurer has the call.

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (15:34): I thank the member for Florey for his question because I know he is keenly interested in this, as are all South Australians, particularly after the events of the last week.

At the recent state election, we made it clear that, on this side of the house, the South Australian Labor Party was committed to implementing donation reform. We want to ban political donations in state politics here in South Australia, and for good reason, because the public needs every tool they can get their hands on to feel more confident in our political process and the people who are elected as a result of political processes.

But, of course, it's only heightened interest in actual political donations. We saw the disclosure of a recent tranche of political donations, including the single highest donor to the South Australian Liberal Party last financial year, a company called Australian Romance Pty Ltd: $445,000—no small beer.

I wasn't familiar with this company. In fact, most people wouldn't be familiar with this company, so after undertaking some research surely it would be clear what a company that donates nearly half a million dollars to a major political party in South Australia was in the business of. Unfortunately, there is no sign of Australian Romance online. There is no website, no social media, no phone number to call to discuss wine exports, and no address to visit Australian Romance Pty Ltd at all. In fact, the only thing that online investigations show is that Sally Zou is listed as the company's director. Ms Zou, of course, continues to be the single biggest donor to the South Australian Liberal Party.

It is unfortunate, isn't it, that the South Australian Liberal Party would accept such vast sums of money from Ms Zou, given her chequered corporate record, including a number of findings against the companies that are owned or controlled by Ms Zou for not paying creditors and not paying employees. In fact, Mr Speaker, you might be interested to know that Ms Zou has donated a staggering $2.4 million to the Liberal Party since 2015 and, of course, we all remember during the 2018 election she infamously tweeted an image of a $1.2 million cheque made out to the South Australian Liberal Party.

However, it seems that, while she has honoured payments to the Liberal Party, the same can't be said for businesses and workers. Most recently, we have seen one Anthony Smyth seek reparations for lost earnings and damages, arguing Ms Zou struck deals with him and related parties to trade commodities including coal with companies including Glencore, but failed to honour her commitments.

But it doesn't stop there. Her company AusGold faced legal action from employees saying they were not paid. They included former mine supervisor Peter Doran, who is owed over $50,000 plus superannuation—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —which has never been paid. Never been paid.

Members interjecting:

The SPEAKER: Order, member for Florey!

The Hon. S.C. MULLIGHAN: Other Sally Zou employees had to go to court and were successful in receiving a default judgement against Ms Zou and were awarded three months of unpaid wages and superannuation. We saw the state's largest cherry grower, Torrens Valley Orchards, have to pursue Ms Zou through the courts for non-payment of $414,000—less than the most recent donation. It is clear we need reform in this area, and it's reasons like these donations from Sally Zou to the South Australian Liberal Party that we are committed to cleaning up.

Members interjecting:

The SPEAKER: Order! The Premier and the member for Chaffey are called to order.

MINISTER FOR CHILD PROTECTION

Mr TEAGUE (Heysen) (15:38): My question is to the Minister for Child Protection. Has the minister spent more time in her recreation, sport and racing portfolio than her child protection portfolio since the election and, if so, why? With your leave, and that of the house, I will explain.

Leave granted.

Members interjecting:

The SPEAKER: Order!

Mr TEAGUE: Documents released under FOI reveal that the minister's diary shows at least 254 hours spent on recreation, sport and racing—diarised time—and, by the same measure, only 230 hours on child protection since the election.

Members interjecting:

The SPEAKER: Order, member for Chaffey!

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) (15:38): I must say, I find this question absolutely shameful. The reason that I find this question absolutely shameful is that the task ahead in child protection system reform is deeply complex, deeply challenging—

An honourable member interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. K.A. HILDYARD: —and it absolutely requires collaboration between a number of people. One of the things that I have said many, many times is that it requires whole of government effort, whole of sector effort, whole of community effort. I have reached out a number of times to the shadow minister to brief him on particular issues and to ask him to be involved in progressing particular issues. Instead of actually coming up with solutions, instead of engaging in constructive debate what he does instead is he—

The SPEAKER: Minister, there is a point of order.

Mr Whetstone interjecting:

The SPEAKER: Order, member for Chaffey! I will hear from the member for Morialta.

The Hon. J.A.W. GARDNER: Thank you, sir. Standing order 98. The question was quite straightforward. It didn't provoke, it was to do with data. The minister's response is seeking to characterise the shadow minister in a certain way. It is utterly in contravention of standing order 98.

Members interjecting:

The SPEAKER: Order! I observe first that the standing orders permit a minister to answer in any way that they see fit except where their answer might breach the standing orders. I will listen carefully. It may be and it has been—

The Hon. K.A. Hildyard interjecting:

The SPEAKER: Order! Minister, if you have a point of order or you wish to address this point of order, you may; however, I will listen carefully. I observe in relation to the point of order that a degree of context is permissible. Minister.

The Hon. K.A. HILDYARD: Thank you, Mr Speaker—

The SPEAKER: Order! I will hear from the leader of government business before turning to the minister. The Leader of Government Business.

The Hon. A. KOUTSANTONIS: Point of order, sir. I ask that the member for Flinders withdraw and apologise for the remark to the minister saying, 'Please don't cry,' or 'Stop crying.' It is an appalling remark, sir, and sexist in my opinion.

Members interjecting:

The SPEAKER: Order! Before the member for Flinders addresses the house, I observe that I did not hear the exchange. Member for Flinders.

Mr TELFER: Comment withdrawn, sir.

The SPEAKER: Withdrawn. Minister.

The Hon. K.A. HILDYARD: Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order! We are going to move on. The minister has the call.

The Hon. K.A. HILDYARD: I will continue with my answer. I think the interjection that we've just had speaks to—

Mr Whetstone interjecting:

The SPEAKER: Member for Chaffey!

The Hon. K.A. HILDYARD: —what the priorities are of those over there. As I said, I would appreciate constructive suggestions from the shadow minister. Instead we get this absolute nonsense filled with untruth about the number of hours that I spend—

The SPEAKER: Order! Minister, there is a point of order which I will turn to from the member for Morialta. Member for Morialta.

The Hon. J.A.W. GARDNER: Standing order 98(a) says:

In answering a question, a Minister or other Member replies to the substance of the question and may not debate the matter to which the question refers.

It is quite specific, sir. The minister's characterisation of the shadow minister or, indeed, any other member other than inasmuch as it replies to the substance of the question is in contravention of standing order 98 and should be ruled out of order.

The SPEAKER: Order! Well, that may be—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. HILDYARD: I thought better of the shadow minister but I will continue—

The SPEAKER: Order, minister! I am going to address the point of order briefly. That may be, member for Morialta. I also observe that standing order 127 does not permit a minister, or any other member, from digressing from the subject matter of any question under discussion. It may be that that standing order has more force. That standing order was not raised with me, nevertheless, I remind the—

The Hon. J.A.W. Gardner: It doesn't apply in question time, sir.

The SPEAKER: Well, perhaps that may be, or impute improper motives to any other member, which does apply in question time. But, in any event, I draw the minister's attention to the substance of 127, most particularly 127 2., not the standing order raised by the member for Morialta.

The Hon. K.A. HILDYARD: Thank you very much, Mr Speaker, and I will continue to talk about how shameful it is that this is the contribution to child protection from the shadow minister. As I said, child protection is a deeply challenging—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. HILDYARD: —and complex area.

The Hon. J.A.W. GARDNER: Point of order, sir: the minister has just directly contravened the ruling you just gave her—

The SPEAKER: Order! Minister, please be seated. Member for Morialta, I did not make a ruling; I provided some guidance to the minister.

The Hon. J.A.W. GARDNER: She ignored it, sir.

The SPEAKER: It would be my wish—

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

The SPEAKER: Order, member for Morialta! It is well within my wheelhouse to form a view about these matters.

Members interjecting:

The SPEAKER: Order! The minister has the call. There are three minutes remaining. If opposition members continue to seek to supply the answers, it is going to be difficult for me to hear the answer. Minister.

The Hon. K.A. HILDYARD: Thank you very much, Mr Speaker; as I said, I am very keen to answer this question. My answer speaks to a comparison between myself as minister, who has been utterly committed to the wellbeing of children my entire life, and many people in this house know my passion for child protection areas and domestic and family violence prevention areas as well. What I say for those opposite with this question, and the outrageous slurs that are being made, is that that is their contribution, rather than absolutely working to make the changes we are seeking to progress to improve children's lives and help to make children safer.

I'm not sure if the shadow minister has turned his mind to child protection before the last few months since becoming shadow minister, but what is really clear now is that he still hasn't turned his mind to the issues in child protection, because the best he can come up with are absolutely outrageous slurs. I am utterly committed to progressing change in the child protection system. He is throwing out numbers about my diary, but what he hasn't contemplated—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. HILDYARD: —firstly, is that the domestic violence portfolio is intrinsically linked to the child protection portfolio, but he hasn't added up those hours in his little sums. The second thing I will say is that every single night—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. HILDYARD: —every night in my diary there are hours and hours of time set aside for briefings, time that extends well beyond those hours that are put aside in my diary—and I can tell the shadow minister right now that I use all that time working through the issues in child protection. Indeed, I continue well past that time.

These slurs are outrageous. They speak to somebody who doesn't understand the complexities of the child protection system, nor what needs to be improved. The best he can come up with are ridiculous slurs about my commitment. My commitment is known. His commitment is clear—

An honourable member interjecting:

The SPEAKER: Are you raising a point of order?

The Hon. K.A. HILDYARD: —given that this is all he can raise in relation to child protection.

Members interjecting:

The SPEAKER: Order! We got there in the end.

Members interjecting:

The SPEAKER: Order! The member for Hammond—

Mr Tarzia: Chuck him out, sir.

The SPEAKER: Member for Hammond, I might very well take your colleague's advice; I might very well. Member for Heysen.

MINISTER FOR CHILD PROTECTION

Mr TEAGUE (Heysen) (15:47): My question is to the Minister for Child Protection. Can the minister explain her conduct on 18 May last year, including whether she spent more time in her child protection portfolio or other portfolio work that day? With your leave, sir, and that of the house, I will explain.

Members interjecting:

The SPEAKER: Order!

Mr Whetstone: Just listen to the question.

The SPEAKER: Member for Chaffey, your colleague is asking the question. Member for Heysen.

Mr TEAGUE: I need leave, sir.

Leave granted.

Mr TEAGUE: On 18 May, a 13 year old was discovered ingesting pills in a child protection facility under state care. That same day, according to documents released under FOI, the minister prioritised attending an A-league match at Hindmarsh Stadium and making celebratory posts on Facebook.

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) (15:48): I might just give the shadow minister a little bit of a lesson about child protection, because it is very clear he has never turned his mind to the complex issues; rather, he just comes up with this ridiculous nonsense.

What I can tell you, Mr Speaker, and everyone in this house, is that if he is judging whether somebody is engaged in child protection through monitoring their social media—and clearly he monitors my social media—that there are many issues that you contemplate in child protection, really complex issues that you deal with every single day, that no-one would ever put on social media, nor would I be putting on the details of the files I look at every single night. He knows that time is in my diary, but has conveniently left it out of his little base equation. He knows that time is in there. He also knows that there are many, many events, files and briefings to do with domestic violence prevention, and I might just explain to the shadow minister the deep intersection between child protection and domestic violence prevention.

The SPEAKER: Minister, before—

The Hon. K.A. HILDYARD: We think that around 80 per cent—

The SPEAKER: Minister, I am just going to draw your attention to the standing orders. Your contribution so far runs the risk of amounting to, in part, a personal reflection on any other member. This is a matter that I am going to police closely on both sides for this year. I was concerned last year that this was a matter that had been let go. I appreciate the sensitivity of the topic. It is possible to address this matter in a more objective way reflecting on the question.

The Hon. K.A. HILDYARD: Thank you, Mr Speaker, I do take your point. Thank you for your advice and guidance. What I would say, though, in relation to the intersection between domestic violence prevention and child protection is that a number of issues that you deal with in the portfolio of domestic violence prevention also don't necessarily appear on social media for very good reason. What I would say about that intersection is that around 80 per cent—which is a shocking figure—or in the vicinity of 80 per cent of child protection cases have a domestic violence element, which is utterly shocking to me. So, if he is doing some sort of calculation, he might want to think about that intersection.

The other thing that I would say is that, in relation to any sporting events in my diary, I don't know about those opposite but I think most members in here generally pop in to particular sporting events for a particular period of time. I would wager a bet that most of us don't go to every single event for the entirety of the time because we are busy with other things. Maybe the shadow minister does have that time. I don't. What I can say also is that perhaps we can talk a little about the period when they were in government. What is really clear to me is that they had a Minister for Child Protection—

Mr TARZIA: Point of order, sir.

The Hon. K.A. HILDYARD: —and what is really clear—

The SPEAKER: Minister, there is a point of order which I am bound to hear from the member for Hartley.

Mr TARZIA: Respectfully, the minister is not responsible to the house for former governments.

The SPEAKER: That may be. I am going to listen carefully. I am going to permit a degree of context if the minister wishes to give it.

The Hon. K.A. HILDYARD: I did just want to give context because, again, I am utterly focused on the issues that we are grappling with as a community in child protection—utterly focused. Everybody in the sector knows that, families that I meet with know that, people know that. The only person questioning it is the shadow minister.

What I would just do, and I didn't really want to do this, but given the cacophony that I have heard from over here I will just make a little contrast: when they were in government their child protection minister had one portfolio. I was utterly alarmed at the lack of any progress whatsoever on the significant issues that we contemplate in child protection during that period. Perhaps I can read from the leaked—what I can read are, perhaps rather than my words, the words of—

Members interjecting:

The SPEAKER: Order, members to my left!

The Hon. K.A. HILDYARD: —their own party in their election review in relation to their Minister for Child Protection with one portfolio.

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. HILDYARD: On occasion, it appears that the minister was not apprised of incidents by the department. This led—

The SPEAKER: Minister, your time has expired. You have not sought my indulgence for additional time. I'm going to turn to the member for Newland.

SNAPPER POINT POWER STATION

Ms SAVVAS (Newland) (15:53): My question is to the Minister for Energy and Mining. Can the minister update the house on the status of the government-owned electricity generators?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:53): I thank the member for the question and for their abiding interest in all things energy. Members will recall that the then Weatherill government, in November 2017, decided to purchase two sets of generators—let's call them Koutsantonis unit A and B—to provide a safeguard of reliable electricity supply to households and businesses.

The aeroderivative turbine generators comprised of one set of 123 megawatts and one set of 154 megawatts. Their operation was entirely in the control of the government, and they were designed to be available 24 hours a day, seven days a week, 365 days a year, to meet the demands of the electricity system.

Unfortunately, with the Liberal government's election and their sitting on the Treasury benches, a rash and foolish decision was made to pawn off these generators to the private sector. Despite repeated promises that the Liberal Party had no intention to privatise assets, the former government told this house—

Members interjecting:

The SPEAKER: Member for Florey! Minister—

Members interjecting:

The SPEAKER: I will take that advice. The member for Chaffey and the member for Florey will depart under 137A for the remainder of question time.

The honourable members for Chaffey and Florey having withdrawn from the chamber:

The SPEAKER: The minister has the call.

The Hon. A. KOUTSANTONIS: Despite repeated promises that the former Marshall government had no intention to privatise assets, the former Marshall government told this house, 'We are going out to market,' and in August 2019 executed two lease contracts on generators, privatising their operation and ending the government's exclusive control of these private assets.

They told South Australians that under the lease they had 'enabled the generators to operate 365 days a year'. If only that were true. I regret to inform the house that the leases have not resulted in the generators being in operation by these private companies at all times.

One set of generators, which were installed at the former Holden manufacturing plant, had been relocated to the tip of the Lefevre Peninsula at a site called Snapper Point. The site was chosen by the private operators and agreed to by the former Marshall government during the process of leasing the generators.

Now known as the Snapper Point power station, the generators are located across the water from the suburb of St Kilda. Unsurprisingly, the aeroderivative turbines, which sound like a jet engine, can be heard from St Kilda. Because of the noise, the independent Environment Protection Authority has ordered that the power station operate under a noise management plan. The EPA's plan stipulates that unless there is an emergency, the power station cannot operate between the hours of 10pm and 6am. Geniuses! That's right. Every single night the power station is not available for use by its private operators.

Not only that, every morning between the hours of 6am and 7am, the power station can only operate if the wind is blowing in a specific direction. Available all the time? It was a hoax. I don't blame the private operators who are now trying to mitigate the problem who are working with the St Kilda community. I sympathise with that community. At a community meeting on 15 December, residents wrote to me describing some of the effects on their homes and lives. 'We really have been left scared for the future,' one resident said.

This is the legacy of the one-term Marshall government: residents who are scared and a broader population who were mistakenly or intentionally told that privatising the operation of a government asset would be a good thing. It was a hoax and incompetent behaviour of a former incompetent government that didn't deserve one minute more than the four years they had.

Members interjecting:

The SPEAKER: The member for Hammond is called to order.

MINISTER FOR CHILD PROTECTION

Mr TEAGUE (Heysen) (15:58): My question is to the Minister for Child Protection. Can the minister explain her conduct on Friday 15 July last year, including whether she spent more time in her child protection portfolio or her other portfolio work that day? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: On 15 July, emergency services were called to a Munno Para home where a child was found unresponsive and was taken to Lyell McEwin Hospital where she died of malnutrition. The remaining five children were removed from their home and this was declared a major crime. That same day, the minister attended a community event for the entire day. That day she also posted to social media that she 'had a great time today meeting with South Australian high schoolers at the SASI talent search'.

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) (15:59): A couple of things: again, I find this line of questioning absolutely disgraceful. I wish that the shadow minister was interested in child protection and the serious issues that we contemplate: the fact that one in three children in South Australia is notified to the child protection system at some point in the course of their childhood; the fact that the numbers of children going into

care during their time in government grew by around about a thousand by the interconnected issues that families in South Australia are experiencing—domestic violence, mental ill-health, intergenerational trauma, poverty and substance misuse. I wish that he was interested in those issues. Unfortunately, he is not, so I will respond to—

The SPEAKER: Order! Minister—

The Hon. K.A. HILDYARD: —his question about 15 July. I don't have my diary in front of me, but what I can say is that I have responded repeatedly in this place about the actions, the briefings, etc., that I undertook on hearing about this absolute tragedy. I have repeatedly spoken about exactly what I did, and I have taken a number of steps. We know that there are a number of reviews that have occurred, and we are setting about this in a very strong and decisive way to implementing change—change that we were implementing before those reviews, change that we continue to implement since then. Again, I don't have my diary in front of me, but I do know—

An honourable member interjecting:

The Hon. K.A. HILDYARD: The 15 July I think is a Friday. If it is a Friday, what I can say is that, in my diary, often on a Friday there will be some time that is put aside to be in my electorate, as is the case with many of the members in this house. Whilst that is the case, that does not ever preclude me from taking briefings, taking calls, generally with the ministerial office. We still do other meetings, and we do a number of briefings during that period as well. So there is absolutely no question about my deep, long-term, lifelong commitment to the child protection area and to making improvements to that system.

It is utterly shameful that, rather than engaging in a conversation about the solutions about the way forward, this is what we have to put up with. I would also say that I think it's really disgraceful. I don't want to go into all the details in this house, but the shadow minister also knows what was in my diary on every single one of those nights at that time—

The SPEAKER: Order, minister!

The Hon. K.A. HILDYARD: It's marked in there really, really clearly, in terms of dealing with a really difficult family issue.

The SPEAKER: Minister, I am bound to—

The Hon. K.A. HILDYARD: That is in there as well, and the fact that he has chosen to even ask about that—

Members interjecting:

The SPEAKER: Order!

The Hon. K.A. HILDYARD: —is disgraceful.

Members interjecting:

The SPEAKER: Order! Minister, I am bound to hear the point of order from the member for Morialta.

The Hon. J.A.W. GARDNER: I was going to say 127, but if the minister is finished I am happy to seek the call for a question.

Members interjecting:

The SPEAKER: Order! The exchange across the chamber will cease. If the minister has concluded her answer, I will turn to the member for Mawson.

BRAND SOUTH AUSTRALIA

The Hon. L.W.K. BIGNELL (Mawson) (16:02): My question is to the Minister for Trade and Investment. Can the minister advise the house on the recent re-establishment of the board to promote Brand South Australia and South Australia globally?

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning) (16:03): I thank the member for

Mawson for the question; he is a great salesman for South Australia and for his electorate as well. Last week, six prominent South Australians met at Callum Hann's restaurant, Eleven, on Waymouth Street. These six South Australians were tasked with directing the future of the state's brand.

The Malinauskas government is repairing the damage that was inflicted on our state and on our brand recognition after the former government abolished funding and support for Brand SA in June 2019. In less than two weeks, Brand SA's return will take another step with the advisory board meeting for the first time. This meeting will be a great occasion for our state, our brand and our business community, who market their produce with pride. Our business community—

Members interjecting:

The SPEAKER: Order!

The Hon. N.D. CHAMPION: —tell the world that there's no better place than South Australia—

Mr Cowdrey interjecting:

The SPEAKER: The member for Colton is called to order.

The Hon. N.D. CHAMPION: —from our premium produce to our world-class hospitality, to our vineyards and to our pristine beaches. As a state, we are lucky to have these six passionate South Australians willing to accept the responsibility to step up and lead for branding our state.

Members interjecting:

The SPEAKER: Order!

The Hon. N.D. CHAMPION: They are going to rightly see that South Australia garners the international attention—

Mr Telfer interjecting:

The SPEAKER: Member for Flinders!

The Hon. N.D. CHAMPION: —that we deserve. The board members are led by Jane Jeffreys, who has over 30 years' experience in local organisations, including the Adelaide Convention Centre, the Port Adelaide Footy Club and the West Beach trust. She leads the board comprising of Callum Hann, owner of the restaurant Eleven and director of Sprout and Dietary Hawk; Rebecca Morse, award-winning journalist for both the news presentation and SAFM; Franklin dos Santos, CEO of Foodland Supermarkets Australia; Jade Torres, Director of Pwerle Aboriginal Art Gallery; and George Georgiadis, co-founder of Never Never Distilling Co.

The reestablishment of Brand SA is already having an impact locally with its Spend Your Support campaign, launched to help River Murray businesses who are in need, encouraging South Australians to buy directly from flood-affected communities. It is a good thing.

Brand SA has also partnered with Food SA for the delivery of the I Choose SA campaign for local supermarkets. That partnership will also work to promote homegrown local produce at an interstate level and will continue over the course of 2023. On an international stage, Brand SA supported the Adelaide 36ers, who proudly wore the logo on their uniform during their historic victory against the Suns in Phoenix, Arizona.

South Australia should get used to seeing the Brand SA logo all around our state. We make no apology for backing Brand SA in for their selling our state at home, interstate, overseas. It is a proud achievement of this government that we have delivered on our election commitment to reinstate Brand SA. I suppose it also reflects on those opposite, who ended funding for Brand SA—

The Hon. J.A.W. GARDNER: Point of order—

The Hon. N.D. CHAMPION: —and who pulled out of this important state function.

The SPEAKER: I understand the minister has concluded his answer. That may well resolve the—

The Hon. J.A.W. GARDNER: He still disobeyed your instruction to obey standing order 127, sir.

Members interjecting:

The SPEAKER: Order! The minister has concluded his answer. Question time has expired. I understand it is the will of the house to return to papers. The Deputy Premier.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Deputy Premier (Hon. S.E. Close) on behalf of the Premier (Hon. P.B. Malinauskas)—

Remuneration Tribunal—
- No. 6 of 2022—Auditor-General, Electoral Commissioner and Health and Community Services Complaints Commissioner—
  - Determination
  - Report
- No. 7 of 2022—Members of the Judiciary, Presidential Members of the SAET, Presidential Members of the SACAT, the State Coroner, and Commissioners of the Environment, Resources and Development Court—
  - Determination
  - Report
- No. 8 of 2022—Accommodation and Meal Allowances—Judges, Court Officers and Statutory Officers—
  - Determination
  - Report
- No. 9 of 2022—Conveyance Allowances—Judges, Court Officer and Statutory Officers—
  - Determination
  - Report
- No. 10 of 2022—Salary Sacrifice Arrangements for Judges, Court Officers and Statutory Officers—
  - Determination
  - Report
- No. 11 of 2022—Berri Country Magistrate Housing Allowance—Report
- No. 12 of 2022—Application for Overseas Accommodation and Daily Allowance—2023 Supreme and Federal Court Judge's conference in Christchurch—
  - Determination
  - Report
- No. 13 of 2022—Application for supply of a Four-Wheel Drive Vehicle to the Resident Magistrate, Berri, at a cost equal to the Conveyance Allowance provided by Determination 14 of 2021—Report
- No. 14 of 2022—Allowances for Members of the Parole Board of South Australia, Review of—
  - Determination
  - Report
- No. 15 of 2022—Common Allowance for Members of the Parliament of South Australia, Review of—
  - Determination
  - Report
- No. 16 of 2022—Accommodation and Meal Allowances for Ministers of the Crown and the Leader and Deputy Leader of the Opposition, Review of—
  - Determination
  - Report

No. 17 of 2022—Electorate Allowances for Members of the Parliament of South Australia, Review of—
Determination
Report
No. 18 of 2022—Accommodation Expense Reimbursement and Allowances for Country Members of Parliament, Review of—
Determination
Report
No. 19 of 2022—Reimbursement of Expenses Applicable to the Electorate of Mawson—Travel to and from Kangaroo Island by Ferry and Aircraft, 2022 Review of—Report

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

Independent Commission Against Corruption Reviewer—
Revised report of a review of the operations of the Independent Commissioner Against Corruption and the Office for Public Integrity Annual Report 2021-22
Regulations made under the following Acts—
Bail—Forms—No. 2
Criminal Law Consolidation—General—Human Remains Reporting
Independent Commission Against Corruption—Inspector
Legislation Interpretation—Council Meetings
Rules made under the following Acts—
Supreme Court Act 1935, District Court Act 1991, Environment, Resources and Development Court Act 1993, Youth Court Act 1993, Magistrates Court—Joint Criminal—No. 1
Supreme Court Act 1935, District Court Act 1991, Youth Court Act 1993, Magistrates Court—Uniform Civil—No. 8

By the Deputy Premier (Hon. S.E. Close) on behalf of the Minister for Police, Emergency Services and Correctional Services (Hon. J.K. Szakacs)—

Police, South Australia—Inquest into the death of John James Bentley Report

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

Government Response to Standing Committees—
Public Works Committee: Intersection Works and Compulsory Acquisition—Final Report Government Response
Public Works Committee: North-South Corridor – River Torrens to Darlington Tunnels Government Response
Highways Act 1926—Leases granted for properties held by the Commissioner of Highways Annual Report 2021-22
Regulations made under the following Acts—
Motor Vehicles—Ultra High Powered Vehicle Driver Licensing

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

Stony Point Environmental Consultative Group—Annual Report 2021-22

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

Regulations made under the following Acts—
Controlled Substances—Poisons—Miscellaneous—No. 2
Health Practitioner Regulation National Law (South Australia)—Amendment of Law

Ministerial Statement

HYDE REVIEW SAFETY CHECKS FOR CHILDREN

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) (16:10): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. HILDYARD: Safety checks for 526 vulnerable children identified in Mal Hyde's 2022 Review of Child Deaths at Munno Para and Craigmore have been completed. The checks were coordinated by SAPOL and completed by child protection workers from the Department for Child Protection and the Department of Human Services. The completion of this task marks the successful implementation of the fourth recommendation of Mr Mal Hyde's report.

The report examined the circumstances surrounding two specific cases: the tragic deaths of seven-year-old Makai in February and six-year-old Charlie in July. All 31 of the Hyde report's recommendations have been accepted in principle by the state government. The 526 children were identified in a profiling exercise undertaken by the Office for Data Analytics and the government immediately undertook to assess the status of the children and implement any actions required to keep them safe.

The government and community expectation was that the assessment of any potential risk to each child, including a physical sighting and assessment of their circumstances by a trained child protection professional, would be undertaken as a matter of priority. Prior to the commencement of this exercise, government agencies were already working with 57 per cent of the families of the potential at-risk children identified and work with a number of these children and families will continue. A number of the interventions were already in the process of being progressed by DCP or DHS child protection workers in the ordinary course of their duties.

On initial analysis of the 526 cases, the characteristics observed included 65 children, or 12 per cent, were in care at the beginning of the process and 214 children, or 41 per cent, were identified as Aboriginal and/or Torres Strait Islanders. I can report that as of 31 January 2023:

- all 526 children have been personally sighted by either a DCP or DHS child protection worker during home visits;
- 45 children were assessed by child protection staff as having safety issues present within the family at the time of the assessment;
- a range of interventions have been implemented for children in unsafe situations, including family group conferencing, initiation of safety plans, referrals to appropriate services and the removal of 12 children or 2 per cent of the total; and
- 10 of these children who were removed were already part of open and active cases prior to the commencement of the assessments.

Child protection is incredibly complex, with children and families facing interconnected issues that create entrenched and often intergenerational trauma. A number of these issues were prevalent in homes visited during this process, including domestic violence, mental ill health and poverty.

Work with children and families at risk is often a long-term undertaking and that will include those included in this exercise. Prior to the Hyde review, a number of investments were made and measures implemented to help keep children and young people safer. Our work and steadfast commitment to improve the child protection system to help make a positive difference in children's lives continues. I am pleased that this multiagency task has been completed ahead of schedule and thank all the dedicated staff at the Department for Child Protection, the Department of Human Services and the South Australia Police who have worked so hard to ensure appropriate measures have been taken to help keep children safe.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

Outback Communities Authority—Annual Report 2021-22

Ministerial Statement

WHITE, MR P.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (16:15): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. MICHAELS: It is with great sadness that I rise to acknowledge the tragic death of retired Commissioner for Consumer Affairs, SAPOL assistant commissioner, and former Northern Territory police commissioner, Mr Paul White APM, on Sunday 15 January this year. Paul was highly respected by both SAPOL and the Northern Territory Police, as well as the South Australian public sector more broadly. He will be remembered for his leadership, both in policing and right across the community.

He started as a cadet with the South Australia Police in 1968 and spent most of his career as a detective held in very high regard. He held a number of executive positions as assistant commissioner from 1997, with the most prominent being when he was appointed Assistant Commissioner of Crime Service.

Paul's professionalism and commitment to policing was recognised when he was awarded the Australian Police Medal for distinguished service in 2000. In 2001, after 34 years with SAPOL, Paul joined the Northern Territory Police, Fire and Emergency Services as their commissioner. After serving as Northern Territory police commissioner, Paul returned to Adelaide and became the South Australian Liquor and Gambling Commissioner in October 2009.

A champion of continuous improvement and cultural change, he faced an enormous challenge to deliver the merger of the former Office of Liquor and Gambling Commissioner and the Office of Consumer and Business Affairs in 2011-12 to form the present-day Consumer and Business Services. As a result of this merger, Paul assumed the additional roles of Commissioner for Consumer Affairs, Commissioner for Prices and Commissioner for Corporate Affairs.

It is a privilege to speak about his significant contribution to the protection and provision of services to consumers, businesses, licensed traders and residential tenancies in South Australia. At the forefront, Paul was devoted to minimising community harm, particularly the introduction of measures that closely reflected social values and expectations. During his five years as commissioner, Paul delivered a number of significant achievements, including:

- the introduction of a general code of practice, which for the first time in South Australia committed the licensed liquor industry to mandated risk-based operational and harm mitigation practices associated with the excessive or inappropriate consumption of alcohol;
- the introduction of a Late Night Trading Code of Practice for late-night licensed premises, which contributed to a significant decrease in alcohol-related harm in the CBD by addressing excessive consumption of alcohol and minimising social and economic harm on the community;
- the implementation of a new class of small venue liquor licence to utilise and reinvigorate Adelaide's smaller laneways to attract people to the heart of the city, the success of which was clearly demonstrated during recent major events;

- the implementation of online services relating to occupational licensing, Births, Deaths and Marriages, residential tenancy bonds and liquor licensing, including the online registration of a birth—which was an Australian first; and
- the introduction of significant changes to residential tenancies aimed at providing a fair balance of rights and responsibilities for all parties to a tenancy agreement.

Paul also had a strong focus on education, particularly in relation to vulnerable consumers to empower them with the information and the confidence to assert their rights. Initiatives included the publication of a consumer guide for older South Australians, the issue of 'do not knock' stickers to stop unwanted contact from door-to-door salespeople, and resources to help young Indigenous consumers avoid consumer pitfalls, including with mobile phone contracts.

Paul was highly respected by his colleagues and will be remembered for his leadership and protecting the community. On behalf of the Premier, the Minister for Police and the South Australian government, I extend our deep condolences to Paul's wife, Cynthia, his children, Darren and Michelle, and his family, friends and colleagues.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Planning Development and Infrastructure Act 2016—Report on the early commencement of the Glandore Character Area Protection Code Amendment by the City of West Torrens

Regulations made under the following Acts—

Linear Parks—General

Planning, Development and Infrastructure—General—Urgent Temporary Accommodation

Real Property—Fees Notice—No. 2

Valuation of Land—Fees Notice

Grievance Debate

HARTLEY ELECTORATE

Mr TARZIA (Hartley) (16:19): I rise today to talk about a couple of community events that I have attended in recent times. On the weekend, in the suburb of Hectorville in my electorate of Hartley, I had the great pleasure of being able to attend the 75th anniversary of Sri Lanka's Independence Day, which was held at the Hectorville Catholic community hall on Montacute Road in Hectorville.

I want to take this opportunity to especially thank the local Sri Lankan community for their warmth and hospitality. I especially want to acknowledge and thank Dr Charitha Perera. He has now served as the Honorary Counsel for Sri Lanka here in South Australia for 10 years. I want to thank Charitha and also Mihiri, his wonderful wife, for going above and beyond for Sri Lankans here in South Australia. Whether it be as a conduit for new families when they come out here, who might need help for various things, or day-to-day consul assistance, they have been an absolute power couple when it comes to assisting the community, so I sincerely thank them for all their efforts.

We had the pleasure of participating, if you like, in various cultural performances. I want to thank and acknowledge all the volunteers who work very hard behind the scenes to make these sorts of events happen. After the ceremony itself, we were also afforded an absolutely wonderful set of refreshments.

The Sri Lankan community is a growing community in my electorate. I think if you consult the census, you will find that the suburb of Magill is one of the most densely populated in terms of Australians of Sri Lankan heritage.

The Hon. Z.L. Bettison interjecting:

Mr TARZIA: Yes, and others as well, minister. That's right. What you will find is that in all walks of life they have contributed in such a large manner. For example, you will see that many of the various cafes and restaurants in my electorate now have the joy of serving Sri Lankan food in their premises.

Many of our local organisations and sporting teams are also the beneficiary of this migration. In Hectorville, for example, the Sri Lankan community provides a very strong contribution. They have brought a number of rivalries over here from schools or universities from the mother country, and some of the fiercest rivalries that we have, from a cricket point of view, are played in the seat of Hectorville. They are an amazing community, and I thank them for their ongoing warmth and hospitality. It is always a real pleasure to be able to join them at these events.

I had the great pleasure of visiting Sri Lanka, only on a stopover from India, but I do look forward to visiting in the not too distant future. There is one thing about the Sri Lankan community that is certain: they are a resilient people. They have had a number of challenges in recent times. Whether they face climate challenges, economic challenges, petrol prices, inflation, political unrest, one thing is sure: when they get through these crises, they come back better than when they went in. I have no doubt that if Australia is afforded the opportunity to receive many of these families from Sri Lanka, then I know that our community certainly will warm to them with open arms.

I also want to take the opportunity to talk a little bit about the Anglican parish of Magill. The St George's church historical group invited us recently to the 150th anniversary service, which was held on Sunday 29 January 2023. The service was titled From the Old to the New and celebrated 'serving Jesus together since 1848'. It started at 10.30am in the St George's Anglican Church on St Bernard's Road, Magill. It was followed by a barbecue lunch and refreshments, as well as various historical displays in the foyer, cemetery tours and other activities.

I have to say that I do not always like to visit cemeteries, but at this particular cemetery you are reminded about our rich heritage and our rich past. For example, on 30 January 1848 Bishop Augustus Short of Adelaide actually consecrated St George's, giving the church its proud distinction of being the first Anglican Church in the colony of South Australia to be consecrated.

I want to thank Fay Young, the archivist from the historical group, and say thank you to the clergy and thank you to the volunteers, and all the members of the parish, for their role in our community.

SOUTH AUSTRALIAN TOURISM

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (16:25): I want to take this opportunity to celebrate the amazing results South Australia has achieved in the portfolio of tourism; we are well on our way to recovering our record high of $8.1 billion this financial year. Then, of course, we have our aspirational target of $12.8 billion by 2030. With the results we saw in October, an almost billion-dollar month, we have many reasons to be optimistic about our future.

Whenever I go across the state I hear from operators who are determined to keep going, to innovate, to deliver world-class experiences and products, to make sure that South Australia becomes a leading global destination of choice. Our tour operators are also focused on the future and the opportunities that are in store.

Before I talk about the future I would really like to pause and acknowledge the operators in our river regions. I have been down there several times, and on the phone on a regular basis, hearing first-hand what operators want from us to assist with their recovery. As members would know, the Malinauskas Labor government has put forward a package of $200 million to build back infrastructure and to help businesses and communities throughout the region.

A marketing campaign, tourism vouchers and other initiatives will be rolled out in coming weeks and months to bring visitors back to the river regions to experience the abundance of wildlife and the replenished wetlands and lakes systems. This high water event, which has been incredibly damaging, will also result in something we have not seen for decades. Many of the tourism operators

have talked about how this event will increase the flora and fauna, and we will see activity around the Murray River that we have not seen for a very long time. We have spent a lot of time talking about it being very dry and experiencing low levels, so this is quite a change, and we will see the beauty of that.

We know that tourism's value to our state is immense. It is a key economic driver. I talk about tourism a lot, but I want to make sure that it becomes a bigger slice of our economic pie. I also want to make sure that South Australians understand the value of tourism to our state, and I remind colleagues across the chamber as well as my own colleagues on this side that tourism makes money for this state—not just in the CBD but across the whole state. It is an important driver of economic investment and jobs.

We want to bring interstate and international money to be spent in our cities and towns, from events filling hotels, restaurants and tour buses to the return of major international business conferences and conventions. We have international students coming back in person and on campus. Every part of the industry is ready to take full advantage.

I really enjoy getting out and about, with 18 regional visits since I became minister. Our operators are the ambassadors for our state, and they have amazing insight into the changing trends and demands of an international market. Listening to their perspectives on our strengths and opportunities for improvement gives me valuable grassroots data. I can read a lot of tables and figures, but talking to people face to face is the best way to understand what is happening.

One of the areas I would like to see built on is our incredible wineries, which attract people from around the world. However, we know that for families from cultures that do not drink—and we estimate that number is nearly 45 per cent of the global population—we need something more to draw them here.

Our wine regions also have some of the finest agricultural regions, and cellar doors are just an example of agritourism. So whether it is apple orchards, strawberry picking, truffle hunting, mushroom foraging or farm stays, and so much more, there are huge opportunities for growth in our traditional wine and agricultural regions. I look forward to talking to my colleagues and those across the chamber about opportunities around agritourism. We passed legislation the year before last about aquaculture and tourism. This is a growing industry.

One thing I say to people is that we do acknowledge we have skill shortages. I would like to see tourism back to where it was: one of the most exciting industries that people want to be part of. We put additional money into the Tourism Industry Council, and I am continuing to work with them and the Minister for Industry and Skills to make this possible.

SUICIDE PREVENTION

Ms PRATT (Frome) (16:30): I rise to speak on a topic that I believe is close to your heart, Mr Speaker, and, as I was recently appointed as the shadow minister for mental health and suicide prevention, I revel at any chance to bring attention to this space. South Aussies are very resilient, but our communities are facing increasing financial pressures while they are still recovering from the impacts of COVID-19, so I want to use this role of privilege that I have to support more people to access existing mental health services that are suitable for them where they need them and when they need them.

I take this opportunity in this house to raise attention to some fairly stark statistics in relation to suicide. Sadly, 8.6 Australians die every day by suicide—which is more than double the road toll—and 75 per cent of those who do take their own life are male. It is an unknown number of Australians who attempt suicide every year, with some estimates suggesting that this figure might even be over 65,000 per annum. Suicide is the leading cause of death for Australians between the ages of 15 to 44 and, tragically, the suicide rate in Aboriginal and Torres Strait Islander people is twice that of their non-Indigenous counterparts. As a country member of parliament, it saddens me that people in rural populations are two times more likely to take their own life by suicide, and I draw attention to these stark statistics to shine a light on the importance of attention and funding.

In my own electorate of Frome, there are so many people and programs to celebrate for their contribution to suicide prevention, and I always like to start with recognition of the Clare Lifeline

Connect Centre and the fabulous work by Lorna Woodward, one of the lead social workers. She has been so successful with this model that she was able to double the capacity and FTE of this service in 12 months. It is an example of low-barrier entry, which I think is essential to bridge the gap for people who are looking for access to GPs or waiting for that clinical treatment, so the Clare Lifeline Connect Centre is a model that allows for no referral and no fee. I celebrate that investment, and the Minister for Health and Wellbeing knows full well that I want to see more of these rolled out across regional South Australia.

Ellie Hodges is another local hero. She is the co-founder of LELAN (Lived Experience Leadership and Advocacy Network)—someone whose contribution to alternatives to suicide is commendable and brave. Across South Australia, there are approximately 45 Suicide Prevention Networks (SPNs), and the community leaders who quietly work in the background participating in activities that support those who are suffering also get my commendation. Greg Boston is one of those people. In 2021, the Northern Areas Council created a new award for active citizenship to recognise the work that he does in the Jamestown area, and I thank him for his ongoing commitment to this area.

Council areas that encompass Jamestown and Clare Valley have sought to establish these SPNs. In my town of Clare, I am an inaugural member of the Trailblazers. Again, the work that goes on in the background by the members of this committee and this network are people I am really proud of. It is an SPN that links directly to the already existing Kade Macdonald Foundation. It is based in Clare with a focus on youth mental health and first aid. With $10,000 of funding from the Marshall Liberal government's Wellbeing SA agency, it has been able to induct and train fully accredited trainers in youth mental health and first aid.

Tied to the Kade Macdonald Foundation and the trailblazers sitting behind the scenes are my heroes, and they are student wellbeing coordinators who do fantastic work in schools, supporting young people to identify and feel safe in having conversations about things that may be upsetting them. I really want to give a shout-out to teachers and SSOs, pastoral care workers, chaplains and volunteers who play an essential role in helping young people to identify and recognise signs of mental distress.

I look forward to working in all local communities beyond Frome with organisations that exist in this space and to ensure that the Labor government continues to deliver on its commitment to invest in research and mental health services.

VOLUNTARY ASSISTED DYING

Ms HOOD (Adelaide) (16:35): In 2003, as a 17 year old, which is almost 20 years to the day, I gave the following speech as part of the Naracoorte Lions Youth of the Year competition. Today I read this speech into *Hansard*, as follows, knowing that voluntary assisted dying is now finally available to South Australians:

> Lions Youth of the Year 2003
>
> Good afternoon, Lions Members, Ladies and Gentlemen.
>
> If you were sentenced to a life of pain, incurable, everpresent, and intolerable would you want the right to choose death?
>
> We all value our rights to be safe, to vote, to receive healthcare, to gain an education. Should one of those rights be the right to die?
>
> Euthanasia derives from the Greek word meaning 'good death'. And voluntary euthanasia is the practice of mercifully ending a person's life in order to release that person from an incurable disease, intolerable suffering, or an undignified death. A doctor prescribes medication to a patient, to allow that person to die peacefully, with dignity and on his or her own terms. What I propose to you is that voluntary euthanasia should become legal in our society.
>
> Many of us are unaware that a form of euthanasia does take place everyday. It is called 'passive euthanasia', which involves not doing something to prevent death, as when doctors refrain from resuscitating a terminally ill patient. It is at the consent of the person through a Living Will, or by their family. What I have found is that Passive and Voluntary Euthanasia are very similar as they both have the same outcome: the death of a patient on humanitarian grounds…

Allowing Voluntary euthanasia to be legalised would mean giving people with a terminal illness the right to choose between suffering and the painful inevitable. We must also realise that suffering is not done alone for it is not only the patient who has to endure, but their family.

In some stage of our lives, we will be affected by disease. In some cases, that disease may be fatal. The effect this has upon a person or family is catastrophic. The loss of income, costs of medication, hospital fees and the terrible amount of emotional and physical pain. I personally have seen this happen to my family and the heartache we went through is something no one can fully describe.

All we wanted to see was our loved one healthy and happy again. However, we knew that after all the miracles of medicine were performed, nothing would prevail. I often wondered if there were any other options available for families like mine if the pain was too much to bear. But I knew there was none.

Not everyone in society who decided they did not want to live could have euthanasia. Neither could a doctor decide to take matters into his or her own hands. That is why if euthanasia were to be legalised the most important thing would be management and proper legal safe guards.

People may argue that the advanced medical treatments of today and Palliative Care render Voluntary Euthanasia unnecessary. Although, yes, in some cases they do 'provide successful medical outcomes'; it does not always mean that that is what is best for the patient. Therefore, we should maintain that the primary objective of health-care providers should be the relief from suffering rather than the preserving of life, at any cost.

Terminally ill patients are concerned about what the last phase of their lives will be like. Not merely because of fears that their dying might involve them in great suffering, but also because of the desire to retain their dignity and as much control over their lives as possible.

People with terminal illnesses do not want to die. They do not want to be put in a situation where they have to consider their sometimes agonising existence against the blessed relief of death, but unfairly as life has been dealt, they do consider it. They are undoubtedly some of the most courageous people on this earth, and as a society we could at least grant them the right to choose.

'To die peacefully, when it is no longer possible to live peacefully.'

Back to the present day, after 16 previous attempts spanning 27 years our voluntary assisted dying is now in place in South Australia. I want to acknowledge the work of our Attorney-General, the Hon. Kyam Maher MLC; our Minister for Health, Chris Picton; the many public servants and clinicians involved in putting together the Voluntary Assisted Dying Bill; and also the many advocates, in particular a passionate local of mine, Anne Bunning. Thank you for what you have done for South Australians.

RIVER MURRAY FLOOD

Mr PEDERICK (Hammond) (16:40): I rise today to talk about the River Murray flood, both in the Riverland and in the Murraylands. I speak not just as the member for Hammond but as the shadow emergency services minister. I want to commend the resilience of communities during this once-in-a-lifetime event for many people. We have not seen an event like this—and it was a bigger event, obviously—since 1956. Preparations went into place—whether it was up at Renmark, whether it was at Berri Barmera Council, whether it was at Loxton Waikerie, whether it was at Mid Murray or whether it was at the Rural City of Murray Bridge—and thousands of tonnes of earth got moved to protect communities.

I look at Renmark, which is essentially an island. It was exemplified during the flood process how much of an island it is to get those levees built to the 1956 flood level. We witnessed major works being put in place in Cobdogla. It was a tough decision to close off Nappers Bridge at Lake Bonney in the Berri-Barmera region to protect areas of the town right next to Lake Bonney.

There was amazing work that a small council like Mid Murray had to take on, and I really commend Mayor Simone Bailey and the chief executive officer, Ben Scales, for some extraordinary work in making sure that levees got put in place, not just right up against the river but also with the DefenCell network, which proved to be such a game changer as something that could be put in and now is being lifted out progressively down Randell Street in Mannum to get some sort of normality back into life.

There were some interesting decisions made. Originally at Murray Bridge there was a decision by the council to only protect the rowing club, and I thought, 'Well, hang on, the community club is right next door. Perhaps we need to do that.' Good on Chris Beattie; I sent him a text and we got some DefenCell put around that as well, right on Sturt Reserve. I have been interested in the fact

that the decision was made not to try to save Sturt Reserve—it was made by others and not myself—when I saw so much earth moved in other areas.

To all the volunteers, to the council workers and to the contractors that just upped their jobs from everywhere else and got into gear and built these structures: it was an amazing piece of work. I want to reflect on Mypolonga where a local, Ash Martin, talked to Richard Reedy, who then got onto me and said, 'I think we need a levee built at Mypolonga.' It ended up that we got a levee built at Mypolonga; it was 600 metres long. We managed to get a pit activator that was last activated in 1974.

I must commend John Schutz, the head of the environment department and SA Water. I talked to Con from SA Water about making sure that we could get Crown land sorted out within two days—how we could get access and native title sorted out. We also had an emergency exemption: I remember communicating with Minister Koutsantonis about getting a fast-tracked exemption from mining access to another lease area.

Certainly, there were a lot of levees that were going to go under. The water peaked at Overland Corner, where a very accurate measurement was taken of about 206 gigalitres a day, which is well above the 180 gigalitres that most of the levees built north of Murray Bridge were at.

There was so much work done by communities south of Murray Bridge, whether it was with the Riverglades community or the Jervois community—and what a battle! When the government did give up for safety reasons, I worked with the farmers down there. I must acknowledge especially Dino Gazzola, Rodger Zarantonello and Clem Mason in making sure that we got those contractors on the banks working, even though we did have some interaction with the police, who were going to exercise the Emergency Management Act. They managed to keep the guys on the banks building those levees.

I will have a lot more to say about this in time to come. We have recently had a levee go south of Wellington, right up against the lake. I just want to commend everyone involved—the SES, the CFS, the MFS, the fast water rescue guys and the Army. Everyone's mettle has been tested to the end. There is a long way to go with the recovery process. I think it will last probably nearly as long as the drought that went for four years around 15 years ago. Who would have thought we would be facing this today, when we had people like Tim Flannery telling us 15 years ago that it would not rain again?

SOUTH ROAD UPGRADE

Ms STINSON (Badcoe) (16:45): I rise today to talk about South Road. The fact is, when it comes to South Road, this government is doing things differently—very differently. For starters, we are listening. We are listening to what people tell us and have told us over recent years about the South Road project, about the designs and about how they want to be communicated with.

Excitingly, since this parliament last sat, our government has announced its changes to the South Road design. I am delighted that this government, the Malinauskas Labor government, has taken on board the feedback that we received while in opposition, largely in response to the work that we were doing with parliamentary committees, with local MPs such as myself getting out there on the ground and inviting comment from people. That all has been taken on board as part of the department's review of the design changes.

Now what we see are some marked differences—maybe not huge engineering differences but marked differences to the design in terms of its suitability for our local communities. That has only happened because this government has listened to what communities have been saying for several years. We have not just listened but inquired and acted, investigated and found solutions to the problems that people have been raising with us about the previous government's design.

The new design was released in December. My community has now had some time to have a look at it—and I will go into a little detail about that in a moment—and the key design changes as far as my electorate go, as far as Badcoe residents go, are twofold. Firstly, the hideously unsightly and, frankly, dangerous flyover that went from South Road and curved over the top of the Gallipoli overpass and then down through the middle of Anzac Highway, destroying some 120 heritage trees, has been removed. I could not be more delighted and my community could not be more delighted

that that unsightly structure, which would have had an impact on not just those whose homes were acquired but also the residents remaining in the area, has now been done away with.

It is worth noting that that change has not resulted in a great deal more land acquisitions but has resulted in a great deal of feedback from my community about how necessary that change is and how satisfied people are that they have been listened to on that front. It was one of the key things that my community was disappointed about and surprised about. There was certainly no word from the previous government that this was an element that they were considering—aerial roadways.

I remember the day it was released because I had a street-corner meeting already planned for that day. People were absolutely beside themselves about the fact that they had woken up to see these images in the newspaper—they were not even advised of it directly—that this giant structure was going to be in front of their own homes at a key thoroughfare in our community.

The second element was something that went under the radar a little bit. A local resident actually raised with me that she noticed in some artists' impression images, which we are always told are indicative, there was a tiny, tiny sign that said, 'No Right Hand Turn'. In the image it was coming from the Bay on Anzac Highway turning onto South Road and it said, 'No Right Turn'.

She questioned that, as did I, with the department and we were told yes, this was reflective of the plans. There was no disclosure anywhere else that right-hand turns were going to be removed for our community, not just from the Bay but from the city as well. It was up to this resident to look at artists' impressions and discover that this change was being made.

You might think that is something fairly insignificant, but I can tell you it is incredibly significant if you cannot get around your own community. If you have to drive to the city and do a U-turn to drop your child off at school when you actually live only hundreds of metres away is an absolutely ridiculous outcome.

I commend the minister. I commend Jon Whelan in the department and his staff for listening to our community and making real changes to the design, which have a material impact on the lives of people in our community. Consultation is still open and I encourage everyone to engage in the ample opportunities that this government is providing for feedback about what is one of the largest infrastructure projects that our state will ever see.

Bills

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (MINISTERIAL RELIABILITY INSTRUMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr HUGHES (Giles) (16:51): I have to remember where I was. I think I was talking about pumped hydro in Upper Spencer Gulf and how, under the previous federal government, the program Underwriting New Generation Investments (UNGI) shortlisted those projects in Upper Spencer Gulf. But, as was typical under that federal government, no money was provided through that program for a range of projects.

It is interesting to reflect that when you do look at pumped hydro, which is something we seem to have moved away from—I think there might be one or two projects in Queensland that are going ahead—the Australian National University did an audit of potential sites throughout Australia and identified 22,000 potential sites when it came to pumped hydro. As I said, any project—and there are a variety of options out there; we have a whole range of variables—any of them, you need to look at the base level cost of electricity when deciding what is viable, what is not and what fits.

You have some failure there but in a related way the Retailer Reliability Obligation bill was itself the result of divisions in the Coalition of climate change, divisions that persist to this day despite the overwhelming evidence that the electorate has moved on and despite the fact that they were smashed in blue ribbon city seats. It is amazing.

The Retailer Reliability Obligation was initially part of the proposed National Energy Guarantee, which was floated in 2018. The inability of the Liberal and National MPs to agree amongst

themselves resulted in the obligation being the residue after the emissions reduction aspect of the National Energy Guarantee was removed. Essentially, it was gutted policy and we had 10 years of absolute failure in this area.

It is heartening to see the current energy ministers' forum that brings together the commonwealth, states and territories, which has been reinvigorated by the federal Labor government and has no hesitation about acting in the best interests of the planet and of generations of Australians to come.

As I stated earlier in this speech, it is good to see that it is not just the Labor states that are getting heavily involved. Tasmania and New South Wales are very keen to participate, and both states are doing interesting things when it comes to renewables and storage in their particular jurisdictions.

Energy ministers have agreed to introduce an emissions objective into the national energy objectives. The objectives are the basis for the laws and rules, so emissions reduction will be at the heart of the energy system, which is a major step forward. Energy ministers have agreed to form a partnership because as they said:

> …the time is right to work together on a new agreement to set the vision for Australia's energy sector transformation to net zero.

What a contrast that attitude is to the lost decade on the colleagues in Canberra of those opposite.

I am not heavy on the opposition when it comes to some of this stuff, because I think most of them actually agree that renewables and storage and a range of other measures are the way forward. I remember very early on in the term of the Marshall government, after listening to the then energy minister speaking up at a conference in Port Augusta that, in many respects, there was a bit of bipartisan support in this state and should be used to our advantage. I will go so far as to say it was a significant bipartisan approach. There were obviously some differences, and there were always going to be those niggling criticisms and other criticisms that we all make every now and again.

When we were talking about this particular approach in the past, I mentioned the Tesla virtual power plant that was an initiative of the Weatherill government, which the Marshall government picked up. I think it is time that we had a look at that particular program, especially when it comes to Housing Trust properties. There was going to be an aim of ensuring people on low incomes in Housing Trust properties were going to benefit.

The numbers that were rolled out in the four years of the previous government were very limited, but I just wonder if that is going to improve to any significant degree, because I think there are some issues with the program when it comes to Housing Trust properties in a number of our regional communities and, I dare say, in the metropolitan area as well. So it is probably time to have a look at that program and see how we can improve it.

I said back then that South Australia had an incredibly positive future in the energy sector, and indeed we do. We are now at the forefront of the global development of a clean, green hydrogen industry. I am exceptionally proud of the role that Whyalla and the electorate of Giles will play in this state-shaping endeavour.

The Retailer Reliability Obligation aims to produce new investments in new generation that is clean and green and reliable. We are not waiting for that here. We are getting on with it. We are building a new generation, clean hydrogen-powered generator in Whyalla that will work in harmony with renewables. It will act as a spur for more investment in grid-scale wind and solar. It also has the potential to open the gate to other hydrogen proposals.

Both the previous government and ourselves are committed to the hydrogen hub that has been identified for Whyalla. We are guaranteed to see the state government hydrogen plant. When it comes to the hub, I have been around for a long time and I know that you do not have a project until you have financial closure. I know that the scale of some of the projects that are being looked at are incredibly impressive, but there are 147 hydrogen proposals in Australia, not counting the hydrogen proposals globally.

South Australia clearly has some advantages and we need to make the most that we can of those advantages. That is why the hydrogen power plant is interesting because the companies I have been speaking to see that tangible initiative on the part of the government as a potential spur to other investment and to investment from the private sector, so it could be very promising.

It is interesting to reflect—I remember back in 2014-early 2015, I did some work with the Melbourne Institute. We wrote to 50 companies to see if they might be interested in doing something or looking at hydrogen in Whyalla. I said I could secure half the money to look at it. At that time, even though some companies expressed some interest, there were no offers of tangible support so it went by the way, but it was great to see that the Weatherill government was the first government in the country to commit to a hydrogen role plan and fully recognise the potential role that hydrogen could play in the future. This bill is obviously worthwhile supporting, and I commend the bill to the house, but I also remind the nation that South Australia will be racing ahead as we have always done in the energy area.

Ms HUTCHESSON (Waite) (17:00): I rise to speak in support of the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill 2022. This bill is part of a suite of reforms in which South Australia acts as the lead legislature for the nation's energy markets. The core reform being proposed in this bill is to provide the capability for a minister in a particular jurisdiction to declare what is known as a T-3 instrument; that is, a warning to the electricity market that a risk of a supply shortfall three years ahead has been identified and requires a response.

In this particular case, South Australia already provides for our minister to make such a declaration. This bill merely lets the other states catch up to us. This bill builds on amendments made in 2019 to the National Electricity (South Australia) Act 1996 which created the Retailer Reliability Obligation. Interestingly, when those amendments were debated in this place during the previous parliament, the member for West Torrens, who is now the Minister for Energy and Mining, made some prescient comments.

At that time, April 2019, the member said he could not understand why South Australia was the only jurisdiction which gave the relevant minister the power to make a T-3 instrument. He surmised that the then South Australian energy minister was probably acting on the excellent advice he received from his agencies, whom they both recognised as being exceptional. He went on to say:

> I do not know why, and I still cannot understand why, other member states [of the National Electricity Market] did not wish to take that power for themselves as well. I think it is a very prudent thing to do…

So here we are, more than three years later, with all the other states asking us to legislate for them exactly what our minister recognised back then as the best course of action in administering the Retailer Reliability Obligation. But it should not come as a surprise to South Australia that our minister at the helm of energy regulation was way ahead of the pack.

Think back to the energy plan under the previous government from this side. Remember the Big Battery where the government incentivised the revolutionary concept of building a grid-scale battery to stabilise supply? Uninformed critics and critics who should have known better but did not, misunderstood the purpose of the battery. They labelled it the 'Big Banana'. They said it would be useless because it could only supply energy for a very brief period, but time proved the critics wrong.

The Big Battery, owned and operated by Neoen using Tesla equipment, has saved South Australians tens of millions of dollars in ancillary support costs. It has been so successful that it was increased in size from 100 megawatts (129 megawatt hours) to 150 megawatts (193.5 megawatt hours). The range of support services it provides has been broadened. Significantly, big batteries are being or have been installed across Australia and in many other countries. South Australia led the way.

Similarly, South Australia moved earlier than other states in identifying the opportunities of hydrogen, creating a road map with a vision that has led us to today's Hydrogen Jobs Plan where we are at the cutting edge of this exciting technological change. We have led the way with renewables, with more than two thirds of supply from renewables last financial year. Often renewables provide ample supply to meet 100 per cent of demand. We are understood to be the first jurisdiction in the world where an electricity system of more than one gigawatt of demand has times

where solar alone provides that level of capacity. Wind alone also meets the 100 per cent mark frequently, and wind combined with solar meets the mark for hours at a time.

It would take a degree of hubris to say that South Australia's achievements in energy leadership have not been without challenges but, being a progressive state, we have met those challenges and made reforms to strengthen our system. One need look no further back than 12 November last year, when storms whipped through South Australia causing two different but related major problems.

In one incident, the ElectraNet transmission tower south of Tailem Bend was toppled, causing the line to trip, effectively islanding most of South Australia from the rest of the National Electricity Market. This was a major disruption, yet the grid handled it and no customers lost power because of the lack of supply. Actually, the reverse was true: excessive supply was the issue, and it required careful interventions to curtail generation until the transmission line was repaired and ready to export South Australian renewable energy to Victoria.

The second stress on the system was not related to transmission. It was the widespread damage to the distribution network caused by falling trees and vegetation. This damage was an act of nature, unfortunately the type of extreme event we can expect to become more common because of climate change. It resulted in more than 500 wires being down and 163,000 customers losing power. I would like to take this opportunity to commend the crews of the State Emergency Service, the Country Fire Service and SA Power Networks for the extraordinary effort they made to clear roads and access and restore power to as many homes as quickly as possible.

My electorate of Waite was among the hardest hit areas, with many households experiencing blackouts for days. This caused a great deal of anxiety and stress for many residents; having no power, and no mobile phone coverage or internet due to no power, isolated many. This experience reminded many about the importance of communication, especially when you need up-to-date information about recovery. On one section of road in Upper Sturt alone the rebuild of the network took days, with 40 new Stobie poles and two kilometres of new wires within just a small section of Waite. It was a huge effort.

These were blackouts that could only have been avoided if billions of dollars had been spent on undergrounding powerlines, a cost that has been beyond reach in our sparsely populated state. As such, I encourage my community to consider the benefits of solar and battery systems, making sure they have the necessary equipment to continue to use the battery off grid. This is especially important in my own suburb of Upper Sturt, where we have no mains water and had to rely on buckets to flush the toilet and either generators or the kindness of neighbours to have hot shower—or even get a drink of water out of a tap.

I met recently with a local who works for Telstra to discuss what happened in the storm and why we were without internet and 4G for so long. He advised that for areas supported by towers in Coromandel Valley there was actual damage to some of the equipment, and it was not just the issue of there being no power. He did remind me that there are public telephone boxes that can continue to be used when the power goes out—something I had completely forgotten. He also suggested that having a satellite phone would be another way to ensure you can always stay connected. I thank him for his help and his information.

The length of the blackouts were minimised by the South Australian volunteer spirit, the professional response of our energy companies, our SES and CFS volunteers and councils working around the clock for days continuing to clear roads and driveways, SA Power Networks working hard to restore power, and community members out helping each other. My community was united.

The circumstances of those blackouts are very different from the risks in supply that this bill seeks to address; however, this experience is fresh in our minds and is a real reminder of the importance of reliability. Our homes, our businesses, our schools, our hospitals, our places of entertainment and more are all sites in our lives where we take a reliable energy supply for granted. However, we can only take it for granted if we know this system is as resilient as possible.

South Australia has led the way in improving resilience, and we are pleased to be able to help other states follow our lead. I commend the bill to the house.

Mr BROWN (Florey) (17:08): I rise to speak in support of the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill 2022. This bill comes to the South Australian parliament after being proposed by the Energy Security Board and endorsed by the national energy ministers' forum.

Once again, South Australia acts as the lead legislator on energy laws and rules, and I would like to take this opportunity to thank the minister's office for providing me not only with a briefing opportunity but also with substantial information in putting together my contribution today. This bill builds on the Retailer Reliability Obligation, established in 2019, and brings other states in step with provisions already operating in this state. In a paper published for public consultation, the Energy Security Board highlighted three benefits it sees from the reforms in this bill. The board said that the amendments were designed to deliver the following policy outcomes:

- to provide a supporting policy lever to address reliability concerns in the National Electricity Market;
- to implement a nationally consistent framework by extending the current legislative framework in South Australia to the other jurisdictions; and
- to leverage the existing Retailer Reliability Obligation framework, which is already well understood by market participants.

Under the existing Retailer Reliability Obligation mechanism, the Australian Energy Market Operator (AEMO) forecasts annually whether the reliability standard is likely to be met in each region of the National Electricity Market over the forthcoming 10 years. If a material gap is identified three years from the period in question, or what is called the T-3 point in energy market terminology, in all jurisdictions except South Australia, AEMO must apply to the Australian Energy Regulator (AER) to trigger the Retailer Reliability Obligation. Where a reliability instrument is made, liable entities are put on notice to enter into sufficient qualifying contracts to cover their share of a one-in-two-year peak demand.

A Market Liquidity Obligation placed on generators aims to ensure there are contracts available to smaller market customers by requiring certain generators in each region to make contracts available to the market. AEMO will also run a Voluntary Book Build mechanism to help liable entities secure contracts with new resources. If the market response is insufficient, AEMO can lodge a request with the AER to confirm a reliability gap one year out, and to declare a T-1 reliability instrument. Liable entities must then report their contract positions for the reliability gap period to the AER. If actual system peak demand exceeds an expected one-in-two-year peak demand, the AER will assess the compliance of liable entities and determine whether their share of load for the reliability gap period was covered by qualifying contracts.

The draft bill amends the T-3 trigger so that the relevant minister in a particular jurisdiction has the option to trigger a T-3 reliability instrument if it appears to the minister on reasonable grounds that there is a real risk that the supply of electricity will be disrupted to a significant degree during a specified period. This modification has applied in South Australia since the commencement of the Retailer Reliability Obligation.

Before making a T-3 reliability instrument, the minister must consult the Australian Energy Market Operator and the Australian Energy Regulator. This ministerial capability will replace the existing system in jurisdictions other than South Australia. In those jurisdictions, the Australian Energy Market Operator requests a T-3 reliability instrument with the Australian Energy Regulator assessing that request and issuing the instrument if it agrees it is necessary.

Having a minister make the instrument is simpler and more efficient in terms of timing, but the required consultation with AEMO and the AER means it cannot be done for spurious reasons. To date, six T-3 instruments have been triggered: four in South Australia and two in New South Wales. Of those six instruments, two of the South Australian and one of the New South Wales instruments were revoked prior to reaching the critical one-year-ahead stage. The remaining three instruments remain in effect. Only one—the South Australian T-3 instrument made in January 2021 and covering the summer of 2024—has reached the T-1 declaration point. In fact, on

24 October 2022 the AER declared a T-1 reliability instrument for South Australia covering the period 8 January to 29 February 2024 inclusive.

The T-1 reliability instrument applies to the South Australian region of the National Electricity Market for the trading intervals between 5pm and 9pm Eastern Standard Time each weekday during the designated period. AEMO's one-in-two-year peak demand forecast is 3,044 megawatts for the forecast reliability gap period, reported on a 50 per cent probability of exceedance on an as-generated basis. AEMO's request to the AER for the summer of 2024 stated that there was a risk of a gap of 230 megawatts to meet that forecast peak.

Liable entities are required to record their net contract position for each trading interval in the forecast reliability gap period as it is on the contract position day, which is 6 January 2023, or new entrant contract position day, which is 9 January 2024. The report must be provided to the AER by reporting day, which is 31 July 2023, except for new entrants.

Before declaring a T-1 instrument, the AER checks AEMO's assumptions and calculations. Data sets checked by the AER included capacity and output of photovoltaic systems—in other words, solar—outage rates for generators, behind-the-meter battery storage installed capacity, economic growth and population outlook, electrification, electric-vehicle uptake, inter-regional network losses, auxiliary reloads, demand-side participation and rates of unplanned outages on inter-regional transmission.

Among the data checked, AER took note of AEMO's 2023-24 forecast of 3,503 gigawatt hours of consumption in South Australia related to large industrial loads. This represented approximately 29.4 per cent of operational consumption. This large industrial load was also forecast to contribute 13.5 per cent to the maximum operational demand in the summer of 2023-24. Pleasingly, AEMO forecast that, and the AER accepted, South Australia was making gains through energy efficiency. Energy efficiency measures would cut 361 gigawatt hours from consumption, representing 3 per cent of operational demand.

AEMO and the AER also considered the expected availability of generators. Data checked against this availability consideration were:

- the summer seasonal rating for existing generators and committed projects;
- maximum capacity for existing generators and committed projects; and
- firm capacity of existing thermal generators.

In making an assessment about a generation project and its expected available capacity at a given time, AEMO looks at advice provided to it by the owners of generation projects and five criteria that would confirm commitment of the project. These criteria are:

- site acquisition;
- contracts for major components;
- planning and other approvals;
- financing; and
- construction.

In public consultation about the T-1 instrument for the summer of 2024, AEMO's assessment of the status of two projects in South Australia were challenged. Submissions from AGL Energy, the Energy Users Association of Australia (EUAA) and Shell Energy raised the issue of AEMO's assessment of the 123-megawatt Bolivar power station to be 'anticipated' rather than 'committed'. AGL Energy raised the same issue for its 250-megawatt Torrens Island battery.

However, the AER accepted the assessment of AEMO that, although these projects were well advanced, they did not meet the deadlines and criteria to be classified as committed. Understandably, these agencies must exercise caution in their assessments. It is quite clear that the process for making these reliability instruments is quite rigorous and well-defined, and that is exactly

as it should be because of the importance of a reliable electricity supply to households, industry and business as well as in fairness to energy companies.

It is important to bear in mind that the penalties for transgressing reliability rules can be substantial. The Retailer Reliability Obligation created a civil penalty with amounts not exceeding, for either a natural person or a body corporate, $1 million for a breach relating to a reliability gap period and $10 million for a breach that relates to a second or subsequent reliability gap period.

If actual system peak demand exceeds an expected one-in-two-year peak demand, the AER will assess the compliance of liable entities and determine whether their share of load for the reliability gap period was covered by qualifying contracts. AEMO may commence procurement of emergency reserves at this point through the Reliability and Emergency Reserve Trader framework to address the remaining gap with costs to be recovered through the Procurer of Last Resort cost recovery mechanism.

Entities whose required share of load is not covered by qualifying contracts for the specific period will be required to pay a portion of the costs for the Procurer of Last Resort, up to an individual maximum of $100 million. When a T-3 reliability instrument is made, liable entities are on notice to procure sufficient qualifying contracts to cover their share of a one-in-two-year peak demand forecast. The market is expected to respond by contracting or developing new capacity. The additional demand for contracts is expected to facilitate new capacity in the market; that is, generation, storage or demand response.

Liable entities are defined as retailers, other market customers—for example, large customers acquiring energy directly from the wholesale market—and entities that opt in to manage the liability associated with their load. Liable entities may be required to demonstrate future compliance at the T-1 level by entering into sufficient qualifying contracts to cover their share of forecast one-in-two-year peak demand in the specified period.

To meet demand and ensure that smaller market customers will be able to fulfil their obligations under the Retailer Reliability Obligation, certain groups are required to make contracts available to the market; this is known as a Market Liquidity Obligation. The Market Liquidity Obligation is intended to have the dual benefit of assisting purchasers of the contracts in meeting their contracting obligation under the Retailer Reliability Obligation while also incentivising Market Liquidity Obligation groups to invest in dispatchable capacity.

Market Liquidity Obligation groups are required to post bids and offers with a maximum spread on an approved exchange for standardised products that cover the period of the gap. In South Australia, this applies to AGL, Origin and Engie. In other states, Snowy Hydro, EnergyAustralia, CS Energy and Stanwell are included in the group or have been identified as candidates.

Amendments to the Retailer Reliability Obligation proposed in this bill before the house will not alter the limitations or exclusions provided for in the existing Retailer Reliability Obligation mechanism, such as:

- there is no ability for the minister to issue a T-1 reliability instrument. Unless a reliability gap is forecast by AEMO at T-1, the obligations under the Retailer Reliability Obligation will cease to operate at T-1;
- the cut-off to make a T-3 reliability instrument is at least three years before the start of the specified period, subject to transitional arrangements; and
- Tasmania is excluded from the requirements of the Market Liquidity Obligation. It does not apply, as the Tasmanian Electricity Supply Industry Act 1995 already requires Hydro Tasmania to offer a range of regulated OTC electricity contracts to authorised retailers operating in the state.

This bill will ensure a nationally consistent framework that is leveraged off the existing Retailer Reliability Obligation framework and again is an example of South Australia being recognised as a leader in the area of energy regulation. I would like again to take this opportunity to thank the minister and his office for the assistance they provided to me and to once again congratulate the minister for

showing leadership at a national level in the area of energy regulation. I commend the bill to the house.

Ms HOOD (Adelaide) (17:22): The National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill 2022 aims to fix inefficiencies in the National Electricity Market. The bill will bring other states into line with South Australia by giving relevant ministers in other jurisdictions the same powers that already exist here. These powers provide the capacity to issue a formal warning to the market of a potential gap looming in the reliable supply of electricity.

Other speakers have addressed the technical side of why this bill should be supported. It rides on the back of the Retailer Reliability Obligation, which was established in 2019. The obligation is a complex set of rules and assessments that involve experts in the Australian Energy Market Operator, the Australian Energy Regulator, our own Department for Energy and Mining and energy companies themselves. Rather than repeating a technical overview, I would like to make some observations about what this bill says about the National Electricity Market.

The South Australian electricity system was formerly owned by the South Australian people. The government owned and operated ETSA and the generation arm, Optima. We were told that the system should be privatised. We were told that the private market would be more efficient and that customers would have cheaper power. Yet here we are, some 20-plus years after the Liberal government of the day privatised the system, now having to debate reforms to fix the inefficiency of the private market at a time when customers are staring down the barrel of electricity prices potentially rising 56 per cent in two years. As we on this side of the house have always known, the privatisation of essential services like electricity is a pathway to disaster.

To be clear, we are pro-business. We welcome the competition, the innovation, the investment and the job creation that the private sector brings, but it must be in the many, many sectors where those factors can flourish, not in the areas of essential services, which have elements of operating as a monopoly or where there are risks of market manipulation to the detriment of consumers' interests.

Let us consider the inefficiencies that led to the establishment of the Retailer Reliability Obligation. The obligation was deemed necessary because the private market was not working to ensure sufficient generation was being built. There was a risk of disorderly exit of ageing fossil fuel plants with insufficient replacement generation being available. A big stick—penalties that could be as high as $100 million—was put in place to incentivise that investment. Privatisation alone failed to create the incentive to invest, nor was the market liquid enough.

For competition to be successful, new players must be able to come in and disrupt a market with better offers to the target buyers. The Market Liquidity Obligation that works in tandem with the Retailer Reliability Obligation is an acknowledgement that the electricity market was not liquid. It was an acknowledgement that big, vertically integrated companies—the ones who bought out the previous government-owned utilities—could squeeze out newcomers. It was a failure of privatisation.

This bill acts as a patch on a broken system. It is a system that is ripe for deeper reforms that restore the centrality of consumers rather than shareholders. While those deeper reforms take shape, it is necessary to put patches like this in place. That is why the Malinauskas government supports this bill. I commend the bill to the house.

Ms THOMPSON (Davenport) (17:26): I rise to offer my support for the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill presently before the house. The Retailer Reliability Obligation aims to give confidence to all stakeholders that sufficient dispatchable power will be available when required as the National Electricity Market transitions from ageing fossil fuel plants to new clean energy resources. It was designed to ensure the electricity system operates to reliably meet electricity demand at the lowest cost by incentivising retailers and other market customers in the National Electricity Market.

Mr Speaker, I am sure it comes as no surprise to you that the reason that we continue to speak on reforms to fix the inefficiencies in our electricity market is that former Liberal governments thought privatising essential services like electricity was a good idea. Now, 20 years after the Liberals

privatised ETSA, I and fellow members of parliament are frequently contacted by our communities, wondering how they are supposed to afford to keep the lights on.

Many, often pensioners, are choosing between three meals a day or turning on their heating or cooling. It is heartbreaking to hear these stories, knowing that members of my community are still suffering the consequences of a short-sighted decision made by a Liberal government two decades ago. Here we are 20 years later, doing all that we can and making necessary changes to fix a broken system.

Under the Retailer Reliability Obligation, if a supply shortfall is forecast, this triggers an obligation on electricity retailers to demonstrate that they can meet their share of peak demand one year in advance. In 2019, the National Electricity (South Australia) (Retailer Reliability Obligation) Amendment Act provided for local provisions related to the triggering of the Retailer Reliability Obligation, which applied only here in South Australia. It provided for the South Australian minister to make a reliability instrument if it appeared, on reasonable grounds, that there would be a real risk that the supply of electricity to all or part of South Australia may be disrupted to a significant degree on one or more occasions during a period.

We all know how important reliable energy is to our society, affecting our economies, our livelihoods, our environment and our daily way of life. The storms that hit our state late last year and the blackouts that followed impacted many South Australians, including those in my electorate of Davenport. They reminded us of the importance of reliable electricity to our very survival. That week I spoke to residents who had concerns for elderly parents and children who relied on powered medical devices, and families who live pay cheque to pay cheque and had just done their weekly grocery shop before the power went out to their fridges. When it is very hot outside and the air-conditioning shuts down or it is the middle of winter and our heating is unavailable, people can quickly become vulnerable. Then there are the small businesses who lose produce or are unable to trade, or the large organisations that are dramatically disrupted.

The South Australian provisions have proven to be valuable for us, with reliability instruments being made in early 2021 and early 2022 to reduce the risk of an energy shortfall in South Australia during the 2024 and 2025 summers. The most recent Electricity Statement of Opportunities has identified a reliability gap for the 2024 summer, further justifying the merits of these provisions. Now other jurisdictions within the National Electricity Market are recognising the benefits of these provisions and are looking to adopt them.

In October 2021, national cabinet endorsed the energy ministers' decision to implement a ministerial reliability instrument for the Retailer Reliability Obligation for all regions in the National Electricity Market, as is currently in place for South Australia.

As such, the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill seeks to expand to other jurisdictions these provisions that previously only applied in South Australia. The bill gives an option for the minister of the relevant participating jurisdiction to make a T-3 reliability instrument three years out for a specified period on or after 1 December 2025. Under the Retailer Reliability Obligation, a T-3 reliability instrument can only be made with three years' notice.

The intention of this bill is to better manage the risk that a reliability gap could emerge at any time across the 10-year forecast period that may not have been forecast by the Australian Energy Market Operator. A minister can only use this measure if they believe on reasonable grounds that there is a real risk that the supply of electricity will be disrupted to a significant degree during a specified period.

Broadening the existing ministerial reliability instrument from South Australia to all National Electricity Market jurisdictions strengthens the ability for jurisdictions to manage potential risks to system reliability. As the lead legislator, this bill also provides for the South Australian minister to make the initial rules relating to the ministerial reliability instrument.

Strengthening the regulatory resilience of the National Electricity Market is in the best interests of the South Australian community. I commend the bill to the house.

Debate adjourned on motion of Mr Odenwalder.

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Legislative Council informed the House of Assembly that it had appointed the Hon. L.A. Henderson to the committee in place of the Hon. S.G. Wade (resigned).

Bills

MOTOR VEHICLES (ELECTRIC VEHICLE LEVY) AMENDMENT REPEAL BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 17:33 the house adjourned until Wednesday 8 February 2023 at 10:30.

Answers to Questions

SNOWTOWN TO BUTE ROAD

In reply to **Mr ELLIS (Narungga)** (20 October 2022).

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining): The Department for Infrastructure and Transport (the department) has inspected the Barunga Gap Road (Snowtown to Bute) and whilst it acknowledged there are some undulations, cracks, and minor ruts, typical of a regional road built in the 1960s, the road is considered to be in a suitable condition for traffic.

The department receives many requests for the improvement of roads. The government is responsible for the provision and maintenance of about 13,000 kilometres of arterial roads, with over 2,000 kilometres of these roads in the metropolitan area. The maintenance needs of such an extensive network are high and the government invests millions of dollars each year on maintaining road assets.

The Barunga Gap Road carries approximately 230 vehicles per day, and there are no immediate plans to undertake major upgrade works.

The department advises that inspections of Barunga Gap Road (Snowtown to Bute) were undertaken on 25 October 2022, and 24 November 2022.

While this section of Barunga Gap Road has not been identified as requiring major upgrade works, in consideration of additional heavy vehicle traffic associated with harvest season, the department will arrange for the maintenance contractor to undertake isolated shoulder repairs at targeted locations along the road. This remedial work will provide additional safety for road users during grain carting season.

I am advised that due to contractor availability following consistent and heavy rainfall across the network, these shoulder works are scheduled for completion by mid-December 2022.

The contractor will make every effort to limit the impact on grain carting traffic.

The department's maintenance contractor patrols the road on a regular basis and will address any defects as they become apparent. Should any immediate safety hazards be identified, constituents are encouraged to contact the department's Traffic Management Centre on 1800 081 313.

SPORTS AND COMMUNITY INFRASTRUCTURE GRANTS

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

The Hon. S.C. MULLIGHAN (Lee—Treasurer): Cabinet approved the sports and community infrastructure grants. The majority of the sports and community infrastructure grants are being administered by the Department for Infrastructure and Transport and the Office for Recreation, Sport and Racing, with the South Australian State Emergency Service, Renewal SA and Department for Education delivering a small number of the grants.

SPORTS AND COMMUNITY INFRASTRUCTURE GRANTS

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

The Hon. S.C. MULLIGHAN (Lee—Treasurer): I am advised that no grants have been provided to private individuals.

SUPER SA

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

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

The fund selection project has followed a clearly defined project brief through Super SA's project management office and the project is on track for delivery on 30 November 2022. In summary:

- the overall status of the project is rated green.
- all necessary board policies have been updated and approved.
- system testing is now completed.
- an employer guide, a tool for employers to understand the processes and legislative requirements, has been rolled out and extensive education sessions have been conducted.
- extensive training for all Super SA staff has been delivered (with 10 further sessions scheduled prior to go live.) An extensive suite of work instructions has also been created.

HAHNDORF TRAFFIC IMPROVEMENT PROJECT

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

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining): I have been advised the Australian and South Australian governments have committed $250 million to jointly fund the Hahndorf township improvements and access upgrade project.

AUDITOR-GENERAL'S REPORT

In reply to **Mr TARZIA (Hartley)** (15 November 2022).

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining): I am advised I executed one local infrastructure grant comprising of the Melbourne Street Main Street Project and the Hutt Street Main Street Project at the request of the Rt Hon. Lord Mayor of Adelaide.

AUDITOR-GENERAL'S REPORT

In reply to **Mr TARZIA (Hartley)** (15 November 2022).

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining): I am advised that the special deposit account for the Office of Hydrogen Power SA was established on 19 September 2022.

AUDITOR-GENERAL'S REPORT

In reply to **Mr WHETSTONE (Chaffey)** (15 November 2022).

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services): I have been advised:

This matter was subject to a freedom of information application submitted by the Hon. Heidi Girolamo MLC and received by the Department for Correctional Services (DCS) on 4 October 2022, as below:

Please provide copies of all audit management letters and their corresponding audit reports from the 30 June 2022 Auditor-General's Department audit period.

On 25 October 2022, a determination and documents were provided to Ms Girolamo in accordance with the Freedom of Information Act 1991.

On 16 November 2022, DCS was made aware of an administrative oversight and after additional consideration, a further determination was made to finalise the request from Ms Girolamo.

Ms Girolamo has been made aware of the grounds for the final determination, as well as the rights to review and appeal, should she not be satisfied with the outcome.

SAPOL RECRUITMENT

In reply to **Mr WHETSTONE (Chaffey)** (15 November 2022).

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services): I have been advised that in the 2021-22 financial year, SAPOL recruited

- 130 sworn police,
- one sworn community constable,
- 126 police security officers, and
- 214 Public Sector Act employees

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition)** (15 November 2022).

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts): I have been advised:

The standard operating base grant for the Adelaide Festival Centre Trust (AFCT) is $8.324 million. The remaining $17.557 million is made up of once-off and special purpose grants from the Department of the Premier and Cabinet.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition)** (15 November 2022).

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts): I have been advised:

The recurrent operating grant of $11.6 million for the 2021-22 year does not include COVID supplementary funding.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition)** (15 November 2022).

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts): I have been advised:

State government grant funding includes contributions from the Department for Education (DfE), Department for Innovation and Skills (DIS) and the Department of the Premier and Cabinet (DPC).

A grant from DfE was provided to the South Australian Museum to deliver quality education programs to DfE children, students and teachers. In accordance with the grant conditions $175,000 was received in 2021-22. The grant expires on 31 December 2024 with two-years' of funding still to be received.

A grant was provided by DIS for a total of $360,000 to financially support the implementation of the national Inspiring Australia Strategy delivered through Inspiring SA. The first two tranches totalling $240,000 were provided in prior financial years, with the remaining $120,000 provided in 2021-22.

A grant from DPC totalling $55,000 was provided for maintenance of the museum building.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition)** (15 November 2022).

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts): I have been advised:

The general grants line includes funding received from BHP Olympic Dam Pty Ltd (BHP), WOMADelaide Foundation (WOMADelaide), University of Adelaide and a commonwealth contract with the director of National Parks.

The BHP grant for $179,000 was provided to undertake a species endemism project on behalf of BHP. This project has been finalised and the agreement has been fully executed.

Funding from WOMADelaide for $6,000 was provided to the South Australian Museum to participate in KidZone at the WOMADelaide festival. The agreement has been fully executed.

Funding from the University of Adelaide was provided for the amount of $40,000 to assist in the repatriation of Aboriginal heritage and ancestral remains for a period of three years. This agreement expires on 31 August 2024.

The remaining amount of $5,000 relates to funding received under a commonwealth contract with the director of National Parks, executed on 12 November 2022. The agreement has been fully executed.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition)** (15 November 2022).

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts): I have been advised:

The $4.655 million listed as SA government grants relates predominantly to the operating grant from state government as well as $50,000 of various grants for approved projects from DPC and Arts SA.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition)** (15 November 2022).

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts): I have been advised:

The SA government grant comprised the base operating grant of $8.888 million plus an additional $187,000 once-off for COVID-related costs that were incurred to support the running of this year's Adelaide Festival.

From time to time grants are provided outside of the usual operating grant.

AUDITOR-GENERAL'S REPORT

In reply to **the Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition)** (15 November 2022).

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts): I have been advised:

A breakdown of the grants and subsidies balance from the cashflow is provided below. This support is sought for various projects delivered that year. They do not form part of ongoing activity. All grants and subsides available for the future have a signed agreement in place.

Grants and Subsidies Income 2021-22		
		$'000
Arts SA projects		14
State Government Other		105
Total grants and subsidies revenue—SA Government entities		119
Local Councils		146
Other Partnerships		303
Total grants and subsidies revenue—Non SA Government entities		449
Total grants and subsidies revenue		568
Income in Advance 2021-22		
Arts SA	First Nations projects	14
City of Port Lincoln	Partnership Position	128
Commonwealth	National Tour	367
Commonwealth	Wild Dog	65
Commonwealth	Youth, Theatre	33
City of Port Adelaide Enfield	Wild Dog	34
DC of Loxton & Waikerie	Partnership Position	117
DPC	Performing Arts presentations	97
State Government Other	Adolescent Wonderland	31
State Government Other	Working in Prisons	3
Yorke Peninsula Council	Partnership Position	82
Total Income In Advance		971
Income in Advance 2020-21		
Arts SA	Sector Development	28
Commonwealth	Wild Dog, Theatre	152
Council	Arts Activation	35
DPC	Arts Activation	102
Projects Other	Performing Arts presentations	14
State Government Other	Theatre	58
Total Income In Advance		389
Grants and Subsidies revenue and movement in Income in Advance		1,150

AUDITOR-GENERAL'S REPORT

In reply to **Mr TELFER (Flinders)** (15 November 2022).

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning): I have been advised of the following:

The identification and planning of growth areas is being considered as part of the regional planning program (program), under the Planning, Development and Infrastructure Act 2016.

The program will be delivered over the next two years and includes the preparation of six regional plans outside of Greater Adelaide and a new 30-year plan for the metropolitan area.

The governance framework for the program outlines the probity requirements for the management of confidential information (which includes when external stakeholders will be engaged) as well the management of conflicts of interest.

It establishes a high standard for managing conflicts of interest by staff or third-party contractors engaged to work on the program, including declaration of any conflicts by contractors when engaged to undertake work.

It also requires deeds of confidentiality to be signed where staff or other entities have access to confidential information, particularly in relation to land that may be considered as part of growth planning investigations as part of the regional plans.

AUDITOR-GENERAL'S REPORT

In reply to **Mr TELFER (Flinders)** (15 November 2022).

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning): I have been advised of the following:

The difference between 2021 and 2022 of the London office operating expenses is mainly due to:

- depreciation of the Australian dollar to the British pound
- the engagement of a contractor to undertake a review of administrative processes
- update to London office equipment and devices, including refurbishment of meeting rooms and staff IT equipment; and
- a return to travel and regional trade activity following lifting of COVID-19 restrictions.

AUDITOR-GENERAL'S REPORT

In reply to **Mr TELFER (Flinders)** (15 November 2022).

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning): I have been advised of the following:

The decrease of A$71,000 in operating revenue for the United Kingdom (UK) office mainly due to:

- a foreign exchange gain between the British pound and Australian currencies for the UK office; and
- lower contributions from other government agency towards the cost of the defence trade and investment director.

A minor increase in revenue is observed for the Jinan office due to a foreign exchange gain between the Chinese yuan and Australian dollar in 2022.

FREEDOM OF INFORMATION

In reply to **Mr TARZIA (Hartley)** (29 November 2022).

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): I can advise that the public servants responsible for freedom of information (FOI) requests manage all such requests with professionalism and diligence and in accordance with the Freedom of Information Act 1991.