HOUSE OF ASSEMBLY

Thursday, 9 February 2023

Parliamentary Procedure

SPEAKER, ABSENCE

The CLERK: Honourable members, I advise the house of the absence of the Speaker. In accordance with standing order 17, I call on the Chairman of Committees to take the chair.

The Deputy Speaker took the chair at 11:00.

The DEPUTY 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 DEPUTY SPEAKER read prayers.

Parliamentary Committees

SELECT COMMITTEE ON ACCESS TO URINARY TRACT INFECTION TREATMENT

Mr ODENWALDER (Elizabeth) (11:02): By leave, and on behalf of the member for Badcoe, I move:

That the time for bringing up the committee's report be extended until Thursday 31 August 2023.

Motion carried.

PUBLIC WORKS COMMITTEE: PRINCES HIGHWAY (DRAIN L) CULVERT REPLACEMENT

Mr BROWN (Florey) (11:03): I move:

That the 14th report of the committee, entitled Princes Highway (Drain L) Culvert Replacement Project, be noted.

The commonwealth and South Australian governments have jointly committed $190 million to upgrade the vital infrastructure along the Princes Highway corridor in South Australia. This equates to $38 million for the South Australian government. The Princes Highway comes under the care, control and management of the Commissioner of Highways. Running for approximately 700 kilometres, the South Australian section of the Princes Highway extends from the South Australian-Victorian border east of Mount Gambier to Port Augusta in the state's north.

As part of the Princes Highway corridor upgrade, the department undertook a review of bridges and culverts and identified those that had a width unable to accommodate Performance Based Standards Level 3A vehicles or that otherwise need to be replaced. The Princes Highway Drain L culvert was identified as a priority for replacement due to its narrow width and current condition.

The culvert is located between Kingston and Millicent on the border of the District Council of Robe and the Naracoorte Lucindale Council. It is a large, artificially constructed drain managed by the South Eastern Water Conservation and Drainage Board. The drain has a catchment area of approximately 780 square kilometres, with a primary function to remove surface water and drain saline groundwater. In doing so, the drain increases agricultural productivity in the region.

The scope of proposed works includes the removal of the existing culvert, installation of a new triple-cell culvert, and new pavement construction and servicing works. By replacing the culvert, these works aim to provide better road safety and driving conditions, enhance access for higher productivity vehicles, and improve route reliability and network resilience.

There is an annual average daily traffic of approximately 600 vehicles on the Princes Highway in the vicinity of the culvert. It is estimated that 26 per cent, or approximately 156, of these

vehicles are heavy vehicles. The Princes Highway between Kingston and Millicent is currently gazetted for PBS Level 2B vehicles, which are greater than 26 metres in length but equal to or less than 30 metres. The replacement of the culvert will contribute to this section of the highway meeting the criteria for PBS Level 3A vehicles.

A temporary diversion track to bypass the project site will be in place to allow the construction of the new culvert. Large pipes will be temporarily placed within Drain L and the diversion track, with pumps installed to ensure that any required water flow is not impacted. Bridge barriers will be extended along the approaches to the culvert to meet current requirements. These barriers will impact access to a rural property located on the southern side of the culvert. An agreement has been reached with the property owner to relocate this access further south.

Access to rural properties adjacent to the project site will be maintained throughout the works wherever possible, with advance notice provided if there is a need to temporarily restrict driveway access. The department will liaise with the relevant property owners to discuss their needs to ensure access requirements are accommodated. No land acquisition is required for the project.

The current estimated capital cost for the project is $6.1 million. Construction is scheduled to commence early 2023, with the structure operational from mid 2023. It is expected that ongoing costs for the maintenance of the proposed culvert will be sourced from the department's ongoing operating budget. The project will be conducted in accordance with the department's Environment and Heritage Impact Assessment processes and associated guidelines. Constructed works will be managed in accordance with the department's Contract Management General Conditions of Contract.

All procurement is being undertaken in accordance with the state government's procurement management framework and will comply with South Australian government guidelines. The construction contractor will undertake a detailed stakeholder analysis as part of an engagement plan, with communication occurring throughout the works to ensure the community and other stakeholders remain informed.

Stakeholders will include, but are not limited to, the Naracoorte Lucindale Council and the District Council of Robe, as well as local residents, property owners and elected officials. Discussions with the affected property owners have already commenced, and will continue throughout the delivery of the project. The department asserts that all necessary consultation has occurred, including with the Department of Treasury and Finance and the Department for Environment and Water.

The committee has examined written and oral evidence in relation to the Princes Highway culvert replacement. Witnesses who appeared before the committee were: Andrew Excell, Executive Director, Transport Planning and Program Development, Department for Infrastructure and Transport; Brian Roche, Acting Executive Director, Transport Project Delivery, Department for Infrastructure and Transport; and Jerome Coly, Project Manager, Department for Infrastructure and Transport. I thank the witnesses for their time in presenting the project to the committee.

Based upon the evidence considered, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr McBRIDE (MacKillop) (11:08): It gives me great pleasure to be able to respond, and to support and speak to this project. Although it is a major project on a major road, in the sense of a bridge/culvert type rebuild, and it serves its purpose, there are a few things that this bridge relates to in the sense of the Limestone Coast, its proximity and what it stands for.

First of all, with a little bit of a conflict here, looking at the pictures of the bridge and the build I can nearly see my sheep in the background and the paddocks we own surrounding this bridge. It is only about one kilometre south of our homestead. Any time we want to head further south towards Millicent/Mount Gambier, it is the bridge that we go over, though it is a bridge we actually avoid, too, for stock movements. I remember that, as a little boy, we tried to move stock over this bridge. It is built in a way like a funnel—great for cows and traffic, but it is not great for livestock because they spook at it and will not go across. Once my father and I worked that out, we never used it again.

I thank the Public Works Committee: the Chairman (member for Florey) and all his committee for supporting this build. It is a build that I hope continues well and truly past this bridge. It is a bridge that works on a drainage board system and network of drains that were put in at the end of the 1800s, going into the early 1900s, with major upgrades through 1920, and another major upgrade through the 1950s. I think it is reported that this bridge was built in the 1950s, or upgraded.

What is really important is that the bridge belongs to myriad bridges in the Limestone Coast, and this is one of the better bridges. Yes, it would want to be, being on the Princes Highway and for traffic that has to use it, but I know that there are hundreds of bridges with road networks and drains through the Limestone Coast in dire need of major upgrades. The South-East catchment drainage board still has a budget of around that $2.6 million to manage all the drains from around Salt Creek all the way back down south to Mount Gambier. That includes maintenance and upgrades of bridges and crossings on the drainage network.

A lot of these bridges were built in the 1920s and 1950s, and I can show you pictures of culverts and bridges that do not have any more bollards because they have been wiped out by large self-propelled boom sprays, harvesters, four-wheel-drive tractors, air seeders, and the like, because 100 years ago machinery was a lot smaller than it is today. The infrastructure around these bridges has not kept pace with the development and technology that is now in agriculture that the Limestone Coast is renowned for.

We know that the drainage system network of this bridge that we are talking about on the Princes Highway is so valuable in taking surplus water away from the landscape, particularly on the western side of the Limestone Coast rather than the eastern side—or closest to Victoria—but it is still a very integral part of making sure agriculture can prosper and thrive down there.

The Limestone Coast and associated drainage network represents $36 billion annually in agricultural production. Certainly, it is not all derived only because there is a drainage system in place. There are obviously areas in the Limestone Coast that are hills and rising country that do not need a drainage system, but most of the Limestone Coast is considered fairly flat and low-lying. Without the drainage system, and before man went down there and put these drains in, it was a massive wetland. That has been completely changed.

I note that the drains were not initially put in place for agricultural pursuits: they were put in place so that people could get from Adelaide to Melbourne, and they could use the Limestone Coast as a means of transport through there. That is why initially the drainage system was put in place, to get water out of the landscape. Then came the agricultural pursuits, and the drainage system was upgraded and has been continually upgraded right up until the early 2000s when the Upper South-East salinity drainage scheme was implemented, taking out further water and resources either into wetlands or out through Salt Creek into the Coorong.

In summing up, it is very pleasing to see that this sort of infrastructure is important. There is a lot more to do. The word was that, when the Marshall government came to power, around $45 million was needed to upgrade bridges in the Limestone Coast area that were falling down in a state of disrepair. That money still has not been found. I am hoping that this new Labor government will recognise that and work with our federal counterparts to try to address the bridges, access and roads.

As I have said before, what is the difference between a bridge at Burra, where it crosses the Burra Creek, and a bridge that crosses the Wilmot Drain, the Earthquake Springs Drain or drain A, B, C, D, E or whatever it is that is in the Lower South-East? I think that we all still need road networks. We know that tourists and the general public use the road network to go to see all the sights in the Limestone Coast.

I think that we do need a balance and we do need investment to make sure not only that the drainage scheme stays true to its cause by draining the landscape where it is required but also that the infrastructure surrounding the drainage scheme is funded to make sure that the drainage board can repair what it needs to, as well as bridges staying in state of repair for transport so that the ever-changing needs of transport are being met.

I commend the bill to you, Mr Deputy Speaker. I thank the committee for its positive responses and I thank the Chair, the member for Florey, for the support for this infrastructure and the new bridge.

Mr PEDERICK (Hammond) (11:15): I rise to support the 14th report of the Public Works Committee of the Fifty-Fifth Parliament on the Drain L culvert replacement project. This was part of the former federal Liberal government and the state Liberal government's 80:20 joint funding of $190 million to upgrade infrastructure at locations along the Princes Highway corridor in South Australia.

The Princes Highway corridor in South Australia is approximately 700 kilometres long and runs from the South Australian-Victorian border east of Mount Gambier all the way through to Port Augusta in the state's north. The corridor funding is for the rural segments and includes the Princes Highway (South-East), which is what we are talking about here today; the South Eastern Freeway (Murray Bridge to Adelaide); the Port Wakefield Highway (Virginia to Port Wakefield); and the Augusta Highway (Port Wakefield to Port Augusta). The funding has been made available due to the Australian government's Princes Highway Corridor Strategy.

As part of the Princes Highway corridor upgrade, the department undertook a review of the bridges and culverts to identify those that have a width unable to accommodate a Performance Based Standards vehicle—that is, level 3A vehicles up to 36.5 metres long, double road trains—or those which are at the end of their life and need replacement. Obviously, with freight these days, there is a move for bigger truck combinations, and this is part of the process to make freight more efficient.

The Drain L culvert on the Princes Highway was identified as a priority for replacement, due to both its narrow width and its current condition. As has already been indicated, the culvert is located between Kingston and Millicent, on the border of the District Council of Robe and the Naracoorte Lucindale Council.

The speed limit on the Princes Highway at the location of the culvert is 110 km/h. It is good to see there have been no reported crashes at the location of the culvert on the Princes Highway for the five-year period from 2017 to 2021 inclusive.

There are approximately 600 vehicles a day that use the Princes Highway in the vicinity of the culvert. It is estimated that approximately 156 of these vehicles are heavy vehicles. The key aims and expected outcomes of this project are to deliver the following:

- improved road safety and driving conditions;
- improved access, as I have already mentioned, for higher productivity vehicles;
- improved route reliability and increased network resilience;
- to support regional development and growth; and
- realisation of investment benefits.

As we move to these roads that need to cater for these bigger truck combinations, we need to make sure that the roadworks are regularly updated, regularly looked at, regularly maintained and that serious work is done so that we can make sure these efficiency upgrades progress well into the future. I support the works on this culvert at Drain L.

Mr BROWN (Florey) (11:19): I would like to thank those members who have contributed to the discussion on this project: the member for MacKillop and the member for Hammond. I am sure I speak for all members of this house when I say that we all benefit from their wisdom on matters agricultural. I note their support for the project, and I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: BOOKMARK CREEK

Mr BROWN (Florey) (11:21): I move:

That the 15th report of the committee, entitled Bookmark Creek Project, be noted.

The public works proposal from the Department for Environment and Water proposes to upgrade infrastructure along Bookmark Creek near the township of Renmark in the Riverland. Impeded water flow, increased salinisation and historic channel modification have seen the health of Bookmark Creek decline in recent years. This is due to the creek's use as a dam and saline disposal basin as well as continued vegetation clearance.

Because of its close proximity to Renmark, the creek has high social and recreational value to the community, with a well-established local action group supported by industry groups and key stakeholders. This project proposes works that have been a vision of the local community for several decades, with an enthusiastic group of council members, irrigators, landholders and community members ready to see improvements.

The three aims of this project are to improve the connectivity of Bookmark Creek to the River Murray, to increase water flow down the creek creating fast-flowing habitat for native fish and, lastly, to facilitate the movement of large fish within the creek and River Murray. Overall, this project has the potential to improve the hydrological regimes throughout the creek and its associated wetlands as well as enhance the connectivity of wetlands and flood plains.

In addition to these environmental benefits, this project is anticipated to deliver important economic benefits through agriculture, fisheries and tourism, all of which are dependent on a healthy river system. These improvements will encourage population and job growth in the area and support local businesses during the construction phase.

A key strength of this proposal is the engagement with First Nations, local action groups and industry groups to build upon the recognised social and recreational potential of Bookmark Creek in the Riverland. It seeks to bolster community ownership of the creek's values, which will continue as the restoration progresses and the community connect through enhanced recreation opportunities.

Work is planned across three sites. Site A is the proposed location for an new inlet regulator to be owned and operated by DEW. The new regulator will replace the existing embankment and culvert at the upstream entrance to Bookmark Creek. Site B is the location for in-stream habitat work to modify the existing channel, realign the surrounding track and increase channel variability. Site C is the proposed location for the Nelwart Street bridge. Once constructed, the bridge will be donated to the Renmark Irrigation Trust, with ongoing maintenance undertaken by the trust.

The bridge will replace the existing embankment and culvert structure and provide a trafficable road bridge at the Nelwart Street crossing. The bridge will maximise the Bookmark Creek waterway for passing flows, enabling unimpeded upstream and downstream passage for not only native fish but also canoes. This low-velocity channel for canoes and kayaks through the structure will be an important amenity and the first of its kind in Australia.

The estimated capital cost of these works is $6.9 million. Money will be provided through the Sustaining Riverland Environments (SRE) program, which is a $38 million program funded by the Australian government through the Murray-Darling Basin Authority. It will be delivered by the government of South Australia through the Department for Environment and Water.

Construction of the regulator and bridge is expected to take place over a six to eight month time frame, subject to suitable weather and river conditions. Work is scheduled to commence in April 2023, with completion in January 2024. Habitat work at site B will commence in April 2023, with completion in September 2023.

DEW has sought approval from the Department for Infrastructure and Transport (DIT) to self-manage construction of the project with oversight provided by DIT. The delivery of the project is proposed to be implemented through a construct-only contract, to be undertaken by a private contractor appointed through a competitive tender process. The construct-only contract is currently being developed with a tender call anticipated later this year. Contract award is expected later this month. DEW confirms that all procurement will be undertaken in accordance with the state government's procurement management framework and comply with South Australian government guidelines.

Consultation occurred with a number of key stakeholders during the concept and design phases, including with the two landowners, Renmark Paringa Council and Renmark Irrigation Trust.

DEW confirms that there has been extensive engagement with the Riverland community, which has expressed overwhelming support for this project. This engagement will continue as work progresses. Regular updates will keep all stakeholders informed about the aims, progress and benefits of this project.

The committee has examined written and oral evidence in relation to the Bookmark Creek proposal. Witnesses who appeared before the committee were the member for Chaffey, who gave an excellent presentation I thought; Dr Glenn Shimmin, Manager, Project Coordination and Development, Department for Environment and Water; Mr Richard Brown, Manager, Infrastructure Management, Department for Environment and Water; and Ms Eva Dec, Senior Project Manager, Sustaining Riverland Environments, Department for Environment and Water. I thank all the witnesses for their time before the committee.

Based upon the evidence considered and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr WHETSTONE (Chaffey) (11:26): I rise to give full support to the Bookmark Creek project. It is a $6.1 million component of the $36.7 million Sustaining Riverland Environments. I did present to the committee and I thank the Chair and the committee for allowing me to express my support and also to give a little bit more understanding of what Bookmark Creek has meant not only to the people of Renmark but also the natural environs that surround Renmark.

As many might know, Renmark is an island and it is surrounded by different waterways. On one side of Renmark is the River Murray and on the other side of Renmark is Bookmark Creek. Believe it or not, I used to live on the banks of Bookmark Creek many years ago. That gave me an opportunity to ponder the opportunities that were so very much missed. It is an environmental circuit breaker to Renmark. It has been consumed by native vegetation, reeds and overgrown bushland for a long, long time. The landscape will change, particularly with this project.

I will add a little bit more to it. Things have changed significantly since I presented to the committee. We have seen the floods come and go. Bookmark Creek was a major factor in having that significant water body go around Renmark. We saw significant flows go around Renmark. Much of the water that came into South Australia wants to travel in a straight line and much of it wants to run straight over the top of Renmark.

What we have seen is the magnificent levee system that diverted water back around the River Murray and it also diverted much of the water through Bookmark Creek. What we see there now is a creek that has been scoured significantly. It is also now posing fantastic opportunities for tourism, particularly for kayakers and for the locals. Anyone who is a local anywhere close to the Bookmark Creek is catching a feed of yabbies at any given will.

It really is a great sight to see a creek that has really turned into part of the river system because it is an anabranch. It is now a very integral and important part of Renmark because, as I have said, it provides a pressure release valve on water coming down in a high-flow event. The council did an outstanding job of building or rebuilding some of the levee banks. Both sides of Bookmark Creek now have a levee bank that is protecting that town, as well as protecting the horticulture communities on the western side of Renmark.

As a bypass of Lock 5, Bookmark Creek will play a much more important role in sustaining a healthy working environment and also a healthy working river and the bypass known as Bookmark Creek will see a changed landscape. We will see environmental works that will enhance native fish, whether it is spawning or whether it is habitat. Snagging will also provide opportunity for native fish habitat. My belief is that we will not see a lot of native Murray cod in the creek, but we will see a lot of smaller versions of fish. We will see hardyhead and we will see the two spotted gudgeon and they are really important indicators within the environment.

I cannot express enough my support for this to give Renmark another feather in its cap when people come to visit and when people want to experience some of the anabranches around Renmark and the creek system. It will also enhance what is now going to be the Jane Eliza expansion. Jane

Eliza version two will be a little upstream in Bookmark Creek and it will help enhance the ongoing and future healthy flows that will now proceed through the creek.

Bookmark Creek supports the passing under the railway bridge, as well as the Sturt Highway bridge. The fishways and opportunities, as I have said, will transform what was quite an ugly piece of creek network into what I am hoping will be a sustainable healthy natural environment.

Regarding tourism, people are out there using Bookmark Creek in all its splendour. It is still flowing, and it is a great site to behold. If the many people visiting the region do not want to go further up into the river and creek networks, they drop off into Bookmark Creek and catch their feed of yabbies and have a wonderful time. I cannot see any reason why that is going to change any time soon. This project has my full support, as it does for the Renmark community and as it does for the Renmark Paringa Council.

Mr BROWN (Florey) (11:33): I would like to take the opportunity to thank the member for Chaffey for his contribution not only today but also before the committee. I think all members of the committee found his contribution most illuminating.

Motion carried.

PUBLIC WORKS COMMITTEE: BOLIVAR WASTEWATER WATER TREATMENT PLANT INLET WORKS UPGRADE

Mr BROWN (Florey) (11:34): I move:

That the 16th report of the committee, entitled Bolivar Wastewater Water Treatment Plant Inlet Works Upgrade, be noted.

The wastewater treatment plant at Bolivar is the largest treatment plant in the state. It is managed and operated by SA Water which is wholly owned by the South Australian government. SA Water employs more than 1,400 people across a broad range of disciplines. It operates over $14 billion of assets, delivering essential water services to more than 1.7 million people.

SA Water proposes to upgrade the inlet works infrastructure at the Bolivar treatment plant which currently utilises components dating back to 1960. Many of these components are in poor condition due to their age and the harsh operating environment. A 2017 study by SA Water indicated that the infrastructure is regularly subject to flows exceeding the rate of capacity of 280 to 320 megalitres per day and is not sufficient to handle future flow projections of up to 550 megalitres per day.

Due to these capacity constraints, the current operation of the plant has a high risk of unscreened wastewater entering downstream sections of the plant and impacting treatment performance. This would lead to process inefficiency such as high energy use as well as poor environmental outcomes. In addition to this, the existing inlet screens require frequent manual intervention for cleaning and maintenance. These manual interventions pose a safety risk and, whilst processes are in place, incidents have occurred.

To address these issues, an options analysis was completed by SA Water. The analysis evaluated and ranked a base case along with a number of possible solutions. Three equally important principles guided SA Water's decision-making in this regard. The first was economic efficiency, which balances affordability with service delivery. Second was social responsibility, which considers the greater good of the state. Third was environmental performance, particularly our carbon footprint and climate resilience. It was ultimately decided that the installation of new inlet works was the best way forward. This option had the lowest capital cost while meeting current and future demand requirements, reducing safety and environmental risks, and improving wastewater treatment.

After construction is complete, the new inlet works will be tied into the existing treatment plant process and commissioned. The capital costs of this project are to be funded through the SA Water capital program. Construction is scheduled to commence in the first quarter of 2023 with practical completion in the third quarter of 2025.

SA Water's risk management policy and framework will apply over the course of the construction. Forming an integral part of the project management process, the framework will assess risks and ensure appropriate management and mitigation measures are incorporated into the

delivery of the upgrade. SA Water has also incorporated important environmental parameters in the project design. They will be used to support the environmental integrity of the works and ensure that any harmful impacts are avoided, minimised or managed.

Environmental sustainability will be assessed and used as a key performance indicator for all contractors. As the proposed works will occur within the Bolivar treatment plant, there should be no impact to customers. Engagement has commenced with internal stakeholders and partner organisations and they will be kept informed by SA Water through regular project meetings.

The committee has examined written and oral evidence in relation to the Bolivar wastewater treatment plant upgrades. Witnesses who appeared before the committee were Mr Peter Seltsikas, Senior Manager Capital Delivery, South Australian Water Corporation, and Mr Nabeeh Naushad, Portfolio Manager, South Australian Water Corporation. I thank the witnesses for their time.

Based upon the evidence considered and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Motion carried.

PUBLIC WORKS COMMITTEE: LYELL MCEWIN HOSPITAL EXPANSION

Mr BROWN (Florey) (11:38): I move:

That the 17th report of the committee, on the Lyell McEwin Hospital 48-bed expansion, be noted.

I am very proud to talk about this project before the house today. The public works submission from the Department for Health and Wellbeing, or SA Health, proposes to expand the Lyell McEwin Hospital through the addition of two new inpatient wards. The Lyell McEwin is a major hospital that forms part of the Northern Adelaide Local Health Network. With an annual growth rate of 1 per cent, the network services the second-fastest growing population in the state. This growth is strongest in the older 70-plus demographic, which has a significantly higher reliance on health services.

Compared with other state networks, the Northern Adelaide Local Health Network also services the highest percentage of the most vulnerable population, which includes people living with chronic disease and substance abuse. These factors have compounded the demand for health services in the northern suburbs.

Established at Elizabeth Vale in 1958, the Lyell McEwin has progressed from being a community hospital to one of three adult tertiary hospitals serving South Australians. This progression has come with an increase in the volume and complexity of services. Today, the Lyell McEwin provides a comprehensive range of medical, surgical, diagnostic, emergency and support services to people living in the northern suburbs and a wider catchment area—including Gawler, in your electorate, Mr Deputy Speaker.

The hospital has seen various phases of redevelopment over the last 20 years, including a new inpatient building constructed in 2013. This building provided 96 single-occupancy bedrooms with ensuites and support spaces over two levels, with a helipad above. As part of the broader master plan, a shortfall of future development sites was identified at that time.

That shortfall, along with a population model that predicted a significant increase in demand, encouraged the project team to futureproof the site by providing room to grow. A level 3 slab was constructed and the helipad was raised to enable future development to proceed under the structure. That additional space is now the site of this proposed expansion.

Plans submitted by SA Health call for the construction and fit-out of two 24-bed inpatient wards above the existing inpatient ward. The 2022-23 state budget committed $47 million to making these plans a reality, and upon completion the number of beds in the inpatient building will increase from 96 to 144. The new facilities will provide single-occupancy rooms with ensuite and include four bariatric rooms, four large patient rooms with bariatric features, two negative-pressure isolation rooms and six hardened patient rooms to accommodate high-risk consumers.

In addition, the public works will provide clean utility rooms capable of accommodating the planned rollout of automated drug dispenser units. There will also be support spaces constructed,

including a disposal room, cleaners' room and pantries. Staff facilities will be built to accommodate amenities, offices and open-plan workstations.

Importantly, the project design integrates dementia-friendly design principles to allow easy access and wayfinding, promoting safety, security and patient comfort. The project supports the provision of workstations on wheels and wall-mounted workstations, enabling the move towards electronic medical records. This encourages a model of care that allows clinical staff to spend more time on the floor rather than in workrooms. Construction is scheduled to commence in February 2023, with practical completion and commissioning in June 2024.

It is recognised by SA Health that providing a facility with good environmental qualities will provide a positive environment and workplace for staff, patients and occupants, supporting better healthcare outcomes and improved wellbeing. Similarly, it is recognised that a facility that consumes less energy, reduces waste and encourages re-use of resources will provide benefits in reduced operational costs and environmental impact. The project team have established formal processes to ensure that ecologically sustainable development strategies (ESD) are comprehensively incorporated into the project during all phases.

In regard to procurement, the process for engaging the construction contractor is being managed by the Department for Infrastructure and Transport, using established evaluation and contracting processes. The award of construction contracts was due to begin in November 2022 and proceed through to last month. SA Health confirms that project delivery will follow best practice principles for procurement and management, as advocated by the state government and construction industry authorities. These practices include the establishment of a cost plan and the management of costs within that plan; the regular scheduling of reviews to ensure compliance with time, cost and quality expectations; and the identification of risks and the implementation of risk mitigation strategies.

SA Health confirms that engagement and consultation have been key themes during the concept planning stage, and consultation with various stakeholders will continue throughout the construction period. These stakeholders include, but are not limited to, clinical user representatives, an Indigenous liaison officer, and work health safety representatives. Northern Adelaide Local Health Network will manage communications around site planning and logistics and ensure hospital users receive appropriate information. This will be achieved through newsletters, project information boards and website updates.

The committee has examined written and oral evidence in relation to the expansion of Lyell McEwin Hospital. Witnesses who appeared before the committee were Mr Tim Packer, Director Capital Projects, Infrastructure, Department for Health and Wellbeing; Mr John Harrison, Director Building Projects Across Government Services, Department for Infrastructure and Transport; Mrs Deidre Kinchington, Director Capital Development, Northern Adelaide Local Health Network; and Mr Peter Petrou, Project Director, Cheesman Architects. I thank the witnesses for their time before the committee.

Based upon the evidence considered and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (11:45): I will briefly add some comments and thank the Public Works Committee for its deliberations and its support of this important project at Lyell McEwin Hospital. As you well know, Mr Deputy Speaker, this is a very growing area in terms of our northern suburbs, and we have a clear need for more hospital beds at the Lyell McEwin Hospital.

This is a hospital which 20 or so years ago was very, very small and was akin to one of our country hospitals in terms of size. Through stages A, B and C redevelopments and now the emergency department and mental health short-stay redevelopments, the expansion of Lyell McEwin is very substantial compared with what it was those 20 years ago, but there is still a need for more.

We need to build this up as a tertiary-level hospital, including behind the scenes, to have the bed capacity to cater for the population needs of the northern suburbs. We know that the key issue

that we are facing in terms of addressing access block, ramping and ambulance delays is making sure that we can get that flow through the system and making sure that people are not getting stuck in emergency departments when they need admitted beds in our hospital system. This is a critical project as part of that work.

Importantly, this is a great sign of some forward thinking when the stage C redevelopment happened all those years ago under the Rann and Weatherill governments. There was obviously the thought that at some stage we would need to expand the hospital and we would need to put in additional beds. There was a plan devised so that on top of that clinical services building there was the ability to add another floor, and that is effectively what we are doing now in terms of adding those 48 beds.

That will be a significant boost to the capacity of the Lyell McEwin Hospital. It is also, of course, in addition to all the other upgrades and improvements that we are making right around the healthcare system and is a doubling of what we committed to do at the election. We committed at the election to build 24 more beds at the Lyell McEwin. We are now doing 48 more beds at the Lyell McEwin. I thank the Public Works Committee for its deliberations and endorse this project to the house as something that will make a real difference for people's health care in the northern suburbs.

Mr BROWN (Florey) (11:48): I would just like to thank the Minister for Health for his contribution and also note that on behalf of my constituents of Florey—who like myself are users of the Lyell McEwin Hospital—we would like to thank the state government for its continuing investment and support of the hospital.

Motion carried.

PUBLIC WORKS COMMITTEE: LEFEVRE PENINSULA UPGRADES

Mr BROWN (Florey) (11:48): I move:

That the 18th report of the committee, entitled Lefevre Peninsula Upgrades, be noted.

The public works submission from the Department for Infrastructure and Transport (DIT) proposes to upgrade two junctions along Victoria Road at Pelican Point Road and Veitch Road as well as modify Victoria Road between the two junctions to integrate the works with future development.

The Lefevre Peninsula is located 18 kilometres north-west of Adelaide's central business district in the City of Port Adelaide Enfield. Victoria Road is the dual carriageway, main arterial road connecting the northern end of Lefevre Peninsula to the Port River Expressway at Port Adelaide. Victoria Road is part of the National Land Transport Network, providing the primary route for freight access to Outer Harbor and the container terminal.

The Osborne Naval Shipyard on the northern Lefevre Peninsula is home to Australia's two largest naval projects, being the Future Submarine and the Future Frigates projects. It is also home to the maintenance activities for the existing Collins class submarines. Activity in the area is expected to grow significantly as the site expands to become the centre of these new shipbuilding and submarine programs.

In addition to being a nationally critical defence precinct, the peninsula is strategically important to the state's economic growth. Industrial development is planned that will increase economic activity and employment in the area and generate more freight movements to and from Outer and Middle Harbors.

Roughly 13,000 vehicles pass through the junction of Victoria Road and Beach Road per day, while 8,000 vehicles pass through the junction of Victoria Road and Pelican Point Road. Between 2017 and 2021 there were 51 reported crashes, including 11 with serious injury, on the section of Victoria Road between Oliver Rogers Road at North Haven and Indarra Street, Taperoo.

With these statistics in mind, the key aims of these upgrades are to enhance road safety by optimising junction design on Victoria Road, to increase capacity and improve access for heavy vehicles, and improve travel times for road users, including freight transport vehicles, pedestrians and cyclists. These improvements are all expected to increase access to jobs in the area, support future land development, and promote industrial growth on the peninsula.

The proposed upgrades to Victoria Road and Pelican Point Road junction include the realignment and signalisation of the Victoria Road and Pelican Point Road junction as well as dedicated right-turn lanes on Victoria Road and Pelican Point Road into the defence industry car parks. The upgrades to Victoria Road and Beach Road junction include new signals, pedestrian crossing lights and ramps.

Access to two future naval infrastructure car parks will be created off Victoria Road and Pelican Point Road. These car parks will provide a capacity of 3,600 spaces for the sizeable workforce required. The upgrades will also include improvements to rail and road infrastructure in the vicinity of the Pelican Point Road level crossing.

The Australian and South Australian governments have jointly committed $100 million, split fifty-fifty, towards the upgrades. Construction was scheduled to commence late last year, with completion and commissioning in 2024. The upgrades are expected to support approximately 205 full-time equivalent jobs per year averaged over the construction period.

A community and stakeholder engagement plan has been prepared by DIT and consultation has commenced with a range of stakeholders, including but not limited to the City of Port Adelaide Enfield, traditional owners of the land, and utility services providers. DIT confirms that communication will continue throughout the delivery of the works to ensure stakeholders are kept informed, with a project website, dedicated contact number and email address.

Biodiversity Park, established and managed by Renewal SA, is a recreational area dedicated to the conservation of biodiversity, with walking and bicycling limited to defined park networks. The project area impacts the eastern boundary of Biodiversity Park, including some pedestrian pathways. DIT assures the committee that it will consult with Renewal SA, the City of Port Adelaide Enfield, and interested community groups to design and construct treatments to restore and improve accessibility to and within the park, as well as support additional opportunities for enhancements.

The committee has examined written and oral evidence in relation to the Lefevre Peninsula upgrade. Witnesses who appeared before the committee were: Mr Andrew Excell, Executive Director, Transport Planning and Program Development, Department for Infrastructure and Transport; and Mr Neil Welsh, Project Manager, Transport Project Delivery, Department for Infrastructure and Transport. I thank the witnesses for their time.

Based upon the evidence considered, and pursuant to section 12 C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public works.

Mr TARZIA (Hartley) (11:53): I also rise today to speak to the noting of the 18th report of the Public Works Committee, entitled Lefevre Peninsula Upgrade. As has been pointed out very eloquently, we know that the Lefevre Peninsula sits in the City of Port Adelaide Enfield, around 18 kilometres from the CBD. We also know that this area continues to be, and will continue to be for some time, a major hub for future ship and submarine building programs, specifically the Osborne Naval Shipyard. That is projected to create upwards of 5,000 new direct employees, as well as 3,000 to 4,000 jobs in related industries, by 2025 alone.

This much welcome increase in activity to Le Fevre Peninsula as a result of new jobs created is going to of course result in increased vehicle movements, ranging from, as the committee learned, from 13,000 to 25,000 per day by 2025. We know that Australian Naval Infrastructure is currently designing two car parks, with a total capacity of some 3,600 spaces for its growing workforce, with access via the peninsula's main vehicle routes—Victoria Road and Pelican Point Road.

We learnt that the Victoria Road and Veitch Road junction sees around 13,000 vehicles per day pass through, while the Victoria Road and Pelican Point Road junction sees around 8,000 vehicles pass through every day. It is a relatively high volume of traffic through that area. We also learned that between 2017 and, I think it was, 2021 there is a particular section of Victoria Road between Oliver Rogers Road and the Victoria Road junction at North Haven, and the Victoria Road/Indarra Street junction, where multiple crashes were reported—I think up to 51 crashes.

These upgrades are aimed at improving road safety, but also the overall network is needed for reliability. The upgrades will also help support local industries that feed off that volume, and that

will also foster economic activity, which of course includes the anticipated demand of Australian Naval Infrastructure workers.

I also note the quite substantial contribution in expenditure from both the state and federal governments. This is certainly going to be nation-building infrastructure over the long term. Over 200 full-time jobs will be created through this. It is a very worthwhile project, and I commend the report to the house.

Mr BROWN (Florey) (11:56): I take the opportunity to thank the member for Hartley for his contribution to debate on this matter. I also take this opportunity to thank the Hon. Reggie Martin from another place for his contribution to my understanding of the traffic needs of that area, as he is a former resident of Victoria Road at Osborne. I commend the report to the house.

Motion carried.

PUBLIC WORKS COMMITTEE: TRURO BYPASS

Mr BROWN (Florey) (11:57): I move:

That the 19th report of the committee, on the Truro Bypass Project, be noted.

The Public Works submission from the Department for Infrastructure and Transport (DIT) proposed to construct a bypass for the Sturt Highway at Truro. The Sturt Highway is a national highway traversing South Australia, New South Wales and Victoria. It is the shortest and highest standard route between Sydney and Adelaide, providing an important link for the transport of passengers and freight between the two cities and adjacent regions.

Demand for the Sturt Highway to cater for larger freight vehicles is increasing. Currently an average of 4,500 vehicles per day travel on the highway through the township of Truro, with 30 per cent being road trains and other heavy commercial vehicles. Truro is located approximately 80 kilometres north-east of Adelaide and is the last remaining town between Adelaide and Renmark that has heavy transport and freight travelling through its main street. This congestion harms freight efficiency, increases crash rates, decreases travel speed, reduces amenity and constrains Truro's economic growth. To remedy these issues these public works will divert heavy traffic along the Sturt Highway out of Truro's main street.

The proposed scope of work includes: a single lane in each direction, separated by a centre median; the provision of three new overtaking lanes; and the construction of new connections to the new Sturt Highway at several locations. In addition, new drainage structures will be provided, impacted utility services will be relocated and infrastructure enabling stock and machinery movements will be constructed.

Key outcomes of the project will be the improved safety of all road users through Truro and the Truro Hills, the increased efficiency of long-distance freight, and the improved liveability of Truro and its surrounds. The Australian and South Australian governments have jointly committed $202 million, split 80/20, towards the design and construction of the bypass. This equates to a state government contribution of $40.4 million. Funding was committed as part of the 2021-22 state and federal budgets.

Preliminary design has determined that 20 privately owned properties—four properties owned by the Commissioner of Highways, one property owned by the Minister for Climate, Environment and Water and two properties owned by the Minister for Infrastructure and Transport—need to be partially acquired. There are no residential buildings directly impacted by the proposed acquisition areas. Consultation with affected property owners and property stakeholders has commenced, and land acquisition will be undertaken in accordance with the Land Acquisition Act.

The project will require clearance of a combination of native vegetation, amenity vegetation and weeds. Assessments have determined that the project will likely be considered to have a significant impact on Matters of National Environment Significance under the Environment Protection and Biodiversity Conservation Act. It is considered likely that an assessment and approval will be required. Further assessment of the critically endangered threatened ecological communities will be undertaken in parallel to the referral to confirm their condition.

The clearance of native vegetation, protected under the Native Vegetation Act, has been assessed as level 4 impact level, and approval for this will need to be sought from the Native Vegetation Assessment Panel. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Bills

BURIAL AND CREMATION (INTERMENT RIGHTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 February 2023.)

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (12:00): I rise today to speak on the Burial and Cremation (Interment Rights) Amendment Bill. This is a reintroduction of a 2021 bill, which lapsed at the end of parliamentary sittings. I did have the opportunity to speak on the bill at that time, and I am pleased that I have an opportunity to speak on it again. It is identical in relation to amendments to the 2021 bill, except it has no preliminary clause as this is now contained in a new Legislative Interpretation Act 2021. The previous bill received general support, and no amendments were filed, so we are hopeful that this bill will receive similar support.

The bill seeks to address concerns that have arisen over the past few years around issues experienced by the holders of valid interment rights who have difficulties enforcing the rights against a cemetery authority. Specifically, the bill responds to an incident at The Cemetery on the Hill (formerly the St Philip and St James Church) at Old Noarlunga cemetery.

In 2019, the Anglican Diocese of The Murray sold the Old Noarlunga cemetery and church to private operators who reportedly refused to recognise interment rights previously issued by the Anglican Church and disclosed to the purchasers at the time of sale. The new owners reportedly sought additional and inflated payments from consumers to interfamily members for sites that they had already paid for.

Proceedings were commenced in the Supreme Court in the name of the Attorney-General and Commissioner for Consumer Affairs. Another incident occurred where ashes of a deceased were mistakenly removed from an interment site in Lucindale cemetery, and other human remains were buried on the site. Whilst both of these matters have since been settled in principle, they prompted the need to tighten legislation in regard to the protection of interment rights and the severity of penalties.

I am someone who does occasionally like to look at a bit of real estate around the place and, member for Light, it may well interest you that the Gawler River Uniting Church is up for sale. I thought, 'This is an interesting piece.' A little piece of my own history is that I was a member of the Uniting Church of Gawler and parishes, and my father was active as an elder from time to time. As I recall, there were probably more than half a dozen churches in that parish and, of course, many of these churches were established by prominent families in the regions. As church attendances declined, difficult decisions had to be made as to whether churches could continue.

I recall Boyd Dawkins, the father of the former President of the other place, John Dawkins, being a stalwart of that church. I am sure he would be very disappointed that it is not continuing. Of course, John Dawkins is the father of Leah Grantham, who may well be joining us in the other place if the opposition choose to support a woman to replace Stephen Wade. A little bit of South Australian history there. My point is that the Gawler River Uniting Church is up for sale, but it has a cemetery attached. Knowing that I have spoken on this bill before made me consider what the requirement would be to upkeep that, because it is part of the sale.

I was really pleased to see that the church has asked people to put in bids for the church and the cemetery but they will be interviewed by church elders and the church management committee so they understand what their requirements are and what the expectation is for the continual support of the cemetery attached to the church. So this is very timely, this tightening of the

legislation, because I think that we will see more churches that are not as active as they used to be being purchased by private owners.

If there are people buried next to the church, the owners need to be aware of the rights of those people and make sure they treat well the families and the generations that have come after the people who have been there. Maybe they see it as a cute place to convert, and that would be good, or maybe they can create an Airbnb, but we must always remember it comes with respect and conditions.

The bill includes offences at clause 2. The bill amends section 13 of the act, introducing an offence to remove cremated remains from an interment site or natural burial ground unless authorised by the holder of the interment right or their personal representative. It imposes a maximum penalty of $10,000, with an exemption provided for when the remains were interred directly in the earth.

Clause 3 focuses on exercise and enforcement of interment rights, meaning that the interment rights can be enforced against the relevant authority for the cemetery or natural burial ground regardless of when or by whom the interment right was issued, offering additional protection. It provides clarification that it is not a defence for a defendant to have been unaware of the existence of an interment right when they assumed administration unless they can prove that they took reasonable steps to identify interment rights in existence when they took over. It is an offence for the authority to fail to comply with its obligations under an interment right, with stiff penalties of $10,000 for an individual or $20,000 for a body corporate in event of a breach.

Clause 4 makes clarifying amendments to section 38(3)(b) of the act to clarify that the former holder of an interment right has a right to reclaim a memorial from the relevant cemetery authority. Clause 5 is about ownership of the memorial. The bill makes minor technical amendments to section 39(1) of the act, which deals with the ownership of memorials, to remove an unnecessary reference to the 'other place of interment'. Interment rights are issued only in respect of interment sites in cemeteries and natural burial grounds, therefore the words 'or other place of interment' are unnecessary and have been removed.

In clause 6, there is also an amendment to section 42(1)(a)(i) to remove an incorrect reference to 'an interment site'. This should be replaced with a reference to 'an interment right in respect of an interment site'. This bill will clarify the legality and enforceability of interment rights so that families can feel protected when they secure interment rights in a cemetery or natural burial ground. Further, new offences will operate as a deterrent to those who might seek to wilfully ignore and refuse to honour these obligations.

When speaking about this bill last year, I talked about my own personal experience being the daughter of funeral directors, or undertakers as they were known, in a small country town. My connection to the knowledge of what happens when you support someone who has experienced the death of a loved one is quite strong, and the role that a funeral director plays is quite significant. Deciding where a family member is buried can sometimes be complex and at other times quite straightforward. The decision of whether it will be a burial or cremation can also be complex.

In my role as Minister for Multicultural Affairs, the issue about interment rights, burials and cremations has come up several times with many different communities. Of course, we have people from 200 different countries living in South Australia, and their own culture and their own religion leads them to have a variety of discussions on their needs. I was very pleased when the Adelaide Cemeteries Authority provided a briefing to the South Australian Multicultural Commission on 14 October last year, regarding its public consultation in regard to its plan of management from 2023 to 2028. It is required that they consult on this plan of management as part of the Adelaide Cemeteries Authority Act.

ACA, as they are called, manage and maintain the Cheltenham Cemetery, Enfield Memorial Park, Smithfield Memorial Park and West Terrace Cemetery. They also provide assistance to a number of local councils with their ongoing cemetery management needs. Some aspects of the plan that they must address are:

- the retention or removal of existing headstones;

- re-use of burial sites;
- the scale and character of new memorials or monuments; and
- planting and nurturing of vegetation in cemeteries.

It is timely for this legislation to pass to also provide some clarity and consistency in the progression of the ACA plan of management. The conversation with the Multicultural Commission detailed how ACA are engaging with our diverse community to provide culturally appropriate end-of-life needs for specific faiths and multicultural communities to ensure the dead and those whom they leave behind are treated with the dignity and respect they deserve, in a culturally sensitive way.

Just recently I attended the Chin community's opening of a particular section in the Smithfield Memorial Park. They had been working with ACA for some time to work out what would be appropriate to honour people who have passed and to find a peaceful spot for their community to feel connected to loved ones.

Recently, a historic agreement was signed between ACA and the Islamic Society of South Australia to establish the state's largest Muslim cemetery in South Australia at Smithfield Memorial Park. As part of the agreement between the parties, the Islamic Society will purchase an initial 1,000 plots over five years in return for a 50-year peppercorn lease agreement for land to build a prayer room and a washroom. The new facilities will ensure that Islamic burial and funeral traditions are upheld. Smithfield Memorial Park has the capacity to make available up to 10,000 plots for our Muslim community, which will address its long-term needs.

I know many other of our diverse communities have also entered into agreements with ACA around culturally appropriate interment and cremation end-of-life arrangements, which differ substantially across communities. It is very important that, whatever the background, the interment rights of our deceased are respected and that appropriate protections and penalties are in place legislatively to ensure all South Australians are assured their loved ones are secure once they have passed on.

Many of us do not spend a lot of time thinking about the issue of burial and cremation, but when we are called upon to do so we want assurance and certainty that those rights will be protected. Some might think that this bill is just a little bit of fix up and that it is parliament's role to do so, but I think it goes deeper than that. It is a recognition of the change in some of our oldest institutions and churches that are taking a different pathway forward.

Many times when I look at these churches, I think about the communities that put their money together when they were newly here in South Australia, many of them arriving, just like my relations, back in the early days of the colony. Building a church was incredibly important. They would have contributed together to put money to build usually a fairly small building, so that they could get to it, maybe walk to it. Obviously, they did not have the ability to travel long distances with cars at that point.

What I see is the same desire in our newer communities. They might have come here as humanitarian migrants, as international students or as skilled migrants, but when they come here they also work together and put money aside, as a community, to build their place of worship. We see that repeated with every wave of migration. What it gives people is a place of peace and connectivity, and we see that these opportunities often are a real focus for communities. They bring them together, they work out what they would like to do, they work out the best location for it to be, and that is what they build it on.

Although they were not churches, our Italian community have more than 20 community centres that they built, and often with their own hands. Using their own trades and skills and experience, they built them over time. We see this repeated through our new community groups. They often invite us to know what the pathway is and the journey that they will be on. While coming together is incredibly important, what they do for loved ones when they pass on is just as important, and this bill goes a long way to giving that certainty to people in the future. I commend the bill to the house.

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) (12:15): I rise to speak also to this Burial and Cremation (Interment Rights) Amendment Bill, which will amend the Burial and Cremation Act 2013 to address issues experienced by the holders of valid interment rights who have had difficulty enforcing those rights against a cemetery authority. In doing so, I note that this bill reintroduces the series of amendments from the 2021 bill that lapsed at the end of the sitting of the last parliament.

At that time, we were contending with serious and also urgent issues relating to the Old Noarlunga Cemetery. Whilst I note that proceedings relating to the recognition of interment rights previously issued by the Anglican Church and disclosed to the purchasers at the time of the sale of the former Church of St Philip & St James have since settled in principle, it remains really important that these amendments are made to ensure rights protection and to ensure appropriate penalties for anyone who does not uphold those rights.

In relation to clause 2, this bill seeks to amend section 13 of the act, introducing an offence to remove cremated remains from an interment site or natural burial ground unless authorised by the holder of the interment right or their personal representative, unless the remains were interred directly into the earth. Clause 3 provides that interment rights can be enforced against the relevant authority for the cemetery or natural burial ground, regardless of when or by whom the interment right was issued.

This confirms that it is not a defence for a defendant to be unaware of the existence of the interment right when they assumed administration, unless they can prove that they took reasonable steps to identify interment rights in existence when they took over. It will also mean that it is an offence for an authority to fail to comply with its obligations under an interment right, with the maximum penalty for an individual being $10,000, or body corporate $20,000.

Clauses 4, 5 and 6 provide for technical amendments regarding ownership of memorials and other minor drafting matters. This bill, if passed, will see interment rights properly enforced against the relevant authority, and it will create new offences if those rights are not upheld. It should be noted that these new offences will not apply to cremated remains interred directly in the earth or when removal is approved for site maintenance.

Irrespective of your cultural background, religion or nationality, the burial of a loved one or that of their remains is sacrosanct. Wherever one might be interred, that place forever holds special significance for the family and loved ones of the deceased, and the mere thought of the burial plot being disturbed is unfathomable to those loved ones. It is therefore vital that there are significant deterrents to those who would seek to disturb the remains of a deceased person.

Currently, as the law stands, it is a civil offence to move human remains. However, under these changes, it will become a criminal offence to do so. There may be people in the community, possibly even in this house, who think that this bill slightly overreaches given the relatively small number of graves involved. However, with population growth and subsequent increases in housing development, some of which could lie potentially on former graveyards and church sites, this bill is indeed very much needed.

It is absolutely fundamental that human remains are accorded the reverence and respect that they deserve. It is also important that any contracts that deal with the burial arrangements for a loved one are honoured. The issues that arose at the decommissioned church in Old Noarlunga have rightly brought this issue to a head. I am so glad that these issues have progressed.

I bring up the feelings expressed in recent years that capture the anguish of those families who were affected and why this legislation is important. One man said the contract his family signed when burying a family member's ashes still had 38 years remaining when it was dislocated. He told the Messenger South back in February 2021:

> We were in disbelief when we saw the stickers everywhere and it's had a severe emotional impact for us. I think they should be honouring the leases that stand and honouring it as a cemetery…Some of the gravestones in there are of historical significance and shouldn't be tampered with, full stop.

Like many other families in the southern suburbs, the man would have been shocked to arrive at the cemetery to visit his loved one, only to be greeted by an impersonal sign stating, 'The lease for gravesite has expired.' As I mentioned before, this is despite the contract clearly stating that it had 38 years remaining.

There were also of course difficulties for the new owner, who bought the cemetery and church in late 2018 and is restoring the site. He told Messenger South that the burial leases were transferred to him at the time of purchase and that he had to rely simply on signage and newspaper advertisements in order to contact the families. He told the newspaper that he would honour the leases of plots with ashes for 25 years, and 50 years for burial sites. In response, the diocese claimed it had fulfilled its obligations under the act for the transfer of leases at the point of sale, saying, 'Our expectation has always been that the existing leases would be honoured by the new owner in accordance with the legislation.' The quote continues:

> As from settlement the new owner was obligated to permit the interment of remains of the person to whom the interment rights relate and to leave the remains undisturbed at the interment site for as long as the interment rights remain in force.

Again, I am so pleased that there has been agreement in principle reached, given the predicament that scores of southern suburbs families found themselves in.

Besides the obvious trauma this caused to those whose loved ones' graves have been disturbed, it also raises issues about the preservation of history. This church's foundation stone was laid in 1850. A number of people around the southern community at that time were buried there. The Old Noarlunga cemetery was also a site of cooperation between different Christian denominations, including having a Catholic caretaker for the last 20 years of the Protestant church's life. That is significant, and I think it should be valued, preserved and enriched.

So many community members find much pleasure in discovering their family history. There are many who now turn to Ancestry.com to discover connections. There are others who have spent many years researching the journeys of their forebears. In my family, I have an aunt, Dianne Beaumont, who is the finder, keeper and generous sharer of those stories. Dianne spent much of her working life as an archivist with State Library Victoria, where she developed extraordinary research skills that have ensured the discovering of more about our family history and that it is robust with many an anecdote, story or compelling tale included.

Whilst there are many methods that Dianne has deployed, I know that some of her research over the years has been conducted through viewing church records and through literally walking through cemeteries in different corners of the world to view gravestones and discover more. It is from Dianne's painstaking work that I learned more about being a direct descendent on two sides of brave families who fought for fairness at Eureka Stockade.

The Eureka Stockade, as we know, was a seminal moment in our history which helped forge our egalitarian society, when, on 30 November 1854, miners from all corners of the world who had gathered in Ballarat, Victoria, raised the Southern Cross flag at Bakery Hill and built a stockade at the Eureka digging located nearby. The miners were fed up with the then colonial government's efforts to prise them from the goldfields with ever-increasing licence fees. At least 22 miners and six colonial soldiers were killed in the rebellion that is credited for its role in helping to forge the democracy we enjoy today.

One relative at Eureka hailed from County Clare in Ireland, and the other one from Poland, or Prussia, as it was then. One particular story that Dianne has ensured lives is that of Andreas Samuelewski who was renowned as being very, very tall and very, very thin. On hearing the constabulary knock on the door, after being on the frontline of the battle, he was able to hide upright in the chimney of their home. Andreas survived, as did the Irish Canny family, who went on to farm potatoes in and around Ballarat for many years.

Dianne's work has also given us more information about the Polish family, information that I am very proud of. The Samuelewski family, Andreas and Louise, and their first children, arrived in Australia in 1848 with a Jesuit priest, and were amongst those helping forge a strong Catholic community in the Clare Valley, particularly around Sevenhill. Following their time there, with all of their wares in a small cart, the family walked from Clare to the goldfields of Ballarat to build their lives

there. Tragically, along the way, one of their daughters was sexually assaulted. The records of the trial of her assailant were also found by Dianne.

The Samuelewski's story of courage, family connection, love and hope in the face of the most horrific circumstances continues to inspire. Parts of it, of course, cause sadness, as does the story of a later descendent, Lillian. Lillian was born on 15 June 1886, at Canning Street, Carlton, Victoria, the tenth and last child, and sixth daughter, of Charles Beaumont and Alvina Samuelewski. From the age of 26 to the age of 82, Lillian spent almost all of her days in institutions in and around Beechworth, diagnosed late in her life with, at the time, largely misunderstood schizophrenia. Dying alone in an institution, her grave was not marked until Dianne and her sister Rosemary rectified that sorry situation by purchasing a plaque and headstone to ensure that Lillian and her life was remembered.

I could spend much more time reflecting on what I have learned from Dianne, and more recently from discovering some of my father's records of the Danes and the English and, indeed, from having the privilege of travelling to Scotland with my husband's family, which includes their accomplished family historian, Danny Wright, who took us also to a number of cemeteries and gravesites, interspersed by a number of glasses of Scotland's finest whisky.

I do not have time to do so adequately but do say that I am very grateful for Dianne's work. Understanding your family's history is really important to understanding your identity and the struggles and opportunities your ancestors faced, and of understanding more about community, life, change and truth. Dianne has blessed us all by improving our understanding on all of those fronts. What is also important about Dianne's work for this debate is the place that her viewing of church records, cemeteries and headstones have played in garnering information that has progressed our understanding.

We all have fascinating stories in our family histories that serve to inspire and intrigue us. Often, researchers like my aunt, rely on information on tombstones and other cemetery records to fill in the gaps of their familial histories. Cemeteries, in general, provide us with a connection to our past and we must ensure they are preserved for future generations.

With these amendments, stronger and clearer laws and penalties will be in place to ensure that there are ongoing protections that respect the sanctity of graves. I commend the bill to the house.

Mr TEAGUE (Heysen) (12:30): I indicate that I am the lead speaker for the opposition and I indicate the opposition's support for the bill in this second reading debate. I will be brief in circumstances where, of course, this bill is legislation prepared by the previous government and introduced in the last parliament in the middle of 2021.

I will be all the more brief and perhaps reiterate that Swedish word that I am so glad now is familiar to *Hansard*: äntligen. We are here and finally I hope that we can deal with the disposition of this debate promptly today, reintroduced, as it was, in the other place in June last year. I thank the Attorney in the other place for promptly reintroducing the bill in June last year.

It passed the other place in September last year and so, let's face it, it is high time that this important set of amendments in relation to the reliability and enforceability of interment rights is now secured. I take the opportunity to be clear: one cannot overstate the personal, emotional, family and historical significance of ensuring certainty in this space. It also has practical financial consequences if there is to be an arm wrestle in relation to existing interment rights. It is important that there is certainty and integrity in this space.

If I address just one provision in the course of these remarks that are very much rehearsing what has gone before, the new section 35(5), which is included in clause 3 of the bill, will now make it abundantly clear that the responsibility for the administration of cemetery or natural burial ground continues; that is, regardless of when the right was issued and regardless of whether or not the right was issued by that person or some other person. Let's be clear: let there not be any uncertainty in relation to interment rights in the future. I commend the bill to the house once again. I seek for its speedy passage through this house.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (12:33): I also rise to speak in support of the

Burial and Cremation (Interment Rights) Amendment Bill 2022. I am pleased that the opposition are supporting the bill in its quick passage through parliament.

The bill amends the Burial and Cremation Act 2013 to address issues experienced by holders of valid interment rights who have had difficulties enforcing their rights against the Cemeteries Authority. It also addresses issues with the unauthorised removal of cremated ashes. As the member for Heysen just mentioned, the bill includes the same amendments as the 2021 amendment bill, which lapsed at the end of the last parliament.

The government recognises the importance of clarifying the legal status of interment rights and preventing future conflicts. I share with the house two examples: in 2019, the Anglican Diocese of the Murray sold the Old Noarlunga cemetery and church to private operators who reportedly refused to recognise the interment rights they had previously been issued by the Anglican Church.

These interment rights had been disclosed to the purchasers at the time of sale, as I believe has been made public, yet it was reported in the media that families attending the cemetery began finding lease expiry stickers on the plaque and the headstones, which I imagine would have been really quite distressing at the time. One person asserted that the lease for their family member's ashes plot had 38 years remaining when they found that expiry sticker, which would have been quite a shock to that family.

The new owners of the church and cemetery reportedly sought additional and inflated payments from grieving families who had already paid to inter deceased members. There was another family that claimed a lease they had purchased only in 2017 for $600 would require another 25-year lease for their family member's remains and it would cost an additional $2,900. Proceedings in relation to this matter were commenced in the Supreme Court in the name of the Attorney-General and the Commissioner for Consumer Affairs, and I understand the parties have reached an in-principle settlement.

In another case, ashes were reportedly removed from an interment site without approval after the Naracoorte Lucindale Council mistakenly allowed other human remains to be buried on the same site. Again, thankfully for the family involved in this matter, this has also been settled. It highlights the need for the amendments in this bill. We quite rightly place a very high value on the remains of our deceased family members and loved ones.

Cultures around the world have many different rituals when it comes to how we treat the remains of members of our family and members of our community. As a proud Cypriot, I can tell you that the word 'cemetery' is actually derived from the Greek word 'koimitirion', which means 'sleeping place'. I will assist Hansard with how that is spelt shortly. As a Greek Orthodox Christian, my traditions around grieving will differ significantly from many in this chamber. As an Orthodox Christian, following the death of a loved one, we traditionally enter a 40-day mourning period where the practice is to avoid social gatherings and only wear black clothing. For some very traditional people, including my mother, since the passing of my father she has worn nothing but black clothing for the last 12 or 13 years and will continue that until she passes.

While I acknowledge my traditions are different to most people here, I have come to learn in my time as member for Enfield that many of the multicultural groups in my electorate have significantly different practices to me. The Enfield electorate is actually home to the beautiful gardens that make up the Enfield Memorial Park. Its beautifully manicured gardens are a really green oasis in our electorate and it has been specifically designed to cater for our wonderful multicultural community. It highlights the different ways communities care for the remains of family members.

Interment rights are vitally important and a loss of those rights can cause deep distress for families when they lose treasured family members. The Enfield Memorial Park acknowledges this and offers a 25-year grace period for tenures of more than 50 years, so the tenure on the site will not start until an interment takes place or 25 years after purchase. The cemetery offers a range of options, including the Enfield Mausoleum, and the Cascade Gardens, which provides a welcoming space for small gatherings and quiet reflection.

There is also the Buddhist Garden, designed in the Buddhist tradition using principles of feng shui. It is a really calm and peaceful place for remembrance and was blessed with holy dews to make

it pure land. We also have the Wirra Wonga ground, which offers natural, environmentally sustainable burial options. Wirra Wonga is the Kaurna term for 'bush grave'. The intent of this area is that the land be returned to natural bush. There is also the Wisteria Garden, which is an area designated for the Vietnamese Catholic community and contains a beloved statue of Our Lady of the Boat People. The community gathers each year at this place for an All Souls Day service to burn incense and pray.

There is also a dedicated section for the South Australian Hazara community. I have spoken many times in this place about how the Hazara community is an important and growing community in the Enfield electorate, and that is reflected in the Enfield Memorial Park by designating a place that meets their cultural needs. I also look forward to the redevelopment work of the Enfield Memorial Park being finished as well because that will offer significant improvement to the space in our electorate.

As I mentioned, there are different cultures that all honour their dead in different ways. The common thread is the deep and enduring sense of loss that we all feel following the death of a loved one. That is why we are seeking to address the issues this bill will resolve. We believe that interment right holders and their families should be better protected and any failure to meet obligations should be subject to tough penalties.

The Burial and Cremation (Interment Rights) Amendment Bill 2022 amends section 13 of the Burial and Cremation Act 2013, introducing an offence to remove cremated remains from an interment site or natural burial ground unless authorised by the holder of the interment right or their personal representative unless the remains were interred directly into the earth, with a maximum penalty now of $10,000.

The offences in the new section 13(1a) would not apply where cremated remains have been interred directly into the earth. The offences also do not apply where a relevant authority for a cemetery or natural burial ground removes and reinters remains to enable the improvement or embellishment of the cemetery or natural burial ground or for maintenance work or repair to be undertaken in respect of that cemetery or burial ground.

Clause 3 provides that interment rights can be enforced against the relevant authority for the cemetery or natural burial ground regardless of when or by whom the interment right was issued. This bill will ensure that it is an offence for an authority to fail to comply with its obligations under an interment right, with a maximum penalty of $10,000 for an individual or $20,000 for a body corporate. It will not be a defence for someone to claim to be unaware of the existence of the interment right when they assumed administration, unless it can be proved that they took reasonable steps to identify those interment rights in existence when they took over.

Clause 4 provides an amendment to section 38(3)(b) of the act to clarify that the former holder of the interment right has the right to reclaim the memorial from the relevant cemetery authority.

Clause 5 of the bill makes minor technical amendments to section 39(1) of the act, which deals with ownership of the memorials, to remove an unnecessary reference to the other place of interment. Interment rights are issued only in respect of interment sites at cemeteries and natural burial grounds, therefore the words 'or other place of interment' are unnecessary.

Clause 6 amends subsection 42(1)(a)(i) to remove an incorrect reference to the interment site that should be replaced with a reference to an interment right in respect of an interment site.

This bill will clarify the legality and enforceability of interment rights so that families can feel protected when they secure interment rights in a cemetery or natural burial ground. Further, the new offences will operate as a deterrent to those who might seek to wilfully ignore or refuse to honour these obligations.

In addition to the provisions contained in this bill, I also understand that the Attorney-General is exploring the plausibility of further reform to consider whether there should be a central register or some other way for cemeteries and interment rights to be recorded on certificates of title. This was a matter that was raised in the 2021 debate on this same amendment bill. If further legislative amendments are appropriate, I understand that they will be progressed separately in a subsequent bill.

This bill seeks to make vital amendments to the Burial and Cremation Act 2013 that will strengthen the ability to enforce interment rights and to avoid conflicts and emotional distress, such as those I have mentioned earlier about the Old Noarlunga cemetery and Naracoorte Lucindale Council. It is critically important that we respect and protect as best we can South Australian families and their loved ones and particularly protect their loved ones' remains and that is why I commend this bill to the house.

S.E. ANDREWS (Gibson) (12:43): I rise to speak on the Burial and Cremation (Interment Rights) Amendment Bill. There are few guarantees in life but one of them is that it will come to an end at some point, hopefully after a long and fulfilling life, and when it does we all want to be treated with the same respect we hopefully received in our lifetime. Sadly, not all families are able to guarantee their loved one's peace once they are no longer with us due to the actions of some cemetery authorities who are not properly respecting the loved ones in their care.

This bill amends the Burial and Cremation Act 2013 to address issues experienced by the holders of valid interment rights who have had difficulties enforcing their rights against a cemetery authority. Additionally, it addresses the issue of the unauthorised removal of cremated ashes. This bill is almost identical to the 2021 bill that received support across the house, and I hope this sensible bill does as well. Labor is once again getting the job done to support our community.

In clause 2, the bill amends section 13 of the act, introducing an offence to remove cremated remains from an interment site or natural burial ground unless authorised by the holder of the interment right or their personal representative, unless the remains were interred directly in the earth, with a maximum penalty of $10,000. This will hopefully prevent acts like the Lucindale Cemetery case.

Clause 3 provides that interment rights can be enforced against the relevant authority for the cemetery or natural burial ground, regardless of when or by whom the interment right was issued. This, and the next section, will prevent incidences like the Old Noarlunga case.

Next, it is not a defence under the act for the defendant to be unaware of the existence of the interment right when they assumed administration, unless they can prove that they took reasonable steps to identify interment rights in existence when they took over. It is an offence for an authority to fail to comply with its obligations under an interment right, with maximum penalties of $10,000 for an individual or $20,000 for a body corporate.

Clauses 4, 5 and 6 provide for technical amendments regarding ownership of memorials and other minor drafting matters. I will highlight clause 4, which is a clarifying amendment to section 38(3)(b) of the act, to clarify that the former holder of the interment right has the right to reclaim a memorial from the relevant cemetery authority.

This is a bill that protects the rights of families from unauthorised removal of cremated ashes, and ensures that interment rights holders can enforce their rights. Additionally, it provides peace of mind for the community that their family members will not be subject to additional and inflated payments by cemetery authorities for sites they have already paid for. I commend this bill to the house.

Ms SAVVAS (Newland) (12:46): I, too, would like to speak to the Burial and Cremation (Interment Rights) Amendment Bill which, like many of the amendment bills in the Attorney-General's portfolio that have been before us in the house recently, seeks to provide greater protections and comforts to South Australians who have lost loved ones.

I would like to speak to the case of the Old Noarlunga cemetery, which in many ways influenced this amendment. The Cemetery on The Hill, as it is now known, was previously owned by the Anglican Diocese of the Murray, who made the decision to sell the Old Noarlunga cemetery and St Philip and St James Church to private operators.

Those private operators refused to recognise the interment rights that had previously been issued by the Anglican Church, despite them being disclosed to the purchasers at the time of sale. The new owners of the cemetery sought additional payments from consumers to inter their family members, despite said interments having already been paid for. Proceedings then commenced in

the Supreme Court and today we are seeking to offer greater protections for cases like this arising in the future.

I would also like to speak to the case at the Lucindale Cemetery, where ashes were reportedly removed from an interment site without approval after the Naracoorte Lucindale Council mistakenly allowed other human remains to be buried on the same site. Since the time last year when the bill first came into the other place, these cases have both settled in principle, but it is still our position that these protections should be legislated to offer greater protections to both the families of loved ones who manage the family burial sites, but it is also protection for those human remains themselves.

The amendments to the act will address issues experienced by the holders of valid interment rights, who have had difficulties enforcing their rights against a cemetery authority in the past, and also addresses the issue of unauthorised removal of cremated ashes providing greater certainty for individuals about the protection of their final resting place.

The specific offences amend section 13 of the act by introducing an offence to remove cremated remains from an interment site or natural burial ground unless authorised by the holder of the interment right or their personal representative, unless those remains were interred directly in the earth. The maximum penalty is $10,000, which sends a firm message to cemetery authorities to take greater care and show greater respect for cremated remains at their sites. We know that this is particularly important for many people, for cultural and religious reasons, and for whom cremated remains hold particular religious significance.

I know in my own blended family we are a combination of Irish Catholics, Greek Orthodox, Russian Orthodox, Serbian Orthodox and Baptists. The member for Enfield mentioned the mourning traditions specifically of the Greek Orthodox community. I am in some ways very much an anomaly within my own family, with respect to religious tradition, as a Greek and Yugoslav Catholic. I know very well the differences in cultures relating to mourning traditions, even within cultures, community groups and families themselves. For example, after the passing of my grandfather there were a number of relatives who partook in the 40-days mourning period, as per Greek Orthodox tradition, where myself, as a Catholic, chose not to.

For my mixed family alone, with a significant mix of European heritage, there are a number of differences relating to burial and memorial arrangements of loved ones. It is very much not uncommon for me when visiting Enfield cemetery or Centennial Park to enter and exit multiple different sections of the cemetery, depending on the denomination of the relative in question.

Clause 3 in the amendment provides that interment rights can be enforced against the relevant authority for the cemetery or natural burial ground, regardless of when or by whom the interment right was issued. This, of course, provides greater protections for those purchasing cemeteries and those selling the sites as well. The clause prescribes that it is not a defence for the defendant to be unaware of the existence of said interment right when they assumed administration, unless they can prove that they took reasonable steps to identify interment rights in existence when they took over.

In the case of Noarlunga, these rights were provided and disclosed, but this also does put a positive onus on the purchaser to actively seek that information. It is an offence in the clause for an authority to fail to comply with its obligations under an interment right, with a maximum penalty for individuals of $10,000 or for body corporates of $20,000.

Clause 4 also refers to the re-use of interment sites and amends section 38(3)(b) of the act to clarify that the former holder of the interment right has the right reclaim a memorial from the relevant cemetery authority.

Clause 5 relates to the ownership of memorials and makes an amendment to the act which deals with the ownership of memorials, removing unnecessary references to the other place of interment. Interment rights are issued only in respect of interment sites in cemeteries and natural burial grounds and therefore the reference to the other place of interment is unnecessary.

Clause 6 also relates to the power of a relevant authority to dispose of an unclaimed memorial, which removes an incorrect reference to an interment site that should be replaced with a reference to an interment right in respect of an interment site.

This bill will clarify the legality and enforceability of interment rights so that families can feel protected when they secure interment rights in a cemetery or natural burial ground. It is our belief that these new offences will operate as a deterrent to those who might seek to either wilfully ignore or refuse to honour the obligations. These changes are incredibly important, we believe, for the protection of families, cemetery owners, purchasers and, of course, the remains of those no longer with us. I commend the bill.

The Hon. A. PICCOLO (Light) (12:54): I rise to speak in support of this amendment bill, the Burial and Cremation (Interment Rights) Amendment Bill. One of the things people get really emotional about is burial places. It is obviously a time of grief when people bury members of their family or friends. While that grief goes away, the connection to that place and also to that person is very important, so when those places are in some way interfered with, it does generate a lot of emotion and grief again. That is right across many cultures and people with different faiths, and people with no faith. People do see places where people are buried or interred as places of sanctity; in other words, they are places that need to be held in a great deal of respect.

It is unfortunate that some people choose to sometimes interfere with burial places, which does cause people quite a bit of grief. From time to time, we hear about places that have been vandalised. Members of the family and members of the community are quite rightly saddened, and at times outraged, by that behaviour.

It speaks to us as human beings that we wish to respect the generations before us, because we accept that it is often the sacrifice of those generations before us that actually allows us to live in the way in which we do now, and we are the envy of the world. So when these things happen, they do generate a lot of discussion.

What this bill does, very importantly—and I will not cover all the different bits and pieces; they have been covered very well by the previous speaker and also the minister who introduced the bill to this place—is it helps protect the rights held by persons who are buried or interred at a site.

As mentioned by the Minister for Multicultural Affairs, an increasing number of churches are being sold as congregations diminish, particularly in rural areas where the churches are often adjoined to a cemetery or a place of burial. When those churches are sold by the various church organisations, often the cemetery goes with the church site itself. That creates quite a number of issues about what happens to the person who has been buried there—not only from the point of view of immediate family but also from a historical point of view because cemeteries are a great place to understand the history of an area. This bill helps to protect those rights and to ensure that those people who have rights to those sites maintain them.

This issue came up just recently, because there is a church in my own electorate on the market. The Uniting Church at Gawler River is on the market. I did get a request from a person saying, 'Well, actually, I've got family members buried there. I'm concerned about what's going to happen to them if the place is sold.' The Minister for Multicultural Affairs has indicated that the Uniting Church, who are selling this particular place, are going to interview the people who seek to purchase it—I think that is a great initiative—and try to bind them, through some contractual arrangements, to make sure the site is looked after.

That is great, but that is only a contract between the church and this purchaser. If that purchaser then sells it, that actually will not necessarily bind the next purchaser. This act ensures the protection of those rights in perpetuity for those people, irrespective of what the purchaser says or does or does not do. For that reason, I support the bill because it provides some assurances to those people who have loved ones buried in sites that are no longer cemeteries.

The ACTING SPEAKER (Ms Stinson): We have only a few moments left, so I suppose I might leave it to the will of the house as to whether someone would like to seek leave to adjourn or whether the member for Playford would like to speak.

Mr FULBROOK (Playford) (12:58): I rise to speak on the Burial and Cremation (Interment Rights) Amendment Bill 2022. This bill amends the Burial and Cremation Act 2013 to strengthen the ability to enforce interment rights. I am pleased this government is finishing what its predecessors could not and has moved to reintroduce those amendments proposed by the Burial and Cremation (Interment Rights) Amendment Bill 2021. This unfortunately did not pass and then lapsed at the end of sitting at the last parliament.

The Malinauskas government recognises the importance of clarifying the legal status of interment rights by preventing future conflicts like the situation at the former St Philip and St James Church Cemetery at Old Noarlunga. Although it precedes me in this place, I understand that it was discussed in 2021 during debate of the lapsed bill. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Ministerial Statement

TERRAMIN'S BIRD IN HAND GOLD PROJECT

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. A. KOUTSANTONIS: Terramin's concept for the proposed Bird in Hand goldmine and related applications for a mining lease and miscellaneous purpose licence have undergone a comprehensive assessment by government, including an eight-week statutory public consultation. This process has involved Terramin undertaking extensive work to respond to questions raised by community and government technical experts.

While the assessment considered technical matters in detail, other relevant considerations included broader state interests, including potential socio-economic and amenity impacts and the level of uncertainty on whether the proposed approaches will be effective to the degree expected by existing industries, the community or tourists. After careful consideration yesterday, I declined Terramin's application. While my department is satisfied that statutory obligations expressed by the Mining Act are met, the Mining Act does not oblige me to grant a mining lease.

Implied considerations enable me to take into account any relevant considerations. Such considerations can be based on the broader state interests, for example, whether the mining development fits within the existing character/amenity of a particular area, existing social values or other matters.

The mine's location is not in keeping with the amenity of the area. Its proposed location is next door to some of Australia's best-loved wineries, such as Bird in Hand, Petaluma and Artwine. While the proposed mine had a short-term life, the potential impact on surrounding businesses and associated regional tourism could have had longer term implications. I am acutely aware of community concerns about the proposal, including from nearby wineries, residents and local communities, including local members of parliament.

The Adelaide Hills have a hard-earned, clean, green reputation, and this must be safeguarded. I was not prepared to risk their national and international reputation as providers of world-class wines, cherries, apples and other agricultural goods. Not only is the produce produced in the Adelaide Hills important to all South Australians but so is the amenity and experience at these wineries. Tourism to the region is a critical contributor to the local economy and, on balance, there remains a possibility that this proposed short-term mine may affect the established and significant long-term agricultural and tourism industries of the Woodside area immediately adjacent to the project areas.

As such, I am not willing to risk these established local industries against the opportunity this short-term mine may provide and have decided it is in the state's interest to decline the mining lease and miscellaneous purposes licence applications by Terramin for its Bird in Hand Gold Project.

Make no mistake, South Australia's mining and quarrying industries form an integral part of a strong, diversified economy, delivering high-value jobs but in a manner that ensures mining activities present balanced technical, social, economic and environmental outcomes. The Adelaide Hills currently has many successful quarry and mining operations that operate effectively, and this decision is specific to the proposed Bird in Hand project only.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

SA Health—Report on Response to the Coroner's Finding of 13 July 2022 into the Death of Jeremy Dane Wotton—October 2022

By the Minister for Child Protection (Hon. K.A. Hildyard)—

Foster and Kinship Care, Independent Inquiry into—Report—November 2022

Ministerial Statement

COUNCIL MEMBER VACANCIES

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (14:12): I seek leave to make a ministerial statement.

Leave granted.

The Hon. G.G. BROCK: In regard to council member vacancies due to non-provision of campaign donation returns, I was very concerned to learn late yesterday that a significant number of council members, 46 to be exact, have failed to lodge their campaign returns to the Electoral Commissioner of South Australia and that, therefore, their positions as council members are likely to become vacant.

It is a basic requirement under the Local Government (Elections) Act 1999 that all candidates must complete returns that describe gifts that they have received during their campaigns. This requirement ensures that councils' constituents are aware of gifts their members have received and who has provided them. It is fundamental to the proper transparency and accountability of council members' decision-making. It is also not onerous.

Gifts that are under $500 in value are not required to be recorded, and members who do not receive any gifts simply have to return a statement to that effect; that is, a nil return. That is why I am disappointed that so many elected members have not meet this requirement, despite receiving advice on 12 occasions, including information from the initial candidate handbook, correspondence after nominations closed, information on the Electoral Commission website and multiple post-election reminders from the Electoral Commissioner, including registered mail.

I met with the Electoral Commissioner earlier today, and he confirmed that the letters sent by registered mail to all those elected members made the point that their position would be vacated if they did not submit their returns within a month of the lodgement date; that is, 30 days after the completion of the election. To emphasise, the registered mail followed information that had been provided to all candidates and councils on the requirements for donations disclosure, yet these returns were still not received.

I am advised that the Local Government (Elections) Act 1999 was changed in 2021 to require campaign donation returns to be provided to the Electoral Commissioner. Prior to these elections, candidates sent their returns to the relevant council chief executive officer.

I understand that this change was requested by the local government sector, as it was the view of the sector that this process is far more properly managed by the Electoral Commissioner, as is the case for candidates in state elections, and that it was resource intensive for councils.

It is important to remember that the link between not providing the return and a member's position becoming vacant has been part of the act since its commencement more than 20 years ago. To date, this scenario has not occurred in previous elections. Of course, given these events, I will be looking very closely at the legislation to make sure that this does not happen again at future local government elections.

The regrettable but necessary next step is that, where a member's office becomes vacant because of the member's failure to submit a return:

- SACAT (South Australian Civil Administrative Tribunal) may, on application made within one month after the vacation of office, restore the member to office if satisfied that the failure arose from circumstances beyond the member's control;
- proceedings for a supplementary election to fill the vacancy must not be commenced until the period for making an application has expired or, if there is an application, until the application is determined; and
- the member cannot be nominated as a candidate for the election to fill the vacancy unless he or she has submitted to the chief executive officer the return that was required to be submitted at the start.

The Electoral Commission of South Australia is now concerned that the window for these members (whose position is now vacant) to go to SACAT is closing, as the month when they must do so is also ending very soon.

ECSA has made the decision today to alert all relevant council CEOs to this issue and advise them the names of the members affected and inform them that their office is now vacant. I emphasise, however, and it should not be forgotten that primarily it is the responsibility of each and every elected representative—whether from this place or from councils—to ensure that they meet all the legislative requirements that apply to them. It is deeply disappointing that so many members of councils and the councils themselves are at this juncture.

To think that so many individual elections were run just three months ago, and now the likelihood of additional supplementary elections needing to be conducted and related costs incurred, is appalling for these councils. I am also advised that there are in the vicinity of 50 unsuccessful candidates who also failed to submit their donations return. These people have exposed themselves to a fine of up to $10,000. However, in the case of those who were elected, it is now the ratepayer who is copping the fine in the form of the cost of a new election for each position in their respective council. I find this very outrageous.

It is equally outrageous that these individuals, unless their failure to lodge a return arose from circumstances beyond their control, seem to have forgotten that they were elected to make decisions in the benefit of their communities requiring the expenditure of multimillion dollar budgets. Those budgets will now take a totally unnecessary and unbudgeted hit. This does little to build confidence in the local government sector, despite the fact that the vast majority of elected members have done the right thing.

I can assure the house that I am very much looking forward to receiving the Electoral Commissioner's review of the local government elections in addition to the concurrent review being undertaken by the Office of Local Government and the Local Government Association, at which time I will consider measures that will avoid such a scenario happening again.

Question Time

FREEDOM OF INFORMATION

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:18): My question is to the Deputy Premier. Is the Deputy Premier aware of any comments by the Ombudsman about her conduct pertaining to freedom of information requests? If so, can she explain her conduct? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: The Ombudsman found it is necessary to 'comment on the Deputy Premier's conduct', including, and I quote:

> …in every case the Deputy Premier has failed to justify her proposed refusals for access…the absence of any submissions from the Deputy Premier is even more alarming when considered against the amount of time the Deputy Premier has had to deal with this matter. By the time the Deputy Premier was notified of my external review, she had already had in excess of four months to deal with the [freedom of information] application. Despite the substantial amount of time, the Deputy Premier took a further two months to respond to my request for documents and submissions.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:19): I will largely take this on notice in order to make sure that I am commenting on the same material that has been presented, but I would point out that my office has had an inordinate number of FOI requests from the opposition leader, that has resulted in a—

Members interjecting:

The DEPUTY SPEAKER: Order, please, members on my left!

The Hon. S.E. CLOSE: —huge amount of work for a relatively small office. There has been constant necessity to go back and try to refine scope in order to make the process manageable, and I think we are at something like over 85 requests for FOI, which has been very difficult for a number of staff. As I say, I will take the substance, however, on notice in order to have an official response.

Members interjecting:

The DEPUTY SPEAKER: Before I call the leader, can I have some order in the house, please. Leader.

FREEDOM OF INFORMATION

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:20): My question is again to the Deputy Premier. Is the Deputy Premier aware of any comments by the Ombudsman regarding the number of freedom of information requests received by her office? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: The Ombudsman stated that the Deputy Premier receives, and I quote, 'a very low number' of freedom of information applications and:

> …many agencies will receive that number [of freedom of information applications] in only one month.

Members interjecting:

The DEPUTY SPEAKER: Order, please! The minister has the call.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:21): As I say, I will confirm the documentation that the opposition leader is speaking about but I will note that we received 12 freedom of information applications last week.

Members interjecting:

The DEPUTY SPEAKER: Order! Members on my left, the leader has the call. Can I suggest that you perhaps might want to listen to what the leader has to say? Leader.

FREEDOM OF INFORMATION

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:21): My question is again to the Deputy Premier. Can the Deputy Premier explain whether she has a process for determining whether to redact documents before providing them for freedom of information requests and, if so, what is it? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: The Ombudsman stated that reasoning for not disclosing information was 'fanciful' and 'far-fetched' and that he has, and I quote, 'concerns regarding the manner in which the Deputy Premier has applied out of scope redactions' including that, and I quote:

> It is far more likely that the Deputy Premier has formed the view that it would not be desirable to release various names and information and has simply opted to state that they are 'out of scope' rather than…justify a claim of exemption.

Mr Telfer interjecting:

The DEPUTY SPEAKER: The member for Flinders is called to order.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:22): As I said, in order to confirm that we are talking about the same correspondence, I will take that on notice.

Mr Telfer interjecting:

The DEPUTY SPEAKER: The member for Flinders is warned for the first time. Member for Bragg, you have the call.

LANDSCAPE BOARDS

Mr BATTY (Bragg) (14:23): My question is to the Minister for Climate, Environment and Water. Did the minister take three months to sign a time-sensitive briefing relating to landscape board elections and, if so, why?

The Hon. A. KOUTSANTONIS: Point of order, sir. Standing order 97 offers no ability to offer any argument or debate within the question. I understand by characterising this type of correspondence or briefing in a particular way shows that it is somehow in breach of those standing orders.

Mr Tarzia interjecting:

The DEPUTY SPEAKER: Member for Hartley, I don't need your advice right now. Member for Bragg, can you reword your question and take out the commentary?

Mr BATTY: I will rephrase my question to the Minister for Climate, Environment and Water. Did the minister take three months to sign a briefing relating to landscape board elections and, if so, why? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr BATTY: Documents released under FOI reveal that the minister received a briefing on 29 April last year that, if signed within 48 hours, would have enabled landscape board elections to go ahead later that year as required by legislation. Instead, she waited for three months and signed the briefing on 25 July when it was too late to arrange the elections.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:24): That's very much a mischaracterisation of what that briefing was looking at and what the decision process was for not proceeding with those elections. Indeed, I know that the Leader of the Opposition has told people privately that he agrees with the decision not to proceed with the elections but has chosen not to be consistent with that in the public.

The problem is that we have letters from the Electoral Commission very concerned at the timing of those elections that were being proposed. We have concerns and correspondence from the Local Government Association, from the primary producers—

Mr Telfer interjecting:

The DEPUTY SPEAKER: The member for Flinders is warned for the second time. The minister has the call and you will listen in silence.

The Hon. S.E. CLOSE: We had correspondence and meetings with primary producers, with the Local Government Association and with the Conservation Council, all desperately concerned

about not proceeding with those elections. We had all the presiding members of all the landscape boards saying they did not think it was appropriate to proceed with those elections.

The idea that the timing of a briefing meant in 48 hours I had signed that they would have happened, completely misses the point about the very deep concern about proceeding with those elections that was being expressed to me across the board from all the people who were concerned about landscapes and, incidentally, as I understand it, agreed with by the Leader of the Opposition.

The decision that I made was not time bound. The decision I made was on the basis of input from the community, not least of which was the significant expense that was to be associated with those elections, which would have come out of the environment budget, which everyone felt was better spent on landscapes.

PATIENT ASSISTANCE TRANSPORT SCHEME

Mr HUGHES (Giles) (14:26): My question is to the Minister for Health and Wellbeing. Can the minister update the house on recent changes to the Patient Assistance Transport Scheme?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:26): I certainly appreciate the question from the member for Giles and acknowledge his very longstanding interest in terms of improving the health care for people in country South Australia. I also acknowledge how important the Patient Assistance Transport Scheme is for so many thousands of people across South Australia every year.

In fact, last year alone some 13,000 clients across South Australia used the PAT Scheme to access health services away from their home location. It is incredibly important for those people to get that assistance to be able to get to those surgeries or appointments that they have.

Mrs Hurn interjecting:

The DEPUTY SPEAKER: Member for Schubert!

The Hon. C.J. PICTON: The problem is that the rates set for the PAT Scheme have been set for a very long period of time. In fact, the rates set for the fuel subsidy of PATS have been set at 16¢ since 2001—going back over 20 years—and there hadn't been any change in terms of that rate for the fuel subsidy that people would receive of 16¢ per kilometre that they had to travel. That meant the value that people received diminished compared with the price of fuel, which has been going up and up, obviously.

Nothing, of course, happened in the previous few years when we saw the rate of fuel prices going up and up and so we have decided to take action on that.

Mrs Hurn interjecting:

The DEPUTY SPEAKER: Member for Schubert!

The Hon. C.J. PICTON: We saw no action on this over the past four years under the Marshall Liberal government. Despite the explosion of fuel prices, they made no attempt to reform the scheme.

Members interjecting:

The DEPUTY SPEAKER: Member for Flinders, it's actually the third time. Next time, unfortunately, you will be going.

The Hon. C.J. PICTON: I am delighted to be able to confirm for the house that this government has now increased the rate of the fuel subsidy. We have not only increased it by 10 per cent or 20 per cent but we have doubled the fuel subsidy that people from regional South Australia are receiving. From 1 January, people now receive 32¢ rather than the 16¢ that was in operation previously. I am advised that this now makes the fuel subsidy under our PATS the best in the whole country.

I would like to thank those members who have significantly advocated for these changes, particularly the member for Mount Gambier, the member for Narungga, the member for Stuart, of

course the minister, the member for Giles and the member for Mawson—all standing up for their country regions and making sure that we got this change done.

You only have to look at some of these electorates to see how many people will benefit from it. In relation to the electorate of Mawson, on Kangaroo Island there were some 1,800 claims just from Kangaroo Island alone last year, 836 of those from Kingscote. In Narungga, I am advised that if you look at just Moonta Bay, there were over 500 claims just from Moonta Bay alone.

In the electorate of Giles and Stuart, we have talked about how significant an issue it is there. For example, what this means to somebody who lives in Port Augusta (which of course, straddles those two electorates) is that the subsidy they receive for a trip to Adelaide for an appointment has now gone from $100 to $200 because of this change, which is a welcome relief for those South Australians facing those cost-of-living pressures.

Of course, we know that there is much more to do. We are significantly investing in our country health services as well to make sure that people can get access to more services locally so they don't need to travel. That is why we are putting in place more country specialist doctors as part of our election commitment. But this is going to make a big difference to those people who live in regional South Australia.

REMOTE OUTER BORDER FIRE CONTROL

Mr McBRIDE (MacKillop) (14:31): My question is to the Minister for Police, Emergency Services and Correctional Services. Is the minister open to supporting the CFS deploying the remote outer border system of fire control? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr McBRIDE: The remote outer border system of fire control is a prescribed burning method invented by Rob England for controlling fires. It involves rolling, wetting and lighting vegetation on a remote outer border of a fire. When the minister met with me and the member for Hammond on 7 September 2022 to discuss this method, he did not say that he was opposed to it. However, on 7 February 2023 the Chief Officer of the South Australian Country Fire Service wrote that, 'The government were not looking to commit to this system.'

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (14:31): I thank the member for MacKillop for his question and also for his work in facilitating the meeting that he referred to between himself, the member for Hammond, myself and Mr England.

In direct response to his question, 'Am I supportive of that strategy or those tactics being deployed?', I take all of my advice from the CFS, as (a) that would be most proper for me as the emergency services minister and (b) it would be entirely most improper of me to dictate those operational tactics to the CFS.

The member for MacKillop is correct to say that the CFS have advised me since that meeting that the current tactics and resources deployed with respect to back-burning are adequate and are fit for purpose, and that the deployment of the technology or the innovation as advocated passionately by Mr England is not one that they would advise me is one that they will be taking up any time soon. Of course, if that changes, the member for MacKillop and I have discussed this matter extensively outside of this chamber and will continue to do so.

REMOTE OUTER BORDER FIRE CONTROL

Mr McBRIDE (MacKillop) (14:33): My question again is to the Minister for Police, Emergency Services and Correctional Services. Can the minister confirm whether the CFS uses the remote outer border system of fire control and, if so, are CFS fire trucks equipped for this? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr McBRIDE: I have been advised that the CFS has removed remote outer border system of fire control equipment from its fire trucks, yet the Deputy Chief Officer of the CFS stated on 3 March 2022 that:

SA CFS uses a broad range of tactical and strategic back burning techniques, including those promoted by Mr England and provides our operational leaders access to the training and tools to support their fireground needs.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (14:34): Further to the member for MacKillop's question, I am in no position to confirm anything other than what the Chief Officer, Brett Loughlin, has advised to the member for MacKillop and Mr England directly. I am advised, as the information that I sought post this in-person meeting that I had with the member for MacKillop and Mr England, some further information regarding this strategy, or tactics, more discreetly, passionately advocated for by Mr England.

The advice that I have is that wet lines are able to be deployed by the CFS; they will continue to do so. But with any of these firefighting tactics, technology and resources, they may evolve and do evolve over time. There is no closing off to any innovation, whether it be Mr England's or otherwise. I will continue to take that advice and I am very happy to continue to engage with the member for MacKillop as that may be necessary.

OPTUS DATA BREACH

Ms HUTCHESSON (Waite) (14:35): My question is to the Minister for Infrastructure and Transport. Can the minister update the house on the government's negotiation with Optus regarding the Optus data breach?

Mr Tarzia interjecting:

The DEPUTY SPEAKER: The member for Hartley is warned.

Members interjecting:

The DEPUTY SPEAKER: Order, members on my right! The minister has the call. Minister, you have the call.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:35): Vincent, I am on your side. Don't listen to them. You're doing a great job. Don't let anyone tell you otherwise.

When Optus announced in September 2022 that there had been a significant cyber attack that compromised millions of its customers' personal information, including driver's licences and proof of age cards, the South Australian government acted quickly and assertively to assist. We assisted South Australians to regain security of their identity by encouraging all Optus customers whose licence details were compromised to seek a replacement licence through Service SA and we waived the usual $20 fee. At the time, we announced our intention to seek reimbursement from Optus and any taxpayer liability. In December last year we informed the public that our negotiations with Optus had been successful and Optus did indeed say 'yes' to the South Australian taxpayer.

Members interjecting:

The Hon. A. KOUTSANTONIS: Thank you, I'm here all week. I am pleased to inform the house that Optus followed through and the payment has now been made. We must remember the added burden on Service SA staff, particularly in September and October, was immense. With the increased number of transactions, foot traffic and temperature of customers in long, long queues—

Members interjecting:

The DEPUTY SPEAKER: The member for Hartley is warned for the first time.

The Hon. A. KOUTSANTONIS: —Service SA customer centres attendance skyrocketed, including at the Mitcham centre. The member for Waite, who asked the question, would recall bitterly that the centre was one of the centres that the former Liberal government had pegged for closure.

On Friday 7 October, we recorded our peak volume. Over 14,000 South Australians attended our Service SA centres—over three times the average daily customer numbers—and 11,000 licence number changes were processed that day, which is an incredible number considering the previous average number of licence number changes was approximately 300 a year.

Overtime for extended hours of Service SA centres was a necessary measure, given the sheer quantity of additional transactions beyond normal day-to-day operations. I am pleased to

inform the house that it wasn't just licence number changes and replacement licence fees that were reimbursed: reimbursement also included other expenses such as overtime payments.

The reimbursement by Optus, coupled with Service SA raising the bar when it comes to public service, is an excellent outcome to an unfortunate event. It shows the dedication and resilience of our Service SA staff, the value that they have to our local community and our citizens, their trusted service, their dedication, how hard they worked.

I want to share with my parliamentary colleagues an incredible thankfulness to all Service SA staff who worked so hard to assist so many people who were feeling so anxious about having their identity stolen. They worked hard and tirelessly. I would also like to thank the members in this chamber who stood in the queues with people wanting to change their licences, who handed out cookies and muffins, who went in and checked on staff to make sure that they were okay. Those members know who they are, and I thank them again for doing that incredibly difficult work that they did.

Our Service SA staff are gems, and why anyone would want to close a Service SA office is beyond me. Perhaps, as part of the review in the five-year plan they have come up with, they can work out why it is they thought it was a good idea.

The DEPUTY SPEAKER: Before I call the member for Schubert, I call the member for Chaffey to order. Member for Schubert.

SA PATHOLOGY

Mrs HURN (Schubert) (14:39): My question is to the Minister for Health and Wellbeing. What is the minister's response to comments made by frontline nurses like Kally? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mrs HURN: After learning about the government's plan to cut half the nurse roles at SA Pathology, Kally commented on the minister's social media post, which was about new nursing graduates and how positive that was. She wrote, 'Unless you're a nurse working for SA Pathology who has just been told today that over 50% of their jobs are surplus to requirements,' going on to add, 'What an amazing thank you for leading the state's COVID testing response.'

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:40): As I said yesterday in response to what is being consulted on by SA Health and by SA Pathology at the moment, two very clear things are in place under this government. We have got very clear policies in regard to the fact that (a) we will not be privatising SA Pathology, as was mooted in the 2018 State Budget by the previous government. We will be absolutely ruling that out.

Members interjecting:

The DEPUTY SPEAKER: Order, please!

The Hon. C.J. PICTON: The other thing that we are ruling out is making our frontline nurses redundant, unlike what happened under the previous government, where some 200 nurses—including during the pandemic—were made redundant. In fact, we are hiring more nurses. We have doubled the recruitment of graduate nurses across SA Health. SA Pathology is doing a consultation in the context of its 1,800 staff, a relatively small number of its staff, but we have absolutely got employment for every possible nurse we can across SA Health. SA Health is going through a consultation process; we will listen to the feedback and make sure—

Mrs Hurn interjecting:

The Hon. C.J. PICTON: —that at the end of that SA Pathology has the right service model to make sure it can deliver the services it needs to.

The DEPUTY SPEAKER: Before we go to the next question, the member for Schubert is warned for the first time.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I would like to acknowledge, in the gallery, the Hon. David Ridgway, a former member of the other place. It is good to see you, sir.

Question Time

HARNESS RACING SA

Mr TARZIA (Hartley) (14:42): My question is to the Minister for Recreation, Sport and Racing.

Members interjecting:

The DEPUTY SPEAKER: Order, members on my right! Member for Hartley, you might want to start again.

Mr TARZIA: My question is to the Minister for Recreation, Sport and Racing. Is the minister aware of infighting within the Harness Racing SA community and, if so, how is she going to intervene? With leave of the house, sir, I will explain.

Leave granted.

Mr TARZIA: The opposition has been contacted by various members of the Harness Racing SA community about various disputes that are occurring at the moment.

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence, Minister for Recreation, Sport and Racing) (14:43): Thank you to the shadow minister for his question. As he knows, Harness Racing SA is the designated controlling body for harness racing in South Australia and deals with matters pertaining to harness racing, to various matters that arise in the course of harness racing and in relation to clubs and how they operate, etc. I am sure the controlling body will continue to deal with any matters as they arise and as is appropriate.

HARNESS RACING SA

Mr TARZIA (Hartley) (14:44): A supplementary, sir: has the minister been asked to intervene and will the minister intervene in these disputes?

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic and Family Violence, Minister for Recreation, Sport and Racing) (14:44): Thank you again for the question. As I said in my previous answer, Harness Racing SA is the controlling body for harness racing here in South Australia, and it is really important that they deal with the matters appropriately that come before them.

The Hon. A. Koutsantonis interjecting:

Mr Pederick: No, I haven't got a question for the minister for killing investment.

Members interjecting:

The DEPUTY SPEAKER: Order! Members on my right! Member for Hammond, do you want the call?

DEFENCELL BARRIERS

Mr PEDERICK (Hammond) (14:45): My question is to the Minister for Police, Emergency Services and Correctional Services. Is the minister aware of asbestos in Riverland flood barriers and, if so, when was he advised of this? Has the public been informed and has the asbestos been disposed of? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PEDERICK: The opposition has been advised that fragments of asbestos were found by emergency services personnel in two DefenCell barriers, but that Riverland residents were not warned of the discovery nor the dangers of asbestos.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (14:46): I thank the member for his question. The 'member for Hammond' would be the correct way to refer to him, not contrary to the standing orders, as he did for the minister for promoting mining in this state.

I would have to inform the member that there were two distinct small asbestos sheets found in that fill. That fill was brought into the site out of the Loveday borrow pit from the Berri Barmera Council. At the time, I am advised that all appropriate agencies were immediately notified per regulation noting that the SES is, particularly amongst emergency services, an expert when it comes to dealing with asbestos. Effectively, any emergency, any flood damage, any storm damage that the SES responds to may have a chance, in fact often does have asbestos present.

SafeWork SA and the EPA were notified immediately, as were all personnel on site. I am not advised that there weren't further public modifications made, because there is simply and definitively no public danger. There are no public concerns, and nor would there be any both requisite nor reason to make further notifications outside those notifications I referred to appropriate agencies.

I am further advised that the decanting of that particular DefenCell that contains that product has not taken place yet. That is a matter for the Berri Barmera Council but, as of this morning I think was the last information that I had, that hadn't taken place yet. I can advise the member, though, that the guidance and the advice around that is being done in direct conjunction between the council and the EPA.

The decision that has been made because of that consultation, and safe disposal of this soil in question, is that the entire strip of that DefenCell in that region has been considered to be necessary for proper disposal to a licensed asbestos dumping site. That will be taking place at the Cambrai infill, managed by the Mid Murray Council. I am not advised exactly when that will be occurring but I will undertake outside this chamber to keep the member informed, as it is close not only to his portfolio but also to his electorate.

I can also advise the member, even though this wasn't the subject of his question, that the soil that was brought in from that Loveday borrow pit was contained to this site in question at Lake Bonney. No soil from that site subject to these considerations or concerns were deployed anywhere else for operations. So that is, definitively no concerns on any other site exist because the soil did not come from that site to any other operations. Notwithstanding that, I commend the work that the council, the SES and the EPA are continuing to do to ensure that this is disposed of safely, as the SES and the council do so often with any other site that has concerns around asbestos.

RIVER MURRAY FLOOD

Mr PEDERICK (Hammond) (14:49): My question is to the Minister for Climate, Environment and Water. Has the minister requested preliminary engineering work in relation to the rebuilding of the agricultural levees alongside the River Murray in the Lower Murray region?

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:50): As the member will likely be very aware, the focus is now shifting to post high-flood levels and on to what occurs for recovery and restoration. Works have commenced in assessing the status of levees along the Murray, and there will progressively be assessment of their current status, their soundness and also what the future plans ought to be. We are in the early days of that.

As I indicated yesterday, my view is that we haven't yet sufficiently communicated with landholders about how they can participate in those discussions. I believe that has started but has not gone sufficiently far for my liking. We will be discussing that at the emergency management council on Monday. Also, we have accelerated those interactions.

It's important that primary producers and landholders along the Murray who are concerned about the status of levees, about assistance for dewatering and about what is likely to happen into the future should know that they are able to get in touch with PIRSA, which is the primary contact for them as primary producers, or with DEW if it's indeed a case of levees that are managed or owned

by DEW, which is a bit over half but not all of the levees, and that there will be a discussion with them about what is to happen next.

I expect that we will be in a better position to talk about this in the coming weeks, but I appreciate the concern that is being expressed by landholders along the Murray about what is likely to happen but also particularly about what is going to happen in the short term with assistance with dewatering, where they have stranded water on the other side of levees that are still intact as the water has gone down.

RIVER MURRAY FLOOD

Mr WHETSTONE (Chaffey) (14:52): My question is to the Minister for Climate, Environment and Water. Will the minister commit to ongoing supply of essential drinking water to residents living in flood-affected communities? If not, why not? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr WHETSTONE: My office has been inundated with calls asking why the government has stopped subsidising the provision of potable drinking water to flood-affected river corridor residents who have lost the capacity to store water.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:52): I am aware of some but possibly not all of the issues that the member is raising, and I want to make sure that we getting all of those concerns passed through to us. There have been some challenges with the way in which SA Water is able to provide additional water, but my understanding is that they are working through that with each of the people who have raised these concerns with them and making a determination about what they are able to do.

I gather that, very recently, there has been some assistance provided to a school and a sports field that had been raised recently with me by the member sitting immediately adjacent to you and that they are working through the question of drinking-water availability. But we will work through that, and perhaps have a conversation after, to make sure that we've got everybody covered.

RIVER MURRAY FLOOD

Mr WHETSTONE (Chaffey) (14:53): My question is again to the Minister for Climate, Environment and Water. Minister, can you explain whether there was a significant data discrepancy about measured river flows across the border? If so, did you resolve this discrepancy before going on leave? Sir, with your leave, and that of the house, I will explain.

Leave granted.

Mr WHETSTONE: On the morning of 8 December, the South Australian government revealed official daily flow data at the South Australian border was 157 gigalitres for the day, but at a press conference on the same day it was claimed that flows were actually around 180 gigalitres that day. The very next day the minister went on leave for a month.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:54): There was a concern at the time about the discrepancy between the flow that was coming through and how that translated into the height of the water. That was a challenge that was particularly acute in some places and in fact was under the anticipated height in others. That was worked through, and it was understood better the way in which the water was behaving so that the flow at the border translating into the height experienced by different communities was resolved over a period of time. In fact, the modelling proved largely to be accurate and able to be relied upon.

RIVER MURRAY FLOOD

Mr COWDREY (Colton) (14:55): My question is to the Minister for Climate, Environment and Water. Did the minister approve or note expenditure of almost $32 million for dredging the Murray

Mouth? If so, was this done before or after she became aware of immediate flooding? With your leave, sir, and that of the house, I will explain.

The Hon. A. KOUTSANTONIS: Point or order, sir. Standing order 97 says such questions should not involve argument. The shadow minister is implying in his question that there is an assumed fact that the minister was aware of before she made a decision.

The DEPUTY SPEAKER: I will give the member an opportunity to rephrase the question.

Mr COWDREY: Would you prefer me to ask 'possible flood events'?

Members interjecting:

The DEPUTY SPEAKER: The member for Colton has the floor.

Mr COWDREY: My question, again, is to the Minister for Climate, Environment and Water. Did the minister approve or note expenditure of almost $32 million for dredging the Murray Mouth? If so, was this done before or after she consulted any future weather patterns?

Members interjecting:

Mr COWDREY: She has provided these things; you know that. It's a forecast. You don't know what the weather forecast is, Tom?

Members interjecting:

The DEPUTY SPEAKER: Order! The member has asked his question. I will leave it to the minister to answer it.

Mr COWDREY: There is an explanation. Can I seek leave, sir?

Leave granted.

Mr COWDREY: On 30 November last year, the minister said that she was delighted that dredging had been suspended. This was merely weeks after taxpayers paid $31.8 million for a four-year dredging contract.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:57): First of all, it ought to be made clear that the MDBA pays for this. This is something that is done under the Murray-Darling Basin Plan and is paid for by the Murray-Darling Basin Authority. The approval for—

Members interjecting:

The DEPUTY SPEAKER: The opposition asked the question. I suggest you actually listen to the answer.

Members interjecting:

The DEPUTY SPEAKER: The member for Flinders, you clearly don't want to be here today.

Mr Telfer: Don't we all?

The DEPUTY SPEAKER: I can assist you, if you like. Minister.

The Hon. S.E. CLOSE: The approval for the contract was made in September when it was not at all clear what was likely to happen for the opening of the Murray Mouth. The Murray-Darling Basin Authority has made the decision to suspend dredging for a period of time, which, I think, anyone who understands the importance of being able to have a natural flush through the mouth would be pleased about, because what it means is that you get a proper scouring out rather than the mechanical dredging which we have been stuck with for some time.

An honourable member interjecting:

The Hon. S.E. CLOSE: Exactly; that is what the flood does. It is good news. That was a decision that was made.

Mr Whetstone interjecting:

The DEPUTY SPEAKER: Member for Chaffey, you are warned for the first time.

The Hon. S.E. CLOSE: Unfortunately, it may well be that dredging will have to resume sooner rather than later on the basis of the amount of silt that has come down. So, rather than it being an inadequate flow, meaning that there is a lot of sand that is banked up from the other side, what we have is a lot of material that has flooded down. Therefore, though there has been a very good scouring event, we are very likely to have to return to dredging before long.

FLOOD DAMAGED ROADS

Mr PEDERICK (Hammond) (14:59): My question is to the Minister for Regional Roads. Can the minister specify which roads make up the approximately 1,200 kilometres of flood-damaged roads as announced by the Premier?

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (14:59): I will take that question on notice. I don't have that information with me.

FLOOD DAMAGED ROADS

Mr PEDERICK (Hammond) (15:00): My question again is to the Minister for Regional Roads. Does the minister believe $60 million is an adequate amount to repair and rebuild the 1,200 kilometres of Riverland and Murraylands roads damaged by the floods?

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:00): I thank the member for that. My information is that there is a lot of investigation still going on with councils but, again, I will take that question on notice and get back to the member as soon as I can.

FLOOD DAMAGED ROADS

Mr PEDERICK (Hammond) (15:00): My question again is for the Minister for Regional Roads. Can the minister explain how the government came to the $60 million figure for the repairing of the estimated 1,200 kilometres of regional roads damaged by the River Murray flooding? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PEDERICK: The whole 472 kilometre Strzelecki Track upgrade cost over $450,000 per kilometre, while other highway duplication projects equate to roughly $16 million per kilometre.

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (15:01): I thank the member for his question, and I know he is interested in how quickly these roads can be reopened. The allocation of $60 million was made as an investment so that we can start the work of getting roads open as quickly as possible. I made it very clear when I spoke to the media nearly two weeks ago that the amount of money that the government has announced to date for Riverland support, both in preparation for the flood and also now in recovery for the flood, probably wasn't going to be the end of it.

We won't know how much is required to fix the roads as well as attend to all of the other issues that the Riverland communities are raising with government, and will raise in the future with government, until the flood waters have receded. In fact, there are still roadways which are yet to be completely revealed by subsiding waters, for example, and until the flood waters have receded back to more normal levels such as that is after a flood, we are not going to know the full extent of the damage, and until we know the full extent of the damage we are not going to be able to estimate how much it is going to cost to recover those roads back to a serviceable level, and how long that might take. So that will involve us making further and better estimates about how much money needs to be committed to this in the future.

DUKES HIGHWAY RECONSTRUCTION

Mr PEDERICK (Hammond) (15:02): My question is to the Minister for Regional Roads.

Members interjecting:

The DEPUTY SPEAKER: The member for Unley and the minister!

Mr PEDERICK: My question is to the Minister for Regional Roads. Are there any reconstruction works planned for the Dukes Highway between Coomandook and Tailem Bend?

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:03): Again, I don't have that information directly with me; however, I will find that out and get back to the member, hopefully this afternoon.

The Hon. D.G. Pisoni interjecting:

The DEPUTY SPEAKER: The member for Unley is called to order and warned for the first time.

SOUTH EASTERN FREEWAY REPAIR WORK

Mr PEDERICK (Hammond) (15:03): My question is to the Minister for Regional Roads. Is there any repair work planned for the South Eastern Freeway near Callington?

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:03): Again, I don't have all that information with me but—look, I haven't had any correspondence from the member about that, but I will take that on notice.

Members interjecting:

BARUNGA GAP ROAD

Mr PEDERICK (Hammond) (15:03): Still on a roll—that's what he asked for. My question is to the Minister for Regional Roads. Does the minister intend to upgrade Barunga Gap Road between Bute and the Augusta Highway? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PEDERICK: I have heard from constituents that this road is in a poor condition, particularly due to the numerous trucks travelling along it to the Viterra site at Snowtown.

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:04): I thank the member for that question. Yes, we have had some correspondence from not only yourself. You texted me a photo and thank you very much for that. The member for Narungga has also mentioned that road to me. Also, the department has done some work on the shoulder sealing of that road. We have to be very careful about the grain trucks going through at that particular time, but I have been talking to the member for Narungga and we are looking at that in the next 12 months.

STATE'S GRAIN ROADS

Mr PEDERICK (Hammond) (15:04): My question again is to the Minister for Regional Roads. Has the minister read the report produced by Grain Producers SA outlining the state's worst grain roads and, if so, what roads are they and will he fix them?

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:05): To answer the member's question, yes, I have read that. The Arthurton to Kulpara road is obviously identified as the worst road, according to the grain producers. Also, there are a couple of council roads in that report. I have had a meeting with the grain producers themselves some two weeks ago and we are going to continue liaising with them regarding going forward.

ANZAC DAY COMMEMORATION FUND

Mr PEDERICK (Hammond) (15:05): My question is to the Minister for Veterans Affairs. Can the minister tell the house what events and programs were funded with the $48,300 allocated in the first round of the 2022-23 ANZAC Day Commemoration Fund?

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:06): I would have thought that that may have been on

the public record. All those projects are out there, and I'm sure the member is aware of them anyway, but I don't have them at hand here. I will take that question on notice and get back to the member.

ADELAIDE FESTIVAL SEASON

Ms HOOD (Adelaide) (15:06): My question is to the Minister for Tourism. Can the minister update the house on the projections of the upcoming festival season, including WOMADelaide?

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (15:06): Thank you to the member for Adelaide for her support and interest in tourism and major events. WOMADelaide has been a huge drawcard for our state for more than 30 years. It's incredibly special for so many reasons.

Of course, throughout COVID, WOMAD shifted to an all-Australian line-up due to the closure of our international borders. Now, with the world opened up again, the international acts are back and people are excited. WOMADelaide is experiencing record sales in the lead-up to the event with a forecast 40 per cent increase in attendances on the previous year.

I am advised that the three and four-day passes, as well as Saturday tickets, are already sold out, with Friday and Sunday tickets not far behind. So get in quick if you are keen to go to WOMAD. This is the first time that WOMADelaide has been sold out since 2008.

Back then the headliners were Toumani Diabata and his Symmetic Orchestra from Mali; the John Butler Trio from Australia, Susanna Baca from Peru and Taraf de Haidouks from Romania. This time, the line-up includes Mdou Moctar from Nigeria, Sampa the Great from Zambia and headliners Gratta Ciel from France and Florence and the Machine, who did not have South Australia on their national tour until they joined the WOMADelaide line-up.

These ticket sales are reflected in our forward booking data. With still one month to go until WOMAD returns, hotel bookings for the weekend are incredibly strong and well up on the same time last year. Compared with one month out from last year's event, this year's WOMAD weekend is up 27 per cent on average as the same March weekend last year.

Latest forward booking data shows Friday 10 March, 80 per cent; Saturday 11 March, 82 per cent; and Sunday 12 March, 74 per cent, compared with the same time out from last year's WOMAD of 52 per cent, 56 per cent and 48 per cent respectively.

WOMADelaide is a huge tourism drawcard, enticing visitors from around the country and the world to celebrate here in South Australia at a cultural event like no other. In 2019, the economic impact of WOMADelaide was $18.3 million. Not only do visitors fill up our hotel rooms, but WOMAD regulars book a year in advance to our restaurants and our bars. They become increasingly difficult to book because they book them so far in advance.

Of course, we love Mad March, but now we have a full calendar. This is what we've got to deliver. People are seeing South Australia in a new light. Their perceptions have changed, and they want a piece of it and they want to get here too. WOMADelaide is not the only international line-up: we've got the Fringe and the Festival as well. It's a key part of who we are—our DNA. It's arts, it's culture, it's music and it's drama. People know that's who we are, and we can't wait to have them here.

Our government knew this. That's why we put additional money into marketing and major events, and $10 million into the See it LIVE program. We also supported the Fringe, with another $2 million per year for four years. The WOMAD is particularly special in our line-up because 50 per cent of the people coming are from out of the state. People hop on a plane or drive here because they want to see this fantastic line-up of international guests. For more than 30 years, it's the place to be from 10 to 13 March.

SCHOOLS, CONSTRUCTION

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:10): My question is to the Minister for Education, Training and Skills. When will the two new schools in Mount Barker and the northern suburbs, announced by the minister on 10 January, be built?

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (15:10): I thank the member for Morialta for his question. Business cases are being prepared now. Once those cases are complete, I will be happy to share any further information with this house.

SCHOOLS, CONSTRUCTION

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:11): My question is to the Minister for Education, Training and Skills. Are the business cases that he referred to in the last answer to be submitted, or have they already been submitted, to Infrastructure SA?

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (15:11): I thank the member for the question. I will have to get advice on what the intention is to do with the business cases, but I believe the work on those has commenced. I'm happy to come back to the member on where they will go once they are complete.

KEOLIS DOWNER

Mr TARZIA (Hartley) (15:11): My question is to the Minister for Infrastructure and Transport. When will the minister fulfil Labor's promise to tear up the contract with Keolis Downer?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:11): I wouldn't call it tearing it up, sir, I would say it would be righting a wrong. I would say it would be making members opposite held to account for the promises they made in 2018 when they promised they didn't have a privatisation agenda.

Now, sir, it would be grossly disorderly of me to mention that the member for Dunstan has not been in the chamber the last three days while we discuss these—

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

The DEPUTY SPEAKER: Point of order.

Members interjecting:

The Hon. A. KOUTSANTONIS: I would not do that, sir. I would not do that.

Members interjecting:

The DEPUTY SPEAKER: Order! Point of order.

The Hon. J.A.W. GARDNER: The minister using sophistry does not mean that he is allowed to say what he has just said. He is in breach of that convention, the standing order referencing members' position in the chamber. He is also wrong when it comes to the point that he was trying to make. As members would all be aware, not only are members deemed to be in the chamber whether they are here or not, many of us know—and many of us saw—the member for Dunstan has been around.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for—

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Chaffey is warned for a second time. Member for Morialta, what was your remedy?

The Hon. J.A.W. GARDNER: The minister should be held up, named and removed from the chamber.

The DEPUTY SPEAKER: The minister, you have the call.

The Hon. A. KOUTSANTONIS: After all I did for him to create a vacancy in the deputy leadership—no gratefulness at all. None.

Members interjecting:

The Hon. A. KOUTSANTONIS: You're welcome. And what he did for you! But, sir, I will say that I will make an honest man of the member for Hartley, and I will make sure—

Members interjecting:

The Hon. A. KOUTSANTONIS: It's true. Times have changed. I will make them honour their promise that they did not have a privatisation agenda, and we will undo the harm that they did to the very fabric of the business that we are in, being politicians. There are young children growing up who used to trust what politicians said, until the 2018 election. There are whole generations now, sir, not trusting what people say.

The DEPUTY SPEAKER: There is a point of order.

The Hon. J.A.W. GARDNER: Yes, so this is whimsical but it is debate and it's against standing order 98.

The DEPUTY SPEAKER: The minister could perhaps get closer to the question.

The Hon. A. KOUTSANTONIS: I am, sir.

Mr Telfer interjecting:

The DEPUTY SPEAKER: Member for Flinders, you are on three—actually, you are on 3½ warnings. Right?

The Hon. A. KOUTSANTONIS: I have to say I am looking forward to bringing our trains and trams back into public hands because quite frankly the idea that we are paying more for a privatised service than we paid for it when it was in public hands is offensive.

We had a good service that was providing a good essential service which could allow the government to plan to increase patronage on our trains and trams. Why? Because we are spending a fortune on infrastructure to grade separate intersections and build roads and infrastructure to meet peak demand because people are not catching public transport. These are fundamental questions that haven't popped up over the last 10 months or even over the last four years or even over the life of the previous Labor government. These are long-term questions that we need to address.

Bringing trains and trams back into public hands is a key piece of infrastructure that we can use, to have in our toolkit, in our arsenal, in a cost-effective way to try to deal with what is coming on taxpayers where they are stuck longer and longer in traffic for peak times. I have said this in this house many, many times: it is unaffordable to maintain this trajectory. We can't keep on doing it. It is important that we bring these back.

The commitment we made at the last election was that we would bring trains and trams back into public control by this term, sir. We would do it this term.

Mr Telfer interjecting:

The Hon. A. KOUTSANTONIS: It would be done this term. If the member has something different to say, he should stand up and show the evidence of that or move a substantive motion to accuse me of misleading the parliament.

Mr Tarzia interjecting:

The DEPUTY SPEAKER: Member for Hartley, you are warned for the second time.

The Hon. A. KOUTSANTONIS: I wish things were as simple as they are in the mind of the shadow minister, but they are not. We live in a complex world where we have to undo a contract that was designed to try to thwart exactly what we are trying to do. I also point out that we are also investigating—

Mr Tarzia: Parliament is sovereign.

The Hon. A. KOUTSANTONIS: Parliament is sovereign. That is true: parliament is sovereign. Congratulations, a great lesson—and lessons will keep on coming.

But we will bring the trains and trams back into public hands as quickly as we possibly can. It is coming soon. In fact, I had a meeting today with Keolis Downer which was very productive where I met with Julien, the new Australian chief executive, who was a former adviser to the French minister for transport, who understands the importance of public ownership of essential services. We, on this

side of the house—being the last member in the house to vote against the privatisation of ETSA, I am proud to say that we are undoing another privatisation.

KEOLIS DOWNER

Mr TARZIA (Hartley) (15:17): My question is again to the Minister for Infrastructure and Transport. Can the minister advise the most recent advice he has received from the Department for Infrastructure and Transport regarding a break cost with Keolis Downer regarding this contract?

The DEPUTY SPEAKER: I didn't understand the question, but the minister may have understood the question.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:18): I think we made it very clear that we would be paying no compensation to Keolis Downer, and that remains.

Grievance Debate

DEPUTY PREMIER

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (15:18): The Deputy Premier of South Australia goes by a number of gazetted titles: the Minister for Industry, Innovation and Science; the Minister for Defence and Space Industries; the Minister for Climate, Environment and Water. But you could add some more to that: the minister for incompetence, the minister for dithering, the minister for taking leave, the minister for laziness, the minister for hush money, the minister for—

The Hon. A. KOUTSANTONIS: Point of order, sir.

The DEPUTY SPEAKER: The leader will resume his seat. There is a point of order.

The Hon. A. KOUTSANTONIS: The member has used what I consider unparliamentary language, accusing the Deputy Premier of being the minister for hush money. I ask that he apologise and withdraw. I also point out standing order 127: personal reflections on members.

The DEPUTY SPEAKER: The leader has transgressed. He will withdraw and apologise.

The Hon. D.J. SPEIRS: I am happy to withdraw and apologise. I meant to refer to the Conservation Council.

The DEPUTY SPEAKER: You have just made it worse by doing that, leader.

The Hon. D.J. SPEIRS: I withdraw and apologise.

Mr Whetstone interjecting:

The DEPUTY SPEAKER: Member for Chaffey, you are on your third warning. Leader.

The Hon. D.J. SPEIRS: Perhaps the title best suited for the Deputy Premier following today's revelation is the minister for secrecy. This has become exceptionally clear as a result of public remarks made by South Australia's Ombudsman.

The Deputy Premier has a legislative role to fulfil when it comes to reviewing the decisions of her departments; yes, her office, which can, from time to time, be subject to freedom information requests, but also with regard to her departments. It has come to light that her internal review decisions have been overturned 92 per cent of times by the Ombudsman of South Australia.

The Ombudsman has taken the view that 92 per cent of times the minister, the Deputy Premier, refused documents, these decisions should be overturned. That is, 12 out of 13 decisions made by the Deputy Premier have been overturned, forcing the release of documents that she wanted to keep secret.

The Ombudsman has said that the Deputy Premier was dealing with a very low number of FOI applications. She said she was inundated. The Ombudsman takes a very different view. The Ombudsman says that many agencies—and, of course, we are dealing here with the ministerial office and the Department for Environment and Water—will receive more than the number the Deputy Premier has received (which is 55 over nine months). The Ombudsman says that many agencies will receive more than that in just one month.

The Ombudsman goes on to say that if the Deputy Premier is struggling to fulfil the obligations, she and her department ought to source more resources and get on with their legislated duties rather than keep things secret. Further, the Ombudsman has stated that the reasoning of the Deputy Premier and her department for not disclosing information was 'fanciful' and 'far-fetched', and that he has 'concerns regarding the manner in which the Deputy Premier has applied out of scope redactions', including that:

> …it is far more likely that the Deputy Premier has formed the view that it would not be desirable to release various names and information and has simply opted to state they are 'out of scope' rather than attempt to justify a claim of exemption.

The minister for secrecy is in full swing. However, it is not just secrecy; it is dithering, delaying, subjecting decisions, projects, initiatives, policies to review after review, pushing responsibility out to commissioners, outsourcing the management of the River Murray in South Australia to a Labor mate interstate and paying him $150,000 a year for a part-time gig. It might even be less than part-time; we do not even know, because we have seen no outcomes from the Commissioner for the River Murray to date.

We have seen the Deputy Premier's great Hawaiian moment: four weeks overseas at the point in time when the River Murray floodwaters reached their peak. We know that the member for Chaffey, the member for Hammond, the member for Finniss and the member for MacKillop have been working hard to support their communities; in fact, some on the other side have done that as well. Meanwhile, the minister with legislated responsibility for the River Murray in South Australia was on the other side of the world on holiday. That is an abrogation of responsibility, and we are seeing that time and time again from this Deputy Premier.

The delay in the landscape board elections, which were required to be held by the end of 2022 by law, were deferred on the basis of special circumstances. The threshold for special circumstances is written high, and in time the Deputy Premier may well have to answer for why she made that decision on such tenuous grounds. However, rest assured we are working hard to hold this government to account and end the laziness of the Deputy Premier of South Australia.

Time expired.

GILES ELECTORATE

Mr HUGHES (Giles) (15:24): I rise today to talk about a number of issues in the electorate of Giles. Before doing so, I want to acknowledge what a historic day it has been in this parliament with the introduction in the upper house of the First Nations Voice Bill 2023. I am not going to reflect upon the nature of the bill—we will all have an opportunity to do that in the coming days and weeks—but it is an incredibly important piece of legislation.

I want to put on the record my acknowledgement of the Attorney-General for the work that he has done and the Commissioner for First Nations Voice, Dale Agius, for the work that he has done, and all the other people who have taken part in this process. In my electorate, I attended one of the consultation sessions with the Aboriginal people who turned up, and it was a productive first session. The way that the commissioner and others have gone about this process is exemplary. They made a real effort to involve as many people as possible and took on board the things that were said.

What I want to primarily talk about today is something that I brought up both during the term of the previous government and during the term of this government, which is the situation up in Coober Pedy. We still have a council that is dismissed. That was something that I supported at the time, and it was the right thing to do. It was an action taken by the Marshall government as a result of a process that was started by Labor, but we still have some way to go to resolve the issues in Coober Pedy.

As the local member, I always come back to some basic principles. One of those principles is a sense of a fair go, that when it comes to access to essential services people in regional communities and remote regional communities are treated no differently from people in Whyalla, Port Augusta or Adelaide. I put on the record time and again that I support parity pricing of water in Coober Pedy. I do not accept that the people of Coober Pedy have to pay up to three times as much for

water in their community compared to people in major regional centres covered by SA Water and the metropolitan area.

When you look at Coober Pedy, it is not a rich community. In fact, it is a very poor community. The median personal income in Coober Pedy is $498 a week. Compare that to the state's median personal income of $734 per week. When you look at the median household income in Coober Pedy, it is $761 a week, and in South Australia it is $1,455. You can look at other figures, too, that show what is happening in Coober Pedy. The median age is significantly higher than elsewhere in the state and in Adelaide by some 10 years, which is a reflection of an ageing population in Coober Pedy.

It has been said that, when the transition was going on from a progress association, it was the council itself that took on the water and generating assets at the time, and the electricity distribution and retail, so they have to accept some of the responsibility. When they took that on back in the 1980s, Coober Pedy had a population of over 3,000 people. The population is now roughly half of that. There is always a little bit of an undercount in Coober Pedy, so there is some conjecture about the figures. The capacity of that community to deliver essential services and the capacity of that community to afford expensive water is very limited.

When I was a candidate back in 2014, I went into bat for the community for the reintroduction of parity of grid pricing when it came to electricity, and that is what we need to do with water. It is a basic fair go, it is the delivery of an essential service, and the people of Coober Pedy should not be paying three times as much for water as people elsewhere in this state.

GUMERACHA EMERGENCY DEPARTMENT

Mrs HURN (Schubert) (15:29): Since becoming the local member for Schubert, I have had great pride in advocating for many things for my local community, and one of those things is the reopening of the Gumeracha emergency department. It has been such a critical element of the health services that are provided in the northern Adelaide Hills for such a long period of time.

At the start of the year, we received some advice from the local health network about the status of this emergency department, and it really did outline what the out-of-hours care would look like in Gumeracha. What we now know is that we will have an out-of-hours clinic with a nurse and with virtual support from a doctor. That will be set up between 4pm and 8pm, Monday to Friday, and over the weekends it will be open from 10am until 4pm.

This is a really positive step forward for the local community, and I genuinely believe that the local working group has done an extraordinary job in identifying a solution to provide some of this out-of-hours care, because when you live in the regions you do want the peace of mind and the comfort that, if you do need some assistance, you have somewhere to go. I am sure, though, that many people find it disappointing that, despite the fact that Labor made reference before the election to ending the closure of the emergency department post COVID, this has now seemingly been taken off the table.

When this was first announced it was welcomed by the community with, I genuinely think, a cautious sense of optimism. But, following a community meeting in Gumeracha that really did outline some of the intricacies and some of the detail about what was and was not able to happen at this ED, I think there are some concerns about the future.

I would like to advise the house about some of the detail of the out-of-hours approach. You still have to call and make an appointment between those hours. You can be seen for things like minor wounds, sporting injuries, infections, toothaches, rashes, eye conditions and urgent prescriptions; however, no ambulances will be accepted, and no X-rays, no blood tests, no drug or alcohol issues, no plasters and no COVID patients.

I think perhaps the most concerning element is the fact that no child under the age of 10 is able to present to the emergency department. This has been one of the catalyst driving forces for the reopening of the ED. There will be a working group meeting in six months' time, so six months after this has been in existence there will be a meeting of the working group to really reflect on these types of services. I do hope that in time we can continue to elevate what services are provided.

However, it is clear that one of the main challenges in reopening the emergency department in Gumeracha has to do with our workforce. We are no orphan in South Australia when it comes to some of the workforce challenges that we are facing. I believe that here in South Australia we must do more to ensure that we can attract and retain a very strong core base of workforce because this is exactly what people right across the nation are doing. If we look across the border, in Victoria they are throwing everything, including the kitchen sink, at this issue, and they are going above and beyond when it comes to attracting and retaining a local workforce.

In Victoria, if you are a doctor or a nurse, you get your HECS fees covered. You get a $5,000 bonus sign-up fee to join the public system. There is a $10,000 relocation payment, which is $12,000 if you are in the country. Since recently, there is a $40,000 payment to GPs, which covers not only the gap between being a GP and going into other services within the health system but also your final year of training.

I am genuinely saddened that here in South Australia we are so behind the eight ball. We need a government that is proactively looking at incentives to attract people to this state to keep our frontline workforce strong and solid and healthy. I know that these are the exact types of things we need to do if Gumeracha hospital is to have its ED operating at its greatest capacity. So I am urging the government to really step up to the task here, to look across the border to Victoria, to go through it with a forensic fine-tooth comb and to see what these incentives can do for the regional workforce.

ENVIRONMENTAL WARRIOR AWARD

Ms HUTCHESSON (Waite) (15:34): Today, I would like to take the opportunity to talk about some of the outstanding young people we have in my electorate of Waite and the hope that this brings me for all of our futures. Looking after our environment is something that is important to me, and I feel that our kids are the future in this regard. They know more than I ever did as a young person about climate change, the importance of biodiversity, looking after our trees, recycling and composting.

Our teachers and parents do an amazing job of educating and fostering a real care for the environment, and I believe that it is worth supporting and celebrating. In order to do this, to recognise students who go above and beyond, who display outstanding care and consideration for the environment as well as passion for action on climate change, last year I established the Hutchesson Environmental Warrior Award for graduating Year 6 students.

I was really impressed by the group of students who were nominated by the schools. It was a difficult decision for St Peters Lutheran School in Blackwood, as they have a whole group of eco-warriors. They have Aleeia, Nevada, Charli, Abi, Thomas, Zac, Edan, Kayden, Charlotte, Luca, Sophie, Olivia, James, Sebastian, Callum, Annabelle, Abigail, Amelia, Stella, Amelie and Madeleine. This group of students are a committed bunch. They meet in their lunchtimes and do work to take care of the natural environment they have at St Peter's.

I heard all about their vegetable patch, their worm farm, their compost heap and also their chickens, who had sadly flown over the rainbow with a certain fox that had come to visit. They were all incredibly excited to be receiving the award, as it was too hard to pick a winner. I, too, was a winner when I went there, as they presented me with my own bottle of worm juice to take home.

At our other primary schools, there were more stories about the wonderful passion the award recipients had for looking after the environment. Patrick from Clapham Primary School was an eco-leader at school. He drives their Nude Food program and continues to check in to make sure everyone is doing their best to limit their use of plastic.

Jake from Bellevue Heights is very passionate about conservation and the importance of taking action. He was an active member of the Bellevue Heights park rangers leadership team, where he worked with a passion for greening the school. Each week he showed commitment to designing, planting and maintaining the school's national park, Warrara Yarta, which is Kaurna for healing ground. The park's purpose is to restore an area of land at the school back to its indigenous state.

At Blackwood Primary School, Kody was deemed to be a warrior. I really enjoyed meeting Kody, such a kind-spirited boy with a beautiful smile. He cares about climate change because, in his eyes, it is making the world a worse place to live in for people and it is slowly destroying creatures

and their habitats. Kody believes that if climate change does not stop, everything in the world will become extinct. Kody is trying to help the environment by taking care of animals and bugs that are in and around his house and school. Kody will not hurt any bugs unless they are flies, because he says flies are useless.

Marley, from Coromandel Valley Primary School, is a member of the Native Bee and Butterfly Project. Marley always asks questions in a thirst for learning about the environment, and she is going to continue her passion, I am sure, starting at Urrbrae Agricultural High School this year. I hope that she enjoyed her first week.

Eden Hills Primary School is a beautiful school and they take the responsibility of nurturing young environmentalists seriously. Evelyn was their environmental warrior. She is passionate about composting and tried to drive this at Eden Hills. Sadly, snakes and rats did not make that easy. She is also gravely concerned that soft plastic recycling has ceased altogether.

At Scotch College primary school assembly, I had the honour of awarding Kishan an environmental warrior award. What an outstanding student. Over his time at primary school, he was the Green Team co-captain, vocally and actively campaigning for the environment and, in particular, reducing our waste and recycling scheme.

Annabelle was the winner at St John's Grammar School. I could tell by the reaction of the students that it was well deserved. From helping them set up a seed swap to getting out in the garden to weed and chat about plants, Annabelle was a well-deserved winner.

Kobi was chosen by her peers at Upper Sturt. She has a passion for being out in the bush and learning more about living creatures. Some of her friends said, 'Her affinity with the bush is just phenomenal, and she is a true bush kid.' Kobi also studied at Urrbrae this year, and I am sure that she and Marley will no doubt become the best of friends and share their passion.

Finally, Zara from my old primary school, Belair, had been involved in working in the canteen and eco-club, collecting and emptying recycling bins. She would often be found picking up rubbish in parks and helping to take care of the environment.

The future in Waite is bright. With students like these leading the way, I know our unique and special environment is in good hands. I look forward to having them all come along to parliament for a tour and lunch as part of their award and maybe get them thinking about a career in politics.

AUSTRALIA DAY AWARDS

Mr PATTERSON (Morphett) (15:39): I take the opportunity to speak in parliament about some of the fantastic and hardworking volunteers in the Glenelg, Novar Gardens and Morphettville areas of Morphett, who were recognised recently on Australia Day.

Two Morphett constituents were awarded Australia Day Honours. The late Neville Cordes from Glenelg was awarded an Order of Australia Medal for service to the community of Kangaroo Island. Neville founded *The Islander*, was Mayor of Kingscote Council, and over the last 20 years became an active parishioner in the Anglican Parish of Glenelg. Cecilia Low from Glenelg East was awarded the Australian Fire Service Medal. Cecilia was recognised for her distinguished service, commitment and passion to help create a diverse and inclusive organisation.

I was thrilled to attend the City of Holdfast Bay's citizenship ceremony held on Australia Day on the beautiful Glenelg foreshore where we welcomed over 50 new citizens. The citizenship ceremony also recognised some very worthy award winners including the Rotary Club of Somerton Park that was recognised for Best Community Event for their new initiative, a youth photographic exhibition.

The Rotary Club of Holdfast Bay were recognised with an Active Citizenship Award for supporting our local community through their food drive to support locals doing it tough. The food drive began in December 2019 and is held twice a year to collect non-perishable food and toiletries, and gives the general public the opportunity to donate items. I have been honoured to participate along with club members, and I am always in awe of the generosity of locals who quite often donate a shopping bag full of items.

The four local churches are supported by the food drive to give packages to those in need through their emergency relief centres and the impact of this project on locals doing it tough is very positive. On the day, it was a thrill to see president Judy Shipp, past district governor, Kim Harvey, and Rotarians, Kate Davies, Greg Lang and Lance Meaney receive the award. Congratulations and a massive thank you to the Rotary Club of Holdfast Bay and all its members.

Marion Council held their citizenship and awards ceremony on Australia Day at the fantastic Mitchell Park Sports and Community Centre, which received significant funding from the former federal and state Liberal governments. Jamie Morgan from the Plympton Bulldogs Football Club won the Sports Person/Team of the Year Award. Jamie is the director of the juniors and seniors at the Plympton Bulldogs Football Club, and he has played an instrumental role in the mighty Bulldogs taking out the SANFL Junior Club of the Year Award for 2022, as well as helping the club to win six premierships. After the club came third in 2021, this year's Junior Club of the Year Award is a fantastic reward for all the players, coaches, parents, officials, sponsors and supporters for all playing their part in representing and developing the Bulldogs.

The club has over 400 junior players with a 25 per cent female participation rate. In 2022 they won the senior B Grade premiership and five junior premierships for the under-13 girls, the under-15 boys and girls, and the under-16 boys and girls. I give a special mention to the under-16 girls' team who my daughter Violet plays for. After years of finishing at the bottom of the ladder but always improving, this year was a huge reward for perseverance and also being able to win on the road with all their finals being played away, including two finals at Salisbury North, so what a season for them. I thank their coach, Gavin Walsh, and also assistant coach, Nathan Ward, who has been there for so many years. Nathan was also nominated for the Sports Person/Team of the Year Award for his contribution at the Glengowrie Netball Club so he is certainly very busy.

I was also able to attend the City of West Torrens citizenship and awards ceremony which saw James Dyson from the Phantoms cricket club win a community service award for his outstanding service to the Western Suburbs Junior Cricket Association and also the Phantoms cricket club.

Congratulations to the year 6 students from Immanuel Primary School on their environment award for all their commitment to the environment. Immanuel Principal, Kevin Richardson, won a civic award and David Shipway from B.L. Shipway & Co. won a business award. Congratulations to all the award winners on their significant contributions to our local community in Morphett.

THE OAKS SWIM CENTRE

Ms WORTLEY (Torrens) (15:44): I have spoken in this place on numerous occasions about the importance of access to swimming pools for members of our community in particular, while highlighting the impact of the closure by the former Liberal government of the Strathmont swimming pool and its effect on more than 1,500 children and adults in the nearby area.

Today, I am standing here with a smile on my face because of a commitment made by the Malinauskas Labor government. The Malinauskas Labor government committed $150,000 to the refurbishment of the Royal Society for the Blind, See Differently, swimming pool in Gilles Plains in my electorate of Torrens.

After a number of meetings, I was able to get both the amazing CEO of Royal Life Saving South Australia, Jayne Minear, and the CEO of RSB, See Differently, Damian Papps, together to work out a way forward with a swimming pool that had been closed in our area for some time—the RSB swimming pool. It was closed around the time that COVID appeared in our state and for three years that swimming pool sat empty.

With a $150,000 commitment from the government, we managed to refurbish that pool and, on 9 January this year, that swimming pool was reopened to the community. I am thrilled to say that the expectation of swimming lessons and access to the pool for our community has been amazing.

I think it is really important in particular to highlight some of the uses of that pool. Members of our community now have access to water therapy and swimming lessons developed specifically for communities most at risk of drowning. The government also contributed a further $10,000 towards an autism school holiday program.

The pool operations focus on the Inclusive Swim for the autism and autistic community, multicultural swimming lessons and water-safety education, Aboriginal and Torres Strait Islander water safety and swimming lessons, and also an active ageing program.

In addition to that, Royal Life Saving SA will be partnering with See Differently to deliver water therapy to Australian Defence Force veterans as part of the OPK9 program. Royal Life Saving CEO, Jayne Minear said:

> We want everyone in South Australia to be able to enjoy the water safely. This is an opportunity to work with those in our community who are most at risk of drowning, to give them the skills they need to stay safe.

She went on to say that she is very grateful for the support that the government has offered for these programs.

We know that the new Oaks Swim Centre is the culmination of people who care coming together and delivering for our community. The drowning statistics are devastating, so too are the near drownings, the non-fatal, with often lifelong consequences for the survivor and their family. We know that there is a higher incidence of drowning of children within the autism and autistic community, as well as multicultural communities. So Royal Life Saving SA's water safety and therapy programs at the new Oaks Swim Centre truly is life saving.

I know that places are almost full, that it will not be long before we will be calling out for more. Of course, we look forward to the new aquatic centre that will be built, and hopefully more places will open up there.

I will continue to advocate in the north-east for an even larger public swimming pool, but for now, it is absolutely a lifesaver for people in the electorate of Torrens and nearby areas. I want to acknowledge today that an election commitment by our government has well and truly put that area and these people into a much better place. Parents of children are feeling much calmer about the fact that they are now able to access these important swimming and therapy lessons.

Parliamentary Procedure

SITTINGS AND BUSINESS

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) (15:49): I move:

> That the house at its rising adjourn until Tuesday 21 February 2023 at 11am.

Motion carried.

Bills

BURIAL AND CREMATION (INTERMENT RIGHTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr FULBROOK (Playford) (15:50): I will continue on from the remarks that I made earlier. While the urgency for this bill has lessened with those particular matters that I referred to having been resolved, the Malinauskas government maintains its resolve that interment right holders and their families should be better protected. Subsequently, any failure to meet obligations should be subject to tough penalties.

To briefly step the house through a number of matters that I consider significant within the bill, section 13 of the act is amended to give added protections around cremated remains that have been interred in an interment site, either within a cemetery or a natural burial ground. An inserted section 13(1a) creates a new offence to remove cremated remains from an interment site or to re-inter cremated remains that have been removed from an interment site without the consent of the interment right holder. If the interment right holder has since died, their representative or others prescribed by regulation would then be needed for consent. These offences will hold a maximum penalty of $10,000 to reflect the gravity of such disrespectful behaviour.

If passed, these new offences created from section 13(1a) will not apply when cremated remains have been interred directly into the earth. Similarly, the offences do not apply in the case where a relevant authority for a cemetery or natural burial ground removes and re-inters remains. This would be done to enable the improvement or embellishment of the cemetery or natural burial ground, for maintenance or repair work to be undertaken in respect of the cemetery or natural burial ground.

The bill also inserts new subsection (3) in section 35 of the act. This will ensure that an interment right can be enforced against the relevant authority for the cemetery or natural burial ground to which interment right was issued. This new obligation applies to the person or body responsible for administering a cemetery or natural burial ground. This is applicable regardless of when the interment right was issued, and regardless of whether it was issued by that person or body or by some other person or body such as the previous owner. Again, a maximum penalty of $10,000 will apply for an individual or $20,000 for a body corporate for any failure to comply with this obligation.

An inserted section 35(6) clarifies that there is no defence in a defendant not being aware of the existence of the interment right when they assumed administration of the cemetery or natural burial ground. The only exception will be if the defendant proves that they took reasonable steps to identify any interment rights present at the time of assuming the administration of the cemetery or the natural burial ground.

As well as these substantive changes and new offences, the bill also makes several technical amendments to the act. The bill contains a clarifying amendment to section 38(3)(b) of the act to make clear that the former holder of an interment right has the right to reclaim the memorial from the relevant cemetery authority. Further, the bill contains a minor technical amendment to section 39(1) of the act relating to ownership of memorials, to remove an unnecessary reference to the phrase 'or other place of interment.' As interment rights are issued only in respect of interment sites in cemeteries and natural burial grounds, use of these words is unnecessary in this context.

A further amendment is seen in section 42(1)(a)(i) of the act, to remove an incorrect reference to 'interment site' that should instead be replaced with a reference to 'interment right in respect of an interment site'.

This bill makes some small but important changes to clarify the legality and enforcement of interment rights. It will ensure people and families feel legally protected and secure in their rights when they secure interment rights in a cemetery or natural burial ground. Importantly, these offences will also operate as a deterrent to those who disrespectfully seek to wilfully ignore or refuse to honour those obligations.

In speaking in support of this bill, I would like to acknowledge those who have assisted in developing this important and respectful piece of legislation. It touches on a matter that is sensitive, and I imagine there were many people feeling very raw in the process of the development. I also wish to pass on my thanks to the Attorney-General's staff, particularly Elliette Kirkbride, who has been first-class in helping pull things together for today. I understand she has been working with the Attorney for nine months in her current role and, based on everything that I have seen of her work, I am pretty sure she has a bright future ahead of her.

In noting that this bill is introduced by the Attorney-General in the other place, I also want to thank him for championing the cause behind it. This is a special day for the Attorney-General and I wish to take this opportunity to congratulate him for all that he has done in developing an Aboriginal and Torres Strait Islander Voice to Parliament.

This morning I was required in the chamber for committee work and did not get the chance to witness firsthand historical events unfolding in the other place. For this, I am deeply sorry that I could not be there. Having said that, as an old friend and in noting recent news, I hope I can repay the gesture slightly by reminding some in the media, who I feel should remain nameless, to play the policy and not the man.

While I digress, our parliament should be a contest of ideas and it is pleasing that on this matter the government and opposition are one on the need to see this passed. In what I hope is a

day full of praise for the Attorney-General, his staff and departments, I commend this bill and other historical work unfolding around us in the house.

Ms HOOD (Adelaide) (15:56): I rise to speak on the Burial and Cremation (Interment Rights) Amendment Bill 2022. This bill makes amendments to the Burial and Cremation Act 2013 to provide South Australians with greater protections around the enforcement of interment rights. I am pleased to say this government is getting on with the job and finishing what the previous government did not by reintroducing the amendments proposed by the Burial and Cremation (Interment Rights) Amendment Bill 2021 which unfortunately did not pass in 2021, having lapsed at the end of the parliamentary sitting.

This government acknowledges the importance of clarifying and strengthening the legal status of interment rights and preventing future conflicts such as those in the media at the former Church of St Philip and St James cemetery at Old Noarlunga, which was a central point of discussion during debate on the 2021 bill.

Despite the urgency of this bill now subsiding, those with particular interment right disputes since resolved, this government maintains that interment rights holders and their families should be better protected into the future, and any failure to meet related legal obligations should be subject to tough penalties.

To talk briefly to the substance of the bill, section 13 of the act is amended to give added protections around cremated remains that have been interred in an interment site, either within a cemetery or at a natural burial ground. Inserted section 13(1a) creates a new offence to remove cremated remains from an interment site or to re-inter cremated remains that have been removed from an interment site without the consent of the interment right holder or, if the interment right holder has died, their representative or other persons prescribed by the regulations.

These offences will hold a maximum penalty of $10,000 in order to reflect the gravity of such behaviour that is both disrespectful and unsettling to families having their rights disrupted. These new offences created from section 13(1a) would not apply, however, where cremated remains have been interred directly into the earth. Similarly, the offences do not apply in the case where a relevant authority for a cemetery or natural burial ground removes and re-inters remains to enable the improvement or embellishment of the cemetery or natural burial ground or for maintenance or repair work to be undertaken in respect of the cemetery or natural burial ground.

The bill also inserts a new subsection (3) in section 35 of the act to ensure that an interment right can be enforced against the relevant authority for the cemetery or natural burial ground in respect of which the interment right was issued. This new obligation applies to the person or body responsible for administering a cemetery or natural burial ground, regardless of when the interment right was issued and regardless of whether it was issued by that person or body or some other person or body such as a previous owner. Again, a maximum penalty of $10,000 will apply for an individual or $20,000 for a body corporate for any failure to comply with this obligation.

A new section 35(6) clarifies that there is no defence in a defendant not being aware of the existence of the interment right when they assumed administration of the cemetery or natural burial ground, unless that defendant proves that they took reasonable steps to identify any interment rights being present at the time the defendant assumed the administration of the cemetery or natural burial ground.

As well as the substantive changes and new offences, the bill also makes some purely technical amendments to the act. The bill contains a clarifying amendment to section 38(3)(b) of the act to make clear that the former holder of any interment right has the right to reclaim a memorial from the relevant cemetery authority.

Further, the bill contains a minor technical amendment to section 39(1) of the act relating to ownership of memorials to remove an unnecessary reference to the phrase 'or other place of interment'. As interment rights are issued only in respect of interment sites in cemeteries and natural burial grounds, use of the words 'or other place of interment' is unnecessary in this context. A further amendment is seen in section 42(1)(a)(i) of the act to remove an incorrect reference to an 'interment

site' that should instead be replaced with a reference to 'interment right in respect of an interment site'.

This bill makes some small but important changes to clarify the legality and enforceability of interment rights in order for people and families to feel legally protected and secure in their rights when they secure interment rights in a cemetery or natural burial ground. Importantly, these new offences will also operate as a deterrent to those who disrespectfully might seek to wilfully ignore or refuse to honour those obligations.

I am eager to see these protections being enforced in order to better protect the people of South Australia. With those comments, I commend the bill to the house.

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

A quorum having been formed:

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) (16:03): I rise to close debate on the second reading of the Burial and Cremation (Interment Rights) Amendment Bill 2022. I wish to thank everyone who has contributed to this, as well as the office of the Attorney-General for the preparation of the work we have been able to benefit from in this debate.

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) (16:04): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ADVANCE CARE DIRECTIVES (REVIEW) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 October 2022.)

Ms PRATT (Frome) (16:04): I rise to speak on this bill and indicate that I am the lead speaker for the opposition. An identical bill was introduced by the Marshall Liberal government and passed the Legislative Council in November 2021. This bill was introduced in response to a statutory review of the Advance Care Directives Act, conducted by Professor Wendy Lacey in 2019. The bill seeks to implement a number of the recommendations of Professor Lacey, including:

- to clarify that a person may have as many substitute decision-makers as they see fit;
- to include references to digital copies of advance care directives (ACD) documents in the act;
- to allow healthcare practitioners to rely on a digital copy of an ACD as a legally valid copy;
- to impose clearer requirements on interpreters;
- to make it clearer that other acts and laws still apply; and
- to remove powers that have not been utilised by the Public Advocate since the legislation was enacted.

The changes proposed by this bill, in addition to being largely consistent with the recommendations of the Lacey review, also include amendments to the requirements around the accreditation of interpreters and referral of matters to the South Australian Civil and Administrative Tribunal (SACAT)

by the Public Advocate, which were the result of consultation with key stakeholders by the former government.

Noting that this current bill is identical to that introduced by the former government, one does have to ask why it has taken this government nearly 12 months to reintroduce it. These reforms could already have been in place some time ago, benefiting our community and medical practitioners, as well as strengthening the laws around ACDs.

There are a number of pieces of work that cannot be actioned until this bill has passed, so it is quite disappointing that the government has left this bill to languish, particularly given the government's underwhelming legislative agenda and low number of sitting days to date. I would argue that this is important reform, and we just want the government to get on with it.

While the majority of this bill remains identical to the bill introduced by the former government and passed in the other place in November 2021, there is one important provision that has been omitted by this government which relates to ACDs in the context of suicide attempts or self-harm. The opposition is concerned with this government's omission, and I give notice that I intend to move an amendment in committee stage which aims to rectify this omission allowing for it to be a conscience vote for all members. These exact concerns have also been raised by critical stakeholders such as the South Australian Ambulance Service, and Dr John Brayley in his role as the Office of the Chief Psychiatrist.

While I recognise and respect that the Australian Medical Association has written in recent months to the minister raising their objection to the need for such an amendment due to the provision of section 13(1a) in the Consent to Medical Treatment and Palliative Care Act 1995, the same protection does not exist for paramedics and first responders. Our frontline staff deserve clarity and protection and, while this government claims to be the champion of our ambos, they are suspiciously silent on this front.

In fact, in the most recent summary to a parliamentary briefing session by the Office of the Chief Psychiatrist, it was stated that, and I quote:

> …non-passage of the proposed amendment would have the practical effect of requiring first responders and medical staff to refrain from providing life-saving treatment in any cases of suicide attempt where the patient has prepared an ACD refusing medical treatment.

It continues:

> …the consequential repeal of Regulation 12A would create a new policy paradigm in South Australia, in which Parliament would endorse the binding nature of an Advance Care Directive (ACD) in suicide attempts. Having had a suicide prevention requirement, and then removing this will have consequential effects.

The Office of the Chief Psychiatrist added that:

> Parliament has carefully put in place parameters and limits to the application of the new Voluntary Assisted Dying Scheme. These parameters include a number of safeguards. Non-passage of the proposed amendment to the ACD Act would have the practical effect of signalling to the community that an outcome of death by suicide attempt is supported as long as a valid ACD is in place.

So I echo the sentiments referenced that South Australia has earned itself national praise for the bipartisan implementation of the former Liberal government's introduction of our nation-leading Suicide Prevention Act 2021 and that the original intention of this act would be undermined by an ACD legislative scheme that facilitates suicide by stealth in this state. Advice from the Chief Psychiatrist, Dr John Brayley, is very clear. He states:

> The proposed amendment simply makes a Do Not Resuscitate (DNR) provision of an ACD non-binding. It provides time for healthcare workers, family and ethics committees to consider all options and motivations, even if the ultimate decision is to withdraw life-saving medical support.

It is clear that suicide prevention is important to South Australians. It took this house 16 attempts over 27 years to deliver the carefully considered limits of the voluntary assisted dying scheme. I commend all my colleagues in this house, on both sides, for their compassionate contributions at the time. Today I wear with pride a Youth Insearch pin, recognising that next Monday we will mark End Youth Suicide Week, which is prevalent among our young people.

There is further opportunity for real reform. Following fresh consultation on the bill, in particular with the Law Society, the Speirs opposition has plans to move an amendment to remove the order of signing provisions currently required under the act. In our view, the rigid order of signing provisions provides little additional assurance that substitute decision-makers actually understand their roles and responsibilities. On the other hand, they significantly increase the risk that an ACD will not be signed by the principal in time for when it is needed.

Currently, the Advanced Care Directives Regulations 2014 (SA) require a substitute decision-maker to complete and sign the relevant part of an ACD form prior to an ACD being executed by the person making the appointment. The rationale is that this sequence of signing will ensure that the person making the appointment is able to inform the substitute decision-maker about their values.

However, in our view, the rigid order of signing provisions provides little assurance that substitute decision-makers (SDMs) understand their roles and responsibilities. On the other hand, they significantly increase the risk that an ACD will not be signed by the principal—I have repeated that phrase. My apologies, but I think it is important to double-down on this point. Following fresh consultation on the bill, particularly with the Law Society, there is an opportunity to provide reform.

The Law Society has raised concerns in relation to the difficulties the current mandated signing order gives rise to, particularly the potential for the SDM to not clearly understand and therefore be unable to make a properly informed decision to agree to the requests of the person making the appointment. The society has also raised concerns that the current order of signing causes unnecessary delay in the finalisation of an ACD where the person making the appointment is extremely ill or is becoming increasingly forgetful and may lose capacity.

They also highlight the difficulties for practitioners and clients living in rural, regional and remote areas in getting ACDs finalised on short notice—and I am sure the house appreciates my attention to this space. Furthermore, I am advised by the legal profession that measures such as digital signatures will not be adequate in addressing these concerns, as often elderly clients face a number of barriers in accessing the technology. Therefore, I will be moving an amendment on behalf of the opposition that addresses the concerns raised by the Law Society in relation to the current mandated order of signing.

As this bill mirrors our own, which passed in the other house in November 2021 before it lapsed, it is not my intention to heavily debate the minister by interrogating his amendments, which in principle we support.

In summary, I reiterate that the opposition supports this bill. It is a bill that we introduced from government in response to Professor Lacey's 2019 review of the Advance Care Directives Act. This bill provides a welcome opportunity to make further reforms that would be of immediate benefit to our community.

Mrs PEARCE (King) (16:15): I strongly believe in supporting people to live healthy, independent lives wherever possible and to encourage dignity to a person's life in every stage of their life. As we near the 10-year anniversary of when the Advance Care Directives Act 2013 passed the South Australian parliament, we are back to discuss how we can build on this.

What we are discussing here today are changes that have come about in response to a statutory review of the act, which was conducted in 2019 by Professor Wendy Lacey. It seeks to amend the Advance Care Directives Act to better enhance its operation in line with our commitment to continuing to implement the recommendations of the Lacey review.

The review targeted consultation in two ways: firstly, with community members with lived experience of advance care directives, and secondly, with substitute decision-makers. Did you know, Mr Acting Speaker, that the take-up of ACDs is still relatively low? In fact, research into the uptake, outcomes and utility of advance care planning in Australia is limited. The available research suggests that the practice of advance care planning in Australia is not common, particularly when compared with other planning documents such as wills.

In 2017, an Australian study assessed how many people aged 65 years or over had an advance care directive on file. The study found a rate of 48 per cent in residential care, 16 per cent

in hospitals and 3 per cent in general practices. Most of the directives were non-statutory documents, and fewer than 3 per cent had a statutory advance care directive outlining preferences for care, and only 11 per cent had a statutory advance directive appointing a substitute decision-maker.

I am pleased to learn, however, that prevalence studies conducted in recent years throughout Australia tend to indicate that the uptake of ACDs is improving and that South Australians are more likely to have an ACD in place compared with the rest of Australia.

However, at focus groups conducted as part of the review, anecdotal feedback indicates that the uptake rate for ACDs among older South Australians could be as low as 10 per cent among some groups, particularly those who are experiencing disadvantage or speak English as a second language.

It is important to reflect on what an aged care directive is. The act was originally created to enable a person to make decisions and give directions in relation to their future health care, residential and accommodation arrangements and personal affairs:

- to provide for the appointment of substitute decision-maker or decision-makers to make such decisions on behalf of that person;
- to ensure that health care is delivered to a person in a manner that is consistent with their wishes and their instructions;
- to facilitate the resolution of disputes relating to advance care directives;
- to provide protections for health practitioners and other persons giving effect to an advance care directive; and
- for other purposes.

The seven objects of the act that are set out include the following:

- to enable competent adults to give directions about their future health care, residential and accommodation arrangements and personal affairs;
- to enable competent adults to express their wishes and values in respect of health care, residential and accommodation arrangements and personal affairs, including by specifying outcomes or interventions that they wish to avoid;
- to enable competent adults to allow decisions about their future health care, residential and accommodation arrangements and personal affairs to be made by another person on their behalf;
- to ensure, as far as is reasonably practicable and appropriate, that health care that is provided to a person who has given an advance care directive accords with the person's directions, wishes and values;
- to ensure that the directions, wishes and values of a person who has given an advance care directive are considered in dealing with the person's residential and accommodation arrangements and personal affairs;
- to protect health practitioners and others giving effect to the directions, wishes and values of a person who has given an advance care directive; and
- to provide mechanisms for the resolution of disputes relating to decisions made on behalf of those who have given an advance care directive.

Our government is committed to continuing to implement the recommendation of the Lacey review to be able to improve the functioning and update of the advance care directives in South Australia. As such, this bill here today includes amendments on the following: the inclusion of references to digital copies of ACD documents; interaction with other acts and laws; giving advance care directives where English is not the first language; requirements in relation to appointment of substitute decision-makers and their empowerment; resolution of disputes by the Public Advocate; and referral of certain matters to tribunal.

This bill will make amendments to the act such as the inclusion of references to digital copies of advance care directive documents which seek to improve accessibility to advance care directives by making it clearer that digital copies of advance care directives are legally valid copies. Giving advance care directives where English is the not the first language will provide additional safeguards for people who require an interpreter when making an advance care directive so that interpreters are subject to eligibility criteria, preventing potential for coercion and undue influence upon the person making the advance care directive.

It will clarify the requirements in relation to the appointment of substitute decision-makers and their empowerment, clarifying that there is no limit to the number of substitute decision-makers that can be appointed, and that the person making the advance care directive can empower their substitute decision-maker to make decisions separately or together, and in order of preference, if that person so wishes to appoint them in that way.

This bill also removes powers from the Office of the Public Advocate, which I note have never been exercised, and through consultation there was broad agreement including from the Public Advocate that the powers need to be removed. To guide implementation of the recommendations from the review, an advanced care planning oversight group and a working group were established by the Department for Health and Wellbeing. This has ensured that the implementation has been overseen by a broad range of stakeholders across the health, aged, disability, legal and community sectors, having involved the Australian Medical Association, Council on the Ageing and the Legal Services Commission of South Australia.

As recently as last year, our government, through the Department for Health and Wellbeing, held a six-week public consultation spanning from April into May on how we can best redesign this project. Consultation also involved the use of focus groups with vulnerable communities to understand the enablers and barriers to completing an advance care directive form because it is important we think about everyone that this can impact including their families, friends and communities, because we want these amendments to the Advance Care Directives Act to help to improve accessibility, strengthen safeguards and provide clarity to the act.

It is so important that we ensure that legislation like the Advance Care Directives Act is at its best because advance care directives are so important to not only those who have them but their families and the health professionals providing them the care that they need. That is because situations that require an advance care directive impact not only the individual but our loved ones as well.

It ensures that the decisions being made about what medical treatments we receive are those that will align with our values and beliefs. With an advance care directive in place, our loved ones are spared additional levels of stress over and above what can already be an extremely stressful time, as they can make those decisions with the wishes and requests in mind.

As someone who has lost someone incredibly dear to my heart, not a day goes by without thinking about how I could have helped to make his life better, nor does the grief of losing him ever diminish; we just get better at carrying it.

I know I am not alone here in experiencing a significant loss, and I am sure we would all agree that prioritising the health and wellbeing of our loved ones during their lives is paramount, as is providing them with dignity each and every step of the way. This is why our government supports strengthening the advance care directive legislation to support all South Australians to make clear legal arrangements for their future health care, and to increase uptake of advance care directives so more people can benefit from them should they ever need it.

Ms CLANCY (Elder) (16:23): I rise today in support of the Advance Care Directives (Review) Amendment Bill 2022. This bill seeks to amend the Advance Care Directives Act 2013 so that all South Australians can continue to make clear legal arrangements for their future health care. Advance care directives empower members of our community to give direction in relation to their future health care. Such directions could include accommodation arrangements and personal affairs, appointing substitute decision-makers, ensuring health care is delivered in a manner consistent with the wishes and values of an individual, and that is just to name a few.

When I worked as Minister Mark Butler's adviser for ageing during the Rudd-Gillard government, we had the privilege of hearing from many people about what was acceptable to them as they came to the end of their life and what was not.

Often, these were very focused on physical and medical circumstances, but one stands out very clearly, one that was a little different or a lot different. A man in Melbourne had in his ACD that in his last few hours of life he wanted the 1987 VFL grand final playing. A staunch Carlton supporter, he wanted to be listening to them win as he passed away.

It is imperative that our government continue to support the community and health practitioners to implement these varied wishes by ensuring legislation is up to date and appropriate for achieving compliance with the act as legislated almost 10 years ago.

In 2019, the Department for Health and Wellbeing engaged Professor Wendy Lacey to review the Advance Care Directives Act. I understand Professor Lacey consulted extensively, including targeted consultation with interested organisations, people and professions, in addition to the opportunity for community contribution, conducting the review over a 10-week period.

The Lacey review made 29 recommendations, which were tabled in parliament later that year. The former government tabled their response to the review in July 2020, supporting in full or in principle 22 of those recommendations. The Malinauskas Labor government is committed to continuing to implement the recommendations of the Lacey review to improve the functioning and uptake of advance care directives in South Australia.

I would like to take this opportunity to thank the Advance Care Planning Oversight Group and the working group established by the Department for Health and Wellbeing for their contributions in guiding the implementation of the recommendations of the review. I would also like to thank Sandra, an advance care directive consultant in my electorate who took the time to talk to me one very hot day when I was out doorknocking to share with me some of her extensive knowledge and experiences. She also kindly offered me some homemade cordial, which was exceptional, and a hay fever tablet because I am always sniffling from hay fever when out doorknocking.

The bill seeks to make a number of improvements to advance care directives, all of which are sensible and ensure we can continue to provide autonomy to South Australians in their future health care. Such reform includes improving accessibility to advance care directives by making it clear that digital copies of an advance care directive are legally valid copies. This provides greater confidence to clinicians and ensures that the healthcare wishes of our community are honoured.

The bill also provides additional safeguards for anyone who needs an interpreter while completing their advance care directive. Amendments included will provide additional eligibility criteria for interpreters to protect our community from the potential of any coercion or undue influence while making an ACD.

We seek to clarify that there is no limit to the number of substitute decision-makers who can be appointed in an advance care directive. South Australians will be empowered to allocate their substitute decision-makers to make decisions separately and/or together and in order of preference, should they wish to appoint them in that way.

The purpose of the Advance Care Directives Act has always been to protect the autonomy of South Australians who lose their decision-making capacity, which will sadly happen to most of us or someone we love. An advance care directive gives people like my friend's mother, Jenny, a sense of wellbeing, knowing that decisions around end of life would ultimately be hers. She shared her advance care directive with her daughters and discussed her wishes with me. This simple yet powerful piece of paper helped her daughters navigate health decisions and offered both her and her daughters comfort when having to decide on life-extending treatment options.

Five years ago, at 60, Jenny was given six to 18 months to live, after being diagnosed with glioblastoma, an aggressive brain cancer. In the months following diagnosis, she attended Exit International forums with Philip Nitschke, undertook medical cannabis trials in Sydney and advocated for several life-extending drugs to be added to the Pharmaceutical Benefits Scheme. Jenny took every legal drug possible that would extend and provide quality of life.

Jenny also had an advance care directive in place with a 'do not resuscitate' plan should a potentially catastrophic medical episode have occurred. Jenny carried this paperwork with her every day for five years, even just for a walk around the block, a quick trip down to the local shops or even to our book club. Above all, this woman valued quality of life, and her advance care directive gave her peace of mind.

Through her directive, Jenny was able to communicate her preferences for care if, for any reason, she was no longer able to communicate them verbally or otherwise herself. In having an advance care directive, she also protected her family from having to make any harrowing decisions on her behalf. Jenny's advance care directive did ultimately assist her doctors and her family in making life-ending decisions—decisions that she would ultimately have been comfortable with. Jenny passed away peacefully and on her terms, surrounded by her loving family, just a couple of weeks ago.

An alternative end to this story is one where Jenny might have found herself in decline with no prospect of improvement. Suicide, sadly, was at some point in her five-year journey a considered option, because voluntary assisted dying was not in effect at this time. Resuscitation was not something Jenny considered to be in her best interests: she was terminal and there was no further medical treatment available.

While it was not available in time for Jenny, relief for so many patients and patients' families was the passing of legislation to provide voluntary assisted dying in South Australia. This legislation will see people in similar situations to Jenny's no longer having to contemplate suicide. It offers an alternate and practical approach to end-of-life care for these people. It furthers efforts in suicide prevention and will protect first responders.

As the Premier's Advocate for Suicide Prevention, it would be remiss of me not to discuss the amendment to this bill being proposed by the opposition—an amendment that is supported by the Chief Psychiatrist and one I have discussed with both him and the Suicide Prevention Council.

South Australia has garnered praise from across the country for our nation-leading Suicide Prevention Act 2021. The act fosters a bipartisan, whole-of-government, whole-of-community focus on suicide prevention. At the heart of the Suicide Prevention Act was the establishment of a Suicide Prevention Council. The composition of the council, as prescribed by the act, ensures the representation of lived experience. The council is made up of priority groups including Aboriginal and Torres Strait Islander people, LGBTQIA+ community members, culturally and linguistically diverse groups, veterans, leading researchers and clinicians, leaders from the non-government sector, primary health networks, and first responders.

In my capacity as chair and as the Premier's Advocate for Suicide Prevention, I have both the privilege and opportunity to discuss professional and community opinion on prevention ideas and ideals. Through the council, and in collaboration with suicide prevention networks, local government and industry groups, South Australia has the means to collectively deliver meaningful change and reduce deaths by suicide and suicide attempts. I do not wish to pre-empt any further discussion on the amendment proposed by the opposition; however, I do welcome further discussion during committee.

I really value the importance of advance care directives. About 10 years ago, my mum asked me if I would be her medical power of attorney. Sucked in, brothers and sister! I said, 'Absolutely, as long as you have an advance care directive in place.' At that time, mum must have decided she was too busy to do one, so instead she just asked somebody else to be her medical power of attorney. If mum is listening, I am going to give you a call after this and make sure you actually have finally gotten around to putting together an ACD.

As a strong supporter of ACDs and voluntary assisted dying, as well as being the Premier's Advocate for Suicide Prevention who wants to do anything I can to reduce avenues that make suicide easier, I find this amendment quite challenging. This is a difficult discussion for our parliament, but a discussion we should not shy away from. I have the confidence in this place to legislate protection of the medical autonomy of South Australians and to enhance suicide prevention.

Ms WORTLEY (Torrens) (16:33): I rise to speak on the Advance Care Directives (Review) Amendment Bill 2022. To say that these amendments are needed reform is an understatement. On reading Professor Wendy Lacey's statutory review of the act, which was conducted and completed in 2019, the report team wrote of the community's quite staggering response to being invited, on relatively short notice, to provide input for change.

I have heard of many instances where constituents have been caught up helplessly trying to alleviate circumstances that could have been better for those at the worst time in their lives. I know from constituents that this bill, and what it sets out to achieve, will be welcomed by many in the Torrens and wider community.

We have a duty of care to make sure that there is more than adequate understanding of what an advance care directive is, what it means for a patient and their family, and how it is to be instituted. That is what these recommendations set out to do. Part of the problem has been that people only learn about how important an advance care directive is through the experiences with a loved one who did not have one in place. We know the current advance care directives form, in particular the do-it-yourself kit, is considered by many to be complicated and to act as a deterrent in many cases. These are the practical things that this bill seeks to address.

Professor Lacey recognised in her review that it was unrealistic to expect that a statutory advance care directive could possibly address all scenarios or situations. The Malinauskas Labor government is committed to continuing to implement the recommendations of the Lacey review to improve the functioning and uptake of advance care directives here in South Australia.

We live in a digital world, and this bill aims to help the community and the health system come into the digital age by allowing the use of digital copies of certified ACDs. This bill will ensure that medical practitioners and hospital staff will be entitled to rely on the purported validity of an advance care directive contained on a patient's My Health Record or a voluntary register for ACD, as long as it improves the level of compliance with the necessary evaluations.

I am happy to see that there is also provision for more substitute decision-makers in advance care directives within this bill. These appointments are consistent with the spirit of the legislation, including the desire to empower people to exercise self-determination with regard to their future care, accommodation and personal matters. Life changes by the minute and this change reflected in the bill will give the community confidence that they will have people around them to help them when the going gets tough. These will be people they trust, as they see fit, as time permits.

The electorate of Torrens, which I represent, is as diverse as it is wide. I speak often on this topic and the tapestry of languages, food and culture that inhabit our suburbs. It is of particular interest to me to see that there is a section of this bill which will clearly require duly qualified adult interpreters of the relevant language to enable and witness an advance care directive from the time it is implemented. At present, the use of interpreters under the act is quite relaxed. It makes no mention of interpreter assistance. Only the ACD form and the DIY kit currently address this subject.

So what happens at present is an interpreter completes a statement, attesting to the fact that they have read and understood the advance care directive information statement to the person making the ACD while also attesting to the fact that the person making the ACD understands it. There has not until now been any requirement for the interpreter to be qualified, or that they are an adult, or that they are legally at arm's length from the person making the ACD.

To line up with section 15 of the act, witnesses cannot also be substitute decision-makers or have an interest in the estate of the person giving the advance care directive. It also makes sense that the witness cannot be their health practitioner or occupy a position of authority over them such as someone in authority in an aged-care facility.

We are talking about the most vulnerable people in our community at a stage in life when they need our help and protection. Whilst the former government was mentioned in Professor Lacey's report for its shortsightedness in its decision to cut two positions directly related to educating the public about advance care directives from the health portfolio, this government is committed to allocating resources to support that education and providing a widespread awareness campaign. There will be a significant effort to do this across the community and across the state.

Since Professor Lacey's review recommendations were handed down to the parliament in 2019, the Department for Health and Wellbeing has set up a working group with an advance care planning oversight group to guide the implementation of these recommendations. It means that a broad range of stakeholders are consulted from within and outside of the professional health arenas: the aged sector, disability, legal and community sectors, including the Australian Medical Association, Council on the Ageing and the Legal Services Commission of South Australia. Then, from April of last year there was a six-week public consultation via YourSAy on the advance care directive redesign project.

In August, DHW hosted an inaugural community forum to bring together the key local government partners to deliver a peer-led training model across local governments in South Australia. This partnership consists of four councils in the southern Adelaide metropolitan area, three councils in the western Adelaide metropolitan area and three councils in the Fleurieu region. It will expand to the Murray Mallee region later this year.

There was new branding and a new look and feel for the Plan Ahead Week launched in September last year to coincide with the annual awareness-raising campaign to bring the community up to speed about the benefits of early planning and the legal tools available. The redesign of the advance care directive form is key to making life easier for all South Australians to complete and take it up. When we get this right I am sure there will be a collective sigh of relief across the state.

The final point I would like to make is that through consultation, and with broad agreement, including from the Public Advocate, the bill before us sees the power of the Office of the Public Advocate—albeit powers that have never been exercised—removed.

I commend the strengthening of the advance care directive legislation in this amendment bill, for the benefit of all South Australians, to the house.

Ms THOMPSON (Davenport) (16:41): I rise to offer my support for the Advance Care Directives (Review) Amendment Bill 2022. This bill seeks to amend the Advance Care Directives Act 2013 to improve accessibility, strengthen safeguards, and clarify the original intent of the act.

Sometimes called 'a living will', an advance care directive outlines a person's preferences for future care along with their beliefs and values. It also allows a person to formally appoint a substitute decision-maker for when they can no longer make decisions themselves. When loved ones are left making decisions on behalf of the people they care most about, it can be particularly difficult to decide what treatment is best.

An advance care directive can assist in these times. It enables us to make some decisions now about the health care we would or would not like to receive if we were to become seriously ill and unable to communicate our preferences to make treatment decisions. Advance care planning assists in removing some of the burden of decision-making from loved ones, and helps them and the health providers to respect treatment preferences.

The amendment bill enhances the operation of the act in response to the review that was conducted by Professor Wendy Lacey in 2019. The Lacey review made 29 recommendations that were tabled in parliament on 1 August 2019. This government is committed to continuing to implement the 22 recommendations of the Lacey review that were supported to improve the functioning and uptake of advance care directives here in South Australia.

At present the use of interpreters under the act is quite relaxed. The bill includes extra safeguards for people who require an interpreter when making an advance care directive by ensuring that interpreters are subject to eligibility criteria that prevent the potential for coercion and undue influence upon the person making the directive.

The Lacey review determined there was a reluctance to rely on the validity of digital copies, so this bill seeks to improve accessibility to advance care directives by making it clearer that digital copies are legally valid, providing greater confidence to our clinicians.

Those in my community who have spoken with me about advance care directives have, in most cases, been those who have been diagnosed with dementia or whose family members have been. I can only imagine how terrifying it would be receiving that diagnosis, and having to accept the

likelihood that there will come a time when you are unable to make decisions for yourself and, not only that, but living with a feeling that you are burdening the people you love the most.

My grandmother lived with dementia for 10 years before she passed and for most of that time she was physically healthy, but she rapidly lost the ability to remember, reason and communicate altogether. People at the end of their life may no longer be able to make or communicate choices about their health. If there are no advance care planning documents in place and the family does not know the person's wishes, it can be extremely difficult. Having an advance care directive in place offers comfort in knowing that our wishes will be respected and our loved ones will not be burdened.

This bill clarifies that there is no limit to the number of substitute decision-makers that can be appointed and that the person making a directive can empower their substitute decision-makers to make decisions separately and/or together and in order of preference if they wish to appoint them in that way. The bill also removes powers from the Office of the Public Advocate that have never been exercised, and through consultation there was broad agreement—including from the Public Advocate—that these powers should be removed.

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

To ensure we are continuously improving for our communities, the Malinauskas Labor government is committed to quality public consultation. After forming government, the Department for Health and Wellbeing held a six-week public consultation on the advance care directives redesign project. The consultation process included online feedback, as well as focus groups with vulnerable communities, to understand the enablers and the barriers to completing the advance care directive form. The redesign project will see a new form, DIY guide, website and promotional materials developed and launched following the passing of the amendment bill.

This government supports improving and strengthening the advance care directives legislation to provide comfort and support to all South Australians to make clear arrangements for their future health care. I commend this bill to the house.

Ms HOOD (Adelaide) (16:46): I rise to speak in support of this bill. While we do not have control over how we enter this world, we should have as much control as possible over how we plan to leave it or how we wish to be cared for or treated when we can no longer communicate that for ourselves. An advance care directive makes it easier for others to know what our wishes are when we are unable to make these decisions. It can give us peace of mind knowing that our wishes are known and will be respected if others need to make decisions for us.

Having this agency over our own lives is so incredibly important, and we need to ensure that our legislation is robust to ensure it achieves this. That is why this amendment bill seeks to improve the legislation governing advance care directives so that safeguards can be strengthened, accessibility can be improved and there is more clarity regarding the original intent of the act.

As we have heard today, in 2019 Professor Wendy Lacey conducted a statutory review of the Advance Care Directives Act 2013. The review produced 29 recommendations, which were tabled in the parliament on 1 August 2019. This amendment bill seeks to enhance the operation of the act by implementing the recommendations from the Lacey review. Proposed amendments to the act include:

- inclusion of references to digital copies of advance care directive documents, which is incredibly important for the 21st century;
- interaction with other acts and laws;
- giving advance care directives where English is not the first language;
- resolution of disputes by the Public Advocate; and

- referral of certain matters to the tribunal.

The bill also removes powers from the Office of the Public Advocate that have never been exercised, and through consultation there was broad agreement, including from the Public Advocate, that these powers be removed.

I am proud the Malinauskas Labor government is committed to continuing to implement the recommendations of the review to improve the functionality and uptake of the advance care directive process in South Australia. These proposed amendments will increase the accessibility to advance care directives, bringing them into the modern age by making it clearer that digital copies of advance care directives are equally legally valid copies of the document. Further, the bill proposes additional safeguards for people who require an interpreter when making a directive. This prevents the potential for coercion and undue influence upon a person making their advance care directive.

As the bill aims to clarify, there is no limit to the number of substitute decision-makers who can be appointed to an advance care directive, and it is important that the person making the directive is fully aware that there is great flexibility when drafting their own wishes, such as substitute decision-makers making decisions separately and/or together and in order of preference, if they so wish.

After forming government last year, I was pleased South Australians were encouraged to share their views and feedback on this vital element of healthcare decision-making. During the six-week public consultation from April last year, the Department for Health and Wellbeing also hosted focus groups with vulnerable communities to understand barriers to completing the advance care directive form and process.

The passing of this amendment bill will make it easier for South Australians to complete advance care directives and will ultimately increase accessibility and uptake of advance care directives. I, along with the Malinauskas Labor government, support strengthening advance care directive legislation to support all South Australians and their loved ones to make clear legal arrangements for their future health care. With those comments, I commend the amendment bill to the house.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (16:50): I also rise this afternoon to speak in support of the Advance Care Directives (Review) Amendment Bill 2022. I do so with the benefit of being a lawyer who has practised in this area for a little bit over 20 years. The introduction of the Advance Care Directives Act 2013 actually gave us, as succession planning lawyers, some significant improvements in this space.

Commencing on 1 July 2014, people were no longer able to appoint guardians and medical attorneys. They were replaced by substitute decision-makers under the Advance Care Directives Act. Fortunately, at that point in time when it was a substantial part of my practice, we did have the benefit of some transitional rules, which means that if you have an old medical power of attorney it still remains in effect through those transitional mechanisms.

Advance care directives provide people with the ability to set out their values and their wishes regarding their future health care and other personal matters. This really does help people who are appointed as substitute decision-makers to know what their appointor wants in the situation where they lose capacity to make those decisions themselves. Substitute decision-makers do play a vital role in making decisions on behalf of someone in relation to their health care and their lifestyle needs in the case of a lack of capacity. It is a role that no doubt some of us in the chamber have had to carry out for parents, grandparents, other family members or close friends. It is a serious role and one in which people should make themselves aware of their obligations.

Advance care directives also provide an opportunity to describe any healthcare interventions that people may refuse and the circumstances in which they want those decisions made. Should the appointor of the advance care directive lose capacity, the substitute decision-maker, obviously when making decisions in relation to that person, needs to reflect on whether the same decision would have been made by the appointor in the same circumstances, as far as reasonably practical. That is the test.

In the event that an appointor is silent on a particular decision, the substitute decision-maker really does have to act consistently in the proper care of the person and seek to protect their interests. Importantly, a substitute decision-maker should not seek to restrict the rights and the freedoms of the appointor.

The ACD did actually make it easier for appointors to consider their options and provide instructions that better reflected their wishes when compared to the old medical power-of-attorney forms that we used to have. However, as with everything, there is room for improvement, and that is what this bill seeks to do. It seeks to make a number of improvements to the advance care directives by enhancing accessibility, boosting safeguards and clarifying the original intent of the act. As we have heard in this chamber this afternoon, the ACD Act was reviewed by Professor Wendy Lacey in 2019, resulting in the Lacey review with 29 recommendations.

The Malinauskas Labor government is committed to improving advance care directives in South Australia, and we are committed to improving the function and the ease of use of the advance care directives form. Importantly, we are committed to promoting the use of advance care directives in the community, with the aim of ensuring that all South Australians' desired health wishes are taken into consideration when obtaining medical care. Some of the amendments include:

- reference to using digital copies of the advance care directives documents;
- clarifying how the ACD Act interacts with other laws in South Australia;
- making provisions for people when English is not their first language;
- changing the requirements in relation to the appointment of substitute decision-makers;
- issues around the Public Advocate and dispute resolution; and
- referring matters to SACAT.

The current ACD form only allows for three substitute decision-makers. I can say that, when I was practising, the inability and restrictions of that form to have more than three substitute decision-makers actually did cause a significant amount of distress in practice. Often people had a spouse and, for example, three or four children. To explain to them that they could only pick their spouse and two of their three or four children actually caused some concern, because it was very difficult to explain the rationale behind that logic. We will see that benefit through this amendment bill.

The bill obviously will not restrict the number of decision-makers that can be appointed. That will make it much easier to use in practice, particularly for legal practitioners being able to guide their clients in that way. However, having said that, in practice I often said to my clients the less people argue about your decisions, the better. There is some benefit in not going big on how many people you have at that point in time.

As I said, where an appointer names their spouse and their children, they can now have a preferential order for decision-making and include all of their children if that number now exceeds three. They do often appoint their spouse as the primary decision-maker and then say that their children are the alternate if the spouse is not able to act in that time.

We will continue to be able to have joint and separate substitute decision-makers. It could be two of three children as a majority, or you could specify all of the three children to act, for example, and there can be an order of preference. This area of practice, Mr Speaker, you are probably well aware, can actually be quite emotionally draining at the best of times. I found the most difficult situation was where you had clients who came to you after they have had a medical diagnosis, having left their estate planning for way too many years to pay attention to it. They came when they had a cancer diagnosis or something like that and had to put these documents in place. It is actually a really stressful situation for the family to guide them through. If anyone is actually listening to us this afternoon, I highly encourage everyone to make sure their estate planning documents are up to date.

The bill also goes further in making sure that electronic copies of ACDs are legally valid documents. Mr Speaker, you are well aware that most often these documents are in deep safes at lawyers' offices and hard to access in an emergency situation such as when you would use an advance care directive. It is less of a problem for wills, but for advance care directives and powers

of attorney, having quick and easy access to those documents is often highly critical. To be able to use electronic copies of ACDs is going to be very useful. Clinicians in the past were reluctant to rely on digital copies of ACDs, so this bill will give them greater confidence to be able to use those electronic copies. That is going to be a welcome change not only for the clinicians but for the substitute decision-makers themselves.

The bill will also provide safeguards for people who either speak English as a second language or are non-English speakers, which is many of the people in my electorate. I am very grateful that in my electorate I have staff who are justices of the peace. Akram and Chloe in my electorate office are both JPs. I also have a volunteer, Sophia, who has been helping in my electorate office since I first became the member for Enfield four years today. It is useful to have that service in our electorate office. Often in my electorate office we have people from the CALD community coming in to have those documents certified or witnessed by a JP. Sometimes they come in with interpreters, sometimes without, and sometimes those interpreters are family and friends rather than professional interpreters, and that causes challenges as well.

JPs can often be put in a difficult situation where they cannot really be sure if that person understands the documents they are signing. This bill will put in additional safeguards for people who require an interpreter when making an ACD. It will ensure that interpreters are required to meet eligibility criteria to prevent the potential for coercion and undue influence occurring over that person who is making the ACD.

We are seeing, unfortunately, an increasing prevalence of elder abuse and, increasingly, financial abuse as well. To have that protection at the advance care directive level, which is often when people are also making powers of attorney, will help. I want to thank the health minister for making this important change, protecting people in the CALD community.

Interestingly, Professor Lacey's review found there were a number of powers given to the Office of the Public Advocate, particularly around section 45, subsections (5) to (9) of the act, which provided the Office of the Public Advocate declaratory powers that have actually never been used. What those powers intended were to provide a dispute resolution process, yet many people who were in that position were seeking to have those matters resolved by SACAT.

As a result of the recommendations from Professor Lacey, this bill will remove those unused powers and I know that having those powers referred to SACAT will be quite helpful. I know the importance of succession planning, as I said, having worked in the area for more than 20 years, and it is critically important that we do encourage our constituents to have these documents—advance care directives as well as enduring powers of attorney and wills—up to date.

ACDs are particularly critical documents in relation to personal care to be able to ensure that your care and your lifestyle needs are exactly what you want when you do lose capacity. Improving accessibility to ACDs and increasing awareness in the general public is something we ought to be doing, and it is something the government is doing.

The Department for Health and Wellbeing has undertaken a redesign project that is going to result in a new, improved ACD form, a do-it-yourself guide, and updates to the website, which will be helpful for those people who are trying to do those documents themselves. Of course, it is very useful to have a legal practitioner advise you on those documents because they can be complex. The department is going further by making improvements to promotional materials and I believe they will be launched after the passing of this amendment bill, if that is the parliament's wish, and updated regulations as well.

We do play a really important role as MPs in promoting these sorts of documents to our constituents. We typically target older constituents when we are going through that education phase, but I can tell you that young people really ought to have these documents in place. I always used to tell my clients that they are not a do-once and never look at them again. We used to say to pick an anniversary or a Christmas or something every year and just look at them and make sure they are up to date because your life situation does change but you should have them early and keep them updated through your lifetime.

We have a wonderful ability to access a range of government and non-government agencies in this place to give us in-depth knowledge on these areas of law and health care. In our electorates we have wonderful community legal centres that we often refer our constituents to if they require advice. In my electorate, I have the Northern Community Legal Service and Uniting Communities who do wonderful work supporting constituents who are not able to afford private solicitors to help guide them in this way. I am looking forward to engaging with both those community legal centres to make them aware of these new changes to ACDs, and help them encourage people coming into their offices to make sure their estate planning is up to date.

I thank the minister for progressing these important changes, and I commend the bill to the house.

The Hon. D.G. PISONI (Unley) (17:03): Thank you, sir, for the opportunity to speak on the Advance Care Directives (Review) Amendment Bill 2022, which was introduced by the government in October last year. The bill closely mirrors the bill introduced by the Marshall Liberal government in 2021, which passed the Legislative Council in November that year. The bill was introduced in response to a statutory review of the Advance Care Directives Act 2013 conducted by Professor Wendy Lacey in 2019. The Lacey review made 29 recommendations, 22 of which were supported in full or in principle by the Marshall Liberal government.

The bill includes amendments on the following: inclusion of references to digital copies of advance care directives documents; interactions with other acts and laws; giving advance care directives where English is not the first language; requirements in relation to the appointment of substitute decision-makers and their empowerment; resolution of disputes by the Public Advocate; and referral of certain matters to the South Australian Civil and Administrative Tribunal (SACAT).

It is one of those tasks that I have addressed now twice in my life, the first time when Michelle and I were married. It was almost like an exchange of parents. The parents would be there if both of us were unable to make those decisions and we would be there for the parents. Now, 34 years later, we are seeing a reversal, where our children are now in that role and we are obviously still in that role for our children.

Occasionally, as a member of parliament you are personally touched by decisions that people have to make, where this type of thing may not have been in place. Of course, the family feels isolated. They feel as though the decision on behalf of their parents or their adult children has not been there for them, and what actions may come from other people making those decisions may not be the wishes of those who need a decision on the situation that they are in.

It is heart wrenching. This is why it is so important that wills are regularly updated, and this should be reviewed and updated every time you do that. I know that it can take, sometimes, years to review a will, going from making that decision to catching up with the lawyer, having that appointment, talking to the family members who are involved, and of course an advance care directive should always be addressed and set up at the same time. Really, the two of them should move together.

This bill, I believe, will make it easier and clearer for people to do that, and those who act on those directives as well. The bill is an example, I think, of where the parliament has responded to a series of recommendations from a very thorough review and moved forward quite quickly. The review finished in 2019. The bill was drafted and had passed one of the houses of parliament before the cessation in the lead-up to an election.

I am pleased that we are seeing predominantly the same bill. There are a couple of changes here, obviously, that the member for Frome spoke about earlier, and the debate of some amendments may very well appear in the committee stage, but it is one of those rare occasions, I think, where something has moved quite quickly from when the recommendations were made from a review. I commend the bill to the house and look forward to more discussion in the committee process.

Debate adjourned on motion of Mr Odenwalder.

FAIR WORK (FAMILY AND DOMESTIC VIOLENCE LEAVE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from16 November 2022.)

The Hon. D.G. PISONI (Unley) (17:10): I am pleased to speak on this bill. I am not the lead speaker, but I am very convenient. The lead speaker will go into a lot more detail about the opposition's response to the bill, but I take the opportunity to express my support for the bill. This is a very big step forward in removing the demonisation of discussing domestic violence and domestic abuse.

I dream of the day when there are no questions asked and there is no curiosity that needs to be satisfied when somebody's habits change because of a situation that may have happened at home and that people are very supportive. Rather than discriminating against that person or making that person change the way they are conducting themselves or the way they work, how they work, we should look at the cause of the situation, for instance, the perpetrator of the domestic abuse, which is where we need to focus.

In my view, what the bill will do is remove the focus away from the victim and force people to focus more on the perpetrator. I think the more we focus on perpetrators of domestic violence the more we will reduce instances of domestic violence and de-normalise it. There are still individuals and communities in Australia today who see domestic violence as a normal part of a relationship or a normal part of family life, particularly children born into a violent relationship who have had no other examples of appropriate behaviour by the dominant partner in a relationship. Usually the dominance is because of the physical size of the partner who is violent.

There are also other forms of domestic abuse, of course. There is the control of the family finances and the control of the social life outside the relationship where one partner may be permitted to have a social life and the other partner's social life is vetted by the dominant partner. Of course, all of that is wrong. Partnerships should be equal and communities should not tolerate it when they witness partnerships where there is a victim of domestic abuse.

I do not hear it very often these days, but 10 or 15 years ago, if I was at a blokey event and I heard people talking about their wives and somebody saying, 'She's off spending my money,' I would say, 'Why is it your money? She's at home looking after your children; why is it your money?' It was a bit of a conversation killer. I do not hear it very much at all these days.

I think that is because we are seeing a lot more partnership in the bringing up of children, although we do see reports that women are still doing more of the domestic duties at home. We are seeing that coming up in surveys time and time again—obviously, that needs to change—but also we are seeing that men, who traditionally are not the primary caregivers, are spending a lot more time in that role of caring for the children and family responsibilities.

It is evolving. When my mother was married in 1957, I think it was, she had to give up her job because that was culturally what happened in Australia. Women gave up their job because it was expected that their husband would support them in that role. That was culture, but that was wrong. I never accept an excuse for domestic abuse or domestic violence in any relationship because it is culture.

We had those sorts of cultures here in Australia and some of them are still here because there are some old-fashioned people who, even if they might be young, may have grown up in an environment where that was seen as acceptable. I think the main point about this bill is that it will be unlawful to treat someone unfavourably because they or their relative or associate has been subject to domestic abuse.

The bill will aim to protect victims and their families in public life, including in employment, education or when they are accessing services or accommodation. We know, when there has been an reportable offence and a charge has been laid, how often it is that a woman and her family are forced to leave their home and the perpetrator gets to stay in the home. It is a very topsy-turvy way of dealing with a very difficult issue in the home. The perpetrator is rewarded. They do not go through

the inconvenience of having to move and find somewhere else to live, whereas the victim is the one who has to find somewhere to live, find where to pay the rent, and still have that full responsibility of being the primary carer of any children who are involved in that.

We know that that can be a very difficult situation to get accommodation in currently, where there are some landlords who might decide, 'This is a bit risky for me. I do not want to get involved. Who knows what is going to happen in this domestic violence or domestic abuse situation. I do not want the windows smashed by the husband coming around. I am not going to rent to this woman who is a victim of domestic abuse.'

I think this bill sends a very strong signal that this is a community issue; it is not a private issue. In the olden days, it was seen as being a private issue. It was seen as being an issue between a husband and a wife. That is simply not the case. Domestic violence and domestic abuse are community issues.

It is a criminal issue and so consequently the focus has to be on the victims and I believe that is what this bill does. It sends a very strong message to those who are in positions of making decisions about employment, education, accommodation that it is wrong to discriminate against somebody who is in the position that they are in because of domestic abuse. I commend the bill to the house and look forward to listening to the debate and perhaps even contributing further in another stage of the passage of the bill.

Mrs PEARCE (King) (17:19): Leaving a violent relationship is not easy. Imagine not only having to make the decision to leave everything that you hold dear because your life is at risk, but the fear of the repercussions of leaving, should it not go the way that it was intended. You need support, you need to feel empowered and you need to feel strength—even when you feel there is nothing left. You need help to leave, and one such way for us to provide that support, strength and empowerment is to make it law that you need leave to be able to leave.

I am proud to stand here today to speak in support of the Fair Work (Family and Domestic Violence Leave) Amendment Bill, which goes even further to protect a hard-won right by workers last year. I was so proud to stand side-by-side with workers, advocacy groups, women, and others who support women and recognise them as equals in our society. It has been a decade of campaigning led by workers, but we got there. The right was finally implemented into the National Employment Standards last year by the federal Labor Albanese government, granting the right to millions of Australian workers—a right that, as of last week, now grants every worker across this country access to paid domestic and violence leave.

It is estimated that it can take 140 hours and up to $20,000 to leave a violent relationship, which is why having the ability to leave while retaining job security is so important. The right to 10 days was hard fought for and hard won by the many workers who campaigned for it, and it is a right that will absolutely save lives.

On average, a woman is killed by an intimate partner every 10 days, with rates of violence even higher for certain groups such as Aboriginal and Torres Strait Islander women. On top of that are horrifying and shameful statistics that one in four women have experienced intimate partner violence since the age of 15, with one in four women also experiencing emotional abuse by a current or former partner since the age of 15. Ninety-five per cent of people who have experienced physical or sexual violence name a man as the perpetrator of at least one instance of violence, and around four in five family and domestic offenders are men.

Just this weekend, I stood with women from all walks of life—including the member for Elder in this chamber right now—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. Many were burnt, beaten or stabbed to death, and the greatest injustice of all was that in many of these cases the women remained unnamed.

I was a place-card holder for Ms Amneh al-Hazouri, also known as 'Amy', who was killed as a product of simply being in the wrong place at the wrong time. She was a woman who worked six days a week to provide for her sick mother and had been planning a trip home to Lebanon to visit her. She has been described as someone who always had a smile and offered a hand wherever

needed. Now, thanks to the atrocious acts of some, her family, friends and community have all been robbed of that generous soul. 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.

Violence against women affects all aspects of their lives. It can have a negative impact on their capacity to attend work, with 48 per cent of women who had experienced violence saying that it reduced their attendance at work. The cost of violence against women and children costs the national economy $26 billion each year, with victim survivors having to bear approximately 50 per cent of that cost. With victim survivors having to bear approximately 50 per cent of the cost of violence against women and children, it is no surprise that it is also a leading cause of homelessness for women, and for children as well.

When children are exposed to violence, they may experience long-lasting effects on their development, their health and their wellbeing. This is nothing short of a serious problem today, but it is a serious problem that is going to have long-lasting impacts on the health and wellbeing of our nation, and it deserves our full commitment to addressing it.

The rate of domestic and family violence against women within this country is a blight on this nation. We have an obligation to do all that we can to ensure the safety of women across our state, and this is one way that we can assist in doing that.

We know that victims of domestic violence are often facing many complex problems such as food insecurity, and the struggle to obtain and retain affordable housing with the added pressure of also having to cover basic expenses, which we are all aware are only increasing with the cost-of-living crisis that we are facing.

Additionally, there are often added levels of anxiety when it comes to supporting their children, which is even more exacerbated for victims of family and domestic violence who are low income earners. We of course know that women are over-represented in low-paid, casual roles with limited entitlements to leave. Often, victims are struggling to secure the resources that they need to lead lives that are safe, comfortable and also free of violence.

When employees must deal with the impact of family and domestic violence, those who do not have this provision had little choice. If they were to take a few hours, a day, a week or the 140 hours that it can often take to leave a violent relationship, their choice was unpaid leave, which means sacrificing income in both the short term and long term, and also sacrificing the ability to access support. That is why it is so important that workers have stable, reliable and secure jobs as these in turn lend themselves to financial security, which can help women to escape and avoid family and domestic violence.

This is not good enough, and that is why I am glad that this right is now enshrined in the NES for millions more workers across this country. But if we can do more to protect victims and survivors of family and domestic violence, we must do so. That is why I am so proud to speak in support of this bill here today. I am proud because we are setting the benchmark for paid domestic violence leave for the rest of the country, going even further than those rights enshrined in the NES.

Setting the benchmarks around the nation, this bill will ensure that all workers covered under the South Australian industrial relations system are entitled to 15 days of family and domestic violence leave, ensuring that workers can leave to attend medical appointments, seek legal advice or assistance, attend or make arrangements for proceedings, relocate residence or for any other purpose relating to a worker who is dealing with the impact of family and domestic violence.

Fifteen days of leave for people impacted by family and domestic violence will mean that workers are better placed to take the necessary steps to better ensure their safety whilst retaining the job security needed to make important decisions instead of having to choose between being safe and secure, and being employed.

Put simply, the proposed changes brought by this bill will work to address gender equity by addressing those socio-economic impacts of family and domestic violence that have a disproportionate impact on women. By increasing the security of employment and the associated loss of income that dealing with family and domestic violence can often bring, this bill works towards ensuring the safety of women in our state.

This bill is going to send a clear message to the community that the public sector and local government do not, and will not, tolerate domestic violence. Our government has a strong commitment to achieving gender equality and ending the scourge that is domestic and family violence, and other forms of disrespect and discrimination that have a disproportionate effect on women in our community.

We are committed to working alongside service providers, women's organisations, women experiencing domestic violence, and other stakeholders to use all levers available to us to prevent and end domestic violence. We are committed to enacting a range of legislative changes, preventative actions and policies, and options for recovery that help women stay safe. We are committed to working with the finance and real estate sectors to determine how we can best ensure that victims of violence do not bear the brunt of mortgages, loans and rent that often goes unpaid due to domestic violence.

Already we have committed to and restored the $800,000 of funding over four years to the Women's Domestic Violence Court Assistance Service that was cut by the former government, an integral service helping women with intervention order applications, variations, revocations, ending tenancies and liaising with police to report breaches of intervention orders and other domestic issues, as well as reinstating the $1.2 million in funding to Catherine House, a cruel cut to an organisation that performs a vital service, offering a safe and secure place for women experiencing homelessness, which we know often results from domestic violence.

Again, last week I attended an event that was raising funds for Catherine House. It was there I heard from Tania Smith who shared her story with us, a woman who had a fantastic childhood but for whom life gradually got tougher, through no fault of her own, until she finally reached rock bottom. What helped her to get back up on her feet was the support and empowerment she received from Catherine House. She is now thriving; in fact she has a show this year at the fringe called Singapalooza, and I thoroughly encourage all to go.

I want to send a clear message to anyone out there dealing with domestic and family violence: we are here to support you. Our government is wholly committed to making a real difference in the life of women in South Australia. We will always speak up and act to prevent and end domestic violence. It has no place anywhere in our community, and this bill is one of the many ways we are committed to ensuring its end. I commend this bill to the house.

Debate adjourned on motion of Mr Odenwalder.

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

STATUTES AMENDMENT (CIVIL ENFORCEMENT) BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 17:33 the house adjourned until Tuesday 21 February 2023 at 11:00.