HOUSE OF ASSEMBLY

Thursday, 14 September 2023

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

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

The SPEAKER read prayers.

Parliamentary Committees

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: PFAS CONTAMINATED WASTE DISPOSAL

Ms STINSON (Badcoe) (11:03): I move:

That the first report of the committee, entitled Briefing Report on the Disposal of Per- and Polyfluoroalkyl Substances (PFAS) Contaminated Waste in South Australia, be noted.

I rise as the Presiding Member of the Environment, Resources and Development Committee to speak about our report on per- and polyfluoroalkyl substances, better known in this place as PFAS.

In May 2021, the ERDC of the Fifty-Fourth Parliament established an inquiry into the disposal of PFAS-contaminated waste in South Australia. The committee I now chair has continued and finalised that work. I would like to start by thanking the members of that former committee, in particular its Presiding Member, the member for MacKillop, Nick McBride.

What was apparent upon my arrival as Presiding Member was that the situation had progressed quite considerably in the interim between elections and between re-establishment of the committees. The member for Mawson ably and emphatically raised the issue of inappropriate siting of PFAS waste disposal facilities in sensitive areas such as our winegrowing regions, and that triggered the initial inquiry. I thank the member for his work in raising this important issue and for so successfully campaigning for change.

I am pleased to report that the impetus for initially establishing the inquiry, with the arrival of this Labor government, has now resolved, with much work done to establish stringent guidelines and identify more appropriate locations for this waste—which, of course, needs to be disposed of safely and responsibly. To that end, I thank the Minister for Environment, Susan Close, and her agency, the EPA, for the work they have undertaken and whose work forms the core of this updated report to the parliament.

The acronym PFAS refers to a group of over 4,000 synthetic chemicals that have been used since the 1950s. PFAS have been used in a wide range of applications, from non-stick cookware to cosmetics, stain protection on carpets and firefighting foam. They are often called forever chemicals, due to their high thermal, chemical and biological stability; that is, they do not break down. They are also highly mobile and capable of travelling vast distances in soil or water, making them a threat to our natural environment.

Because of their widespread use and mobility, PFAS contamination is extensive. However, areas like defence bases and airports, where firefighting drills using foams containing PFAS were carried out, tend to have the most concentrated contamination. It is understood that PFAS are present in the bodies of most humans and animals, but research into its effect on our health is ongoing and so far inconclusive.

Since the early 2000s, Australian governments have employed a precautionary approach in managing existing PFAS contamination and working to reduce or completely prevent environmental and human PFAS exposure where possible. Proudly, South Australia was the first state to implement

an outright ban on fluorinated firefighting foam and foam products, back in 2018, and our agencies continue to lead the way.

There is considerable and understandable public concern about the presence, spread and possible health effects of PFAS in communities across our state, nationally and, indeed, across the world. Their prevalence in everyday products and well-frequented sites, as well as the minimal amount known about them, fuel community fears. This was evident in 2020, when landfill operators Southern Waste ResourceCo lodged an application with the EPA to begin accepting PFAS waste at their landfill on Tatachilla Road.

The McLaren Vale community expressed great concern regarding this application and, as I mentioned, found their champion in the member for Mawson. The proposed site sat only a short distance from vineyards and wineries that characterise this unique part of South Australia. The community and the council opposed the application, based on an unacceptable level of risk, and petitioned the state government and the EPA to refuse the application.

After an application process in 2021, the EPA ruled in the petitioners' favour: that the McLaren Vale landfill would not be permitted to accept PFAS-contaminated waste. However, at that stage, there was still nowhere to safely dispose of PFAS waste in South Australia, with most of it either having to be stored in situ temporarily or transported to disposal sites interstate. This was the case when an interim report was tabled by the ERDC on 4 February 2022.

During this time, the EPA was working towards a solution, drafting new siting guidelines for the disposal of PFAS waste in South Australian landfills. So, rather than continue with the inquiry, the new committee chose to be briefed by the EPA. On 29 May this year, the ERDC received a presentation from the EPA providing an update on the management of PFAS in South Australia.

Staff from the EPA talked the committee through the new guidelines, which serve as primary controls to minimise environmental and health risks from hazardous waste disposal and determine a site's suitability for permanent waste disposal, both while the facility is in operation and after it has closed.

The guidelines contain colour-coded maps, which can quickly demonstrate the suitability or unsuitability of a site by providing a visual reference for potential applicants looking to license potential PFAS disposal sites. These maps illustrate geological stability; flood risk; risk to people and the environment; and protected areas, such as national parks and wildlife areas, water protection areas, character preservation areas, heritage sites, food production areas—importantly, prescribed wells areas and Indigenous lands. I am pleased to report to the parliament that the new EPA siting guidelines render landfill sites such as McLaren Vale ineligible to accept PFAS waste.

Together with the site suitability guidelines, the EPA have also been working on guidelines for industry and the community on the re-use of waste soils containing very low or so-called trivial levels of PFAS. Both sets of guidelines have been through an exhaustive consultation process and the final versions are expected to be released in coming months for further public consultation before being finalised.

The committee also heard about the licence change at the Cleanaway Inkerman landfill site, allowing it to now accept PFAS waste. This means that PFAS waste can now be disposed of safely in South Australia and will no longer need to be transported interstate for disposal.

Inkerman is situated between Port Wakefield and Dublin, around 85 kilometres north of Adelaide, and the landfill has been in operation for over a decade. EPA staff walked the committee through the licence change process for Inkerman, a process that took several years and required groundwater testing; 12 months of groundwater monitoring; a formal assessment of the potential risk to human health and the environment, including three potential failure scenarios; and extensive community engagement. Inkerman's location is consistent with the new siting guidelines and provides an ample buffer between the disposal site and neighbouring properties and wetlands.

The report also addresses the topics that the previous Environment, Resources and Development Committee recommended be followed up by the new committee, these being:

- perceived and actual public health risks of PFAS (a limited understanding of these risks remains, but research into health effects is ongoing);
- storage and transportation of PFAS-contaminated waste, including current and future practices; and
- economic issues in segregating PFAS in municipal solid, construction and demolition, and commercial waste.

Fascinatingly and encouragingly, the committee also heard about the potential for breaking down PFAS to render it benign in local, cost efficient and environmentally sensitive ways. There is exciting research being conducted into this, including work being done with the University of South Australia, in partnership with the CSIRO and the University of WA, into how constructed floating wetlands can be used to remediate PFAS-contaminated water.

Importantly, the EPA is also planning to do ambient testing of waterways—essentially proactive investigation to identify previously unidentified sources of PFAS contamination. This received some media coverage from *The Advertiser*.

Until now, the process of identifying PFAS has largely run through the planning processes, where a high-risk location is identified in the course of a development application, flagged with the EPA and then investigated as necessary. This approach will see a more proactive approach undertaken and that can only be good for our community.

In closing, I would like to thank my fellow committee members, as well as its secretary, Mr Patrick Dupont. I would especially like to thank Dr Amy Mead, who is our very talented research officer. I thank her sincerely for the excellent work she has done in putting together this report. The report is very well written, and it provides an excellent resource for anyone investigating the issue of PFAS, the current thinking and developments. I highly recommend to all in this house to read the report. I commend the report to the house.

Mr PEDERICK (Hammond) (11:12): I rise to make a contribution to the briefing report on the disposal of per- and polyfluoroalkyl substances contaminated waste in South Australia, which I will refer to as PFAS in the future.

On 4 May 2021, the House of Assembly of the Fifty-Fourth Parliament of South Australia passed a motion requiring the Environment Resources and Development Committee (ERDC) to investigate and report on the appropriate and safe disposal of PFAS-contaminated waste in South Australia. At this time, all PFAS-contaminated waste had to be transported interstate, as no South Australian landfill was licensed to accept this waste. Southern Waste ResourceCo, the operators of a McLaren Vale landfill, had applied to the EPA to have their licence changed so they could accept PFAS-contaminated waste.

However, this application was met with opposition by the local community and council based on an unacceptable level of risk and the EPA refused their application. On 17 October 2022, the ERDC of the Fifty-Fifth Parliament voted not to continue with or establish a new PFAS inquiry. The committee also resolved to obtain an update briefing from the EPA on PFAS management in South Australia.

Since that inquiry began in May 2021, the EPA has developed new siting guidelines, setting out where different categories of waste may safely and legally be disposed of. In May 2023, the Cleanaway Inkerman landfill, north of Adelaide, was granted a licence change to accept PFAS-contaminated waste. This is a good thing because it saves the transport of that waste interstate. This briefing report details the briefing given to the ERDC in May 2023 regarding these matters and follows up topics raised in the committee's interim report.

PFAS refers to a group of over 4,000 synthetic chemicals that have been in use since the 1950s, so a long historical use. PFAS are often referred to as forever chemicals due to their inability to degrade due to their high thermal, chemical or biological stability. These substances have been used in a wide range of applications, from personal uses, such as in cosmetics and sunscreens, domestic uses like stain protection for carpets, to industrial uses in the aviation and mining industries.

These chemicals are highly mobile and capable of travelling vast distances in soil or water. Due to their stability and mobility, PFAS contamination is widespread, although more concentrated in areas such as defence bases or airports. PFAS are also present in the bodies of most humans and animals. At this stage, the effect of PFAS exposure and contamination on human and animal health has not been fully determined, but research is ongoing.

Since 2002, Australian governments have employed the precautionary principle in managing existing PFAS contamination, working to prevent or reduce environmental and human PFAS exposure wherever possible. The precautionary principle dictates that where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment and an assessment of the risk-weighted consequences of the various options.

In Australia, significant examples of PFAS contamination of soil and water have resulted from the historical use of PFAS contained in firefighting foams, particularly at firefighting training grounds. These foams were used in training drills and emergency response by the public and private sectors in Australia and overseas for more than three decades. Use of these firefighting foams has been significantly reduced and discontinued in most cases, akin to the use of PFAS in most industries where it has been gradually phased out since the early 2000s due to concerns regarding the effects of PFAS on humans, animals and the environment.

South Australia was the first state to implement an outright ban on fluorinated firefighting foam and foam products, which came into effect on 30 January 2018, with a two-year grace period for industry to phase out their use. Additionally, as referenced by the EPA in their submission to the inquiry, Australia is party to the Stockholm Convention on Persistent Organic Pollutants. This convention entered into force on 17 May 2004 and is a global treaty to protect human health and the environment from chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of humans and wildlife and have harmful impacts on human health or in the environment.

As we have been told in the house today, on 23 May 2023, the ERDC were briefed by representatives of the EPA and there was discussion around the disposal site suitability guidelines. The staff advised the committee that over recent years the authority has been drafting revised site suitability guidelines for the disposal of PFAS waste in South Australian landfills. While yet to be finalised, the guidelines drafted govern both process changes to existing landfill licenses as well as site determinations for new landfills. However, the EPA does have directive powers for referred waste disposal facilities with development applications—in short, the power to recommend refusal.

It was also explained to the committee that existing landfills that wish to dispose of PFAS waste, as in the case of the Cleanaway Inkerman site, need to apply for a process change to their licence through the EPA. These applications require a detailed human health and ecological risk assessment to be submitted to the EPA. These revised guidelines serve as primary controls to minimise environmental and health risks from hazardous waste disposal and determine a site's suitability for permanent waste disposal both while the facility is in operation and after it is closed.

It is significant that action is taken on PFAS, noting that it has been used, obviously, for firefighting operations and defence-based sites—for training and operations there. It is right that we need to get things in place to make sure that the waste is managed. It is good to see that the waste can be held at Inkerman in this state, and I look forward to hearing what other work is done into the future and whether other sites will open up in terms of the safe management of PFAS with the learning that has happened over many decades now over the use of this product.

I note that at times it has seen groundwater not being able to be used in various parts of the city and surrounds, especially where they have targeted hotspots. I hope that into the future we have better management protocols in place for PFAS.

Ms THOMPSON (Davenport) (11:21): I, too, rise today to speak on the Environment Resources and Development Committee's inquiry into polyfluoroalkyl substances, better known as PFAS. As a member of the ERD Committee and also as the former Mayor of the City of Onkaparinga,

I am very aware of the difficulties surrounding the safe disposal of PFAS and the devastating effect it can have on communities when mishandled.

Not only in South Australia but worldwide, there have been many examples of PFAS causing serious illness in people and animals, including cancer and developmental issues. South Australia banned the man-made chemical commonly found in firefighting foam and industrial waste back in 2018, but there was still a lot more work that needed to be done. It is so toxic and so difficult to break down that an investigation into safe disposal, landfill operators' licensing and transportation of PFAS was desperately needed.

For a bit of background, in 2020, as Mayor of the City of Onkaparinga, I worked with the member for Mawson and many other representatives of the McLaren Vale community to stop an application for PFAS to be dumped near homes, near schools and on top of a watertable that feeds a stunning food and wine region. The community feared the real risk of PFAS leaching into the groundwater and making its way to the Maslin Beach area, the Aldinga Scrub and the surrounding residential areas.

The mostly organic food and wine industry feared the region being identified as a PFAS landfill site, which could have had catastrophic impacts on McLaren Vale tourism and export. As well as council and environmental groups, hundreds of local residents, business owners and tourism operators petitioned the Marshall Liberal government to stop the application to dump the waste due to unacceptable levels of risk. There was public testimony from experts who stated the cells designed to capture the waste were just not fit for purpose.

Unfortunately, this fell on the deaf ears of the then Minister for Environment, the member for Black, now Leader of the Opposition, who showed no concern and chose not to intervene. In fact, he chose not to reply at all to the pleas from the community. He took no action at all. It was only after the community took to social media—to the former Premier's Facebook page—to beg and plead with the government to stop the dumping of PFAS toxic waste in a food bowl that, finally, common sense prevailed and the application was denied. It is pleasing to hear that there are speakers on the other side today acknowledging the real threat of PFAS, because it certainly was not acknowledged by the government of the day at the time.

In an effort for this kind of threat to never happen again, the ERD Committee established an inquiry, a vital investigation to identify better guidelines around the management of PFAS in South Australia, including suitable locations for disposal. I thank the EPA for their work on this inquiry. Their extensive investigations, specifically into licensing to receive PFAS-contaminated waste and the suitability guidelines for landfill sites, have provided revised guidelines for primary controls to minimise environmental and health risks.

The Cleanaway Inkerman landfill site is located between Port Wakefield and Dublin, 85 kilometres north of Adelaide. In 2020, they advised the EPA of their intention to apply for the addition of PFAS waste to their licence. The EPA's Dr Shaun Thomas, Principal Adviser, Compliance and Regulation, advised the ERD Committee that a rigorous assessment process was undertaken which included three potential failure scenarios, including catastrophic events. In the event of this scenario, any leachate would take 236 years to reach the nearest site boundary but, due to other environmental factors, it is likely to take nearly 1,200 years. The significant buffer around this site provides ample opportunities for authorities to intervene.

As well as the rigorous assessment process, groundwater monitoring and community engagement was also undertaken. In May 2023, the Inkerman landfill site was approved to dispose of PFAS-contaminated waste in compliance with those guidelines. In a briefing to the ERD Committee from the EPA's Ms Kathryn Bellette, Director Policy, Assessment and Finance, she stressed the importance of the Inkerman licence change to the committee, stating:

> …it now means that South Australia has a disposal pathway for PFAS-contaminated soil for the first time ever. All of the other states have that pathway and we haven't, so this is a really significant step forward because now it can be disposed of safely and in a way that is economically viable because it doesn't have to be trucked interstate.

I again thank the EPA for their efforts in this inquiry, as well as my colleagues on the ERD Committee. PFAS is a problematic environmental issue, and this report will aid in the future protection of our land, communities, tourism, exports and health. I commend this report to the house.

The Hon. D.G. PISONI (Unley) (11:27): In speaking to this report, it does give me reason to raise concerns that have been raised by residents predominantly of Kingswood about artificial turf replacing grass at Unley High School. One of the selling points of those offering artificial turf was that the product itself would be made from recycled tyres. I have done some work on finding out just what goes into making tyres, and tyres actually contain PFAS. I think with any plastics, one of the things that this particular report—

Members interjecting:

The SPEAKER: Order! The member for Unley has the call.

The Hon. D.G. PISONI: If I can have some protection, Mr Speaker.

The SPEAKER: I think you are fairly robust generally, member for Unley, but I have called the chamber to order.

Mr Pederick: He needs support.

The SPEAKER: Member for Hammond!

The Hon. D.G. PISONI: We do not know what we do not know. People were spraying this stuff around, when fighting fires, for 50 years before we realised the damage it was doing to the environment. We know how difficult tyres are to manage when they are not being used anymore. Yes, more and more things are being recycled, and we all support the circular economy and we believe that is a good way of reducing waste and landfill, but we need to be very aware of what is in those products that are being recycled.

That is a major concern for people living adjacent to Unley High School—because, do not forget, that is right in the middle of a catchment for many of the streams and creeks that run through the Mitcham council, the Unley council, the seat of Unley, the seat of Badcoe, the seat of Elder and the seat of Adelaide. These streams are fed by the water that lies to their east.

We have seen damage to seagrass from the water that has gone through our metropolitan system here over decades, almost centuries, in South Australia. We are seeing that that is causing sand drift. Again, we did not know what we did not know. We are obviously a lot more aware of the impacts that the man-made world has on the environment. This report is timely because it tells us just how dangerous PFAS is.

We do know—it is a fact—that the artificial turf that is being used for the Forestville Hockey Club on the Unley school grounds is made from recycled tyres. It is a fact that tyres use PFAS. This is an opportunity for the member for Badcoe to use parliament—

Members interjecting:

The SPEAKER: Order! The member for Badcoe! The member for Florey!

The Hon. D.G. PISONI: —to actually reassure, make it absolutely clear and guarantee that there is no PFAS in the artificial turf that is going to be used for the Forestville Hockey Club surface—not any added PFAS, no PFAS at all in that particular product.

Ms Stinson interjecting:

The SPEAKER: Member for Badcoe!

The Hon. D.G. PISONI: She can make that guarantee right here. She can be held accountable under the parliamentary system. She can make that claim right here. If she does not make that claim right here, then we have a lot to be worried about.

Ms Stinson interjecting:

The SPEAKER: Order! The member for Badcoe knows the rules.

Mr McBRIDE (MacKillop) (11:31): It absolutely gives me great pleasure as an ERDC member probably since I first came to politics to contribute to this motion. I have really enjoyed this committee. With the cases and the inquiries that we do, this is no different from any others, and I think it is very important. I thank all those who have spoken regarding this report and inquiry into

finding solutions to an issue that was perhaps inhibiting developments and raising concerns for our community in South Australia as a whole but, most importantly, in the Southern Vales and southern areas of Adelaide, where it was proposed that PFAS was going to be stored, causing an immense amount of angst and concern for residents, including the local member, councils and the like.

I was the Chair of the committee at the time, or part of it anyway, and it has now been taken on by the member for Badcoe, who is doing a terrific job. We now have a report that gives some sort of guidance around the storage and safe handling of this product and allows Adelaide to develop further forward when these contaminated areas are discovered. I thought it would be pertinent if I just touch base with some of the issues that have arisen in South Australia around PFAS and the way it has reared its ugly head, which is a nice way to describe it, when these contamination areas are found.

I will not mention where in Adelaide because I do not want to set alarm bells ringing, but in Adelaide there was a hole dug in a backyard for a pool. Somehow this soil was tested—it was coming from an area that maybe had some concerns about it—and, sure enough, PFAS was found in that soil when a family pool was being put in the backyard of a house. What do you do with that spoil? What happens to that soil? How is it used? All of a sudden, the pool becomes a massive issue for that landowner, without any sort of understanding that they were going to meet such issues as the safe disposal of that soil. As has been described by those who have spoken, it had to go interstate.

Another interesting matter—and we can talk about our fellow jurisdictions alongside—is the Victorian road infrastructure projects. The tunnels have encompassed PFAS. It is noted here that when they came across PFAS in the tunnel soil it apparently cost an extra $3.3 billion worth of delays just because they came across PFAS-contaminated soil. With this type of infrastructure, there is a huge cost that no doubt Victorian taxpayers have already outlaid for their tunnel projects and this adds to the burden and complexity of such developments. We are talking about digging tunnels in Adelaide and, God forbid, if we were to come across contaminated soil during that process, what would then happen and what extra costs might be brought to bear? That may not have even been given any consideration thus far.

Another issue I have to touch base on is the Southern Waste ResourceCo McLaren Vale landfill site, where this came to a head and where the EPA and others suggested that this landfill could take place. In the end, because of community concern and the storage of that contamination in what is considered to be a food bowl, a residential area and a watertable area, it did not fit such a site. It gives me great pleasure and also a sense of belonging to this committee in the way that it functions in a bipartisan way across both the Labor government today and the former Liberal government of yesterday to find answers that the South Australian public are looking for.

I believe that the site that has been proposed, the Inkerman site north of Adelaide, 85 kilometres towards Port Wakefield and Dublin, has been decided as the best place for this type of storage. Hopefully, one day it does not come back to rear its ugly head and interact with Adelaide's future growth so closely that it causes issues. Hopefully, we will know a lot more about PFAS in the years to come, and perhaps solutions will be found to remove toxicity from the chemical so that, when we do have a greater understanding, these landfill sites can be neutralised for future developments.

That in itself is quite interesting because I was told during this inquiry that very minute portions of PFAS are not a problem to humans, society and the environment. It was reported that certain elements of PFAS are found even in saucepans with non-stick surfaces, for example. I do not suggest that we are eating the frying pan or the pot we are cooking in, but these surfaces deteriorate, and eventually we throw them out because that non-stick surface disappears. That is one area I heard where PFAS and those sorts of chemicals can be found in day-to-day life, but obviously in minute quantities.

That is probably all I need to say, except that I am very pleased with the Environment, Resources and Development Committee and the staff and members involved over two governments. I am very privileged to still find myself on this committee with its investigations, and that we have bipartisan support and a good outcome for development and the progress of Adelaide. We now have no need to take this sort of contaminated soil interstate, with the cost associated with that, and we

are finding answers that everyone can work with that make Adelaide more in control of the issues that may be out there and that we actually understand the issues, their complexity, and find answers.

Mr BROWN (Florey) (11:38): I want to briefly make a contribution on the discussion of this particular report as someone who represents an area that contains PFAS contamination; it is a well-established fact. Parafield is Adelaide's oldest airport, and it is well known that firefighting foam that contained PFAS was used there for a number of years before the ban was put into effect, so the residents of Mawson Lakes and also Parafield Gardens I used to represent have long had to deal with issues of PFAS contamination, particularly in groundwater.

I will say one thing, though: my dealings with Adelaide Airport Limited and also the EPA, particularly in the last term of the parliament, have been nothing but professional. I have actually appreciated the way that Adelaide Airport Limited in particular, but also the EPA, have dealt with groundwater PFAS contamination issues around the Parafield Airport. However, we can always do things better.

I think the work that the ERD Committee has done has been very, very welcome. On behalf of the people of the local community, I would like to thank not only the committee but also the previous Presiding Member of the committee, the member for MacKillop, and also the current Presiding Member, the member for Badcoe, for their diligent work. I commend the report to the house.

Ms STINSON (Badcoe) (11:40): I would like to thank members for their contributions this morning in relation to this report. The member for Hammond made the point about continuing to work and make sure that we get better practices when it comes to PFAS, and I could not agree more. The member for Davenport, herself a former mayor: I would like to take the opportunity to thank her for her work on behalf of her community over many years, and of course that continues now.

I would also like to thank the member for MacKillop for his work. He did the bulk of the work before I came along as Presiding Member. I would like to thank him for his leadership and also for his wise counsel. I am very lucky that he is still a member of the committee and can assist me in my role.

However, I would not like to thank the member for Unley, who unfortunately just contributed a whole heap of nonsense and drivel that only serves to scaremonger in our local community and also, of course, trivialises the very serious issue of PFAS. This report is one that sets the record straight about PFAS. It provides some very useful fact-based information. I would urge people to read that and then reflect on some of the complete nonsense that has been put forward by the member for Unley.

The member for Unley says that this is some sort of hazard to his community. Well, I would contend to those in this place that the only hazard to the people of Unley is the member for Unley. He is the hazard that is presented to the people, particularly of Kingswood. He is the one who is spreading complete and utter garbage—

The SPEAKER: Order! Member for Badcoe, personal reflections of the type which you are now engaged in are contrary to the standing orders. There will be an alternative way to express the same subject matter.

Ms STINSON: Thank you, sir. I appreciate that. Unfortunately, we now have information being put through those communities that is not based in fact whatsoever and is, in fact, completely contrary to the information that is publicly available about the project at the Unley High School site.

The proponents involved in it have gone to some effort to put together a website and have published all the reports—including traffic and also environmental reports, water, air quality—and also have a statement there from Polytan, the manufacturer of the surface, who certainly attests to the fact that it is a safe product and does not contain PFAS. So, while the member might challenge me to make such statements in this place, he might like to refer to the people who actually make the product, who have made clear statements to try to counteract the complete drivel that has been put out by the member opposite.

I must say, not all members opposite, because this project had the support of those opposite previously. There is certainly much correspondence, which the member for Unley would be aware

of. The former Minister for Education in fact penned a letter supporting that project prior to the last election, even to the point of licensing on the site, yet that seems to have escaped the member for Unley, who is out on his own fanciful journey there.

We know he has his own internal challenges going on in Unley, but that should not be a reason to scaremonger and to frighten people when there is nothing to be scared of from a sporting project that assists young people in his community. It is quite remarkable that a member of parliament would advocate against children at his own school—against a $4 million investment from state, federal and local government as well as the club itself, and advocate against sport in his own community.

He is advocating against his own local hockey club. The Forestville Hockey Club is the local hockey club for the inner south area. In fact, the Kingswood Hockey Club folded into the Forestville Hockey Club not too long ago. It is absolutely preposterous that not only would the member advocate against his local sporting, youth, school and community groups, but that he would purposely and intentionally mislead people in the community when the facts are available for him to look at.

The SPEAKER: Order! Member for Badcoe—

Members interjecting:

The SPEAKER: Order! The member for Unley is present in the chamber but has not raised a point of order. Nevertheless, I have closely in mind standing order 127 which concerns personal reflections on members and in part provides:

> A Member may not
>
> 1. digress from the subject matter of any question under discussion,
> 2. or impute improper motives to any other Member,
> 3. or make personal reflections on any other Member.

It is possible to engage in a discussion about this matter and also to reflect on the public business that the member for Unley has reflected on without imputing an improper motive to the member for Unley.

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. TARZIA: An excellent ruling, sir, but if a member is going to accuse another member of effectively misleading the house that should be done by a substantial motion.

Members interjecting:

The SPEAKER: Order! This is not a matter as well that ought be resolved by proxies. The member for Unley is present and can raise a point of order and has not.

Ms STINSON: Indeed, sir, he does not make a point when I get up and make these remarks because he knows that the information that I am putting forward to the community is based in fact.

Members interjecting:

The SPEAKER: Order! Member for Badcoe, order!

The Hon. D.G. PISONI: Point of order, sir.

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: I have been refraining from making points of order because I was very keen to hear what the member for Badcoe had to say. She is not speaking for me, so for her to claim that I have particular motives—

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —or alternatively if I have—

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —particular meanings, she is not qualified to do that and so I object to her attempting to speak on my behalf.

The SPEAKER: That may be. I am not sure that necessarily sounds immediately in the standing orders. However, I have in mind standing order—

Members interjecting:

The SPEAKER: Order! I have in mind the standing order that I immediately previously referred to, as well of course that a member can take offence. It may be that the member for Unley is guiding me towards that point, but it has not been made concretely. In any event, the member for Badcoe may be closing her remarks. There are 30 seconds remaining and we can dispose of the matter in a practical way.

Ms STINSON: The member opposite advocates a sentiment of, 'If you don't know, just say no.' Well, I would say to the community, 'If you don't know, find out.' The information is available about this project; plenty of facts and information are available publicly to our community. I would urge our community to ignore what the member for Unley is putting out and to get the facts themselves, which are readily available. I commend this report to the house, but I condemn the remarks of the member for Unley.

Members interjecting:

The SPEAKER: Order! We got there.

Motion carried.

PUBLIC WORKS COMMITTEE: NEW NORWOOD AMBULANCE STATION

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

That the 31st report of the committee, entitled New Norwood Ambulance Station, be noted.

The Department for Health and Wellbeing, or SA Health, proposes to establish a new Norwood ambulance station to provide a significant expansion of service delivery capacity and capabilities for the South Australian Ambulance Service (SAAS). This will enable SAAS to increase emergency responses across metropolitan Adelaide and surrounding regions. SAAS is the state's provider of emergency ambulance transport, clinical care and patient transport services. It operates 119 ambulance stations across South Australia and the MedSTAR emergency medical retrieval service at Adelaide Airport.

The project aligns to the SA Health strategic plan which aims for South Australians to experience the best health care in Australia by providing more services closer to where people live. The strategic plan ensures, firstly, that patient-centric emergency services are designed around community needs; secondly, that SAAS emergency preparedness and response capacity is commensurate with the state and national emergency management arrangements; and that ambulance services evolve in line with the health system.

The new station forms part of the state government's 2022 election commitment to improve the infrastructure, increase staffing and provide additional resources for SAAS. The entire program of works aims to deliver four new and four rebuilt ambulance stations, 10 upgraded ambulance stations, the purchasing of 36 new vehicles, and the recruitment of 350 additional staff.

The total investing budget for the project is $8.5 million, with the total budget to deliver the scope of the election commitment at $70 million. Construction is scheduled to commence in this quarter of 2023, with practical completion and commissioning in July 2024. The new ambulance station will act as a suburban hub for SAAS's Adelaide Eastern District and will house 16 paramedics and 12 emergency support service ambulance officers.

SAAS is experiencing increased demand in the eastern suburbs and this issue cannot be addressed within the existing stations. The new station will complement the current stations in Parkside and Campbelltown and will allow SAAS to improve its ambulance coverage and response directly in the Norwood and surrounding areas.

After a detailed investigation and consultation with SAAS and Renewal SA, the new ambulance station will be located at the intersection of Magill and Portrush roads. The locality of the station is important in addressing impacted response capabilities of the eastern suburbs. The relocation of the Royal Adelaide Hospital to the west of the city, in conjunction with the tram extension along North Terrace, has impacted response capabilities in this area.

Strain has been placed on service delivery in the eastern suburbs due to the requirement for some eastern suburbs crews to attend cases in the Adelaide CBD. The new Norwood ambulance station will address and improve response times for service delivery in the Norwood area through the provision of both new crewing and station in this high-demand area.

The configuration of the site, and the approach of ambulance vehicles utilising the adjacent road network, has strongly influenced the station design. All ambulance services will exit to the west of the site, giving access to Magill Road, which allows ambulances to reach their targeted area in any direction. The station's driveway and exit points have been designed to promote safe and quick traversing out of the site for operations with the main garage having a drive-through function so ambulances can enter and exit the building without restriction. The expected outcomes of the project include:

- improved ambulance response coverage for consumers in the eastern suburbs;
- increased capacity for additional crews and vehicles in order to meet increasing demand;
- improved SAAS management capabilities;
- enhanced consumer care;
- additional and expanded SAAS service crew training facilities; and
- the opportunity for expansion to meet future growth.

Plans submitted by SA Health detail the station will comprise key functional areas, including:

- garage space for five ambulance vehicles and two light fleet vehicles;
- a training room with seating for 40 persons;
- office spaces, study room and meeting room;
- a kitchen/dining room;
- a crew rest room;
- six personal work-rest break rooms for staff;
- staff and visitor car parking spaces, including two accessible spaces; and
- covered light fleet parking for eight vehicles.

The Department for Infrastructure and Transport have confirmed that a general building contractor will be appointed under a design and construct form of contract. SA Health asserts that the delivery of the project will follow the best principles for project procurement and management as advocated by the state government and construction industry authorities, and includes extensive consultation, management of a project program, and implementation of risk management strategies.

Ecological sustainable development strategies have been incorporated into the design, construction and operation of the new ambulance station. SA Health states 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.

To enable successful delivery of the sustainable development aspirations of the project, an independent consultant will be appointed by SA Health. Design measures to support increased adaptability and changes of use with minimal impact during the building life have been incorporated and will include flexible engineering spaces, provisions for future electric vehicle charging stations and options for full or partial solar input.

SA Health states that engagement and clinical consultation has been a key theme throughout the feasibility and concept planning and will continue with various stakeholders during the design and construction process. Stakeholders include clinical and non-clinical staff, consumer reference groups and industrial bodies. Consultation with the local community is underway and will be supplemented by targeted letter drops and community engagement sessions.

The committee examined written and oral evidence in relation to the new Norwood ambulance station. Witnesses who appeared before the committee were Mr Tim Packer, the Executive Director of Infrastructure, Department for Health and Wellbeing; Mr John Harrison, the Director of Building Projects, Department for Infrastructure and Transport; and Mr Rob Elliott, the Chief Executive Officer of the South Australian Ambulance Service. 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 work.

Mrs HURN (Schubert) (11:54): I thank the honourable member for all the work that he does and, indeed, all members of the Public Works Committee in assessing what are really important projects for the people of South Australia.

I did find it particularly interesting that in the five minutes that the member had to talk about a health project there was not one single mention about improving ramping in South Australia, which does fly in the face of the number one election commitment that was made to the people of South Australia. In reflecting on that, I think it is important to put a bit of meat around the bones as to the current climate that patients and paramedics right across South Australia are having to endure on the watch of the health minister and our Premier here in this state.

If we reflect on the recent ramping results that were just released on the weekend, 3,721 hours were spent by South Australians and paramedics stuck outside our hospitals on the ramp waiting to be seen. That was in the last month alone, and in the last 18-month period, from March 2022 up until now, our South Australian patients and paramedics have spent nearly 60,000 hours stuck outside of our hospitals on the ramp. That is 6½ years—6½ years since the election of this Labor government, that our South Australian patients and paramedics have spent stuck outside of our hospital fighting against record ramping that this government has delivered.

If we reflect even further, because this is an important point, in the last 18 months, under this government, as I have mentioned, 60,000 hours have been spent stuck on the ramp. If you calculate the number of hours that South Australians spent ramping from March 2018 up until the election, it was 47,994 hours, so within a two-year period this government is on track to deliver the worst ramping results in the history of the state and deliver more ramping than the former government presided over in four years.

That is absolutely galling, and we have the government out there saying that this winter is better than last winter. Guess what they forgot to mention? They forgot to mention the fact that last winter was the worst ramping that South Australians have ever had to endure in the history of South Australia. It is absolutely galling that the minister can look South Australians in the eye and say, 'Don't worry, we've just delivered the second worst winter in the history of South Australia so we should all give ourselves a big old pat on the back.' What I say the government should be doing is knuckling down and delivering what the people of South Australia voted for and that is a fix to ramping.

We hope, just like the people in the electorate of Dunstan hope, that these types of projects will go some way to ensuring that the government can actually deliver what they promised, and that is a fix to ramping. The member for Dunstan, Steven Marshall, has been receiving a number of

concerned calls from his local residents about some of the practical concerns, if you like, mainly around traffic management. I raised those at the Public Works Committee and I do hope that some of those things can be addressed. That is about increased traffic on Adelaide Street and Dover Street, and what the implications are going to be on parking. We also made reference to easy access into the city.

It is going to be really challenging, I believe, for paramedics to be able to head out of Adelaide Street and turn right across Magill Road. That is an extraordinarily busy intersection. It was an intersection that the former government sought to upgrade because of how much traffic actually goes through this area. These are just some of the practical elements that I do hope the government can deliver on. But, more broadly, the fact that ramping has skyrocketed in this state is an indictment on this Labor government. We do hope that these types of projects can ensure a fix, but we do fear that ramping is only going to get worse on the watch of this Labor government.

At the election, it was all well and good for the government to have their slogan and whack it up on posters right across South Australia, but this has to be the most profound element of overpromising and underdelivering that this state has ever seen. I think it is almost time for the health minister and the Premier to apologise to the people of South Australia or just admit that they actually cannot fix ramping and they went to the election with a fake promise. They misled the people of South Australia with what we now know was one of the worst ever scare campaigns that we have seen in the history of South Australia.

People want to see improvements in their health system. They do not want more spin from the government like they saw at the election. They want the government to get on with the job they were put in office to do, and that is indeed a fix to ramping. Right across South Australia, not just in Norwood, we have seen projects. We have seen projects for Woodville and we have seen projects in Edwardstown. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Bills

CRIMINAL LAW CONSOLIDATION (CRIMINAL ORGANISATIONS - PRESCRIBED PLACES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 September 2023.)

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (12:01): I thank members for their contributions during the second reading—

The SPEAKER: If the minister speaks, he will close debate.

The Hon. J.K. SZAKACS: I seek to close debate, sir. As I was so eloquently saying, I thank members for their contributions, particularly the lead speaker, the member for Heysen, for his considered contribution on this very important bill. I note what has been the passage of this through the other place with the support of the opposition and also the foreshadowing by the member for Heysen and other opposition speakers indicating the support of the opposition in respect of the bill before the house at this time as well. I believe it is the will of the house to enter the committee stage. I am happy to provide any further contributions at the third reading should they be needed.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr TEAGUE: I take this opportunity to address some remarks briefly to the reasons of Justice Steward. There has been one passage in particular of those reasons that has been referred

by the Attorney, by the minister in this place and by me because it was in relation to the question of whether or not procedural fairness was implied in the legislation. The passage is not in front of me just now, but the thrust of it was that, with legislation of this kind, it ought to be rather obvious that the intent of the parliament is not to go ahead and give a warning to the criminal organisation about its intent to declare the prescribed place.

Those reasons of Justice Steward are all there, and I commend them to the house. Justice Steward is otherwise not departing from the plurality in allowing the appeal, but for the substantive reasons all of the court was agreed that it was not strictly necessary to deal with this question of procedural fairness, but it is that that has excited the engagement of the Law Society and, so far as the legislation is concerned, it is a good thing to dwell on it.

I might have neglected to say in my remarks at the second reading stage that of course we are dealing here with circumstances where there is, first, the declaration of the criminal organisation and then, secondly, the question of the declaring of a prescribed place. As Justice Steward points out, the process of declaring the criminal organisation in the first place is a process that is the subject of procedural fairness. You have a process in place for giving an indication of that intent and an opportunity to address that matter.

It is in those particular circumstances that Justice Steward is saying that you have that, that is really a primary step in terms of the affording of procedural fairness, and then from there it ought to be more or less a commonsense step that, if you are going to apply disruptive legislation intended to render it more difficult for the criminal organisation to conduct activities from premises that they otherwise owner occupy, then you are going to be going ahead and doing that without wanting to take the sorts of steps that are involved in declaring them as criminal organisations in the first place.

The reasons of Justice Steward set all that out, so it was helpful in the context of where we are—inserting provisions that abrogate procedural fairness expressly at this stage. It is well to bear in mind that there is a process that leads up to this, and it has been conducted therefore in that particular context, and I thought it important to have that squarely on the record in case it was not sufficiently brought to the attention of the parliament in the course of the second reading debate.

Clause passed.

Clause 2.

Mr TEAGUE: I was a bit vague earlier. I make particular reference to paragraph 83 of Justice Steward's reasons, where he sets out what I have just endeavoured to describe. I have it in front of me now. He says:

> The procedure for the making of regulations declaring property to be a prescribed place may be contrasted with the legislative regime for declaring an organisation to be a 'declared organisation' for the purposes of the [2008 act]. That Act sets out a complex procedure whereby an application can be made by the Commissioner of Police…for a [court] order that a particular organisation be declared to be a 'declared organisation'. The application must, amongst other things, set out the grounds on which the declaration is sought and the information supporting those grounds, and be supported by at least one affidavit from a police officer.

He then goes on to say:

> The absence of anything like this complex procedure, involving as it does a clear statutory mechanism for the giving of procedural fairness, is a further indication of Parliament's intention of what was required when making regulations of the kind the subject of this appeal.

It is that comparison that Justice Steward is making that I was endeavouring to refer to just now.

Clause passed.

Schedule 1.

Mr TEAGUE: I have just one question. I would be interested to understand the process that has been followed, particularly in relation to subclause (2), which I read as first repealing the declaration of certain places by deleting certain regulations and then declaring certain places to be prescribed places for the purposes of the definition by making new regulations 3 to 9.

It is my understanding that has an effect of refreshing the register. I would be interested in how that works mechanically and what we now see in terms of the list of prescribed places, the relevant ones now being incorporated and a number now coming off as well.

The Hon. J.K. SZAKACS: As the member for Heysen has already put, the current schedule will cease and the new schedule will come into effect. Those new matters, or the new properties and CT titles, and also those that have fallen off, are based upon that operational and intelligence advice received from various agencies. Obviously, without going into the detail on that, those that are before us and those that will be contained within the schedule are those which, as per advice provided to government, still warrant a prescribed place being declared. Those that are not, for various reasons, operational and intelligence based, are no longer required. At the commencement, it will be out with the old and in with the new.

Mr TEAGUE: I am not here inquiring as to the reasons for the changes, but, in terms of seeing that first expressed and for the benefit of the reference to this process, we see in part 2 the substitution of places. It declares a number places as prescribed places, and we will come to that in a minute, but there are a number that will no longer be prescribed places. I might be just slow, but it is not apparent on the face of this bill what those are, but it will be apparent on the face of the regulation as it is amended; is that right? If so, if it is able to be identified what they are, can the minister identify what they are?

The Hon. J.K. SZAKACS: In direct response to the member's question, I can advise, as I previously did, that the substitution of regulations will take effect upon the commencement of the legislation; that is, the old regulations, as they currently stand, will cease, and the new regulations include, as already identified by the member, the smaller number of titles. I do not at this moment have, to provide to you, the titles that are not to be included in the new schedule. However, for the ease of the member, the side-by-side comparison is the correct way to do it. For those that are not on the new and were on the old we have not been advised to proceed with, for the reasons I provided earlier.

Schedule passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (12:18): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

A quorum having been formed:

DISABILITY INCLUSION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 13 September 2023.)

S.E. ANDREWS (Gibson) (12:20): I will continue my remarks. Additionally, it can be a condition that is diagnosed later in life, such as autism spectrum disorder (ASD) in women. Many autistic women are not diagnosed until they reach adulthood, and this is for two main reasons: first, the set of autistic traits set out by professionals most accurately reflect the realities of autistic boys and men and, second, girls and women with ASD are better at masking or hiding their autistic traits.

We must ensure that, as we are doing in other areas of the community, we break down sexism and gender discrimination in the disability community. There is never any place for sexism, racism, homophobia or ableism anywhere in our community.

The next clause inserts important principles into the act, including the right for people with a disability to feel safe through the provision of appropriate safeguards, information, services and support. We all have a right to feel safe and be safe, whether it is at home, in the community or at work. People living with a disability should never be subjected to neglect, abuse or exploitation and it is our responsibility as a community, just like with our children and young people and older community members, to speak up if we see this occurring.

Clause 5 additionally provides people living with a disability and their families and representatives as appropriate the right to participate in the design and delivery of inclusive policies and programs. Just like the Voice, it is about providing people with input into policies that directly affect them. This bill reminds state and local government that they should take reasonable steps to assist people to learn about their rights and develop ways in which they can, or their families or representatives can, report violations of those rights.

The changes in this bill are about empowering our disability community and these principles go further to ensure those living with a significant intellectual disability are not forgotten or excluded by this bill. Moreover, they are identified as a priority group that is particularly vulnerable in our community. Further clauses ensure that the chief executive informs the minister on systemic or emerging accessibility and inclusion issues and, additionally, the State Disability Inclusion Plan.

This plan must set out whole-of-government policies and strategies giving effect to the principles and purposes of the UN convention and other international human rights instruments and specify priority areas for improvement and further measurable outcomes for each priority area. Importantly, the documents must be in a form that is accessible to people with a disability. This could be in large font or braille or include pictures and diagrams or be an audio resource. The whole of government must be on the same page.

Clause 12 requires state authorities to review their disability access and inclusion plan within six months of any changes to the State Disability Inclusion Plan and, if there is variance, update it so it is consistent with the State Disability Inclusion Plan. In addition to this overarching statewide plan, the act requires almost 100 state authorities, including government agencies and all 68 local councils, to develop their own disability access and inclusion plans. This section is extremely important, as people living with a disability should expect the same level of accessibility and inclusion across all levels of government.

I am proud to be part of a state government that is standing up for those who are vulnerable and ensuring that everyone can live a life where they are included, they are safe and they are listened to. I commend this bill to the house.

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (12:24): I am pleased to have an opportunity to speak on the Disability Inclusion (Review Recommendations) Amendment Bill 2023. Of course, as Minister for Education it is something that is a consideration for me as minister, for the education department more broadly and for all our staff not just in the public education system but in the education system more broadly in South Australia, and in the Independent and Catholic systems as well.

I think it is probably a very good example of an area where the education systems nationally have probably not done a fantastic job of keeping pace with changes in terms of always making sure that we are inclusive and making good on the commitment that is really central and at the core certainly of all our schools. The public education system does not turn anyone away. It is all about inclusivity, and one of the commitments that we make is that we will be able to accommodate a student, whether it is preschool, primary school or high school, no matter what complexities they might come to that site with.

We know that there have been a lot of changes in this area over the last few decades—positive changes. In a previous life, I worked for a former Minister for Disabilities in South Australia, so certainly I saw it from that perspective, and at that time the NDIS was coming into effect. There was a big change from it being a state-run system. I went a number of times to Strathmont as a staffer to speak to people there, to meet with parents primarily of younger people who had a disability and who lived there, and I think that really laid bare for me at that time how complex these issues can be for families.

There was always a strong desire and effort from the state system, as there is now. I know from the minister, the member for Hurtle Vale, that we must do everything we can, but of course sometimes we do fall short. That is also true of our education system, that sometimes we fall short, and sometimes I think we have not done as well as we should have in keeping pace with what I would describe as excellent and welcome changes in society's view of how people with disability should be treated.

I am 42 years of age and certainly in my lifetime I have seen those changes, but if I talk to my parents, or when I used to talk to my grandparents, about the things that they saw when they were younger around what society accepted in terms of the treatment that people with disability got compared with what society will quite rightly not tolerate now, these are excellent changes.

However, as we often know, the mechanisms and the systems that are a part of government—state, federal and NGO—often move more slowly than we want. I think that has been true in the disability space as well, but I can tell you that it is not for the lack of trying or willingness on behalf of ministers like the minister for disabilities, the member for Hurtle Vale, and me as Minister for Education.

I think that if we look at those societal changes more broadly, and I guess, too, a lot of the attention that is now brought to bear on issues through things like social media, which is a change too, we know that social media is very much a two-edged sword: it can be a force for good and it can be a force for bad as well. It is an extra complexity for the lives of members of parliament, bureaucrats and ministers now. You are having to respond to individual issues which are put on social media for all to see.

Of course, it is a positive in the sense that it gives those families a voice that they did not have before. It does make the jobs of the system responding more difficult than they used to be, I guess, but I see it overall as a real upside. Often those people were voiceless and their ability and capacity to tell their individual stories, about where systems had fallen short in terms of supporting their family members who had disability with their lives, were able to be told in a powerful way. The burden that places upon the system responding is that there is always a story there for the media. I do not criticise them for that. I am not saying the stories are not legitimate because they are.

In these jobs that the member for Hurtle Vale and I do, and I would say the member for Kaurna, the Minister for Health, as well, and the Minister for Child Protection—just to name a few examples of forward-facing portfolios that deal a lot with people offering services to members of the South Australian public—it can be tricky to walk that balance between trying to respond to issues that arise not infrequently of cases or alleged cases where the services we provide in our different portfolios have not been positive or as they should be. That is I guess here to stay; it is not going to change. Social media is not going away. I think people's reliance on it and use of it is only growing, and, again, our system has to adapt to that.

My experiences go back to my mother's work when I was growing up in south-west Victoria. Mum was a caseworker for families that had people with a disability, quite complex disabilities. She managed all the services for those families, and this was well and truly pre NDIS. We are talking about 20 years when my mother first started doing that and I was in grade 6, so that was 1993. It was the local council then, before the amalgamations that were to come, that managed those services for clients, so a big change then.

It was a job my mum took very seriously. Of course, she was always incredibly stringent about not talking about the private details of any of her clients. That was tricky because we lived in a very small town, so invariably you would have known who those people actually were. She spoke at length about the complexity and difficulties of the lives of these people, particularly in regional areas, and trying to get the services they needed.

One of the things that has certainly stuck with me—and I have spoken to the member for Hurtle Vale and heard the member for Hurtle Vale speak about this too—and does bring a tear to your eye, is when you talk to parents of a child with a quite complex disability who has required essentially full-time care for their whole life, the majority of which has been provided by those parents, and you hear from those parents, when reaching the end of their lives, the worry they have about

how that child of theirs will be cared for and supported, and who their advocate and voice will be when they pass away.

I reckon one of the saddest things I have encountered as a member of parliament in my local area is talking to elderly couples who are at that stage and just sick with worry about what will happen when they are gone, when they have cared for their own child and been the loudest voice in the room for their child for that child's entire life. Of course, no-one can really replace that fierce, unyielding kind of advocacy a parent provides for their own child. You just cannot replicate that; it is not possible.

That is one of the things that I know the minister deals with as well. It is not just about the support that is provided to the person who has a disability; it is also about what support we provide to the people around that person. I see that in my role as Minister for Education. Just today, I visited, with the member for Newland, Modbury South Primary School, which is co-located with Modbury Special School and Modbury High School. It is a fantastic model and they are fantastic schools.

I said at the start of my comments that the public system has to cater for everyone, because we do not turn people away, and I know that those three schools, because of their co-location and the way their three leaders, Joanne, Ginny and Denise, work together as three principals to find ways to accommodate not just students with disability who might be at a point of either transitioning from mainstream to the special unit but also sometimes those who might be transitioning from the special school into mainstream.

I spoke to Denise today around opportunities that we have and that the three principals of those schools would like us to explore about where there might be, I think she described them as, splinter skills, which I had not heard before—students in the special school who have splinter skills where they might be really advanced and could be thriving in a mainstream setting, but because in other skill areas they do not have the same aptitude, they are placed for all of their learning in the special school.

Our system is too rigid to enable movement for just some parts of that child's education between those sites, but what we have at Modbury Special and Modbury South and Modbury High are three leaders who are willing to find a way to make it work so that you might have the enrolment at Modbury Special School but the child there has these splinter skills which are well and truly going to fit in at the mainstream site, which is about 50 metres away. It is trying to find a way between those sites and making it work.

I think that is a fantastic example of where, with what can sometimes be very old, archaic systems where the broad bureaucracy struggles to get its head around ideas of how we change things that have been done the same way for decades, we can actually be bold and we can be innovative on the back of the fantastic leadership of people like Denise, Joanne and Ginny and do something really different there that benefits those children.

The point I wanted to make around that site, and coming back to the point I was trying to make around the complexity of service provision in this area, is it is not just the person with disability. It is also the impact it can have on siblings. I see that in the education system, and I was talking today to the principal of Modbury South Primary School. Deputy Speaker, you will certainly know from your many long years of advocacy for your area that we categorise schools according to relative advantage and disadvantage on a one to seven scale. It is rare that you will find a school that is happy with where it finds itself on that scale. Where they are on that scale can also determine some of the extra money that they are given from the public education system generally to tackle what would be higher levels of complexity on their site.

I was talking to Denise, the principal of Modbury South, who said that because they get a lot of out-of-zone enrolments at Modbury Special School, because of the amazing services and education it offers and the very strong reputation it has more broadly in the north-east, the way we calculate those levels of disadvantage is not particularly accurate for that site, because there are lots who do not live in the postcode on which the school's rate is calculated on but are sent to Modbury Special School because it has a great reputation.

Often those students have siblings who are not in a special school, and they go 50 metres away to Modbury South, but it is the same situation for that school in terms of calculating its relative

level of disadvantage or complexity: it is not particularly accurate. I know, having spoken to principals like Denise Squire at Modbury South, which has a disproportionately high number of siblings of young people with disability, it does take a toll on the siblings as well.

I think that is another thing that probably was lost in the past when we spoke around issues in this area, because the focus was on the person with disability and we rarely looked at the whole picture of the family. We now talk about the parents and the carers—that is good—but I know that I have tried to keep my focus as much as I can on what we do to support siblings of children who are in either special classes or special schools, because there is a lot of data that suggests that sometimes their education can be impacted by that as well, and we have to put some extra supports in there to make sure that we are assisting them whenever we can.

One of the things topical in my area, insofar as this amendment bill that we are talking about today is concerned—and particularly around disability inclusion, I might add—is that we have what is called the Inclusive Education Support Program (IESP). It is the funding for which schools can apply to the central education office if there is a child or a student they think needs extra support. It might be one-on-one support from an SSO ranging from level 1, the lowest category of additional support, to level 9, the highest category of additional support.

In the context of the enterprise bargaining negotiations currently underway with the education union, some who have been following this might have seen that in the second offer we put just this week one of the items we have included is around making changes to the IESP process. This will make it easier for schools like Modbury South Primary School, for instance, that have a relatively high number of students in their cohort of about 200 students who need IESP extra funding. We are trying to make that process easier for the schools, in terms of the application process—which is, in the context of the enterprise bargaining negotiations, around workload and workload reduction.

Separate to that, the other very clear and welcome benefit will be that we can get the support faster to the students who require it, under that Inclusive Education Support Program money. One of the things I have certainly noticed, and most of the traffic that came to me as shadow education minister—and I suspect that my counterpart, the former minister, the member for Morialta, would agree with me on this—is often advocacy from parents of kids with disability or a learning difficulty on how long it takes to get access to the extra support they need.

My observations have been that the system eventually does tend to get it right—not always, but it does eventually tend to get it right. What I have observed is that it takes an inordinate amount of time for the decision to be made, and you are setting aside the effect it would have on the young person who is in the class and not receiving the support they need while that application process is going to and fro.

It also has an effect on the parents or carers of that young person, because they have enough to manage and to worry about in their lives already without having the added burden of feeling like they need to be out there writing to their local MP or hopping on social media to make a song and dance just to get the basic level of funding they need to make sure their young person actually has an inclusive, high-quality education.

I am pleased that we are able to include it as part of the workload reduction efforts that the government is making as part of our enterprise bargaining negotiations—because there is no doubt that the level of paperwork that has developed around how you apply for that money is a contributing factor to workload for our staff overall—and I think it will make a difference to the lives of young people with disability in our schooling system, which is good.

It will, I hope, reduce some of the worry that we see in those families who have to advocate and feel like they need to push and push, that we can take some of that away as well. I am sure the member for Hurtle Vale would agree with me that anything we can do for those families who are under a lot of stress already is good for them and good for their child as well.

There are positive changes insofar as my portfolios are concerned around how we make sure our system is more inclusive for families of young people with a disability. That is a good thing. Since I became minister about 18 months ago and the Premier appointed Martin Westwell as the chief executive of the department, Martin and I have set about making our theme, as best we can,

around wellbeing and wellbeing for learning. I think it is the bit that has been missing. It applies to all students in our system, regardless of whether they have a disability or not, and it also applies to our staff.

I am of the firm belief that if we do want to see those standardised testing results improve, whether it is NAPLAN or PISA—because we know that PISA particularly has not been—we cannot expect this to happen if we accept that the collective wellbeing of the students who are taking those tests, and the staff who are teaching them, is on the decline. Part of that is making sure we support everyone in the system, including those students who have a disability.

Ms THOMPSON (Davenport) (12:44): I am pleased to speak to the Disability Inclusion (Review Recommendations) Amendment Bill 2023. This bill seeks to enact the recommendations of Mr Richard Dennis AM, PSM, following his extensive and independent review into South Australia's Disability Inclusion Act 2018.

As a government, we have a duty to see that legislation designed to support those with disability does just that. We know the wants, needs and views of people with disability change over time, and as a collective it is our responsibility to respond to those changes. That is why last year Mr Dennis, who I note previously worked in this place drafting legislation, undertook the independent review of the Disability Inclusion Act.

The review closely examined legislation passed by the Fifty-Fourth Parliament and saw individuals and organisations invited to provide their feedback. We want and we need to get this right, not just because the existing legislation requires a review but because we owe it to the people who are directly impacted. Fifty recommendations were included in the final report, 20 of which did not require legislative change. I understand that a number of those recommendations have already been actioned and completed.

While change at a legislative level can be conducted within the walls of this place, it is important that we remember our responsibilities do not end there. A level of social change is required to ensure that equality, inclusion and justice for people with disability are delivered in our communities. We can change attitudes and perceptions, ensure regulations at a local level are being adhered to and, perhaps most critically, hold each other accountable to see our parks, playgrounds, businesses and spaces welcoming and free of obstructive physical barriers.

I was pleased recently to have met with South Australia's equal opportunity commissioner, Jodeen Carney, who visited my electorate office to sign off on my antidiscrimination commitment and confirm my electorate office's registration as a WE'RE EQUAL workplace. That is why I am also working with the Aberfoyle Hub Shopping Centre's owners to improve accessibility within the complex, recently securing improved pedestrian passage between the centre and the nearby Hub Library and Aberfoyle Park High School, along with the installation of a new access ramp outside at The Hub cafe.

While my office has made its commitment to equal opportunity voluntarily, I note that the act stipulates, and importantly so, that the state government agencies in each of the 68 local councils implement their own disability access and inclusion plans. While the South Australian government rightfully conducts consultation of its own accord, it is pleasing to see that these agencies are now approaching their disability access and inclusion plans in a manner consistent with the needs of their respective employees, customers and stakeholders. One size does not fit all, and it is warming to learn cookie-cutter approaches to disability inclusion and equal opportunity have been cast aside in favour of more practical, relevant and community-focused measures.

Accessibility is of particular concern to people with disability. That is why the Malinauskas Labor government has agreed to changes to the National Construction Code from 24 October that will improve building accessibility. The construction of accessible homes in accessible communities is critical to ensure the housing market caters to the needs of people with disability looking to buy or rent. Burying heads in the sand is not an option.

These sensible changes will present improved opportunity in an increasingly competitive sector for people with differing accessibility requirements for years to come. In the meantime, I continue to work with authorities in my electorate, including the City of Onkaparinga and private

operators, to see community infrastructure that was deemed compliant at its date of build modified to meet the needs and expectations of our diverse population now.

Again, not all disabilities are physical, though. Never has that point been more evident to me than at the Flagstaff Hill sports park in February, when the Hon. Emily Bourke MLC, Assistant Minister for Autism, visited my electorate to speak with members of the autistic and autism communities. On that occasion, the room was full of people with lived experience and their families, speaking up to see that their valuable feedback helped shape South Australia's first Autism Strategy.

Those in attendance shared with us about themselves and their family members living with their disabilities in relation to education, awareness in public spaces, employment opportunities, among many other topics of importance. I would like to take the opportunity to recognise each of those attendees and place on record my sincere thanks for their contributions on the night. We see and we hear you and we look forward to sharing the draft strategy with you in coming months.

I know both our state and future generations will be stronger for your participation in this process and for that I am incredibly grateful. Our government is committed to listening to people with lived experience in all areas so that the policy that affects them is directed and influenced by those who understand better than anyone what they need. That is why the proposed amendment to this act includes the stipulation that the minister is to seek the views of people with disability.

The amendment provides the minister with the capability to establish a committee to advise and assist them and is to include a diverse range of people with lived experience of disability. This will ensure that policy about people with disability will have direct input from people with disability in the hope that future policy will be comprehensive, relevant to their needs and well informed. It is essential for good policy that the government consult with and listen to the people policy affects, especially those with lived experiences that are unique to the wider community and especially when that policy is about them and directly affects them.

I did not truly understand how many barriers there really are in our environment for people with disability until my mum lost her ability to walk and had to use a wheelchair. This is a simple example, but I was shocked at how poorly designed many of our communities are with respect to accessibility. I remember having to push mum in her wheelchair a significant distance just to find a dip in the pavement to cross the road. It was really like I was blind to seeing those challenges until being directly faced with them. That is why I think it is so important that we are consistently consulting with those people who are directly impacted. They know better than anybody what is needed for more inclusive communities.

South Australia's community of people living with disability is a large one, with approximately 46,000 South Australians, including children, receiving support from the National Disability Insurance Scheme. At a national level, there are 4.4 million, or one in five Australians, who have some form of disability. It is important to remember that not all those disabilities are visible.

As a community, we need to be having real conversations about disability to challenge some of our preconceived community attitudes and to celebrate the unique experiences and stories of people with disability. I am proud that within my own electorate and in the southern community there are some important changes in the works.

One of these is in Aberfoyle Park, where we will soon see an upgrade to the Hub Library to improve its accessibility. This was one of my local election commitments that I fought for to ensure that our public library can be used by all. Too often, our spaces have barriers that make it so that people with disability are unable to access and use them. It is important that we strive to remove those barriers so that our community is accessible for everyone.

Imagine packing up your kids' backpacks and heading off to the playground for the day only to find that your child will only be able to watch the other children enjoy the space, as there is no accessible equipment for them, or having to leave early because there are no accessible toilet facilities nearby. The thought of that alone breaks my heart.

I am really pleased that this is becoming a priority, and I am particularly pleased that accessibility was given great thought when designing the newest playground in my electorate, the

Glenthorne National Park Adventure Playground. This popular new play area offers a wide range of accessible equipment to ensure children of all abilities can enjoy that space.

It is of the utmost importance that people who are affected by policy and who are far too often not included in the discussion be in the room and have their voices heard and listened to. I am proud to be supporting the bill and to be lending my voice on behalf of my community in favour of it so that positive change can occur for the benefit of people with disability in our communities. 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) (12:53): I also rise today to speak on the Disability Inclusion (Review Recommendations) Amendment Bill 2023 and thank the Minister for Human Services for bringing it to this house and for her work and deep engagement with community around it.

This bill makes really important additions and changes to further bring to life the requirements and impact that this legislation can have, to ensure our community is genuinely an inclusive one—one that both positively and proactively responds to the needs, the hopes and the aspirations of people living with disability.

As Minister for Disabilities in our former Labor government, I was honoured to initially introduce the disability inclusion legislation that, following parliament being prorogued, was later progressed by the former government. As I spoke to at that time during the debate in this place on the now Disability Inclusion Act, this legislation rightly promotes the recognition of essential human rights in line with the United Nations Convention on the Rights of Persons with Disabilities.

This legislation responded to the need to shift our focus from one solely focused on the delivery of services to individuals to a focus on our whole state's role in supporting and empowering people living with disability. This focus was about meeting people living with disability and where they were at and about ensuring that what was available to them to be able to access, enjoy and be a part of responded to their needs and the aspirations they had articulated.

This focus was to ensure people living with disability are at the centre of all decisions that impact them, and that their voice is heard, amplified and acted upon. To ensure that that is the focus, what this legislation promotes is that we all have a role in our community to support, to include and to empower people with disability—individuals, organisations and all levels of government taking up that responsibility.

The Disability Inclusion Act initiated the overarching State Disability Inclusion Plan and made requirements of almost 100 state authorities, including government agencies and all local councils, to develop their own disability access and inclusion plans, known as DAIPs. These disability access and inclusion plans—which, since the operation of this legislation, state authorities have completed—have promoted really important community discussions and have also acted as a call to action to ensure that our entire community is focused on making services, programs, access to goods and homes, and participation in every aspect of community life accessible to everyone.

I welcome, and I am so grateful for, the actions taken by agencies through the development of these plans to consult and engage with the community and to truly analyse the services that they provide—and how they provide them—to ensure that every community member's needs and aspirations are reflected in those services so that they can fully participate and reach their full potential.

These conversations, this engagement, has been so important. As I said many times when I was the minister, and before and after that time, the doing is so important but the shaping of what you do, and the true inclusion of people in deciding what that doing encompasses, is crucial. It is what makes people know that they are respected, included and will be treated with dignity. It also absolutely makes all that we do more effective.

Last year, four years after the commencement of the act, a review of the operation of the act was undertaken by independent reviewer Mr Richard Dennis AM, PSM. The review involved the contributions of a range of individuals and organisations with interest in this area. Amongst them

were the Commissioner for Children and Young People, Active Inclusion, the Disability Rights Advocacy Service, the LGA, the Public Advocate and many others.

Amongst the contributors was Natalie Wade, founder of Equality Lawyers, who also sits on our Premier's Council for Women and who was a driving force in drafting the initial bill and ensuring that that drafting deeply reflected the will of people living with disability. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

HYDROGEN AND RENEWABLE ENERGY BILL

Message from Governor

Her Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

Petitions

JET SKIS

The Hon. L.W.K. BIGNELL (Mawson): Presented a petition signed by 241 residents of South Australia requesting the house to urge the government to ban jet skis from Maslins Beach, Port Willunga, Aldinga Beach, Silver Sands and Sellicks Beach and to restrict jet ski launching within the City of Onkaparinga to the O'Sullivan's Beach Boat Ramp.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

SA Health—

Coroner's Finding of 1 March 2023 into the deaths of Beverley Joy Coats, Heather Maude West and Lorna Margaret D'Souza—Report on Response to—June 2023

Coroner's Finding of 3 March 2023 into the death of Mathew George Paxford—Report on Response to—June 2023

Review of Rural Mental Health Services in South Australia—Report—May 2023

Review of Rural Mental Health Services in South Australia—Report on Response to—13 September 2023

VISITORS

The SPEAKER: Before I call questions without notice, I recognise the presence in the gallery today of students from Unley High School, guests of the member for Unley. Welcome to parliament.

Question Time

FLINDERS UNIVERSITY

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:02): My question is to the Deputy Premier. Will the government consider establishing a research and equity fund for Flinders University?

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (14:02): I welcome the question. It is a reasonable one in the context of the changes which are likely to be occurring with the university sector in South Australia over the next short while.

Obviously, much of the decision is in the hands of parliament and yet to be decided, but the honourable member's question is directed towards the proposition that there be an equity fund and also a research fund dedicated to the new university, should it be created, and whether in fact there ought to be a matching or equivalent offer for Flinders University.

I don't want to preclude any possible options but would share with the chamber some of the considerations that are currently in my mind on that matter. One is, of course, that the new university being formed from two existing universities is going to require a lot of effort and some reputational risk as the transition occurs, and therefore it's understandable they are looking for some support through that process from the state that will ultimately benefit, in my view, from the new institution.

Flinders University is not experiencing that and, indeed, might see some advantage for a short period of time at least in being able to get on with being Flinders University while the other two institutions are experiencing the merger process. It is also the case that Flinders University has been the beneficiary of direct grants from the state government, as have the other two institutions. We have never adopted an approach that if there is a grant that goes to one we need to match to the others.

That's not been necessary because in fact it all evens out on the basis that they are three very good institutions that perform different services and activities at different times that are of value to the state. I give as an example the $4 million that went to the Lion Zero Factory of the Future for Flinders University as part of our election commitments, which is about facilitating smaller manufacturing companies to be able to test methodologies and production innovation in order to participate in the defence supply chain.

That did not then precipitate an immediate question of, 'Well, will the other two universities get the same?' because that's not the relationship we have had. With those two caveats in place, that it's not of necessity that one does for one university what one does for the others, I would say on the other side how important it is that we have a strong university sector.

That is the ambition of the creation of a new university that will be larger and we expect more able to attract more international students to teach a wider range of domestic students and to undertake more research and attract that money to South Australia. While that proposition is very important, it sits within the necessity to have a very strong higher education sector, and that means making sure that Flinders maintains its role and indeed expands it as the other grows.

So that is very much on the mind of the government, as are the points made by the vice-chancellor, Colin Stirling, who presented to the committee and talked about the necessity to treat students of low socio-economic background fairly, that if they were to do a topic that was a course only offered at Flinders they would miss out on an opportunity, whereas if they did a different subject and therefore able to go to the new university they would have more access to the equity scheme.

All those factors are in play at present, and we continue to have discussions with Colin Stirling and with his chancellor, and we also look forward to whether this parliament does indeed decide to go forward with the creation of the new university later this year.

HOSPITAL AVOIDANCE HUBS

Mrs HURN (Schubert) (14:06): My question is to the Minister for Health and Wellbeing. Have there been any transfer of care delays at the Sefton Park and Daw Park hospital avoidance hubs and, if so, are these measured in the same way as other metropolitan hospitals?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:06): Not to my knowledge but I am happy to seek further information. The key requirement of those centres is that for the ambulance to go to those centres they need to check in in terms of the availability of those centres before they go there.

So, understanding that, the ambulance will ring, say, Sefton Park or the SALHN care at the Repat service and check whether there is availability there. If there is, then they are able to take the ambulance and take them straight through. Certainly, when I visited particularly Sefton Park they have said that they have always been able to take those ambulances straight through to those services.

Importantly, these are important hospital avoidance services that we have in place, and these are more advanced than we see in terms of some of the Priority Care Centres that we have in operation, and they can take a higher acuity of patient, which is really important. That's why in the latest state budget we have announced that we are going to be establishing two more of these centres as well—one in the western suburbs and one in the northern suburbs.

That will give us a network of four of these hospital avoidance centres across Adelaide to give our paramedics another option in terms of taking people apart from going to hospital. Importantly as well, it will not just be referrals from the Ambulance Service itself; it might be referrals from the Virtual Care Service or referrals from GPs themselves.

Certainly the feedback that we have had from patients themselves is that these have been very positive and that they have had good outcomes through those two services that are operating at the moment. We expect that we will continue to see good outcomes for people in terms of those other two services that will open as well.

In addition to that, of course the federal government is investing in urgent care centres as well. There will be four of those established across Adelaide—one in the northern suburbs, one centrally or in the western suburbs, and then two in the inner and outer southern suburbs as well. We look forward to the further details and announcements from the federal government in relation to those. There will also be, importantly for the member for Mount Gambier and also for the member for MacKillop, another one of those established in Mount Gambier as well.

They will provide an additional element, but these will be very much for people to walk into those centres, whereas what we see in these hospital avoidance centres is that you can't necessarily walk into them in the same way you can those urgent care centres or a hospital emergency department. For these hospital avoidance centres, you need to be referred into them. That makes sure that we have the capacity there to see those people who otherwise would be going to an emergency department and where we can otherwise provide that care.

Predominantly, the workforce in these centres is a mixture of SA Health nurses and also allied health support and medical support. There are a number of GPs we employ through SA Health who provide services in those centres as well. What we see, particularly in terms of those two centres that we have operational at the moment, is the ability to undertake imaging, which means that there is a higher level of acuity that can come through those centres.

They have been established slightly differently, but I think what we will see over time is a common operating model develop, particularly once we get to all four of those centres operating. The two new centres are currently going through a tender process, in terms of identifying the specific locations for them, and we look forward to making announcements about them soon.

SA HEALTH FOCUS WEEK

Mrs HURN (Schubert) (14:10): My question is again to the Minister for Health and Wellbeing. Have any recommendations from the government's Focus Week been accepted and, if so, when will they be implemented?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:10): SA Health has released a report in relation to Focus Week that goes through a number of the measures that happened across our hospital network and a number of measures where work has been continuing and being implemented. As we have talked about in this house before, the idea of Focus Week was not an inquiry or a—

Members interjecting:

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

The Hon. C.J. PICTON: The idea of Focus Week was giving permission to teams located right throughout our healthcare system to identify local issues that can be addressed and local solutions—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. C.J. PICTON: —that can be put in place—

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

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

The Hon. C.J. PICTON: So all our teams were encouraged to work on local solutions to local issues, identifying ways in which there can be improvements—

Members interjecting:

The SPEAKER: Order!

The Hon. C.J. PICTON: —in terms of flow that happens across our hospitals. As the report, which I am sure the member will be able to obtain from the SA Health website, outlines—

Mrs Hurn: There are 26 recommendations.

The SPEAKER: Order!

The Hon. C.J. PICTON: —there is a significant number of work that has happened in terms of improving—

Members interjecting:

The SPEAKER: Order! There are interjections in the nature of supplementary questions, which could be asked at the appropriate time.

Members interjecting:

The SPEAKER: Order!

The Hon. C.J. PICTON: —ward by ward, service by service, hospital by hospital. When you have some 47,000 people who work for SA Health, that's a significant amount of work happening right across the board. We are listening to our staff. Importantly, we are empowering our staff—

Members interjecting:

The SPEAKER: Order! The member for Morialta is on two warnings. The minister has the call.

The Hon. C.J. PICTON: Importantly, we are empowering our staff to make sure that where they are identifying issues—

Members interjecting:

The SPEAKER: Order! The member for Morialta is on a final warning. The minister has the call.

The Hon. C.J. PICTON: Where they identify issues that can be improved in their particular local service, in their ward, in their service, that that can be improved.

Mrs Hurn: But you are not doing anything about it.

The SPEAKER: The member for Schubert is warned.

The Hon. C.J. PICTON: What we have seen through that process and subsequently are significant improvements. I had the opportunity to meet with a lot of our general medicine teams recently, where they identified work that was happening across the general medicine teams at each of our major hospitals—very significant work that happened out of that week and subsequently to improve systems, to improve processes. It's that microlevel work which is important at the same time that we build additional capacity to make sure that we can improve flow through the health system.

TUBERCULOSIS

Ms PRATT (Frome) (14:13): My question is to the Minister for Health and Wellbeing. Have health practitioners been treating a tuberculosis outbreak and, if so, has training been provided to them? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms PRATT: It was reported on 8 September:

As part of the State Government's effort to fight a tuberculosis outbreak in the APY lands that has claimed one life, more than 700 people have been screened as part of a $1.9 million package, which includes tailored community engagement, and education and upskilling health practitioners who may not have seen cases of tuberculosis in their practice.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:14): This is an important question and I had the opportunity last week to visit the APY lands, along with both the Chief Executive of SA Health, Dr Robyn Lawrence, our Chief Aboriginal Health Officer and other members from the SA Health team. There were a number of key things we did while on the lands, one of which was looking at what has been happening in terms of the tuberculosis outbreak.

There has been a very significant response in terms of concerns about tuberculosis on the APY lands. There has been a $1.9 million investment from SA Health in terms of responding to this outbreak, working between our SA Public Health team, the tuberculosis team that is based out of the Central Adelaide Local Health Network, SA Pathology team and also the Nganampa health services based on the lands, to develop a response that has been community tailored to make sure that we can test as many people as possible, and get as many people as possible identified in order to address the outbreak and then to be able to treat people who have been affected by the outbreak.

The team has done incredible work, particularly focused at Pukatja where the outbreak is happening, and in working with the Nganampa team based at the clinic there has now identified 700 people who have been tested. They will be going back shortly, undertaking some more testing, but it is a very significant number of people from that local population who have been tested. The other element as well which the member asked me about, is making sure that we can provide the support to the health workers and the delivery of treatment—

Ms Pratt: Do they know what they are looking for?

The SPEAKER: Order!

The Hon. C.J. PICTON: —to people being affected. As you can imagine, that is more complex when you are talking about an area like the APY lands than elsewhere, and so the work between SA Health and Nganampa health services has seen regular visits that have been led in order to provide assistance, and to provide assistance for the medications that people who have been affected by tuberculosis have had to take, to make sure that they can be appropriately treated. Speaking with the team at Nganampa, that has involved visiting them many times a day to make sure that those medications are being taken appropriately, because if they are not then they will not work effectively and then the second line treatments that are available to affect that condition are nowhere near as good if that first line treatment—

Ms Pratt: That is about treatment not training. Do they know what they are looking for?

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

The Hon. C.J. PICTON: —is nowhere as good if that first line treatment is delivered effectively. So that is very important work, and certainly the feedback that we got from up on the lands was very supportive in terms of that work that has happened between SA Health and Nganampa health services. There has always been a small trickle of cases that have been identified on the lands over the past 40 years, but this is a much higher number than we have seen previously.

Members interjecting:

The SPEAKER: Order! The minister has the call.

Ms Pratt interjecting:

The Hon. C.J. PICTON: Why don't you listen?

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! Minister, please be seated. Speakers have upheld the right of ministers, or other members, to answer a question as they see fit, provided the answer conforms to standing orders or any other practice of the house. There is no point of order before me—

An honourable member interjecting:

The SPEAKER: Order—in relation to standing order, for example, 98, and therefore the minister has the call. Minister.

The Hon. C.J. PICTON: Thank you. So, in summary, we have provided the funding, we have provided the staff, we have worked with the local health service and we are doing the testing. A very significant number of people have been tested—I think many more than our expectation were going to be able to be tested—and we are providing the support to make sure the people can get the treatment that they need to get better through this outbreak. This has been a really cohesive, coordinated response across SA Health and Nganampa health services and I want to thank each and every one of those healthcare workers who have been involved in this very serious outbreak.

RESCUE HELICOPTER SERVICES

Mr BASHAM (Finniss) (14:18): My question is to the Minister for Health and Wellbeing. Are rescue helicopter services undertaking emergency retrievals landing at the helipad at Southern Fleurieu Health Service and, if not, why not? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr BASHAM: It has been reported by local media that the rescue helicopters have ceased landing at the purpose-built hospital helipad at the Southern Fleurieu Health Service, landing instead at Goolwa Airport which will add an extra 18 minutes to an ambulance ride.

Members interjecting:

The SPEAKER: Order! The exchange between the member for Schubert and the member for West Torrens and the member for Morialta will cease.

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

The SPEAKER: They could not be heard by the Chair, and in any case, a point of order can be raised.

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

The SPEAKER: It was not heard by the Chair, therefore it has to be dealt with by point of order. The minister has the call.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:20): I thank the member for his question and his interest in this issue. I can advise that a number of weeks ago there was an incident that happened on that helipad. There was an issue where there was a staff member in the neighbouring temporary car park to the helipad who was within the landing perimeter of that helipad. That was obviously a significant concern to the people who operate the helicopters in terms of the safety issues of that helipad.

As a result, a rapid review has been undertaken between Babcock, who operate the helicopters, and the Barossa Hills Fleurieu Local Health Network that has identified a number of recommendations in terms of how to address this issue and address the car parking, which clearly will have to be addressed in terms of those safety issues on the helipad. While they are working through those recommendations and working through the plan on how to address that, they have had to identify a temporary solution.

That firstly was to use the Victor Harbor Oval, but then the local school raised concerns about the use of that, so now there has had to be a temporary arrangement in relation to Goolwa Airport being utilised. Obviously, it is a concern that those safety issues have happened and mitigations have had to be put in place. I look forward to the work that is being undertaken by the Barossa Hills Fleurieu Local Health Network to address those safety concerns in terms of the use of that helipad to make sure that that can ultimately resume.

RIVER MURRAY FLOOD CLEAN-UP

Mr WHETSTONE (Chaffey) (14:21): My question is to the Minister for Environment and Water. What is the status of the River Murray flood clean-up program? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr WHETSTONE: The opposition has been advised that nearly 25 per cent of the allocated funding has been spent on the River Murray flood clean-up efforts but just 2 per cent of the total clean-up has been completed.

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): I appreciate the opportunity to answer the question. If I can just run through some key statistics, there are some 1,833 properties that originally registered for assistance under the government's clean-up program, and 100 per cent of those have had a phone call from the lead contractor to coordinate an assessment of their property. The lead contractor is continuing to follow up with people who have not returned their call and is identifying opportunities to reach members of the community who are yet to register.

There are 740 people who have indicated that they no longer require assistance; that is, they may have already used the kerbside clean-up and the free disposal vouchers or their insurer has covered their needs, so between them they no longer require that assessment. There are 1,687 free disposal vouchers that have been distributed, and 1,030 of them have been redeemed. That voucher program has now ended, although property owners are still able to have access to the kerbside collection program.

There are 549 property assessments that have been completed, and 538 have been issued to owners. There are 274 demolitions that have been requested and are working their way through approval—which means cultural assessments, power disconnections and owner sign-off—and there are 39 demolitions that have been completed.

The head contractor has completed 39 requests for property muck-out assistance, which is where the owners themselves are unable to get all of the material out of their houses. Often there are volunteers who have been assisting with that, which has been excellent. There are 12,870 tonnes of material that have been collected, and 4,900 of them have been diverted from landfill. There are 516 tonnes of asbestos that have been collected, and 85.2 per cent of the hours worked on the program have been completed by the local South Australian workforce.

The head contractor has also now started the process of removing small debris displaced by the flood event at stage 1. These are items such as water tanks, pine posts, fridges and other small items. As of 5 September, 2,500 items equating to 21 tonnes have been removed. Based on distance, 45.6 per cent of the stage 1 removal program has been completed. The next stage will be the removal or relocation of large items and navigational hazards.

Members interjecting:

The SPEAKER: Order!

GREEN INDUSTRIES SA

Mr WHETSTONE (Chaffey) (14:24): Supplementary to the Minister for Environment and Water: minister, when will the government update the status of Green Industries' flood clean-up progress page, which has now not been updated for two months?

The Hon. A. KOUTSANTONIS: Point of order, sir: standing order 97. The question purports to introduce facts into the question, and I ask the member to rephrase his question.

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. Pisoni interjecting:

The SPEAKER: Order, member for Unley! I am going to give the member the opportunity to rephrase the question.

Mr WHETSTONE: Thank you, sir. Minister, when will the government update the status of the Green Industries' flood clean-up progress page? With your leave, and that of the house, I will explain.

Leave granted.

Mr WHETSTONE: The page has now not been updated for two months.

The Hon. A. KOUTSANTONIS: Point of order, sir: standing order 97. A member may not offer argument or opinion, nor may any member offer any facts except by leave of the house and only so far as is necessary to explain the question. The member has introduced facts that are not substantiated.

Members interjecting:

The SPEAKER: Order! That may be; however, there is a very practical way to resolve this matter, and that's just to ask the question without introducing any material beyond that. If the member for Chaffey wishes to press leave, then of course that can be resolved in a different way, but it strikes me that the question stands alone.

Mr WHETSTONE: Thank you, sir. Again, when will the government update the status of the Green Industries' flood clean-up progress page?

The SPEAKER: That question is in 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) (14:26): I am looking at the page itself and can't see a date on it. I will find out whether it is in fact older and whether it requires updating.

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

The SPEAKER: The member for Morialta is on three warnings.

Members interjecting:

The SPEAKER: Order!

SAFEGUARDING TASKFORCE

Mr TELFER (Flinders) (14:26): My question is to the Minister for Human Services. What is the status of the funding for the individual advocacy safeguarding service that was funded by the government in response to the death of Ann Marie Smith? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TELFER: In response to the recommendations of the task force into safeguarding, which was established following the case of Ann Marie Smith, the South Australian government provided funding to UC legal to provide individual advocacy for people with a disability. On 29 June 2023, the minister indicated that the funding for this program would end in December.

Members interjecting:

The SPEAKER: Order! Before the minister responds, the interjections across the chamber in relation to points of order that may or may not be raised are generally unhelpful. They exhaust the time that's available to the opposition to ask questions.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is warned. Order! There was no ruling in relation to the matters raised by the member for Chaffey. He didn't press leave in the end, and the matter was resolved on that basis, not by direction from me.

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:28): As I have explained as well in estimates and on various other platforms, the NDIS review is nearly ready to be reported on, with recommendations, as well as the royal commission into the neglect and abuse of people with disability. Those are all coming to a head over the next six weeks or thereabouts. We are currently waiting on briefings regarding some of those recommendations, and that will help to inform how we further pull together advocacy and safeguarding, from a bigger picture point of view, across the whole sector.

The reports I had from that advocacy group the last time I met with them, earlier in the year I think it was, a lot of the people who were reaching out were indeed reaching out in respect of barriers in accessing the NDIS and an appeals process that they were finding really challenging. I know there was really great work being done by UC in respect of supporting people through that process to try to help them get better service by the NDIS and actually get their plan.

The last figure I saw, the appeals to the AAT had dropped by about 30 per cent and there has been a really big push and a real focus on the federal Labor government in terms of turning the NDIS around, making it easier to access clearer pathways, trying to avoid some of the waste and fraud that was going on, for sure, which would make the NDIS a more efficient and effective system going forward.

I think those initial targets that have been set by the federal government are having some definite impact and improvement in terms of those people who have been finding it really tough. That's not to say there aren't still, as we all know, people who do find it tough in terms of the NDIS. They have been doing a great job.

As we move forward with the review and the report from the royal commission, I think we will find there potentially would be some other changes, so to make premature arrangements, that's not what I am going to do. I am going to wait to be informed by both those reports, and that will happen over the next four to six weeks. As soon as that is available and I can, I am very happy to sit down and provide a briefing about that as well as we move through to the next phase.

LABOUR FORCE DATA

Mrs PEARCE (King) (14:30): My question is to the Deputy Premier. Can the Deputy Premier provide the house with an update on the South Australian labour force?

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) (14:31): I thank the member for King for her question. Indeed, I think all South Australians will be pleased to know that the latest labour force statistics are very welcome for South Australia and for South Australians. We are this month at the lowest seasonally adjusted unemployment rate on record—3.6 per cent—and, indeed, below the Australian average.

Members interjecting:

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

The Hon. S.E. CLOSE: Not only have we seen a decrease in unemployment but we have, not unexpectedly, seen an increase in employment. In fact, our increase in employment over the last year is over the Australian average also, an increase in number of jobs. There are now a record 958,200 people who are employed in South Australia. That is almost 50,000 people who are employed now who were not at the 2022 state election, which is an extraordinary achievement for the entire state.

People who look into unemployment figures understand that participation rate matters a lot. Has unemployment gone down because fewer people are looking for work? Indeed, that isn't the case. There has been a slight increase in participation rate and it is also the third highest on record. So we not only have very low jobs numbers and good growth in jobs but also we have people willing, able and wanting to be in employment, which is important.

Another statistic, which I think we can all be collectively proud of, is that we have continued to see a positive net interstate migration figure. It's absolutely essential of course that we continue to be able to grow. We need people with skills and we need people who want to come here and make

their lives here. To have people choosing to come from interstate net positive is extraordinarily important.

There is also an increase in population due to net overseas migration. Some 25,000 people have moved to South Australia from overseas throughout the last year—again, an endorsement of what's happening in South Australia and why people might want to come here. Almost 9,000 of those movements occurred within the March quarter. This is consistent with what we are seeing elsewhere. We are seeing an increase in international students. International students of course bring family and friends to visit. They stay longer and spend more than most tourists and they start to have a very positive impact on our economy.

This is of course not in any way to be complacent. We all know that the economic times at present are very difficult. They are complex for people who are facing cost-of-living challenges, and we can never be complacent that the good unemployment figures, low unemployment figures and good jobs growth figures are going to be maintained.

What we can be sure of is that on this side of the house, in this government, we are dedicated to making sure that we put every element in place that's required to have a strong economy, more people being educated with more skills and more opportunities so that they can have a higher standard of living so that we are able to continue to see not only that growth in numbers of people employed but that growth in the quality of life of South Australians, which this side of the chamber, at least, is dedicated to.

COMMUNITY VISITOR SCHEME

Mr TELFER (Flinders) (14:34): My question is to the Minister for Human Services. Has the government's investment into the Community Visitor Scheme actually increased the number of visitors participating in the scheme or the number of visits they have performed?

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:34): Thanks very much for the question. I recently met with the Principal Community Visitor to discuss the future of the scheme. As you know, we are very committed to broaden and widen the scope of the scheme, and we need to do that again in partnership with the NDIS and the Quality and Safeguards Commission, again waiting for the results of this review and the royal commission.

I am able to give you a fulsome set of numbers. Later, I can get back to you with an answer on that in terms of the number of visits in the last 12 months and moving forward. The Community Visitor raised a number of things with me in terms of how we can improve the recruitment and retention of community visitors.

I think today I saw a figure being put out around employment, that we had the lowest level of unemployment ever; I think it's 3.6 per cent or something. In the context of that, when we have so many people who are fully and more than fully employed, it is very difficult to get people who are able to provide many additional hours to volunteer. We are looking at creative ways. We are certainly holding our own in this space, but we are looking at creative ways that we can actually increase—

An honourable member interjecting:

The Hon. N.F. COOK: I don't know what you are doing. Are you doing some sort of a rap dance or something over there?

The SPEAKER: Order! The minister will not respond to interjections.

The Hon. N.F. COOK: Only waving—hi!

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. N.F. COOK: I don't know what you are doing. You are doing this—

The SPEAKER: Order! Minister, it's unnecessary to respond to gestures or any other interjection. The minister has the call.

The Hon. N.F. COOK: He's doing the worm or the snake, I'm not sure. We are holding our own in terms of the visitors and the quality of visitors, and the quality of the training they are receiving has certainly been invested in. Also, that's happening in partnership with the visitors who are happening for the Minister for Health and certainly into mental health facilities.

I will definitely be able to get you some numbers in terms of how those visits are going. Also, again, as soon as we are able to provide some more information—I think we answered a question for you on this in estimates, regarding community visitors moving forward. Again, we are going to be informed a lot by what's happening with the NDIS and also with the royal commission, making sure that safeguarding is as good as it can be for people who need it.

SAFEGUARDING TASKFORCE REPORT

Mr TELFER (Flinders) (14:37): My question is to the Minister for Human Services. Has the final report of the Safeguarding Taskforce, produced by the Hon. Kelly Vincent and Dr David Caudrey, been removed from the DHS website and, if so, why?

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (14:37): I will take that on notice and check for you.

ZERO EMISSION PUBLIC TRANSPORT

Mr ODENWALDER (Elizabeth) (14:37): My question is to the Minister for Infrastructure and Transport. Can the minister update the house on the Malinauskas government's progress towards zero emission public transport?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:38): Yes, I can. I thank the member for his question, and I know his commitment to zero carbon technology. Recently, I was able to announce two new hydrogen fuel cell buses—

Mr Patterson: Two? What, two?

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Yes, two is more than none, which is how many we had under the previous government. In fact, some might say it has been a dramatic increase on the previous government's efforts.

Members interjecting:

The SPEAKER: Order, member for Chaffey, member for Newland, member for Elder! The minister has the call.

The Hon. A. KOUTSANTONIS: My young friend's commitment—

Members interjecting:

The SPEAKER: Order, member for Morialta!

The Hon. A. KOUTSANTONIS: —is admirable but misplaced.

The Hon. J.A.W. Gardner: You are the Greta Thunberg of South Australia.

The Hon. A. KOUTSANTONIS: People have said that. My colleague says that to me all the time: 'You're so green!'

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I am pleased to inform the house that these buses have now entered into service and are being trialled across our network. I am advised that the hydrogen buses have already made appearances across the member for Adelaide's electorate, and they are being spotted by enthusiasts and patrons alike and they are very excited.

My young friend may have spotted one of these buses and you can tell the excitement on his face. It's almost as good as a show bag—almost as good as a show bag—or a limo. It's the same sort of thing. You get the same sort of photograph in the back if you want.

For those in the house who aren't aware, hydrogen fuel cell buses do not actually burn hydrogen. Hydrogen is passed through a fuel cell and the by-product of these fuel cells is water. Think of the amenity improvements we will see in the CBD. The reverberation between buildings of diesel buses accelerating, not only releasing particulate pollution but also noise throughout the city, makes the city quite frankly very, very noisy.

A lot of the noise that contributes to the city amenity comes from our public transport system. Currie Street and Grenfell Street are the funnel points of most of our public transport coming into the CBD. They do create a great deal of noise and do have an adverse impact on amenity. The amenity improvements on not only the member for Adelaide's constituency but the benefits for the entire state of an electrolysed fleet are, quite frankly, dramatic.

The ability for us to improve population standards and population numbers in the city of Adelaide could be dramatic. So what we are delivering through this trial is trialling a hydrogen fuel cell bus in Australian conditions. It's one thing to trial these things in Europe or in London, it's another thing to trial them in Australia where we get extreme temperatures on either side—and, quite frankly, it's important that we get this right.

Mr Cowdrey interjecting:

The Hon. A. KOUTSANTONIS: Sorry?

Mr Cowdrey: We don't get that cold.

The Hon. A. KOUTSANTONIS: We don't get that cold? Okay.

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I will take the expert advice from the shadow treasurer.

Members interjecting:

The Hon. A. KOUTSANTONIS: The current shadow treasurer, yes.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: I have to say I think the current Treasurer is really hoping he stays. But anyway, these hydrogen buses are a part of our entire decarbonisation story. What we are attempting to do is, on coming to office we stopped the ordering of any future diesel buses—something that the previous government had relied on as part of the fleet. We want to decarbonise our fleet, so the only buses we will order from now on will be either hybrid, fully electric or hydrogen fuel cell. The electric buses offer us an opportunity to test our solar sponge technology, but there will be more on this to say as questions go on throughout the term.

CONSUMER AND BUSINESS SERVICES

Mr TEAGUE (Heysen) (14:42): A question to the Minister for Consumer and Business Affairs: is CBS providing assistance to the building industry to prevent further businesses being placed into liquidation? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: On 13 September, Stephen Knight of the Housing Industry Association suggested that 'Consumer and Business Services and the building industry and the Government should be sitting down' to discuss how to improve the operating environment to prevent further impact to home builders.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:42): I thank the shadow minister for the question. Yes, indeed, the government is working very closely with the building industry. I meet regularly with Stephen Knight from the HIA and Will Frogley from the MBA. The commissioner has had a number of round tables in the last 12 months with the construction industry looking at some of those issues.

It has obviously been a tough few months with a couple of insolvencies but, as I think the Premier mentioned in the last sitting week, we are actually quite below what the Eastern States are in terms of building insolvencies. I think we are at about 2.7 per cent of the national building insolvencies and I think we are at about 6.3 or 6.4 per cent of the construction industry here in South Australia.

So, yes, there is pressure on the construction industry flowing through from COVID and the reduction in supply of materials, significant increases in prices, labour shortages, all flowing through which has affected a couple of builders in recent months.

CBS is certainly working with consumers. For any complaints or concerns coming through CBS, there is a conciliation process that CBS can assist with for builders and consumers to resolve any issues. A lot of those issues are around delays and we are hoping to see that ease as supply issues are dealt with in the next little while. We are seeing that happening at the moment. The price increases are certainly not what they were, at something like 30 per cent or more for some products in the last couple of years.

CBS is also the regulator of builders, so in terms of a licensing perspective they also have a role to play in that. For example, Felmeri was one of the recent insolvencies. There are some allegations that CBS is investigating in relation to the Felmeri homes and the Felmeri directors in terms of breaches of the Building Work Contractors Act. As other parts of government are, CBS is working very closely with the building industry to support them through this difficult phase and see a very prosperous future for the building industry in South Australia.

CONSUMER AND BUSINESS SERVICES

Mr TEAGUE (Heysen) (14:44): I have a question again to the Minister for Consumer and Business Affairs. Has the government contacted all customers of Felmeri Group to inform them about the building indemnity insurance scheme and, if so, when were they contacted?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:45): The government doesn't have a register of contracts between a consumer and a builder. Certainly for any consumers who have contacted CBS in the past, there's been direct contact with them. If anyone has an insurance claim, obviously, the building and indemnity insurance up $150,000 has kicked in with Felmeri. We are encouraging people to contact QBE with their contracts, with their certificate of insurance and with any payments that have been made to the builders. A number of customers have done that.

Also with Qattro the other day, we are encouraging people to contact QBE for their insurance claim and CBS if they need any consumer support. I have asked the commissioner to have a dedicated person at CBS who can deal with Qattro claims, and there is someone who deals with the Felmeri claims as well. That support is there on 131 882. If there are any consumers who want to talk to CBS and get some consumer advice and of course for QBE to put through their insurance claims.

CONSUMER AND BUSINESS SERVICES

Mr TEAGUE (Heysen) (14:46): I have a question again to the Minister for Consumer and Business Affairs. Are all Felmeri customers covered by the building indemnity insurance scheme and, if so, how many have submitted claims to the scheme to date? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: On 31 August, the minister said QBE is now taking claims and said it again just now and processing those claims so that, and I quote, 'homeowners can finish their homes or have any defects rectified under their warranties'.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:46): I can get an update from QBE through CBS on how many claims have actually been lodged. I know some are going through the process of obviously getting quotes to rectify some of the building works. There is a development at O'Halloran Hill that I went up to a couple of weeks ago with the Minister for Infrastructure and we

talked to a couple of consumers there, so they are in the process of getting quotes. They can submit that to QBE and claim on their insurance policy. That work is being done, but I can get some information for you on exactly how many claims have actually been lodged as of today.

ARTS SECTOR

Ms HOOD (Adelaide) (14:47): My question is to the Minister for Arts. How is the government supporting the arts, culture and creative sector?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:47): I want to thank the member for Adelaide for her question. The member for Adelaide has the great privilege of having an electorate that is the home of our incredible cultural institutions and some incredible artistic organisations here in the seat at Adelaide. The Malinauskas government today has ushered in a new era for arts in South Australia, off the back of the former government tearing up Arts SA and moving it to a couple of agencies, making it really incredibly difficult to provide clear policy direction and support for the entire sector.

Members interjecting:

The SPEAKER: Order!

The Hon. A. MICHAELS: We are now bringing the family back together.

Members interjecting:

The SPEAKER: Order! Member for Morialta! Member for Badcoe! Member for Elder! Member for Chaffey! The minister has the call.

The Hon. A. MICHAELS: We on this side of the chamber understand the importance of arts culture and creativity.

Members interjecting:

The SPEAKER: Order!

The Hon. A. MICHAELS: Its power in telling stories and building our community is paramount, so from 1 October, through a machinery of government change, arts, culture and creative industries will be fused together in the Department of the Premier and Cabinet, the heart of government, to create that unification and that scale to make sure that arts, culture and creativity are really on the front foot. It is giving us an exciting opportunity to focus and connect for the benefit of the future for the arts in South Australia.

The first task of this new agency is to work through a landmark state cultural policy, focusing on the long-term vision for the arts creative sector. It will build on and continue to support the achievements of our incredible artists, arts organisations and arts workers. The development of a new cultural policy will be done in collaboration with those that we are seeking to benefit—of course, the artists, the arts workers and those working in the sector.

It will see a long-term vision for arts here in South Australia, and my intention is to align it with the National Cultural Policy—Revive, which was put out recently by the minister, the Hon. Tony Burke. South Australia is globally renowned for its extraordinary arts, culture and creativity. Just yesterday we were talking in this place about the 50th anniversary of the Adelaide Festival Centre and all the incredible work that has been done there, the first of its kind in Australia. This new direction is really an exciting chapter as we embark on that cultural policy.

In addition to that, we know that arts, culture and creativity dealt with a difficult time during the pandemic, and the aftershocks can still be felt with increasing costs the sector is facing. In recognising that, the government will provide multiyear funded arts organisations with a bonus payment equal to the indexation for not-for-profits announced in the 2022-23 Mid-Year Budget Review to provide immediate additional support for those recovering in our sector.

In addition to the cultural policy, by the end of the year the government will launch the terms of reference for a task force to look into sustainable careers for artists and arts workers and will be seeking expressions of interest from the sector to join that task force and help us with that job. The

department will consult on new legislation as well, which will recognise and enshrine the value of arts, culture and creativity in South Australia.

I am really excited about this new united arts portfolio and an ability to work strategically and collaboratively across government and across the sector for the future of arts culture and creativity in South Australia.

FELMERI GROUP O'HALLORAN HILL DEVELOPMENT

Mr TEAGUE (Heysen) (14:51): My question is to the Minister for Infrastructure and Transport. Is the government pursuing the City of Marion for costs related to the infrastructure that has been provided by the state at Felmeri Group's O'Halloran Hill development, which Consumer and Business Services referred to? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TEAGUE: On 5 September the Minister for Infrastructure and Transport said that the City of Marion's planning process had allowed builds to begin before infrastructure was completed. The minister went on to say, and I quote:

> That leads us to where we are now, that leaves us with work unfinished, that leaves us with people who've got their lives in chaos.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:51): That is an excellent bipartisan question. I think every member of this house should be worried about the way some councils conduct themselves.

What occurred here was that there were applications by Felmeri to the council to alter by-laws to allow them a two-year window to build the appropriate trunk infrastructure that was needed before those titles would be issued. It is pretty clear that the titles would not have been issued had not the original by-laws been in place. But subsequent to the titles being issued the by-laws were subsequently changed, probably at the request of Felmeri, which meant that the titles were issued, people engaged builders and the trunk infrastructure was not being built, and this is a problem.

Alarm bells should have gone off in Marion council. What we can't have happen is for councils to wash their hands of their obligations but to make sure that these things are done in an orderly way, and I am glad the member has raised this as a point. The state government has no recourse here with council, so we are left with the bill. Council should do the right thing and waive rates for these residents. They are refusing to. They are refusing to waive those rates.

These residents of Felmeri not only now have a situation where their builder has left their buildings in a substandard capability but we are left with—and the taxpayer generally—a level of infrastructure that is substandard, and we are not sure even complying with regulations and laws, which should have been inspected as they were going along by council. I am very disappointed with the way Marion council conducted themselves over this.

We reached out to the Marion council and asked them to support the South Australian government in this approach. They refused. That's their right. But I do think this is something that the government and the parliament need to contemplate going forward about how council development approvals are approached, how they are looked at. I can see the planning minister nodding his head sagely and wisely. He knows what I am talking about.

I think this is a textbook example of things going horribly wrong that could have been avoided, because think of the counterfactual. Had that by-law not been changed, that application not been accepted, and council said, 'We won't make the application to have the titles issued until you agree to build the trunk infrastructure first,' those roads and infrastructure and stormwater would have been built first and there would have been no impediment to any new builder coming in to complete the works if that builder had fallen over.

The Hon. V.A. Tarzia: Are you pursuing costs?

The Hon. A. KOUTSANTONIS: The shadow minister interjects, 'Are you pursuing costs?' The advice I have is we have no recourse, and this is something that the state government is wearing.

REFERENDUM CORFLUTES

Mr TELFER (Flinders) (14:55): My question is to the Minister for Infrastructure and Transport. Has the minister or his department given permissions for referendum corflute signage to be placed on department infrastructure?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:55): I don't know, but I hope we do because I believe in democracy and freedom of speech, and I think that government infrastructure that has been paid for by the taxpayer should be able to display a no sign or a yes sign freely. Why wouldn't we? First and foremost, I don't generally intervene at that level but, given the member has asked, I will go and check what the policy is. I think the policy generally is we allow in election campaigns political advertising. As much as it frustrates me, we even allow Liberal Party advertising on South Australian government infrastructure. As much as it pollutes the landscape, we allow it, but that is the price we pay for a democracy. That is the price we pay for a democracy.

Members interjecting:

The SPEAKER: Order!

The Hon. A. KOUTSANTONIS: Can you imagine seeing Sam Telfer's face on the infrastructure?

Members interjecting:

The Hon. A. KOUTSANTONIS: Sorry—member for Flinders. I apologise and withdraw.

The SPEAKER: Order!

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

Members interjecting:

The SPEAKER: Order! Member for West Torrens, there is a point of order.

Mr Pederick interjecting:

The SPEAKER: Order! Member for Hammond, your colleague the member for Morialta is raising a point of order, under 134.

The Hon. J.A.W. GARDNER: Standing order 98: the minister is now straying from the question.

The SPEAKER: Order! That may be. Minister, I will bring you back to the question.

The Hon. A. KOUTSANTONIS: I wouldn't call it straying. I would say it was 'diverting dramatically'. But, yes, I don't know. I would hope the department would be lenient because it is a referendum that South Australians will have to contemplate. Ultimately, I think that the bigger question here is that I would not stop one side or another. It is either all or none. I think that is appropriate. I think it is fair to say that we on this side of the house are supporting the yes vote overwhelmingly—

Honourable members: Hear, hear!

The Hon. A. KOUTSANTONIS: —and members on the other side are unanimously for the no vote, unanimously.

Members interjecting:

The Hon. A. KOUTSANTONIS: I hear the interjections of support for the no vote by members opposite. I will have a great moment of pride when I walk in with my two daughters, my wife and I, when I will be voting yes, and I will be asking my daughters to fill in my ballot papers for me so we can be part of that process where we accept that there should be Indigenous engagement.

Members interjecting:

The Hon. A. KOUTSANTONIS: Report it to the Electoral Commissioner all you like. I will be putting it on Twitter. I will be putting it on Instagram. I will be walking in with my girls. In fact, last

night my daughter said to me, 'Daddy, why does there even need to be a vote? Why isn't this happening already?' I said, 'I will tell you why: it's because of the Liberal Party. That's why we have to have a vote. We have to conquer ignorance.'

Members interjecting:

The SPEAKER: Order! Member for West Torrens, there is a—

Members interjecting:

The SPEAKER: Order! Interjections to my left and right are preventing me from hearing the member for Morialta.

The Hon. J.A.W. GARDNER: Standing order 98: a respectful question is now getting abuse from the minister and debate.

Members interjecting:

The SPEAKER: Order! The member for Newland! The member for Elizabeth! I have the question. I will listen carefully.

The Hon. A. KOUTSANTONIS: I don't know whether the Department for Infrastructure and Transport are tearing down no signs or yes signs. I hope they are not. In fact, I am supporter of people voicing their opinions on their front fences. As I heard the member say today on radio, he supports that as well. The truth is we have paid for those Stobie poles. Every South Australian has paid for every bit of the infrastructure across South Australia. Why can't they use it to voice their democratic opinions to say whether they support a Voice or are opposed to a Voice?

The Hon. V.A. Tarzia interjecting:

The Hon. A. KOUTSANTONIS: My young friend just interjected 'exclude the rule of law'. I am not excluding the rule of law. What I am saying is, I err on the side of liberty. I am, dare I say it, liberal in my interpretation of how these laws are implemented. I want there to be a full and frank debate about the Voice. My family, I hope my constituents and I hope people I know and care about vote for it. I know that there is a lot of debate in our community and I hope that DIT infrastructure plays its part in promoting a loud and informative debate about the yes or no vote.

The SPEAKER: Order! It may be the last question of the week, it may not be, but I turn to the member for Morphett.

DEFENCE STRATEGIC REVIEW

Mr PATTERSON (Morphett) (15:00): My question is to the Minister for Defence and Space Industries. What is the government doing to assist the South Australian defence industry to align with the priorities of the Defence Strategic Review? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PATTERSON: *The Australian* recently reported that the defence industry is becoming increasingly frustrated over the Albanese government's Defence Strategic Review, warning the much-hyped military blueprint is vague, underfunded and becoming mired in bureaucracy.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (15:01): I haven't read the article to which the member refers, so I am uncertain of the context of that comment and so it's difficult to respond in a comprehensive way to that criticism. However, I can say the substance of the question was what are we doing to participate, essentially, to make sure that South Australians are able to participate in the opportunities offered by AUKUS that have arisen from the Defence Strategic Review.

The reality is that we have seized the opportunity presented by the proposition of building submarines here in South Australia, nuclear-powered submarines, and are doing everything in our power to make sure that that is facilitated smoothly, that local content will be part of the component

chain as it builds up over time and, crucially, that it will be South Australian workers significantly who work at Osborne who are participating in making those submarines.

What we are dealing with, of course, is a project that doesn't start for some time and therefore the early works required are being put in place while we are still preparing for the time when the actual manufacturing commences here. One example is the offer of land swap in order to have some land coming to the South Australian government in exchange for the land required to help with creating Osborne.

There is an extensive program working not only through the supply chain with the Industry Capability Network but also through preparing in concert with the commonwealth for the training and skills academy to make sure that it is South Australians who get the lion's share of the work, who have the lion's share of the benefit. Let's not forget the involvement that the universities are having with the AUKUS proposition, already creating relationships with international universities, such as Flinders has been doing recently on nuclear-related studies, in order to prepare the training for people to be able to participate once it's time to build the submarines.

Grievance Debate

STATE LABOR GOVERNMENT

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:03): It has been quite an extraordinary week from a government that I think is becoming known as the most arrogant and self-aggrandising in the state's history. These guys make Mike Rann look like Mother Teresa when it comes to self-confidence. It is just extraordinary that a government that is so incapable of governing effectively for the people of South Australia can have so much confidence that they come in here, behave with abuse towards other members of parliament, behave with incredible arrogance every day of the week, when their first duty is of course to the people of South Australia and serving them well.

That is not how they behave and that is not reflected in results. Just this week, on Sunday, when they were hoping nobody would notice, they snuck out the ramping figures once again. For 15 months since the election, we have seen the 15 worst months of ramping in our state's history. In fact, 900 hours nearly worse than any month under the former Liberal government—900 hours worse from a government whose central premise for election was that they were going to fix ramping.

That was the one thing that Peter Malinauskas spoke about before the election more than any other. It was the thing that was on the posters on every Stobie pole in South Australia, littering our streets with plastic, with 'We will fix ramping' and 'Labor will fix ramping'. That is the thing that the people of South Australia remember about this government, yet this government has singularly failed to deliver.

The latest ramping data was 3,721 hours lost on the ramp in August, up from 3,354 hours in July. There has been a 144 per cent increase since the election from the government that promised that they were going to fix ramping, that that was their number one priority. These days, they do not even want to talk about it. Transfer of care data? Not even a KPI for this health minister, for this Premier, who had one job. There was one job that they promised to do, and they failed to do it. Despite the government's promise to fix ramping, we have the worst ramping in the state's history.

Jobs for the boys is a typical Labor premise, and again this week there was a perfect example: Mr Peter Hanlon. I am sure he is a lovely man. He is an entrepreneur. He is a filmmaker; in fact, we hear that he is an excellent filmmaker. He was hand-picked by the Premier, according to Rik Morris, hand-picked by the Premier to work for the Premier's Delivery Unit for—get this—$600 an hour. In fact, for about 13 days' work, this gentleman—the government has refused to say whether he has any connections to the Labor Party—has received $60,000 of taxpayers' money.

South Australians from Elizabeth to Whyalla, from Mount Gambier to Port Lincoln, are undergoing a cost-of-living crisis right now. People are struggling to put food on the table, to pay electricity bills that are going up constantly, yet this government can find $60,000 to pay to Mr Hanlon, hand-picked by the Premier for the Premier's Delivery Unit. What are these people doing anyway? The Premier says that it is important that the Premier's Delivery Unit exists to ensure that the

government can deliver on its election promises. There was once a day when that was the job of ministers. There was once a day when people were elected to parliament with a manifesto—

Members interjecting:

The SPEAKER: Member for Elder! Order!

The Hon. J.A.W. GARDNER: —and they would deliver on that manifesto. They would be responsible for that, but the Premier does not trust his ministers to do that, and I do not blame him, having seen the way they work. Instead, he has to have a hand-picked selection of bureaucrats. Rik Morris, on $361,000 a year, a team of advisers from the department supporting him, meets with the Premier on a fortnightly basis without any other public servants, without minutes being taken.

We do not know what they are talking about, but the Premier assures us it is not political work, so we will take him at his word. On top of that, Rik Morris tells the Budget and Finance Committee of the parliament that Peter Hanlon was the Premier's choice and the Premier said he had to hire him. He was hand-picked by the Premier, providing secret advice to the government for $60,000. What are South Australians getting for their money? We do not know; there are no minutes.

There are significant challenges for the people of South Australia. The government has decided to move the police barracks away from their spot now, where they can respond to issues in 10 minutes. Having worked out they could not go to the Parklands, having worked out they could not go to the Airport because they had no access to that land, they have decided to send them to Gepps Cross at a cost of more than $100 million, where it will take 50 minutes for them to come into town and then go to a staging area. They have not even identified how that is going to work either.

It is a shambles. We have teachers threatening to go on strike, we have tram drivers threatening to go on strike, we have the people of South Australia suffering the worst cost-of-living and worst cost-of-doing-business crisis on record, and this government have no idea what they are doing, except they are very self-confident. They love the selfies and they love the arrogance. Shame on them.

RUNDLE STREET DEVELOPMENT

Ms HOOD (Adelaide) (15:08): I rise today to speak on behalf of local constituents in the CBD in relation to concerns with the proposed development on East Terrace near Rundle Street. I would like to first acknowledge the residents in the Speaker's Gallery today from the Botanic Apartments on East Terrace, who have taken time out of their busy schedules to be here in the parliament to show their collective support as a community on this issue.

Melbourne developer Pelligra lodged plans in October last year to construct a 67.8-metre tower at 292-300 Rundle Street, adjacent to Botanic Apartments. The 21-storey tower proposed 27 apartments, a penthouse, office spaces, a function space and car parking across four levels. The development did not include provision for affordable housing.

The proposed development site is situated over two planning zones, which prescribed maximum heights of 53 metres and 34 metres respectively. This proposed development attempted to push this envelope by more than 33 metres. Several residents and lot owners spoke at the State Commission Assessment Panel (SCAP), raising concerns about the extreme mass and scale of the proposed building, its lack of affordable housing and the four levels of car parking, pointing to the fact that it did not include basement car parking.

Another significant issue was the inevitable traffic congestion, given that the proposed development suggests that residents would enter and exit in their vehicles from the same laneway that Botanic Apartments residents exit from. This is despite the fact that the proposed development would have access to its own laneway, suitable for vehicles, just a few metres down.

In April, the proposed development was rejected by the SCAP for a number of reasons, including but not limited to the excessive mass and scale being considered likely to diminish the value of this area. The SCAP minutes read, and I quote:

> The proposal does not positively respond to the local context of the site and locality.

> The proposal is considered to negatively impact on the characteristics of the local context including the existing built form and heritage buildings of relatively consistent scale and massing.

It was also opposed by the state government's heritage agency, Heritage SA, which argued the apartment block would, and I quote:

> …dominate and unduly impact the low-scale setting of the various…heritage places in the vicinity.

Despite the SCAP's comprehensive reasons for rejecting the proposed development, the developer has appealed the decision and it is now a matter for the ERD Court. As a community, we are left to await the outcome.

Because residents cannot be part of this process, I want to speak on their behalf today to ensure their voices are heard. As a former CBD resident myself, my local constituents and I understand that development in our CBD is part of a growing and thriving city, and local residents understand it is inevitable that development will occur at this site.

But the fact is that our East End is one of our premier dining and retail precincts. It draws visitors and tourists to our CBD, particularly as the government brings our city alive again with more events and festivals. For such an important area of our CBD, it is critical that any development should be sustainable and well designed, positively contributing to the vibrancy and heritage character of this precinct and to the city's livability, rather than impose itself on this precinct and its residents at any cost.

I once again would like to thank the Botanic Apartments residents for their advocacy and taking the time to come in today. It was a pleasure to join them in their courtyard a couple of weeks ago to discuss this important issue—for some, even over a nice glass of wine. It is a really important thing to do to come together to show our collective support for the community on this important issue while we await the outcome. We can only hope for a positive result.

GLENUNGA FOOTBALL CLUB

Mr BATTY (Bragg) (15:12): With another football season drawing to a close, I want to take this opportunity to shine a light on a hugely successful local footy club in my own electorate, the Glenunga Rams Football Club, who this weekend booked a spot in the division 1 grand final that will be held in about a week at Coopers Stadium. They will have the support of our whole local community behind them, and I will be there cheering them on. We wish them all the very best of luck.

But it is not just the A-grade team playing in division 1 that is the success story of the Glenunga Rams. It has really been a story of depth over the past several years, with the club now growing into one of the largest community sporting clubs in the entire state, with over 850 players across both its junior and senior football programs.

In recent years, one of the great sources of pride for this club has been its girls footy program, starting in 2017 with a pretty good number—80 girls. The program has grown today to over 250 registered girls, forming an impressive 11 junior teams in 2023 and making the Glenunga Rams the largest football club for girls in all of South Australia. I think the girls junior program has now even surpassed the boys' junior program, in a tremendous success story.

Last Sunday, the club held their junior presentation to celebrate yet another very successful season right across the board for the Glenunga Football Club. For those junior premiership teams, it was an amazing effort, with seven out of seven of the girls teams making the finals, and six of them playing in the grand final. The boys did pretty well as well: five out of seven junior teams making the finals, with two going on to make the grand final.

I want to mark my particular congratulations to the under 13 girls division 1 team and the under 14 boys division 1 team, both of which won their grand finals in what were nailbiting matches—just like the nailbiting matches that I went to on the weekend where both the A and B-grade teams were playing at Webb Oval. As I mentioned, there was a fantastic win from the A-grade team, the minor premiers, over Prince Alfred College Old Collegians. They will now go on to play the grand final in about a week.

Again highlighting the story of depth, the B-grade played before them in the division 2 final and they kept their season alive there with a win over Sacred Heart Old Collegians, so a tremendous

success story from those senior players as well. Another notable achievement for the club is A-grade player Abe Davis winning the Adelaide Football League's division 1 Keith Sims medal. I understand he is the first division 1 medallist in the club's history, so a big congratulations to Abe as well.

Like all amateur sporting clubs right across the state, the Glenunga Rams Football Club's success is a testament to the players but also to a whole lot of other people who ensure the club can function on a day-to-day basis. Literally hundreds of parents and volunteers get involved behind the scenes, filling various roles, from coaches to team managers to runners. They really add to the success of the footy team on the field, but I think the other thing they do is add to such a sense of community at that football club.

Anyone who has gone along to the Glenunga Hub when the Rams have been playing can see that it is palpable, with the junior players getting around the senior players and some very loud support from the sidelines. I want to acknowledge everyone who donates their time to ensure that the club is very successful, both on and off the field.

In what little time I have left, I want to acknowledge in particular the executive of the club this year, some of whom are retiring after many years of involvement. In particular, I want to acknowledge the chair, Con Tragakis; Ben Stapleton, the president; Tom Edwards, the secretary; Don Munro, the treasurer; Chris Aston, the senior football director; and Graham Jaeschke, the junior football director. I wish the A and B-grade teams every success in the rest of their finals campaign. Go Rams!

NORTH EASTERN METROSTARS SOCCER CLUB

Ms WORTLEY (Torrens) (15:18): Tonight will be an historic night at TK Shutter Reserve in Klemzig in the heart of the electorate of Torrens, home of football SANPL club North Eastern MetroStars. It is fair to say that I speak today with nervous excitement ahead of the biggest game in the club's history against A-League side Melbourne City in the Australia Cup quarter-final. It has already been an exciting week at TK Shutter Reserve with the turning of the sod for the new development of inclusive change facilities, toilets, showers, umpire and first aid rooms at their home ground to be delivered by the Port Adelaide Enfield council and as part of an election commitment from our government.

The significance of this night for our community should not be lost. It will be a real David and Goliath battle. Melbourne City will feature players such as Socceroos superstars Jamie Maclaren and Matthew Leckie, who scored that goal in Qatar against Denmark that put the Socceroos through to the World Cup round of 16. MetroStars, on the other hand, who are playing in their very first Australia Cup quarter final will be led by captain, Anthony Solagna, and former Adelaide United legend, Fabio Barbiero.

With all other South Australian sides eliminated, MetroStars are the pride of South Australia in this year's Australia Cup. A club with a proud history, South Australia's MetroStars have an impressive record in this competition, being FFA Cup last 16 qualified in 2015 and round 32 qualifiers in 2016, 2017 and now, of course, quarter finalists in 2023.

This year has been quite a journey for MetroStars, qualifying for the Football SA Federation Cup final and securing qualification for the Australia Cup round of 32 with a 5-0 win over West Torrens Birkalla and then winning the Football SA Federation Cup with a 3-2 win over Campbelltown City. In the last 32 of the Australia Cup, MetroStars had an emphatic 5-0 win over Inglewood United before a 1-0 win over Inter Lions. In the round of 16 saw them qualify for this quarter final.

Tonight, to have players such as Socceroos star striker Jamie Mclaren and winger Matthew Leckie, who scored that goal against Denmark in Qatar, putting the Socceroos through to the World Cup, come and play right here in Klemzig is momentous. The organisation that has gone into tonight's game is enormous, but then again MetroStars is a club with an enormous heart. I want to acknowledge the dedication of Club President, Rob Rende, committee members, volunteers and supporters.

Ahead of tonight's game, I want to congratulate all who have played a role in reaching this stage, including the players: Isaac Carmody, Scott Nagle, Noah McNamara, Christian D'Angelo, Jackson Fortunatow, Hamish Gow, Nathan Rudolph, James Temelkovski, Anthony Solagna, Cameron Woodfin, Nicholas Pedicini, Cameron Dix, Fabio Barbiero, Mohamed Bility, Jackson Walls,

Michael Cittadini, Ren Nagamatsu, Alessio Melisi, Alessio Ruggiero, Ryan Veitch and Austin Ayoubi. I also want to acknowledge coach Daniel Graystone, assistant coaches Adam Holmes, Adam Van Dumelle and goalkeeper coach, Michael Rende.

I am looking forward to tonight's game when these two proud clubs run onto the pitch. May the spirit of the world game be on show for all to see in Klemzig tonight.

CHAFFEY ELECTORATE

Mr WHETSTONE (Chaffey) (15:22): I would like to talk about some of the events happening in Chaffey. As we all know, when spring is in the air, Chaffey is the best place to be. Obviously, sporting events are a great tradition in country South Australia and no more so than the winter sports coming to the finals and coming to an end. Over the last week or so, I have seen some outstanding sporting results and events.

The RFL at Waikerie saw a number of results, but Barmera-Monash just revelled in the finals experience. The under 13s got up. The under 15s was won by Renmark, and Renmark has been a formidable force all year. In the Under 18s, again Barmera-Monash got the chocolates and they were the successors.

In the B-grade, I watched Waikerie get over Loxton, where Mitchell White for Waikerie was best on ground. The A-grade game was much anticipated. Renmark have won the last three grand finals, but not this year. Barmera-Monash got up over Renmark and it was a hard-fought contest where Michael Mock was awarded best on ground. So congratulations.

The Riverland Netball Association grand final also saw some great outcomes. In the A1s, Loxton got up and Aimee Holmes was best on court. In the A2s, Renmark got up and Tegan Moldovan was awarded best on court. In the B1s, Berri were the winners and Kristy Reid was awarded best on court. In the B2s, Barmera got the goods done and Lara Ambaras was awarded best on court. Congratulations to the senior teams and also congratulations to all the junior teams. It was great sportsmanship undertaken by all the codes and all the teams and it was great to see.

Also, on the weekend just gone, all the action was down at Wunkar. It was great to be there to watch the first season running of the Riverland Independent Football League and Independent Netball Association that had recently separated from the RFL. As I said, it was hosted by Wunkar, home of the Bulldogs. We saw Sedan Cambrai get up over Browns Well. It was a good game. At half-time it was tightly fought but Sedan Cambrai got up in that last quarter and got the job done. A-grade netball saw Blanchetown Swan Reach get the win and the B-grade netball saw Murrayville, which is a new addition into the league, get the win. Congratulations to all of them.

I have attended many spring events of late, including the Loxton Historical Village's 50th anniversary at Loxton on the banks of the mighty Murray. We saw a great spectacle of historic yesteryear themes: vintage preserved items, machinery and vehicles of local historical significance at their finest. We saw the Alive Day, which is a themed clothing day. Many people dressed up and really did look spectacular. There were many classic cars, whip cracking, sheep shearing, street parades, markets and live music—just a few of the attractions that really did make the day a great spectacle.

It was great to have Her Excellency the Governor the Hon. Frances Adamson AC officially open the day and unveil the commemorative plaque. I was able to give thanks to the volunteer group who do an outstanding job in not only making sure that the historical village remains operational and functional but that it is a spectacle and a great tribute to them at Loxton.

Tomorrow is going to be the Riverland Field Days, held at Barmera. The field day site was once known as the Field and Gadget Day. Once upon a time the Field and Gadget Day was about farmers and growers coming together to show off some of their entrepreneurial skills in making life easier as a farmer. What we are seeing now is new technology leading the way. I will be relocating my office to the field days.

Do not forget the Riverland Rose and Garden Festival coming up mid-spring and, of course, the gala dinner at The Precinct in Loxton. The Calperum Bush Ball is also coming up as well as the Waikerie and Districts Community Flower Show where there will be some great floral tributes.

I must say in closing that all these sporting and community events only happen with the support of volunteers, so I say to all those volunteers: thank you.

FOSTER AND KINSHIP CARE

Ms CLANCY (Elder) (15:27): I rise today to acknowledge that this week is Foster and Kinship Carers Week. I want to thank all the foster and kinship carers in our state who are caring for the approximately 4,000 children who are currently in care. I remember the first time I got a call and was asked to take a little one into my care. I was just wrapping up work in the member for Reynell's office actually, and it was the strangest moment.

You have this incredible excitement about meeting this little human you are going to love and care for for maybe a couple of days, maybe a couple of weeks or months or years—these things can change. But you also know that with this moment there is pain elsewhere and that it is not a joyful time for the people on the other end.

Many people are working behind the scenes and in between you and the biological family potentially, trying to keep this child safe. While it is an absolute privilege to be able to be a carer—and I know that our foster and kinship carers also know that it is a privilege—it is also really complicated. It is absolutely still worth doing, though.

I just think we are so lucky to have thousands of people in our state who choose to dedicate themselves to caring for children, children they did not necessarily plan to have in their lives, but they welcome them in, and no matter how long that child is with them they provide so much love and care. It is impossible to have a child come into your care and just provide the bare minimum. You cannot just say, 'Here is a bottle. Pat pat.' You have to love them because that love and nurturing is part of the care they need and part of the care you are meant to be providing.

I want to thank everyone who is currently a foster or kinship carer. I want to thank those who have been carers and, for whatever reason, are not now. I completely understand that there are a multitude of reasons why that might be the case. I also want to thank future foster and kinship carers. I often say to people, 'If you have ever had a moment when you thought, "Oh, yeah, I could maybe be a foster carer," then start, start the process.'

The process takes a long time, as it should. There is a lot of training, there are a lot of interviews and there is a lot of work that goes into it. If you have a tiny little thought in the back of your mind that, 'Maybe that's something I could do. Maybe if I have a little bit more space and a little bit more love and a little bit more time,' even if it is one weekend a month to provide respite care, please reach out.

You can reach out to me. You can reach out to the minister, I am sure. Reach out to one of the agencies because through that process I think most people will come to realise that it is something really, really special. It is something that will change your life forever in the best of ways. You will also realise that it is okay to be able to do only a little bit, that it is okay if you have these boundaries, that this might not be okay for you, that you might not feel safe in that situation.

There are lots of different ways you can go about it. There are lots of ways you can help. Please look into it. Please start the process. I am always happy to talk to anyone considering doing foster and kinship care. I am just so, so grateful to everyone who does it because I know that there are significant challenges. It is not easy. You spend a lot of time advocating for the child or children in your care. I want all foster and kinship carers to know that I see them and I value them and I celebrate them not just this week but every day of the year. I am so, so grateful.

In the time remaining, I would just like to acknowledge the passing of a friend and former colleague of mine Mick Tumbers. He was a Labor giant and he was the first real traditional unionist I think I ever met. From the moment he woke up in the morning to the moment he went to sleep, he was thinking about workers and fighting for workers. I enjoyed every moment that I worked with him and I spent with him, and my love is with his family, especially Max and Shauna. I loved Mick Tumbers very, very much and I know many in this room did.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (15:32): I move

That the house at its rising adjourn until Tuesday 26 September 2023 at 11am.

Motion carried.

Bills

BOTANIC GARDENS AND STATE HERBARIUM (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (15:33): Obtained leave and introduced a bill for an act to amend the Botanic Gardens and State Herbarium Act 1978. Read a first time.

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (15:33): I move:

That this bill be now read a second time.

I am pleased to introduce to this place the Botanic Gardens and State Herbarium (Miscellaneous) Amendment Bill 2023. The Board of the Botanic Gardens and State Herbarium is required to provide for the establishment and management of the public botanic gardens and herbaria and for other purposes under the Botanic Gardens and State Herbarium Act 1978.

To achieve its purpose, the board is tasked with supplementing its funding from government with additional sources of revenue in order to deliver the full scope of its responsibilities and program. Increasing and diversifying the revenue options open to the board enable it to raise money which is needed to support capital expenditure and maintenance of its existing assets and to enable the Botanic Gardens to deliver important new scientific, conservation and public engagement projects. The ministerial letter of direction to the board, dated August 2021, requires it to:

…endeavour, as far as reasonably practicable to supplement the annual operating budget allocation it receives from government from a range of sources including commercial activities (to the extent it has power to engage in such activities); and

In order to help carry out its functions…seek funds through commercial activity sponsorship and bequests.

The Botanic Gardens and State Herbarium Act 1978, as currently drafted, provides limited capacity for the board to pursue commercial opportunities which could support its ability to secure additional sources of funding. The board has explored a range of commercial and joint venture opportunities to increase revenue, but has found its capacity to do so limited within the bounds of its authority under the current legislation.

Under the current wording of the act, the board's legal capacity and powers to raise revenue through commercial activities is limited to a very narrow range of projects and specifically cannot engage in any joint ventures. This is in contrast to other similar arts and cultural organisations, where the legislation is broader allowing for greater flexibility.

To ensure that the gardens have the ability to pursue commercial opportunities, the government is introducing the Botanic Gardens and State Herbarium (Miscellaneous) Amendment Bill 2023. The act amendments aim to enable the board to address the issue of entering into a broader range of commercial arrangements, including commercial partnerships and/or joint ventures, under the functions and powers clauses of the legislation, and the option to introduce paid parking on Sundays and public holidays as a future possibility in line with similar changes occurring across the City of Adelaide.

These changes, which are in line with community expectations for its public gardens, will enable the board to find diverse ways to raise money to support the important work of the organisation and ensure the Botanic Gardens and State Herbarium remain places of great beauty for all to enjoy and resourced to pursue significant scientific research that informs our understanding of plants, fungi, algae and biodiversity.

The government supports this bill and recommends it to the house. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Botanic Gardens and State Herbarium Act 1978*

3—Amendment of section 13—Functions of Board

The functions and powers of the Board are amended by this clause to allow the Board to engage in commercial activities. This clause also amends section 13 to the extent that the Minister may assign further functions to the Board, rather than such further functions being prescribed by the regulations as is presently the case.

The power of the Board to deal with shares or other interests or securities, or to borrow money or other forms of financial accommodation, can only be exercised with the approval of the Treasurer.

4—Amendment of section 27—Regulations

This clause removes the restriction on a regulation under the Act imposing, or authorising the imposition of, a fee in respect of the parking of a vehicle on a Sunday or other public holiday.

Debate adjourned on motion of Mr Basham.

HYDROGEN AND RENEWABLE ENERGY BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:37): Obtained leave and introduced a bill for an act to facilitate and regulate the generation of hydrogen and renewable energy in the state and coastal waters of the state, to make related amendments to the Mining Act 1971, the Pastoral Land Management and Conservation Act 1989, the Petroleum and Geothermal Energy Act 2000 and the Planning, Development and Infrastructure Act 2016, and for other purposes. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:38): I move:

That this bill be now read a second time.

South Australia is already a recognised world leader in the global energy transition. The landmark bill I have introduced today seeks to extend this state's leadership even further by introducing the nation's first legislative framework for the coordinated rollout of a hydrogen industry supported by renewable energy.

Since the early 21st century, South Australia has sought to harness its abundance of coincident solar and wind resources to substantially reduce our dependence on traditional energy generation and increase the prevalence of renewable energy. By setting out on this mission vision to radically evolve our energy mix, South Australia generates 70 per cent of its energy from our renewable resources, up from 2 per cent of the turn of the century. For South Australia to respond to the climate change emergency declared by this parliament and achieve net zero carbon emissions by 2050, this state needs a coordinated pathway to unlock its abundant renewable energy resources.

To achieve this 2050 goal as a nation, Australia will require investment in 40 times more renewable energy sources than are currently supplied into the NEM. With our abundant wind and solar resources, vast tracts of our land and waters, and the rapid emergence of hydrogen as a green energy source capable of meeting local and international energy needs, South Australia is in a strong position to become a global leader in clean and green energy and minerals for 21st century economies.

The scale of the approaching hydrogen renewable energy investment and development has required fresh consideration of our frameworks and policies to ensure this transformation is focused on the delivery of the state's strategic priorities and is harnessed to deliver shared benefits for all South Australians, the environment, Aboriginal empowerment and greater self-determination. I seek to have the remainder of my second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The reforms represented in this Bill are designed to provide a coordinated, just, and inclusive legislative and regulatory framework to respond to these opportunities and challenges, and place South Australia firmly in the driver's seat as a leading practice jurisdiction for contemporary, socially responsible and sustainable management of energy resources.

The Bill introduces an efficient, flexible, transparent, and consultative licencing and regulatory framework for the entire lifecycle of large-scale renewable energy and hydrogen projects, from feasibility, construction and operation, through to closure, decommissioning and environmental rehabilitation.

The mechanisms adopted mirror the one-window-to-government approach currently used to license and regulate the mineral and energy resources sectors in South Australia—an approach that has been lauded as a model for other jurisdictions.

While relevant requirements under other laws will still need to be complied with, one-window-to-government means that project proponents will have one point of contact to government and, through the process of co-regulation, an expert, dedicated lead agency will be responsible for coordinating approvals from all relevant state safety and environmental regulatory agencies and the respective legislative requirements. This approach provides certainty from project conception to completion, for hydrogen and renewable energy producers, Aboriginal people, landholders and all South Australians alike.

This Bill applies to both freehold land and government owned land and State waters. This means hydrogen and renewable energy activities on all land types will be covered by this proposed legislation.

A state-wide licensing and regulatory framework, no matter the underlying land type, will deliver community and investor certainty and clarity, and consistently reliable performance across social, environmental and safety aspects of the industry. It will ensure the ongoing monitoring and compliance activities, enforcement of terms and conditions, and decommissioning and rehabilitation measures, including a financial assurance mechanism, to protect landowners, the environment, taxpayers, and the government.

It is critical to be very clear, on freehold land, proponents will need to secure access to land through direct agreement with landowners. This preserves current arrangements where freehold landowners are in control of who can enter their land and under what circumstances and conditions.

An innovative, competitive system will be introduced for conferring access and licences for projects on pastoral land and state waters, enabling the government to responsibly assign access to some of the state's most prospective areas for renewable energy development. To do this, the Bill introduces the concept of release areas consisting of designated land (pastoral land, state waters, and prescribed Crown land).

Only after a consultative process involving government agencies, native title holders, other impacted stakeholders and (if applicable) an assessment by the responsible Minister and the Ministers responsible for the *Pastoral Land Management and Conservation Act 1989* and *Harbors and Navigation Act 1993,* will specific designated areas be declared a release area.

A declaration of a release area will enable a competitive tender process for feasibility licences over that land and waters, with applicants to compete based on transparent selection criteria. This provides South Australia with the opportunity to 'raise the bar' and ensure we only host those proponents of a calibre that are willing and able to deliver community and environmental benefits through their projects, in line with leading environment, social and governance outcomes.

Furthermore, for the privilege of being granted access to designated land for the purpose of generating renewable energy this legislation makes provision for the state to charge appropriate rent for the use of such land. This rent will be utilised to deliver economic benefits to the broader community to South Australia.

The scope of regulated activities in the Bill has specifically been designed to enable South Australia to rapidly adapt to the future composition of these emerging industries, by providing flexibility as to what types of associated infrastructure are able to be licensed and regulated under the framework.

Five licence types will be created relating to the key stages of project development for the generation of renewable energy or hydrogen, from the early research and feasibility stage, right through to the construction, operation and closure of facilities. These licences are the Renewable Energy Feasibility Licence, Renewable Energy Infrastructure Licence, Renewable Energy Research Licence, Hydrogen Generation Licence and Associated Infrastructure Licence.

The Associated Infrastructure Licence has been designed to provide flexibility by allowing for the licensing and regulation of additional activities that are associated with hydrogen and renewable energy projects. This could include hydrogen power plants, hydrogen related ports, energy storage, transmission infrastructure, or ancillary facilities like workers accommodation or access roads, among other things. This ensures the Bill can provide the benefits of the one-window-to-government approach for significant multi-faceted projects such as the Hydrogen Jobs Plan and Port Bonython Hydrogen Hub.

A further licence type, a Special Enterprise Licence, has been provided for, to facilitate the establishment, development or expansion of hydrogen and renewable energy enterprises of major significance to the economy of this State. The power to grant a special enterprise licence may be exercised as a last resort to enable appropriate enterprises to proceed where access to the relevant land or waters is not able to be agreed.

A Special Enterprise Licence may be granted in relation to freehold and non-freehold land and state waters. It has been designed so that a special enterprise licence will co-exist with existing rights and interests as far as possible, and that existing rights and interests may continue to be enjoyed wherever that is consistent with the authorised operations carried out pursuant to the licence. This licence will provide a more fit for purpose, constrained option, in addition to non-consensual powers in other Acts. As with other licences under the Bill, a person carrying out activities pursuant to a special enterprise licence will still need to comply with other applicable laws, including the Aboriginal Heritage Act 1988.

Feasibility activities on freehold land will be able to occur under a permitting framework that enables the construction and decommissioning of monitoring infrastructure, such as met masts. All other typical exploration activities on freehold land will be with the consent and approval of landowners, as is currently the case.

The government is committed to the development of a renewable energy and hydrogen sector that is ecologically sustainable. Accordingly, this Bill proposes to regulate and conduct hydrogen and renewable energy development in a responsible manner that aims to minimise its effects on the State's natural resources such as our native vegetation, biodiversity, waters, and our network of parks.

The framework does not alter the existing environmental and natural resources legislation, or the way in which it is administered. Responsible ministers and agencies will continue to exercise the powers as they currently exist.

A robust environmental impact assessment process is incorporated into the licensing process to ensure that regulated activities authorised under this framework are managed so as to minimise environmental impacts and ensure land adversely affected by regulated activities is properly rehabilitated. This includes ensuring Aboriginal heritage is protected in accordance with the *Aboriginal Heritage Act 1988*.

This process will use similar impact assessment benchmarks already adopted in this State that have provided the community with the assurance that projects are evaluated in a robust manner that allows for consultation on the various issues of environmental concern and the balancing of coexistent land uses.

Proponents must properly manage and minimise any activities that have actual or potential adverse environmental impacts and manage and minimise risks of significant long term environmental damage. To demonstrate this requirement, proponents must undertake, consult on, and publish an environmental impact assessment.

Environmental impact assessments include a statement of environmental objectives setting out measurable environmental objectives, which is provided to the Minister for public consultation and approval alongside an environmental impact report.

This stage of the process also requires provisions for end of project life, backed by a financial assurance mechanism, meaning that the proponent must ensure effective decommissioning of infrastructure and proper rehabilitation of impacted land or waters.

The preparation of an environmental impact report and the approval of the statement of environmental objectives must occur before a licence grant. This will ensure referrals seeking the expert advice of relevant Ministers and bodies have occurred, and the public have the chance to have their say on a proposal before the Minister makes a decision on the project. The detailed referrals to be developed in the Regulations will closely reflect referral powers and responsibilities under the *Planning, Development and Infrastructure Act 2016,* a system familiar to government, industry, and communities.

The environmental impact assessment process, including an optional early scoping process, seeks to align with the *Environment Protection and Biodiversity Conservation Act 1999*. The Bill delivers transparency and procedural fairness, reduces uncertainty and supports genuine and quality interactions between all affected parties.

Upon approval of the statement of environmental objectives, a final approval will be required to commence activities. This approval requires the licensee to submit an Operational Environmental Management Plan clearly specifying all operational details demonstrating to the regulator how the relevant approved statement of environmental objectives will be achieved.

Where native title exists in relation to an application for a Renewable Energy Feasibility Licence, Renewable Energy Infrastructure Licence, Renewable Energy Research Licence, Hydrogen Generation Licence, Associated Infrastructure Licence (where the licence confers access to designated land) and a Renewable Energy Feasibility Permit, another important precondition for licence grant has been included.

These licence types will not be able to be granted in relation to land where native title exists or might exist ('native title land') that is the subject of a native title determination, or within a registered native title claim, unless the registered native title holders or claimants have consented to that grant in an indigenous land use agreement (ILUA) under *the Native Title Act 1993 (Cth).* To provide flexibility for native title groups, provisions enable a less formal type of agreement to be negotiated if valid under the *Native Title Act*, and only at the request of the native title group.

In keeping with the Bill's object to maximise economic opportunities for Aboriginal people, the government will also develop guidelines to support leading practice engagement and negotiations. Additionally, the establishment of a Hydrogen and Renewable Energy Fund comprising money that can be used for purposes related to the objects of the Act, also includes the protection and preservation of native title and Aboriginal heritage in South Australia.

Renewable energy development opportunities are recognised to exist in some of the state's most highly prospective mineral regions, and economically and culturally significant primary industries regions. The Bill maintains the State's commitment to multiple land use, ensuring hydrogen and renewable energy projects can coexist as far as possible with other rights or interests, through access agreements, dispute resolution mechanisms, compensation and notice of entry provisions, as well as consultation at various stages with landowners to ensure impacts are minimised on existing uses.

The Bill recognises the role pastoralists continue to play as stewards of the pastoral estate and seeks to enhance pastoralists rights compared to current rights under the *Pastoral Land Management and Conservation Act 1989.*

This object is achieved by providing improved access agreement conditions and strengthening dispute resolution mechanisms. The Bill establishes the principle that licensees must limit the impacts of the renewable energy project to have least detriment to the interests of the pastoralist and least damage to the land.

Before any activities can begin, licensees will need to enter into an access agreement with affected pastoralists. The access agreement must address access to the licence area and infrastructure in the licence area during the exploration, construction, installation, operation and decommissioning of infrastructure. Access agreements must also address compensation that is payable to the pastoralist resulting from entry to, and use of, their lease.

These access agreements will be critical in ensuring an ongoing and constructive relationship is established between pastoralists and renewable energy developers. While the Bill dictates what access agreements must contain, such as compensation, it does not limit what can be agreed. Pastoralists are free to negotiate with licensees on other matters as they see fit.

To further support pastoralists and other landowners, the government-funded independent Landowner Information Service will be extended to cover renewable energy activities. Extending the scope of the Service will ensure landowners can access trusted support and advice about their rights. The service is designed to provide information to help landowners make informed decisions. It takes often complex technical and legal information and makes it easy to understand for landowners who are new to the process.

To support the coexistence of large-scale renewable energy and mining, two critical sectors underpinning the State's net zero transformation, the Bill introduces a notice of entry mechanism for resource tenements. Resource tenements will have a right to object to entry if a renewable energy project will cause material diminishment of their existing rights. It is expected that licensees and resource tenement holders will engage collaboratively to achieve successful coexistence of authorised activities and operations. The ability to successfully engage is already a requirement of an applicant's operational capability under the *Mining Act 1971* and will similarly be a key indicator of an applicant's capability under this proposed framework.

To achieve an appropriate balance between industries, it is intended that material diminishment will be measured against only advanced activities, such as advanced exploration, existing mining or production leases, and work program commitments. The mere existence of a resource tenement is not enough to amount to material diminishment. Rather, it is expected that licensees and resource tenements agree on the manner to which activities and operations are to be undertaken and this is to be carried out such that there is no material diminishment of those operations.

In keeping with the object of achieving balance between competing land uses, the Bill also includes consequential amendments to the *Mining Act 1971* and *Petroleum and Geothermal Energy Act 2000* that will recognise licence and permit holders under this Bill as owners of land. This will allow existing protections under those legislative frameworks to apply to renewable energy and hydrogen licensees as they do to other land users. Similarly, the Bill makes it clear that other powers exercised by government are not limited by the presence of such a licence, meaning approvals for resources activities can still be granted where a renewable energy or hydrogen licence exists.

Finally, to ensure a fair and efficient transition for renewable energy projects that are currently operating, or are in the process of seeking development approval, and avoid any unnecessary duplication and costs, the Bill includes detailed transitional provisions.

The development of this Bill has been an ongoing conversation between the government and the people of this State, supported by early, genuine consultation processes on both a comprehensive Issues Paper released in late 2022 and a resultant draft Bill released in May 2023.

Our engagement has recognised that informed, early and ongoing participation of Aboriginal people is essential to achieving the development of a globally significant sustainable renewable energy and hydrogen sector in South Australia.

Almost from inception, the advice of our First Nations people was sought on the design of the reforms and their views incorporated into aspects of the regulatory framework that related to their rights and interests.

Two South Australian Aboriginal Renewable Energy Forums have brought together Aboriginal groups to strengthen relationships, understand the issues and challenges impacting on Aboriginal groups and to discuss opportunities for Aboriginal people and government to work together on the development of renewable energy in South Australia.

Similarly, the government recognises that our regional and rural communities will also be significantly affected by these reforms. A dedicated workshop was delivered for the pastoral community to support quality engagement with the government on the draft Bill. Information sessions were conducted across South Australia's regions during each consultation period, in addition to online sessions, webinars and written materials, providing everyone with the greatest opportunity to have their say on this landmark legislation.

Feedback received through the consultation processes has meaningfully shaped the Bill being introduced to Parliament today, and I thank everyone that has participated to date.

Importantly, this is not the end of the conversation. The government will continue to work with all stakeholders and rights holders to develop the associated Regulations, and to move forward in identifying the first release areas for competitive tender under this framework. This work will continue to be underpinned by principles of transparency, certainty, efficiency and fairness. The Bill also includes review provisions, requiring a review to be initiated five years following the commencement of the Act and every five years thereafter, enabling us to continuously improve and stay at the forefront of this global transition to net zero.

The transformation engendered by these reforms will significantly change land use across South Australia. But this State's continued leadership in developing a fit-for-purpose regulatory framework provides a substantial opportunity for South Australia to attract significant high-quality investment and ensure this State retains its global leadership in the energy transition. I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects

This clause sets out the objects of the measure.

4—Interpretation

This clause defines terms to be used in the measure.

5—Application of Act

This clause provides that the proposed measure is intended to have extraterritorial application insofar as the legislative powers of the Parliament permit.

6—Interaction with other Acts

This clause provides that the provisions in the proposed measure are in addition to, and do not limit, the provisions of any other Act. Subclause (2) provides the matters to which the Minister must have regard if taking any

action under the proposed measure that is within, or likely to have a direct impact on, the Adelaide Dolphin Sanctuary or a marine park.

Part 2—Preliminary investigation of renewable energy resources

Division 1—Minister may explore renewable energy resources

7—Minister may explore renewable energy resources

Subclause (1) provides that the Minister, or a person with the written authorisation of the Minister, may undertake the following for the purposes of exploring renewable energy resources:

- enter and remain on land with assistants, vehicles and equipment as may be necessary or expedient for the purposes of the investigation;
- explore and make tests on land;
- construct, install, operate, maintain or decommission infrastructure on land necessary for assessing the feasibility of generating renewable energy from a renewable energy resource;
- take photographs, audio or video recordings of land;
- undertake any other activities of a kind prescribed by the regulations.

Subclause (2) provides for the Minister or authorised person to give notice of an intent to undertake such exploration to any owner of land in a manner outlined in the subclause. Subclauses (3) and (4) contain provisions consequential on the other matters addressed in the clause.

Division 2—Renewable energy feasibility permit

8—Renewable energy feasibility permit

This clause allows for the granting of a renewable energy feasibility permit, which, subject to the conditions of the permit, authorises a person to undertake a feasibility activity specified in the permit within the permit area.

A *feasibility activity* is defined as constructing, installing, operating, maintaining or decommissioning infrastructure necessary for assessing the feasibility of generating renewable energy from a renewable energy resource. The clause sets out the application process for a permit and creates offences for permit holders to contravene a condition of a permit, and persons interfering with activities authorised to be undertaken under a permit.

9—Term and renewal of permit

This clause provides for the term of a renewable energy feasibility permit and the preconditions to applying for a renewal of a permit.

Part 3—Release area

10—Minister may declare release area

This clause sets out the process whereby the Minister may, by notice in the Gazette, declare an area of land to be a release area suitable for the operation of renewable energy infrastructure.

The clause further provides for preconditions to the declaring of a release area, including seeking the concurrence of relevant Ministers and giving notice and undertaking consultation.

If a declaration of a release area is in force, an application for a renewable energy feasibility licence in respect of land within the declared area must not be made except in response to a call for tenders.

11—Call for tenders for renewable energy feasibility licence

This clause sets out the process by which the Minister may invite applications for renewable energy feasibility licences within a specified release area. A successful applicant has an exclusive right to apply for a renewable energy feasibility licence in the release area.

Part 4—Licensing

Division 1—Requirement for licence

12—Regulated activities

This clause defines what constitutes a regulated activity, being all operations reasonably necessary for, or incidental to, undertaking the following within the State or coastal waters of the State:

- generating hydrogen for a commercial purpose;
- exploring for a renewable energy resource;
- exploiting a renewable energy resource;

- an infrastructure activity;
- an associated infrastructure activity.

The regulations may provide that an activity may be included or excluded from the ambit of the definition of regulated activities, and that a regulated activity may only be authorised by a specified category of licence.

13—Requirement for licence

Subclause (1) makes it an offence, with a maximum penalty of $250,000 or imprisonment for 2 years, for a person to undertake a regulated activity without an authorisation or exemption from authorisation under the proposed measure.

Subclause (2) provides for an exemption for a person who explores a renewable energy resource on land other than designated land from authorisation under the proposed measure.

Division 2—Licence categories

Subdivision 1—Hydrogen generation licence

14—Hydrogen generation licence

This clause provides for the granting of a hydrogen generation licence, which authorises the licensee—

- to construct, install, operate, maintain and decommission a hydrogen generation facility within the licence area (which must not exceed 5 km² in area); and
- to generate hydrogen for a commercial purpose (as defined in clause 4); and
- to undertake other regulated activities within the licence area as specified in the licence.

The clause further sets out specified preconditions of which the Minister must be satisfied before granting the licence.

15—Term and renewal of licence

This clause sets out the term of the hydrogen generation licence and the process for renewing the licence.

16—Minister may grant certain licences under *Petroleum and Geothermal Energy Act 2000*

This clause gives power to the Minister to grant a gas storage licence or a pipeline licence to the holder of, or an applicant for, a hydrogen generation licence in accordance with the relevant provisions of the *Petroleum and Geothermal Energy Act 2000* that allow for the granting of those licences.

Subdivision 2—Renewable energy feasibility licence

17—Renewable energy feasibility licence

This clause provides for the granting of a renewable energy feasibility licence, which—

- authorises the licensee to explore a renewable energy resource in the licence area and assess the feasibility of exploiting a renewable energy resource; and
- authorises the licensee to construct, install, operate, maintain and decommission renewable energy infrastructure for the purposes of exploring a renewable energy resource; and
- confers on the licensee an exclusive right to undertake the activities described above; and
- confers on the licensee a right to enter and use land within the licence area for the purposes of authorised operations.

A renewable energy feasibility licence is to be located wholly within a release area and must only comprise land that is designated land. *Designated land* is defined as including pastoral land, Crown land, South Australian waters and excludes the Arkaroola Protection Area and restricted and sanctuary zones within marine parks and wilderness protection areas.

The clause further sets out the matters to which the Minister must have regard before granting a licence, and the permissions required from other Ministers before granting a licence. The prescribed information in relation to the licence must be entered on the hydrogen and renewable energy register.

18—Term and renewal of licence

This clause sets out the term of the licence and the process for renewing a renewable energy feasibility licence.

Subdivision 3—Renewable energy infrastructure licence

19—Renewable energy infrastructure licence

A renewable energy infrastructure licence authorises the licensee to—

- generate or obtain energy from a renewable energy resource specified in the licence; and
- construct, install, operate, maintain or decommission renewable energy infrastructure; and
- store, transmit or otherwise convey energy obtained from a renewable energy resource; and
- undertake other regulated activities of a prescribed kind as specified in the licence.

To the extent that the licence area comprises designated land, the licence also confers on the licensee—

- an exclusive right to generate or obtain energy from a renewable energy resource specified in the licence; and
- an exclusive right to construct, install, operate, maintain or decommission renewable energy infrastructure other than renewable energy infrastructure that has the primary purpose of exploiting a renewable energy resource; and
- a right to enter and use designated land for the purposes of authorised operations.

A renewable energy infrastructure licence over designated land must not be granted unless—

- the applicant for the licence holds or has held a renewable energy feasibility licence in respect of that area; and
- the licence area to which the application relates is the whole or part of an area over which the renewable energy feasibility licence is or was held.

The clause further sets out the matters to which the Minister must have regard before granting a licence, and the permissions required from other Ministers before granting a licence. The prescribed information in relation to the licence must be entered on the hydrogen and renewable energy register.

20—Term and renewal of licence

This clause sets out the term of the licence and the process for renewing a renewable energy infrastructure licence.

Subdivision 4—Renewable energy research licence

21—Renewable energy research licence

A renewable energy research licence authorises the licensee—

- to explore a renewable energy resource within the licence area and assess the feasibility of exploiting a renewable energy resource; and
- to exploit a renewable energy resource for the purpose of researching the capabilities of a technology, system or process for generating renewable energy; and
- to construct, install, operate, maintain and decommission renewable energy infrastructure for the purposes of undertaking activities of the kind described above.

A licence in respect of designated land also confers a right on the licensee enter and use designated land within the licence area for the purposes of authorised operations.

The clause further sets out the matters to which the Minister must have regard before granting a licence, and the permissions required from other Ministers before granting a licence. The prescribed information in relation to the licence must be entered on the hydrogen and renewable energy register.

22—Term and renewal of licence

This clause sets out the term of the licence and the process for renewing a renewable energy research licence.

Subdivision 5—Associated infrastructure licence

23—Associated infrastructure licence

An associated infrastructure licence authorises the licensee—

- to undertake an associated infrastructure activity specified in the licence on land within the licence area; and
- to store, transmit or otherwise convey, within the licence area, energy obtained from a renewable energy resource; and

- to undertake an activity within the licence area that is necessary or incidental to undertaking a regulated activity undertaken under another licence.

The licence may also confer a right to enter and use designated land for the purposes of undertaking authorised operations in respect of land within the licence area (if, for example, a licensee does not have a right or interest in respect of the land).

The clause further sets out the matters to which the Minister must have regard before granting a licence, and the permissions required from other Ministers before granting a licence. The prescribed information in relation to the licence must be entered on the hydrogen and renewable energy register.

24—Term and renewal of licence

This clause sets out the term of the licence and the process for renewing an associated infrastructure licence.

Subdivision 6—Special enterprise licence

25—Object

This clause sets out the object of this Subdivision, being to facilitate the establishment, development or expansion of enterprises comprising 1 or more regulated activities that are of major significance to the economy of the State by allowing greater security and flexibility of tenure and access to land.

26—Special enterprise

This clause sets out the process for having an enterprise comprising regulated activities declared a special enterprise for the purposes of the granting of a special enterprise licence. The clause provides for a process by which the Minister and the proponent of the enterprise may enter into an agreement for the grant of the licence and for the Governor to ratify the agreement. The clause provides that the Governor, before ratifying the agreement, must be satisfied, on advice of the Minister, that—

- the establishment, development or expansion of the enterprise comprising regulated activities are of major significance to the economy of the State; and
- it is in the interests of the State to grant a special enterprise licence in respect of the enterprise.

The clause further sets out conditions precedent to the ratifying of the agreement.

27—Concept phase

This clause sets out that the first step for a proponent seeking an agreement for a special enterprise is to consult with the Minister about the proposal by an application to the Minister. The Minister may consult or refuse to consult with the proponent in relation to the application, in the Minister's absolute discretion. The Minister may require the proponent to provide the Minister with further information, to undertake consultation and take any other action specified by the Minister during this phase.

The Minister is required to undertake certain consultation during this concept phase. The Minister may then bring the consultation phase to a close by either advising the proponent that the matter may proceed to an application for a special enterprise licence or that the matter is not, in the opinion of the Minister, suitable for further consideration.

28—Special enterprise licence

A special enterprise licence authorises the licensee to undertake regulated activities of a kind specified in the licence and confers a right to enter and use land in the licence area for the purposes of undertaking authorised operations. The clause provides for further conditions precedent to the grant of the licence, and for the terms and conditions in relation to the licence, once granted.

29—Power to exempt from or modify Act

Subclause (1) provides that the Minister may exempt a special enterprise licence from compliance with a provision in the measure (other than those specified in subclause (2)), or modify the application of such a provision, in relation to the enterprise. This provision is subject to the terms of the ratified agreement and the conditions stipulated in the agreement.

30—Existing licences

This clause provides for the process by which existing licence areas that may be the subject of a special enterprise licence may be subsumed into the special enterprise licence area.

Division 3—Common provisions

Subdivision 1—Application for licence

31—Application for licence

This clause sets out the requirements of an application for a licence and the manner in which the application is to be made.

32—Notice of certain applications

This clause sets out the requirements for notice to be given of applications for a licence or a renewal of a licence. The Minister is required to give notice to owners of land in respect of land comprised in a proposed licence area and to a council in which a licence area is to be located.

The notice is to be published in such manner as the Minister thinks fit, describing the area to which the application relates and specifying a place where the applications may be inspected. Notice must also be given by the Minister as to whether or not the Minister has granted or refused to grant an application to which this provision applies.

33—Applications relating to native title land

This clause provides that if an application for a licence, or for the renewal of a licence, relates to an area of land comprising native title land, the Minister must, before granting the application, be satisfied that the grant will be valid under the *Native Title Act 1993* of the Commonwealth to the extent that it affects native title.

34—Applications relating to areas within Murray-Darling Basin

This clause sets out a process for seeking the concurrence of a relevant Minister in relation to an application for a licence, or for the renewal of a licence, located within the Murray-Darling Basin.

35—Applications relating to areas within specially protected area

This clause sets out a process for seeking the concurrence of a relevant Minister in relation to an application for a licence, or for the renewal of a licence, in an area within or adjacent to a specially protected area. A specially protected area is defined as the Adelaide Dolphin Sanctuary, a marine park or a River Murray Protection Area.

Subdivision 2—Grant of licence

36—Grant or refusal of licence application

Subclause (1) sets out the circumstances in which the Minister may refuse a licence application. Subclause (2) sets out the process by which the Minister must notify an applicant of the grant or refusal to grant a licence. Subclause (3) provides that the Minister must provide reasons for a refusal to grant (either in whole or in part) an application for a licence. Subclause (4) requires prescribed information in relation to the grant of a licence to be entered on the register.

Subdivision 3—Compatible licences

37—Compatible licences

This clause sets out a process by which the Minister can determine that renewable energy licences that are overlapping may be granted if the Minister determines that they are compatible. A renewable energy licence (*licence 1*) is defined as overlapping another renewable energy licence (*licence 2*) if—

- licence 1 authorises operations in relation to a renewable energy resource other than that authorised under licence 2; and
- licence 1 authorises operations in relation to a renewable energy resource other than that authorised under licence 2.

Subdivision 4—Conditions of licence

38—Conditions of licence

This clause provides for the conditions on which a licence may be granted, and for the imposition, variation or revocation of licence conditions after the grant of a licence.

Subdivision 5—Work program

39—Work program

This clause provides for the process by which the Minister must, before granting a licence, approve a work program in respect of proposed authorised operations.

Subdivision 6—Access agreement

40—Application of Subdivision

This clause sets out that the licences to which the Subdivision is to apply, namely—

- a renewable energy feasibility licence or a renewable energy infrastructure licence to the extent that the licence area comprises designated land; or
- an associated infrastructure licence that confers a right to enter and use land for the purposes of authorised operations in respect of land within the licence area.

41—Access agreement

This clause provides that it is a condition of a licence to which this Subdivision applies that the licensee must, before undertaking authorised operations, enter into an access agreement with—

- if the licence area comprises pastoral land—the holder of a pastoral lease in respect of the licence area; and
- a prescribed person (if any).

Subclause (2) sets out the matters that must be addressed in the access agreement, being—

- access to the licence area, or infrastructure in or in the vicinity of, the licence area, by the parties to the access agreement during the construction, installation, operation, maintenance or decommissioning of renewable energy infrastructure;
- the manner and form in which notice of commencement of authorised operations will be given by the licensee to the other parties to the access agreement;
- compensation that is or may be payable by a licensee under the measure.

42—Negotiating access agreement

This clause sets out the process by which an access agreement is to be negotiated between parties to the access agreement. The provision contains power for the Minister to mediate between the parties if agreement is not reached within a prescribed period. If the Minister decides against mediating between the parties, or an attempt to mediate is made but agreement is not obtained within a prescribed period, a party to the negotiations may apply to the ERD Court for a determination.

The clause further sets out the matters in relation to which the ERD Court may make a determination and the consequences that follow such a determination for the parties to the agreement.

Subdivision 7—Bond and security

43—Bond and security

This clause provides for the manner in which the Minister may require a licensee to enter into a bond (and provide for an amount for security for the bond) to ensure, in the opinion of the Minister, satisfaction of the following matters:

- any civil or statutory liability likely to be incurred by that person in the course of undertaking authorised operations;
- the present and future obligations of that person in relation to the rehabilitation of an area disturbed by undertaking authorised operations.

Subdivision 8—Notice of commencement of operations

44—Licensee must give notice of commencement of authorised operations

This clause requires a licensee, in accordance with the requirements of the regulations, to notify the Minister of the commencement or completion of authorised operations within a licence area. An administrative penalty applies to a licensee who fails to comply with this requirement.

Subdivision 9—Rent

45—Rent

This clause provides for the payment of rent to the Minister in respect of the licence area of a special enterprise licence and a renewable energy licence to the extent that the licence area comprises designated land.

Subdivision 10—Reporting requirements

46—Licensee to provide reports, information or material

This clause makes it a condition of a licence that the licensee must provide reports, information or material as set out in the clause to the Minister at prescribed times, or at any other time on the written request of the Minister. The reports, information or material required to be provided must be provided in the manner specified in this provision.

47—Licensee must report certain incidents

This clause requires a licensee to report certain incidents to the Minister in a manner set out in the clause. An administrative penalty is payable by a licensee who fails to report in accordance with the provision.

Subdivision 11—Public liability insurance

48—Public liability insurance

This clause provides that a licensee must, before commencing authorised operations and for the duration of the term of the licence, maintain a policy of public liability insurance indemnifying the licensee, in an amount that is

reasonable taking into account the kind of licence, the nature and extent of the operations undertaken under the licence, and relevant industry standards, in relation to any action arising out of the operations undertaken under the licence and complying with the other requirements (if any) determined by the Minister. A maximum penalty of $20,000 applies for failing to comply with this requirement. The clause further sets out the manner in which the licensee must provide to the Minister a certificate evidencing the insurance.

Subdivision 12—Alteration of licence area

49—Alteration of size of licence area

This clause provides for the manner and circumstances in which the Minister may approve an increase or decrease in the size of a licence area.

Subdivision 13—Dealing with licence

50—Dealing with licence

Subclause (1) provides that a licence must not be transferred, assigned, held subject to a trust or otherwise dealt with, whether directly or indirectly, without the consent of the Minister. Subclause (2) provides that the Minister must, before consenting to a matter, comply with the requirements (if any) prescribed by the regulations.

Subclause (3) provides that if the licensee transfers or assigns the licence—

- all accrued and accruing liabilities to the Crown pass to the transferee or assignee; and
- any such liabilities that had accrued before the date of the transfer or assignment may be enforced against the transferor or assignor (who will be regarded as jointly and severally liable with the transferee or assignee).

Subdivision 14—Change in control

51—Interpretation

Subclause (1) defines key terms for the purposes of the proposed Subdivision, such as what constitutes *control* and a *change in control* of the holder of a licence.

Subclause (2) provides that it is the intention of the Parliament that the proposed Subdivision will apply within the State and outside the State to the full extent of the extraterritorial legislative capacity of the Parliament.

52—Approval of change in control of holder of licence

This clause sets out the process by which a person may apply to the Minister for approval of a change in control of the holder of a licence.

53—Offences

This clause sets out a number of offence provisions that apply to a person who begins or ceases to control the holder of a licence. Maximum penalties of $250,000 apply in relation to offences set out in the clause.

The clause also allows the Minister to cancel a licence in respect of which a change in control has been effected if an offence is committed by a person other than the licensee.

Subdivision 15—Suspension, cancellation and surrender of licence

54—Minister may suspend or cancel licence

This clause sets out the process by which the Minister may suspend or cancel a licence.

55—Surrender of licence

This clause sets out the process by which the holder of a licence may apply to the Minister for approval to surrender their licence or a part of the area of their licence.

Subdivision 16—Miscellaneous

56—Licence is not personal property for the purposes of Commonwealth Act

This clause provides that a right, entitlement or authority granted under this measure is not personal property for the purposes of the *Personal Property Securities Act 2009* of the Commonwealth.

57—Exemption from stamp duty

This clause provides that the grant or renewal of a licence is exempt from stamp duty.

Division 4—Environmental impact

Subdivision 1—Preliminary

58—Objects

This clause sets out the objects of this Division.

59—Interpretation

This clause defines terms used in the Division.

60—Environmental impact assessment criteria

This clause enables the Minister to determine criteria (the *environmental impact assessment criteria*) against which the environmental impact of regulated activities is to be assessed. The environmental impact assessment criteria, and any variation or revocation of the criteria, are to be notified by the Minister in the Gazette. The environmental impact assessment criteria are to be reviewed in accordance with the requirements of the regulations.

Subdivision 2—Environmental impact report

61—Environmental impact report

Subclause (1) provides that an environmental impact report in respect of proposed operations must be provided for the purposes of the approval of a statement of environmental objectives. The clause further sets out the matters that must be addressed and taken into account when preparing an environmental impact report.

Subdivision 3—Statement of environmental objectives

62—Statement of environmental objectives

Subclause (1) provides that the Minister must not grant a licence unless an approved statement of environmental objectives in respect of proposed authorised operations is in force. The clause further sets out the matters that must be addressed in a statement of environmental objectives.

63—Approval of statement of environmental objectives

This clause sets out the manner in which an application for approval of a statement of environmental objectives is to be made to the Minister. On receiving an application for an approval, the Minister may—

- approve the statement without amendment; or
- after consultation with the relevant licensee—require amendments to the proposed statement or the environmental impact report on which the statement is based in order to ensure that it complies with the requirements under the Division and to ensure consistency with the other provisions of the proposed measure; or
- reject the proposed statement on the basis that it does not comply with the requirements of clause 62 or any other relevant provisions of the measure.

64—Review of statement of environmental objectives

This clause provides for the circumstances in which a statement of environmental objectives is to be reviewed and the manner in which any changes subsequent to the review are to be approved by the Minister.

65—Notice of approval

This clause provides for the manner in which the Minister must give notice of the approval of a statement (or revised statement) of environmental objectives.

Subdivision 4—Operational management plan

66—Operational management plan

Subclause (1) makes it an offence with a maximum penalty of $250,000 for a licensee to commence authorised operations without a plan that complies with the requirements of the proposed Subdivision and approved by the Minister being in force in relation to the licence. Subclause (2) sets out the matters that must be specified in the operational management plan.

Subclause (3) allows for the regulations to set out or adopt an operational management plan that may apply to a group of licences or operations of a prescribed class. The manner in which compliance with an operational management plan is to be monitored and enforced is to be prescribed by the regulations.

67—Approval of operational management plan

This clause sets out the manner in which a licensee may seek approval from the Minister for an operational management plan.

68—Review of operational management plan

This clause sets out the manner and circumstances in which an operational management plan is to be reviewed, and any amendments as a result of the review are to be approved as part of the operational management plan.

Subdivision 5—Scoping report

69—Interpretation

This clause defines terms to be used in the Subdivision.

70—Object

This clause sets out the object of the Subdivision.

71—Scoping report

This clause defines a scoping report to be a means of developing, assessing and providing, to such extent as may be reasonable and relevant, information relating to 1 or more of the following:

- categorising the level of environmental impact of authorised operations to be undertaken under a licence of a kind prescribed by the regulations;
- determining the reasonable and relevant level of detail for information to be provided to the Minister for the purposes of environmental impact assessment as part of the consideration of an application for that prescribed licence;
- identifying and prioritising the issues that are associated with environmental impact assessment as part of the consideration of an application for the prescribed licence;
- determining the extent of work required to be undertaken for the purposes of environmental impact assessment as part of the consideration of an application for a prescribed licence;
- if it is relevant in the circumstances or is reasonable or appropriate to do so—determining the impacts of a prescribed licence on people or communities, including by providing information about the measures that are to be used to manage, limit or remedy those impacts (in the case of negative impacts), or to facilitate or ensure those impacts (in the case of positive impacts).

The clause further sets out who may provide a scoping report, that the Minister may require a scoping report and the manner in which the scoping report is to be provided to the Minister.

Subdivision 6—Matters to be undertaken by Minister

72—Public consultation

This clause sets out the requirements for the manner in which the Minister must undertake public consultation in relation to an environmental impact report, a statement (or revised statement) of environmental objectives and a scoping report.

73—Referral of matter to prescribed body

This clause sets out the requirements for the manner in which the Minister must refer an environmental impact report, a statement (or revised statement) of environmental objectives or a scoping report to a prescribed body for its response.

74—Minister may determine relevant authorisation

This clause provides that in accordance with the regulations, the Minister may determine that an authorisation under a specified provision of the *Planning, Development and Infrastructure Act 2016* is deemed to be authorised under that Act.

Part 5—Entry to and use of land

75—Right of entry to land

This clause sets out the right of entry to land for each category of licence.

76—Notice of entry

This clause sets out the requirements for the holder of certain licences to give a notice of entry to the owner of land within a licence area of the licensee's intention to enter the licence area and, if the licensee proposes to undertake authorised operations, of the nature of operations to be undertaken in the area. An offence with a maximum penalty of $20,000 applies to the holder of a licence who fails to give a notice of entry in accordance with this provision.

77—Notice of commencement of operations to holder of resources tenement

This clause sets out the requirement for the holder of specified permits and licences to give to the holder of a resources tenement over the licence area a notice of commencement of operations in accordance with the requirements set out in this provision. An offence with a maximum penalty of $20,000 applies to the holder of a licence who fails to give a notice of commencement of operations.

78—Objections

This clause sets out the process by which a person who has received a notice of entry or a notice of commencement of operations may object to the entry or commencement of operations. The clause further provides power to the Minister to mediate between parties to a dispute, and for the manner in which a disputed matter may be referred to, and determined by, the ERD Court.

79—Compensation

This clause sets out the circumstances in which an owner of land is entitled to receive compensation from a licensee for any economic loss, hardship or inconvenience suffered by the owner in consequence of authorised operations, and the manner in which such compensation may be assessed and paid.

80—Right to require acquisition of land

This clause provides that if activities undertaken by the holder of a special enterprise licence on land substantially impair an owner of land's use and enjoyment of the land, the owner may apply to the ERD Court for an order—

- transferring the owner's land to the licensee;
- that the licensee pay to the owner, by way of compensation—
- an amount equivalent to the market value of the land; and
- a further amount the court considers just by way of compensation for disturbance.

Part 6—Hydrogen and Renewable Energy Fund

81—Hydrogen and Renewable Energy Fund

This clause provides that the Minister must establish and maintain a fund to be called the *Hydrogen and Renewable Energy Fund*. The clause further sets out the purposes for which money in the Fund may be applied.

Part 7—Compliance and enforcement

Division 1—Minister may request information

82—Minister may request information

This clause provides power for the Minister to request information or material from a licensee that the Minister requires for the administration or enforcement of the measure, that is related to authorised operations or work undertaken under a licence or information or material of a prescribed kind. An administrative penalty applies in relation to a licensee who fails to comply with this provision.

Division 2—Authorised officers

83—Appointment of authorised officers

This clause sets out the manner in which an authorised officer may be appointed.

84—Identity cards

This clause provides for the issuing of identity cards to authorised officers.

85—Authorised investigations

This clause sets out the matters that may be investigated by an authorised officer as being an *authorised investigation*.

86—Powers of entry and inspection for purpose of authorised investigation

This clause provides for the powers that may be exercised by an authorised officer for the purposes of carrying out an authorised investigation, and the manner in which those powers may be exercised.

87—Power to require information

This clause provides for the manner and circumstances in which an authorised offer may require a person who may be in a position to provide information relevant to a matter subject to an authorised investigation to answer questions or provide information. The clause further sets out a number of offence provisions for a person who fails to comply with a request for information under the provision.

88—Production of records

This clause sets out the requirements for an authorised officer in dealing with records relating to authorised operations.

Division 3—Compliance and enforcement

89—Compliance directions

This clause sets out the manner and circumstances in which the Minister may issue a direction (a *compliance direction*) for the purpose of—

- securing compliance with a requirement of this measure, a licence (including a condition of a licence) or an authorisation or direction under or in relation to a licence; or
- preventing or bringing to an end specified operations that are contrary to this measure or a licence (including a condition of a licence); or
- requiring the rehabilitation of an area specified in the direction on account of any operations undertaken with or without an authority required by this measure.

An offence with a maximum penalty of $250,000 applies to a person to whom a compliance direction is issued who fails to comply with the direction within the time allowed in the direction.

90—Emergency directions

This clause provides for the manner and circumstances in which an authorised officer may issue a direction (an *emergency direction*) if, of the opinion that—

- operations under a licence are being undertaken in a way that results in, or that is reasonably likely to result in undue damage to the environment, contravention of an operational management plan or a term or condition of a licence; and
- it is urgently necessary to take action.

An offence with a maximum penalty of $250,000 applies to a person to whom an emergency direction is issued who fails to comply with the direction within the time allowed in the direction.

91—Review of direction

This clause sets out the manner in which a person required to comply with a compliance direction or an emergency direction may apply to the ERD Court for a review of the direction.

92—Contravention of Act

This clause provides that the Minister or an authorised officer may, if of the opinion that it is reasonably necessary to do so in the circumstances, include in a compliance direction or an emergency direction a requirement for an act that might otherwise constitute a contravention of this measure and, in that event, a person incurs no liability to a penalty under this measure for compliance with the requirement.

93—Action if non-compliance occurs

This clause provides for the manner in which the Minister, if a direction is not complied with, may take the action required under the direction.

Division 4—Miscellaneous

94—Enforceable voluntary undertakings

This clause provides for the manner in which a person may give a written undertaking in connection with a matter relating to a contravention or alleged contravention by the person of a provision in the measure. The clause further provides for the Minister to apply to the ERD Court for enforcement of the undertaking if the Minister considers that the person has contravened the undertaking. It is an offence with a maximum penalty of $50,000 for a person to contravene an undertaking that is in effect.

95—Civil remedies

This clause provides for applications to be made to the ERD Court for civil remedies as set out in the clause.

96—Annual report

This clause requires the Minister to cause an annual report to be published (and made available on the register) in respect of the following in respect of the previous financial year:

- the results of any authorised investigations;
- the number of compliance directions and emergency directions issued.

Part 8—Offences and penalties

97—False or misleading statements

This clause makes it an offence with a maximum penalty of $150,000 for a person, in giving information under the measure, to—

- make a statement knowing it to be false or misleading; or

- omit any matter from a statement knowing that without that matter the statement is false or misleading.

98—Offence relating to licence

This clause sets out the following offences:

- offence with a maximum penalty of $250,000 for a licensee who contravenes a term or condition of their licence;
- offence with a maximum penalty of $250,000 for a licensee to undertake authorised operations otherwise than in accordance with the terms and conditions of their licence;
- offence with a maximum penalty of $150,000 for a person who, without lawful excuse, obstructs or hinders a licensee in the reasonable exercise of rights conferred under the measure.

99—Offences regarding authorised officers

This clause sets out the following offences:

- offence with a maximum penalty of $15,000 for a person who obstructs, hinders, threatens or attempts to influence an authorised officer in the exercise of a power;
- offence with a maximum penalty of $15,000 for a person who impersonates an authorised officer.

100—Civil penalties

This clause provides for the manner in which the Minister may, if satisfied that a person has committed an offence by contravening a provision in the measure, as an alternative to criminal proceedings, recover, by negotiation or by application to the ERD Court, an amount as a civil penalty in respect of the contravention.

101—Additional orders on conviction

This clause provides that if a person is convicted of an offence in the measure, the court by which the conviction is recorded may, in addition to any penalty that it may impose, and to any other order that may be made under this measure or any other Act, make 1 or more of the following orders:

- an order requiring the person to take any specified action (including an order to rectify the consequences of any contravention of this measure, or to ensure that a further contravention does not occur);
- an order requiring the person to make good any environmental damage and, if appropriate, to take specified action to prevent or mitigate further harm to the environment;
- an order requiring the person to publicise the contravention of this measure and any environmental or other consequences, and the other orders (if any) made against the person;
- an order requiring the person to pay into the Fund an amount determined by the court to be equal to a fair assessment or estimate of the financial benefit that the person, or a related body corporate, has gained, or can reasonably be expected to gain, as a result of the contravention of this measure;
- an order requiring the person to pay to any person who has suffered loss or damage to property as a result of the acts or omissions constituting the offence, or incurred costs or expenses in taking action to prevent or mitigate such loss or damage, compensation for that loss or damage and reasonable reimbursement for those costs or expenses.

The clause further provides that a court may, in making such an order, fix a period for compliance and impose other requirements the court considers necessary or expedient for the enforcement of the order.

102—Continuing offences

This clause provides for the liability of a person who is convicted of an offence in respect of a continuing act or omission.

103—Offences by bodies corporate

This clause makes additional provisions in relation to a body corporate who may be found guilty of an offence.

104—Time limits

This clause sets out the time requirements for commencement of criminal proceedings for an alleged offence.

105—Evidentiary provisions

This clause sets out a range of provisions relating to the evidentiary value of various statements and documents in the measure.

Part 9—Appeals to ERD Court

106—Appeals to ERD Court

This clause sets out the decisions under the measure in relation to which an appeal may be made to the ERD Court, and the manner in which those appeals are to be dealt with by the Court.

Part 10—Hydrogen and renewable energy register

107—Hydrogen and renewable energy register

This clause provides that the Minister must establish and maintain a hydrogen and renewable energy register. It further sets out the matters that the register must contain and the manner in which the register is to be maintained and accessed.

Part 11—Miscellaneous

108—Delegation

This clause provides a power of delegation for the powers or functions of the Minister.

109—Confidentiality

Subclause (1) creates an offence with a maximum penalty of $10,000 for a person engaged, or formerly engaged, in the administration of the measure to divulge or communicate information relating to trade processes or financial information obtained in the course of official duties otherwise than in accordance with the matters set out in the provision.

Subclause (2) provides that subclause (1) does not prevent disclosure of statistical or other data that could not reasonably be expected to lead to the identification of any person to whom it relates. Subclause (3) provides that if the Minister publishes information, the Minister may exclude from publication certain confidential matters as set out in the provision.

110—Exemptions

This clause provides for the manner in which the Minister may—

- exempt a licensee from complying with a term or condition of their licence; or
- exempt a person from the operation of this measure or a specified provision of the measure; or
- exempt an activity or a class of activity from requiring authorisation under the measure.

111—Charge on property if debt due to Crown

This clause provides that a charge on property (other than real property) if the owner of the property is liable to pay a debt due to the Crown under the measure.

112—Avoidance of duplication of certain procedures required under Commonwealth law

This clause makes a range of provisions to avoid unnecessary duplication of procedures and compliance requirements under a relevant Act and this measure where an activity requires authorisation under this measure and approval or assessment under a relevant Act. *Relevant Act* is defined as—

- the Environment Protection and Biodiversity Conservation Act 1999 of the Commonwealth;
- the Petroleum and Geothermal Energy Act 2000;
- the Planning, Development and Infrastructure Act 2016;
- the Work Health and Safety Act 2012;
- any other Act prescribed by the regulations for the purposes of this definition.

113—Administrative penalties

This clause provides for the manner in which the payment of administrative penalties may be made in relation to a person who has alleged to have contravened a provision of the measure after which the words 'Administrative penalty' appear.

114—Regulations and fee notices

This clause provides that the Governor may make regulations for the purposes of the measure. The clause also provides power for the Minister to prescribe fees for the purposes of the measure by fee notice under the *Legislation (Fees) Act 2019*.

115—Review of Act

This clause provides for the Minister to cause a review of the operation of the proposed measure on the 5 year anniversary of its commencement, and every 5 years after that commencement. The Minister must table a report on the review in both Houses of Parliament within 12 sitting days after its completion.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Mining Act 1971*

1—Amendment of section 6—Interpretation

This clause amends the definition of *owner* of land to include a reference to a person who holds a licence or permit under the *Hydrogen and Renewable Energy Act 2023*.

2—Amendment of section 9—Exempt land

This clause inserts a new paragraph that amends the definition of land that is exempt land in subsection (1) to include land that is situated within a distance prescribed by the regulations for the purposes of the proposed inserted paragraph from infrastructure (other than infrastructure of a prescribed kind) that is being constructed, installed, operated, maintained or decommissioned pursuant to the *Hydrogen and Renewable Energy Act 2023*.

3—Amendment of section 58A—Notice requirements

This clause recasts subsection (9) so that it extends the existing notice requirements in this subsection to an owner of land held under a hydrogen generation licence, a renewable energy infrastructure licence, an associated infrastructure licence or a special enterprise licence under the *Hydrogen and Renewable Energy Act 2023* in relation to which an approved statement of environmental objectives within the meaning of that Act is in force.

Part 2—Amendment of Pastoral Land Management and Conservation Act 1989

4—Amendment of section 3—Interpretation

The amendments in this clause are consequential on other amendments in this Part.

5—Amendment of section 4—Objects

This amendment is consequential on the deleting of reference to wind farms and the substitution of the terms *renewable energy infrastructure* and *associated infrastructure activity* within the meaning of the *Hydrogen and Renewable Energy Act 2023*.

6—Amendment of section 9—Pastoral Land Management Fund

This amendment is consequential.

7—Amendment of section 22—Conditions of pastoral leases

These amendments are consequential on the enactment of the *Hydrogen and Renewable Energy Act 2023*.

8—Amendment of section 31—Alteration of boundaries

This amendment is consequential on the amendment to section 32.

9—Amendment of section 32—Resumption of land

The amendment in this clause will allow for the resumption of land for the purposes of a hydrogen generation facility or an associated infrastructure activity.

10—Amendment of section 39—Compensation

This clause inserts a new subsection (3) which provides that if the resumption of pastoral land is for the purposes of a hydrogen generation facility or an associated infrastructure activity, the Minister may recover the amount of the compensation that the Minister is liable to pay under this section from the holder of, or the applicant for, the relevant licence.

11—Repeal of Part 6 Division 4

The repeal of this Division is consequential on the proposal in the measure to regulate solar energy facilities and wind farms under the *Hydrogen and Renewable Energy Act 2023*.

Part 3—Amendment of Petroleum and Geothermal Energy Act 2000

12—Amendment of section 4—Interpretation

This clause amends the definition of *owner* of land to include a reference to a person who holds a licence under the *Hydrogen and Renewable Energy Act 2023*.

Part 4—Amendment of Planning, Development and Infrastructure Act 2016

13—Amendment of heading to Part 12

This amendment inserts a reference to *renewable energy* into the heading to Part 12.

14—Amendment of section 160—Mining tenements to be referred in certain cases to Minister

The amendments in this clause ensure that a renewable energy matter may be referred to the Minister under this Act in the same circumstances and in accordance with the same considerations as apply to the referral of a mining matter under the current provisions of the section. A *renewable energy matter* is defined as an application for a licence under the *Hydrogen and Renewable Energy Act 2023* or a proposed statement of environmental objectives under that Act.

15—Amendment of section 161—Related matters

These amendments are consequential.

Part 5—Transitional provisions

16—Interpretation

This clause defines terms to be used in the Part.

17—Transitional provisions

This Part provides for the manner and circumstances in which persons with development authorisations under the *Planning, Development and Infrastructure Act 2016* relating to the operation of a hydrogen generation facility, renewable energy infrastructure or associated infrastructure may apply for a licence under the proposed measure.

Debate adjourned on motion of Mr Basham.

DISABILITY INCLUSION (REVIEW RECOMMENDATIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

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) (15:40): I will continue the remarks I was making prior to the lunch break, when I was speaking about a fabulous woman, Natalie Wade, the founder of Equality Lawyers, who now also sits on the Premier's Council for Women.

She was an absolutely driving, passionate, clever force in drafting the initial bill and ensuring that the drafting of the bill, its contents, deeply and rightly reflected the experiences, the voices, of people living with disability. I really want to place on record my thanks to Nat for her incredible and long-term commitment to inclusion and to ensuring that our legislation, and how our legislation is brought to life, reflects the voices of people living with disability.

Following consultation, the report produced 50 recommendations for consideration, which have now been tabled in this place, not all being legislative recommendations. Following the receipt and the tabling of recommendations, this bill sets out to now implement a number of mechanisms to enhance the act, support greater access and inclusion for people with disability and ensure both the state government and local councils remain responsive and accountable through their action plans.

It is so important that all bodies are accountable for their plans and work to progress those plans. When I was thinking about the disability action and inclusion plans that are brought to life through this bill, that councils and state government agencies are implementing, I was thinking about an experience during my first year as a member of parliament. I was out doorknocking in Morphett Vale, and I began to speak with a woman in our community who was vision-impaired and who lived in an area where there were a number of disability community housing homes.

She and a number of her friends who experienced vision impairment were having terrible trouble because there was just a tiny little strip—I do not even know if I could go so far as to call it a footpath; a footpath-ette or something, a little strip of path—in front of this area of homes. That meant that when it was bin night the bins would just take up that little footpath-ette and a whole lot of the verges as well. What that meant for her and her friend, particularly the next morning after bin collection was that there would be obstructions right along that path-ette or whatever we decide to call it.

I spoke with her and we gathered together her friends and we went to council and spoke about the need for them to revive their disability inclusion committee so that they could start to look right across the council area and think about various infrastructure, community facilities and whether or not they were actually accessible for people living with disability. That committee I think has

continued, but it was a really good example of just how important it is in planning and in setting up community facilities and infrastructure that the voices of people living with disability are heard and that they inform what happens in their community and how particular things are built.

When I was putting notes together for these remarks, I was also thinking much more recently about an incredible performance that I went to last Thursday night, a performance at the beloved, now saved, Hopgood Theatre where the entirety of the Christie Downs Primary School put on a performance called *Hear us Roar*. I was sitting in the audience with the Commissioner for Children and Young People and we were talking about how incredible it is that that school as an organisation through that performance, but indeed in everything that they do, include everyone in that school. I say that because there is a significant cohort of children who attend Christie Downs Primary School who do live with disability.

The thing that the children's commissioner and I were reflecting on was that the school, including in this incredible performance, includes all children in every aspect of that performance. That is an excellent thing for those children living with disability, but it is also an excellent thing for every student at that school in terms of growing their thinking about what they can do, and what the systems in their school and every aspect of their schooling life can do to make sure that every child who attends Christie Downs Primary School is a part of everything.

Again, I think of that example because it is just so important that organisations play their role in actively thinking through access and inclusion and shaping things with the experience of people living with disabilities at the core of particular initiatives, events and programs etc., and also that, through doing that, there is a learning environment where individuals learn more about what they can do to make sure that people are included.

I wanted to highlight a few particular aspects of this bill. This bill will really importantly see a definition of 'barrier' included in the act. The review of the act noted that defining barriers would assist agencies and organisations in recognising the barriers that exist for people living with disability. Throughout the consultation undertaken by the Minister for Human Services on the report recommendation, feedback from people living with disability noted some main barriers they face included lack of community understanding about the experiences of people living with disability, a lack of safe spaces in the community, a lack of funding and a lack of accessible communication tools.

I mention this particular aspect because, again, when I was thinking about it I began to think about the experience of one of my own family members and, indeed, many people who experience long-term, serious, debilitating mental illness. I think we have advanced so much in our community in growing understanding about mental ill health and about people's experiences of it. Thankfully we have successfully encouraged conversation about those experiences and also encouraged people to step in and help where they can, and encourage people experiencing periods of mental ill health to speak up and to reach out for help.

However, as a community I do not think we have deeply advanced broad community understanding of the barriers to full active participation in community life, nor have we eradicated the stigma that people with really long-term debilitating mental illness can face. This definition, I am passionately hoping, will absolutely help to grow this understanding and break down that particular barrier.

This bill also includes the provision of appropriate safeguards through explicitly adding that people with disability, regardless of age, have a right to be safe and to feel safe through the provision of appropriate safeguards, information, services and support—principles so important to uphold. A key response received during the consultation was the value of advocacy services, services that are so crucial in upholding the rights and interests of people living with disability. I thank each of those advocacy services, the workers and the volunteers within them, for the crucial role that they play. We must ensure their place in the broader support system is acknowledged, as this bill does.

Additional safeguards are proposed through the bill with amendments to support people with significant intellectual disability or high levels of vulnerability due to disability. The review of the act found a need to strengthen the protections of those most vulnerable or who may face additional barriers. This amendment will do this.

As I spoke about earlier, the act outlines the requirement for the development of the state plan and state authority disability access and inclusion plans. This bill proposes a number of amendments, although largely administratively, in relation to the reporting requirements and time frames for these plans. The review and subsequent consultation has shown the importance of these plans having measurable targets and outcomes and being accessible through easy read versions and being provided in languages other than English.

Everyone in our community deserves the opportunity to fully and equally participate in every aspect of community life and in our economy. I am really happy to see the voices of people living with disability informing this legislation that will strengthen the act and, in turn, enhance the actions we can all take to ensure that our communities are ones that identify and tackle barriers and work towards genuine inclusion. I am really pleased to be able to commend this bill to the house. Again, as I said at the beginning of my remarks, I wholeheartedly thank everybody who has worked towards its progress.

Ms HOOD (Adelaide) (15:52): I rise to speak in support of the Disability Inclusion (Review Recommendations) Amendment Bill 2023. According to the 2018 Census data, in the three largest councils within my electorate of Adelaide, being the City of Adelaide, the City of Prospect and the Town of Walkerville, more than 7,700 people in our community live with a disability. The Malinauskas government is committed to making our community more inclusive and responsive to those 7,700 people in my community as well as all those people who live with a disability across our state.

Part of this is ensuring we have a robust legislative framework to achieve this outcome. The amendment bill 2023 seeks to make important changes to the Disability Inclusion Act 2018 and stems from a review of the act that was required to be undertaken before the fourth anniversary of the act's commencement. The amendment bill aims to enhance the Disability Inclusion Act to support greater access and inclusion for people with disability and to ensure the state government and local councils remain responsive and accountable.

Before I speak to the amendments, it is important to understand the aims of the Disability Inclusion Act. The act promotes the recognition of essential human rights in South Australia in line with the United Nations Convention on the Rights of Persons with Disabilities and interacts with Australia's Disability Strategy 2021-2031. The act also sets out a number of principles aligned to the United Nations convention and requires the creation of the State Disability Inclusion Plan, also known as Inclusive SA. Along with an overarching statewide plan, the act requires almost 100 state authorities, including government agencies and all 68 local councils, to develop their own disability access and inclusion plans, which are often referred to as DAIPs.

Since the legislation was passed and enacted, state authorities have consulted and developed these plans that have been an important step in making our community more inclusive and responsive to the needs of people with disability. Together, the overarching statewide plan—aka Inclusive SA—and the DAIPs provide a range of benefits, including requiring agencies to consult with the community, critically analyse their services and processes and commit to actions that improve responses to people with a disability, to name a few.

As mentioned previously, this amendment bill stems from a review of the act undertaken in mid-2022 by independent reviewer Mr Richard Dennis AM, PSM. For those who are unfamiliar with the PSM title, it stands for Public Service Medal and recognises Public Service employees who have given outstanding public service. Mr Dennis's work on the 2022 review involved significant consultation with many parties, including advocacy groups, experts, local government groups, government departments, NGOs and not-for-profits, who were either directly consulted or made written submissions.

The consultation undertaken by Mr Dennis during the development of his final report indicated that the act was working well, especially in connection with the development and implementation of the State Disability Inclusion Plan. A final report was provided, detailing 50 recommendations for consideration, and tabled in September last year. Thirty of the 50 recommendations were not for legislative change, so are outside the scope of the bill, and a number of them have already been actioned and completed. This amendment bill deals with 14 of the 20 legislative recommendations from Mr Dennis.

I want to focus on what I believe is an important theme within this amendment bill, which is the term 'barrier'. It is so important to recognise the barriers that make life undoubtedly harder for people living with disability in South Australia and focus on what we can do to remove them, where possible. Firstly, it is proposed to amend the bill to actually include a definition of 'barrier' in the act, given the significance of the concept of barriers in the definition of disability and within the wider issue of achieving greater inclusion.

The Dennis review and draft bill propose that a definition of the term 'barrier' be included in the act, as follows

> barrier—a barrier may include something that is:
>
> (a) physical, architectural, technological or attitudinal; or
>
> (b) based on information or communications; or
>
> (c) the result of a policy or practice.

Including the definition of 'barrier' provides greater clarity and recognition of the barriers faced by people living with a disability. On this subject, consultation participants were offered the opportunity to provide their top three barriers to achieving an inclusive community. Respondents highlighted the following:

- community attitudes and the lack of education on what it truly means to live with a disability;
- lack of safe spaces within the community and within local businesses;
- accessibility of businesses, both the built environment and business policies and procedures;
- lack of funding, especially related to the National Disability Insurance Scheme; and
- lack of accessible communication tools, especially for those who are non-verbal.

Several written submissions highlighted that greater emphasis was needed on supporting the universal design approach to buildings and spaces that accommodate the needs of people living with disability. One respondent said, and I quote:

> If people are shut out of society, they may question their ability to make a valuable contribution or feel too intimidated to try.

The Malinauskas Labor government has agreed to changes to the National Construction Code, from October 2024, that will improve building accessibility. On this topic, I want to give a shout-out to the Uniting Communities U City development in the CBD, which is literally and figuratively a pillar of design for access and mobility that also includes Adelaide's first 24/7 Changing Places facility. For those who do not know, Changing Places facilities are best-practice bathrooms for people living with disability and their support person and provide more space, a hoist and other customised features to ensure dignified and purpose-built toileting and showering facilities for people living with disability.

I also commend federal Minister for Social Services Amanda Rishworth and the Albanese government for joining with the Malinauskas government to build another two Changing Places facilities in metropolitan Adelaide and the Adelaide Hills. This is part of the federal Albanese government's election commitment to offer $32.2 million over four years for new Changing Places in local government areas currently without these facilities.

In regard to removing barriers to participation in policy development, the fourth proposed area of amendment in the bill relates to the right to participate in the design and delivery of inclusive policies and programs. It is proposed that additional paragraphs be included in section 9(1) as follows:

> (p) people with disability, and their families and representatives as appropriate, have a right to participate in the design and delivery of inclusive policies and programs;
>
> (q) insofar as people with disability may not be able to find out about their rights, or may not be able to understand their rights, because of their disability, State and local government should take

reasonable steps to assist them to learn about their rights and to develop ways in which they can, or their families or representatives can, report violations of those rights.

The rights of people with disability to actively contribute to the design and delivery of inclusive policies and programs was resoundingly supported by YourSAy survey respondents and written submissions. Meaningful suggestions from YourSAy respondents included:

- genuine co-design processes whereby a diverse range of people with relevant skills, experience or interest come together to provide advice and make decisions on a project, policy, program, or initiative;
- engagement with relevant disability-led peer groups and organisations;
- providing alternative forms of communication, including Auslan; and
- providing sufficient time and transparency.

Section 9 of the act includes separate and important principles that apply to certain groups of people who may face additional barriers, inequities and other challenges associated with disability inclusion. During consultation for the Dennis review, a submission indicated that people within the community with profound intellectual disability, or who have heightened vulnerability, need special recognition. This resulted in additional paragraphs being proposed to be under section 9(5) as follows:

(5a) In addition to the principles set out in any other provision of this section, the following principles are to be acknowledged and addressed in the operation, administration and enforcement of this Act as it relates to people with significant intellectual disability or who have high levels of vulnerability due to disability:

(a) people with significant intellectual disability or who have high levels of vulnerability due to disability have a right to feel safe, to enjoy dignity in their lives, and to participate in the community in meaningful way;

(b) people with significant intellectual disability or who have high levels of vulnerability due to disability may face major barriers which they may not be able to understand and so need support from others to advocate on their behalf when seeking to remove, or deal with, those barriers.

The inclusion of this new priority reflects the additional challenges and vulnerability that this cohort faces and ensures that the act places greater priority on the needs of these groups. The Dennis review identified that those with profound intellectual disability, or who have heightened vulnerability, may need to rely on others to advocate for them or may face additional barriers requiring additional protections or assistance for them to lead their lives.

This proposed amendment will support greater recognition of their situation. Social change is needed to provide equality, inclusion and justice for people with a disability. This is done by removing barriers arising from the physical environment, as well as attitudes, regulations, policy and legislation. I commend the bill to the house.

Ms CLANCY (Elder) (16:03): I am very pleased to speak today on the Disability Inclusion (Review Recommendations) Amendment Bill 2023, which seeks to make important changes to the Disability Inclusion Act 2018. I am sure many of you remember my first speech in this place very well, so I am sure you will remember I spoke about growing up a couple of blocks away from a disability provider, where people with disabilities live on site and some received services in homes in the community.

Because my grandfather was superintendent there when my mum was young, she spent some of her teenage years living on the grounds of the disability service and formed connections with a number of people living there. As a result, when my parents married and bought a home a very short walk away, we had the privilege of being a place where some residents would stop by for a cuppa on a walk around the suburb, so from before I could walk or talk, people of all different abilities became familiar, friendly faces in my life.

In the case of Benny and Graham, they became family. Housemates until Benny passed away, Benny and Graham were regulars at our place. When I was going to Somerton Park kindy, Benny would often volunteer to walk me the few hundred metres there. He took the job so seriously

that I remember sometimes feeling like my feet hardly touched the ground as he held my hand tightly and walked quickly. He did not want me to be late and he did not want to lose me.

Graham, who worked at Arnott's for many decades, would bring a huge clear plastic bag of biscuits over every Tuesday night when they came over for dinner. I can confirm you can never have too many Tim Tams. Graham attends every Crows' home game still with my family, and has from the Crows' inception, and is without a doubt one of their biggest fans. He also loved Bob Hawke, but never very keen on Mr Howard, so you can tell he really was part of our family.

Knowing and loving Benny and Graham, I never wanted to see them or any of our other regular visitors living with disability not have the same rights and opportunities as the rest of our family had, or anyone else for that matter. Now, as the member for Elder, I meet with people in my community living with disability, or caring for someone who is, and I am always keen to hear their stories and to advocate for them in any way I can.

The Disability Inclusion Act promotes the recognition of essential human rights in South Australia, in line with the United Nations Convention on the Rights of Persons with Disabilities and interacts with Australia's Disability Strategy 2021-2031. The act sets out a number of principles aligned to the United Nations convention and requires the creation of the State Disability Inclusion Plan, also known as Inclusive SA. In addition to the overarching statewide plan, the act requires almost 100 state authorities, including government agencies and all 68 councils, to develop their own disability access and inclusion plans.

I am part of the Suicide Prevention Council and the Premier's Advocate for Suicide Prevention, and part of the Suicide Prevention Act is that there are 10 prescribed authorities that need to develop their own suicide prevention action plan. When I speak with people about what that looks like, I often refer to these disability access and inclusion plans as a similar approach. Since the legislation was passed and enacted, state authorities have consulted and developed these plans that have been an important step in making our community more inclusive and responsive to the needs of people with disability.

Under section 32 of the act, the minister is required to review the operation of the act before the fourth anniversary of its commencement, so a review was undertaken in the middle of last year by independent reviewer, Mr Richard Dennis AM, PSM, who previously worked in this place drafting the legislation.

This work involved significant consultation with many parties, including Autism SA, which is in my electorate of Elder, in Tonsley; Professor Richard Bruggemann; Helen Connelly, the Commissioner for Children and Young People, who I had the pleasure of working with on the Suicide Prevention Council; members of the Disability Engagement Group from the Department of Human Services; Disability Rights Advocacy Service; JFA Purple Orange; and my incredible friend Ms Natalie Wade, founder of Equality Lawyers, as well as many others.

I had the pleasure of working with Natalie before this legislation was passed through the parliament, when I was working for the member for Reynell when she was the Minister for Disabilities back in 2017/early 2018. It was incredible working with Natalie on this, as well as David Caudrey, who actually knew my grandfather who I spoke about earlier—small, small world.

The consultation undertaken by Mr Dennis, during the development of his final report, indicated the act was working well, especially in connection with the development and implementation of the State Disability Inclusion Plan. A final report was provided, detailing 50 recommendations for consideration and it was tabled last September. Thirty of the 50 recommendations were not for legislative change, and so a number of them had already been actioned and completed.

Our government will now consult on the next iteration of Inclusive SA, the State Disability Inclusion Plan made under the act, which we are seeking to amend via the bill. Following the bill's drafting, further consultation was undertaken. Peak organisations, and those who had provided feedback in the first phase of consultation, were invited to provide written submissions.

Earlier this year, the Department of Human Services conducted a consultation through the YourSAy portal, seeking community feedback on the draft bill and to commence discussions on the

State Disability Inclusion Plan more broadly. During the consultation period, the YourSAy portal had a total of 936 visits. Of those visits, 297 people downloaded the draft bill and easy read documents, while 30 people provided responses to the YourSAy survey. Overall, the feedback to the draft bill demonstrated community support. Specifically, the bill proposes to:

- enact provisions currently appearing in the Disability Inclusion Regulations 2019 as provisions in the act;
- include a definition of 'barrier' in the act, given the significance of the concept of barriers in the definition of disability and within the wider issue of achieving greater inclusion—I feel like the member for Adelaide has done a great job talking about that element of this;
- include new paragraphs within the act to provide expressly that people with disability, regardless of age, have a right to be safe and to feel safe through the provision of appropriate safeguards, information, services and support;
- amend sections within the act to enhance clarity and/or definition of the principles as they relate to people with significant intellectual disability or who have high levels of vulnerability due to disability;
- amend sections within the act relating to the reporting requirements and time frames for the state plan and state disability access and inclusion plans, as well as the specific functions of chief executive of the Department of Human Services; and
- finally, require consultation with people with lived experience and authorise the formation of groups to facilitate consultation.

Essentially, this bill aims to enhance the act, support greater access and inclusion for people with disability, and ensure the state government and local councils remain responsive and accountable. Accessibility is something that was raised during the community consultation and is of course—it is in the name after all—a core element of disability access and inclusion plans.

In January, I was really proud when visiting with Minister Cook public housing that is under construction in my community, specifically in St Marys, where homes are being built with accessibility in mind—wider doorways and corridors, no steps up and down from area to area, ensuring that whoever makes these houses their home, regardless of ability, they are fit for purpose.

It was great to hear from SAHA at this morning's Economic and Finance Committee meeting that accessibility is front of mind for all new builds. No-one should underestimate the impact of having accessible homes that exist within an accessible community, and we as a government can show the private sector that everyone benefits from more accessible buildings and spaces. On this note, it is also important to know that the Malinauskas Labor government has agreed to changes to the National Construction Code from October 2024 that will improve building accessibility.

Another amendment is around information and reporting mechanisms. Specifically, it has been proposed that an additional paragraph be included under section 9(1), as follows:

> (ja) people with disability have the right to be safe, and to feel safe, through the provision of appropriate safeguards, information, services and support, and through appropriate and accessible reporting mechanisms in cases of neglect, abuse or exploitation;

We absolutely need to do whatever we can to protect and support people, particularly the vulnerable in our community. In South Australia and Australia more broadly there are various formal safeguarding mechanisms in place. These include the National Disability Insurance Scheme Quality and Safeguards Commission and the Adult Safeguarding Unit, but the state government will consider further improvements to safeguarding policy when the royal commission is handed down in late 2023 along with the NDIS review.

One of the other amendments we are looking at today relates to supporting people with significant intellectual disability or high levels of vulnerability due to disability. This is a result of a submission to the Dennis review that indicated people within the community with profound intellectual disability or who have heightened vulnerability need special recognition. Specifically, it has been proposed that additional paragraphs be included under section 9(5), as follows:

(5a) In addition to the principles set out in any other provision of this section, the following principles are to be acknowledged and addressed in the operation, administration, and enforcement of this Act as it relates to people with significant intellectual disability or who have high levels of vulnerability due to disability:

(a) people with significant intellectual disability or who have high levels of vulnerability due to disability have a right to feel safe, to enjoy dignity in their lives, and to participate in the community in meaningful ways;

(b) people with significant intellectual disability or who have high levels of vulnerability due to disability may face major barriers which they may not be able to understand and so need support from others to advocate on their behalf when seeking to remove, or deal with, those barriers.

The inclusion of this priority cohort reflects the additional challenges and vulnerability they face and ensures the act places greater priority on the needs of these groups.

The Dennis review identified those with profound intellectual disability or who have heightened vulnerability may need to rely on others to advocate for them or may face additional barriers requiring additional protections or assistance for them to lead their lives. This proposed amendment will support greater recognition of their situation. I think it is almost impossible to read this or hear this and not think of Ann Marie Smith and the horrific case of the treatment and neglect that led to her death. No-one should have to go through what she went through. We need to do whatever we can to ensure this neglect and abuse does not happen again. I commend the bill to the house.

Ms HUTCHESSON (Waite) (16:15): I rise in support of the Disability Inclusion (Review Recommendations) Amendment Bill 2023, as it seeks to make important changes to ensure our legislation recognises that persons with a disability have the right and deserve to be able to live independently and have a say into matters that they see will make their life much easier to navigate, regardless of their impairment.

When I was in primary school, I remember a young boy joining our class. I must have been in year 3 or year 4 because I was in the big primary school. This little boy was funny, he was kind and he was just another kid to me. It did not strike me at the time how hard it must have been for him to get up every day to get in and out of his chair and to be so careful not to hurt himself. He was very small and we were told before he came that we needed to be careful with him because he could easily be injured—not fair for a kid who wanted to be involved in primary school shenanigans.

I remember the school installing its first disability toilet for him before he arrived. I did not even think at that time how he was going to manage and how hard it would be. He was bright, he was cheerful and he never let on how hard life was for him. He did not stay at our school for very long. Most of our classrooms were up and down stairs, so it was pretty difficult for him to be able to grow with his peers, and then he was gone. At the time, as a young person, I think we were told he went to another school and that made sense.

That young boy went on to be an incredible advocate for people living with a disability. You might even remember him, as sadly he has now passed. His name was Quentin Kenihan. We lost Quentin in 2018 and it was lovely to always keep tabs on what he was doing. As many here would know, he became a quite well-known personality here in Adelaide. He was an actor and a writer. He worked hard to advocate for people living with a disability. He showed us that people with a disability, no matter how debilitating, can achieve incredible things and, with the right assistance and mindset, anything is possible.

It is government's responsibility to ensure we have the best legislation to support and protect people living with a disability and to continue to review what we are doing. The current act promotes the recognition of essential human rights in South Australia in line with the United Nations Convention on the Rights of Persons with Disabilities and interacts with Australia's Disability Strategy 2021-2031. The act also sets out a number of principles aligned to the United Nations Convention and requires the creation of the State Disability Inclusion Plan, also known as Inclusive SA.

The act goes further to require almost 100 state authorities, including 68 local councils and government agencies, to deliver their own disability inclusion plans. These plans, in conjunction with Inclusive SA, require agencies to consult with communities, review and analyse their services and

processes and commit to actions to improve responses to people with a disability. With this in mind, I was surprised recently to hear the story about the Diversity and Inclusion Film Festival that was held at the Semaphore Odeon Theatre.

As reported by *The Advertiser*, Port Adelaide disability advocate Shane Hryhorec reported that when he attended the event much of it was not accessible to him as a wheelchair user. Not only could he not access the facility via the front door like everybody else but he had to wait in a dark alley for someone to let him in the back door to a restricted area.

Whilst the event was there to recognise the achievements of people with a disability, Mr Hryhorec reported that he was unable to stay. Whilst it is the case that the films were shown on multiple screens, there were side events that were not accessible and that presented barriers he could not overcome. Mr Hryhorec implored the council to make better decisions next time to ensure such an important event for people with a disability accommodated people with a disability.

The term 'barrier' is used within the current act, but it is the case that there is no actual definition included and, as such, it was one of the recommendations of the review that the minister requested last year in line with section 21 of the act. This review was undertaken by independent reviewer Mr Richard Dennis AM. His work involved significant consultation involving many entities and individuals, with his final report tabled in September last year.

The review itself indicated that the act was working well, but he did provide 50 recommendations, 20 of which were considered in regard to legislative changes. Even though some of the recommendations were not all legislative, they are still important and still being considered by government. In response to the recommendations, the following amendments are being put forward at this stage, and it seeks to deal with 13 of the 20 legislative changes. It was the case that the department broadly supported all of the recommendations. Some required further work and investigation to determine how we can action them effectively, and this may lead to further legislation at a later date.

In order to ensure those that this act seeks to represent and protect had the opportunity to have their say along with entities who support them, the draft bill went for further consultation. Given one of the recommendations was in relation to the right to participate in the design and delivery of inclusive policies and programs this was an important step. As we are currently debating nationally that Aboriginal people deserve to have a say on matters that affect them, it is the case that people with a disability also should be involved in the design and delivery of inclusive policies and programs, as they are the ones who will seek to use them and need them.

Whilst people without a disability may have the education to create these policies, they will never truly understand whether they are best practice without consulting with the people who live with a disability every day. People whose disability may impair their ability to understand their rights should receive the help they need. The change to the act here today legislates that, insofar as people with disability may not be able to find out about their rights or may not be able to understand their rights because of the their disability, state and local government should take reasonable steps to assist them to learn about their rights and to develop ways in which they—or their families or representatives—can report violations of those rights.

We have heard way too often that people who cannot communicate due to their disability are not provided with the rights they need to live their best life. They need to know and feel safe. They need to have someone in their corner. This amendment was overwhelmingly supported by those who took part in the consultation, and many provided suggestions on how government can engage with the disability community on matters that concern them. I know the minister works hard to meet with many people to better understand their needs and her work with these amendments is to be commended.

Having members of my family who live with a disability but do all they can to advocate for others and to create opportunities for others having the opportunity to be consulted can only result in the right policies and programs being delivered. My cousin who lives with a disability was instrumental in setting up an inclusive football team and never lets her disability stop her from creating these opportunities. She works as a carer for other people. She is now a proud mother, and she

amazes our family every day. I know that she will take part in every opportunity to help and provide her thoughts about how programs can be improved.

The act speaks repeatedly to barriers, as mentioned earlier, but the act does not go as far as to explain what a barrier is, and amending that is very important, as it is these barriers that stop people with a disability from being able to live their best lives. The Dennis review and draft bill proposed a definition of the term 'barrier' be included as follows:

> barrier—a barrier may include something that is:
>
> (a) physical, architectural, technological or attitudinal; or
>
> (b) based on information or communications; or
>
> (c) the result of a policy or practice.

Living with a disability is challenging, and in some cases hard, very hard. Defining what a barrier is will allow better understanding and in so doing achieve greater inclusion.

Participants involved with consultation were offered the opportunity to provide their top three barriers to achieving an inclusive community to assist state authorities when considering their next disability inclusion action plan, and the broader state plan review. Respondents highlighted the following:

- community attitudes and lack of education on what it truly means to live with a disability;
- lack of safe spaces within the community and within local businesses;
- accessibility of businesses, both the built environment and the business policies and procedures;
- lack of funding, especially related to the National Disability Insurance Scheme; and
- lack of accessible communication, especially for those who are non-verbal.

We know that the NDIS under the former federal government was not providing people with what they needed. The current Labor government was quick to implement a review, and the interim report showed us what we already knew and that was that there are many challenges but the people who are facing these challenges are now able to have their say. The five key challenges identified in the report were:

- why is the NDIS the only lifeboat in the ocean?
- what does 'reasonable' and 'necessary' mean?
- why are there many more children on the NDIS than expected?
- why aren't NDIS markets working?
- how do we ensure the NDIS is sustainable?

The independent review report also noted that so far the planning process, the support ecosystem, evidence-based and best practice early childhood support, and the support and service marketplace were identified as priority areas.

Having defined the challenges, the NDIS review is designing possible solutions to put participants back at the centre of the NDIS, with a further period of deep engagement and consultation to inform their final report to ministers, due in October for consideration by governments. Minister Shorten is working tirelessly to fix what the coalition broke. The NDIS should be there to help people with a disability not be a barrier itself. We need to work hard to work through the ways to overcome barriers to stop people living with a disability feeling like they cannot be part of society.

Through the consultation process undertaken by Mr Dennis, several written submissions highlighted that greater emphasis on supporting the universal design approach to buildings and spaces that accommodate the needs of people living with a disability, and other groups with diverse needs, is required. One respondent said, 'If people are shut out of society, they may question their ability to make a valuable contribution or feel too intimidated to try.' Imagine if Quentin had felt that

way? Imagine if he had just given up? Thankfully, he continued to the end to advocate for people living with a disability whilst being in pain every day.

As mentioned earlier in regard to Mr Hryhorec, more work needs to be done to ensure buildings are more accessible so that people with a disability can take part in events. Without opportunity, as indicated by the respondent, it can lead to not feeling like they can contribute and be part of society. Our government has agreed to changes to the National Construction Code from October 2024 that will improve building accessibility. No-one should underestimate the impact of having accessible homes that exist within an accessible community.

The third proposed amendment relates to the provision of appropriate safeguards, including information and reporting mechanisms. Specifically, it has been proposed that an additional paragraph be included under section 9(1) as follows:

> (ja) people with disability have the right to be safe, and to feel safe, through the provision of appropriate safeguards, information, services, and support, and through appropriate and accessible reporting mechanisms in cases of neglect, abuse or exploitation.

Respondents highlighted that the South Australian government should invest in mechanisms to enhance the safeguarding of people with disability and consider how this commitment can be reflected in the next state plan. Advocacy services and adequate funding for independent advocacy were highlighted in submissions as essential to protecting people living with a disability from neglect, abuse and exploitation.

We all watched on in horror when we learned about Annie Smith, who was left to sit in a cane chair in disgusting and degrading conditions, dying of septic shock, malnourishment, severe pressure sores, and multi-organ failure. She had experienced extreme neglect at the hands of her carer. Everyone has the right to be safe and we need to ensure that there are proper safeguards in place to stop neglect and abuse of our most vulnerable.

People living with a disability need help to navigate systems, red tape and the mountains of paperwork required to access support and other services. Recently, I spoke with a constituent who was trying to access assistance through his care plan. Whilst not directly connected to his disability, his issue was that the scheme had run out of funding, and he was instructed to navigate the internet to search for upcoming options. Whilst he is able to do this, his concern was for people who cannot. Having additional advocacy services as outlined in the concerns noted by others, consideration should be given to best assist those who need it.

The fifth area of amendment relates to supporting people with significant intellectual disability or high levels of vulnerability due to disability. Specifically, it has been proposed that additional paragraphs be included under section 9(5) as follows:

> (5a) In addition to the principles set out in any other provision of this section, the following principles are to be acknowledged and addressed in the operation, administration and enforcement of this act as it relates to people with significant intellectual disability or who have high levels of vulnerability due to disability.
>
> (a) people with significant intellectual disability or who have high levels of vulnerability due to disability have a right to feel safe, to enjoy dignity in their lives and to participate in the community in meaningful ways;
>
> (b) people with significant intellectual disability or who have high levels of vulnerability due to disability may face major barriers, which they may not be able to understand and so need support from others to advocate on their behalf when seeking to remove or deal with those barriers.

Legislating to enhance the act will support greater access and inclusion for people with a disability and ensure that state government and local councils remain responsive and accountable. Further amendments seek to amend sections within the act relating to the reporting requirements and time frames for the state plan and state authority disability access and inclusion plan, as well as the requirement for consultation with people with lived experience, and authorise the formation of groups to facilitate consultation, specific functions of the Chief Executive of the Department of Human Services, and enact provisions currently appearing in the Disability Inclusion Regulations 2019 as provisions in the act.

It is our responsibility as lawmakers to ensure that everyone can live their best life no matter their impairment. It is our role to ensure that people are safe and feel safe. I commend the bill to the house.

Ms SAVVAS (Newland) (16:29): I am incredibly proud to be speaking to this bill today, and I know that so many people on all sides of the parliament really do value disability inclusion as a key component of the things they want to achieve in this place. For me, that very much is the case. It is something that has personally impacted my life to a great degree, having several cousins who live with disabilities and who have access needs.

Seeing that on a particular level growing up, and seeing the different changes in terms of not just access and inclusion but understanding of those relatives' disabilities has been particularly eye-opening when thinking about the way in which we are moving as a government and the way in which we are moving as a society towards greater inclusion of all people.

I am very proud that disability inclusion is at our core as a government. I can acknowledge that for successive governments that has not always been the case, but I do think that in 2023 we are equipped with the knowledge to know better and to do better. As a result, I genuinely believe that it is the government's obligation to do so.

The Disability Inclusion (Review Recommendations) Amendment Bill 2023 promotes the recognition of essential human rights in South Australia in line with the United Nations Convention on the Rights of Persons with Disabilities, and it also interacts with Australia's Disability Strategy 2021-2031. In addition to the overarching statewide plan, it requires almost 100 state authorities, including government agencies and local councils, to develop their own disability access and inclusion plan.

I know for a fact that in local government particularly that has not always been the case and that there have been significant barriers for staff and residents coming in to access council services without those disability access and inclusion plans in place. I would like to acknowledge the work of people like the Adelaide City Council in terms of their disability access and inclusion plan. I know that at their carols last year they had a really wonderful sensory space for individuals to come and watch the carols. At Tea Tree Gully, we have had similar things in the past to allow for greater inclusion at our carols event, which is the biggest in South Australia, and has continued to be, and at one stage was the second biggest in the country.

We do know that access and inclusion are incredibly important particularly when planning things like large-scale events. Yesterday, in a session I attended we heard that when there is a sold-out show at Adelaide Oval, for example, one in four people attending the event will have autism. Thinking about those sorts of figures when we are talking about large-scale events or occasions put on by government is really important when addressing just how significant the access and inclusion needs may be.

Since the legislation has passed and was enacted, state authorities have consulted and developed those disability access and inclusion plans, and that has been a really important step in making our community more inclusive. Today, they provide a range of benefits, including the requirement to consult with the community and also to critically analyse the services and processes to see if they are in line with those objectives.

I think it is key here to talk about that consultation piece. For too long, individuals with specific needs have had decisions made for them by people who do not have those specific needs or a lived experience of those needs in question. Having a lived experience approach to policymaking is fundamental to making sure that we make the right decision and also decisions that will impact everyone for the better.

I heard a teacher in a meeting this morning when I met with a local school, and she said that in a classroom, for example, the best practice model for all students will always be the one that is tailored for the complex needs of a child. I really love that example, saying that to make everyone feel included and to make sure that everyone is receiving best practice you can do that through figuring out the needs of the person who might have the most complex needs in that room. I think

that is really important. We all benefit from inclusion at all levels, and everyone is better served when a society is more inclusive.

It is also really important to have the ability to change and adapt those needs. We know, like all people, the needs of people with disabilities change over time, as do the environments that we live in. Now, of course, we are needing to accommodate a more technological environment, and there are forever changes in technology that benefit those who are living with a disability. I hope that those advances in technology will continue for many years. As a result of that, these plans will be subject to review.

When I think about increases in technology for my own cousin, for example, he lives with quite a significant disability, a chromosomal disorder. He is non-verbal. Watching the increase in technological services available to him over his short life (I think he is 16 now) has been incredible. The ability to communicate through the iPad, for example, has increased significantly as has, at one of my local schools—we have a special school in my electorate—the ability for teachers to communicate with the students and the way they are able to educate the students in their community as a result of changes in technology and lived environments.

I think the ability to review those processes is really important. I know that there will be a continued need to adapt as the needs of individuals living with disability change. Inclusive SA will be reappraised later in 2023, and I think it will be a really important opportunity for people to give feedback about how we can make our societies more inclusive. The work that is being done has of course involved already consultation with a large number of groups. There is one in particular that I would really like to point out, and that is the Office for Autism, a new component of the Department of the Premier and Cabinet.

As everyone would know, we made a decision as a government to make autism policy a really key component of what we brought to the 2022 election, and of course we have followed that up with, as far as we know, a global first, and I think her children call it a galaxy first: the Assistant Minister for Autism. I think that in itself is such a big move because it acknowledges the importance at a government level and at a departmental level of acknowledging that the needs of individuals with autism are complex but also that they are continuing to evolve and there needs to be a discussion that is at the heart of government about the best ways to support individuals who have autism.

Just yesterday, a number of my colleagues and I attended a session by the Office for Autism, where they gave us a level of training and understanding about the best way to support individuals with autism, particularly if constituents are coming in with particular complex needs or concerns. I think that for me what that has really done, and I am sure I am not alone in this, is it has helped me to have a greater understanding of experiences that I have had in my own life and helped me to be able to understand the relationships that I have with individuals better and respond to them better.

I grew up with a relative who is very close to me. We are the same age. We were raised almost like sisters. She is an autistic person. When I have been developing my understanding, participating in different training and that sort of thing and growing in awareness, I often think back on my behaviours as a child as someone who did not understand necessarily the behaviours that loved ones and friends were exhibiting.

I think about the fact that we are now living in 2023, when that understanding will be so much greater, when there will be an autism lead in all the primary schools across South Australia, and the fact that children will be better equipped to understand the needs and the responses of their peers and just how important that is, not just for the individuals themselves with complex needs but for everyone in those classrooms.

I think this experience for me of broadening our understanding and undergoing that training has made me wish that I had that understanding earlier and made me wish I had the ability to perhaps connect better or understand the ways that I could support someone I love better. Although I cannot spend my life disappointed in myself for not having that understanding, what we can do is move forward and ensure that we have that understanding in our own lives and make sure that we implement that into practice and into our relationships with people.

I think that contacting my cousin, after I have had some of these trainings and experiences, and saying, 'Hi, I just want to let you know that I am trying my best to understand better and to love you in the best way I can,' is really important. There is not much that we can do for mistakes or perhaps the ways that individuals or governments were not inclusive in the past, but we can all make a conscious effort to deepen our understanding of inclusivity and the environment around us.

I also would like to mention one of the other individuals who was consulted, and that was Ms Natalie Wade, who is the founder of Equality Lawyers. She was actually a tutor of mine at law school and probably one of the most significant individuals I encountered in my time studying law. She was the most remarkable woman, who had not just an incredible understanding of the subject matter she was teaching us but a heart for social justice that I think encompassed absolutely everything she did.

I feel incredibly privileged to have had Natalie as one of my tutors because I felt that my understanding of not just the law but the community around me was so much deeper and so much better through having had her as a teacher in my final years of law school. I know that she has a depth of knowledge, not just in law but in the disability and inclusion space, that would have been very well received in and well served by this consultation process.

It is really important to know that, when we are moving forward, there is of course legislative change that is helpful, but social change is just as important, particularly social inclusion and social justice in different ways for individuals to feel more accepted and included in society. I think that is a good opportunity to mention the ways that some of the groups in my local community are prioritising social justice, disability access and inclusion.

I feel very lucky to have a large number of schools in my electorate, and one of the particularly large schools is Modbury Special School, which is the most beautiful place. My best friend, Julia, is actually a teacher there. I think that just how important our special education teachers are really goes unsung—the heart and the love for what they do and just how important that is, and the skill set they bring to their classroom environments that often have some incredibly complex needs.

Right next door to Modbury Special School is Modbury South Primary School, and they have a number of special classes. Modbury Special School and a number of my local public schools actually have what they call annexed classes, and then a number of public schools also have their own special options classes or special classes, with Highbury Primary School developing its own special education unit in the last few years, after having had an annex model from Modbury Special School for many years before that. I do feel that I have been incredibly lucky to be part of these school communities where they are prioritising access and inclusion, particularly those who are making an effort to do so in a mainstream environment.

Ridgehaven Primary School, which has a special options class, comes to mind. There is a student at Ridgehaven Primary School who has Down syndrome, and earlier this year they had a rainbow day on the international day of recognition for people with Down syndrome, when everyone in the school wore rainbow socks, rainbow tutus, rainbow headbands and all sorts of things as a sign of inclusion for this individual. I think that is just the most special thing. They used that as an opportunity not just to raise awareness but to teach the students so that they would have a broader understanding of their classmate and their complex needs.

At the same school, they also have a therapy dog, called Poet, who is a little 'oodle' of some description who runs around the school and acts as a sensory-style companion for kids who are perhaps overwhelmed in a classroom environment. The fact that any of them can leave the classroom and go out into the sensory space or go and have a cuddle with Poet I think is really important and speaks to the priorities of the school to make all kids feel included, feel valued and feel like they have the opportunity to be themselves in the school environment. That is just one example of the way that my local schools are prioritising it, and I know that most of my schools are doing it.

Every time I visit, there is a new breakout space, a sensory space in one of the schools. Not long ago, I went to Banksia Park Primary School and they took me upstairs into their sensory room and there they taught me calming down activities. They had little cards that teach them how to

destress and calm down in an environment. Within a minute of being there, I was sitting cross-legged on the floor with the lights off learning to calm down from these students.

I loved that. I think that says so much about the society that these kids are growing up in that they are learning to take time for themselves, they are learning to be inclusive, they are learning to understand complex and special needs, particularly in their classrooms. I think that is a real testament to their teachers and the school environments that are trying to foster that inclusivity.

Upcoming soon, we also have the opening of our first inclusive playground in Tea Tree Gully. Again, having been raised with cousins with complex needs in the local community, I think that is a welcome addition to our community and I very much look forward to seeing it in action. It has taken a long time to get to this point, but I think, again, I am really proud to be part of a community that prioritises inclusion in the core of all the things that it does.

I note that despite all the work that is done, there will be some further legislation required. I think that is important because it allows us the opportunity to continue the work we are doing but also to continue consultation in certain aspects. Sometimes, if you are trying to tackle all the objectives at once, it takes a long time to see certain outcomes, and this allows us to get certain outcomes achieved but still continue with the consultation process and see what needs to be continued.

The Malinauskas Labor government has also agreed to changes to the National Construction Code, which will improve building accessibility. Again, this is something that has been raised with me not just as a state member but particularly during my time working for a federal member of parliament, our colleague the member for Taylor. I worked in a federal electorate office for about three years and I would say that, in taking on the NDIS cases, the number one concern that was raised with us was the inability to access the support needs within someone's home.

I do think we should never underestimate just how important it is to have those access needs met in one's home and just what a difference it makes, not just to the individuals within their home environments but also to those people caring for them. It makes such a huge difference. I know that my cousins have recently had a new bathroom installed so that my uncle, who is a full-time carer, can assist my younger cousin in the bathroom in a way that he was not able to before their house was modified. Again, what a difference that has made for him, not only emotionally but physically. The ability to assist his son, with his complex needs, has made a really big difference.

In the same way, in terms of disability access, I have noticed that there have been lots of circumstances where local areas in my community perhaps have not had the access requirements that I think they should have. I think back to our early voting centre, for example, which had quite a long set of stairs, but the ramp was quite far away for individuals to access to get into the voting station. That, for me, definitely raised a concern, when a large number of individuals did not have the option to enter the voting centre from the closest entrance and the ramp, if they needed to use it, was too far away for individuals to access as well.

I think that even in just something like voting or something that is perhaps not a regular thing or perhaps not a permanent structure, there needs to be greater access and greater understanding of what the complex needs of individuals may be.

I am very much supportive of this bill and I know that it will go a long way to making sure that individuals do feel more included in our society. I would like to acknowledge the great work of our minister. I know that disability inclusion is at the heart of everything that she does and I am very thankful to be in a government that is putting that as a priority and making it at the heart of its policies. I commend the bill.

Debate adjourned on motion of Mr Odenwalder.

SUCCESSION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 June 2023.)

Mr BROWN (Florey) (16:49): I am pleased to continue speaking in support of this bill, which brings comprehensive and long anticipated reform to a fundamentally important area of South Australian law.

It is a socially and emotionally complex area of human life and experience. This government's attempt to improve, modernise and simplify South Australia's laws in this area, through the various provisions of the Succession Act 2022, is made with the intention of serving and advancing the interests of the South Australian community.

These reforms offer potential in terms of improving individual experiences and interfacing with this area of law, as well as in terms of the avoidance of lengthy and substantial litigation, which we know does occur in this area. The intention is to reduce the frequency of such occurrences through the enactment of certain provisions of this bill.

The comprehensive suite of recommendations in the reports of the South Australian Law Reform Institute gave structure and substance to the thinking that has led to the wideranging reforms represented in this bill. As other speakers have done, I commend and thank SALRI for their years of work, that have helped to inform the development of this bill.

As we have also covered in previous debate, this iteration of the bill is itself a culmination of many years of work by successive South Australian governments and several attorneys-general of South Australia, all of whom have put considerable effort into making sure its provisions are thorough and well considered.

It is in no small part owing to the length of time that governments and attorneys-general from both sides have worked on getting these provisions right that the bill enjoys the robust bipartisan support that we see and the strong appetite for its passage into law. A significant part of the effort in developing these reforms focused on ensuring that they meet the needs of the contemporary South Australian community. As most speakers in this place and the other have noted, this legislation represents the most significant reform to this area of law in half a century.

This bill repeals the Administration and Probate Act, the Wills Act and the Inheritance (Family Provision) Act 1972 and consolidates their provisions into a single act that is modern and fit for purpose. The benefit of having one piece of legislation that covers all aspects of succession law will be that our laws are easier to understand, easier to comply with and easier to enforce—all of which represents significant benefit to our community. In the definition section of the bill, some of the definitions have been modernised or simplified. For example, the definition of 'will' has been modernised in line with definitions used in interstate jurisdictions.

One of the SALRI recommendations that was accepted by the government is a new provision that confers to certain classes of person the right to inspect the deceased testator's will. This includes persons who are named in the will, persons who benefit from the will, surviving spouses and domestic partners, former spouses and domestic partners, parents or guardians of the deceased, and persons who would be eligible to a share of the estate under the rules of intestacy in the event that the decedent had died intestate.

We know that in this area of law it is not unusual for persons who believe they have a legitimate claim against an estate to wish to inspect a will, and it is considered a sensible reform to enable that to occur. The bill, therefore, provides that persons with claims against an estate in law or equity can inspect a will, but only with the permission of the Supreme Court, provided the court determines they have a proper interest in the matter and it is appropriate for them to do so.

Part 3 of the bill, which deals with probate and administration, incorporates a few recommendations from the SALRI reports, such as the clarification that only persons aged 18 and over may be given a grant of probate or administration, as well as that such a grant may be made to more than one person. The Supreme Court has also been given the power to pass over applicants for a grant of probate or administration, to appoint another person who they consider to be appropriate, and to vary or revoke a grant.

The other significant inclusion in part 3 of the bill is the provisions introducing the deemed grant model for the administration of small estates, which was adopted as a recommendation of

SALRI, although following consultation the grant model does differ somewhat from that which SALRI proposed.

These provisions of the bill will enable the Public Trustee to avoid applying for formal grant letters of administration. Instead, the Public Trustee will give notice to the Registrar of Probates by way of publishing a notice in the *Government Gazette,* as well as on the Public Trustee's website, of their intention to administer a small estate of a value up to $100,000. The minister can vary that threshold amount upwards by notice in the *Gazette,* which will allow the value to keep pace with inflation over the long term.

The Public Trustee will be taken in this circumstance to have a deemed grant of administration 14 days after the notice is gazetted. The provisions also give the court the power to revoke a deemed grant on application by the Public Trustee or by a person interested in the estate. The intention of these provisions is to reduce cost and to simplify the process for administration of small estates by the Public Trustee which will offer benefit both to that institution and to the wider community.

Part 4 of this bill deals with the administration of deceased estates. Many of SALRI's recommendations have been incorporated. The provisions allow for the court to require an executor or administrator to give an undertaking to the court in relation to how administration of the estate will be carried out. This provision is intended to offer important protections to beneficiaries of an estate from losses that may result from deliberate misconduct or incompetence by an executor or administrator.

The court has been given a range of powers to remedy loss in the event of an executor or an administrator failing to carry out their duties, including allowing the court to order the executor or administrator to compensate persons who have suffered loss or to order the executor or administrator to pay into the estate an amount that remedies the loss. This provision has been included in particular because criminal offences related to the duties of executors and administrators have been removed from the legislation, which was another of SALRI's report's recommendations.

Following a recommendation by the South Australian Bar Association, a limitation period of three years from when the aggrieved person became aware of the failure has been set to make an application for a remedy under these provisions.

Another of the South Australian Law Reform Institute's recommendations has been adopted in relation to provisions to allow persons or entities who hold the money or the property of a deceased person, up to a value of $15,000, to pay that money or to transfer that property directly to a surviving spouse of the decedent, a domestic partner of the decedent or a child of the decedent without the requirement to obtain a grant of probate or letters of administration.

This provision is intended to facilitate an expeditious transfer of funds or property to surviving family members who will realise a more immediate and perhaps quite an important benefit from access to those funds or to that property. One imagines that this will be especially helpful in instances wherein the surviving persons may need the money in order to cover immediate expenses.

Another provision of the bill that did not arise from one of SALRI's recommendations codifies the application of assets in the payment of debts and liabilities for solvent estates. Provisions for dealing with insolvent estates were already in place previously, but we relied on the common law in dealing with solvent estates which meant the rules are more complex to apply in South Australia. A clear formula for dealing with solvent estates will make processes easier to follow for executors and administrators.

Part 5 of this bill deals with intestacy. Change in this area has been modest in line with SALRI's recommendations. For example, the amount of a preferential legacy a decedent's surviving spouse is entitled to under the rules of intestacy has been increased by $20,000 to $120,000. Additionally, the distribution on intestacy has had one additional degree of relative, namely the children of the first cousins of the decedent, included in the distribution order before the estate passes to the Crown.

This is a reflection of public views expressed that generally South Australians would prefer their estate pass to relatives than go to the Crown and, where surviving relatives only exist at a

distant remove, provisions should be made to facilitate their inclusion in the distribution order. It has also been clarified that the spouse or domestic partner of a person dying intestate has no entitlement to any part of their estate if that spouse or partner is party to a prescribed agreement or order. The intention is to provide that spouses or domestic partners who were separated from an intestate decedent are removed from the order of inheritance. The specific types of agreements in question will be prescribed by regulation.

Part 6 of the bill deals with family provision. SALRI's reviews of previous legislation concluded that claims under the Inheritance (Family Provision) Act 1972 have been too easy to make and not enough weight is placed on the wishes of the testator. As a result, the categories of claimant who are automatically entitled to bring a claim under the Inheritance (Family Provision) Act have been adjusted in this bill.

Former spouses and domestic partners are excluded from making a claim for family provision if they had been a party to a prescribed agreement or order, as in part 5 of the bill. The specific agreements and orders will again be prescribed in regulation. This provision is intended to prevent a former spouse or domestic partner, who has effectively ended their relationship and settled financial matters between themselves and the decedent, to come back and make a family provision claim after the testator is deceased, perhaps a number of years after the end of the relationship. Adult stepchildren, in order to bring a claim, have to demonstrate that they meet certain criteria to establish legitimacy, which is appropriate.

Stepchildren who are minors are entitled to make a claim if they can establish to the court that they were wholly or partly, or were legally entitled to be wholly or partly, maintained by the decedent immediately prior to the decedent's death. Grandchildren of the decedent in order to make a claim will now need to satisfy the court that either their parents died before the deceased person or that they were wholly or partly, or were legally entitled to be wholly or partly, maintained by the deceased.

This bill also provides that, when determining whether to make a family provision order, the court's primary consideration shall be the wishes of the testator. To discourage unmeritorious claims, the court may order a party to proceedings to give security for costs that may be awarded against the party if it appears to the court that the party's claim for family provision may be without merit.

Part 7 of the bill lays out the miscellaneous provisions. A noteworthy inclusion in this part is a provision that will codify the rules to deal with situations where simultaneous deaths of spouses or domestic partners occur. Currently, we rely on common law rules, which puts us out of step with other Australian jurisdictions. This bill's provisions state that, where simultaneous deaths occur, jointly owned property will devolve in equal share to each person's estate as if they were tenants in common.

An additional provision in part 7 has been included to codify the presumption of survivorship. This provision sets out that, where two or more persons have died in circumstances where the order of death cannot be determined, for all purposes affecting title to property the debts will be taken to have occurred in descending order of age from eldest to youngest. Other elements of part 7 include provisions dealing with how copies of wills are to be obtained, provisions dealing with admitting wills into evidence, provisions dealing with the exercise of rights of retainer and provisions allowing for court rules and regulations to be made.

Finally, schedule 2 of the bill contains amendments to other acts. Significant inclusions in the schedule are amendments to the Guardianship and Administration Act which allow for the limited administration of the estate of a missing person in line with a recommendation of SALRI. The provisions are located in the Guardianship and Administration Act, as they do not deal with the state of a deceased person but a person who is missing.

The administrator may apply to the court for an administration order, which allows the estate to pay the missing person's debts, to assist in the maintenance of dependants of the missing person, and to assist in the care and maintenance of the property of the person. If the administrator becomes aware that the missing person is alive or is deceased, they must advise the court as soon as practicable.

All the provisions of this bill which represent new elements or changes to existing legislation have been the subject of extensive consultation and discussion, and that is entirely appropriate in the development of legislation for this area of law. It is an area which can be difficult for those who interface with it, either professionally or personally. Anything that the state government can do to improve the experience of South Australians in dealing with matters of succession is worthwhile and worth taking the time to get right, as we believe we have done.

I acknowledge the meaningful and influential contributions of SALRI, the South Australian Bar Association, the Law Society and all other parties to the consultation on and the development of this bill. I commend the bill to the house.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (17:03): I also rise today to support the Succession Bill 2022. This bill represents an extensive modernisation of the succession laws here in South Australia, seeking to consolidate South Australia's succession legislation into a single standalone act.

The Succession Bill considers wills, estates, probate, administration of deceased estates, and intestacy and was the result of the review by the South Australian Law Reform Institute (SALRI). As the house would know, this review began under the previous Attorney-General, John Rau, in 2011, and it is good to see that recommendations from those seven reports are included in this bill today.

The Succession Bill proposes amendments to the existing succession laws which bring them up to date with progressive principles and values. These provisions target the plight of people in non-traditional and complex family structures while eliminating the legal complexities and difficulties that arise during an estate's administration.

While these amendments are legislative and technical in nature, the bill focuses on modernising and simplifying the language where possible. Recommendations provided in the review, and included in this bill, include a new provision that allows for a certain class of persons to have the right to inspect a deceased's will. This includes persons named in the will, beneficiaries, surviving or former spouses and domestic partners, parents or guardians of the deceased and persons eligible to a share of the estate under intestacy laws.

I used to actually practise in succession law for quite some time and often would get calls from various family members asking to see a copy of a deceased's will, where we were acting for the deceased. Those provisions will be very handy to clarify when and how and who can access a copy of the deceased's will. Further, the Supreme Court may grant permission for persons with claims against the estate in law or in equity to inspect the will if they have a proper interest.

As recommended by the review, the court has also been given a wide range of powers to remedy loss if an executor or administrator fails to perform their duties. This could include monetary compensation to the estate for any financial benefit obtained by that executor or administrator and any other order that the court deems appropriate.

Regarding a grant of probate, the Supreme Court will be given the power to appoint another person who they consider appropriate and to vary or revoke a grant. The current administration process for probate has been described as, and in my experience has been, costly, cumbersome and slow. Grants of probate can often take several months, only adding to the distress for the deceased's loved ones. The online portal that has been created by the Courts Administration Authority in relation to receiving probate has helped in some ways, but these changes will certainly go a lot further.

These amendments aim to simplify the process, making it more affordable and accessible for all, but most importantly it is hoped that these changes will accelerate the process and reduce the overall time it takes to finalise a grant of probate. As recommended by the review, another key amendment includes provisions to allow persons who hold money or property for the deceased up to the value of $15,000 to pay or transfer this directly to a surviving spouse or domestic partner of the deceased, or a child of the deceased, without a grant of probate or letters of administration.

The first bill that comes up once someone has passed is their funeral expenses, and simply paying for that expense will go a long way to reducing the stress, where all the money is locked up in the deceased's own bank account that cannot be accessed by any of those people.

Whilst the current succession laws have served South Australia reasonably well they do require reform to bring them in line with community expectations and certainly to modernise them. The current law fails to consider evolving familial and social structures and has caused some significant issues, particularly in intestacy situations, where the unfortunate death of a family member occurs without a will.

The existing laws fail to minimise disputes and conflict among family members, leaving the death of a loved one even more challenging for those loved ones. We have seen recent reports in the newspapers of conflict between a second spouse and some daughters of quite a well-known South Australian businessman.

One example of how these amendments will assist includes enabling a grandchild of a deceased person to make a claim for family provision where a parent of the grandchild of the deceased person has died, rather than this being conditional on both grandchild's parents being deceased, as initially proposed, which helps it go even further in terms of supporting those grandchildren.

Further, section 116 now provides that the court's primary consideration when determining whether to make a family provision order is the wishes of the deceased person. This is something I have had to deal with in practice a lot, in my experience, where either a child is essentially cut out of a will or on occasion a spouse has been cut out of the will, trying to explain to the person who is writing that will that actually there is no foolproof way to do that. We would often do it by way of what we called an expression of wishes clause in a will. We would explain that in the will the wife or husband has been intentionally left out and that these are reasons for doing so.

Having to explain that that is not a foolproof way of dealing with the matter, and that the court might come to its conclusions and, in fact, include your spouse when you did not want that to happen, has always been a difficulty I have had to deal with in practice. This will hopefully help with that situation. It is important for a deceased person to have control over where their assets go once they have passed.

One of the essential aspects of this bill is to modernise wills and estates. The proposed amendments will provide for electronic wills and wills to be witnessed remotely via videoconferencing. These changes reflect not only recent technological advancements but societal shifts and will also provide for greater accessibility. These amendments will allow for all residents of South Australia, regardless of their postcode, to have access to provisions for a legitimate will, particularly those in regional and remote communities around the state, just like in metropolitan areas.

Again, by way of practical knowledge, we had a number of clients in the regions we would travel out to, particularly in the Riverland, to do their wills. It was then a process of having to drive back to the Riverland once the wills were done to have them properly witnessed, often with powers of attorney and advance care directives as well. Being able to get through that process—take the initial instructions, work through the document with your client and then at the end be able to have a Zoom call, or whatever the technology might be, to go through that final version and have it witnessed without necessarily having a solicitor from Adelaide having to go out to the regions just for the signing—is actually very useful, and we saw that in COVID as well. One of the difficulties in COVID was having these documents witnessed.

As the bill aims to modernise the process of making a will and reduce instances of fraudulent testamentary acts, it adds flexibility to the execution of wills through electronic means. It also enables people to put their affairs in order more conveniently, particularly in times of crisis or emergency. Maintaining the integrity of the will-making process is imperative, and the bill's proposal to authorise the courts to impose stringent requirements for verifying electronic wills is, of course, a completely appropriate course of action. This measure aims to counter the possibility of fraud or malpractice, and ensures the genuineness of the electronic wills that are admitted for probate.

The Succession Bill will also require service providers to provide better clarity and transparency, allowing beneficiaries to understand the process and gain insight into the arrangements and the transactions relating to the estate. The Succession Bill also addresses the administration of deceased estates, further improving this process. Presently, we have the estate administration act 1973, which governs administration, and while it has served its purpose it is now outdated and requires an overhaul.

The proposed Succession Bill aims to reduce lengthy processes, red tape, complexity and inconsistency in the administration of deceased estates by increasing clarity and making the system more user-friendly. Moreover, the bill aims to simplify and clarify administrative procedures, making them less cumbersome for those undertaking the administration of a deceased's estate. This is especially important in intestacy situations, where the deceased person did not leave valid instructions for the disposition of their assets.

Intestacy laws apply when someone dies without a will or where the will they have left is invalid, either improperly witnessed or contains clauses which are invalid. Something to be aware of is that marriage will invalidate a will but that divorce does not. These are some of the things you need to know in practice. Intestacy can certainly cause significant disputes within families, such as in situations where a person dies without leaving a will and has a surviving spouse who may be entitled to the entire estate at the exclusion of the deceased's children.

That can be quite traumatic for those children. Or, if the deceased has children, the spouse may receive only a small portion of the estate up to $100,000, and the balance divided amongst the spouse and children. That again can cause issues between the spouse and those children, particularly when it is not the parent of those children. This practice is outdated, particularly giving the evolving nature of families, where a person may have children with different partners or where blended families are very common.

The Succession Bill proposes changes to these existing intestacy rules by offering a fair and equitable solution. For example, it looks to provide for applying a formula that identifies the surviving relatives of the deceased and assigns a portion of assets to each category or an individual on the list.

Finally, the Succession Bill 2022 deals with the issue of family provision which allows certain eligible persons to make a claim on the estate of a deceased person for financial support. Under the bill, rules on family provision will be clarified and streamlined and will take into account, again, those changing needs that we see amongst the community with changing families.

For example, the bill recognises that children may need financial support beyond the age of 18—I can tell you there are more and more young adults still living at home with their parents; I have one at home right now—and provides for their rights to claim on the estate. The Succession Bill is vital in modernising current laws and adapting them to respond to the needs of today's society. These amendments take a holistic approach to improving the administration of deceased estates, reducing the burden of probate processes and recognising different familial structures.

I thought it might be interesting to members in this place to give a couple of real-life examples. The first one was actually my first estate planning client. I went into the room with my supervising partner. I was a junior lawyer and I walked into a room with what appeared to be, and what was, a husband and wife, probably in their 60s. He disclosed that he had been diagnosed with multiple sclerosis, and we started the process of taking instructions and working out what his assets were and who his family members were. He had two children. He was in the meeting with (legally) his wife.

As we talked through 20 minutes in it was apparent that he also had another partner that the wife knew about. They had been separated for something like 20 years, but it actually took about 20 or 30 minutes of the discussion for that to come out. The wife was there because she was obviously concerned about her children, and with the MS diagnosis she was keen to make sure she was there supporting her husband.

So the partner was not in the room, the legal wife was, and we were dealing with two children, one who had a drug addiction. So for my first wills client, it was quite complex to work through the

various issues in terms of claims that might come when he passed, and in terms of inheritance family provision claims, particularly where he wanted to do certain things for the child who had the drug addiction in terms of protecting those assets through a trust.

We also had the partner who had been around for multiple years, whom this person wanted to have less of the estate. He actually got along quite well with his wife and wanted his partner to have less of the estate than would happen under an inheritance claim. So talking through all of those issues and learning that on the ground with that supervising partner was actually quite interesting as my first wills experience.

One of the other ones that comes up regularly—and this is, I guess, a word of warning for people in this place and anyone who is listening—is please do your estate planning early. I can tell you as a solicitor the worst time to go and have to deal with writing a new will is once you have (and it happens too often) a terminal cancer diagnosis. I have had too many of those. I have had to go to hospitals for them. It is the worst time to try to have a clear, logical discussion about where you want your assets to go, particularly when there are blended families and complexities. For those in this place, I encourage you all to get your estate planning done early, have those conversations. It is not that scary. A good solicitor will guide you through it.

They will also guide you through powers of attorney and advance care directives, so if you are alive but in a car crash and in a hospital bed, who is going to look after making sure your phone bills are paid, and all your loans are paid, and who is going to be able to talk to water companies and things like that—really basic stuff that you cannot do with privacy laws unless you have a proper power of attorney. Obviously, the advance care directive is a very important instrument as well for your medical and lifestyle decisions.

All those issues are very important to deal with up-front and early. I always say that wills are not a once off. You should be pulling them out every year, and having a look at making sure they are relevant, and if you need to update them, update them, but at least have something in place. We have seen in the media some of the disputes that can come up because people have not planned things properly. It can be really traumatic for families and can cause scars for generations that flow through.

I have done a lot of family business succession planning as well. They are very difficult. You have the business and the family mixed into one. Often you will have one child who is working in the business and one who is not. How you deal with those issues to equitably split up the estate, knowing that only one is actually ever going to work in that business and that is really of value to them, and how you balance those things up are difficult conversations to have, but they are much more difficult to have when you are in a crisis situation than if you are able to plan early and have those discussions.

It might take some time to form your final instructions, but to start that conversation with a good lawyer who can guide you through that process I think is very useful. I commend this bill to the house, and certainly that is my tip for today.

Debate adjourned on motion of Mr Odenwalder.

PASTORAL LAND MANAGEMENT AND CONSERVATION (USE OF PASTORAL LAND) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 July 2023.)

Ms HUTCHESSON (Waite) (17:21): Today, I rise to speak in support of the Pastoral Land Management and Conservation (Use of Pastoral Land) Amendment Bill 2023. This bill, as the Deputy Premier has previously stated, is a confirmation of our government's election commitment to affirm that pastoral leases can be utilised for carbon farming and conservation purposes. This is a step towards not only enabling more climate mitigation actions to be undertaken but also empowering our pastoral leaseholders with more economic opportunities whilst safeguarding our invaluable

environment. It is a move towards sustainable land management and a testament to our commitment to act on climate change and the biodiversity crisis.

A remarkable 40 per cent of our state's land area, constituting 323 pastoral leases, is comprised of pastoral land. These leases are primarily used for grazing or raising livestock, but a few are already being utilised for conservation and carbon farming. This bill will cement the authority of the Pastoral Board to approve these uses, representing a reaffirmation of our commitment to sustainable land management. This is of considerable significance given the vast land area that this affects.

This bill is a clear manifestation of our commitment to addressing climate change and the biodiversity crisis. It aligns with the federal government's plan to protect 30 per cent of our land by 2030, contributing to a nature-positive Australia. The current biodiversity crisis has already claimed too many casualties, and this bill is a step towards halting and reversing this trend. The latest State of the Environment report painted a bleak picture of Australia's ecological indicators, reporting that at least 19 Australian ecosystems are on the brink of collapse, a harrowing threat to biodiversity and ecological maintenance contributed by climate change due to fossil fuels.

The introduction of this bill will ensure that heritage agreements can be used on these properties, helping to stall the crisis and rebuild our precious natural biodiversity. It will contribute to ecologically sustainable development and open avenues for funding conservation activities on leases. The state government is already providing $6 million to support existing heritage agreements and to enable new ones. This will ensure that landowners are supported in maintaining and enhancing these areas, which are critical to building ecological resilience to climate change.

Heritage agreements have proved their effectiveness in enhancing our state's biodiversity, as evidenced in my community of Waite, which houses several properties with heritage agreements. The Bandicoot Superhighway Project is a prime example of their effectiveness. Through heritage agreements and protection of the designated biodiversity, it has increased the threatened southern brown bandicoot's available habitat, reducing harmful habitat fragmentation. Furthermore, the increased funding from the state government for these agreements has provided landholders with additional resources for conservation activities, such as weed mitigation. This will now be a confirmed benefit that can be used by pastoral leaseholders.

This bill will also enhance the ability to use the leased land for Significant Environmental Benefit offsets. These credits can be gained for actions, such as excluding stock from areas to protect native vegetation, controlling weeds and feral animals, and revegetation. This is a crucial action during the current climate emergency to ensure that we can sequester more carbon and incentivise doing so on 40 per cent of our land. The confirmation of carbon farming as a legitimate land use for pastoral uses will further this cause, with landholders being able to gain both economically and environmentally from diversified land use. This incentivisation of sustainable land management will make significant differences in the long-term resilience of our state's valuable ecological systems.

Importantly, this bill will not impact on native title rights or agreements. It will continue to ensure that native title obligations are resolved prior to any decision for approval of changes in use or conditions of pastoral leases. Additionally, the Pastoral Board's powers in relation to the management of pastoral lands will not change, and current leases will not change. All leaseholders will still need to actively manage their leases and remain subject to pastoral act obligations, such as requirements to maintain fencing and watering points unless conditions are varied by the Pastoral Board.

These changes are about opening up more economic opportunities in 40 per cent of our state while enhancing our ecological and climate resilience. It is about ensuring a sustainable future for South Australia, its people and its diverse ecosystems. It is a testament to our commitment to balance economic growth and environmental sustainability to ensure that South Australia remains a vibrant, thriving state for generations to come.

This bill recognises the significant work that lessees, Aboriginal people and regional communities have been undertaking for over 30 years to manage these lands in diverse ways. It provides leaseholders with opportunities to receive funding for conservation activities on their lease,

providing tangible incentives for leaseholders to engage in sustainable land management and conservation efforts.

This legislation has been informed through consultation with a range of organisations that have a close interest in pastoral land management, including the Pastoral Board, Livestock SA, Primary Producers, Conservation Council SA, SA Nature Alliance, SA Native Title Services and First Nations of South Australia. This wideranging consultation process highlights the collaborative and inclusive approach that our government has taken in developing this legislation.

In conclusion, the Pastoral Land Management and Conservation (Use of Pastoral Land) Amendment Bill 2023 is a crucial piece of legislation that will greatly contribute to the sustainable management of our pastoral lands. I urge the members of this house to join me in supporting this bill and, in doing so, support a sustainable future for South Australia.

S.E. ANDREWS (Gibson) (17:28): I rise to speak on the Pastoral Land Management and Conservation (Use of Pastoral Land) Amendment Bill 2023. My electorate of Gibson has an interesting pastoral history, and this bill will allow carbon to be returned to our land and conservation to continue alongside pastoralism.

Oaklands Estate in my electorate was part of an extensive pastoral property founded by Samuel Kearne in 1844. Here we now have the beautiful Oaklands Wetland and reserve, where my dog Freya likes to go for a walk; Oaklands Estate Reserve, where I like to parkrun on most Saturdays; and the Warradale Army Barracks. These barracks were formerly the estate farm and were acquired as the site of an Army camp during both world wars. They were acquired for their present use in 1945.

The current reserve contains remnant plantings from the original homestead, and there are very significant native river red gums. It is still possible to see where the Kaurna people stripped bark from some trees in the reserve and the Army barracks to make coolamons, basin-shaped wooden dishes. There are also the vines nearby, operated by Patritti Wines, who have their winery and cellar door in my electorate. These wines are a reminder that for over a century the main industry of our area was wine and table grape production.

This bill confirms that conservation and carbon farming are permissible on pastoral leases. A pastoral lease allows the occupation and use of Crown land for grazing or raising livestock, known as pastoralism. There are 323 pastoral leases that cover of 40 per cent of South Australia. I seek leave to continue my remarks.

Leave granted; debate adjourned.

At 17:30 the house adjourned until Tuesday 26 September 2023 at 11:00.