HOUSE OF ASSEMBLY

Thursday, 19 October 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: INQUIRY INTO THE URBAN FOREST

Ms STINSON (Badcoe) (11:01): I move:

That the second report of the committee, entitled Inquiry into the Urban Forest, be noted.

It gives me great pleasure to rise today to talk about the work of the Environment, Resources and Development Committee on the urban forest inquiry. This is an inquiry that has been going on for some time and it is a pleasure to bring not just a report but a unanimous report from our committee, which is well represented across the political sphere.

Before I get into the recommendations, I would like to start by thanking the committee members. This is a joint house committee and I am very pleased to be working with the member for Davenport and also the member for MacKillop from this place, and also the Hon. Tammy Franks, the Hon. Emily Bourke and the Hon. Michelle Lensink from the other place.

They have done remarkable work. There have been a lot of witnesses and quite technical evidence before us and I would like to sincerely thank them for their contributions thus far and continuing. I would also like to thank our secretariat team, our research officer, Dr Amy Mead, and Patrick Dupont, who do a sensational job in the quality of their research and also organisation in terms of keeping us on track and facilitating our expert witnesses coming before the committee.

The origins of this committee stem from the removal of a tree in my own electorate, which really stimulated me to start looking into what our laws are here and what improvements could possibly be made. That particular tree was flagged last year as one that was set for removal. It was on a pretty humble corner block of about 700 square metres in North Plympton, and the tree was positioned actually right on the edge of the block.

At the time, there was a house there but that was demolished, and then even though the house had been demolished, the developer had used the so-called 10-metre rule to just summarily remove a beautiful 80-year-old lemon-scented gum. This certainly stirred up emotions in the local community who really saw that tree as an icon in their community and of course drew attention to the great power that exists in being able to remove a tree with really no good reason.

That tree, unfortunately, only a few months ago was chopped down and the arguments from the community were that there could have been some more creative options taken to build around that tree. That development still would have been able to exist, even quite intense development, on that site without needing to remove a tree that was providing habitat and shade, clean air and beauty to this beautiful suburb of North Plympton.

That was what stimulated me to start looking into this and initiating this inquiry, and I am very lucky to have had the support of the committee to set that up. The process of the committee has been that we have heard quite a lot of evidence so far that has got us to this point of releasing these 15 interim recommendations, which I will go through in a moment, but the intention of the committee is to continue. There is a great deal of further work to be done but, if you like, this is the low-hanging

fruit. These are the obvious changes from the evidence that we have heard in person and also in more than 230 submissions that have been put forward to the committee as well.

We took the view that there is no reason to delay and that we wanted to provide feedback to this parliament, to the government and also to the public as soon as possible about measures that can be taken immediately to arrest the quite shocking decline in our urban tree canopy. Many people probably do not know, but about 75,000 trees each year—and that is probably a conservative estimate—are removed from metropolitan Adelaide. They are trees that are not replaced. That is a net loss, and that is a lot of trees.

The tree loss is most acute in inner, urban areas, inner suburbs closer to the CBD. We have also been told that the tree loss is particularly stark on private land. While we are seeing some tree loss on council, state and federal-owned land, really the most rapid decline is happening on private land. You will see that a number of the recommendations are targeted at that. I would just like to acknowledge that the government is already doing quite a lot in this space, but we are hoping that this work will build on what is being done by government agencies and the minister at the moment and further inform that work in the months to come.

As I mentioned earlier, this inquiry is continuing, so the other purpose of releasing these recommendations now is to stimulate public debate and to have organisations and individuals come and give us feedback about these recommendations to further inform the work of the committee. We look forward to hearing from the development sector in particular but also individuals and any other related organisations who might want to have their say on this.

Turning to the recommendations, recommendation 1 goes to that 10-metre rule that I mentioned. We heard that the loss of trees is most acute, as I said, on private land, and the majority of this is happening due to that 10-metre rule. What is this rule? Basically, it says that you do not need a permit or any sort of permission to remove any sort of tree within 10 metres of a swimming pool or a dwelling. The catch with this, though, is that the way it is being applied is that the dwelling or swimming pool may either, in the case of a pool, not be utilised—it may not actually be a functioning, used pool—or, in the case of a house, it may actually have been removed, yet the 10-metre rule is still being applied as if those structures were in place.

This rule was initially conceived to try to provide protection for people and for property, but of course that is being circumvented in some cases. Considering the degree of loss that is going on and the fact that a lot of properties would have almost all their trees come within 10 metres of their dwelling, the committee is recommending that that rule is completely removed and that a merit-based approach is taken instead.

There is also recommendation 1a, which I suppose is a bit of a fallback position, and that is that if the 10-metre rule, in recommendation 1, is not scrapped, then the rule should only be applied where a dwelling or pool is in place at the time of the application and will remain in place thereafter. Also, it should only apply to the property on which the trunk is predominantly located, preventing neighbouring properties from seeking the removal of trees on land that is not in fact their own.

Recommendation 2 is to put together a specialist panel. The committee took quite a lot of evidence about appropriate and inappropriate species and the fact that the list of species that can be automatically removed probably needs a great deal of review. There are species on there that are not in fact pest species or not pest species in certain areas of Adelaide, yet they are still on that list and able to be very easily removed.

What we have heard is that a specialist panel comprising people such as botanists, arborists and environmental scientists should be sitting down and going through this in quite some detail to establish exactly what trees should be on that list and which ones should not. When providing advice, the panel should also consider local implications and the impact on total private canopy if common species are allowed to be destroyed easily.

The third recommendation, which I imagine will attract very little attention but is actually incredibly important, is around research. There is some fantastic work being done, particularly by the University of Adelaide and particularly by Professor Bob Hill and Dr Stefan Caddy-Retalic, who are working on a project called the Future Trees Project. What this is looking at is what future species

we are going to need, both existing species that will be more drought-tolerant and more suitable for city environments and also actually developing new species of trees and new hybrids of trees that are going to take us into the coming decades as we face climate change and the threat of disease and increasing density in our city.

That is incredibly exciting work. It deserves the support of our parliament and our government, we feel, to ensure that not only we as decision-makers and policymakers but also the broader sector, such as planners and developers, have evidence-based information on which to choose appropriate species. We really need the right trees being planted in the right place, and that was a refrain that we heard constantly from a range of witnesses.

The fourth recommendation goes to reducing tree circumference. Interstate, tree canopy circumference is taken into account as a critical indicator of the value of a tree—the contribution that it is making environmentally. We are recommending that that becomes a factor in assessing what constitutes a regulated or a significant tree in South Australia as well.

There are different distances and widths that are considered by interstate, so we are encouraging the government to have a look at those interstate models and see what would work best for South Australia. This is really aimed at many of our native species that are actually very thin-trunked but then provide incredible canopies, shade and habitat. They are, however, the subject of removal because they do not reach that two or three-metre threshold for protection.

We have also made recommendations around trunk circumference. There are much tighter definitions of a protected tree interstate. In fact, South Australia is one of the most lax when it comes to our definitions of which trees should be protected. We are recommending a one-metre reduction in each of the types of protected tree, regulated and significant, bringing regulated down to a one-metre circumference and significant down to a two-metre circumference. Those are nice round numbers. We had evidence from the arborists, who said that that would be something that would really be practical and enforceable, though it is not the most ambitious in the nation. Some states go right down to 50 centimetres, at which point their tree protections kick in.

This will save thousands of trees from automatic destruction each year, but it is important to remember that there will still be mechanisms by which to remove trees that may be regulated or significant if, for example, they are posing a threat to structures or to humans, or they may present that threat in future—if they are diseased, for example, or structurally unsound. There may also be other arguments that can be made as to why a tree should be able to be removed.

Recommendation 6 looks at increasing the fees for legal tree removal. If you are seeking to remove a regulated or significant tree at the moment, you do have to pay a fee. The committee has heard that $326 for the removal of a tree would not cut it in terms of replacing that tree. In fact, the estimates that were presented to our committee were in the several thousand dollars that councils are paying to be able to plant a new tree and get it to the point of maturity. That $326 that they are paying for a regulated tree compensation really is not touching the sides when it comes to replacing the trees in the same volume.

We have made some recommendations there to increase the fee for legal removal of regulated and significant trees to $3,000 and $4,000 respectively. I think the other message that sends is that trees are valued in our community. We do not see them as disposable. The evidence that our committee received, and I am sure MPs across this place receive, is that increasingly people do see trees as very valuable and certainly that is not reflected in the fee regime at this stage. We are hoping that this sends a clear message to anyone seeking to remove a tree that they should be finding whatever solutions they can before immediately jumping to the removal of the tree.

Recommendation 7 goes to illegal tree removal fees. The committee heard some detail about a case in the member for Gibson's seat at the old Dover Gardens site and also a case in the member for Bragg's seat in relation to the Auldana North Reserve, where there has been illegal tree removal on private or on council land, which is quite egregious. We are talking about the chainsawing of trees—in the middle of the night in the case of Dover Gardens—and there are investigations going on right at the moment into both of those cases.

It is very difficult to catch people when they illegally remove trees, but we hope these penalty increases—a tenfold penalty increase above the fee paid for legal tree removal—will be a material deterrent to those who would seek to remove trees. No longer will it just be a case of business as usual or a business cost that has to be incurred; this should be a real deterrent to those who would think that they can circumvent our tree laws and remove trees illegally.

We also have the urban forest fund and some community-based tree protections which I am sure I will tell the house about a little later, but I am very eager to hear from other members about their contributions.

Mr BATTY (Bragg) (11:16): I want to thank the committee for their work in handing down their urban forest interim report. It is a very thorough report which I think makes some very good recommendations on the whole about how we can better protect and grow our tree canopy. That is an enormously important aim. Our urban tree canopy is something that is highly valued on this side of the house. It is something that cools our suburbs and creates hubs for biodiversity in our suburbs. It improves the livability of our suburbs and we are open to and very much welcome any suggestions that can help grow our canopy.

It is an issue that is raised very regularly with me by my constituents. Indeed, earlier this year I held a series of street-corner meetings with the Leader of the Opposition locally in my electorate to discuss these very issues and some of our own ideas to help protect and grow our tree canopy, many of which have found their way into the committee's report. We very much welcome these ideas.

The previous Liberal government, of course, also valued our tree canopy and actively invested in practical policies that would help grow and preserve our tree canopy: things like the Greener Neighbourhoods Grants, which saw over 10,000 trees planted across metropolitan Adelaide; establishing Green Adelaide with a vision to create a cooler, greener, wilder climate right across our city; and also tasking the State Planning Commission to consider the recommendations in the Conservation Council's series of reports in 2021 and how we can respond to them, many of which again have found their way into this committee's report, which is pleasing to see.

This report is very timely because, as the Chair has acknowledged, our tree protection laws are frankly some of the worst in the country. It is a broken system. Our constituents know that. Residents, I think, get very concerned when they see inconsistencies in the system and the rules not being applied or being broken. As has been pointed out already to the house, it is a system that is clearly not working, because we are seeing a reduction of trees across metropolitan Adelaide; on some estimates we are losing 75,000 trees a year.

I think this problem has existed for the better part of a decade now. Indeed, it was in 2011 that the then Labor government made some fairly significant changes to the way we protect our urban tree canopy in our planning system, and it was at that time that we saw the introduction of a list of tree species that were exempt from controls. We saw the introduction of permitting the unnecessary removal of large trees based on their proximity to dwellings or, as has already been noted, swimming pools as well, and it is at that time that we defined regulated and significant trees by reference to their circumference.

I think this was compounded a little later in 2017 by a Labor government that introduced an urban infill target. When releasing the 30-Year Plan for Greater Adelaide in 2017, it was determined that all new housing—85 per cent of all new housing—would be built within the existing urban footprint, and what we saw was a great acceleration of urban infill in Adelaide's established neighbourhoods.

Indeed, I note that the committee's report says the genesis of this whole inquiry was concerns about the effect of residential subdivisions, urban infill, and higher density living on the declining tree canopy in metropolitan Adelaide. When we have unrestrained urban infill, unfortunately we lose open space. We have block sizes that are covered by buildings, and we see many established trees being removed to build, and I think the urban infill target had a lot of impact on that.

At the same time as introducing an urban infill target of 85 per cent in 2017, the then Labor government also had a goal to increase Adelaide's urban tree canopy by 20 per cent by 2030. Sadly,

that is a goal we have not met, but I think it is a goal that is also inconsistent with the 85 per cent urban infill target that was introduced at the very same time.

I do welcome many of the recommendations in this report, particularly recommendations about reviewing the list of exemptions and better defining what we value as significant and regulated trees. I think some of the recommendations in this report will need to be scrutinised in the fullness of time, particularly around very severe penalties for legally removing trees.

I acknowledge the committee's intention to try to better value what a tree is worth, but I think we also need to acknowledge that at times there are legitimate reasons why people might need to remove a tree. We should be cautious of punishing those people, and we should be cautious of increasing their costs and potentially increasing the cost of housing as well. I also think there is a danger that if we increase the fee for the legal removal of trees what we might see is the encouraging of more illegal removal of trees, which is something we want to avoid.

I welcome recommendations cracking down on the illegal removal of trees. As has already been noted in the house, my own electorate has been affected by the issue of illegal removal or illegal poisoning of trees at various reserves and private properties, so I welcome cracking down with tough penalties for doing that. However, I think we need to be cautious about legally removing trees and increasing the cost of doing so.

I do welcome many of these recommendations. Ultimately, though, it is not me that the committee will need to convince; it will be the environment minister and the local government minister and, perhaps most importantly, the planning minister, who as recently as yesterday in this house doubled down on his urban infill strategy and his high-density living strategy, including the 30-storey high-rise towers in Glenside. You are going to need to convince him that the urban tree canopy is valuable. We know it is valuable, but please try to convince the minister for urban infill that it is valuable as well.

He also has sitting on his desk the expert panel review into the Planning System Implementation Review. The shadow minister made a submission to that review. Many of the ideas in this committee report were in that submission. I made a submission on behalf of my constituents to that review and, again, many of the ideas in this report were in that submission. That has now been sitting on the minister's desk for six months. I would very much like to see it, and I would like to see him listen to many of the recommendations that the committee has suggested here.

In short, thank you for the report. We welcome many of the recommendations; we just hope the government can listen to the committee.

Ms THOMPSON (Davenport) (11:25): The preservation of our tree canopy in South Australia and the crucial need to strike the right balance between housing and greening has never been more important. I have been very grateful to be part of the Environment, Resources and Development Committee and to play a role in this important inquiry that looks to protect and grow our tree canopy. As we just heard from the Chair, the member for Badcoe, more than 75,000 trees are lost across metropolitan Adelaide every year and not replaced, with most of that destruction coming from development on private land in the metro area and from infill.

During the inquiry, we had the privilege of speaking with an expert line-up of South Australians who helped us to examine what is happening to the tree canopy in our state and what actions are required to protect the future of our trees. I would particularly like to acknowledge Green Adelaide and Professor Chris Daniels, Tom Morrison of 20 Metre Trees, and the many local groups, state departments and councils that made their submissions.

Currently, South Australia has some of the weakest tree protection laws in the country, and this is playing a role in the consistent loss of canopy across our metro areas. As we all know, trees offer so many benefits: purifying the air that we breathe, mitigating the effects of climate change through absorbing carbon dioxide, providing shade and cooling and therefore reducing energy consumption, and enhancing mental wellbeing. We are hearing more and more about the mental wellbeing benefits of green communities.

In South Australia also, our unique flora holds a deep cultural and historical significance connecting us to our roots and defining our identity. But as we all know, there is a demand for housing

in our state that will only continue to grow, so we face a pressing challenge: how do we accommodate this growth without sacrificing our green spaces? The answer lies in finding a delicate balance between development and preservation.

Our cityscapes need to be thoughtfully designed to incorporate green spaces and safeguard our existing trees. This involves integrating trees into our urban planning, ensuring green corridors and enforcing stringent regulations that preserve our tree canopy. In seeking that right balance, we need to look at innovative solutions: building around our beautiful trees, green roofs, vertical gardens and sustainable architecture. We need to be planting the right trees too.

We need a comprehensive approach that considers the needs of today without compromising the needs of tomorrow. The committee's initial recommendations look to:

- tighten the definition of regulated and significant trees to protect more mature trees from needless destruction;
- increase fees for legal and illegal removal of protected trees;
- establish a new urban forest fund, to channel money into the parts of our state that really need it; and
- encourage investment in identifying through research the appropriate tree species and to identify climate-resilient tree species.

There is, of course, more that we can do to foster public awareness and engagement. We should encourage tree-planting initiatives, community gardens and education programs—all things that highlight the importance of trees in our daily lives. As the committee Chair, the member for Badcoe said:

> No-one wants to live in a concrete jungle. More and more Adelaideans are asking that trees in our suburbs are better protected from development.

I commend this report and its 15 recommendations, and look forward to continuing to consult on those recommendations and the future recommendations to come.

The Hon. D.G. PISONI (Unley) (11:29): I, too, rise to speak and welcome the recommendations in this report and share some experiences as a member representing an inner suburban area that has been a prime target of developers for urban infill. One of the things that I think most annoys everybody who lives in Unley, who out of curiosity or for any other reason watches the real estate website, is that they see a block of units or even a brand new house or two houses where there was one, and it is advertised as being this beautiful opportunity to live in 'tree-lined Unley' or 'tree-lined Fullarton' or 'tree-lined Goodwood', but of course there is not a single tree on the block. They are relying on the trees in the blocks surrounding those developments.

Every year, Unley is losing around four Unley Ovals of tree canopy from private land. I welcomed, and the Liberal Party actually has a policy of supporting, the plan that was designed and driven by Mayor Michael Hewitson, to have a differential rate for people who do not have 15 per cent tree canopy on their properties after an application development. It does not affect people who have lived in their homes for 30 years. It does not affect people who might be doing some work on their garden, but if they put in a development application to bulldoze a building and put two or three up in that space, or if they put in an application for a pool or a large extension, they will then trigger the requirement for them to have a 15 per cent tree canopy coverage at three metres from the ground.

That is measured annually. There is a company that flies over the City of Unley and photographs and measures the tree canopy. That is on your rate notice every quarter, so everybody has an idea or they understand their own tree canopy, and it is great. I know many constituents are excited to see that their tree canopy has grown from the last rates notice. They are not quite as excited about the increase in their rates from the last rates notice, but they are certainly excited about the increase in their tree canopy. So there is a lot of community support for this program in the City of Unley.

The City of Unley is looking for permission from the planning minister to go out and consult on this program, and the planning minister has refused to do so, despite being offered bipartisan

support from the opposition. The Liberal party room endorsed this program close on 12 months ago now, I think, and wrote to the council and put out a press release. The ministers were not very well aware that there is no political risk in supporting this, but the council still has not received permission to go out and consult on this program in the City of Unley.

I think one of the things that I would like to see in the consideration of these recommendations is not the idea of a single payment for removal of a tree or destruction of a tree but an ongoing annual payment. The problem we have with a single payment is that you have actually given someone a licence to keep their garden bare. They have paid the money. Whether it is $500 or $5,000, they have paid it and it is done. So you are never going to get that tree canopy back, because people feel as though now that they have paid for it they are entitled to have that slab of concrete or that extra bit of building in their garden instead of that tree, whereas what is good about the City of Unley program is that every year you have an opportunity to reduce your rates by increasing your tree canopy by planting trees.

If you remove a tree and you put another one in it might not be at that 15 per cent immediately, but maybe in three or four years' time it will reach that 15 per cent and then you will be in line with that reduction in your rates, to support you in your contribution to tree canopy on private land in the City of Unley.

I think I will warn the government that having a one-off fee will have very little impact. People will just build that into the cost of their developments and build it into the cost of their extensions. But with an annual fee—a plan very much like what the City of Unley is offering—if new owners come in they may very well see that as an opportunity to reduce their annual rates and they might then decide to plant that tree. The developers will probably be more innovative in the way they design buildings on tight sites to enable a tree canopy to develop, and that would be a selling point because it would mean lower rates for that particular development compared to what it would be otherwise.

I know the member for Badcoe raised recommendation 1 and recommendation 1a. We did see a shocking example of the abuse of the current rules in the Australian Education Union development on Greenhill Road. That went before the SCAP just a couple of weeks ago, and the day that it appeared before the SCAP the AEU organised Saw Doctors to come in, tree fellers to come in, and remove a significant tree that was within 10 metres of a building they owned that had been abandoned for 20 years and no-one was living in. It was to be removed before even the approval was given, and guess what? On that day the approval was rejected by the SCAP.

It does not happen very often that the SCAP rejects that. It was rejected on 10 grounds because it was such a bad development—10 grounds. It did not have enough car parking, it was 30 per cent higher than the planning code for that place, it had no public open space with the required amount of sunlight during the winter solstice for residents, and it threw shadows over people living directly behind it on the south side of the building. It did not even have consideration for dealing with waste removal.

This was a shocking development. The AEU had formed a partnership with a fellow by the name of Dean Hall, a former CFMEU official, who has established a business in the—

Members interjecting:

The Hon. D.G. PISONI: It just keeps going. It just keeps going. He has formed a business of—

Members interjecting:

The Hon. D.G. PISONI: There is more.

Members interjecting:

The SPEAKER: Member for Cheltenham! Order!

Members interjecting:

The SPEAKER: Order, member for Hammond!

The Hon. D.G. PISONI: Unions right throughout Australia are identifying old assets that they can develop with private sector developers to make money. So the CFMEU has finally discovered the private enterprise system. We have not seen this style of development in Australia.

Members interjecting:

The SPEAKER: Member for Cheltenham!

The Hon. D.G. PISONI: We saw that there were styles that the developers pointed to. They pointed to some examples in Victoria, but the very diligent residents in Parkside were able to identify that and none of those have been built, they were just proposed. It is no wonder that this was amateur hour when it came to the Australian Education Union exploiting current rules about protecting trees, because they needed the space where that tree was. They wanted to put a building, and they wanted to get rid of that while there was a building that they owned within 10 metres of that tree.

I am very keen to see the government's response to these recommendations. I congratulate the committee on their work.

Ms HUTCHESSON (Waite) (11:39): I want to thank the member for Badcoe, who continues to battle important issues, for this incredibly important report, and also the members of the Environment, Resources and Development Committee. My community is incredibly interested in the outcome of this report and the outcome of the planning review, as we live in one of the greenest areas and we want to try to maintain that. Tree protection, urban canopy cover and the importance of being able to breathe clean air and provide habitat and biodiversity are all important to members of my community.

In 1836, colonists arrived in South Australia to a Garden of Eden, a land nurtured by the Kaurna people for 60,000 years and I will take this moment to respect their cultural beliefs and attachments to the land. The first thing that happened when the colonists arrived was that they cleared the land. Adelaide was virtually a treeless plain. My question is: are we heading there again now as we see an alarming rate of clearance to build houses, roads, swimming pools and all sorts of other things?

In the 1870s, no-one cared about trees. That was until the arrival of Adelaide's first town planner, Petzer, who was also a conservator. He devoted the next 30 years to systematically line every thoroughfare with a range of large and stately trees and promoted backyard plantings. In 1890, we realised that trees were far more important in the ground than on the fire. I found an article from June 1889 about South Australia's first Arbor Day, and I would like to share a few paragraphs from it. 'Our First Arbor Day', from the *South Australian Register*, stated the following:

> The American institution of 'Arbor Day' is, as from to-day, [20 June 1889] established in this colony. A proportion of the pupils in our State schools go out to plant trees, and those of them who are not selected to do the planting have a place reserved for them. The Adelaide children start with a great flourish of trumpets from Victoria-square. Each school will be preceded by its band. The singers go before, the planters—who are to be decorated with rosettes—follow after. When the procession arrives on the ground the elect children, who are to plant trees, will be separated from their less favoured brethren. The schools will be divided into 'squads'—the planting squad and the non-planting squad. The planting squad is to be arranged with due care—one child to each hole. It may be hoped that a certain amount of fitness will be observed, and that every square hole will command the attendance of a square child. When the word is given, the trees will be planted, a great celebration will be over, and the children of the schools will have received a lesson on the value of aboriculture.

It goes on to say:

> The forestry influence is happily strong upon us in South Australia, and we are inclined to regard the man or the boy who plants a tree in the light of a benefactor of the human race. It is a trite saying that the man who has made two blades of grass grow where only one grew before is worthy of all honour, and the same is certainly true of trees in this colony.

Mr Telfer: John Rau.

Ms HUTCHESSON: Well, I am not sure he was around then. It continues:

> It must be not forgotten, however, that the mere planting of a tree in a ready-made hole will not go far towards making a nation. What will do more in that direction is the digging of the hole and the finding of the proper tree to plant. It would be a good thing to have the waste places of the colony covered with planes, or oaks, or pines, or whatever trees are best adapted to the condition of the case. In the city and round about it there are innumerable places where

the addition of one or more trees would be a distinct advantage. The presence of trees tends to modify the climate, and, if they are fruit-trees, they are things to be desired and calculated to make one comfortable in summer. It ought indeed be possible to improve upon the plan of having a cut-and-dried ceremony like that of to-day. Why should it not be made a practice in all parts of the colony for all children capable of doing so to do the whole work connected with the planting of a tree?...

For ourselves we heartily approve of the policy of planting trees wherever circumstances are favourable. To educate children to take an interest in the work is to inculcate in them a sense of the value of trees and to inspire in them a conviction of the importance of the science of forestry. In this view it is a pleasure to us to hope the best things of this the first Arbor Day in South Australia. We are bound to look to the rising generation for the cultivation and nourishment of the trees which they plant this morning. To their interest in them we must look for the protection and care of the plantations, and if today's ceremony had only this result it will not have been held in vain. But we may well expect more from it. The children know very well that their interest is not claimed merely on belief of a sentiment. They will at least be taught to attach value to the object for whose sake they are marshalled in holiday array and relieved from the cares [of their schooling].

It is pretty interesting that so long ago we actually cared about trees. Hopefully we can care about trees again today. Arbor Day still continues today. In fact, in Upper Sturt it started in 1906, and last week they had an Arbor Day. Schools Planting Day also still exists. These things still exist, and they are important and hopefully can continue.

In 1889, we understood that trees were important, and by 1930 the Adelaide Plains were the largest forest in the state. Fast-forward to 2023 and the trees are, once again, being cleared at an alarming rate as we seek to fit more houses on one block, feel the need to fill one block with a bigger house with no garden, and we build roads everywhere.

In Glenalta, where I grew up, from 2011 to 2021, the urban canopy cover reduced from 94 to just 55 hectares, that is a 40 per cent loss. The Belair National Park is in our area, so you can imagine where the loss has come from. However, work is now being done by this government through this inquiry and also through the review of the State Planning Code. As written by Waite local and City of Mitcham Councillor Tom Morrison in his research aptly named A Call to Action: Protecting Adelaide's Tree Canopy:

Once again, we have a chance to turn around our tree loss. Action now will lay the foundation for the future. We want to leave a legacy for future generations to reap the benefits of a green, liveable city resilient to the effects of climate change.

Tom Morrison is an incredible advocate for greening our state, and he lives in Glenalta. In 2017 he set up the 20 Metre Trees Facebook page at just 21 years of age, and I want to thank him for his tireless work and his submissions to this inquiry and many like it in the past.

In 1889, our kids were taught the value of trees, so what has happened since? A tree on its own is a beautiful thing, but it is the collection of them that provides the biggest benefit: benefit to our health, the planet's health, biodiversity, and it provides a cooling effect and assists with the effects of climate change, assisting in slowing it. Trees provide oxygen and they are good for our mental health. Many members of my community have made submissions to this inquiry and I know they have helped form many of the recommendations.

I understand that living in a bushfire risk area some residents have fears of trees, and it can be the case that it is actually the canopy cover that can protect their homes when there is an ember attack, but it is the understorey where the problem lies, and I look forward to further work from the committee on how they are going to address areas of high bushfire risk.

In terms of the recommendations of the committee, there are probably just a couple that I would like to comment on. The tightening of the definition of regulated significant trees to protect more mature trees from needless destruction is incredibly important. In my community, on Wilpena Street we saw a house that had numerous trees at the front of it. The developer cut down the trees that were within 10 metres of the home and then planned to demolish the home, move the home and cut down the rest. These are the things that we cannot allow to continue.

In Coromandel Valley, the owner of a business wanted to cut down a fully established and fully regulated tree just because it was making his car park undulated. It was probably more the case that the car park had not been maintained particularly well in the past. Thankfully, Onkaparinga council prevented that from happening.

It is the case that this committee's report does go a long way to helping, and I hope that we are able to have a look at the recommendations and that they line up with a lot of the things that will come out of the planning review as well. In my area, and for the people who live in my community, tree protection is a number one priority that we have. I want to thank the Presiding Member for her hard work, along with her committee, and all of the staff for the outcomes.

The SPEAKER: Thank you, member for Waite, including that interesting historical detail.

Mr TEAGUE (Heysen) (11:48): I rise to briefly lend my support and make some observations about the importance of trees, and an appreciation of the tradition of Arbor Day that has been referred to by the member for Waite just now, in the particular context of the Parklands. It is true that it took the best part of 100 years before the South Australian colonists came around to the notion that the Parklands were something that ought to be the subject of considered treatment in terms of trees and the beautiful space. It was for many decades in the early colonial era, of course, as much a utilitarian space—we saw large cattle yards and a place for animals to rest in between times, and so on, and so it is a myth to think that this threat to canopy is somehow this modern concept.

At times in the colonial history, we have been the removers of trees in large swathe far and wide but certainly not least in the centre, in the Parklands. But we have also seen times during that modern era of concerted development and improvement of those areas, and an appreciation for trees, indeed, for the Parklands and for botanic gardens. I draw the link between those two most significant sites in terms of botanic gardens in the state, the botanic gardens on North Terrace and the botanic gardens at Mount Lofty, both of which reflect research, study, interest and the application of values that are consistent with urban and human living space greening.

So I urge the continued appreciation for what can be known about that history of study and inquiry that is on display in those two magnificent botanic gardens areas and, as the member for Waite has adverted, the advent of appreciation for planned trees, urban tree canopy and an active engagement in that environment in an urban space that goes back not in a linear way but to an episode a long time post colonialisation that really set that off.

Then here we are seeing a committee that has moved to look at the modern phenomenon of a threat that with urban infill you have a lack of appreciation for canopy and a risk—advertent or otherwise—that you suddenly find yourself in an environment where particularly the inner urban areas find themselves rapidly treeless through a planning and development process.

As I am often describing it in the nanosecond at which I was honoured to be in the role of planning minister, I had the opportunity to look closely at what the shape of the Parklands and its history is and ought to be. One of the decisions of which I am most proud in that very short period of time was the decision I made immediately prior to Christmas in 2021 in relation to the zoning and planning around the Riverbank Precinct. It involved, for me, having a very focused look at all that has gone on in terms of, first, natural environment and early colonial history, and then the advent of an appreciation for what greening and arbour looks like in that space.

In the same nanosecond, just to highlight one in particular, I recognise the passionate—I think is the word to describe in the context of local government—representations particularly from the Mayor of Unley, who made a key focus of his work engaging with the development process to try to think about innovative ways that we can introduce incentives for greening in the course of planning and development and introduce ways in which the tree canopy in inner urban areas can be valued and built into the process of planning and subdivision. Of course, that is the central topic for the inquiry.

If I just make some further, minor distinction in drawing the comparison between the two botanic gardens, the Mount Lofty one and the city one, when I look from a parochial perspective from the area that I represent in the Adelaide Hills and Heysen to the urban tree canopy challenge, I think one might anecdotally say that we have plenty where I am, and we at times can say we are happy to donate a few.

There are challenges in different areas, of course. Those that affect us in the near urban—the peri-urban and inner regional areas of the Hills and the extended areas of Heysen—include a

capacity to be able to manage for better health our trees and tree canopy, to manage weeds, to ensure there is not a growing fire risk associated with a lack of management of the natural vegetation and to know what to do to make sure that trees that have been planted through colonial history are looked after so that we have that healthy diversity in an area that has been largely intervened with over the last century or so.

There are wonderful works that are going on in terms of friends of parks and so on through that area, but that is then to somewhat divert from the core subject matter of the committee's work. I commend the work. I will look forward to hearing about the government's consideration of this committee's work.

Ms STINSON (Badcoe) (11:57): I might just round up by drawing the parliament's attention to the recommendation around the urban forest fund. This comprises three recommendations, 8, 9 and 10, but basically what this is designed to do is to ensure that the money that has been collected from fees and fines is going directly back into building our canopy. That is absolutely essential. We not only need to replace what is being lost but we need to rapidly accelerate the planting and the growth of our urban forest.

There is an important recommendation there as well in relation to an annual report to the parliament so that this place has a better idea of what is being lost, what is being replaced and how that money that has accumulated is being spent in our community. So I think that is an important recommendation. Lastly, recommendations 11, 12 and 13 are targeted at educating our community but also equipping some of our incredibly hardworking and effective volunteer organisations to be able to do what they do and have greater access to the grants that are available.

Myth busting is so important. We have heard quite a lot of evidence about the public's perceptions about the dangers of trees simply not being borne out in evidence. When the real risks associated with trees are pointed out to people, they are often quite surprised. So there is work to be done there in terms of educating our community so that we do have as a community more of an attitude that embraces trees rather than sees them as a threat.

So a great deal of public education work needs to be done there. One of the key recommendations, which interestingly ties in very well with the member for Waite's contribution, is to put a huge emphasis on Arbor Day. In other states, particularly Queensland and WA, there is a focus on Arbor Day, particularly through schools but also throughout the entire community. So there is a recommendation there which I hope the government will take up, which is targeted at additional funding and facilitation of Arbor Day and all the good work it can do in heightening the value of trees in our community and busting some of those myths. There is probably a role for Green Adelaide in administering that and delivering the program as well.

I would also like to point out that some of our grants programs at the moment are not as accessible to community groups as they should be, and one of the recommendations goes to that, as well, so that those groups with quite sizeable volunteer workforces can deliver those benefits for our broader community.

As I said, no-one wants to live in a concrete jungle, and more and more Adelaideans are asking this parliament to act. I hope that this report will not only add to the discussion but actually stimulate real action by this government. I call on the minister to have a look at these recommendations and make them real. Thank you to all the speakers today.

Motion carried.

Auditor-General's Report

AUDITOR-GENERAL'S REPORT

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (12:00): I move:

That the Report of the Auditor-General for the year ended 30 June 2023, as tabled in this house on 17 October, and Agency Statements for the year ending 2022-23, as published on the Auditor-General's website, be referred to a Committee of the Whole House and for ministers to be examined on matters contained in the report and statements in accordance with the timetable as distributed.

Motion carried.

Bills

HYDROGEN AND RENEWABLE ENERGY BILL

Committee Stage

In committee.

(Continued from 18 October 2023.)

Clause 79.

Mr PATTERSON: We talked at length about compensation as a mechanism for pastoralists if there are renewable energy infrastructure and licences on their land. It would be good to flesh that out, more to give comfort as well, because the stakeholder feedback in regard to compensation is that it can potentially lead to protracted negotiations because of the nature of what is put in here.

First of all, it talks about entitlement to compensation for economic loss, hardship or inconvenience suffered by the owner. It then goes on to talk about the amount payable, and tries to talk through what they should be, such as any damage caused to the land or loss of productivity and any other relevant matters. That could potentially draw in a whole lot, and maybe this could have been to the point in terms of whether any of that could be put in regulations.

To give some examples, it talks about the maintenance and repair of access roads, stock routes, fences and other infrastructure, the relocation of dams, water points, the impact on remaining farming activities, including productivity loss, stock impacts, biosecurity control matters and the reduction in the availability of water at any level in the soil profile, groundwater or aquifers required for natural pasture and crop growth to support the desired stocking rates. They are some of the issues.

One of the points made was that while it does identify an entitlement to compensation, was it ever considered as part of this, as apparently occurs in some interstate legislation, to identify in more detail those sorts of aspects of pastoral land that would be applied for compensation and payments as well?

The Hon. A. KOUTSANTONIS: There is a well-worn path here already from the Mining Act that a lot of pastoralists and freehold landowning farmers are well aware of through their professional associations and through their own lived experience. What we attempt to do and set here is a floor not a ceiling, as I said to you last night. So, all those matters that you raised absolutely should be considered.

What we have done is rather than prescribe them and say, 'These are the only ones you can consider,' we are trying to be as broad as possible so that in negotiating an access agreement and compensation before work can begin, all these matters are taken into account: impacts on roads, impacts on fencing, impacts on stock movements, impacts on wells and biodiversity issues.

All those things that could have an impact on a pastoralist's ability to conduct their pastoral lease should be considered while they are negotiating their access agreement. We have done so broadly, deliberately, to make sure that pastoralists get the full benefit of being able to negotiate a compensation package as part of an access arrangement. If we are too prescriptive, we will miss something, so I think it is better to be broader.

I am not sure if there has been some confusion between the consultation, but that was the feedback that we received. If the shadow minister has different consultation outcomes from his discussions with pastoralists and freehold land communities about access and compensation agreements, I would be more than happy to see what we could do to facilitate that, but broadly my position, as with the Mining Act, is why would we limit it? We want this to be as broad as possible. That is the legislative strategy here to make sure that people are not worse off and that they in fact receive a benefit.

Mr PATTERSON: I am just interested to get a bit of further understanding around the purpose of subclause (9) around compensation. Subclause (9)(b) provides:

(b) a reference to a licensee—

(i) does not include the holder of a hydrogen generation licence;

Can the minister clarify: does that mean that you have all these different licences that could well apply on land, and specifically a hydrogen generation licence which can be on both freehold and designated land?

How does the compensation regime then work for a hydrogen generation licence? Is that via the access agreements and all those terms reached there, or is compensation taken into account in other ways for hydrogen generation licences? I just want to understand also as part of the question why, specifically, the hydrogen licence was singled out in terms of this compensation clause?

I do not want to interrupt you, but while you are getting advice from your adviser, to follow on, subclause (9)(b) also provides:

(ii) does not include the holder of an associated infrastructure licence that does not confer a right to enter…

Maybe you could explain in which circumstances that would arise.

The Hon. A. KOUTSANTONIS: The advice that I have received is that a hydrogen generation licence does not confer access to the land. So, he has resumed the land through the pastoral lease and then you use that to calculate the compensation, but the hydrogen generation licence is not a licence to access the land so you still have to negotiate an access arrangement. Does that answer your question? Is that what you are looking for?

Mr PATTERSON: What you are meaning is that, because hydrogen generation by its nature is effectively resumed land and makes it hard for multiple land use, effectively the resumed land means that that compensation process is taken into account by the Pastoral Land Management and Conservation Act ergo you do not get two bites at the cherry in terms of getting compensation as well from the hydrogen generation because you have been compensated as a pastoralist because that land has been resumed.

Effectively, that hydrogen generation licence, it seems to me, would mean that the minister now has control of that or whoever is in charge of the Pastoral Land Management and Conservation Act. Then the follow-on is the commentary around the associated infrastructure licence and how that sort of seems to work.

The Hon. A. KOUTSANTONIS: You are right about the hydrogen generation licence. I am not sure about the two bites of the cherry, but you are absolutely right about your explanation of the hydrogen generation licence, because it is resumed land. In terms of the infrastructure and associated licences—that is what is you want clarification on as well?

Mr PATTERSON: Yes, which is subclause (9)(b)(ii).

The Hon. A. KOUTSANTONIS: The associated infrastructure licence does not confer a right to enter and use land within the licence area but the minister does have a discretion to allow entry because it is infrastructure rather than a generation licence.

Mr TEAGUE: Just to follow on then from that line of inquiry, if we go to subclause (4) there is an indication of where the amount of compensation is. To use one of the minister's terms, a bilateral agreement is left to the person described as the owner and the person described as the licensee. It is not owner and applicant or owner and prospective explorer. This is someone who has got a name tag on their jacket saying, 'Hi, I've been granted a licence by the minister,' and we traversed all of that. I am coming to you as a licensee—and hopefully that is not the first time they cross paths—but as subclause (4) sets out you are dealing there with a moment where the act says, 'Okay, that amount of the machinery has been put into place. We have now got a moment of bilateral negotiation, according to the criteria in subclauses (1), (2) and (3), and it is a bilateral agreement that is then to be formed by owner and licensee, and if they cannot agree then off they go to the ERD.

The first question might be that the minister might concede that you have built in a sort of common law process in terms of the determination of what those other matters might be. So, if let's say the first pastoralist who gets approached by the licensee says, 'All right,' and let us assume it is

all a functioning example—the pastoralist is broadly aware—they might have come to know about the prospective explorer, which might have involved a process—

The Hon. A. Koutsantonis: Are you talking about designated land?

Mr TEAGUE: Yes.

The Hon. A. Koutsantonis: Well, we've got a process—

Mr TEAGUE: Yes, they know at least that much.

The Hon. A. Koutsantonis: If they've been consulted, yes.

Mr TEAGUE: Well, hopefully.

The Hon. A. Koutsantonis: Well, we said that earlier last night.

Mr TEAGUE: Yes, but we ummed and ahhed about exactly whether—

The Hon. A. Koutsantonis: No, no.

Mr TEAGUE: —the pastoralist is going to be consulted.

The Hon. A. Koutsantonis: You are creating a scenario that does not exist. It is not relevant.

Mr TEAGUE: Not for this purpose.

The CHAIR: Hold on! Can the member for Heysen please clarify what his question is and then the minister will respond—and the minister will give the member a chance to put his question across.

Mr TEAGUE: I will endeavour not to respond to interjections, but I will otherwise just warm up to it.

The Hon. V.A. Tarzia interjecting:

The CHAIR: Member for Hartley, I do not need your help, thank you.

Mr TEAGUE: What I really want to make clear, leaving aside the vagaries of how well they know each other before subclause (4) kicks in—that is not the issue—is you are dealing with at that point, at subclause (4), a bilateral agreement between owner and licensee. The owner is identified and the licensee is credentialled by the minister, and that is where the licensee obtains their relevant status. They are expected to achieve a private agreement, and if they disagree then they are off to the ERD.

The minister would agree that in terms of finding out what some of those other relevant matters might be, the subject of (2)(c), you are inevitably going to head towards private bilateral and, if not agreed, then discovering what is and is not another relevant matter for the purposes of (2)(c) by adjudication by the ERD. So you are building up a kind of common law process to determine what is in and what is out, and you will not know with certainty, because it is not a category that is to be determined by regulations that are changed over time. The government is steering clear of what those other matters might be. Is that a correct description of the landscape?

The Hon. A. KOUTSANTONIS: If this is designated land, as the shadow minister agreed we were talking about, that means that there has been a release done by the South Australian government, which means that a proponent has won an exclusive right to negotiate with the lessee. The lessee has been informed at the beginning of the process, because the Minister for Environment and Water has been notified first. The regulations will stipulate that the lessee is consulted, so the lessee knows this is coming.

The process occurs. The proponent wins the exclusive rights to negotiate with the lessee. The lessee is in preparation, knowing those costs are covered. They are working out, for lack of a better term, a log of claims, what they would think would be an appropriate form of compensation for impacts on their business. That would be informed by whatever the proponent is preparing to develop and build.

If it is a one-gigawatt wind farm with associated transmission lines leading to a potential 250-megawatt electrolyser or associated transmission lines or pipelines, or whatever it might be, that would be mapped out. The pastoralist would look at that and say, 'This is how it impacts on my business. This is what the potential impacts would be. This is what compensation I think should be paid.' The proponent, if in dispute, will respond to that. There will be backwards and forwards. We make sure that the landowner or the pastoralist has adequate resources to deal with that.

If they cannot reach an agreement, the minister does not pick a side; the ERD Court does. Now, if you are saying, 'Does the ERD Court decision create common law rights there?' I will leave that for others to decide. I am not qualified to give an answer on that. That is the process that is well trodden, well worn, well traversed in the Mining Act and the petroleum geothermal act.

Mr TEAGUE: So for the purpose of this analysis, it is a bit of a red herring. The lead-up to how well they know each other before they get to subclause (4) is not the issue. The issue is—and I think the minister has just confirmed—a matter for bilateral private negotiation between owner, and we know their status, and licensee, we know their status. They are known, in terms of who is negotiating with whom. Agree, and if you cannot: off to ERD.

We have (2)(c) that says 'any other relevant matters'. To go back to the matter that I raised last evening about the question of the effect of competitiveness, capital value and so on, one might, from the point of view of statutory interpretation, look at the other categories in (a) and (b) and say, 'Alright, well it is in the nature of disruption to ongoing actual activity.' You might look at it that way. 'Are there any other relevant matters?' and the minister has said in the outset, in terms of responding to the shadow minister just now, the government does not want to prescribe what they might be—it might be wideranging.

I am just then interested—and maybe, if it rises no higher than a hypothetical from the point of view of the minister, then the minister might not want to respond to a hypothetical—is it not reasonable that a pastoralist who is faced with this point of negotiation says, 'Hey, hang on, as far as I am concerned, "any other relevant matter" includes the fact that I have been deprived of the opportunity to go and seek permission from the minister (in the old world) to do exactly this, and I have been deprived of the opportunity now to compete with my neighbour. My neighbour property is now worth significantly more, or mine is worth significantly less, and I am regarding 'any other relevant matter' as anything from a competitive dividend to a capital reduction.'

I gave one example of a significant transfer of a pastoral lease in the course of debate. Can the government give any indication at least about an expectation in that regard about what 'any other relevant matter' might or might not include, conceding that it is what it is—it is there on the face of it—and it is not something that is subject to further refinement by regulation?

The Hon. A. KOUTSANTONIS: The subject of the section, as it says in clause 79(1):

…the 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.

What you are ignoring, of course, is that this will be a statute and will be a law, which will be authorised by myself and the Minister for Environment and Water at the beginning.

Mr Teague interjecting:

The Hon. A. KOUTSANTONIS: Sorry?

Mr Teague: I am not ignoring it, I am—

The Hon. A. KOUTSANTONIS: It will be a legislated process. In terms of the pastoral lease, a pastoral lessee has no absolute right to develop renewable energy on a pastoral lease. They do not have the independent right to do that; they need to seek permission of someone else. They do not.

Mr Teague: So does a freeholder.

The Hon. A. KOUTSANTONIS: That is true.

Mr TEAGUE: A freeholder needs to seek permission from someone else as well.

The Hon. A. KOUTSANTONIS: That is true, but they own the land freehold, and there is a fundamental difference in that, which you and I disagree on. You think a lessee enjoys the same privileges as a freehold landowner—I disagree.

Mr Teague: Not the same.

The Hon. A. KOUTSANTONIS: Not the same?

Mr Teague: Just analogous.

The Hon. A. KOUTSANTONIS: No. If a pastoral lessee, on the conditions of their pastoral lease, loses any enjoyment of the economic benefits their pastoral lease brings as a result of activity from the HRE act, they are entitled to compensation. I cannot make it clearer. If they have loss of movement of stock, if they feel that they have a loss of value that they can quantify and show and the ERD Court agrees, then they can by all means argue that in a court and the ERD Court will decide that—not the government, the ERD Court. We can mediate before we get to the ERD Court and try to mediate this.

But if members opposite are attempting to confer on a lessee the absolute right, undisputed right, to earn rent from another activity that is not licensed on a pastoral lease on Crown land, that is a big jump, and that has not been considered by any statute here. That is a big jump. That is the equivalent of saying that a pastoral leaseholder owns their land freehold and for any activity that occurs on that pastoral lease outside that lease, even though it is on that lease area, that lessee must derive an economic benefit from it.

That is what the opposition is saying. If that is what you want to say, say so. It is perfectly legitimate to say so. We are saying no, but what we are saying is that if someone has a pastoral lease and any activity from the HRE act can be shown to impede their ability to conduct their pastoral lease activities, then they are entitled to compensation—absolutely. But I say also that there are roads through pastoral leases; they do not charge tolls. There are rail lines through pastoral leases; they do not charge tolls. If I took your argument to its logical extension, they would be compensated for that and they would get a rent for it. They do not.

Mr TEAGUE: I do not know if it is necessary to rebut that, but the rhetorical question in terms of framing up the debate—obviously, we are here doing our job. Secondly, we are here reading a bill and looking to interpret it and ask the government questions about it. Contrary to the minister's perhaps first instinct, not every utterance is first and last political with a view to some sort of angle. It is important in the interest of all South Australians that we understand what is to be legislated here and are clear about it. I am just reading the words on the page, and I have adverted to—

The Hon. A. Koutsantonis: I am not criticising.

Mr TEAGUE: I do not take it as a criticism. What is unhelpful is the framing up of some sort of pseudodebate in terms that have not been articulated, so I just make that clear. I have adverted to a bill that is before the house. I do not go doing that to any great extent, and I do not do it for the purpose of debating the merits of it, but clause 4 of that bill that we have had reference to contemplates, right now, this government looking at the reality of the range of activities that are conducted on pastoral lease land.

Clearly, a matter that is not controversial is that freehold interests are different to pastoral lease interests. They are different. That does not mean that a pastoral leaseholder does not have an interest in the land: they do, and they have such a significant interest in the land that pastoral leases change hands for significant capital sums, as we have heard from me and from the member for MacKillop last night, on the basis of what is understood to be that package of real rights that are possessed by pastoral leaseholders. We have a bill before the parliament to expand the range of normal—that is, no permission required—activities by pastoral lessees.

The Hon. A. Koutsantonis: Compensation clauses.

Mr TEAGUE: Yes, I understand. It is only another two or three-word stretch in clause 4, at paragraph (h)—I am talking about the other bill—where you say, 'Right, actually, carbon farming is consistent with pastoral leaseholders.' All of a sudden—

The Hon. A. Koutsantonis: Well, it is not now.

Mr TEAGUE: No, but it will be. So right now—

The Hon. A. Koutsantonis: You are just arguing against yourself.

Mr TEAGUE: Hear me out. Right now, you have a situation where pastoral leaseholders who want to get into carbon farming might be told, 'None of your business. Go and talk to the Minister for Mining, who might licence it out to somebody, get some state rental,' or, 'Go and get the minister's permission to do your carbon farming.' You can, then; alright, maybe. The same thing goes for the conservation properties. They might be earning income from school visits, local stays, tourism, visiting drivers, four-wheel drivers, the whole range of incomes, but hang on. Are those caught by the permitted uses of a pastoral lease or not? Maybe not, hence the need to legislate. On we go. But there is no doubt that there is a bundle of real property rights that are owned by pastoral leaseholders; let there be no doubt about that.

The minister, in running through those heads of loss in subclause (1), said himself that the first on the list is economic loss. The first head of loss that is contemplated by subclause (1) is economic loss. We have a list in (2)(a) and (2)(b) and then we have 'any other relevant matters', so any other relevant head of economic loss. The minister said—and do not make some false argument about how I would like things to run—that for the purposes of subclause (4) this is a bilateral followed by reference to the ERD against the background of nobody having done these deals before.

I am just positing—necessarily a hypothetical, perhaps; the government is better informed than I am—that someone may well come along and say, 'Hang on, it's first on the list in (1) and it is another matter in (2)(c), and damn right I want some compensation for that head of economic loss.' The prospect, therefore, of that agreement occurring between owner and licensee might be spannered by that impasse. I think that that is a clear elucidation of the landscape.

I am just interested to know whether the government is anticipating, maybe against the background of mining experience, that we are going to see peace in our time and that it would be a very rare event if something goes to the ERD, or is it the government's expectation that there is actually a body of necessary law that is going to need to be built here, and we do expect that there will be a run to the ERD Court, including in those sorts of circumstances, to test what in fact is economic loss, let alone hardship and inconvenience?

The Hon. A. KOUTSANTONIS: Regarding the government's other legislation, I think the shadow minister bringing this into the debate has been interesting, because I think it does cut across his argument. I know he is trying to use it to illustrate an example of where the government is saying that there are other potential uses and applications that are in the pastoral lease, but what he is ignoring is that we are authorising that in the parliament because it is not clear. We are making it clear; we are codifying it.

What is clear is the operation of a hydrogen facility on a pastoral lease is not a pastoral lease's key business. We are putting these clauses in because people have a pastoral lease, and if multiple land-use frameworks regulated and legislated by this parliament overlap and impinge on those lease rights they are entitled to be compensated, as they should. We have made that clear. Do I think there will be a run to the ERD Court? No, I do not. It depends entirely on the quality of the proponent, the quality of the project, and how the negotiations are conducted.

I have seen sophisticated farming operations have excellent relationships with people who have mining tenements on their pastoral lease or their freehold land. They are sophisticated business people. They understand how to negotiate, they understand their economic loss and they are happy to be compensated for it. They understand the loss of their use, but they also understand that we own the minerals and we can grant ultimate access to those minerals—but we do so to make sure that there is a framework in place so that farmers are not worse off.

What I cannot legislate for is that subjective piece, where there are some pastoral leaseholders and some freehold farming communities that do not want anyone else to have access to their freehold land. They do not want anyone else to have access to their property, so therefore the ERD Court is busy with those people. Given the descriptions and the vast amounts of money that the shadow attorney-general has talked about, people who have made investments in pastoral

leases are sophisticated business people. They understand how to negotiate, they have means to negotiate, and they will negotiate any economic loss.

It is prudent that we have put this in here to make sure that no-one is worse off. If it was not in here, the debate today would be very different and about why have you not included something about compensation and economic loss. Just because we have a clause in here saying that if there is economic loss you should be compensated does not mean there will be economic loss. I think we are talking at cross-purposes.

Mr PATTERSON: I move:

Amendment No 10 [Patterson–1]—

Page 62, after line 24—Insert:

(3a) The amount of compensation may include an additional component of up to $10,000 to cover the reasonable costs of obtaining legal assistance relating to the operation of this section incurred by the owner of land.

This amendment is based around elevating and explicitly talking about an amount of compensation due to the landowner entering into access agreements because, as I have said previously, there is the requirement on many occasions to get legal advice, professional fees, etc. Under questioning, the minister said there is the potential for that to occur via subclause (3). However, this amendment here seeks to insert a subclause (3a) underneath that that, in effect, just makes it explicit that there is a fee there.

As we discussed yesterday, it is based on feedback from stakeholders. They are really trying to get comfort from the fact that there could be a fee and this explicitly talks about a fee as opposed to potentially putting it in subclause (2)(c), 'any other relevant matters'.

The Hon. A. KOUTSANTONIS: The government opposes this amendment because the advice we received is that this will limit the amount of compensation. It will put in a ceiling of $10,000. We do not want to limit it to $10,000. It could be more and we feel that your amendment limits the ability of there being greater compensation.

Amendment negatived; clause passed.

Clause 80.

Mr PATTERSON: This right to require acquisition of land only applies to the special enterprise licence. To get confirmation here, it seems from the previous questioning we had on clause 79 that the way these licences work on pastoral land is that potentially you get a special enterprise licence on there. Will it be the case for pastoral land that it will not have to be resumed initially to have the special enterprise licence on there, but then down the track the pastoralist may feel that there is a case for it to be resumed?

The question is that this talks about a right to require acquisition of land. Does a pastoralist use this clause here for resumption of land or would they use the Pastoral Land Management and Conservation Act and go off to the appropriate minister for that and then that leaves this clause purely for freehold landowners?

The Hon. A. KOUTSANTONIS: Any resumption is dealt with under the Pastoral Land Management and Conservation Act, but this applies to both pastoral and freehold land, so under an SEL you would retain ownership of your land unless you did not want to, and then this clause would kick in.

Mr PATTERSON: In terms of the ERD Court's involvement, if the ERD Court becomes involved and there are applications under this section, the ERD Court can then order the licensee to pay the owner an amount equivalent to the market value and any further amount the court considers just. Are there any appeal rights for both parties, where the licensee feels the ERD Court has applied too much compensation or, equally, where the landowner feels that there is not enough compensation?

The Hon. A. KOUTSANTONIS: I will check with my staff, and I will watch as I am saying this to see if I am getting it right or not. You grant a special licence, an enterprise licence. The

pastoralist or the freehold landowner does not want to keep that land. It is a requirement of the special licence holder to compulsorily acquire that land. We are telling them, 'Now, you have to buy it because they don't want it because there is a special enterprise licence over the top of it.' That is a protection again for the landowner. If they do not want to keep it, and they are dissatisfied with the compensation or rental agreements on a freehold property, we can require the licensee to compulsorily acquire the property, and the ERD Court is the adjudicator.

Mr PATTERSON: The ERD Court also then comes up with a compensation value, and the question around that is: are there rights of appeal around the compensation that is awarded? You can see that the landowner goes in there and says, 'I would like to be compensated,' and then all of a sudden they come out and say, 'This wasn't what I was expecting.'

The Hon. A. Koutsantonis interjecting:

Mr PATTERSON: Right.

Mr PEDERICK: Minister, in regard to applications under the ERD Court, I assume there are some similarities to what happens under the Mining Act. Under the Mining Act there are some minor provisions allowing for some financial recourse for people involved—somewhat limited some would say. Is there any support available for pastoral leaseholders or freehold landholders, if they have to have an action through the ERD Court in one of these proposals?

The Hon. A. KOUTSANTONIS: Yes, those costs are recouped and recovered through the process—absolutely. That is why we did not support the previous opposition amendment because it would have capped that at $10,000. It could cost a lot more—so absolutely.

Clause passed.

Clause 81.

Mr PATTERSON: On the hydrogen and renewable energy fund, subclause (2) talks about what the fund will consist of. To my mind, it does not specify that the fund will consist of moneys collected by way of rent via clause 45. My question is: will the fund consist of all the moneys collected via the rent going into this fund?

The Hon. A. KOUTSANTONIS: No, this is just for penalties, for any penalties payable under the act.

Mr PATTERSON: Subclause (3) says that the minister can invest any money in the fund that is not required. Is that 'invest' in terms of a financial investment, where you are looking to get a monetary return, as opposed to things that are sometimes talked about as investments, where they just become the minister giving money—as in a grant program—and calling it investing in regional roads or things like that? Is subclause (3) purely for financial investment purposes to get a monetary return?

The Hon. A. KOUTSANTONIS: Subclause (4), paragraphs (a), (b), (c), (d) and (e) outline how that money will be spent.

Mr PATTERSON: That probably clarifies it. What you are saying is that that is what the money can be spent on, whereas the money that is sitting there, when you are investing it, it is keeping it within the fund; you are just trying to get a return on the money. I am happy with that.

Clause passed.

Clauses 82 to 88 passed.

Clause 89.

Mr PATTERSON: The question is around compliance directions. I take it this is a direction that is issued because of noncompliance and trying to enforce that. I am asking this question because in the Mining Act, in terms of getting social licence, some of the commentary is that, yes, by all means the act looks to protect a landowner's interests, but that is only really comforting if the act is enforced, if there are actually compliance and enforcement resources put towards that.

In terms of what will be looked at to ensure compliance, is that making sure there is compliance with the access agreement, with the work program, the operational management plan or the terms and conditions of licence? What aspects would be looked at and, if it is all, that is equally acceptable?

The Hon. A. KOUTSANTONIS: Compliance is the relevant approval of a statement of environmental objectives, which is the same as in the Mining Act and Petroleum and Geothermal Energy Act. Compliance information includes or demonstrates compliance against the relevant assessment criteria detailed in the SEOs (statement of environmental objectives), immediately reportable other offences, reportable incidents specifying the relevant SEOs. The act has specific enforcement and compliance direction powers, allowing the minister to compel licensees via a compliance direction and make good any noncompliance against the relevant SEOs' licence conditions, and any other requirements of the act.

So it operates in the same way as in the Mining Act and Petroleum and Geothermal Energy Act. If you have an SEO, and you are in breach of it, these give me the powers to set out the circumstances in which a direction for compliance can be issued.

Mr PATTERSON: Just to clarify, it is basically around the environmental objectives. How then will there be compliance for other aspects of this act in terms of terms and conditions of the actual renewable energy licences, making sure that the operational management plan is being done as it was laid out?

The Hon. A. KOUTSANTONIS: Subclause (1)(b) also includes a condition of a licence, and subclause (1)(a) provides:

> (a) securing compliance with a requirement of this Act, a licence (including a condition of a licence) or an authorisation or direction under or in relation to a licence;

It gives us a framework on where I can set remedies in place and penalties for not reporting reportable things in just the way you would administer any form of oversight of a licence condition.

Clause passed.

Clauses 90 to 93 passed.

Clause 94.

Mr PATTERSON: Can the minister outline the circumstances in which an enforceable voluntary undertaking would take place? Does the minister have to accept the undertaking in the very first place?

The Hon. A. KOUTSANTONIS: I am advised this is a standard clause that is in the Mining Act and the Petroleum and Geothermal Energy Act. There are not any real-life examples I can point to. It is a standard clause that we have in this bill. It 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 with provision of 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, and there are offences and penalties in place.

Clause passed.

Clause 95.

Mr PATTERSON: In terms of the civil remedies, subclause (14) states:

> (14) Proceedings under this section based on a contravention of this Act may be commenced at any time within 3 years after the date…or, with the authorisation of the Attorney-General…

It seems this is based, as previously, on what is in other acts, so I am checking that. Also, under what circumstances would the Attorney-General get involved? Is there a limitation, or does that leave it open-ended and, effectively, the Attorney-General can just go back as many years as he likes?

The Hon. A. KOUTSANTONIS: Yes. If I am not aware of it within three years, without that other provision, we would basically be having almost a statute of limitations, where we could discover some dramatic breach that would result in a successful prosecution and that is in the state's interest

to do so. The Attorney-General, I would imagine, in collaboration with Crown law, would get advice, probably the DPP as well, about whether a successful prosecution could be undertaken. It is absolutely the right thing to do to have this in place. It keeps proponents on their toes.

Clause passed.

Clauses 96 to 105 passed.

Clause 106.

Mr PATTERSON: Subclause (1) states that this section applies to a decision to refuse an application for a renewable energy feasibility permit and a decision to refuse an application for a licence. In the draft bill, the decision was to grant or refuse. Maybe the minister can explain why it was arrived at to remove that grant, and are there implications? If I read it, there is an appeal right around a decision to grant an application for licence. That seems like that would give a freehold landowner with a special enterprise licence the right to at least appeal that, whereas, if I read it this way, the freehold landowner does not seem to have any rights to appeal against the awarding of a special enterprise licence.

The Hon. A. KOUTSANTONIS: This just mirrors the legislation of the planning and development act. That is why—

Mr PATTERSON: Sorry, which act?

The Hon. A. KOUTSANTONIS: The development act, for Crown-sponsored developments. That is why it has been put in, because it mirrors that.

Mr PATTERSON: Maybe if you could confirm the commentary around my question around not having the ability, the decision, to grant an application—that it means that if a special enterprise licence is awarded by the minister there are no appeal rights once it is awarded.

The Hon. A. KOUTSANTONIS: My advice is that a freehold landowner can appeal a special enterprise licence. If you read the bill at clause 106(1):

(b) a decision to refuse an application for a licence (other than a special enterprise licence);

Clause passed.

Clauses 107 to 113 passed.

Clause 114.

Mr PATTERSON: This is not really a question so much as just confirming what we have talked about through a lot of our discussions throughout the bill, just around the regulations. It has been explained that a lot of modern legislation does not look to be too prescriptive and then seeks to put aspects of regulation in the regulations. Some of the things we have talked about around consultation for pastoralists and those sorts of aspects I have tried to remedy by specifically putting them in the bill via amendments, which has not been successful. That being the case, could the minister explain again the commitment around how regulations will be developed and that they will consider consultation for parties such as pastoralists, native title holders and renewable energy companies?

The Hon. A. KOUTSANTONIS: I do commit to that. I refer to my remarks yesterday or the day before, where I undertook to negotiate and consult with the opposition specifically. I think you are key stakeholders here as well, so I will absolutely be consulting. I commit to the consultation plan I have previously outlined in the parliament.

Clause passed.

Remaining clause (115), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (12:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Sitting suspended from 12:59 to 14:00.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

Industry Board of South Australia—Phylloxera and Grape (Trading as Vinehealth Australia) Annual Report 2022-23

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

Controlled Substances Advisory Council—Annual Report 2022-23
Health Advisory Council—
Ceduna District Annual Report 2022-23
Eastern Eyre Annual Report 2022-23
Far North Annual Report 2022-23
Lower Eyre Annual Report 2022-23
Mannum District Hospital Annual Report 2022-23
Murray Bridge Soldiers Memorial Hospital Annual Report 2022-23
Renmark Paringa District Annual Report 2022-23
South Australian Medical Education and Training Annual Report 2022-23
Veterans' Annual Report 2022-23
Yorke Peninsula Annual Report 2022-23
Health and Wellbeing, Department for—Annual Report 2022-23
Health Network—Women's and Children's Annual Report 2022-23
Health Performance Council—Annual Report 2022-23
Local Health Network—Central Adelaide Annual Report 2022-23

Question Time

DEFENCE SHIPBUILDING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:01): My question is to the Premier. Has the Premier spoken to the federal Minister for Defence about the surface fleet review and inquired as to whether that review will be made public? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: It is now known that the surface fleet review has been finalised and it has been provided to the Minister for Defence, Richard Marles.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:01): I thank the Leader of the Opposition for his question. The short answer is, yes, I have spoken to the Minister for Defence on a number of occasions regarding the surface ship review.

As has been explained in the parliament on previous occasions, we also made the effort as a state government—and I think we might be unique in this regard—in actually making a formal submission to that review advocating for the objectives of South Australians for the continuous nature of the ship build, which of course is a recommendation that came out of the Defence Strategic Review itself, but, more than that, we were explicit in that submission to the commonwealth about the price that would be paid in the event that the Hunter class program wasn't continued with. I am not aware of any speculation that that will be the case, but the nature of the review I think demands that we put that on the record in any event.

In regard explicitly to the release of the review, I anticipate that the commonwealth will publicly release the outcomes of that review in terms of the detail of the review and the process. That, of course, will be a decision for the commonwealth.

In terms of the timing, this is something that we have a great interest in and I have left the federal government, including the Deputy Prime Minister, with no lack of clarity around our hope that this is released sooner rather than later. From our perspective, the clock is ticking on the federal government here. We want to see the outcomes.

We will not be a state government that is not willing to stand up for the state's interests just because those in charge in Canberra happen to be from the same political persuasion as myself, and we do want to see the outcomes of this review. We do think that the Hunter class program needs the public assurance that the surface ship review hopefully provides and that it says this program is being continued with and should be built at pace. We have made our position clear on this. We are steadfast about it. I look forward to its public release.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: We are hoping that the federal government gets cracking on announcing the outcome of it and we will continue to advocate accordingly.

DEFENCE SHIPBUILDING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:04): My question is again to the Premier. If the Hunter class shipbuilding project is reduced from nine ships to six and the federal government seeks out different surface ships for the fleet, can the Premier guarantee—

The Hon. A. KOUTSANTONIS: Point of order.

The SPEAKER: Leader, there is a point of order from the Leader of Government Business.

The Hon. A. KOUTSANTONIS: This question is clearly hypothetical: it started with 'if'.

The SPEAKER: Very well. We didn't get too far into the question, so I am not certain that it necessarily is, but I am going to give the leader the opportunity to recast.

The Hon. D.J. SPEIRS: Can the Premier guarantee that the surface fleet ships will be built at Osborne? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: Australian industry and defence network chief, Brent Clark, has said that, given the government was prioritising speed to capability, defence would have no choice but to procure from overseas to the detriment of South Australian companies.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:05): We think that the federal government does have a choice: they have the choice to build here in South Australia just as they have committed to do.

The Defence Strategic Review has made clear that there is a need for a sovereign shipbuilding capability within Australia's borders and that that should be located at Osborne. The DSR doesn't just point to the benefits to the commonwealth and the Navy of that sovereign shipbuilding capability: it goes beyond that and explicitly identifies Osborne as being the location and the home of that work.

More than that, the DSR recommends that there should be that continuity into the long term. We have seen in other parts of the world, just as we have seen here in Australia, the price that is paid when you don't see that continuous pipeline of work. Valleys of death emerge, and then when the rebuild has to start from there the cost to the taxpayer ends up being far greater than it would otherwise need to be.

It is one of the clear things that we learned from our experience in Barrow earlier in the year—as I am sure the Leader of the Opposition heard in his recent trip—that when the peace dividend was in place in the United Kingdom that brought with it extraordinary consequences when they wanted to

recommence shipbuilding in that part of the world, just as the experience has been here. The DSR acknowledges that. It explicitly recommends that there needs to be a continuous build, and that is what we anticipate occurs into the future in Australia.

In terms of the Hunter program, which is currently slated for nine ships, in the event that it would go from nine to six then it would provide an opportunity for the commonwealth to then start preparing the work for what would follow it given its commitment to continuous shipbuilding here at Osborne. Our concern as a state is that, whatever the commonwealth decides, it is continuous, that it does maintain the workforce that is required and all the skills that are encompassed by it.

The cost is exactly what informed the government's formal submission to the surface ship review. If the government were to abandon Hunter from the earlier stages, then the problem with that would be straight back to the drawing board and we go immediately back into a valley of death. That is unacceptable from the state government's perspective.

We don't believe from everything we have been told, and we don't have any reason to believe, that that is on the cards, but a recalibration from nine to six wouldn't represent the same threat by virtue of the fact that there would be an opportunity for the commonwealth and all of its respective partners to then engage in what would follow beyond the six. There would be a lead time to make sure that the continuity of the work is there, which is what matters to the workforce first and foremost.

But let's wait and see what the outcome of the surface ship review is, and we will continue to maintain our calls publicly. I say this particularly not just through people following *Hansard* but to the members of the media who are present with us today: this government calls on the commonwealth to make its decision on the back of the surface ship review. Let's make the decision, put it out there publicly, so there is assuredness and confidence for all concerned that this program is getting on with haste.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the leader, I recognise the presence in the gallery today of participants of the 2023 Governor's Leadership Foundation Program. Welcome to parliament. It is a pleasure to have you with us. The leader.

Question Time

DEFENCE SHIPBUILDING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:09): Thank you, Mr Speaker, and I would like to reiterate that welcome. The Premier and I and the Hon. Robert Simms got to meet with the group at lunchtime and it was a very good time.

Does the Premier stand by his comments and support of Spanish shipbuilder Navantia's proposal to build three air warfare destroyers? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: On 25 August 2022, the Premier said that he supports Navantia's proposal to build three new air warfare destroyers, including that he would, and I quote:

> ...be advocating to the federal government in Canberra on behalf of the people in South Australia to ensure our state is in the best possible position to seize this opportunity.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:09): We support any shipbuilder that wants to build ships in South Australia. Our preoccupation isn't to favour one shipbuilder over another. Our preoccupation is to make sure that we favour those shipbuilders who are willing to invest, engage and, critically, employ South Australians. That is our focus.

BAE represents the principal shipbuilder in South Australia with whom the South Australian state government enjoys an outstanding working relationship, and we desperately hope that BAE is able to maintain if not grow its presence in South Australia in the not too distant future. In respect of

BAE, as the Minister for Education can attest, we are exceptionally proud of the fact that there are now students enrolled to start at Findon Technical College next year. They enrolled in the advanced manufacturing course in the knowledge that when they complete that course and graduate from Findon with their—

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

The SPEAKER: Order! Premier, there is a point of order from the member for Morialta, which I will hear under 134.

The Hon. J.A.W. GARDNER: Standing order 98: the question was about whether the Premier maintains his support for Navantia's proposal. The Premier is now talking about BAE's engagement with the future Findon Technical College, which has absolutely nothing to do with Navantia's proposal.

Members interjecting:

The SPEAKER: Order! Member for Schubert, order! It has long been the practice of Speakers to permit a degree of context, and some latitude is offered to the Premier as well as the Leader of the Opposition. I will listen carefully.

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

The SPEAKER: Order! The Premier has the call.

The Hon. P.B. MALINAUSKAS: As I was saying, BAE has engaged with the state government around its technical college so that those students who graduate from the advanced manufacturing course at Findon are more or less guaranteed a job at BAE Systems. We would want to see any other shipbuilder follow that model, Navantia or otherwise. The more employers in our state who want to engage with us in the same way that BAE do, to provide young South Australians, young men and women, the opportunity to acquire a skill at one of our new technical colleges at school and then graduate with a guaranteed high-quality, well-paid, long-term secure job, the more of that. The more of that—that's right.

Members interjecting:

The Hon. P.B. MALINAUSKAS: All in one breath, sir!

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: This is an industry where our government partners with all concerned who are willing to invest and employ in our state.

DEFENCE SHIPBUILDING

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:12): My question is again to the Premier. Has the Premier received any advice about potential job losses at Osborne should the Navantia bid be successful? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: Earlier this year, *The Australian* revealed that Navantia's preferred option was to build the ships offshore in Spanish shipyards.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:12): Navantia have made—

Members interjecting:

The Hon. P.B. MALINAUSKAS: Well, I always like it if the member for Morphett has something and gets a bit excited because it more or less amounts to nothing.

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: As the member for Morphett might want to familiarise himself with, there has been more than one proposition put forward by Navantia, including Navantia building down at Osborne. Our advocacy for whatever policy is pursued by the commonwealth is

consistent with whoever is willing to maintain the workforce and the growth of the workplace that we are set to see at Osborne.

The Hon. J.A.W. Gardner: Well, you made a mistake.

The SPEAKER: Order!

SUPER SA CYBERSECURITY INCIDENT

Mr COWDREY (Colton) (14:13): My question is to the Premier. Does the Premier stand by his statement made in the house yesterday? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr COWDREY: In response to questions yesterday, the Premier informed the house that his office was first advised of the Super SA cybersecurity incident on 12 October, yet it was reported in *The Advertiser* today that the Department of the Premier and Cabinet was made aware of the breach on 18 August.

Members interjecting:

The SPEAKER: Order, member for Chaffey! Member for West Torrens! The Premier has the call.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:14): I am more than happy to provide a degree of clarity for the member for Colton. It might not have been immediately obvious to him at the time, but I was talking specifically in respect of the information associated with Super SA rather than any earlier advice around potential notification. The state government receives notifications on a frequent basis particularly around our unit that is responsible for monitoring cyber attacks, but it was on the 18th that we became aware—I am advised that we became aware of the issues in regard to the Super SA data breach—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —which is what has been explained over the last few days.

SUPER SA CYBERSECURITY INCIDENT

Mr COWDREY (Colton) (14:15): My question is again to the Premier. Who is the third-party provider involved with the Super SA cybersecurity breach and do they have any current government contracts?

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:15): I thank the member for Colton for his question. As I advised the house yesterday, this incident stems out of a cybersecurity breach that occurred back in November of 2019 when Super SA's ICT systems were accessed and a proportion of members' data was illegally obtained. In the course of dealing with that, a South Australian call centre company was engaged to assist Super SA to deal with the influx of inquiries that would be anticipated from members following Super SA advising them that they had been impacted by this.

That company is Contact 121. They were engaged at that time specifically for this purpose by Super SA, and the advice I have to date is that we are unaware of other government agencies using them post 2020. So, to specifically answer the member for Colton's question, the advice I have is that we are not aware of government agencies continuing to use this company to date.

SUPER SA

Mr COWDREY (Colton) (14:16): My question is again to the Premier. Has a permanent chief executive been appointed to Super SA? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr COWDREY: It was announced on 12 July 2023 that Ms Dascia Bennett would step down as chief executive of Super SA, and it was reported on 27 July 2023 that Kevin Foley had resigned as chair of Super SA.

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:17): There is an acting chief executive while the recruitment process is necessarily underway.

The SPEAKER: I call the member for Elder.

Members interjecting:

ADELAIDE AIRPORT INTERNATIONAL FLIGHT CAPACITY

Ms CLANCY (Elder) (14:17): Thanks everybody! My question is to the Premier. Can the Premier please update the house on international flight capacity at Adelaide Airport?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:17): Can I thank the member for Elder asking her question—on her 37th birthday. Was I allowed to mention the number? Is that alright?

Members interjecting:

The Hon. P.B. MALINAUSKAS: Okay. I know the member for Elder cares about the status of our tourism sector in our state because it does employ a number of people within her electorate. I am very pleased to report that earlier today I was advised that both Qatar Airways and Singapore Airlines are substantially increasing the volume of seats flying into Adelaide Airport. This is genuinely good news for our tourism sector. It comes on the back of some extraordinary growth that we have seen in the sector in our state since coming to government. The Minister for Tourism, the member for Ramsay, has been working very hard indeed and has been able to deliver some real results.

In respect of Singapore Airlines, we know this is a service that operates seven times a week: it is now moving to 11 services a week, up to twice daily on a number of flights. That is an over 50 per cent increase in the volume of capacity coming to and from Adelaide Airport internationally from Singapore Airlines alone. The second one is from the great friend of South Australia, Qatar Airways. I am very pleased to report that Qatar Airways is upgrading its service into Adelaide from an Airbus A350 to a Boeing 777. That results in a 25 per cent increase in the volume of seats coming to and from Doha into Adelaide on the back of that service. That is a big deal—a 25 per cent increase from Qatar on what is already a daily service. Qatar Airways deserve a lot of credit for this.

Qatar Airways was the principal international airline that serviced the South Australian market throughout the course of the pandemic. When other airlines went missing, Qatar continued to serve our community in a way that is wholeheartedly commendable. It was more than just the passenger traffic; it was freight as well. I would like to put on record the state government's thanks to Qatar for servicing our state during the pandemic. I hope they continue to reap the benefits of that investment at the time, which is self-evident by the fact that they are increasing their capacity on these flights.

Between Singapore Airlines and Qatar there has been a massive increase in the volume of traffic coming into our state—and why wouldn't there be? There is no shortage of attractions and events for people to come and visit our state at this time. Earlier today I was very proud to be able to publicly report that ticket sales for the Adelaide 500 are up by 6½ per cent on the same time last year. That has been driven by a few different things. The first thing is that we have a series that is exceptionally close. The last race of the year might yet determine the outcome of the Supercars Championship.

We have none other than Robbie Williams performing on the Sunday night, which will be absolutely spectacular, and we have also been able to invest in the event with new shade infrastructure being installed on Pit Straight over the course of the next couple of weeks. That means over 80 per cent of the seats on Pit Straight will now be under shade—a dramatic improvement on what we have seen in the past.

That is just the Adelaide 500. Time is up, which means I cannot speak about the other events, but these flights are coming here for a reason.

The SPEAKER: And happy birthday to the member for Elder. I am so pleased you can spend it with 47 of your very close friends. The member for Colton.

CYBERSECURITY

Mr COWDREY (Colton) (14:21): It's 46, sir. My question is to the Premier. Have any other cybersecurity breaches occurred since the change of government and, if so, when and what was the nature of those breaches?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:22): The government regularly receives advice regarding potential cyber attacks. It should be plainly clear—and I am sure members of the opposition will appreciate this—that cyber attacks on various government resources happen on a highly frequent basis. Almost all of those attacks are successfully repelled through the extraordinary hard work of the teams involved but, as I said in a press conference earlier this morning, this is an increasingly complex exercise. It is difficult by nature by virtue of the fact that we are dealing with an adversary that doesn't have an onshore presence. These are people who seek to attack our system—

Mr Whetstone interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: The member for Chaffey says that cyber attacks are a secret. The member for Chaffey needs to start reading the news from time to time. Cyber attacks happen on a frequent basis, and the state government is not immune from that. There are literally hundreds upon hundreds of cyber attacks that happen on a regular basis. This is what we have to deal with, this is the world we now live in.

Regarding the question about breaches, I am more than happy to take on notice the specifics of the member's question. The breach that the Treasurer spoke to rather plainly yesterday is the most significant I am aware of, notwithstanding that it originates from a breach that happened during the course—

Mr Cowdrey interjecting:

The SPEAKER: Member for Colton!

The Hon. P.B. MALINAUSKAS: —a breach that originates from the breach that occurred back in 2019.

Mr Cowdrey interjecting:

The SPEAKER: Order!

GENERAL PRACTITIONER PAYROLL TAX

Mrs HURN (Schubert) (14:23): My question is to the Minister for Health and Wellbeing. How does the minister respond to comments made by the Royal Australian College of GPs in South Australia about payroll tax changes? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mrs HURN: The Royal Australian College of GPs has stated that the application of payroll tax on tenant GPs would most likely lead to patients paying around $15 more out-of-pocket per consult and general practice closures, meaning that people would have no option but to attend hospital emergency departments, leading to an increase in emergency wait times.

The SPEAKER: Treasurer.

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:24): Thank you, Mr Speaker.

Mrs Hurn: What about the minister's response—the Minister for Health?

The SPEAKER: The member for Schubert, you have asked the question. The Treasurer is on his feet—

Members interjecting:

The SPEAKER: Order!—and the Treasurer has the call.

The Hon. S.C. MULLIGHAN: The minister responsible for taxation and finance matters happens to be the Treasurer. Payroll tax happens to be a tax levied out of RevenueSA, for which I am responsible to the parliament. I don't think it's rocket science. Goodness me! Do you even talk to each other about tactics for question time—because it looks from the outside that the answer is no.

Members interjecting:

The SPEAKER: Member for Florey!

The Hon. S.C. MULLIGHAN: It is just extraordinary. It's just remarkable. As I have previously advised the house, I have been engaged in particular with the royal college in South Australia responsible for representing GPs about the application of payroll tax to their members, and I have to say that the approach from their leaders in South Australia, principally Sian Goodson, has been extremely good and frequent and forthcoming.

It has been the royal college's representations in particular which have led the government and me to decide on a number of very significant and beneficial concessions in favour of GPs, of their members, because on the face of it it has been reaffirmed, particularly by interstate courts, that payroll tax is applicable to the wages of GPs in GP clinics.

The normal approach of revenue offices around the country, including here in South Australia, is to conduct an audit to go back over the last five years of liabilities to determine what they are, require that those last five years of liabilities be repaid and then, usually, charge interest and penalty tax for not meeting those obligations. On the representations of Dr Goodson and the Royal College, we have waived those obligations.

In the course of discussions in the first half of this year, we also realised it was going to be impractical for GPs and those practices to come in to meet their obligations from the beginning of the next financial year, which was 1 July this year, and so we also offered to provide a full year so that we could engage directly with not only the college but also GPs, to help them understand how this issue impacts them.

Not only do they not have to pay their payroll tax obligations that haven't been met for up to five years, we also weren't requiring them to pay payroll tax from 1 July this year. We have given them a full 12 months of not having to pay payroll tax, which is, I should say, far more generous than the approach of some other jurisdictions around the country.

We have also committed resources to working with the royal college and directly with GPs to go through a process where they can register as a practice, or register as a wage earning entity, with RevenueSA. They can engage and understand their obligations, because it has become clear to me in the course of discussions with GPs and the royal college that some of these concerns about what it would mean for patients are based on assumptions about what payroll tax applies to.

It doesn't apply to the turnover of a business. It doesn't apply to all of the employee costs of a business. It only applies to the wages above a tax-free threshold, and the full payroll tax rate doesn't kick in until $1.7 million, and on top of that there are further deductions. That's why it's important that we continue to work with them.

GENERAL PRACTITIONER PAYROLL TAX

Mrs HURN (Schubert) (14:28): My question is again to the Minister for Health and Wellbeing. How does the minister respond to comments made by Chandlers Hill surgery GP Dr Daniel Byrne in relation to proposed GP payroll tax changes? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mrs HURN: Dr Danny Byrne was quoted in *The Advertiser* on 4 October as saying, 'For a state government elected to fix ramping and health, it seems counterintuitive to hit GPs with another tax.'

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:29): This is not a new tax. This is not a new obligation. This is an ongoing obligation, which we are waiving for GPs in order to help those GPs who haven't been paying their payroll tax obligations—

Members interjecting:

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

The Hon. S.C. MULLIGHAN: —have a long runway of time to understand their obligations and come into compliance from 1 July next year. I have seen the representations that the head of that practice has made, that he worries for the first time—if I can recall the figures off the top of my head, I think his correspondence referred to the fact that there is $3 million worth of GP wages in his practice that he fears may be liable for payroll tax. What this reinforces is how important it is for GPs who feel that they may have an obligation to engage with RevenueSA to understand how payroll tax may be applicable to their circumstances.

It has become clear to me, as I was saying at the tail end of my answer before, that there are a range of assumptions that some GPs have—about how payroll tax works, about what it might mean for their operations, about what their liability might mean—which I don't think take into account how payroll tax is actually applied. We have one of the lowest payroll tax rates in the nation. We have one of the highest tax-free thresholds in the nation. It is not all the wages of a GP practice that are liable for payroll tax.

The Hon. V.A. Tarzia interjecting:

The Hon. S.C. MULLIGHAN: The member for Hartley says, 'Yes, thanks to us.' Well, it was Labor that instituted the 4.95 per cent payroll tax rate, so his recollections are misdirected there. I underline the point that we are absolutely committed to working with GPs so that they only need to pay their obligations and nothing more. They understand that the way in which some GPs (not all GPs) have structured their practices—which perhaps, as it has been reported to me and as it has been told to me by some GPs, were structured in a way to minimise their tax obligations—are not successful in light of how payroll tax is applied, not just here but in a harmonised way across the majority of jurisdictions across the country.

The representations from the Chandlers Hill GP service only underline how important it is that these practices—and, indeed, those practices that employ business managers and directors and so on to manage the affairs of the business—engage with RevenueSA so that they can understand it.

The other side of this coin is, as I have reported and provided the numbers to this house in response to questions from those opposite, that we already have GP practices that are paying payroll tax. While I think it is not ideal, it is okay to extend a period of time where we've got an inequity in the payroll tax base, where some people are expected to maintain meeting their payroll tax obligations while we give a significant period of time where others don't have to pay payroll tax.

We can't continue that on in perpetuity. That is unfair to those GPs who are already meeting their payroll tax obligations. It's also unfair on those other clinicians who are also meeting their payroll tax obligations. We've got to make sure that we administer payroll tax fairly and equitably. We are committed to doing that, but we will make these significant allowances for GPs to make it as easy as possible for them to come into compliance.

ADELAIDE VENUE MANAGEMENT

The Hon. V.A. TARZIA (Hartley) (14:33): My question is to the Minister for Tourism. Did any minister contact the Adelaide Venue Management authority or chief executive, Anthony Kirchner, in the days after the Adelaide Venue Management Melbourne Victory lockout decision and, if so, what was the nature of those discussions? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: Yesterday, in question time the minister informed the house that after the fan ban decision Mr Kirchner is no longer the chief executive of Adelaide Venue Management and a matter concerning him is subject to legal proceedings.

The Hon. Z.L. BETTISON: Can I just get you to repeat the question?

The Hon. V.A. TARZIA: Certainly I am happy to repeat the question. Did any minister contact the Adelaide Venue Management authority or chief executive, Anthony Kirchner, in the days

after the Adelaide Venue Management Melbourne Victory lockout decision and, if so, what was the nature of those discussions?

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (14:34): I didn't contact Anthony Kirchner after that decision was made public. My conversations were with the chair of the board, Andrew Daniels, as I was informed that Anthony Kirchner was on sick leave.

SOUTH AUSTRALIAN FILM INDUSTRY

Ms HOOD (Adelaide) (14:34): My question is to the Minister for Arts. How is the South Australian government supporting the South Australian screen industry?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:34): Thank you to the member for Adelaide and, yes, I am very pleased to be able to talk about our support for the screen industry here in South Australia.

The screen industry is a really important part of arts, culture and creative industries here in South Australia. We have been committed over the past 18 months or so to supporting the sector, and this side of the chamber has been committed to doing that over 50 years. In fact, it was a Labor government under Premier Don Dunstan that set up the South Australian Film Corporation in 1972, which is an incredible part of our screen sector here in South Australia.

We also had former Premier Mike Rann invest $50 million to redevelop the Glenside precinct, where we have the Adelaide Studios. Also under a Labor government, we had the Adelaide Film Festival being established in 2003 to celebrate then the 30th anniversary of SAFC. Last night, we had the opening of the Adelaide Film Festival—a really important night to open the 2023 Adelaide Film Festival at the beautiful Piccadilly theatre in the member for Adelaide's electorate—and the first annual Adelaide Film Festival, thanks to the Malinauskas government.

Under this government, led by our Premier, we have invested in screen not only by bringing the Adelaide Film Festival in line with our other great festivals, by annualising it with a $2 million investment in last year's budget, but this year we also committed a further $2 million for the Adelaide Film Festival Investment Fund to help the festival in its mission to support local independent filmmaking.

The Adelaide Film Festival was the first Australian film festival to establish an investment fund of this type, and it has enabled premieres of over 150 projects over that time, including what have become global blockbusters. *Talk to Me* was at last year's festival closing night by the RackaRacka brothers, the Philippou brothers, and that has gone incredibly well in the United States and around the world. *Hotel Mumbai*, directed by Anthony Maras and starring Dev Patel, was also thanks to the investment fund.

This year's festival has more than 130 films with 43 countries participating. We have 27 world premieres and 38 Australian premieres taking place. Last night, when we opened the festival, we had two remarkable South Australian films: Kitty Green's *The Royal Hotel*, which stars Julia Garner and Hugo Weaving and was filmed here in South Australia and produced by Academy Award-winning company See Saw Films; and Elena Carapetis' *Blame the Rabbit*, which was an incredible short film that opened the film festival last night.

We close the film festival in about 10 days with *My Name is Ben Folds, I Play Piano*. That is directed by our incredible South Australian talented director Scott Hicks and supported again by the investment fund. We also have another Scott Hicks film with its world premiere here: *The Musical Mind*. That will explore the remarkable ability of four extraordinary musicians to channel their unique instincts and individual neurodiversity into sublime musical creations. To celebrate that world premiere, I am hearing whispers that the legendary David Helfgott and Silverchair's Daniel Johns might be joining Scott on the red carpet.

South Australia is increasingly being recognised as a powerhouse of screen in Australia and recognised around the world for its talents here. We continue to secure major screen projects, and the Malinauskas government is continuing to support the screen sector. In fact, additional support

includes the $5.2 million provided to the SAFC to partner with the ABC for some ongoing pipeline of quality Australian productions here in South Australia, and there are many other supports that we are offering the screen sector.

BEACH CAMPING

Mr ELLIS (Narungga) (14:38): I have a question for the Minister for Climate, Environment and Water. What is the government doing to address the side-effects of the rising popularity of beach camping? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr ELLIS: Over the October long weekend, as an example, hundreds of campers descended on Wauraltee Beach again and left quite a mess. The local action group has been working on a solution for two years, and there is a 2021 URPS report that proposes some solutions, but to date no resolution has been made and, with summer approaching, the problem is going to get larger.

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) (14:39): Yes, the question is well put, as is the explanation. Wauraltee Beach is a beautiful place to be; a lot of people feel the same way and it is causing quite a lot of damage and difficulty.

I am well aware of the issue and we are currently working through, as the member would be aware, questions about some restricted beach access. We have talked about having a trial of having some beaches closed off, partly at least for protecting hooded plovers but also generally seeing if we can better look after some beaches that are getting a bit thrashed. Part of that work is also looking at Wauraltee Beach, so I expect to be able to give some more information before too long.

MEMBER FOR MAWSON

Mr COWDREY (Colton) (14:40): My question is to the Minister for Tourism. Has the minister received a briefing from the member for Mawson since his return from Mexico?

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:40): I am more than happy to take this question. The member for Mawson has been doing some incredibly important work for the people of South Australia in his chairmanship of the Major Events Advisory Committee (MEAC). MEAC has been central to some of the policy decisions the government has made and some of the events we have been able to attract, including the world volleyball championships, or beach volleyball championships, we are set to enjoy in the not too distant future. This is actually quite a big event—

Members interjecting:

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

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: This is actually quite a big event and one that will generate a lot of activity for the state, and recently Mexico hosted the championships themselves and there was an opportunity for the member for Mawson to be able to travel to Mexico to witness firsthand to see exactly what is associated with this project—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —and this event. I look forward to him reporting back through the MEAC and the appropriate channels in due course.

Mr Patterson interjecting:

The SPEAKER: No, no, no. The member for MacKillop has the call.

GERANIUM PRIMARY SCHOOL SITE

Mr McBRIDE (MacKillop) (14:41): My question is to the Minister for Education. Can the minister provide an update to the house about the Geranium Primary School? Mr Speaker, with your leave, and that of the house, I will explain.

Leave granted.

Mr McBRIDE: The Geranium community have been very active and vocal in their desire for the old school site to be retained for community use for the benefit of the town and surrounding areas.

Members interjecting:

The SPEAKER: Order!

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (14:42): Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. B.I. BOYER: Thank you, Mr Speaker, and I—

Members interjecting:

The SPEAKER: Order! The member for Heysen, order!

The Hon. B.I. BOYER: I love all your schools—yours too, member for Chaffey. I am very pleased to have this question from the member for MacKillop about Geranium Primary School. For those in the chamber who may not be aware, services at the Geranium Primary School were actually suspended in September 2022 because there were no enrolments there and no students enrolled at all for the start of term 3.

Sadly, this is something that happens from time to time and it leaves communities and government as well with some very difficult decisions to make around what we do going forward around making sure there are education opportunities for the people living in those communities and around those communities but also what the education department actually does with the asset.

A ministerial review committee was established in November—that's the usual practice when a school essentially has zero enrolments—and, as part of that, the Geranium Forward Society, which is a group of local community members which had some very strong advocacy from the member for MacKillop, put a proposal to me as the minister through the member and the education department around what they could do to band together to try to keep the assets there at the school, and there are considerable assets at Geranium Primary School that are actually in pretty good condition as well for the local community.

I know members in this place would agree with me when I say it is very sad when you see small regional communities lose important infrastructure like schools. We know what it means in terms of the area's ability to attract other people to come and live there. As someone who grew up in a very small farming community of about 200 people, I completely understand the desire of people in that area to want to do everything they can to keep those assets in their hands.

I am pleased to advise the house that I travelled to Geranium in June this year and met the member for MacKillop and representatives from both the Geranium Forward Society and the local council to talk around what their vision for the site was.

The infrastructure I mentioned a moment ago includes a swimming pool, oval, multiple playgrounds, tennis and basketball courts and a standalone kindergarten as well. It is one of the very unfortunate things in the role that I have that it seems to happen quite regularly that schools running short on enrolments and facing the proposition of closing are sometimes those schools that have infrastructure in very good condition and sometimes those schools in regional areas that are growing quite quickly have infrastructure that needs upgrading. So I am glad and pleased to be able to tell

the house today that we struck an agreement with the Geranium Forward Society around keeping those assets that I mentioned operational and having them in the hands of the local community.

They have some very grand plans for what they want to do with them, which is great, and we will do what we can as a government, and of course the education department will do what it can, to support the local community to make it work. They are talking about bushwalking, outdoor education, sustainable farming education, the establishment of a playgroup and play cafe and using the library and the gymnasium still, along with ongoing maintenance of the swimming pool so it can still be used in the summer months for recreation and also, really importantly, particularly in small regional communities, for swimming lessons to make sure that young people in that area still have a place close to home to learn how to swim safely.

I will finish by thanking the member for MacKillop again. I would like to say that I think I have proven my sincerity over the first 18 months in this job that I will work with members on the other side, particularly in regional parts of the state, to try to do what I can to try to help with your schools and keep schools like Germanium Primary School either open or, at the very least, in the hands of the local community.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the member for Morphett, I acknowledge the presence in the Speaker's Gallery of carers today who are guests of the member for Adelaide and the Hon. Heidi Girolamo MLC from the other place. Welcome to parliament today. It's a pleasure to have you with us.

Question Time

FEDERAL VOICE TO PARLIAMENT REFERENDUM

Mr PATTERSON (Morphett) (14:47): My question is to the Minister for Industry, Innovation and Science. Did the Deputy Premier attend the advanced manufacturing in South Australia breakfast on 18 October 2023 and does she agree with comments made by Ms Power at the event? With your leave, sir, and that of the house, I will explain.

Leave granted.

Members interjecting:

The SPEAKER: Order!

Mr PATTERSON: It has been reported in *The Advertiser* on 19 October that during the Welcome to Country, Ms Power used a taxpayer event to call for the King to be dethroned, attacked no Voice voters for leaving her powerless and likened the referendum result to the war in Gaza.

Members interjecting:

The SPEAKER: 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) (14:47): Extraordinary. There are a number of ways of answering this question. First of all, the kind of state and country we live in doesn't seek to censor people who do Welcomes to Country. It doesn't say, 'Show us what you are going to say. Let us approve it.'

An honourable member interjecting:

The Hon. S.E. CLOSE: The question was: was I there? Yes, I was there. That was the first question. The second question that was asked was: do I agree with what Katrina Power said? Then there was a representation of what she said articulated that used the word 'attack'.

Katrina Power, like many Aboriginal people, is feeling sad because of the result of the referendum. However you voted, you can surely find it in your heart to understand that many Aboriginal people will feel sorrow about that result and, having been asked to come and do a Welcome to Country, might choose to express some of that sorrow to the audience, which is exactly

what she did. She did refer to being a republican. I'm not going to ask for a show of hands, but there would be a few people in this audience—

Members interjecting:

The SPEAKER: Order!

The Hon. S.E. CLOSE: —who would also be republicans. It is a view that Australians are allowed to hold. But what she did in welcoming us to country—and she did it sincerely to welcome us—was take the opportunity to share how she felt about a moment in Australian history.

Members interjecting:

The SPEAKER: Order, members to my left and right!

Members interjecting:

The SPEAKER: There are a number of exchanges which are continuing in breach of the standing orders.

The Hon. S.C. Mullighan interjecting:

The SPEAKER: The Treasurer is called to order.

Members interjecting:

The SPEAKER: Order!

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey!

Members interjecting:

The SPEAKER: Order!

The Hon. S.E. CLOSE: The implication of the question and in part in the tone in the article in *The Advertiser* was that there ought to have been some sort of public condemnation of a person who was experiencing sorrow and pain. I am not going to do that. I am going to understand that if a person wants to share how they feel about a moment in history where they feel that their community has been repudiated, they are entitled to express that because we are in Australia and Australia allows people to hold views and share their views.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The exchanges between the member for Chaffey and members to my right will cease. Member for Chaffey, your colleague is seeking to contribute to question time. The member for Hammond.

Members interjecting:

The SPEAKER: Order!

NORTHERN ADELAIDE VETERAN WELLBEING CENTRE

Mr PEDERICK (Hammond) (14:50): My question is to the Minister for Veterans Affairs—and I must say, welcome back, Geoff. Can the minister provide the house with an update on the northern Adelaide veteran wellbeing centre, including whether a suitable location has been determined?

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (14:51): Thank you to the shadow minister for veterans affairs, the member for Hammond. It is nice to be back.

Honourable members: Hear, hear!

The Hon. G.G. BROCK: I do miss the place actually. To the member I say that, together with the government, I am looking forward to tonight. To answer your question, the hub in the northern suburbs is a decision for the federal government as you are quite aware—the hub at Salisbury, the northern hub?

Mr Pederick: Yes.

The Hon. G.G. BROCK: Okay. The federal Minister for Veterans Affairs has indicated that he is going through the process in terms of the information, the submissions and things like that. Basically, the answer to your question is that no decision has been made as to a particular location at this point. However, I say to the member for Hammond, the shadow minister for veterans affairs, that, as soon as I find anything out, I am quite happy to give him a full briefing on the location. As we both agree and everybody in this house agrees, the health and wellbeing of our veterans is of the utmost importance to everybody in this chamber and in particular to their families.

We have got the Veteran Wellbeing Centre at Daw Park and the veterans' mental health facility, the Jamie Larcombe Centre. We have been down there. I know from the shadow minister's portfolio and also his compassion for veterans, we need to be able to look after them. To the member for Hammond, the shadow minister, I am quite happy, as soon as I get some more information, to share that with you directly.

COUNCIL FLAG PROTOCOLS

Mr TELFER (Flinders) (14:52): My question is to the Minister for Local Government. Does a mayor have authority to direct council administration in relation to flag flying?

Members interjecting:

The SPEAKER: Order! Minister.

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (14:53): Thank you, Mr Speaker. The shadow minister in his experience as a previous mayor and as the previous president of the Local Government Association and a previous past president of the Local Government Association is quite aware, I am sure, that unless it is a council resolution a mayor cannot interfere and direct administration on operational issues. However, there is a review going on, which I will be presenting at the AGM next week about some certain stuff. But, again, whilst that decision was made by the Adelaide City Council I presume—

Mr Telfer interjecting:

The Hon. G.G. BROCK: Sorry, okay. I apologise. I have only read about that one. Certainly no mayor has the direct authority to instruct the administration at this particular point with respect to operational issues.

COUNCIL FLAG PROTOCOLS

Mr TELFER (Flinders) (14:54): My question is to the Minister for Local Government. Has the minister provided guidance to local councils relating to flag-flying protocols? With your leave, sir, and that of the house, I will explain.

Members interjecting:

The SPEAKER: Order!

Leave granted.

Mr TELFER: In recent days—

Members interjecting:

The SPEAKER: Order! Members to my right, the member for Flinders has the call.

Mr TELFER: In recent days it has been observed that the Aboriginal flag has been flown at half-mast in various locations across the state which is contradictory to the protocols issued by the Department of the Premier and Cabinet's protocol unit.

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (14:55): Can I refer to the question of the shadow minister—the previous question. The answer is basically the same: no, the Mayor has no authority.

VANDERSTOCK HIGH COURT DECISION

The Hon. A. PICCOLO (Light) (14:55): My question is to the Treasurer. Can the Treasurer update the house on the potential impact of the Vanderstock High Court decision to South Australia?

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:55): I thank the member for Light for his question. This is an important issue, Mr Speaker. You will remember that during the time of the previous Liberal government they introduced a new tax on electric vehicles—a new tax. It was a great pleasure for us—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —on the Labor side of politics to point out how poor this policy of the previous Liberal government was. 'Oh, it's not a tax, it's a levy.' 'It's not a privatisation, it's an outsourcing.' Yes, keep digging. Yes, it's really convincing. So not only do we condemn those opposite for introducing the new tax and pointing out how bad an idea it was but now the chickens have come home to roost. While we were able to—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: The member for Chaffey, being a primary producer, is apparently the only one able to talk about livestock. Here we go. Now we have had the High Court determine what a wrongheaded idea it was by the previous government, and also by the Victorian government, to introduce this tax. It has now been thrown out, and not only has it been thrown out but we have had a judicial determination by the High Court on what constitutes an excise. Now states and territories are facing the prospect of potentially having their revenue bases placed under threat. This is the genius of those opposite and the administration of state finances.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: Not only try to hamstring the community's ability to take up electric vehicles by imposing a new tax on them but threaten the state's finances in perpetuity going forward. It wasn't bad enough for them to champion a poor GST redistribution in Western Australia's favour, saying it was 'a massive win for our state', to put that at risk, they were now caught out imposing taxes—

Members interjecting:

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

The Hon. S.C. MULLIGHAN: —which were struck out by the High Court, struck out by the highest legal authority in the land. Now other states and territories, including South Australia, are having to scramble to get legal advice on what the implications are for our own revenue base. Could you think of an approach more damaging to a government's capacity to provide services and infrastructure to its community by fundamentally undermining its revenue base? Absolutely extraordinary.

There are a lot of people in this place, including the leader and including the member for Hartley, who championed this measure—championed this measure. They stood in this place singing its praises, thinking that this was not only good for the state's renewable energy transition, but this was a good—

The Hon. V.A. Tarzia interjecting:

The Hon. S.C. MULLIGHAN: The member for Hartley says, 'Check the advice,' so apparently the Full Bench of the High Court is wrong, according to the member for Hartley.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: The member for Hartley is about to get the robes on—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: He is about to get the robes on—

Members interjecting:

The SPEAKER: The member for Colton, order!

The Hon. S.C. MULLIGHAN: —and go into bat for their failed public policy.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: Absolutely remarkable performance, Mr Speaker.

The Hon. B.I. Boyer interjecting:

The SPEAKER: The Minister for Education!

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: Not only are the South Australian Liberals responsible for taking steps to try to damage the state's take-up of electric vehicles they have now been found out, by the highest legal authority in the country, for damaging the state's revenue base.

Members interjecting:

The SPEAKER: Order! The Treasurer's time has expired. Order, members on the government and opposition side. The member for Heysen is seeking the call.

VERDUN INTERCHANGE

Mr TEAGUE (Heysen) (14:59): My question is to the Minister for Regional Roads. Will the minister commit to delivering the Verdun interchange upgrade and, if so, when?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:59): The Verdun interchange and the Mount Barker interchange are part of a package that the state government is delivering with the commonwealth government as a package of projects that are being committed through what was then labelled by the previous government as the Hahndorf package. That package is under review by the commonwealth government, as well as other packages across the nation.

The Hon. V.A. Tarzia: Still!

The Hon. A. KOUTSANTONIS: Yes, the 90-day review into its 121st day is going well. The federal infrastructure review is looking at a lot of infrastructure across the country. As far as I can tell, the reason this review has been commissioned is a failure of the previous Liberal government and the previous commonwealth government for leading projects that were undercosted, inadequately prepared and overpromised. They were overpromised to the extent that the previous commonwealth government and the previous Marshall government promised projects that they simply could not deliver within the budgets and frameworks that they had announced.

The Hon. V.A. Tarzia: They were ambitious.

The Hon. A. KOUTSANTONIS: Ambition is one word you could use for it; stupid is another, but I suppose members opposite can choose which one they like. Promising something you know you can't deliver is not generally wise or ambitious. It's not quite Kennedyesque saying, 'We choose to go to the moon, not because it is easy, but because it is hard.' It is more like, 'We think we can build this bridge for beans and mirrors,' versus it actually costing money.

I look forward to the outcome but, as far as the state government is concerned, we think the Verdun interchange is a good outcome and it is an important outcome. The Mount Barker interchange is an important piece of work that should be done. We look forward to doing it, but unfortunately the Hahndorf package that was announced by the previous government is simply undeliverable in its current package form.

Grievance Debate

NATIONAL CARERS WEEK

Ms PRATT (Frome) (15:02): We have millions of reasons to care; in fact, we have 2.65 million reasons because that is the national number of unpaid carers in our country today. Many unsung heroes are in the chamber with us, and I welcome them with sincere gratitude and respect for their contribution to their communities. From 15 to 21 October is when our nation recognises National Carers Week and brings awareness to a section of our society which can sometimes be and feel very invisible.

Today, we are able to show our sign of support with a wave and a smile due to the bipartisan work of the Hon. Heidi Girolamo MLC of the other place, of course, as well as the member for Adelaide across the chamber. They are co-convenors of the Friends of Carers group here at Parliament House and we welcome them. As parliamentarians, we are fortunate to have opportunities to bring attention to members of community who may need an extra level of advocacy to promote their existence and needs.

I call them unsung heroes because by their own values they are dedicated to the service of others. They make great personal sacrifices. They incur expenses driving around spending money on fuel, and of course their time is valuable. They take time off work. They juggle other commitments, which might include their own work or volunteering, raising children or playing sport. They are sometimes classified as the 'sandwich generation' because they are juggling raising children at the same time that they are caring for older parents.

Being a carer cannot really be defined because the nature of it really is tailored to the unique qualities of the person requiring care and support, which means they are a diverse bunch. Some of the reasons that people require care can be due to a physical disability, neurological diseases like dementia, stroke sufferers, people who are ageing at home and need domiciliary care, those who live in nursing homes and blossom with visitors, or those suffering with substance dependency.

I would like to give a special mention to people who are supporting family and friends through the experience of mental distress. It can be a very lonely and exhausting time, walking alongside someone you love who is weighed down by the debilitating symptoms of anxiety or depression.

Another group I would especially like to mention are young carers—children and young people 25 years and under who help to support a family member or friend living with a disability, mental illness, drug or alcohol dependency, chronic conditions or terminal illness or those who are frail. They are already facing challenges navigating this big world, with the pressures of cyberbullying, body image, academic expectations, and environmental and social responsibility, yet these young people show such maturity beyond their years to provide care for a younger sibling or a parent or other significant adult.

Carers Australia is the national peak body for carers and provides invaluable information on their website. For those who are listening, I would encourage them to go online and look it up. Today, I want to recognise the CEOs, chairs, executive members, board members and, most of all, carers who have come into the chamber today from the following associations: Carers SA, Carers and Disability Link (and I note the newly relocated team in my town of Clare), Carer and Community Support, Grandcarers SA, and Skylight Mental Health.

More than one in 10 Australians are carers. They are unpaid, they are kind and they represent 10 per cent of the country. There are, in fact, 2.65 million of them and they are amazing.

PARLIAMENTARY FRIENDS OF SA CARERS

Ms HOOD (Adelaide) (15:06): Give yourselves a clap! I want to first acknowledge, as well, all the carers in the gallery today, along with David from Carers SA and all the other organisations the member for Frome was talking about and acknowledging.

Why did we look to establish the Parliamentary Friends of SA Carers? On a personal note, more than 20 years ago, when I was a teenager, my mum was the carer for my beautiful stepdad, Patrick, as he bravely battled terminal cancer. He was only 44 and my mum was only 41. It brings me and my family a lot of comfort knowing that we were able to love and care for him at home as long as we could, particularly given how many trips he would make from Naracoorte to Adelaide to access chemotherapy and other treatments. Eventually, he was placed in palliative care and we had to say our goodbyes.

The thing is, I never really thought of mum as a carer. It was not until a few years later, when I was helping mum clean out some of the bathroom cupboards in our family home, that I came across the leftover medical equipment, the prescriptions, the syringes, and it really hit me: they were the reminders that our home had become a hospital.

That is something I want to point out today, that is, how important it is to identify, to recognise and to support those in our community who are carers but who might not know it and highlight the diversity of carers themselves and the diversity of their roles—because SA carers are unsung heroes. Every single day you are giving, you are caring and you are contributing immensely to our community.

People become carers in different ways. Sometimes they start helping out bit by bit; sometimes it happens suddenly because of an accident or illness. Carers can be any age. They can be parents, grandparents, partners, siblings, children, friends or neighbours. You can all take on a caring role at some point in your life, and for that I cannot thank SA carers enough.

To show our appreciation, the Hon. Heidi Girolamo MLC, who is in the other place and who joins us in the gallery today, and I, in a show of bipartisanship, joined together to establish the Parliamentary Friends of SA Carers, which we officially launched this afternoon in the Old Chamber. Our aim is to recognise you, to recognise carers, to provide some special events for you to come into parliament and connect and enjoy yourselves and, importantly, to educate both the members of parliament and our communities about the work that you do, the diversity of yourselves and your roles, and the supports that are available.

There are a million reasons to care, and this National Carers Week we celebrate the 2.65 million carers in our community. In South Australia, there are 245,000 unpaid carers, and 30,000 of them are young people aged between seven and 25 years. It is important to note that seven out of 10 carers are women and over one-third have a disability themselves.

Carers are people who provide unpaid care and support to a family member or friend who lives with a disability, mental illness, dementia, a chronic health condition, terminal illness, substance misuse or addiction, or who are aged. Carers are an essential part of our health system. They are the foundation of our aged, disability, palliative and community care systems.

Again, thank you to Carers SA—David, Helen and their team—whose skilled and professional staff work across country and metro South Australia supporting SA carers. Thank you to all of the carers who join us here in the parliament today and the many thousands across our state. We acknowledge your work and celebrate your incredible contribution to our community. Thank you.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the member for Flinders, I acknowledge the presence in the gallery of the Hon. Heidi Girolamo from the other place on this important occasion. Welcome.

Grievance Debate

NATIONAL CARERS WEEK

Mr TELFER (Flinders) (15:11): I, too, take the opportunity today to rise and speak about what has already been covered as such an important aspect of our community and such an important cohort of our community, and that is carers within our community. I am very pleased to speak today and join the others who are lending their voices to speak about carers and the great work that they do, because I do not think there is anyone in this place who would not have connections, constituents, people in their electorate who give so much of themselves in their role as carers. These wonderful people are selflessly looking after someone else.

As has been mentioned, the theme this year for Carers Week is 'Millions of Reasons to Care'. That theme in a way seeks to educate the general public about the work of the more than 2.65 million Australians caring for their family members or friends. Carers run the breadth of ages, from children caring for their older siblings or their parents, as well as older parents caring for their own children who may need more help as they grow old—possibly with a disability or just needing that extra support—through to foster carers or long-term carers to children they may or may not be related to.

It cuts across all cultures as well. The saying 'It takes a village' can be commandeered to the carer ethos. All carers balance their care work with their other responsibilities: paid work, study, family and the other commitments that life throws up, and oftentimes it takes more than one person to support one person: it takes a whole village.

On this Carers Week, the 31st celebration of it, we celebrate those in our community who do take on the burden of providing support to others. That number, 2.65 million carers, is an incredible one and, as the member for Frome has mentioned, it is one in 10 Australians. Every single one of us has a connection to someone who gives of themselves as a carer.

Currently in the federal parliament, there is an inquiry underway into the recognition of unpaid carers. That inquiry is currently accepting submissions, and one of the things that I hope comes out of this inquiry is a greater awareness and greater, as the title suggests, recognition for carers. This morning, a white paper from Siblings Australia was released, and that report spoke at length of the extraordinary role siblings play in the lives of their brothers or sisters with disability, lifelong care and especially when their parents age or pass away. They act as the main point of contact: advocates, service coordination and generally managing the professionals they have to work with to look after their sibling.

As the federal government also contemplates its disability strategy 2021-2031, those siblings will continue to play a key role in supporting their families, as well as with all carers. The same goes here in South Australia. As this government contemplates its disability inclusion plan, carers will play an important part and, as always, a large role in protecting, advocating and caring for those in our community who need it.

A couple of months ago, the shadow attorney-general and I had the opportunity to meet with representatives from The Carer Project. I recognise them in the gallery today. We spoke about the challenges not just of having to care for people but also of working through the system that surrounds and helps protect people within their care, and also the challenges of living a caring life 24 hours a day, seven days a week and still having to work within that system. It really highlighted to me that we as decision-makers need to make sure we are listening to people who are living with the challenges of being a carer and make sure we are making policy which appropriately reflects that. I know that the minister also understands that great responsibility that we have as lawmakers and legislators.

I want to especially note the extra challenges that regional carers face. As a representative of a regional community, I know that the distance away from support structures that can be put in place in a metropolitan area makes it an even greater challenge for carers in regional areas. I would really like to give a shout-out to carers within my electorate who have to do that extra work on top.

In closing, I also want to put on the record my thanks to my colleague in the other place, the Hon. Heidi Girolamo, for co-convening the Friends of Carers group with the member for Adelaide and for bringing this important issue to parliament in this fashion. It is important we reflect and recognise those in our community who are carers.

NATIONAL CARERS WEEK

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (15:16): Happy National Carers Week, and a big naa marni to everybody in the gallery today. It is a time to thank and recognise the really important role of carers. That role is so diverse in its nature. In a broad sense, carers provide unpaid support to friends, to family, to people they love, to neighbours, to people that they recognise need a bit of extra support. This might be practical help in terms of everyday tasks, but in the main it is emotional support—it helps with the wellbeing of people in the community who, without that, would be isolated and left quite vulnerable.

The vital role is undertaken in our state by about one-quarter of a million unpaid carers. If we want to be economic about it, it saves millions and millions of dollars to the community in terms of health and other support needs that would otherwise have to be funded. But importantly, as carers, it helps to show people that they are loved and respected. You do not have to look far to find a carer. They can be hard to pick because there is no badge and no label, but if you look very carefully you can just see excellent people doing wonderful things.

There are a number of carers in the gallery today. The organisations have been acknowledged. Of course, I work very closely with Carers SA, and CEO David Militz and chair Phil Martin are here representing and supporting people. As the member for Flinders said, The Carer Project is also very important because it is a different form of care and support for highly vulnerable young people: foster and kinship carers. I know that the Minister for Child Protection has recently started establishing a care council for particularly that cohort in order to help represent it better.

Lucy Hood, member for Adelaide, and Heidi Girolamo from the other place, I look forward to supporting you as you embark on having your Friends of Carers in parliament. It is a really important role and I look forward to supporting both of you to do that. I would like to take the opportunity to note that we are now undertaking a review of the Carers Recognition Act for the first time in more than 10 years, so please have your say on YourSAy or email: carersactreview@sa.com.au to play a part.

Around 30,000 or so young carers play a huge role. I would just like to acknowledge one from my area a bit more personally. I am unable to personally acknowledge Ayla, because Ayla would love to have joined us but she is a young carer for her beautiful little brother and they go horseriding at this time. There is no way she would be allowed to not do that role, so that is much more important.

Ayla's baby brother was born with a number of significant health challenges and additional needs. Ayla was not just making sure her mum had enough Chux towels—and we know what they are. She soon was helping to change nappies and later helping to prepare brekkie and lunch for her little brother. She has additional responsibilities in this. She is not just an extra set of hands but she is a second set of eyes and ears. When her friends come over, Ayla does not ask her little brother to leave the room; she includes him in all the things they do, even the complex homework I am told, and they do that together. He wants to play and receive attention at that time, but I am told Ayla would not do anything else.

Caring can be incredibly hard work but there can also be incredible joy. Ayla's brother is easy to love. He is one of the sweetest, cutest, kindest most polite little men I have ever met. He has such a sensitive heart. He is going to do amazing things in part just because of his own tenacity, but also because of Ayla. He is learning albeit a little bit slower than his mates, but Ayla has been teaching him to make toast, showing him the routine required to get out the bread and the butter, and put the bread in the toaster and do all those things. He is learning in a patient, caring and loving way in a way that only a sibling can provide. I look forward to further interrogating the siblings' report that I also have started to read.

I think Ayla is a Levi interpreter—Levi is his name—ensuring he is following conversations when they are a little bit more complex or when people use the inflection in their voice that makes it hard for Levi to work out what they are saying. She translates back when required.

Ayla is now a teenager. She does not actively share her role as a carer. In fact, as mentioned, she would perceive herself as just playing with and loving her brother as a sister does. But she is a young carer. She cares for her brother, and this care is imperative in his wellbeing—not just for Levi

but the entire family. So I commend Ayla and the many other young carers who contribute to their community all in a deep and meaningful way. I thank all carers for what you all do every day, and I look forward to continuing to work with you to make caring an easier thing to do.

NATIONAL CARERS WEEK

Mrs HURN (Schubert) (15:22): I start by acknowledging all the carers who are here with us in the gallery today in what is National Carers Week. So many people have shared really eloquent experiences and reasons for why, together with the honourable member from the other place, Heidi Girolamo, and the member for Adelaide, we are wanting to establish this parliamentary friends group. It is really important, but what I want to say is that we all see you.

We all have our personal experiences but often, as carers, so much of the focus is put on the person you are caring for, and often there can be mixed emotions about who is looking after you because you give so much of yourself obviously for the people you are caring for.

My nan was a carer for many years. My pop was a double amputee above the knee, and that happened very late in life—so some really big adjustments have to happen. As I am looking out and seeing all of you, I am really looking forward to hearing all of your individual stories as we are having our refreshments in the other place and to pick up on some of the actions that we can do here in the parliament, working in very much a bipartisan way to make your lives easier.

Having a lived experience and sharing that is really critical to be able to start and to generate that change, and to see so many of you here today is really fantastic. I know that many members are focused on this, but I give a particular shout-out to the younger carers. I can see some of you here in the chamber, and there are a number of them in my local electorate of Schubert. You carry the burden with such passion and ease, and the minister was just reflecting on it earlier.

Young people in particular do not necessarily see themselves as being a carer. You see it as something that you do out of the love and compassion of your own heart just to be able to help your brother or your sibling, so I think that that is particularly so impressive. But it does come with significant burden, and that is something about the mental health aspect, which the member for Frome, who is also the shadow minister for mental health, and I and right across the chamber are really passionate about.

If I could speak about something at the local level, this is part of the reason why I am spurred on to push for a Headspace to be established in the Barossa Valley. I think that support for young people, regardless of whatever challenge you are going through, is absolutely critical. In my region of the Barossa, which in many ways is just a stone's throw from this place, it is only an hour away, the access to the mental health services is really frighteningly scarce and the additional challenge and the build-up of emotion that that puts on young people is something we need to address. That is why we have launched a campaign, myself and the federal member for Barker, Tony Pasin, to establish a Headspace in the Barossa.

One thing that I have found particularly affronting in a recent report that came out is that when it comes to access to health care and psychologists and psychiatrists across the state, internationally Adelaide is on par with countries like France and Norway, but if you are in rural South Australia you are actually on par with a country like Mongolia. I do not understand how that is possible in this day and age, and that is something we need to address.

Having a one-stop shop for people of all ages, particularly young people at such a critical part of their learning and their growing in their journey to wherever else they are going, I think is really important. Having a bricks-and-mortar one-stop shop is critical in helping to break down the stigma of mental health, to help people work through the challenges of mental health. That is just one aspect, and that is speaking with my local member hat on.

To all of you here, again, we do see you and we sincerely thank you for all the work you do. I have not been a carer myself, but having seen loved ones perform that duty I know it comes with mixed emotions and I know that often you can feel as though you are not supported yourself, so that is something I think, together with the member for Adelaide and with the honourable member from the other place and across party lines, we can work together on and really make sure we see some action in that space. Thank you.

NATIONAL CARERS WEEK

Ms THOMPSON (Davenport) (15:27): It is also a pleasure for me to speak today to acknowledge and celebrate National Carers Week. I would like to take this opportunity to express our deepest gratitude and appreciation for the tireless dedication and invaluable contributions of the more than 245,000 carers here in South Australia, some of whom are here today. Thank you, and thank you for joining us today.

We have heard a little bit about this today, but I was particularly surprised and impressed and just a little bit heartbroken to learn that of those 245,000 carers here in our state 30,000 are caring from the age of seven to 25. I met some of them recently and they are pretty outstanding individuals. As we heard from other speakers today, carers can be any age. We have carers who are parents, grandparents, partners, siblings, and of course children.

I think until you have been a carer or you have relied on one, it is difficult to comprehend just how much these people give of themselves, or yourselves when you are providing essential support and care to your loved ones. Their role extends far beyond the physical aspects of care, reaching into the realms of emotional support, companionship and understanding. In the quiet corners of our neighbourhoods, carers perform daily acts of kindness, often without recognition or applause. They sacrifice their own needs and desires to nurture and enhance the lives of those they assist, strengthening the fabric of our communities.

This Carers Week is a great opportunity to reflect on the immense impact that carers have on our lives. To share a little bit about my experience with carers, my stepfather never thought he would lose my mum so early on in their marriage. They were living the dream, travelling the world, often hosting big parties at their home. Mum was the life of every party. My stepdad never thought that she would lose the ability to walk and talk and feed herself. He never thought that he would become a carer, particularly so soon.

But he took on all those responsibilities. He ordered the equipment, dished out all the meds, changed her feeding tubes, showered her and on top of all that, and many other tasks that he never thought he would have to do, he had to keep it all together emotionally. His heart was breaking on the inside, but on the surface everything was fine. He put on a smile most days and he did everything he could to make sure my mum's days were as good as they could be, and I will be forever grateful for that.

He put her first and he stayed strong for her, and I know that that is a lot of what you all do for the people you care for, too. The compassion and kindness of carers is a continuous reminder to us that love knows no bounds and that together we can build a society where care and empathy are at the forefront.

I would like to acknowledge the good work of Carers SA, which does an amazing job in our state providing a number of services and essential support for carers. To all carers out there in our state and who are here today, we extend our heartfelt appreciation and deepest thanks for your selfless service. You inspire us to be more compassionate in everything that we do.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (15:31): I move:

That the house at its rising adjourn until Tuesday 31 October 2023 at 11am.

Motion carried.

Bills

STATUTES AMENDMENT (OMBUDSMAN AND AUDITOR-GENERAL) BILL

Second Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (15:31): I move:

That this bill be now read a second time.

This bill makes some modest amendments to the Ombudsman Act 1972 (Ombudsman Act) and the Public Finance and Audit Act 1987 to update the terms and conditions of employment of the Ombudsman and the Auditor-General and to provide a review of the Public Finance and Audit Act 1987 within two years.

This bill contains a number of amendments made in the Legislative Council. At the outset, I indicate that the government intends to progress this bill in its current form inclusive of the amendments made by the Legislative Council. This bill arises following the decision of the Ombudsman, Mr Wayne Lines, to resign from his role at the end of this year and the Auditor-General, Mr Andrew Richardson, approaching retirement age.

Mr Lines was appointed as the Ombudsman by the then Governor in Executive Council following a recommendation by resolution of both houses of parliament on 18 December 2014. Having served as the Ombudsman for over nine years, Mr Lines has had an impressive career in the Public Service and legal sector. Before his appointment as the state Ombudsman, Mr Lines served as the South Australian WorkCover Ombudsman from 2008 to 2014 and this is a first. I met Mr Lines and had the pleasure of working closely with him during my time as the secretary of SA Unions. Prior to that, Mr Lines worked in the legal sector, including 16 years in the Crown Solicitor's Office.

As South Australia's sixth Ombudsman, Mr Lines has played a vital role in holding government and public servants to account. He has always carried out his work with the utmost professionalism and has considered matters in an impartial and even-handed manner. On behalf of our government, I thank Mr Lines for his longstanding service to the South Australian community and I wish him and his family all the very best for the future.

The Governor in Executive Council appointed Mr Andrew Richardson as Auditor-General in South Australia from 1 June 2015. Mr Richardson continues in the role of Auditor-General, but is approaching the age of 65, at which time the office will become vacant. Members would be well aware of the important work of the Auditor-General in auditing the financial reports and operations of government and departments and local governments around the state.

The Auditor-General's annual report is an important process in identifying issues and maintaining high standards of accountability across government. Similarly, the opportunity for members in each house to scrutinise ministers on the content of those reports is an important annual convention. On behalf of members and the government, I would like to thank Mr Richardson for his important service to the state and I wish him well for the future.

I now turn to the substance of the bill. The Ombudsman Act currently has no set term of appointment for the Ombudsman. Instead, it provides that the Ombudsman's appointment expires on the day on which the incumbent attains the age of 65 years. Following the announcement of his resignation, Mr Lines wrote to the Attorney recommending that section 10 of the Ombudsman Act be amended to reduce the term of appointment for the Ombudsman to seven years with eligibility to be reappointed to a maximum term of 10 years.

The Ombudsman noted that this provision means that a person over the age of 65 years could not currently be considered for the position, whereas a person appointed at the age of 40 could hold tenure for 25 years. He also noted that a seven-year term of appointment with a possible further three years is consistent with the term of office for other statutory officers. Unlike South Australia, Ombudsmen in all other Australian jurisdictions are appointed for a set term, and there are no age restrictions on the tenure of their office.

In the commonwealth, New South Wales and the Australian Capital Territory Ombudsmen are appointed for a set term not exceeding seven years and are eligible for reappointment. By contrast, in Queensland, Western Australia, Tasmania and the Northern Territory Ombudsmen are appointed for a set term of or not exceeding five years and are eligible for reappointment up to a maximum term of 10 years in total. In Victoria, the Ombudsman is appointed for a term of 10 years but is not eligible for reappointment.

In anticipation of the forthcoming vacancy in the Office of the Ombudsman, and as recommended by the incumbent, this bill amends the Ombudsman Act to:

- provide that the Ombudsman is to be appointed for an initial term of seven years but is eligible for reappointment provided that the total term does not exceed 10 years; and
- remove the age restriction, which provides that the Ombudsman's term of office expires on the day on which they attain the age of 65 years.

During the course of preparing the amendments to the Ombudsman Act, it was identified that similar provisions apply to the appointments of the Auditor-General, which are also out of step with the other jurisdictions. The Public Finance and Audit Act 1987 currently has no set term for the appointment of the Auditor-General. It provides that the Office of the Auditor-General becomes vacant if the Auditor-General, amongst other things, attains the age of 65 years.

Similar to the issues raised in relation to the Ombudsman Act 1972, a person over the age of 65 years cannot be considered for the position of Auditor-General when it becomes vacant and a person appointed at age of 40 could hold tenure for some 25 years. Unlike here in South Australia, Auditors-General in all other Australian jurisdictions are appointed for a term and there are no age restrictions on the tenure of their offices.

In Queensland and the Australian Capital Territory, the Auditor-General is appointed for a period of seven years and is not eligible for reappointment. In Victoria, the Auditor-General is appointed for a fixed term of seven years, however is eligible for reappointment. In New South Wales, the Auditor-General is appointed for a fixed term of eight years and is not eligible for reappointment. In Western Australia and Tasmania, the Auditor-General is appointed for a fixed term of 10 years and cannot be reappointed for a term exceeding 10 years.

Mr Richardson is soon due to reach the maximum statutory age limit permitted for a person to hold office as the Auditor-General, being 65 years of age. Upon attaining 65 years of age, the office of Auditor-General will become vacant. Accordingly, the bill amends the Public Finance and Audit Act to:

- provide that the Auditor-General is to be appointed for an initial term of seven years, but is eligible for reappointment, provided that the total term does not exceed 10 years, including any period acting in the office of Auditor-General;
- remove the age restriction, which provides that the Auditor-General's term of office expires on the day on which they attain the age of 65 years; and
- the salary and allowances of the Auditor-General will be determined by the Remuneration Tribunal (as opposed to the Governor).

The above approaches for the Ombudsman and the Auditor-General are similar to the terms and conditions of appointment for the Independent Commissioner Against Corruption, the Director of the Office for Public Integrity and the Judicial Conduct Commissioner, each of whom are appointed for a set term not exceeding seven years and are eligible to be reappointed provided that their tenure does not exceed 10 years in total.

I note that for many years that practice has been for the Auditor-General's remuneration to be determined by the Remuneration Tribunal, notwithstanding the reference to the Governor in the act. To that end, the bill does not make a practical change to the current arrangements but will confirm them in legislation.

It is intended that these amendments will apply to the appointment of the next Ombudsman and the next Auditor-General. Given this, it will be important for these amendments to commence prior to the appointment of the next Ombudsman and Auditor-General. In the event of a vacancy in the office of the Ombudsman, the matter of inquiring into and reporting on a suitable person for appointment is referred to the Statutory Officers Committee of the parliament. The committee will work with the Statutory Officers Committee to undertake this process as required by the Ombudsman Act.

In contrast, the Auditor-General is appointed by the Governor in Executive Council. The government is currently undertaking a recruitment process in relation to the appointment of the next Auditor-General, which will be considered in due course. Finally, the bill also provides for a review of the Public Finance and Audit Act 1987 to be undertaken within two years of the commencement of

these amendments. I commend the bill to members, and I seek leave to insert the explanation of clauses into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of *Ombudsman Act 1972*

2—Amendment of section 10—Term of office of the Ombudsman etc

Currently, the Ombudsman holds office for a term expiring on the day on which they attain the age of 65 years. The amendment proposes to amend this to provide that the initial term of appointment of the Ombudsman is for a period of 7 years. Proposed new subsection (1a) provides that a person appointed to be Ombudsman is, at the end of a term of appointment, eligible for reappointment but cannot hold office for terms (including any term as Acting Ombudsman) that exceed 10 years in total.

The other amendment is consequential.

Part 3—Amendment of Public Finance and Audit Act 1987

3—Amendment of section 24—Appointment of Auditor-General

This clause proposes to amend section 24 to provide that the initial term of appointment of the Auditor-General is for a period of 7 years. Proposed new subsection (2a) provides that a person appointed to be Auditor-General is, at the end of a term of appointment, eligible for reappointment but cannot hold office for terms (including any period acting as Auditor-General) that exceed 10 years in total.

The clause also proposes to provide that the Remuneration Tribunal, rather than the Governor, will determine the salary and allowances of the Auditor-General.

4—Amendment of section 27—Vacation of office of Auditor-General

This amendment is consequential.

5—Insertion of section 42A

This clause inserts section 42A as follows:

42A—Review of Act

This section requires the Minister to cause a review of the operation of the *Public Finance and Audit Act 1987* to be undertaken, and a report prepared and submitted to the Minister, within 2 years of the commencement of the section. The report must be laid before both Houses of Parliament within 6 sitting days after receipt by the Minister.

Schedule 1—Transitional provisions

1—Transitional provisions

Transitional provisions are set out for the purposes of the measure.

Mr TEAGUE (Heysen) (15:42): I rise to indicate the opposition's support and also to indicate that I will be the lead speaker for the opposition. I will make some observations about how we got to this point in what is a fairly short but important piece of legislation to provide for the term of the Ombudsman and the Auditor-General at a time when, as it happens—it is extraordinary to reflect on some of these coincidences, notwithstanding these are both roles that under the present arrangements might be held by both incumbents over a long period—we find ourselves in circumstances where both will be bringing an end shortly to their long and distinguished service.

In the case of the Auditor-General, it is because Mr Richardson reaches the retirement age that is provided for subject to the current legislation, and, as the minister has indicated, in the case of the Ombudsman, Wayne Lines has indicated and we know that he will be retiring later this year. As is a sign of the diligence of Mr Lines, in the process of his departure he has made an observation in relation to a reform step that ought to be applied to bring, in his case, the term of the Ombudsman into line with other like roles—indeed, roles that one might compare, and we have heard from the minister, interstate by moving away from a retirement age and instead appointing the Ombudsman

for a term, and that has provided in the circumstances an opportunity to consider the situation as it applies to the term of appointment for the Auditor-General.

It is good to make clear at this point that what we have, in what is a short piece of legislation that deals essentially with those two topics and then a couple of further beneficial matters, albeit succinctly over a couple of pages, is a bill that is really very much the product of the work of the opposition and the crossbench. I recognise those members of the crossbench in another place, in particular the Hon. Connie Bonaros MLC for her work in bringing amendments—not only a thoughtful contribution to the amendments to the term for the Ombudsman and the Auditor-General but for bringing to the fore the formalisation of this longstanding practice of determining the salary of the Auditor-General and in terms of review of the act.

To be really starting from the start, I join with the minister in expressing thanks on behalf of the opposition and also personally to Ombudsman Wayne Lines for his long, capable and dedicated service in the role of Ombudsman for the state of South Australia. I know Wayne, having got to know him further in his role as Ombudsman, and I have seen him in action. In the brief time that I was minister responsible, I had the occasion to visit with his team and to see the way in which the Ombudsman's office conducts its work.

I certainly congratulate and thank Wayne Lines for his work as Ombudsman over these many years. I do not know whether it was his intent, but he has certainly served for a period of time that one might now expect under the new regime, served over an extended period. He has demonstrated the merits of an appointment over such an extended period for an independent officer, and I think it is fair to say that those on all sides have observed his capacity to do his work as Ombudsman without fear or favour, with skill and with expertise. I certainly wish him well on his retirement—if that is what it is—and in terms of future endeavours, and I am sure that all members of this place will join with me in those sentiments.

Of course, I extend the same thanks, respect and regard to Mr Richardson on his retirement from the role of Auditor-General—also a role in which he has served now with distinction over an extended period of time. There will be a moment to return to this particular aspect, but I think what we have seen from the Auditor-General is the very model of an independent office of probity dedicated to discharging those statutory obligations and from a point of view of fearless independence.

We have seen that on display at all times, but perhaps no more so than in the months since March 2022 and the advent of the Malinauskas Labor government, because the Auditor-General has been very clear about the requirements that he needs met in order to discharge his functions. Sadly, the circumstances he has faced since March last year have prevented him from doing so.

It is well that the minister says that the annual report of the Auditor-General is an important document. It is; it is a hugely important document, and the parliament is in the practice of setting aside a period of time specifically for the purpose of considering the matters contained within it. We pause for a moment and think on that: the parliament has a whole range of duties and business before it at all times, but the fact is that on this very day we have considered and formalised the process by which the parliament will devote its entire attention to the analysis of the annual report of the Auditor-General.

There is perhaps no better opportunity to highlight the fact that on that very occasion we will be forced, as a parliament, to consider an annual report that the Auditor-General describes as necessarily incomplete, a report about which, in significant material respects, the Auditor-General has sadly been forced to observe that he is unable to form an opinion in respect of significant transactions.

I will come back to the particulars of that important step, indeed back to the previous report of the Auditor-General, in order to illustrate just how important the annual report is to this place and to the people of South Australia in terms of being able to analyse the probity of government decision-making agency by agency, particularly with respect to significant projects.

For the moment, I thank Mr Richardson for his work over the whole period of his time as Auditor-General. The most recent annual report, and his observations in relation to access to cabinet

documents, serve, for these purposes, to highlight the need, where we come to reform the terms upon which the Auditor-General is engaged, to provide certainty of tenure, so that the Auditor-General and the Ombudsman can be sure to be exercising their functions without fear or favour and independent of influence in any way.

So important is that imperative that when this bill was introduced by the government not so very long ago, against the background of what I have just described in terms of the Ombudsman's plans and the Auditor-General's imminent retirement, in response to the Ombudsman's suggestion perhaps—and this might have arisen anyway—the government's proposal was, 'Well, in respect of both offices there will be appointment for a term not exceeding seven years.'

To track through the steps of response, the opposition's response to that was to say, 'What we need in order to fulfil these objectives is to ensure that there is certainty of tenure over an extended period of time.' We cannot be in a situation where the government of the day might like to make an appointment up to the time of an election, or might like to just give enough tenure to have a bit of a look at the officeholder and if impressed then provide some extra term or something of that nature, where there could be any possibility that the incumbent would somehow be beholden in terms of their tenure, at least as far as the substantial term is concerned, to any variation from government.

The government proposed a term not exceeding seven years. The opposition proposed setting that initial term to a period of seven years. I am glad that the government has adopted that proposed change. We see that in clause 2(1) and in clause 3(1) in respect of the Ombudsman and the Auditor-General respectively, and that is a good thing.

Something that gave us, perhaps, comfort in terms of heading in that direction came more or less simultaneously at the time of first consideration of the bill from the Auditor-General, who said that the Auditor-General's preference would be, like the Ombudsman, to move away from the statutory retirement age and, rather than have any element of the potential for extension of variation simply, to have an appointment.

My recollection is that the Auditor-General was of a view that that ought to be for a period of 10 years. I think there is a lot to commend about that view. Ten years is clearly a substantial period of time that extends well beyond the term of any single term of government, and it has the virtue of being both not subject to variation and not subject to any seeking of favour, as it were, with a view to extension.

The bill as amended, therefore, has set a fixed term of appointment in respect of both, and the same term. Those who look for uniformity in these matters will be pleased to see that in respect of these two important independent public roles there is the establishment of this fixed term of seven years and there is the possibility to make comparative analysis with other independent roles, and it is a good thing.

In respect of both, there is preserved the possibility or the eligibility for reappointment, in each case for a period so that the total term does not exceed 10 years. I hope that has some practical dividend, in that it will afford the possibility, for circumstances of necessity or desirability, to make a short extension of the term beyond that fixed term of seven years. In striking the right balance in these things, it might be observed that the initial term of seven years is really what ought to be providing the bulwark of independence to the role, while the possibility to extend for a further short period of time might be a practical measure in circumstances that might confront government from time to time.

In respect of the Auditor-General, clause 3(3) goes on to formalise what I understand and the minister has observed is a longstanding practice. The Remuneration Tribunal sets the relevant salary. It is a good thing that that is formalised and will bring it into line with a range of other roles. I recognise the work of the Hon. Connie Bonaros MLC in bringing that forward, as I understand it, in another place, together with provision for review of the act. We have taken the opportunity to introduce those measures.

The substantive part of it that those following the debate in the circumstances of the present time will be able to draw assurance from is sending a clear indication that the person appointed in both respects will be expected to continue in exactly the same way as the Ombudsman and the

Auditor-General do now, as roles that are the subject of appointment independent of government and able to provide their fearless interrogation of government process.

To put that matter into even more immediate focus on a day when the state's national newspaper has emblazoned on its front page three words—'Super Sized Secret'—in respect of a matter that has occupied now some significant part of the interrogation of the government over the last two days in relation to a cybersecurity breach that we have not heard about until probing questions from the shadow treasurer and from the Leader of the Opposition at question time in this place, South Australians will be reminded, as they look at the state's national newspaper and its front page, of what has been a track record of this government, over the course of this last period since the election in March last year—at a variety of turns, in a variety of contexts, and concerning a variety of subject matter, where confronted with the possibility—to suppress, to keep secret, to keep behind closed doors, to prevent the public from access and to keep transparency away by whatever means it can. The eyes of the public will be well and truly trained on measures that would provide for the tenure of those who would fill these independent probity roles.

We bear in mind that, in the context of this increasingly dark cloud hanging over transparency in government in South Australia, a few short weeks ago, when met with the impending resignation on the one hand and end of term of another of two very important probity officers, the initial form of the legislation that was introduced into this parliament would have provided for the possibility for the government of the day to appoint the Auditor-General for perhaps a year to start with to see how they go, to see what sort of prods they put into the government, to see how much difficulty they make for the government and maybe to be extended from there. One can see the obvious practical difficulty in terms of independence in those circumstances.

Agree or not with those issues of concern from those who are in these probity roles, I think we can all see that, if you are going to shine a light on government from one of those roles, then you are going to need to have the certainty of tenure with which to do it. So there is good cause for concern, and there is good cause to keep a close eye on a proposal that comes along that might chip away at that in circumstances where the front page of the paper on the day the matter is being debated is headed 'Super Sized Secret' because it comes against a background.

When we go right back to the beginning of sittings following the election back in March in what I thought was an inadvertent misstep by the Manager of Government Business, we saw on day one the removal of the time period for the answering of questions on notice, something that had been applied throughout the course of the Marshall Liberal government. No longer is there a deadline for response to questions on notice, and we saw what ensued.

We saw the response. the heightened concern about a lack of transparency. I think the headline was something along the lines of 'secret state' in response to that immediate action, and we were all put on notice: 'Hang on, this looks like we might have now just seen the commencement of a government that is going to be a bit prone to taking steps to keep things from the people of South Australia if it can possibly manage to do so.'

As I say, it is important, as the minister observes, to reflect on the importance of the Auditor-General's annual report, an important document as it is. I will come back to Report 7, which preceded it by just a few short weeks. In the annual report, Report 8 of 2023 of the Auditor-General, at page 7 of the Executive Summary it makes a startling observation. There, the Auditor-General refers to previous reports before making the observation that I referred to earlier. It is under the heading 'Limitation of scope: inability to form an opinion on whether transactions were conducted properly and in accordance with law'. The Auditor-General says, and I quote:

> As I have indicated in previous reports—

he is there referring chiefly to Report 7 of 2023, and I will come back to it in a moment—

> Cabinet approval, obtained through Cabinet submissions, is a key element in administrative processes in South Australia. In particular, Cabinet approvals are required for transactions above thresholds established in Treasurer's Instructions 8 Financial Authorisations and 17 Public Sector Initiatives and in relation to transactions involving real property under Premier and Cabinet Circular PC 114 Government Real Property Management.

The Auditor-General continues:

I summarised our experiences with accessing Cabinet documents in recent years in my latest report, Report 7 of 2023 Access to Cabinet documents, which I delivered to Parliament in September 2023.

I pause there. I have that to hand, as do all members of this place, and in this regard I have reflected on the importance of all of us as members of the parliament having a sufficient self-respect as a parliament as distinct from the executive closely to read and to consider the concerns raised by the Auditor-General in this document, because, what do you know, a few weeks later the Auditor-General is wanting to come along to us with the document that the minister has described just now as an important document, the annual report, and not be in a position to say what he then has to say at the bottom of page 7, and I quote:

In 2022-23, I sought access to evidence of approvals by Cabinet to be able to conclude on whether selected transactions had been undertaken 'properly and in accordance with law' as required by the PFAA. I was not provided with that evidence and so I am unable to form an opinion on the extent to which transactions associated with them were undertaken properly and in accordance with law.

Here I am quoting the Auditor-General, because he provides a list, and it is not a short list. He says:

The following is a list of the items for which I requested evidence of Cabinet approval in line with established practice:

I will come back to Report 7 which spells out what established practice is—self-respect, folks.

What were they? First, he requested evidence of cabinet approval in line with established practice of approval—and they are not small items—for the relocation of the new Women's and Children's Hospital and the associated cost increase—not able to form an opinion as to the extent to which that transaction was undertaken properly in accordance with law. What a shameful reflection that is on probity and transparency of the current government. Secondly, he requested approval for the modified design and cost of the north-south corridor Torrens to Darlington project—unable to form an opinion on the extent to which that transaction, and transactions associated with it, was undertaken properly and in accordance with the law.

The people of South Australia deserve better, and we are hearing it these very days from the Auditor-General. This is the importance of tenure over an extended period of time for the Auditor-General. You need a fair degree of independence to be able to speak this kind of plain truth to a government that is avoiding the provision of documents in line with established practice and all members of this parliament ought to be concerned with this as a matter of high priority.

The occasion that the parliament will have to analyse the document, defective as it necessarily is in the light of the limitations placed upon the Auditor-General, is in just a few days' time. We have moved in that way on 31 October and in the days following. But do not expect to see there a confident view, or indeed any opinion, from the Auditor-General as to the lawfulness or the properness of decisions in respect to the Women's and Children's Hospital or the north-south corridor's Torrens to Darlington project. That is just the first two. The Auditor-General goes on, and it is important for the parliament in the context of the debate as we move to ensure the certainty of tenure of whoever might fill this important office in the future.

Thirdly, there is the approval for the amended expenditure total for the Darlington upgrade project and approval for the implementation and associated costs of expanding the electronic medical record system (EMR) to country local health networks. He cannot form an opinion on the extent to which those transactions were taken properly and in accordance with law. It is extraordinary. There is also approval for the procurement process for the replacement of Masterpiece as the main accounting system used by most of the SA government.

So far, we have the most significant hospital project on the go, the most significant transport and infrastructure project in the state's history and the electronic medical records system for local health networks, but it goes on. It includes the approval of the contracts for the South Australian Housing Trust maintenance services, the approval of the Department for Education's waste management service contract, the approval for the return of rail service operation to the SA government and associated contractual arrangements, and the approval of the business case and associated expenditure for the Adelaide Botanic High School expansion.

This is a catalogue of the significant, if not all, capital projects involving expenditure by state government over the relevant period and here we have the Auditor-General, thankfully, by virtue of

the integrity of the office, saying in the boldest of terms that, because he was not provided with the evidence ordinarily provided, he is unable to form an opinion on the extent to which those transactions were proper or lawful. He goes on:

- approval for the transfer of land associated with the Festival Plaza from the Department of the Premier and Cabinet to the Urban Renewal Authority
- approval for the approach to the Hahndorf township improvements and access upgrade
- approvals for specific settlements associated with the compulsory acquisition of properties for the north-south corridor
- approval for the disposal of surplus land; and
- approval for the Adelaide Aquatic Centre replacement approach.

We remember that, yet that famously is the subject, as we know, of an election commitment and one that the new government was keen to promote and to bring very much to the public view.

We then know, because the minister has told us recently, that it is the subject of a significant cost blowout, and the specification for it has led to some controversy, but the Auditor-General is not in a position to offer an opinion about whether transactions associated with that were taken properly and in accordance with law because he requested evidence of cabinet approval in line with established practice and he was not provided with the evidence. That is a disgrace. He goes on:

- approvals associated with specific government office accommodation leases
- approval of the procurement approach for the Hydrogen Jobs Plan

I mean, seriously! I continue:

- approval for the extension of services provided by Spotless under the Royal Adelaide Hospital Public Private Partnership.
- approval for the disposal of land through transfer at Thebarton.

And he indicates for good measure that:

> At the time of this report, I have not received any of the Cabinet approval documentation I requested.

It is a disgrace. It is shame on the government, and it is well that this parliament shine a great big spotlight on this not only today and in the course of setting the tenure arrangements for the Auditor-General's successor but at the first opportunity that the parliament has to interrogate this important annual report, an annual report that is significantly the subject of proviso really as to its core ability to express relevant opinions.

So we see over two short pages in the Executive Summary the Auditor-General laying bare what has led to his inability to form a view about the lawfulness and appropriateness of core government decision-making for the relevant period.

The Treasurer had something to say about this earlier in the week in question time. He was asked by the Leader of the Opposition about his concern about those comments by the Auditor-General. And as we have heard previously from the Treasurer in the media and in this place, comments that I was previously moved to remark upon, the Treasurer said earlier in this week that, well, yes, he was familiar with that expression of inability to form an opinion, the one that I have just referred to just now in the course of debate. The Treasurer went on to say, and I quote:

> …the Auditor-General makes those comments in the broader context of his wanting access to all of the detail of cabinet submissions that sits behind the government's decisions to authorise expenditures on those projects.

Mr Cowdrey: It's his job.

Mr TEAGUE: Yes, that's exactly what he does and that's exactly what he is endeavouring to do to complete the annual report, the one that the minister quite correctly adverted to just now as being one of those important pieces of work that the Auditor-General does annually. So, yes, of course he was, Treasurer, making those comments in that broader context, if you like, or actual context, or just making those comments because that is his job. The Treasurer goes on to say, 'Of course'—well, 'of course'—I do not know. I quote the Treasurer's remarks:

Of course, there is a difference of opinion about whether the Auditor-General for audit opinion purposes, needs evidence of the decision being taken—

By then the house was unable to restrain its outrage and the Speaker was required to intervene. The Treasurer then went on to say:

…and authorising the appropriation and expenditure on those projects, and, of course, whether the Auditor-General is wanting to make himself familiar with other much broader detail in respect of those projects.

Alright, yes, the difference of opinion. Well, let's be clear about what the opinion of the Auditor-General is. He is the one who is the subject of the bill and those who fill that role are collectively the ones for whom we must ensure there is sufficient certainty in terms of length of tenure, and a reason why it is well to focus on clause 3(1) of the bill. If we are talking about a difference of opinion, we have the opinion of the Auditor-General on the one hand, and I quote:

I was not provided with that evidence and so I am unable to form an opinion on the extent to which transactions—

that is the long list of significant transactions that I have referred to—

associated with them were undertaken properly and in accordance with law.

That is about as devastating a reservation as one can make in an audit report. So I am just not able to express a view about what I am supposed to express a view about in respect of that catalogue of significant items.

The Treasurer has referred to there having been a difference of view. It is not exactly clear really what the difference is. The Treasurer certainly did not make it clear whether or not the government was of a view that the Auditor-General could in fact form a view, absent those documents—do not really know—or it might be interpreted that the Treasurer is saying, 'Well, there's a difference of view as to whether or not the Auditor-General had an entitlement, reasonably and properly, to expect that those documents would be provided.'

I concede it is not 100 per cent clear on the face of what the Treasurer had to say whether he was gainsaying the Auditor-General in terms of whether he had a capacity to form a view or whether—and I suspect it was really the latter—he was really talking about a difference of view as to whether or not the Auditor-General really was entitled to receive those cabinet submissions

The reason why I suspect it was the latter is that we have heard it from the government now repeated ad nauseam over recent months, this kind of mantra that somehow the government is going to give us a lecture in what cabinet in confidence amounts to, and the 100-year-long traditions of cabinet confidentiality, and that this is—

Mr Cowdrey: Providing documents in that context.

Mr TEAGUE: A provision, as the shadow treasurer offers, of cabinet submissions to the Auditor-General in that context. I have news for the Treasurer and the government, and anyone else who might have something to say about this on the government's side, that this has been now well and truly called out. There has been ample opportunity for the Treasurer, for the Premier, for the government to explain anything further about this that might provide what the Treasurer was referring to as a broader context, let alone a rationale.

All you have to do is go back a few weeks to a very succinct report of the Auditor-General—a reason why these otherwise extraordinary and startling conclusions of the Auditor-General in the annual report do not come as a surprise. You only have to go back a few weeks to see the report to which the Auditor-General referred, Report 7, to find the long-term history, the medium-term history and the current dereliction of duty by the government with respect to transparency, set out plainly on the face of the short pages of this report.

It makes you think, when you read this in all of its clarity, that the only conclusion that you can draw really, as a member of the parliament—or, indeed, as a member of the South Australian community—is that the government is simply willing to brazen this out and is simply willing, as it was in terms of the way it treated the parliament back on the first days of sitting after the March election, to take deliberate actions to remove transparency and then to just brazen it out, with no need to respond in substance, even to the point where it renders the Annual Report of the Auditor-General

subject to the most fundamental and devastating of provisions, with the Auditor-General being unable to form an opinion on the extent to which those significant transactions were undertaken properly and in accordance with the law.

So what did the Auditor-General say in Report 7 of 2023: Access to Cabinet documents—a report, I might add, he brought to the attention of the Speaker and of the President in another place in late September? The Auditor-General observed that, first of all, in case anyone was wondering:

> The confidentiality of Cabinet discussions and documents is a longstanding and well-recognised convention.

Of course it is. The corollary to that is also true, as the Auditor-General observes:

> The Auditor-General had long been given access to required Cabinet submissions without compromising this convention—

that is, until 2016. In terms of the South Australian practice, 2016 is a moment, therefore, that punctuates the history of provision of those important cabinet submissions.

For those following the debate, it is well to pause here at consideration of a change of longstanding practice that was applied first in 2016 because, folks, we have seen it all before. What happened in 2016? The government just now has been keen to talk about longstanding conventions and traditions and provisions in relation to cabinet processes, notwithstanding the then longstanding practice of cabinet submissions being provided to the Auditor-General for that particular purpose.

The government came along to the Auditor-General—that is, of course, the Auditor-General who is very conscious of the parliament and community's expectation that he discharge his statutory responsibilities independently, impartially and professionally and that he has the necessary powers, or so he thought, to do so. He is approached by the Deputy Premier in 2016 and, helpfully, he sets out at page 19 of his report a tabulated chronology of events in this regard just so that there can be no mistake.

He says that from September 2016 (as the table tells us on page 19) to September 2017—so about a year in the lead-up to the 2018 election; that is where we are, folks, the previous Labor government, and it has all happened before—the Deputy Premier met with the Auditor-General and said, 'Well, you're not having access anymore.' We had this period then of what we are now reliving in 2023, and more about that in a moment.

The Deputy Premier could only have been there giving that bad news to the Auditor-General off the back of cabinet approval for that approach. One asks who else was around the cabinet table at that time? None other than the leader of the present government, the then Minister Malinauskas, now Premier of South Australia in the new Malinauskas Labor government.

As one of those sitting around that particular cabinet table that must have formulated a view about its attitude to the provision of documents to the Auditor-General, along goes the Deputy Premier to the Auditor-General and says, in September 2016, that the Weatherill government is no longer providing him with those documents he has been provided with in a routine way. So we see the Labor secret state DNA just rolling through.

We had a full year in the lead-up to the 2018 election when that was the order of the day, with the Auditor-General left in the sort of circumstances we see here described at the commencement of the annual report. So intolerable was that set of circumstances that the Auditor-General—and I have to imagine the scene over this period of time—is now flailing around in the dark, unable to access those important documents. The Auditor-General makes the observation then that from September 2017 there was introduced a kind of cabinet policy that said, 'Well, you can have access to the cabinet decision sets. You can have that, but only that.'

It is the maintenance of the secret state DNA: 'Well, you can have a little morsel. You can have that little bit.' So for this period from September 2016, under the previous Labor government, we saw the advent of this endeavour to keep this important material from the Auditor-General. It is a disgrace. It is a disgrace in the same way that the present circumstances are a disgrace, make no mistake—like so many other things.

What happens then following the election of the Marshall Liberal government? The Auditor-General comes along to the new government, after these 16 long years of Labor, remember,

but particularly against the insult of September 2016 imposed upon the Auditor-General. The Auditor-General comes along to the Marshall Liberal government and says, 'I am flailing around in the dark here. I have had this imposed upon me against a background of longstanding adherence to practice that says I get these documents so that I can do my job. I can't do that, so I am continuing to push.'

Remember, you have to have the kind of certainty and independence of tenure in a probity role like that in order to be able to do that. The attention span of public authorities can be much shorter in a whole variety of ways. Here we have an Auditor-General who has to keep up the battle, keep up the advocacy over a period of years and across a change of government, thank goodness, finally in March 2018. The same independent Auditor-General, the same probity role with the same capacity through certainty of tenure, keeps up speaking truth to power to the point where that Auditor-General speaks that same truth to the new Marshall Liberal government.

What does the Marshall Liberal government do? It says, 'Right, got it, understand. What we will do is we will formalise this. It has proved to be the subject of difficulty because you were denied back in September 2016 by the previous government after that long period of the convention prevailing, and you have been through this period of torment, where you have been flailing around and unable to do your job properly because you have been denied, so what we will do to make sure that you can do your job in the future, not only through certainty of tenure but also through certainty of practice, is we will set about a new formalised approach.'

And so we see PC047 established by the Marshall Liberal government, and I congratulate Premier Marshall and the cabinet at that time not only for solving the problem, not only for enhancing necessary transparency, but for providing a regime around that. It would have been understandable for the Marshall Liberal cabinet to say, 'We will just restore the longstanding conventional practice and we will go back to that,' but it did more than that.

It established a formal process, PC047, that made the release of the cabinet submissions and attachments available to the Auditor-General in line with PC047, and there were no problems. I might even get out an observation from this Report 7, just indicating, but we have certainly heard nothing to the contrary, for obvious reasons, right up to the period at which there is a change of government in March 2022.

For those following along—and I commend the obtaining of a copy of this document to all South Australians—the table mentions the period from March 2019, the advent of PC047, to March 2022. In March 2022, there is an election and a change of government; Malinauskas Labor comes along and that member of the 2016 cabinet is now at the head of the cabinet table. Through that period, and prior to the change, access was granted to cabinet submissions and attachments under that particular process, PC047.

Let's be clear about it—and here is where there is the morsel of a reference that can so easily beguile and mislead, because we have heard it protested repeatedly by the government—since March 2022, the government has continued with PC047. So far, so good. There is an endorsement of that being an appropriate process for the formalisation of the grant of such documents to the Auditor-General. It continues on with no change, as per the Marshall Liberal government. So far, so good. Members of the parliament will have heard members of the government protesting along those lines in recent weeks and months.

But what is the key difference? The key difference is when you go to the third column of the table, on the access granted column, instead of the 'yes' that you see applicable to the Marshall Liberal period pursuant to that protocol, what is the answer: 'no—requests declined or unresolved'.

You reap what you sow, Malinauskas Labor, because you get to the point where in June 2023, when that very important document that the Auditor-General is responsible for producing is tabled in this parliament, the ignominy of the government is writ large in front of all of us because the Auditor-General is forced to express himself in the terms that I have described. There are two categories of no. The first category is request declined; at least that is coming up-front and saying it straight out. The Auditor-General also observes that some of them were unresolved.

It is a good thing to just make some particular reference there to the way in which the Auditor-General has been treated over that period. It was not just, 'That's the way it's going to be, end of story.' What emerges from the pages of this report is that the Auditor-General has been subjected to this kind of rope-a-dope scenario from the government over months, ever since March 2022. You can imagine that panning out. After the change of government, the Auditor-General says, 'Righto, PC047 is in place. That works well; let's just keep that going,' and the new government says, 'Righto, yeah, we'll keep doing that,' and, pursuant to that, the answer is no and unresolved.

What is unresolved? There is a request for six cabinet submissions in July 2022, no response; August 2022, four cabinet submissions, no response; 25 October 2022, the Chief Executive of DPC advised that the government declines to provide the cabinet documents requested in July and August—so right, the rot sets in in October, if it had not already by the silence in July and August. February 2023, requested two cabinet submissions and also requested a review of the existing PC047—it's not working, you know?

You might say nothing has changed from one government to next, but you have to watch them. You have to watch them really carefully, because same-same but different. Good protocol applied consistently throughout a period of years by the Marshall Liberal government, with the answer being yes; good protocol applied post March 2022 by the new, but old, Malinauskas Labor government and the answer is no—it is no or unresolved. I will get to the unresolved in a second.

February 2023, four cabinet submissions, no answer; April 2023, four cabinet submissions, no answer; again in April 2023, and then later in that month the Chief Executive of DPC thought, 'Hang on, these are stacking up now. I thought you'd go away after October 2022 when I said you're not getting them.' 'I keep requesting them because that's my job,' says the Auditor-General, 'because I've got an annual report that's going to come up at some point soon and, if I am going to express an opinion, I am going to need the documents otherwise you're going to be prone to this kind of observation.'

In April 2023—the chief executive is switched on—the chief executive must know that this is what is in the offing. This kind of damning observation, this kind of dysfunctionality is in the offing with respect to the annual report if this keeps up and the chief executive, the Auditor-General tells us, proposed an 'alternative approach'. That did not seem to bear any fruit immediately. So we see that in July 2023, the Auditor-General requests a further 12 cabinet submissions to which he receives no response. We talk about those that are unresolved.

What did the CE propose? Well, the Auditor-General tells us—again, the beauty and importance of having an independent statutory officer in a probity role with the tenure and independence to be able to speak these truths—the Department of the Premier and Cabinet CE in April 2023 wrote to the Auditor-General noting the Auditor-General's view on needing access to cabinet documents to execute his responsibilities under the Public Finance and Audit Act, and the Auditor-General quotes the CE of DPC at page 21 of the Auditor-General's report as follows:

> The CE DPC advised:
>
> Cabinet confidentiality is an underpinning principle of our Westminster system of government. Decisions about releasing Cabinet information, in any circumstance, must balance preserving longstanding conventions to protect Cabinet deliberations against broader public interest and accountability.

As an Auditor-General of then many years' standing—and we are here talking about him reaching retirement age after long service in this role—that must have been about the most galling passage that might have been received. One wonders at the temerity of the chief executive to write to the Auditor-General in those terms and to start lecturing the Auditor-General about underpinning principles of the Westminster system, and the balancing of 'preserving longstanding conventions to protect the Cabinet deliberations against the broader public interest and accountability'.

See that word 'broader' again? That is the word that the Treasurer was using in question time earlier this week to describe the context in which there was a difference of opinion: 'You just go broader,' but there is nothing broad about this. This is just a straightforward refusal by the government to provide appropriate transparency in relation to the most significant government transactions of the period—no two ways about it. He went on. 'The CE Department of the Premier and Cabinet,' the

Auditor-General tells us, 'proposed an alternative approach'. They are devastating in their modesty these observations, and we can only be grateful that the Auditor-General has troubled to set this out:

> The CE DPC proposed an alternative approach to efficiently balance preserving longstanding conventions of Cabinet confidentiality with enabling the Auditor-General responsibilities to be fulfilled. The approach entailed the CE DPC making written representations to me about Cabinet decisions and processes in the context of my audit requests.

The *Hansard* might not report the mirth that is elicited on the rehearsal of those words. The Auditor-General then says:

> I acknowledge the CE DPC's authority and intent to provide me with the information I needed to perform my audit role.

Mr Cowdrey interjecting:

Mr TEAGUE: Yes. He is a gentleman and a scholar, the Auditor-General. You would expect nothing less. He continues:

> However, I gave several reasons why the proposal would not satisfy my obligations as the independent auditor reporting to Parliament. This report encapsulates the key reasons.
>
> I also requested a return to the earlier practice of receiving only the Cabinet decision sets.

Remember that one. That was the arm wrestle, that was the last Labor government coming along to the Auditor-General and trying it on, saying, 'No, you get nothing. You are out. Nothing.' A bit of arm twisting later and they just hand over the decision sets. So the Auditor-General said, 'Alright. Well, at least I have been able to arm twist that much in the past.'

The Auditor-General explains:

> The decision set is the part of a Cabinet submission that shows the decisions made, any conditions that apply (eg further reporting to Cabinet, stage approval, timing etc), the Cabinet approval stamp, date and signature. It does not reveal deliberations of Cabinet, only the decisions o be implemented by public authorities. Having access to this would provide the sufficient audit evidence required for approval. However it would not address having express access to any attached operational documents and other information available in Cabinet submissions.

In other words, it might be just enough to get over the line to avoid the disastrous observations that we have now seen ensue in the annual report—maybe. But the Auditor-General is making it very, very clear that that is far from the gold standard, and the Auditor-General is really pointing a pathway back to PC 47.

Remember every time you hear the government from now on, just prick up your ears when you hear the government saying, 'We are just applying what was applied under the Marshall government.' Same same but different: same process applied, answer different. Yes, under Marshall Liberal; no or unresolved, under Malinauskas Labor. This is where the Auditor finds himself stuck. The Auditor-General is then forced to observe:

> As agencies are our primary source of audit evidence, I also requested that the government give clear advice to agencies about access to operational documents with a view to working through current arrangements efficiently and practically.
>
> No further correspondence occurred on these requests.

A moment ago I said that the Auditor-General had found that his requests for documents were either refused or unresolved. Now, I set all that out—it is on page 21 of the report—just to flesh out what I think the Auditor-General meant by 'unresolved'. If I might paraphrase, it means: Auditor-General met with an attempt at childlike hand-holding by the CE, 'Thanks, no. That will not cut it. That is not my job. Good try but I actually need to form my own view, not rely on your representations.'

Then, secondly, despite having said, 'At least give me what the last Labor government was willing to do once I twisted its arm enough after a year of flailing around,' no dice on that front either, no further correspondence entered into—so, unresolved.

We then see the Auditor-General goes on to couch his observations in terms of access to cabinet documents in other Australian jurisdictions, so that is there for all to see and a setting out of practice and culture principles that are critical to information access. The Auditor-General is really quite thorough in his report in this regard, setting out as he does the full protocols in terms of the

protection of confidentiality and its importance, and the house will bear in mind that none of this comes against a background of some sort of scandalous leak of the like that we have seen the subject of *The Advertiser*'s front page today—what did it say again?—'Super Sized Secret'.

None of it comes against the background of some leak out of the Auditor-General's office that has led to saying, 'Whoa, this won't work.' On the contrary, we have heard the government say, 'We have continued the same practice that applied under the Marshall Liberal government.' It was a good protocol and there was no reason for any change, of course. It was simply: Auditor-General asks under Marshall Liberal and Auditor-General gets. Under the Labor government, Auditor-General asks and the answer is no or he is strung along or it is unresolved.

It is a disgraceful and shameful set of circumstances and a most invidious position that the government now finds itself in as this parliament proceeds to contemplate setting aside time to consider this—

An honourable member interjecting:

The ACTING SPEAKER (Mr Brown): Standing order against use of props.

Mr TEAGUE: —important annual report. We will hear from the government, as we must. We will hear from the Premier in coming days and I hope what we will hear is that this time is taken up by an opening mea culpa, an opening apology, and by the opportunity for the Auditor-General to then be provided with these documents that he has made plain at page 8 of the executive summary of the annual report are preventing him from forming an opinion. Of course, I refer in this regard also to the equivalent expression of opinion in the controls opinion of the Auditor-General, the companion piece to the annual report, the corollary document. It simply could not be clearer.

In commending this bill to the house, I hope—because it is going to need to be dealt with in other ways over the time ahead, nothing is clearer—that by illustrating the circumstances in which the Auditor-General has drawn to attention a glaring failure of transparency of the government it makes very clear, if it ever was not, the critical importance of ensuring that, when we appoint an Auditor-General and when the government goes about the process of appointing an Ombudsman, in respect of these roles, it is essential that there is certainty of lengthy tenure, that there is independence and that there is therefore the capacity of those office holders to speak the necessary truth to government, including as we have seen on the face of the annual report tabled just now in the parliament and its predecessor, the Report of the Auditor-General, Report 7, Access to Cabinet Documents. There will be, of course, much more to say in both of those respects.

Again, and perhaps in closing with respect to this contribution to the second reading debate on this bill, I express my appreciation of the work of both the Ombudsman and the Auditor-General. I hope and trust that those who will be appointed following the retirement of each of them will continue the fine tradition of skill and independence with which these two gentlemen have served our state. I commend the bill.

Mr COWDREY (Colton) (17:05): I rise today to make a second reading contribution on the Statutes Amendment (Ombudsman and Auditor-General) Bill of 2023. While I will not necessarily be as verbose as my colleague in my contribution and will be slightly quicker, I assume, given the fact that I have a time limit to start, I just wanted to reiterate a number of the points made by the shadow attorney-general in regard to this bill because they are incredibly important to both the statutory officers not only in referencing their individual positions but also to their offices and the employees within those wider organisations.

While this bill reaches this place in a different form to what it entered in the Legislative Council, those changes that have been made in both the opinion of the opposition and the opinion of certainly the crossbench—or the majority of the crossbench—in the Legislative Council there are certainly improvements that have been made to this bill.

While the change of language is shifting away from a term of not exceeding seven years, in clause 3(1) of the bill and also in clause (2)(1) of the bill, to a wording of an initial term of seven years, and while there are very few letters and words that change within the shift the practical implication of that change is quite significant.

The shadow attorney certainly has done a good job in referencing the desire and ambition of that office, in particular both of those offices, both the Ombudsman's office and the Auditor-General's office, and the desire and need for those officers to sit independent of any political or other influence and to sit in a way that they are able to provide an impartial view to this parliament and to sit in a way that they are free of undue influence.

I will start my contribution by joining the government and the shadow attorney in adding my thanks and respect for the significant contributions of the two individuals who have fulfilled those offices, both the Ombudsman and the Auditor-General, over the last significant number of years. We are making amendments to the bill before us today to essentially shift away from a requirement for retirement age that brings on a forced retirement to a situation where we are appointing for a period of time. While this may be a step towards greater consistency with other jurisdictions, what would potentially be termed a more modern approach to these appointments, it is important that when we are making these changes that we do it right.

The suggestion that was put to the other place by the government, in terms of an appointment that may not exceed seven years, certainly had the potential—and one would not hope that there was a desire but one that certainly allowed the potential—for the government of the day to perhaps appoint, let's say, for instance, an Auditor-General and to give him a period of time, or what would be termed in other work environments a period of probation, of perhaps 12 months so that the government can assess exactly how they were going to undertake their duties of that office. We know, and it has been said on multiple occasions, about the importance of that office in providing frank and fearless advice to the parliament itself because, ultimately, it is the parliament that both these officers report to.

In thanking both gentlemen for their service to the parliament, I want to also reflect on the importance of both of the offices. I do not know that there is a day or week that goes by, particularly in the world and environment that we operate in, within our electorate offices, where we have numerous people coming to our offices seeking assistance with a range of issues but, ultimately, in many circumstances, their ability to interact or deal with decisions of government. I think it would be fair to say, without it being too much of a stretch, that every single member of this house at the very least has referred to or had conversations with the Ombudsman on behalf of a constituent over the period of time.

To Mr Wayne Lines, thank you for your service to the South Australian people over that period of time. To Andrew Richardson, on his upcoming retirement from the role due to the current legislative restrictions on age limitation, we thank him as well for his work and his distinguished service in the role of Auditor-General within our state.

If we shift to the very premise that has underpinned the push and the rationale to make the amendments in the other place, it is very clear that security of tenure is an important part of securing independence for those who undertake these roles, particularly as we have seen and has been mentioned by the Attorney-General, if we reference the period of time that has transpired since the change of government.

The role of the Auditor-General, and the role of audit more generally, has always been, despite changing over time, to provide a level of certainty and comfort to this very chamber and to the members within it that the transactions, the approvals and the processes undertaken by the government of the day have been done so appropriately. One would think that having that level of comfort and ability and understanding that those transactions have been undertaken in a manner in accordance with the law would simply be a minimum requirement those of us in this place should be seeking from the government of the day.

If I reflect over the period of the last government—and the shadow attorney has detailed the changing arrangements over a period of time in terms of the Auditor-General's ability to have access to the requisite documents that he requires to fulfil his statutory duties under one of the acts of parliament we are looking to amend today, the Public Finance and Audit Act—when we look at his historic access to the requisite documents to undertake his duties, we see that that has changed over a period of time.

We have got to a point now where—and I think it is easy sometimes to overuse the word 'unprecedented', but the annual report that the Auditor-General has handed down to this very parliament this week is unprecedented in nature. Effectively, this parliament has been told that more than $20 billion of public money has been approved to be spent—well, we assume has been approved to be spent appropriately—without the independent statutory officer responsible for ensuring that what has transpired has been done in accordance with the law. He cannot tell us that that has happened.

We are not talking about small projects. We are not talking about small decisions. We are talking about over $20 billion worth of infrastructure projects and transactions, basically every major decision that this government has taken to this point in time. We have no assurance that they have been undertaken in a manner in accordance with the law.

That troubles me. That troubles the shadow attorney. That troubles, I hope, members of the media. That troubles, I hope, members of the government backbench. They in all reality, like the rest of us, despite having more skin in the game, are being asked by their cabinet to wholeheartedly trust them: 'It's okay, we don't need an independent officer to tell this parliament—not just you, but every other member of it—that what we are doing is being done in accordance with law.'

Just reflect on that circumstance. It is well and truly unbelievable that decisions in regard to projects such as the relocation of the Women's and Children's Hospital, the north-south corridor Torrens to Darlington project, amended expenditure for the Darlington upgrade project, the replacement of Masterpiece, the Festival Plaza land transfer, the Hahndorf Township Improvements and Access Upgrade, the Adelaide Aquatic Centre replacement approach and the Hydrogen Jobs Plan. Every single one of these decisions—and I have not read the full list. I am not offered the same opportunity in this house as my friend the shadow attorney-general to go through those.

But what is even more galling—and the shadow attorney has well stepped through the changes in access over time and the changes in approach that have been undertaken—is the argument that is being run by the other side in regard to why this is okay, because this difference of opinion, this difference in view as to access by the Auditor-General that at the very least we know the Treasurer and the Premier have, is not consistent.

We know that prior to September 2016 the Premier, the Deputy Premier, the member for West Torrens and the Treasurer at the very least—I am sure there are other ministers on that side that were also in cabinet at that time—had happily provided cabinet submissions to the Auditor-General at that point in time. There were no issues then; there was no overriding claim that cabinet confidentiality needed to ensure that the Auditor-General be refused access to these documents. There was not an issue at all.

In the context of the lack of transparency, the secrecy, and not just in their approach to the Auditor-General's access, we can reflect on how the government approached the university merger. They had no intention whatsoever of sharing with South Australians how they reached the conclusion that it was in the state's best interest to merge the universities. It was, 'Take us on our word. We've done it. It's fine.'

If you look at the more recent cyber attack within Super SA through a third-party provider, there were ample opportunities for the government to walk in here and explain to South Australians what happened. There were ample opportunities to put out a press release. Did they do it? No; because they had made a concerted decision to keep these things secret, just in the way they are doing to a point that does not allow an independent statutory officer to determine that the conduct, that the decisions, that the processes, that the financial transactions of this state, are being conducted in a manner appropriate and in line with the law.

While those on the other side, as I have mentioned, have flip-flopped, have gone from having no issues in providing these documents to now a steadfast resolve that cabinet confidentiality overrides any degree of accountability, we should look around the country. What is happening there? We had the then McGowan-led Labor government introduce a bill from government to provide express permission for the Auditor-General to access cabinet documents to fulfil their duties under their equivalent act.

If you are not satisfied that a Labor government is moving in that direction, you could look at the former Perrottet Liberal government in New South Wales that moved similar legislation to provide express access to their Auditor-General to the relevant documents they needed to fulfil their duties under the equivalent act. You look at the federal parliament, where there has been no need to go down the path we have ended up on here in this state because, guess what? The convention where the government of the day has provided documents to the Auditor-General is still in place today.

What we are talking about is an unprecedented turn to secrecy, one that Labor governments in this state have tried before, and one where the Auditor-General of the day at the very least was able to wrestle some degree of a semblance of the documents he required to ensure that he was at the very least satisfied that things were being done in an appropriate manner.

No, nearly two years into this Malinauskas Labor government we have not even had that concession. What we have had is a steadfast resolve to double down, to run this folly line in the media that, 'Nothing has changed, there is nothing to see here, we are using the same process that was in train during the previous government.' Well, it is just bollocks. It is complete and utter bollocks.

Who should be mad? It is not just the people on this side of the chamber. It is not just the media. It is not just the poor Auditor-General, who is only trying to do his job at the end of the day, to access the documents that he requires to undertake his duties under the Public Finance and Audit Act, but ultimately it is the people of South Australia.

That is why the changes that were made, the amendments that were made prior to the bill arriving in this house, are important: because of tenure, because of independence. While the other side may scoff, while they may have no interest in transparency, while they may have no interest in accountability of government, it matters to people for a reason, because without accountability you do not have trust, and what we have seen over this last week is that the people of South Australia cannot trust this government.

Mr BROWN (Florey) (17:25): As difficult as it might be to follow the thunderous rhetoric of the member for Colton and the member for Heysen, I will try to assist the house by providing a contribution on this bill.

Both the office of the Ombudsman and the person who holds that office as its central figure play a fundamentally important role in South Australian public administration and our community life. The South Australian government established the Ombudsman's office in 1972, at a time when jurisdictions around the world were pursuing the creation of similar offices. Maintaining the office as a strong and independent entity enables and promotes good public administration in South Australia that is characterised by fairness, integrity, transparency and accountability.

The remit of the South Australian Ombudsman is to consider complaints, usually lodged by members of the public, about entities, including state government departments and state authorities as well as councils and their elected members. They also consider complaints in relation to misconduct and maladministration by public officers. In relation to ReturnToWorkSA, they consider breaches of the service standards and other administrative acts of the Return to Work corporation and self-insured agencies. The Ombudsman also considers requests to review freedom of information decisions.

Anyone, including an individual, group or organisation who is directly affected by an agency's acts, can make a complaint to the Ombudsman. An act in this case includes a failure to act. It is also the case that anyone can make a complaint about misconduct or maladministration, whether or not they are directly affected by it.

When an agency is determined by the Ombudsman to have made an error, the Ombudsman may recommend action to ensure improvement in its future operations. The office of the Ombudsman may also work with parties involved to resolve a particular matter. The role of the Ombudsman is recognised on a cross-partisan basis as providing important and valuable services, free of cost, to the South Australian community. Appointees to the role are chosen with care on the basis of particular qualifications, as the South Australian public should rightly expect.

One qualification the public might not find overly important is that the person occupying the role of the Ombudsman be not older than 64 years and 364 days. Under the relevant legislation as

it now stands, there is no set term of appointment for the Ombudsman. Instead, the Ombudsman's appointment expires automatically upon the incumbent reaching the age of 65.

Our current Ombudsman highlighted that this would mean a qualified person who had already reached the age of 65 could not be eligible to hold the position for even 20 minutes, whereas a person appointed to the role in their 40s could remain in it for 20 years. Certainly, there was a time in human history when 65 was perhaps considered a bit of a doddering age, whether justifiably or not. That time, however, has long ago passed.

The age limitation provision remaining in our state's legislation is neither appropriate nor material to the public interest. The word 'ageist' has been mentioned by members in the other place, and I agree that this is just about the only way we can reasonably regard the current provision by contemporary standards of thought.

Upon his recent announcement of his resignation from the role of Ombudsman, Mr Wayne Lines suggested that section 10 of the act should be amended to implement a term of appointment of seven years, with eligibility to be reappointed for a further three years, to reach a total maximum term of 10 years. This limited term suggested by Mr Lines is consistent with the term of office for other holders of statutory office in our state. Set terms of appointment are also in place for ombudsmen across other Australian jurisdictions.

Following the recommendation of Mr Lines and with the fact in mind that a new Ombudsman will be selected not long in the future, the Statutes Amendment (Ombudsman and Auditor-General) Bill amends the existing act by providing that the Ombudsman will be appointed for a set term not exceeding seven years and is eligible for reappointment up to a total term length of 10 years, as well as removing the provision which requires that the role be vacated upon the incumbent reaching the age of 65. While amendments were being developed to change the Ombudsman Act, it was identified that similar provisions apply with the appointment of the Auditor-General. These provisions, too, are anachronistic at best, as well as being out of step with what is in place in other jurisdictions.

The Auditor-General reports to the parliament on audits that have been conducted on state and local government agencies in areas covering financial reports and operations, controls, and matters that are of the public interest. The audits that the Office of the Auditor-General performs seek to determine whether the services and activities of state and local government are effective, efficient and appropriately accounted for. The Auditor-General also provides recommendations to public sector agencies on improvements they might make in order to deliver better value for the spend and better outcomes for the South Australian community.

Each year, the Auditor-General's annual report assists with highlighting issues across government, and members in each house of parliament are supported in their scrutiny of ministers on the basis of the contents of that report. As for the Ombudsman, there is broad agreement that the Auditor-General performs a role that is important and furthers the public interest.

Within reason, I doubt that any person would suggest that the age of the Auditor-General should be a determinative consideration in determining their suitability to serve in the role. But, as in the case of the Ombudsman, a new Auditor-General must soon be appointed due to the impending retirement of our incumbent Auditor-General, Mr Andrew Richardson, which will be mandatory under current provisions, as I understand he will reach the age of 65 later this month. With those few words, I commend the bill to the house.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (17:30): I thank members for their contribution, particularly the member for Florey for his short, succinct but important words. I thank the member for Colton and the member for Heysen for their contributions—obviously very impassioned, somewhat interesting speeches. I certainly understand that it is not the will of the house, should I be corrected, to enter into committee, but will be in the hands of the member for Heysen on that.

Bill read a second time.

Third Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (17:31): I move:

That the bill be now read a third time.

Bill read a third time and passed.

APPROPRIATION BILL 2023

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 17:32 the house adjourned until Tuesday 31 October 2023 at 11:00.