HOUSE OF ASSEMBLY

Tuesday, 20 February 2024

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 Procedure

STANDING ORDERS SUSPENSION

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (11:01): I move:

That standing orders be so far suspended as to enable the introduction of a bill without notice forthwith and passage through all stages without delay.

The SPEAKER: An absolute majority is required. We will count the house. An absolute majority being present, I accept the motion.

Motion carried.

Bills

CRIMINAL LAW (HIGH RISK OFFENDERS) (ADDITIONAL HIGH RISK OFFENDERS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (11:02): Obtained leave and introduced a bill for an act to amend the Criminal Law (High Risk Offenders) Act 2015. Read a first time.

Second Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (11:02): I move:

That this bill be now read a second time.

Today, I am pleased to introduce the Criminal Law (High Risk Offenders) (Additional High Risk Offenders) Amendment Bill 2024. This bill was announced by the Premier and the Attorney-General yesterday. I understand that opposition and crossbench members have been briefed on the bill this morning.

The bill amends the Criminal Law (High Risk Offenders) Act 2015 to extend the definition of a high-risk offender to include a person who has been convicted of assisting an offender or impeding an investigation contrary to section 241 of the Criminal Law Consolidation Act 1935, where the offence committed by the principal offender was a serious offence of violence or serious sexual offence within the meaning of the HRO act.

Pursuant to the HRO act, the Supreme Court is empowered to make certain orders to ensure that high-risk offenders remain subject to appropriate supervision following the expiration of their sentence, whether the offender is in prison or released on home detention or parole. High-risk offenders are offenders who have been imprisoned in respect of a serious sexual offence or a serious offence of violence, and terror suspects.

The express object of the HRO act is to provide the means to protect the community from being exposed to an appreciable risk of harm posed by serious sexual offenders and serious violent

offenders. Under the HRO act, the Attorney-General may make an application to the court for a high-risk offender to be subject to an extended supervision order.

An extended supervision order can be made for up to five years and allows for the imposition of certain conditions—for example, a requirement for the offender to attend treatment and undertake drug screening. The court can order that a person be subject to an extended supervision order if it is satisfied that:

- the person is a high-risk offender; and
- the person poses an appreciable risk to the safety of the community if not supervised under such an order.

The paramount consideration of the court when determining whether to make an extended supervision order is the safety of the community. If the conditions of an extended supervision order are breached, the offender may be summoned to appear before the Parole Board. Where the breach is found to be proven, the Parole Board may vary or revoke a condition imposed by the Parole Board or impose new conditions.

Alternatively, the Parole Board may detain a person in custody and refer the matter to the court to determine whether a continuing detention order should be made. Where a continuing detention order is made, the offender may be detained in custody for the remainder of the duration of the extended supervision order.

There have been concerns expressed recently within the community about the potential application of the HRO act to offenders whose relevant offending involves assisting offenders in relation to the commission of a serious offence of violence or serious sexual offence. The public discussion has shone a light on the importance of putting beyond doubt that such offenders are within the scope of the scheme created by the HRO act.

Under the HRO act, a 'serious sexual offence' is defined to mean a person who has been convicted of a relevant sexual offence within the meaning of the definition where the maximum prescribed for the relevant offence is, or includes, imprisonment for at least five years. For the purposes of the HRO act, a 'serious offence of violence' has the same meaning as in section 83D of the Criminal Law Consolidation Act, which includes a serious offence where the conduct constituting that offence involves:

- the death of, or serious harm to, a person or a risk of the death of, or serious harm to, a person; or
- serious damage to property in circumstances involving a risk of the death of, or harm to, a person; or
- perverting the course of justice in relation to any conduct that, if proved, would constitute a serious offence of violence as referred to above.

On its face, it is uncertain whether a person who assists an offender or impedes an investigation in relation to a serious sexual offence or a serious offence of violence would be regarded as a high-risk offender within the meaning of the HRO act. The government is of the view that such a person would be regarded as a high-risk offender. However, for the avoidance of doubt, the bill amends the definition of 'high-risk offender' in the HRO act to expressly include a person who is serving a sentence of imprisonment in relation to an offence against section 241 of the Criminal Law Consolidation Act where the offence committed by the principal offender was a serious sexual offence or a serious offence of violence.

The effect of these amendments will ensure that, where the relevant criteria is met, these offenders will be taken to be high-risk offenders for the purposes of the HRO act. In the event that an application is made, it would be a matter for the court to determine whether there are sufficient grounds for making an extended supervision order in relation to the offender. That is, the court would need to be satisfied that the offender poses an appreciable risk to the safety of the community if they are not supervised under an order.

This would require the court to undertake an assessment of the risk posed by the offender based on the individual circumstances of the case. To that end, the bill amends subsections 7(3) and (6) and inserts new section 7(7) into the HRO act to allow for the court to direct a prescribed health professional to examine the offender and prepare a report assessing their likelihood of committing a prescribed offence. New section 7(7) of the HRO act defines a prescribed offence to include:

- an offence against section 241 of the Criminal Law Consolidation Act where the offence committed by the principal offender (within the meaning of that section) was a serious offence of violence or serious sexual offence;
- a serious offence of violence; or
- a serious sexual offence.

The court would be required to take this assessment into account when determining whether or not to make an extended supervision order in relation to the offender.

A consequential amendment has also been made to the objects clause of the HRO act to reflect that an application for a supervision order may be made in relation to various serious offenders as opposed to serious sexual offenders and serious violent offenders only. The bill also includes a transitional provision, which is intended to ensure that the amendments will apply to an offender regardless of when they committed, or when they were sentenced for, the offence against section 241 of the Criminal Law Consolidation Act.

I commend this bill to the chamber, 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 *Criminal Law (High Risk Offenders) Act 2015*

2—Amendment of section 3—Object of Act

This clause broadens the objects of the Act to encompass additional categories of high risk offenders.

3—Amendment of section 5—Meaning of high risk offender

This clause includes in the definition of *high risk offender* persons serving a sentence of imprisonment in relation to an offence against section 241 of the *Criminal Law Consolidation Act 1935* where the offence committed by the principal offender was a serious offence of violence or serious sexual offence. Including them in this definition means that an extended supervision order could be sought under Part 2 in relation to such a person.

4—Amendment of section 7—Proceedings

This clause amends section 7 consequentially to clause 3. In determining whether to make an extended supervision order for the new category of high risk offender the court will be required to consider (amongst other things) the likelihood of the respondent committing—

- an offence against section 241 of the *Criminal Law Consolidation Act 1935* where the offence committed by the principal offender (within the meaning of that section) was a serious offence of violence or serious sexual offence; or
- a serious offence of violence; or
- a serious sexual offence.

Schedule 1—Transitional provision

1—Application to offenders

The new provisions will apply to an offender regardless of when they committed, or were sentenced for, the offence against section 241 of the *Criminal Law Consolidation Act 1935*.

Mr TEAGUE (Heysen) (11:10): I rise to indicate that the opposition supports the bill. I think it is clear that the house has suspended standing orders in order to facilitate the bill's passage as a matter of priority this morning, and the opposition supports that course. I just want to indicate that the minister has put on the record the context of the relevant legislation, the steps that are required to be taken and the clarity or certainty that this bill will provide in terms of the definition of a high-risk offender.

It leaves unchanged, in terms of the process that the minister has just described, the assessment that is for the court to determine in relation to the suitability of a subject of an application being made subject to an extended supervision order or not. That is, of course, fundamental, and that is a matter that a court will determine according to the particular circumstances of any individual the subject of the application and on evidence, as it ought to be.

I can indicate that I have been afforded a briefing this morning, and I am grateful for the provision of that in the course of what has clearly been brought to the parliament at short notice. I do just take the opportunity to emphasise that, in circumstances where legislation is prepared and brought to the house at short notice, these are very much matters for the government, and whatever advice the government is responding to is a matter for the government.

I just seek to highlight and emphasise that there is always a variety of ways in which it may be possible to work together, in the light of as much information as possible, in order to facilitate what the parliament is then needing to confront. I do take the opportunity to thank those who have put in the hard yards to set this legislation out.

There is nothing in what the minister has said in terms of the necessary process that I would wish to take any issue with but, again, I just emphasise that where this will have an effect in terms of the scope and definition of the subject of an application, it is the important task of the court to determine the suitability of any subject for an ESO or not.

I might perhaps emphasise that to say that it really ought to be the legislative task to determine with certainty whether or not any particular prisoner is going to be the subject of the legislation. It is an entirely statutory scheme and it ought not be for the courts to be confronting any degree of uncertainty about who is and who is not caught by the statute. It leaves the court to determine then wholly and solely the evidence that might be put in support of an application in any individual case.

With those words, I reiterate that the opposition supports the bill, including its priority of the suspension of standing orders, as already indicated this morning, and I commend the bill to the house.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (11:16): I thank the member for his contribution and also note his expression of support on behalf of the opposition for this bill. I thank him for his ability to be briefed on this at short notice this morning. I commend the bill to the house.

Bill read a second time.

The SPEAKER: My attention has been drawn to the state of the house.

A quorum having been formed:

Committee Stage

In committee.

Clause 1.

Mr TEAGUE: I indicate to the committee at the outset that the bill first came to my attention at about 5 o'clock last evening, and that was under cover of an email from the Attorney's office at about quarter to five. I was aware of the matter in the broadest of terms perhaps for half an hour or so before that. It had been brought to my attention as a result of media reports.

As I said in the course of my fairly short second reading contribution, it is a serious set of circumstances in terms of the legislation. I am interested to know if the minister can take any

opportunity to put on the record what might have prevented this from being brought to my attention even an hour earlier than it was to be found in the media and how we might, as it were, learn from the experience in terms of being able, even more coherently, to deal with circumstances such as this so that as little as possible we are needing to deal with things, as it were, on the run.

The Hon. J.K. SZAKACS: I note the member's contribution in respect of his notification of this. I am not in a position to illuminate him any further of the processes by which he was informed. It was not by myself or my office. I can, of course, raise this matter with the Attorney—which I presume the member has as well—but I am not in a position to talk about a hypothetical future prospect either. We as a government will endeavour to brief the opposition as quickly and as fulsomely as we possibly can.

Clause passed.

Clause 2.

Mr McBRIDE: Obviously, thank you to all who are behind the proposed changes here, which will hopefully be of great benefit to society with the outcomes that are sought here. How pertinent that I was talking to the Attorney-General's staff and representatives earlier on this. The proposition that is being put here has some really good outcomes, but I am wondering where the government sits on the other side of the equation.

Are they seeking to improve the outcomes for incarcerated individuals who find themselves on the wrong side of the law, who go through the incarceration and the indignity of doing the wrong thing? What sort of strategies does the government have in place to rehabilitate offenders so that they do not fall under this new legislation and that it does not become, perhaps, a safety net, that authorities might turn a blind eye to rehabilitation, to addressing mental unwellness and all the other things that society sees with individuals who find themselves on the wrong side of the law?

The Hon. J.K. SZAKACS: I might be very specific about the question and answer in direct relation to the bill before the house. Then, if the member is interested, I may as Minister for Correctional Services—not necessarily taking this bill through—offer him a comprehensive briefing on the suite of work being undertaken by the Department for Correctional Services and others to ensure that, when people are in custody, there is the greatest level of support, rehabilitation and opportunity to change the trajectory of their life.

Very deliberately, in this bill there is the application of the offences. Of course, those offences are at the time of the charge, at the time of conviction by a court. In particular, the member's questions regarding the state's success around reducing recidivism and rehabilitation of prisoners, albeit very important, do not have a material impact on the nature of the bill before the house. I would be very happy to speak about the good work that the government and Department for Correctional Services are doing in this space.

Mr McBRIDE: Further to that question, in regard to the idea of two strikes and you are out, which is a new concept which I think is in the bill here today, when an individual is let out of incarceration, maybe fulfilled their full term and time and are deemed fit to re-enter society—I would like some clarity from the minister that I am not misleading anyone here and that that is the new concept—I am just wondering whether the minister could enlighten the parliament about that two-strike process and the severity of what that second strike might be and what is captured by these new changes and new legislation that we are ringing in here today.

The Hon. J.K. SZAKACS: This bill does not contain a policy-elucidative approach to two strikes. If I may be as bold as to suggest, I think the member is asking me about the government's policy initiative regarding child sex offenders, and that two strikes is a matter that I understand the Attorney is working through in the final drafting of the bill brought before this house. As we currently see this bill, and without any amendments that have been filed, there are no changes to the application or the interpretation of 'strikes'.

Clause passed.

Remaining clauses (3 and 4), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. J.K. SZAKACS (Cheltenham—Minister for Police, Emergency Services and Correctional Services) (11:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ASSISTED REPRODUCTIVE TREATMENT (POSTHUMOUS USE OF MATERIAL AND DONOR CONCEPTION REGISTER) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 February 2024.)

Mr TEAGUE (Heysen) (11:30): I take the opportunity to join with the shadow minister for health and those on this side of the house in expressing our support for the bill that is, of course, the subject of a long-running and thoroughgoing consideration by government and, I think it is fair to say, has involved the opportunity for the opposition to consider the field very thoroughly. I will come in a moment to the very thoughtful input that has been provided by those leading participants in assisting with what have really been ongoing advances in assisted reproductive treatment over the course of now two and more generations.

It is a bill that is really heading us into territory that it is high time we were in. It involves a reflection on what in many ways we have learned over the course of particularly the last 20 years or so, back to 2004 or the early 2000s. It also is a reflection of the changing technology and what is possible to achieve and, in a way, the combination of those two things in terms of the evolving community expectations—in some ways, the change from one set of what might have been considered virtuous circumstances at one point, decades ago, to what we now consider to be the most ethical, the most robust and the best-practice means of proceeding into the future.

The nature of this subject matter—traversing over, in some cases, a long history, and then setting a course for how we will as a community conduct ourselves into the future—means that there is an important consideration of changes that are made going forward that affect the past, the retrospectivity of what we are considering, at least an important part in relation to the bill. I will come to that as well in a moment.

For those who have participated in the debate, we are clear that the reforms that are the subject of the bill cover really four main areas. Firstly, it is to legislate the posthumous use of an ovum or embryo, which will bring us into line with what is already provided for in terms of the posthumous use of sperm. Secondly, it will expand on the permission that will be available to donor-conceived people to access information about the donor. I will come back to that in a moment, but of course that is work that was very much conducted under the former Liberal government and it continues with that work.

Thirdly, the bill will legislate to overturn what has been the historical anonymity of donors. I mentioned a moment ago that it was 20 years ago—it was going back to 2004—when we had a key change in overturning the historical anonymity of donors. The bill will importantly open a new door and it will apply itself to those circumstances that have applied at least up until 2004.

In that regard, it is important to note that, up until that time, there was no option but to donate on an anonymous basis. As I said at the outset, what was regarded as best practice or virtuous 20 and more years ago is now no longer regarded inevitably as a virtuous or only way forward. We have heard the compelling voices of those who have been personally affected by what was a set of circumstances in place at least more than 20 years ago.

Fourthly, the bill makes important provision for changes to the register—changes to the Births, Deaths and Marriages Registration Act 1996—and that will have the effect of allowing the inclusion of donor details on a birth certificate to the effect that going forward that will happen with a minimum of fuss and with the assistance of the register and that is a good thing as we go forward.

I will address briefly the first of those matters—the legislating for the posthumous use of an ovum or embryo. This is an area where the law actually currently contains a prohibition, therefore we are charting new ground to set out those circumstances in which the human reproductive material may be used posthumously and not limited only to sperm.

The question of legislating the posthumous use of reproductive material is something that has been the subject of thoughtful engagement, including by those clinical specialists who are functioning day to day in this field. I just want to highlight and recognise that in this area it is important that we, as legislators, are responding to those in the community who have lived and experienced being the provider of reproductive material, the beneficiaries of donor-assisted reproductive treatment, and the life experience in terms of identifying who those individuals are.

It is important, too, that we recognise that we are legislating in a space of extraordinary expert clinical development, which, although we have all become well familiar over recent decades, we ought bear in mind is brought along and advanced by the extraordinary innovative work of specialist clinicians. I am very glad that those at Repromed, and the medical and research staff who are leading advances in this area at Monash IVF, have been engaged. I think it is important that we are continuing to be as closely connected with those medical specialists as we legislate because I think this is unlikely to be the last occasion that we will be reforming what is possible in terms of the sharing of information, and also facilitating what is possible in terms of what medical science is capable of achieving.

The Monash IVF Group had, I know, considerable and thoughtful input into the scope of the legislation on this occasion and, in a variety of ways, has pointed to the future in terms of what further reform may be possible. I cite just one example in terms of this question of the posthumous collection and use of reproductive material. It is an area that we see some reform on the subject of this bill, but there is clearly a way that is pointed in terms of what might in future be compelling further reform to deal with the broad range of circumstances in which both posthumous use and posthumous collection are needing to be considered.

I note the reference in the not so terribly recent times to the Supreme Court's consideration of the posthumous collection of reproductive material and, given what medical science can achieve, the path that has needed to be covered—we know because the court has been asked to determine—and therefore what might be ahead of us in terms of the future consideration of matters, including that. I recognise and thank those expert clinical specialists for the work that they do, and I hope that we keep them very much at the fore of how we are legislating for best practice, what feedback about developments they are able to bring.

Secondly, as I have said, the former Liberal government had done considerable work in the provision of permission, facilitation of donor-conceived people being able to access information about their donor and providing the legislative compulsion, if you like, for clinics to be in a position to respond to changes, and that requires the maintenance of records so that information can be provided in an orderly way in accordance with the law.

That is backed by some significant penalties in relation to the failure to keep records because, as I have said in relation to the historical anonymity of donors, this was once a matter about which there was no alternative, so the approach to these things changes over time. Where there is good cause for a change of approach, it is necessary that there be, as far as practicably possible, the capacity to make arrangements in terms of information sharing, and in order to do that records need to be obtained. It is important enough that there are significant penalties to apply for the failure to do so.

As we know, not quite 20 years ago the National Health and Medical Research Council implemented significant new guidelines that removed the capacity for a sperm donor to remain anonymous, and that was applied therefore in every state except, as I understand it, the state of Victoria, which had about seven years prior to that already removed anonymity completely.

The capacity to make the change and to make it meaningful is facilitated, as I have said, by those historical records having been kept, and we know that University of Adelaide has maintained records of fertility treatment that have been provided by Repromed going back around 50 years. There is no formal process under this bill for any donor who provided human reproductive material

prior to 2004 to object to the disclosure of their personal information. In terms of dealing with the retrospective nature, therefore, of the change, it is important that we—and we will address the amendment in the course of the committee—apply, as a matter of principle, the capacity to engage in that process.

We understand and anticipate that there will be a high if not comprehensive participation, with the result that the change, applying in that way retrospectively, will achieve an even greater level of confidence in the community. I look forward to the opportunity to consider, to debate and advance amendment in the course of the committee shortly.

The update to the register I will leave for others. It is an important reform and it will ensure that those important details, contributing as they do to an individual's identity, are appropriately recorded on the register. With those words, I commend the bill and look forward to the committee process.

S.E. ANDREWS (Gibson) (11:51): The Assisted Reproductive Treatment (Posthumous Use of Material and Donor Conception Register) Amendment Bill 2023 seeks to modernise legislation in line with evolving community expectations, empower individuals and extend fairer access to important information and technology. Unfortunately, the joys and challenges of parenthood are not naturally available to all adults in South Australia. Therefore, it is important that we have a safe, robust and progressive assisted reproductive treatment and donor conception process in South Australia.

I understand the anxiety and distress that parents face when they are informed they are unable to conceive and may have to seek IVF treatment. It is appropriate that, when hopeful parents and donors are entering the process, they are fully aware. This bill will specifically look at the rights of donors and those born as a result of donated material. It is important that both parties in the process have rights and it is therefore appropriate to introduce legislative reforms to provide a person who is born as a result of donated material with the ability to access information about their donor.

This bill seeks to enhance the operation of the Donor Conception Register that records information in relation to people born through the use of donated human reproductive material by allowing donor conception participants access to certain types of information, overturning the historical preservation of anonymity of donors. The bill also seeks to legalise the posthumous use of an ovum or embryo in similar circumstances to what is already permitted in respect of posthumous use of sperm. I will return to this later, but this is, once again, a Labor government delivering in relation to equality for all.

In 2017, highly regarded academic in the field of assisted reproductive treatment and donor conception, Professor Sonia Allan, conducted the state government's review of the Assisted Reproductive Treatment Act, a piece of work initiated by the previous Labor government. Professor Allan's recommendations included the establishment of a donor conception register in South Australia, and providing donor-conceived people, aged 18 years and over, the right to access identifying information about their donors.

Recognising changing views, South Australia established the Donor Conception Register in November 2021 in accordance with amendments to the Assisted Reproductive Treatment Act, as moved by the Hon. Connie Bonaros in the other place in 2019. The register currently holds information on donors, the recipient parent of this donated human reproductive material, and any person who is born as a result of the donated material.

This bill seeks to enable the Donor Conception Register to function retrospectively and enable safe as well as supported access to the information that it holds. South Australia will join jurisdictions including Victoria, New South Wales and Western Australia which all have donor conception registers available to donor-conceived people, providing information for these South Australians about their donors and allowing connection, if desired, by both parties.

Additionally, South Australia will also follow Victoria in legislating the retrospective disclosure of a donor's identifying information for donors prior to 2004. This additional information will allow donor-conceived people to access information about their donor irrespective of when they were born. Where the information is verified, the identity of the donor will be disclosed, providing donor-

conceived people the right to their genetic parentage. I acknowledge that historical donors made donations on the understanding they would remain anonymous. However, it is important to note these amendments place no requirement on any donor to have contact with their donor-conceived offspring, but they do provide the option.

As with all legislative changes of this magnitude, the government has given careful consideration to legislate a retrospective donor conception register. The government has sought expert input and has undertaken extensive consultation with those whom this legislation will impact, including the donor conception community and our state's fertility clinics, as well as stakeholders across Australia. The state government's consultation included the SA donor conception reference group and national advocacy group, Donor Conceived Australia, who supported the development of this bill and helped ensure the model proposed for South Australia is workable and allows disclosure of personal information in a safe, respectful and ethical way.

The Labor government notes the increased access and use of at-home DNA testing and services, including AncestryDNA, which have contributed to donor-conceived people being able to find out the identity of their donor. However, this approach does not provide the systems, support and assurances that will be present under the proposed regulatory system for South Australia. In recognising the particular impacts that may be felt by pre-2004 donors, the government will make important counselling and intermediary support services available to this group. Therefore, I endorse these changes to our legislation in South Australia.

The second aspect of this bill brings equality to the posthumous use of human reproductive material, which is currently restricted to the posthumous use of sperm. The amendment included in this bill will make the legislation equitable for men whose female partner has died and for same-sex couples. As one would expect, strict conditions apply to the use of posthumous human reproductive material, including the deceased having consented to the use of their material prior to their death and the partner seeking to use the deceased's material having lived in a genuine domestic relationship with the deceased prior to their death.

These conditions are, obviously, very important to respect the rights of the deceased to have control over their body and their human reproductive material and, additionally, their right to decide on who at least one parent of their child is, including that they are someone with whom they were in a genuine domestic relationship—which, we hope, had a foundation of love and shared values and outlook. This amendment would also bring South Australia in line with Victoria and New South Wales, the other jurisdictions that allow posthumous use of reproductive material.

The amendments to the Assisted Reproductive Treatment Act, and consequential amendments to the Births, Deaths and Marriages Registration Act, the Family Relationships Act and the Surrogacy Act, are proposed to:

- provide donor-conceived people aged over 18 years, regardless of when they were born, with access to information about their genetic parent—the donor;
- ensure the effective operation of the Donor Conception Register;
- provide donor-conceived people with options for the inclusion of donor information on birth certificates; and
- provide gender equity for the posthumous use of human reproductive material when certain conditions are met.

In summary, this government recognises how important it is for all donor-conceived people to have access to information about their genetic heritage. It not only plays a significant role in the development of a person's identity and sense of self but also enables them to access important medical and genetic information. It is the Malinauskas government's view that this bill strikes a balance between upholding a person's welfare as paramount, and safe and respectful disclosure of donor identities in a regulated environment. I commend this bill to the house.

The Hon. A. PICCOLO (Light) (11:59): I rise to speak in support of this bill. My remarks will be mainly regarding the Donor Conception Register. Before I make some comments on why I think

this is a good bill and why it should be supported, I would like to provide a bit of a time line on the issue of donor conception in this state.

At the outset, I would like to thank Damian Adams, who provided me the information for this time line. Damian and his support group have been working on this issue for many years—in fact, many decades. I think it is appropriate, given this bill is now before us, that people fully understand the depth of emotion involved in this issue and what this bill means to a lot of people like Damian, the support group and others who they represent.

I will give a bit of a potted history, only because if I go through each entry that Damian has provided me with I would use up my 20 minutes quite easily and I would probably need more, because it has a long history, but I think that some parts need to be put on the record.

In terms of this issue of assisted reproductive technology it starts in 1988 with the Assisted Reproductive Treatment Act of South Australia allowing offspring the ability to access non-identifying information. That is where the journey, if you like, starts for some people. In December 2000, the South Australian Council on Reproductive Technology recommends to the Minister for Human Services that the code of ethical practice be changed to reflect the now generally held consensus that donor-conceived offspring should have access to identifying information on their donors. That was December 2000 and we are now in February 2024, so it has been a long journey for a lot of people.

During 2004-05, Damian Adams begins lobbying, including correspondence with the then health minister, on trying to get changes to the bill. The minister did advise that the health department was considering a register and proposal in the not-too-distant future. In March 2005, the donor-conceived support group and Damian Adams write to the federal people—in fact, the chair of the human rights subcommittee—seeking clarification and support, with advocacy for a national register for people who are born through donor conception. The committee basically says their role is to educate rather than advocate so they would not be extending their role beyond that.

Undeterred, Damian writes to the health minister at the state level, who advises that funding priorities do not allow for the register to be implemented at this time—that is back in 2005. Again in 2005, Damian rights to the Hon. Tony Abbott MP, federal Minister for Health, seeking assistance from the federal government and, sadly, gets the response that the Australian government is not currently planning to act at a national level.

In 2006, the donor conception group meets with advisors to then Minister for Health, the Hon. John Hill, to see what his views and that of the government of the time are. Sadly, the matter did not progress that far. In 2006, Damian writes to a number of MPs, including Independent member the Hon. Bob Such, who was a supporter of what they are seeking to do.

In 2007, Damian writes to the federal Attorney-General, Philip Ruddock, and the South Australian Attorney-General seeking changes to donor conception and a register. The Donor Conception Support Group then travel to Sydney to meet with the federal Attorney-General to discuss the issue of a national donor conception register, because clearly a national register is the best outcome, given that people can be the product of donations in one state or jurisdiction but conceived in another. So a national register would be best but, failing that, state-based registers are worthy as well, particularly if state-based registers are in unison with other states.

In 2009, a donor conception register bill, the Reproductive Technology (Clinical Practices) (Miscellaneous) Amendment Bill 2009, is passed and supported by then Minister for Health Jack Snelling. In 2009, the Donor Conception Support Group of Australia travel to Canberra for a meeting with then Senator Trish Crossin to discuss the possibility of a federal inquiry.

In 2010, Damian travels to Melbourne to present evidence before the Senate Legal and Constitutional Affairs References Committee. He also makes a submission to the Victorian Parliament's Law Reform Committee on access to information by donor-conceived people.

In 2011, the then Senate committee recommends that all donor-conceived people have access to knowledge of the donor and their siblings and that if a national donor conception register is not achieved the committee recommended that each state and territory should put their own in place, and that is what is happening now. Fast-forward to 2015, Damian meets with the then shadow

attorney-general, Vickie Chapman, and I have my first meeting with the donor conceived support group and also Damian, and that is when I was briefed on the issues involved.

A few months later, the first Australia-wide conference of donor-conceived people was held in Melbourne, which I attended and where I learnt about and got a better idea of the issues involved but also the experience of donor-conceived people and the difficulties in their lives in lacking information about who their father is, both from a medical point of view and an identity point of view. That conference was very successful and also provided a great deal of momentum right across the country to seek changes to the laws required.

Fast-forward to January 2017 and Professor Sonia Allan's report. Professor Sonia Allan was commissioned by the then Minister for Health, Jack Snelling. She was a speaker at the conference in Melbourne, and she was highly recommended as a person to inquire into this matter. The minister commissioned the inquiry and Professor Allan's report made a whole range of recommendations to which the government then tabled the response some months later, indicating that a register would be created in South Australia but also looking at the possibility of providing identifying information about donors.

A number of other meetings took place, and then in late 2017 the donor support group met with the then Minister for Health, now the Premier, who indicated that he was very keen to get some of the recommendations from that report put into place. Then unfortunately, in 2018, we lost government. Since 2018, while some things have happened on the key issue of the register and the key issue of providing an opportunity for donor-conceived people to get identifying information, it was put on the backburner and nothing happened for four years.

Late during the period when we were in opposition, the donor conceived support group met with myself and the now Minister for Health, the Hon. Chris Picton, who indicated that if we were to win government we would revisit this matter with a greater deal of empathy for the lives and experiences of people who are donor conceived. In 2019, there were some changes to the legislation as a result of a private member's bill moved by the Hon. Connie Bonaros in the other place and which my party, the Labor Pary, supported.

Undeterred, Damian Adams and seven other Australian donor-conceived people attended and presented at the United Nations in Geneva on the 30th anniversary of the UN Convention on the Rights of the Child. The UN Convention on the Rights of the Child make it very clear that children have rights to information about their biological and also their cultural history.

In March 2022, just prior to the state election, the now Premier met with the donor conceived support group and made it very clear that if we won the March election we would introduce and support a bill to give effect to some of the recommendations in Professor Allan's report, in particular enabling donor-conceived people to access identifying information about themselves—where it exists, it is important to say. Unfortunately, because of the history of this issue, not all that information may be available, but it is important to do that. In terms of the timeline, on 30 August 2023 the now health minister tabled this bill in parliament, which was gratefully welcomed by the donor-conceived community.

That is a bit of a potted history of where we are at. I did that deliberately because this is not just some thought bubble by this minister or by a group of people: this matter has been debated, looked into, inquired about and investigated at length. In the meantime, we have a group of people in our community who just want to know who they are. It is simple: they just want to know who they are, and part of that is knowing where they come from. That is important.

If you need to understand that, just look at the amount of money people spend with organisations such as Ancestry and others to find out their biological origins. It is important to people's identity, and it is important to people's cultural understanding of who they are. It is also important in terms of their own personal health. The reality is that we are a product of our history, and it is important that this group of people know their history.

The community has moved on, and I do not think the concerns raised by the opposition in this current debate are shared by many people. I accept that some people will not be happy with this

decision but my view, overwhelmingly, is that if the rights of the child are paramount then they are paramount, and we actually make those rights paramount by law. That is what this bill seeks to do.

The child had no say in how they were conceived, the child had no say in what information was available to them or not. In my opinion, the child now does have a right to have that information available to them.

The opposition states they will bring balance to this bill by changing that provision where, if I remember correctly, prior to 2004 people who did not previously have identifying information, that that should remain secret, for lack of a better word. That does not provide balance to this: that actually guts this bill, and removes an important provision. Providing balance means you can tweak or enhance a bill; you do not enhance the intentions of this bill, the intentions of the donor-conceived support group, or the rightful aspirations of those people born through donor conception to know who they are.

In fact, we would be going backwards in some ways, because this bill makes it very clear that this is now possible. If we were to support the Liberal opposition's amendment to take that away we would be dragging the carpet out from underneath their feet and forcing these people to fall to the ground once again. It would be a cruel act to inflict on them.

In terms of supporting the bill, I mentioned earlier that Professor Sonia Allan was commissioned by then minister the Hon. Jack Snelling to produce a report on this matter. She is a highly credentialled professor, highly regarded in both health and the law, and she undertook extensive consultation on this matter. Professor Allan produced a very substantive but also very thoughtful report, and provided some very practical advice on what needs to be done to address this. One of the key recommendations was that, subject to appropriate mechanisms, donor-conceived people have access to identifying information.

The register I mentioned currently holds information on donors, the recipient parent of the donated human reproductive materials, and any person born as a result of the donated material. The bill seeks to enable the donor conception register to function retrospectively. I understand why some people may have some anguish about it being retrospective, but I think in this case the bill's retrospectivity is justified. It is justified because it actually corrects a wrong, which is imposed on a whole generation of children who are now, in the main, adults and who have children of their own. That is also important because it enables these adults to share their history with their children and grandchildren.

In doing so, South Australia will join jurisdictions including Victoria, New South Wales and Western Australia that all have donor conception registers available to donor-conceived people and will follow Victoria in legislating the retrospective disclosure of a donor's identifying information for donor prior to 2004. In this regard, while this is new ground for South Australia, it is not new ground for Australia. What we are doing is both practical and right. It is not some radical thought, but something which is worthy of support, and we would be following Victoria.

The bill will allow donor-conceived people to access information about their donor, irrespective of when they were born. Where the information is verified, the identity of the donor will be disclosed providing donor-conceived people with the right to their genetic parentage. It is recognised that historical donors made donations on the understanding they would remain anonymous. However, it is important to note that these amendments place no requirement on any donor to have contact with a donor-conceived offspring. I think that is an important safeguard in the current bill. That is where the balance is: the balance is in this bill already. The bill does not need to be amended to remove that balance.

The government has given careful consideration to legislate a retrospective donor conception register. The government has sought expert input and has undertaken extensive consultation with those this legislation will impact, including the donor-conceived community, our state's fertility clinics and stakeholders across Australia. This consultation has included the SA donor conception reference group and the national advocacy group Donor Conceived Australia who have supported the development of this bill and helped ensure the model proposed for South Australia is workable and allows disclosure of personal information in a safe, respectful and ethical manner.

I would like to reaffirm that this bill provides the proper process for this information to be provided with the proper supports. The alternative is people just keep searching or there is Ancestry.com and other similar things around the world where people find the information but there are no supports or safety nets. This bill provides a safety net and supports at the right time.

The increased access to and use of home DNA testing and services including AncestryDNA have also contributed to donor-conceived people being able to find out the identity of their donor. However, this approach does not provide the systems, support and assurances that would be present under the proposed regulatory system for South Australia.

As human beings, we love to get an understanding of how we fit into this world. We like to know who our parents are, who our grandparents are, our history and how we got to where we are today in our lives and experiences. That identity is important if you are born in Australia and it is also important for people born overseas, who migrate and who lose contact with families, and it is particularly important for people who do not have that clear historical connection because of the lack of information. This bill helps to ensure that information is available to this group of people.

In recognising the particular impacts that may be felt by the pre-2004 donors, the government will make important counselling and intermediary support services available to this group, which is a really important part of this bill. Through this bill we are getting the balance right. The reality is if people get information from other sources, there are no support mechanisms and there are more opportunities for conflict and emotional harm for both the donor and the donor-conceived child.

With those comments, I fully support this bill. I would like to thank the donor-conceived support group for their work. I would also like to thank the officers in the department with whom I have had a number of meetings, and also the donor group, who have worked cooperatively to understand both the lives of donor-conceived children and the legislative framework. I think this bill is the right response and has been achieved by extensive consultation and engagement with the people involved.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (12:19): I think it was particularly apt to finish on the comments from the member for Light, who has been a passionate advocate for this legislation not just recently but for many, many years. I know he has taken great delight in this now being brought to the parliament and in the changes that he has helped to advocate for, if parliament so chooses to pass this legislation.

As the member for Light raised rightly in his contribution, this is about people's identity, which is fundamental to who people are. It is also fundamental to their health information. We have seen some worrying impacts on people's health around the country, where people have not had access to their health information. It is also happening at a time when technology is rapidly transforming anyway. We are seeing the advent of DNA testing leading to this happening in an uncontrolled way outside of our legislative frameworks and, hence, updating our legislation is appropriate when we see technology rapidly advancing ahead of it.

This has been discussed for some time, as you outlined, Deputy Speaker. This has been advocated for some time. It has taken a long, arduous road to get here, but I am thankful that we have got here. I want to pay tribute to the people who have made that occur, particularly the advocates from Donor Conceived Australia, without whom we would not be here and would not be debating this legislation. In particular, I thank Damian Adams from South Australia, who is the foremost advocate in this state, using his own personal experience in advocating on behalf of many other people in this state, as well as Aimee Shackleton at the national level. They have been passionate drivers for change for many, many years, and I thank them for their advocacy and also for being here with us today in the chamber as we see this debate.

I thank the members of the reference group who have contributed and helped support the development of this bill, including of course Donor Conceived Australia for their advocacy and support for the community. I want to thank the Hon. Connie Bonaros. Connie has been a significant advocate for this—as have you, Deputy Speaker—for many, many years. Her legislative amendments led to the creation of the donor conception register during the term of the previous parliament and the previous government, where we had seen progress slow on this development.

I also want to thank the Premier for his support. The report was released when the Premier was the health minister for a brief period of time back at the end of 2017, I believe. He saw the importance of making this change back then, and I know it is something he has raised with me both when we were in opposition and in government to make sure that the report was acted upon and implemented, as we are doing today.

I would also particularly like to thank the people from the department who have worked on this matter for many years as well, particularly Scott Hodges, Vicki Paynter and Chris Byron-Scott, and also Dylan from my office, who has been the adviser on this and helped bring it to this point.

The opposition broadly said that they were supportive, but they have moved an amendment which, in my view and the government's view, goes inherently against what we are trying to propose here. It is a legitimate argument that they are making of not supporting the changes that we are seeking to make. These are big changes that we are seeking to make, and they should not be taken lightly, but I would say very clearly—and I think it is the view of the donor community as well—that you cannot say that you support this legislation and then try to amend it to pull the guts out of it.

I think that is what we are seeing in these amendments that are being sought to be made. We will not be supporting them in this chamber nor in the other chamber, should they be sought to be moved, and we hope that they are not successful, because they go significantly against what we are trying to achieve and what we have seen has worked and operated successfully in Victoria for many years. I do not think that a case has been made for why such amendments should be moved, nor would they advance addressing the problem that we are trying to fix here.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mrs HURN: Minister, in relation to clause 3, section 9(1)(c)(iv)(B), I am hoping, for the purpose of the committee and the parliament, that you might be able to talk us through the current circumstances and the chain of events in relation to the donation of ova and embryos taken for the purposes of reproductive treatment and the destruction process, if you like, and how that will change should this bill pass.

The Hon. C.J. PICTON: This is in relation to the use of these materials, particularly through clinics. I am just wondering if the member for Schubert can specify exactly what the question she is asking is, because both myself and my adviser are not exactly sure what information she is seeking.

Mrs HURN: Not a problem. Again, I refer to clause 3, section 9(1)(c)(iv)(B), which provides:

> (B) before the donor died, the donor consented to the use of the human reproductive material after their death in the provision of the proposed assisted reproductive treatment…

Something that has come up during the course of our conversations is in relation to the destruction of a donated egg. What is the process at the moment? If a female has frozen her eggs, at what point after she has passed away are they destroyed? How does that operate, and will that, and how will that, change after this bill is passed?

The Hon. C.J. PICTON: I thank the member for Schubert for her question. I think it was helpful to clarify her question. Essentially, the key thing is about consent. If consent has been given for the woman who has passed away who has donated previously, then that consent would then be there for the partner to take that up. If the consent was not there then, obviously, that would not be able to be used.

There is nothing, based on my advice, specifying the time at which that would be destroyed but, obviously, that would be for the provider—whether it be Repromed or somebody else—to work through in relation to the exact time frames. But the key thing is in relation to that consent which the legislation is making clear needs to be in place for that to be actively used.

Mrs HURN: Again, in relation to clause 3, amendment of section 9(1)(c)(iv)(C), where it notes that if the donor gave any directions in relation to the use of human reproductive material, will those directions have to be verbal; are they written; or how explicit does the direction need to be, to be given?

The Hon. C.J. PICTON: I am advised that this is one of a number of areas where there would be appropriate consents at the beginning of the fertility treatment through the fertility treatment provider, and we specify that that consent has to be provided. We do not specify the manner in which it is provided but the advice is that, essentially to make sure that the fertility providers have protected themselves to be able to prove that they have complied with this legislation, those providers in a practical sense make sure that they are written.

Mrs HURN: In relation to work that SA Health might do with reproductive clinic providers, like Repromed and others, could you talk us through at what point in the cycle will a female and her domestic partner be advised (obviously should the bill pass, which we assume it will) that they can utilise their eggs posthumously? Is this something that will be up to the individual clinic to determine or will there be guidelines provided by SA Health?

The Hon. C.J. PICTON: As the minister, I license the providers. Part of the licence conditions for the providers is that they must comply with the NHMRC guidelines in relation to ethical practices. Part of those guidelines are in relation to consent that would mandate a whole range of different consents that need to be provided, including discussion with the woman and her partner, if the case was appropriate, in relation to posthumous use, etc.

Mrs HURN: I want to ask a question in relation to a hypothetical, if you like: if a single female decides that they would like to freeze their eggs but they are not yet in a domestic relationship but, say, for instance, in two to three years' time they find themselves in a domestic relationship and they know that they have those frozen eggs, is it okay to enter into an agreement at that point, or does the agreement have to be at the time when the eggs are originally donated or frozen, if you like?

The Hon. C.J. PICTON: The advice I have is that consent would be updated constantly. So, essentially, you could go back and give your consent for that to occur if you later were to have a partner where you wanted to have that consent. The critical thing would be that at the point that there was to be any contemplation of use there would be active consent in place at that time.

Mr TEAGUE: Perhaps continuing that line, I would just draw attention to Repromed's feedback. The minister is no doubt aware, for the benefit of the committee, of the point that Repromed expresses specifically in relation to the section 9(1)(c)(iv) amendment at (B). Repromed says:

> …part B requires that the donor or deceased person has consented to the use of the human reproductive material after their death in the provision of the proposed assisted reproductive treatment. In the medical field the word 'consented' is often viewed as formal written consent and therefore we would suggest that the wording be reviewed and better align with the NHMRC Ethical guidelines which allows for the posthumous use of gametes and embryos where the deceased person has left clearly expressed directions consenting to such use following their death.

In that context, I am looking at the ordinary reading of the amended provision. I mentioned in the course of my second reading contribution the silence that has been expressed as a concern, that Monash IVF has said might have been an opportunity to deal more expressly with this use of gametes collected posthumously without the genetic donor's consent.

The amendment in 9(1)(c)(iv) really brings the focus on to both time and form of consent. As I read it, (A) says human reproductive material was collected from a person who has died. That is not necessarily time specific. In (B), which the shadow minister has just been focusing on, before the donor died the donor consented to the use of human reproductive material after their death.

(A) does not seem to prevent the posthumous collection. (B) is expressed in fairly broad terms. Is it not possible that there is a question of evidence as to a partner coming along and saying, 'The consent was there. Go for it. Collect after death. The consent is there.' There is nothing terribly prescriptive about that form, and I hear the minister saying, 'Well, it's a matter of updating constantly.' Is that going to be something that ultimately a court will have to wrestle with, as to the existence of relevant consent or not in (B)?

The Hon. C.J. PICTON: It is a very fascinating area. The member raises the issue, as I understand it, in relation to posthumous extraction, which I understand is different from what we were just discussing with the member for Schubert. The advice that I have is that there have been cases of posthumous extraction that have occurred. They have been very rare, but they have occurred with permission of the courts.

We are not seeking to change the current legislation to make that either easier or more difficult. If there was to be a case of that again, then it would likely have to go through the courts for consideration as well. What is much more, we think, likely and foreseeable, and is also what we are trying to deal with, is in relation to where extraction has occurred while people are alive and consent has been offered, rather than these very rare cases where there has been court-approved extraction after death.

Mr TEAGUE: It is interesting and possibly rare to work through case examples, and I am just focused on what the legislation is actually saying. I wonder whether or not the legislation is permissive of such circumstances in a way that brings the focus onto what consent means rather than the time of extraction. It does not seem to me to draw a distinction on the face of it between live extraction and posthumous extraction in (A); all it does is to make express in (B) that consent is given before death. I am only asking the question.

Is it on one view possible that you might say, alright, well you have domestic partners, there is ongoing implied consent, including posthumous extraction and use? Might such things be expressed in a whole variety of different ways and routinely, much like one might anticipate arrangements such as a will before one dies? What are the circumstances that are going to flow, and is that something that might enter into more ordinary popular discourse in contemplation of those things?

Most illustrative of this in terms of the South Australian circumstances, now more than 10 years ago—and it is de-identified—are the decisions in Re H, AE (No.2) (2012) SASC 177 and Re H, AE (No.3) (2013) SASC 196. Those decisions were in relation to the facilitation of the collection in the first place posthumously and then, as I understand it, some pretty quick movement that was necessary to then make use of that reproductive material, and on we go. For the purposes of the legislation, I hear the minister saying that there is no endeavour in the legislation to change the arrangements for posthumous use. I have put the question already about how one might interpret (A) and therefore whether or not it really boils down to what consent means in (B).

The Hon. C.J. PICTON: I thank the member for Heysen. As always, he is up to date with his case law. The advice I have—

Mr Teague interjecting:

The Hon. C.J. PICTON: Well, I am trying to give you a compliment, Josh. As I understand it, there was clear consent in that case. It was in relation to a motorcycle accident and a death that occurred from that. There is nothing in what we are proposing here that gives an active power or right in terms of extraction after death. That would still have to go through the court process that the person referred to in the case law did, as mentioned by the member for Heysen. Of course, if that was to occur, then it talks through the situation in relation to consent. The understanding that I have is that a court would be very unlikely to grant the approval for extraction after death unless there was strong evidence of the consent as had occurred in relation to the case that the member for Heysen mentioned.

Mr TEAGUE: I always appreciate a compliment. In all seriousness, I am wanting to emphasise that I am not necessarily up to date with the case law. There may well be other examples more recent than this one. If it happens to be the best illustration of the issue, then good, we are on all fours about that. I think to square that away, my understanding is that in that case Justice Gray made findings about precisely the sort of circumstance that I have endeavoured to describe about a standing situation—that is, the court's making an observation that the applicant widow in that case and the deceased had decided to start a family and, but for his death, their attempts to do so would have continued. That does not seem to be at odds with the notion of consent on the face of the legislation.

Maybe it is entering into the realms of what might be tested, if the minister is saying it is not necessarily certain or it is not necessarily intended to chart new ground about either posthumous collection or defining what consent means. These things might remain very rare events and to be determined by the court. I guess the minister has already provided some sort of reflection on whether or not this becomes standard fare, to be more expressly considered by domestic partners who do have that intent and then the worst of circumstances happen, so that there is the possibility to not be charting such uncertainty in those worst possible circumstances, and urgency and so on.

I appreciate what the minister has observed. I suppose it might be that if we do want to be even more certain about what is to be involved in those posthumous circumstances, then it might be that more needs to be done or the courts might have more work to do.

The Hon. C.J. PICTON: I reiterate my previous comments and also note advice that this amendment is not seeking to do what the member is highlighting that he believes there may need to be further reform of. The advice that I have is if the member was contemplating that that needed to happen, then it would likely be an amendment to, I believe, the Transplantation and Anatomy Act, which is outside the scope of the bills that we are currently debating.

Clause passed.

Clause 4 passed.

Clause 5.

Mrs HURN: I move:

Amendment No 1 [Hurn–1]—

Page 4, after line 26 [clause 5(4)]—After inserted subsection (4d) insert:

(4e) Despite any other provision of this section, if—

(a) a donor provided human reproductive material for the purposes of assisted reproductive treatment on the basis that their identity would not be disclosed to any child born as a consequence of the treatment, or to any parent or guardian of such a child, without the donor's consent; and

(b) the donor—

(i) has given written notice to the Minister that they do not consent to having their identity so disclosed; or

(ii) has not received information from the Minister about the effect of this section and had a period of at least 3 months to consider whether or not to give the Minister such a notice; or

(iii) has died before receiving information from the Minister about the effect of this section,

the Minister must ensure that access is not provided to identifying information about the donor contained in the donor conception register.

Note—

Access may still be provided to information about the donor in the register (such as, for example, medical information) but the identifying information must be redacted or otherwise excluded.

My amendments are consequential, but I am just moving the first one. I think it is important to flesh out the thinking behind the opposition putting forward this amendment. I think we should acknowledge in the house that there are very different views, but we do not agree with the assertion that this fundamentally guts the purpose of this bill. Again, we very much acknowledge that there are different views, but as a principle retrospectivity is one that we on this side of the house do have concerns with.

We make it very, very clear that we are supportive wholeheartedly of the establishment of this register, that access to that information should be accessible for people who have been conceived as a result of a donor, but likewise the amendment that we are putting forward seeks to

protect, if you like, the identity of those who donated explicitly on the assumption of anonymity pre-2004.

We are proposing that there is an option for those donors that they can choose not to release their identity. For the purposes of the amendment, which is of course the consequential one, we have identified identifying information to mean the donor's name, date of birth, place of birth, last known address and any donor code assigned to the donor. What is not up for debate or choice is medical information that will be released automatically.

I also note that in the YourSAy survey the government did throughout the process of this bill there were 10 donors who were interviewed or had the opportunity to share their view. We note that nine of those donated pre-2004; that is, they did so on the assumption of anonymity. Pleasingly, none of those nine had concerns with releasing their identifying information and we think that is fantastic and we hope that that would be extrapolated across anyone who donated pre-2004.

That is fantastic, but this proposal is about giving choice to the one person who may have donated who does not want their identifying information to be released. We acknowledge that there is a complete balance that has to be struck here and for some that balance in our amendment will never be met and that is why we have these types of debates. On this side of the house, the prime reason we are moving this amendment is because we have concerns about the principle of retrospectivity. These donors did so never assuming that their information would be made public. We think that the data behind it, the YourSAy survey, gives us confidence that for many people it will not be an issue, but let's give them the choice.

The Hon. C.J. PICTON: I indicate that the government will not be supporting this amendment or the other amendments moved by the opposition. As I noted in my second reading speech in my summing up remarks, in the government's view this really guts what we are trying to do in relation to this change in the legislation. The amendments proposed by the opposition have the effect of a permanently enshrined secrecy regarding the identity of the genetic parent of a donor-conceived person, compelling a donor-conceived person to live their entire life without knowing the name of the person who has contributed 50 per cent of their genetic make-up.

The intention of the bill is, in fact, the opposite. The bill proposes to expand the operation of the donor conception register to enable donor-conceived persons to access important information about donors. While the government recognises that anonymity practices were the norm up until 2004 in relation to donation of human reproductive material, society has moved away from this culture of secrecy, recognising the benefits to donor-conceived persons in knowing who their genetic parents are.

Importantly, we recognise—and we have heard from donor-conceived people—that the benefits of being informed of the identity of one's genetic parents is about more than just having access to medical information. There are psychosocial benefits through the fulfilment of identity and a sense of equality and non-discrimination in being able to identify one's genetic parents.

We recognise, of course, that there is a level of unfairness put upon those pre-2004 donors who wish to continue to remain anonymous; however, these views must be balanced against the interests of donor-conceived persons who have had no input into how they were conceived and have no control over the information they can access.

To amend the bill as proposed by the opposition would be to establish a subset of individuals in society who are forever prohibited under legislation from obtaining information identifying their genetic parent. This is not consistent with the principles of fairness and equality or with the intent of the ART Act and the bill. It is also not consistent with the law for adopted persons under the Adoption Act 1988, whereby, upon turning 18 years of age, an adopted person can obtain information identifying their birth parents.

I would like to highlight some of the safeguards that we have in relation to this bill. The amendments by this bill are furtherance of the fundamental principles of the ART Act that the welfare of any child as a consequence of ART, including through donor conception, is to be treated as being of paramount importance.

The bill is about empowering donor-conceived persons to access important information about themselves, whether it be information about genetic predispositions or medical conditions to which they may be susceptible or information about their genetic parent, enabling a donor-conceived person to have a full sense of identity and not forcing them to carry on through life not being aware of their genetic heritage.

Information about donors will not be available through the register to the world at large. Only a donor-conceived person connected to the donor will have access to identifying information about a donor. There is no obligation on a donor to establish or maintain contact of any form or ongoing relationship with a donor-conceived person, if that is the wish of the donor.

The register will also allow for all donor participants to make their contact preferences known, including where a donor does not wish to be contacted by donor-conceived persons. A similar contact preference system has operated in Victoria since 2017 when Victorian laws were changed to retrospectively remove anonymity, and the experience has been positive. There have not been any known breaches of these contact preferences in the seven years that this has operated in Victoria. I think that is an important point for us to make.

Government-funded support will also be offered to pre-2004 donors and their families who wish to access counselling and family linking services to assist with navigating the impacts of opening up of the register. Where a pre-2004 donor is linked to a donor-conceived person, the donor-conceived person will not be provided with identifying information for three months, allowing the donor time to consider accessing support services. For all of these reasons, the government cannot support these amendments put forward by the opposition.

Mr TEAGUE: I will add some words in terms of the principle that I would endeavour to address in the course of the second reading without traversing the detail of the amendment, and here we are in the committee appropriately doing so. I very much support the amendments moved by the shadow minister for health. It is done in terms of the application of principle in circumstances where we are dealing with discrete personal identifying information, and we do not have a perfect analogy to either adoption or to the provision of health and other medical information that, of course, is not the subject of the amendment.

There are two principles here, and one is very much at the heart of the reform that all of us following the debate would hold close and that is that we are moving together as a community into a space that is different to one that was regarded as virtuous only 20 years ago. You might be talking about vanishingly few individual cases—it might be a small number—but even more importantly is the upside of engaging those affected individuals, bringing them along as it were. We understand that the vast majority will happily participate in the sharing of the information and will be glad to chart that course, and doing so they then add legitimacy to the reform.

Progress reported; committee to sit again.

Sitting suspended from 12:59 to 14:00.

ELECTORAL (CONTROL OF CORFLUTES) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

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

Remuneration Tribunal—

No. 18 of 2023—Official Visitors of Correctional Institutions—Determination
No. 18 of 2023—Official Visitors of Correctional Institutions, 2023 Review of—Report

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

Aboriginal Lands Trust—Annual Report 2022-23
Summary Offences Act 1953—
Dangerous Area Declarations return pursuant to section 83B Report for Period 1 October 2023 to 31 December 2023
Road Block Authorisations return pursuant to section 74B Report for Period 1 October 2023 to 31 December 2023
Regulations made under the following Acts—
Electoral—Control of Corflutes

By the Minister for Education, Training and Skills (Hon. B.I. Boyer)—

Education, Department for—Coroner's Findings of Inquest into the death of Lucas Latouche Mazzei—Report on Response to—26 May 2023

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

Police, South Australia—Coronial inquest into the death in custody of Joshua Marek Stachor—Report on actions taken

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

Planning, Development and Infrastructure Act 2016—Early Commencement of the Local Heritage Places Code Amendment 2024—Report
State Planning Commission—Community Engagement Charter—2023 Review

Ministerial Statement

O'DONOGHUE, DR LOWITJA

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.B. MALINAUSKAS: I can today announce that the family of the late Lowitja O'Donoghue AC CBE DSG has accepted the South Australian government's offer of a state funeral to honour her life and legacy. Dr Lowitja O'Donoghue passed away peacefully aged 91 on 4 February this year on Kaurna Country in North Adelaide, South Australia, with her immediate family by her side.

It is with great sadness that we mourn the passing of Dr Lowitja O'Donoghue, a proud Aboriginal woman and a highly respected leader. Australia is better off because of Dr O'Donoghue's selfless service. Through her working life, Dr O'Donoghue has made an incredible contribution to the betterment of our country and people—from South Australia's first Aboriginal trainee nurse, to one of Australia's most regarded Aboriginal leaders of our time. The state funeral will be an opportunity for everyone in our community to pay tribute to her incredible legacy and reflect on her work and advocacy to improve the rights, health and wellbeing of Aboriginal and Torres Strait Islander peoples.

The state funeral will be held on Friday 8 March 2024, commencing at 1pm at St Peter's Cathedral, Kaurna Country, North Adelaide. Registration to attend is essential, with further details available at www.dpc.sa.gov.au. The funeral will also be livestreamed for those unable to attend. Again—and I stress this—in lieu of flowers, the family has requested that people and organisations please consider a donation to the Lowitja O'Donoghue Foundation via www.lowitja.org.au.

LATOUCHE MAZZEI, LUCAS

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (14:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. B.I. BOYER: Today, I have released the South Australian government's response to the findings of inquest made by the Deputy State Coroner, Mr Ian Lansell White, into the tragic death of Lucas Latouche Mazzei. Lucas was a five-year-old student at Henley Beach Primary School who died as a result of a choking incident that occurred at the school in 2017. I would like to once again extend my condolences to Lucas's parents, Mr Miguel Latouche and Ms Daniela Mazzei.

The Deputy Coroner made five recommendations to me and the Department for Education, which have been accepted. Two recommendations made in relation to the Minister for Health and SA Health have also been accepted. Importantly, the Department for Education is adopting a phased approach to ensure that all staff, not just teachers, who work in special education settings have first aid training. The provision of first aid training in other settings will also be increased.

Initially, this will see a ratio of one qualified first aider for every 50 adults and students on any site. This is inclusive of staff, students and volunteers, and will include the requirement that those first aiders hold current qualifications, including an annual CPR refresher. This 1:50 ratio will require approximately an additional 2,740 trained first aiders in government schools and preschools. This training will be completed in 2025.

The Department for Education has also undertaken a range of other actions, outside those recommended by the Deputy Coroner, to provide safer environments for all students and provide guidance to better support families, school communities and staff following any severe incident that might occur in the future.

In developing the response to the Deputy Coroner's recommendations, Department for Education officers have been greatly assisted by Lucas's parents who, despite their grief, have worked with them, reviewing documents and making suggestions for improvement. Not so much as Minister for Education, but as a father, I cannot imagine the depth of the grief and devastation that Lucas's parents have endured, and I am full of admiration and gratitude for their capacity to use this situation to contribute so meaningfully to the improvement of safety for other children in our community. The new suite of policies and procedures will be an important step forward in keeping our children safe, and it will be a lasting legacy for Lucas.

Parliamentary Committees

PUBLIC WORKS COMMITTEE

Mr BROWN (Florey) (14:10): I bring up the 68th report of the committee, entitled Port Elliot Growth Project.

Report received and ordered to be published.

Mr BROWN: I bring up the 69th report of the committee, entitled New Golden Grove Ambulance Station.

Report received and ordered to be published.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call questions without notice, I acknowledge the presence in the gallery today of year 12 students from Concordia College, guests of the member for Unley; and also students from Muirden College, guests of the member for Adelaide. Welcome to parliament. It is a pleasure to have you with us.

Question Time

HUNTER CLASS FRIGATE PROGRAM

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:12): My question is to the Premier. When did the Premier receive advice to indicate that the Hunter class shipbuilding program would be reduced from nine ships to six? 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 Executive Officer, Brent Clark, said six Hunter class frigates would not meet the federal government's promise of a continuous naval shipbuilding program in South Australia.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:12): I thank the Leader of the Opposition for his question. Let me start with the first part of his question. I was in the privileged position to be able to have a high-level briefing—not all of the detail but a high level briefing—with the defence minister late on Friday of last week, which I am grateful for. Of course, we have seen a lot more detail being announced today. That detail, I am very pleased to be able to inform the house, guarantees a surface shipbuilding, continuous build effort in South Australia for—

Honourable members: Hear, hear!

The Hon. P.B. MALINAUSKAS: And, Mr Speaker, it is important for people to appreciate that they don't have to take my word for it; they can actually rely on the words of those people who work in the industry. Having just had the opportunity to be with the Deputy Premier down at Osborne, I think it is fair to say that there is a sense of relief, but also genuine excitement about the future that we now have ahead of us.

I was with Craig Lockhart, who many in this place will be familiar with, who of course is responsible for the delivery of the surface shipbuilding program here in Australia, including at Osborne. Craig is a good and strong leader at BAE, who clearly has the regard of the workforce around him. Mr Lockhart was able to explain the situation in a set of words that I think are succinct that give a bit of context about today's announcement.

He said, and these are his words more than mine, that there was always a plan for three blocks of three surface ships to be built, which, of course, adds up to nine. Today's announcement will see that the first six of those three are of the Anti-submarine Warfare type represented in the Hunter class and then following that we will see a replacement to the Air Warfare Destroyer type, which means we now have a continuous shipbuilding program. An important bit of context for all to contemplate is that—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —in the Hunter10—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —the Hunter program, the sixth ship will conclude in the early 2040s—the early 2040s—and then following that we will see the Air Warfare Destroyer—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —program that will follow. I appreciate that it is the institutional function of those opposite to seek to undermine what is otherwise being universally praised—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —from the workforce down there today. I can't stress enough that it filled me with extraordinary pride to be with literally hundreds upon hundreds of young men and women today who now have the benefit, for the first time, of a budgeted program to actually build the frigates.

Members interjecting:

The SPEAKER: Member for Morialta, order!

The Hon. P.B. MALINAUSKAS: Tier 1, for the ships to be built right here in South Australia in a way that is sustained and ongoing—

Members interjecting:

The SPEAKER: The member for Morphett is warned.

The Hon. P.B. MALINAUSKAS: And I invite those opposite to adopt—

Members interjecting:

The SPEAKER: The member for Morialta is warned.

The Hon. P.B. MALINAUSKAS: —the bipartisan approach that has underpinned the continuous shipbuilding program—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —to get it to this point.

Members interjecting:

The SPEAKER: Member for Morialta!

The Hon. P.B. MALINAUSKAS: I look forward to hopefully that being sustained into the future.

HUNTER CLASS FRIGATE PROGRAM

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:16): My question is again to the Premier. What advocacy has the Premier undertaken to his federal Labor colleagues, and the Prime Minister in particular, for the construction of nine Hunter class frigates in South Australia as promised? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: In late 2018, the then federal government committed to the construction of nine Hunter class frigates.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:17): Committed in a press release, yes, but funded, no. That's the difference.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: That's the difference.

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

The SPEAKER: The member for Morialta is warned.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. P.B. MALINAUSKAS: To build tier 1 surface ships of a highly complex nature, it takes not hundreds of employees but thousands of employees. To pay the wages of thousands of employees, you have to have some money in the budget—you've got to have some money in the budget. What we have now got is certainty in terms of the budget commitment that is required to substantially uplift the capacity that we see down at Osborne.

Members interjecting:

The SPEAKER: Order! The member for Morialta is warned for a second time.

Members interjecting:

The SPEAKER: Member for Morialta, you are on two warnings and you can continue to interject, but you will soon, unfortunately, meet the standing orders. Premier.

The Hon. P.B. MALINAUSKAS: What we have been told today, not from the commonwealth government but indeed from BAE themselves is that they now have the certainty that they require to employ another thousand people between now and the end of 2026. Just think about that for a moment. Right now in South Australia, BAE Systems employs 1,000 people. That is going to double in the space of the next 2½ years—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —in the space of the next 2½ years. That's how confident BAE are in the announcement that we have seen today. Most people in this state would be celebrating the fact—

Members interjecting:

The SPEAKER: Member for Morialta!

The Hon. P.B. MALINAUSKAS: —that they are doubling the size of the workforce.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: Most people, including young generations of South Australians, would be happy about the fact that they now have certainty—

Members interjecting:

The SPEAKER: Member for Hartley!

The Hon. P.B. MALINAUSKAS: —about the work and the pipeline that is in front of them. It's important to appreciate—

Members interjecting:

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

The Hon. P.B. MALINAUSKAS: Most people appreciate that we now have the certainty that is required. Today, the Deputy Premier—

Members interjecting:

The SPEAKER: Order! The member for Morphett is warned for a second time.

The Hon. P.B. MALINAUSKAS: Today, the Deputy Premier and I were standing next to, like I said, countless workers, but there was young Becky, who was a young apprentice boilermaker. She has just started her apprenticeship, and she spoke candidly around how this has been the news that she has been waiting for. This is the news that actually gives her the certainty to be able to be committed to this industry forevermore. The truth is we actually need a lot more Beckys. The single biggest challenge that we've got to this program now isn't the politics; it isn't even the political

decision-making in Canberra. The biggest risk that we have to this program actually is about procuring the workforce that is required.

We are at full employment in this state. We've got the best performing economy in the nation, according to—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —the Commonwealth Bank. We've got an unemployment rate that is below the national average. I don't think that happened once during the course of the former government. What that means is that the challenge isn't to work out where the work is coming from but how we are going to get all the work done. We've got to be sending a signal, we are going to have a very clear message—hopefully a united message across the aisle—to the next generation that this is an industry worth committing yourself to, not just for your own personal economic benefit, although that will be there, but actually in the interest of the nation.

We are building these ships for a reason. It's not an economic boondoggle. We are building these ships for the security and sovereignty of our country, and we want young people to dedicate themselves to those careers—young women like Becky who we spoke to today, a lot more of them. To that end, we welcome today's announcement. I hope the opposition welcome today's announcement so that we can simply get on with the job.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the leader, I acknowledge the presence in the gallery of a former Speaker, Norm Peterson. Also, I think I see the Hon. Greg Crafter, former minister for education and member for Dunstan. Welcome to parliament.

An honourable member: Norwood.

The SPEAKER: Norwood, as it was then known.

Question Time

HUNTER CLASS FRIGATE PROGRAM

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:21): My question is to the Premier. What assurances has the Premier received from the Prime Minister that South Australia won't be disadvantaged due to the reduction in scope of the Hunter class shipbuilding program?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:22): There is no reduction in scope to continuous shipbuilding here in South Australia, only a commitment to it.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: It's interesting: let's think about for a moment the Leader of the Opposition's line of questioning. What the Leader of the Opposition is seeking to tell the South Australian people is that he knows what the Navy needs better than the Navy themselves.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: What the Leader of the Opposition—

The SPEAKER: Premier, there is a point of order which I am bound to hear immediately.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens will come to order. The member for Morialta, on a point of order.

The Hon. J.A.W. GARDNER: Standing order 98, sir: this is a very clear form of debate.

The SPEAKER: It is early in the Premier's answer. Some context is permissible. As well, I extend some latitude to the Premier, because he is the Premier, and also to the leader, but I will listen carefully.

The Hon. P.B. MALINAUSKAS: We live in strategically significant times. I think the Defence Strategic Review made it clear that we are in the most challenging geopolitical strategic circumstances that our country has faced since World War II. That means that we make decisions around our Navy, our Navy's capabilities, consistent with protecting our nation's sovereignty during those times. That means there are big calls to be made around what capabilities the Navy has—nuclear submarines, for instance, but also the surface ships as well.

Today, we've got a decision that means we have anti-submarine warfare tier 1 surface ships being built at Osborne that take us into the early 2040s. The commonwealth, following the best advice of the Navy, will make a decision around the technology and the capabilities of the tier 1 surface ships that follow. I think it would be wise for all of us just to try to remove the partisan politics.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: I am not making a partisan point against the opposition. If we remove the noise for just a moment and we think to ourselves, 'Do we want to be building ships that actually serve the purpose of protecting the nation's sovereignty?', clearly the answer is yes. Then we have to make sure that we are providing the latitude and the confidence to the key decision-makers to make decisions that are consistent with that interest. The people who are best placed to do that are the Navy themselves.

We want the Navy making decisions about the capabilities the Navy needs to keep us safe, which means when we are thinking about decisions that take us beyond the 2040s we want to provide them the flexibility to make those decisions in due time. Today, we get the six anti-submarine warfare surface ships that take us through to the early 2040s, later this decade the commonwealth will start designing the Hobart class replacement and then, of course, the final contract to be awarded in 2035 with construction on that vessel to start in the early 2040s.

Now for the first time, since the Howard government committed to the AWDs in the early 2000s, we've actually got a program that doesn't just think about the surface ships in front of us today but the ones that come after that, and then hopefully the ones that come after that. It's actually a long-term program, and it's a long-term program consistent with the Navy's and our country's security interests. It's a long-term program that provides us the continuous build that we desperately need and avoids the valley of death, which I think we all want to make sure never happens again. Today, that is what we set in train.

Of course, while its independent and separate from SSN-AUKUS, it is important in terms of underpinning the confidence that we need the potential workforce or the future workforce to have to commit themselves to this program at large. When it's all done and dusted, the simple fact of the matter is this: down at Osborne the workforce is about to double; ships are now going to be constructed and built, and we anticipate an announcement on SSN-AUKUS in the not-to-distant future. That combined means our state's capacity to contribute to this nation-building effort is assured. We can take confidence in that and we invite young people around the state to commit themselves to that endeavour.

HUNTER CLASS FRIGATE PROGRAM

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:26): My question is to the Premier. Can the Premier guarantee that the proposed replacement ships for the Hobart class warfare destroyers will be built at Osborne?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:27): Yes.

The SPEAKER: The leader on a supplementary.

HUNTER CLASS FRIGATE PROGRAM

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:27): Can the Premier guarantee that there will be at least three of those ships built at Osborne?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:27): The commitment from the commonwealth is continuous shipbuilding, so we would anticipate there may be well a lot more than three. I should also make clear that one of the options we know that will be in front of the Navy in contemplating the seventh, eighth and ninth ships will be not just whether or not it's an air warfare destroyer replacement, but also that it may well indeed use the hull, that is the Hunter class hull, as well. We know that BAE have put a platform option on the table to the Navy so that, should they choose, they could potentially have the Hunter class hull, albeit with a different formation in terms of capabilities to be able to accommodate far more vertical launch missile capability than what is provided for in an anti-submarine variant of that particular frigate. These are all the options that are in front of the government.

The other thing I should mention that is important is that, on the television we often see the images of people in hi-vis—women and men with trades in the more traditional form: electricians, welders, gasfitters, boilermakers and so forth—but there's actually a huge white-collar workforce that sits behind the blue-collar workforce, and that is as important to our state's economy as it is to the actual shipbuilding effort itself.

So the announcement today that the design work on the Hobart class replacement starts at the latter part of this decade actually provides security as well to the white-collar workforce, which is just as important. It is also strategically almost essential in the context of this government's ambition to increase the economic complexity of the state on the back of the shipbuilding effort. So we have to also remind ourselves that it's white-collar as much as blue-collar, and today's announcement provides a platform to provide security for those people into the future as well.

HUNTER CLASS FRIGATE PROGRAM

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (14:29): My question is to the Premier. What practical outcomes did the Premier's mercy dash to Canberra achieve for the future of the Hunter class frigate shipbuilding program? With your leave, sir, and that of the house, I will explain.

Members interjecting:

The SPEAKER: Order! There has not been a point of order taken, but I think it is well within my purview to form the view that the description of action by the Premier as a 'mercy dash' is an argument, so I am going to give the Leader of the Opposition the opportunity to recast the question.

Members interjecting:

The SPEAKER: Order!

The Hon. D.J. SPEIRS: What impact did the Premier's trip to Canberra have on the Hunter class frigate shipbuilding program? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. D.J. SPEIRS: On ABC Adelaide this morning, the Premier was asked if he was told during his trip to Canberra that the Hunter class frigate shipbuilding program would be cut to six ships and he responded 'no'.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:30): What practical outcome has South Australia got? Well, let me have a stab: a doubling of the workforce, billions of dollars' worth of investment, a continuous ship build in the future—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —and a secure outcome for generations of workers to come.

Members interjecting:

The SPEAKER: Order! The member for Colton is warned. Order! The member for West Torrens! Order! Member for Hartley!

An honourable member: A warning.

The SPEAKER: I might.

GST DISTRIBUTION

Mrs PEARCE (King) (14:31): My question is to the Treasurer. Can the Treasurer provide the house with an update on GST distribution arrangements?

Mr Cowdrey: The ones you signed up to?

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN (Lee—Treasurer) (14:31): I hear the member for Colton calling out, 'Yes, what did you sign up to?' Well, let's talk about who signed up to what when it comes to GST distribution arrangements. While they are—

Members interjecting:

The SPEAKER: The member for Colton is warned.

The Hon. S.C. MULLIGHAN: —at it, tossing up half volleys outside of stump, let's lean into this one, shall we? Members would be aware that the GST is the state's single largest source of revenue and since it was first introduced in 2018, these revenues were distributed to states and territories according to the principle of making sure—

The Hon. D.G. Pisoni: Labor opposed all of that.

The SPEAKER: Member for Unley!

The Hon. S.C. MULLIGHAN: —that all places around the country had the same capacity to deliver the same standard of services and infrastructure—

The Hon. D.G. Pisoni: Labor didn't want the GST.

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —as anywhere else. This principle, of course, is called horizontal fiscal equalisation. But in 2018, the former Coalition federal government—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —changed the way GST revenues are to be distributed.

Mr Cowdrey: And the federal Labor party voted for it.

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

The Hon. S.C. MULLIGHAN: They changed the way that they were being distributed. It was a Coalition government—

Mr Cowdrey: You agreed to it.

The SPEAKER: The member for Colton is on a final warning.

The Hon. S.C. MULLIGHAN: —that Scott Morrison was the Treasurer of and just remember how those opposite described these changes as 'a massive win for South Australia'.

Members interjecting:

The SPEAKER: Order! Member for Colton!

The Hon. S.C. MULLIGHAN: Don't take my word for it, take the words—

The Hon. D.G. Pisoni interjecting:

The SPEAKER: Member for Unley!

The Hon. S.C. MULLIGHAN: —of the recently departed former member for Dunstan, who was the Premier of South Australia at the time, who endorsed these changes as a massive win for South Australia.

The Hon. D.G. Pisoni: At two elections you opposed the GST.

The SPEAKER: The member for Unley is warned.

The Hon. S.C. MULLIGHAN: What does this mean in practise? Well, this year, all states and territories lose the equivalent of $5½ billion in revenues that get funnelled towards Western Australia. For South Australia, our share of that is $366 million and in its place is only a temporary no worse off guarantee that ran out in 2026. That is what those opposite describe as a massive win for South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: I described this change last year to a journalist at *The Australian* David Penberthy. I said:

I am not overstating it to say that this new GST deal that was struck by the previous Coalition government is the greatest act of vandalism in our federation's history—

Mr Cowdrey: The deal was a no worse off guarantee. It had nothing to do with what went through parliament.

The SPEAKER: Member for Colton, you are on a final warning.

The Hon. S.C. MULLIGHAN: —and I stand by that claim. I was pleased to see renowned economist Saul Eslake quoted on the weekend saying, 'It was the worst public policy decision of the 21st century thus far.' Now, while we recognise the fiscal damage it does to every state and territory around the nation, except for Western Australia—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —and while those proclaim this as a massive win for our state, the bell has now been rung. Well, in the 18 months that I have been Treasurer, I have been campaigning to make sure that this temporary 'no worse off' guarantee deal didn't finish in 2026 but that it was extended. We resolved unanimously—

Members interjecting:

The SPEAKER: Order!

The Hon. S.C. MULLIGHAN: —as treasurers that this was a requirement for us, all state and territory treasurers.

Members interjecting:

The SPEAKER: Member for Colton!

The Hon. S.C. MULLIGHAN: I am pleased to report to the house that national cabinet now has extended this for a further three years. So in our forward estimates we won't see this run out in the way that it was left to us by the previous Liberal government here in South Australia and the previous Coalition federal government. It has been extended to protect the interests of South Australians against the sort of behaviour that they describe as a massive win for our state.

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Member for Hartley, your colleague is seeking the call.

HUNTER CLASS FRIGATE PROGRAM

Mr PATTERSON (Morphett) (14:35): My question is to the Minister for Defence and Space Industries. How does the minister respond to Brent Clark, chief executive of the Australian Industry & Defence Network, regarding the continuous naval shipbuilding program in South Australia? With your leave and that of the house, sir, I will explain.

Leave granted.

Mr PATTERSON: An *Advertiser* article on 14 February said that Mr Clark said that six Hunter class frigates would not meet the federal government's promise of continuous naval shipbuilding in Adelaide.

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) (14:36): I feel that the Premier has more than adequately answered that question but obviously it had been preprepared and had to be asked anyway. Very clearly the announcement is not only for six frigates but for a further three and then continuous shipbuilding. So the question is answered in itself. It is giving half of the answer and not the full answer.

HUNTER CLASS FRIGATE PROGRAM

Mr PATTERSON (Morphett) (14:36): A supplementary: can the minister advise if she has been advised of any money in the federal budget for the replacement ship to the AWDs?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:37): I thank the shadow minister for his question, albeit of a rather similar nature to some of the questions we had earlier. Today we have had a very substantial announcement from the commonwealth including money in the budget for a continuous shipbuilding program in South Australia. I think it's pertinent to remind people that you don't get a continuous ship build unless you start one and now we've got that; now we've got that. You don't get a—

Members interjecting:

The SPEAKER: Order! Member for Morphett! The member for Colton is on a final warning.

The Hon. P.B. MALINAUSKAS: You don't get a seventh, eighth, ninth, 10th, 11th, 12th ship unless you have a first, second and third. Today we now have a commitment from the federal government that allows for the budget of the construction of major tier 1 surface ships in Osborne, which is why—and I can't stress this enough—there is a sense of relief amongst the workforce there today.

There has been a lot of speculation. Let's be frank about it: there has been a huge amount of speculation that the current federal government would not provide the funding that we require and would not provide the funding that hasn't been made before up until this point for the Hunter class to be built. We have had a lot of articles from armchair experts seeking to diminish the Hunter class, seeking to diminish the capacity of the workforce—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —at Osborne. There has been no shortage of articles written by commentators across the land that the Hunter class program should be cut altogether. That has not been our view: we have argued for the exact opposite. So we are very pleased, as are the workers down at BAE today as are BAE themselves, there is now that certainty. Again, I come back to that fundamental point. The Defence Strategic Review—

Mr Cowdrey interjecting:

The Hon. P.B. MALINAUSKAS: Well, there wasn't certainty yesterday because there was no money yesterday; now there is—and that's the point.

Members interjecting:

The SPEAKER: Order! Member for Morphett!

Members interjecting:

The SPEAKER: Member for Schubert, order!

The Hon. P.B. MALINAUSKAS: The Defence Strategic Review then led to the naval surface ship review that the commonwealth announced. We have made clear that we thought, 'Enough reviews already, no more reviews. Let's start to see some money in the budget for the first time,' and now we've got that. That certainty is important. It actually means that we get it built.

Like I said before, all the noise in the world, all the criticism—which, of course, you are paid to do—really will be washed away when people down at Osborne see that workforce double, when people down at the workforce start to see these extraordinary elite tier 1 surface ships being built—8,200 tons of displacement; these are at the light ship weight.

These are extraordinary vessels that will serve our country well into the future and you will see them being built over the years ahead. We look forward to that first one coming off the line in the 2030s and then at a drumbeat of every two or three years after that. Every time we see one of those new ones come into the water, people will know they were built in South Australia, delivered with a workforce that this government is investing in, by a Labor government, to actually make it happen.

Members interjecting:

The SPEAKER: Order!

SENIORS CARD FUEL DISCOUNT

Mr BELL (Mount Gambier) (14:41): My question is to the Minister for Health. Can the Minister for Health please advise if there are options available for senior citizens to obtain the United fuel discount that was recently announced if they do not have a digital footprint? With your leave, sir, and out of the house, I will explain.

Leave granted.

Mr BELL: Max, an 83-year-old Mount Gambier resident, visited our office in search of assistance to obtain the 4¢ per litre discount that is now available for South Australian Seniors Card members. Max has a valid Seniors Card but does not have an email address. Is there any way that Max is able to obtain access to this discount?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:42): Thank you very much to the member for Mount Gambier for his question and for his concern and for raising the issue of Max in his electorate. For members who aren't aware, the Seniors Card is obviously a very successful program in South Australia. We have recently launched the new 2024 Seniors Card guide, which no doubt will be available through everybody's electorate office. I encourage all people live streaming to go into their local MP's office—

Members interjecting:

The Hon. C.J. PICTON: That's right, the thousands and thousands.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The Hon. C.J. PICTON: That's right, Max is definitely not online watching. But you can go into any of our electorate offices and get a copy of that guide. One of the new elements that is in that guide, as well as hundreds and hundreds of other offers right across South Australia, is a new arrangement with United Petroleum to enable people with a Seniors Card to be able to register to get 4¢ off per litre all the time. This has been exceptionally popular. In the first few days, over 10,000

South Australians with a Seniors Card registered for the program, so it shows that there is significant demand and popularity out there for taking part in that.

Of course, the member does raise a good point in that with all of our technologies, with all of our offerings to people, we need to be obviously bearing in mind that there are still people who are not digitally literate, who don't have access to computers, who don't have access to emails. This has already been raised, I understand, with the Office for Ageing Well. They are very happy to help people through the process if they have difficulties.

There is a seniors information line that the Office for Ageing Well, in my department, run, and I certainly encourage Max, or any other of the member for Mount Gambier's constituents, to contact them if they are having difficulty, because I know we will be very keen to help them through the process and make sure that they can register for that product, and make sure that they can get the full benefit of the power of their Seniors Card.

Of course, the other power that doesn't need any registering for is the benefit that we provided through public transport through the city, but there are many hundreds of other benefits and offerings through that Seniors Card booklet right across the state and I encourage people, if they are not registered for the Seniors Card, please do so, and, if they are, make sure they know the full power of what that card unlocks.

PAEDIATRIC COCHLEAR IMPLANT PROGRAM

Mrs HURN (Schubert) (14:44): My question is for the Minister for Health and Wellbeing. How many of the 59 recommendations from the independent governance review of the Paediatric Cochlear Implant Program at the Women's and Children's Hospital have now been implemented in full?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:45): As the member knows, we conducted a review through a group of interstate experts into the governance of the Paediatric Cochlear Implant Program at the Women's and Children's Health Network and it raised a substantial number of recommendations that needed to be implemented for the program itself, for the Women's and Children's Health Network more broadly, and also for the health system more broadly.

I appointed Professor Chris Baggoley, the former Chief Medical Officer of both South Australia and Australia, to oversee an implementation group that also includes consumer representatives to make sure that we implement each and every one of those recommendations. They have been going through a process of essentially supervising and monitoring each of those recommendations, monitoring when they have been met and that people have actually done all of those steps that have been required.

They have been meeting regularly. I understand that they have met even in the past couple of weeks. I am just trying to see if I have an updated figure, but I will certainly provide, on notice, the exact number of those recommendations that have been implemented. There have been a number that have been implemented already at the Women's and Children's Health Network, including additional staff that have been brought on as part of the Paediatric Cochlear Implant Program there to provide additional support.

Even as of this week, we implemented another one of those recommendations whereby part of the broader system recommendations was to have in place steps for induction of board members across the state. One of the things that that review identified was that the issues that were apparent in that program weren't being brought to the board level of the Women's and Children's Health Network and weren't being supervised by that board that was, of course, brought about through the reforms of the previous government.

When those boards were put in place, there was no induction process, there was no process where those board members were provided with information in terms of their responsibilities under the Health Care Act and their responsibilities in terms of the clinical governance of the health services that they supervise.

As of this week—in fact, just this week on Monday—we had the first of those inductions taking place. All of our board members from across the state met and had that induction process, and that's something that will continue. That's just one of those many dozens of recommendations that are being implemented and being monitored.

MURRAY-DARLING BASIN PLAN

Ms STINSON (Badcoe) (14:47): My question is to the Deputy Premier. Can the Deputy Premier update the house on recent matters concerning the Murray-Darling Basin Plan?

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) (14:48): Yes, I would like to update the house on an important process of buying water that's been occurring in the Murray-Darling Basin. This is not for the 450 gigalitres; that is to come, but it's of interest because we now know that the federal government is prepared to buy water for the 450, and there has been some debate within South Australia about the merits of that.

People in the Riverland are understandably anxious that that won't diminish the productive capacity of their area, and we are working hard with them to give feedback to the federal government about how to design the program in order to minimise or in fact eliminate any negative consequences. What was interesting to me in the most recent piece of news about the buyback that the federal government has undertaken is that they need about 44 gigalitres to get to the base level of the plan, which is a bit under 2,100 gigalitres. So they need about that and they went out to the market—not in South Australia because we have already met our contribution, but into the other states—and immediately, with the announcement of how much they were buying in the short term, there was a bizarre discussion about how much that was costing per litre.

There was $205 million being spent on 26.25 gigalitres. On the radio the other day, Tanya Plibersek said that translates—and there are ons and offs and we're averaging it out—to 0.78 of a cent for each litre: under a cent for a litre. The member for Chaffey got on the radio at the end and said that every litre was going to cost $128. I don't believe that the member for Chaffey got his own calculator out, although he may rise to make a personal explanation and say he did. We will get onto the maths, but I think he was coming off information that was in the media that may or may not have come from Perin Davey, which may or may not have been towards the end of the day for her.

But, anyway, let's disentangle this, because it seems to me that we need to understand not only whether this is a decimal place issue—which it clearly is a decimal place issue—but also why we are not even dealing with the same numbers. A gigalitre is a billion litres and a megalitre is a million litres. So let's do this much more simply.

Members interjecting:

The SPEAKER: Order!

The Hon. S.E. CLOSE: If I have six apples and three people, here's the maths: if I divide those six apples by three people, I get two apples per person.

Members interjecting:

The SPEAKER: Order!

The Hon. S.E. CLOSE: If I divide three apples by six people—I'm not sure why you would, but if you did it the other way around, you will get half a person per apple: quite different. This is where they went wrong. What they have done—

Members interjecting:

The SPEAKER: Order!

The Hon. S.E. CLOSE: Let's go back: you have got 26.25 gigalitres—

Members interjecting:

The SPEAKER: Order!

The Hon. S.E. CLOSE: —and $205 million.

Members interjecting:

The SPEAKER: Order!

Mr Whetstone interjecting:

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

Members interjecting:

The SPEAKER: Order! The member for Chaffey is warned for a second time.

The Hon. S.E. CLOSE: What they have done is divide the other way around—

Members interjecting:

The SPEAKER: Order!

The Hon. S.E. CLOSE: —and it comes up—sir, I don't believe that the members are able to hear me.

Mr Whetstone interjecting:

The SPEAKER: Member for Chaffey, you are on a final warning. The Deputy Premier has the call.

The Hon. S.E. CLOSE: The way that they have done it is to come up with the answer that ought to be 1.28 litres of water per cent you spend. They have misplaced the decimal place, so it's 128, and they have pretended that that's the cost per litre. That's what has happened. We can have different opinions but we cannot have our own facts.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

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

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the member for MacKillop, I acknowledge the presence in the gallery of Rosemary Clancy, the former Mayor of the City of Brighton, as it was then known. Welcome to parliament.

Question Time

COUNTRY HEALTH SERVICES

Mr McBRIDE (MacKillop) (14:52): My question is to the Minister for Health. Will the minister review a decision to change Country Health Connect services available at Lucindale, Tintinara and Coonalpyn? With your leave, Mr Speaker, and the leave of the house, I will explain.

Leave granted.

Mr McBRIDE: Country Health Connect nurses have been available to see patients in these towns on a walk-in basis without the need for an appointment. However, the availability of these services is now by appointment only, with bookings being centralised.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:53): I thank the member for MacKillop for his advocacy on this particular issue and his strident advocacy on health issues in his electorate more broadly. The member for MacKillop has raised these issues with me on behalf of his local community. These are changes in relation to the local community services in those localities. It is a local decision that has been made by the local health network under their governing boards, and it is not something that the department or the government has had any direction in.

It is something that we are very happy to work with the member for MacKillop on, and listen to his concerns and his community concerns. I understand that the local health network and their boards have made these decisions trying to get the best possible use of those resources; it's not an attempt to cut resources but to make sure that there are appointments, that people are available and that they can get the most number of people through those services.

But I think that we always want to make sure that our local health networks are listening and engaged with their local communities, and if there are particular concerns from community members or clinicians in the member's electorate about those local changes that have been made then I want to make sure that the local health network and its board is listening to that, and make sure that ultimately we get what we are trying to achieve which is the best possible health services for the community. So, already I have committed to the member that we will organise for him to meet with not only myself but with the local health network board and CEOs so he can raise these issues and we can work through if there are ways that we can address the concerns of his community.

PAEDIATRIC COCHLEAR IMPLANT PROGRAM

Mrs HURN (Schubert) (14:55): My question is to the Minister for Health and Wellbeing. How many applications have been received for ex gratia payments from families impacted by the Paediatric Cochlear Implant Program at the Women's and Children's Hospital, and how many of the $50,000 payments have now been made?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:55): I understand that, across the two categories of payments that we had, there have been 110 payments that have been made, but I will have to seek on notice the breakdown between the two different categories. I can answer as well in relation to the previous question that the oversight committee chaired by Professor Baggoley has now signed off that 12 of those recommendations are being fully implemented.

That includes recruiting an additional four allied health professionals to bolster the workforce, creating a new role for a cochlear implant liaison, securing the ongoing appointment of the program manager, developing a workforce plan to strengthen the permanency of staffing roles and less reliance on short-term contracts, delivered leadership development plans for the cochlear implant clinical lead and a children's audiology service manager, rolled out Sunrise EMR electronic patient booking system to ensure families are receiving the appointments that they need on time, developed electronic clinical templates for staff in the EMR to provide consistent clinical information to staff, increased training and supervision of staff, and revision of existing procedures and, where required, developing new procedures as well.

PAEDIATRIC COCHLEAR IMPLANT PROGRAM

Mrs HURN (Schubert) (14:56): My question is to the Minister for Health and Wellbeing. How many independent clinical assessments have now been completed by NextSense on the back of the review into the Paediatric Cochlear Implant Program at the Women's and Children's Hospital?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:56): My advice is that there have now been 107 individual assessments that have been completed by NextSense of children who access the program, and that was up until December. NextSense is now preparing detailed reports for the children that they have assessed and WCHN is providing individual meetings for the families to further discuss their findings. We are expecting a consolidated report and I obviously would like to release that publicly. We haven't received that yet but those individual family meetings are occurring to provide those families with the information from their NextSense reviews.

PAEDIATRIC COCHLEAR IMPLANT PROGRAM

Mrs HURN (Schubert) (14:57): My question is to the Minister for Health and Wellbeing. Is the minister aware of any legal action or additional requests for compensation outside of the government's ex gratia payments in relation to the Paediatric Cochlear Implant Program at the Women's and Children's Hospital?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:57): Obviously there has been a number of lawyers who have made public comments but I do not have any more specific information other than what has been provided through public commentary.

SHOPPING CENTRE PARKING

Ms SAVVAS (Newland) (14:58): My question is to the Minister for Planning. Can the minister provide an update on the enactment of the shopping centre parking areas bill and whether he is aware of any alternate views on those measures?

The Hon. N.D. CHAMPION (Taylor—Minister for Trade and Investment, Minister for Housing and Urban Development, Minister for Planning) (14:58): I can. I thank the member for Newland for her question. It seems like only last sitting week we were celebrating the great win for consumers, for workers, for small business owners, on the first-year anniversary on the enactment of our paid parking legislation. And there—

Members interjecting:

The SPEAKER: Order!

The Hon. N.D. CHAMPION: —can be no doubt about what this side of the house thinks, absolutely no doubt about what this side of the house thinks, and the public I think deserve to know what the alternative government thinks. We now have some new social media posts that might assist the house.

Members interjecting:

The SPEAKER: Order!

The Hon. N.D. CHAMPION: Of course, it is worth going back—

The Hon. V.A. Tarzia interjecting:

The SPEAKER: Member for Hartley, order!

The Hon. N.D. CHAMPION: —in time to when paid parking was first introduced by Westfield and the Liberal government and the now leader, the member for Black, said, and I quote: that a bill to stop Westfield from implementing paid parking across its sites wasn't a legislative priority. It wasn't 'a legislative priority'. But it was for this government. We made it a legislative priority and we passed the act.

When we were legislating, the shadow planning spokesperson, Michelle Lensink, on 3 November 2022 foretold of doom, and I will quote her. She said:

> No doubt we will see the situation where nobody will be able to park in certain parts of the Tea Tree Plaza car park from 8:45. That is going to result in more local traffic spilling over into the adjoining streets. This legislation is not going to fix anything at all. It is just going to create more chaos and difficulty…

It was really, really interesting to see her post on X, formerly Twitter, last week mocking our paid parking legislation. First of all, we had the member for Hartley trying to claim the park-and-ride in Tea Tree Plaza, something that was conceived by the Weatherill government—

Members interjecting:

The SPEAKER: Order!

The Hon. N.D. CHAMPION: —stopped in the Marshall government's first budget and then built by the Minister for Transport. First of all, we had a bit of an audition for the leadership and then close on the heels came Michelle Lensink, the opposition's planning spokesperson, who had a sarcastic post about the empty staff car park at Tea Tree Plaza. Before the legislation, there was going to be this—

Members interjecting:

The SPEAKER: Order!

The Hon. N.D. CHAMPION: —massive congestion around Tea Tree Plaza. You wouldn't be able to find a park and then after the legislation passed we were attacked for empty staff car

parks. I can't work out where you stand really. You're all over the place, contradicting yourselves. Are you for it, are you against it? You can never quite be sure. But I think you should just be honest with yourselves because it is going to come up every anniversary of this legislation. As we get closer to the election, it is going to be a big issue in the north-east—it is going to be a big issue in the north-east.

Members interjecting:

The SPEAKER: Order!

The Hon. N.D. CHAMPION: What would a Liberal government do? Would they repeal the legislation?

Members interjecting:

The SPEAKER: Order, member for Newland!

The Hon. N.D. CHAMPION: I think they might be tempted to repeal the legislation.

Members interjecting:

The SPEAKER: Member for Hartley!

The Hon. N.D. CHAMPION: Or would a future Liberal planning minister just approve it? Just give it the tick. What's your position? You have to come clean with the people of South Australia.

Members interjecting:

The SPEAKER: Order! The member for West Torrens is called to order. There are a significant number of interjections to my left and right.

HOPE VALLEY RESERVOIR

The Hon. V.A. TARZIA (Hartley) (15:02): My question is to the Minister for Environment, Climate and Water. Does the minister support the extension of walking trails around the Hope Valley Reservoir? With the leave of the house, sir, I will explain.

Leave granted.

The Hon. V.A. TARZIA: Local residents have been lobbying for an extension of the trails so they can walk around the entire reservoir within a fenced area.

Ms Savvas interjecting:

The SPEAKER: Member for Newland!

Members interjecting:

The SPEAKER: Order! The house will come to order and the Deputy Premier will be heard.

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Defence and Space Industries, Minister for Climate, Environment and Water) (15:02): Thank you for your protection, Mr Speaker. I am aware that there are some locals who are interested in having some walking trails around the Hope Valley Reservoir. In fact, there are locals around a number of reservoirs who have some desires to either have more activity that might have been promised by the previous government and not delivered or are interested in a different location of a gate, for example, and so on. SA Water is looking at different ways in which these can be contemplated but always, of course, with the local community in mind and particularly with the very excellent local members who are nearby.

ADELAIDE VENUE MANAGEMENT

The Hon. V.A. TARZIA (Hartley) (15:03): My question is to the Minister for Tourism. Can the minister advise the house whether any termination or ex gratia payments have been made to former employees of the Adelaide Venue Management authority and, if they were, to what value? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: On 29 September 2023, it was reported AVM CEO Anthony Kirchner was dismissed following the Coopers Stadium fan ban.

The Hon. Z.L. BETTISON (Ramsay—Minister for Tourism, Minister for Multicultural Affairs) (15:03): Thank you very much for your question. As you may recall, on 27 August Mr Kirchner was stood down pending a review by the AVM Board. Martin Radcliffe, who was the General Manager of the Convention Centre, has now been appointed the CEO through a hiring process. It is not appropriate for me to talk about any of the details of any decisions that were made following Mr Kirchner's employment contract that has ended.

ADELAIDE INTERNATIONAL TATTOO

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:04): My question is to the Minister for Tourism. Will the government provide funding so that the Adelaide International Tattoo can continue as planned?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (15:04): The Major Events Attraction Committee sits within the Department of the Premier and Cabinet. Naturally, DPC works in close collaboration with SATC about formulating a range of judgements. Of course, the Major Events Attraction Committee, as chaired by the member for Mawson, works closely on that as well.

We are a government that has sought to make a number of investments in major events, as has been well documented. There is a process that is undertaken between the SATC and the Major Events Attraction Committee to determine the potential return to the state of various events' investments. One of the key metrics that we seek to move is interstate visitation. An assessment was done in respect of this project, and it was determined that it would not be funded through those means. It is important to appreciate that for the investments that we have made in respect of major events we have been very determined to run a thorough economic examination over each of them to make sure that we are delivering the desired outcome.

I know that those opposite have found themselves on the side of being opposed to events. They opposed a number of events—

Members interjecting:

The SPEAKER: Order! Premier, there is a point of order, which I am bound to hear. Member for Morialta, on a point of order.

The Hon. J.A.W. GARDNER: Standing order 98, debate: the question was specific to one project and whether it will be funded.

Members interjecting:

The SPEAKER: Order! I will listen carefully. The Premier has the call.

The Hon. P.B. MALINAUSKAS: Having expressed substantial, persistent and continued opposition to major events in South Australia, the opposition have now decided that the tattoo is the one. That's the one.

The Hon. A. Koutsantonis: Not the Adelaide 500.

The Hon. P.B. MALINAUSKAS: Not the Adelaide 500, not Gather Round, not LIV Golf, no, it's the tattoo—that's the one.

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: If South Australians are looking for a bit of ideological consistency from the alternate government of the state around what major events they support and which ones they don't, if they are looking for any policy consistency, this is not the area to look into. On this side of the house, there is an ideological consistency.

The SPEAKER: Order! There's a point of order from the member for Morialta, which I will hear.

The Hon. J.A.W. GARDNER: Standing order 98: the question was very straightforward on whether the government would fund the international tattoo.

The SPEAKER: Order! In resolving the point of order, I give consideration to what fell from Speaker Eastick in 1979:

> Although members, including Ministers, may not debate the answer to a question, Ministers have…been allowed more latitude than have other members. This has been the practice in this House and in the House of Commons for many years.

Of course, that leaves it largely a question of debate. I will bring the Premier to the question.

The Hon. P.B. MALINAUSKAS: I am glad to know the legacy of Bruce Eastick goes beyond the Bruce Eastick dam, which we know is in the northern part of outer metropolitan Adelaide. The assessment was made diligently, carefully to assess whether or not the tattoo would be a best-bang-for-buck investment from the Major Events Attraction Committee. Of course—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: While I appreciate the legitimate disappointment from some that we have failed to do that—

Members interjecting:

The SPEAKER: Order!

The Hon. P.B. MALINAUSKAS: —if those opposite want to go to the election with their major events policy—

Mr Telfer interjecting:

The SPEAKER: Member for Flinders!

The Hon. P.B. MALINAUSKAS: —centred on the tattoo, that's fine. We will focus on ones that deliver thousands of jobs for South Australians.

HIGHGATE PARK

Ms THOMPSON (Davenport) (15:09): My question is for the Minister for Human Services. Can the minister provide an update to the house on the sale of Highgate Park?

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services) (15:09): I thank the member for Davenport for the question. We have had many conversations about this very good piece of news for people with disability in South Australia. The last few months have marked a very significant period for people with disability. A review of the first 10 years of the NDIS has provided recommendations to change this scheme—one of our biggest social and economic reforms since Medicare—over the coming five years. We then had the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability also handing down its report after more than four years of work.

Almost 7,000 pages of material from the royal commission raised a number of issues around institutions and segregation, and South Australia has a history with these, like many places around the world. Once upon a time, institutions were a new and better way of providing care and support for people with significant disability. We saw this with the development of places like Minda and Strathmont and, of course, Highgate Park.

Highgate Park, also known as the Julia Farr Centre for many years, has a long history dating back to 1878 when Mrs Julia Farr founded a committee to focus on the needs of people with disability. A quite progressive and advanced woman in social policy for her time, she also founded what I believe is the first group home in South Australia called Farr House, previously known as Orphan Home—a home for girls.

More recently, the Highgate Park site in Fullarton has been home to an 11-level building, since the 1970s. This was developed to house more than 600 people who often had a combination of significant physical disability and complex medical needs. Some people lived in Highgate for

almost their entire lives. I did work there in years gone by and I formed many friendships with staff and residents. In 2014, it was decided to close the facility, and the last resident transitioned to the community in 2020. Since then, both Labor and Liberal governments have worked towards selling the site. Just like the land and buildings themselves, any proceeds from the sale were to be held in a trust specifically for the benefit of people with disability.

Last month, we announced a fantastic outcome to this process with the site being sold for $42 million. The process was supported by a group of people with lived experience who will dictate and support the outcome for people with disability within the community in South Australia. The new owners will be developing a range of retirement and aged-care services on the site, and an advisory group will now work on how the funds will be invested and spent for the benefit of South Australians with disability.

I want to thank everyone who has been involved in the process, from DHS and also Renewal SA who did an excellent job working in partnership to get this outstanding result. To the organisations who bid for the site, thank you very much for your hard work and your support in the process. The site has a complex history, including both caring for people but also keeping people apart from their family and the community. To help acknowledge that complex history, I will be meeting with architects in the coming week who will be redesigning the site for the next phase of its life.

For those of you who knew the late Tracey Gibb, a former resident of Highgate, we might just make sure there is a little butterfly in that building, tucked away in the new site: a connection to the past. I look forward to updating the house as I work with the advisory group on how best we use the sale proceeds.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the leader, I acknowledge the presence in the gallery of Councillor Adrian Cheater from the Adelaide Hills Council. Welcome to parliament; it is a pleasure to have you here. The leader.

Grievance Debate

DEFENCE INDUSTRIES

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (15:13): When it comes to South Australia's critical defence industries, the opposition provides the government with bipartisanship support to advance those industries but, importantly, bipartisanship does not get the government off the hook when it comes to the pathway to fulfilling that industry's potential in South Australia. Bipartisanship does not neutralise our ability and our desire to hold the government of the day to account for maximising the benefits that the defence industries do and can bring to South Australia, both today and decades into the future.

Bipartisanship, in terms of overall outcome, is something that we hold onto tightly when it comes to our critical defence industries, but bipartisanship will not stop us openly criticising the government and challenging the government to do better both at a federal and a state level when it comes to fighting for South Australian jobs and building the resilience and sustainability of the economics of the defence industry here in South Australia.

Today, we saw the Premier and the Labor spin doctors in overdrive when it comes to defending what has happened to our defence industries in South Australia because they have suffered a significant blow. This has been the worst kept secret in recent weeks, but today we had confirmed that South Australia's Hunter Class Frigate Program is to be cut from nine ships to six ships and the simple fact of this matter is that fewer ships mean fewer jobs for South Australians. There is no way that you can spin that.

This is another broken promise for Labor and another blow to South Australia's economy and do not just take my word for it. Australian Industry and Defence Network Chief Executive, Brent Clark, has said that six Hunter class frigates does not meet the federal government's promise of a

continuous naval shipbuilding program here in South Australia. He has also said that this would create another costly workforce valley of death—the exact thing that we are trying to avoid.

The Liberal Party supports decisions in the national interest and, as I said, we provide bipartisan support when it comes to defence industries in South Australia. They are far too big and far too important to our state—our state's economy, our state's workforce and our state's skills base—for us to criticise unnecessarily or undermine. That extends to AUKUS and it extends to the frigates program.

But the problem here is the Premier's failure to deliver on nine frigates for our state, demonstrating a lack of ability to persuade his federal colleagues what is in the best interests of South Australia and a failure to protect jobs from leaving South Australia—work from leaving south Australia—and ending up in Western Australia.

Clearly, Roger Cook, the Premier of Western Australia, has mounted a stronger argument to the federal government and that will see work leave South Australia and end up in the west. It builds on other failures in our defence industries. Last year, it was confirmed that Adelaide's 1,700-strong Defence Force was to be cut by 800 personnel. The forces moving from the Edinburgh base north of Adelaide, mostly from the 7th battalion, a mechanised infantry force, will also see the first armoured regiment reduced as well—another huge economic blow as defence personnel, who would often leave the Army and end up working in the defence industries at Osborne's shipbuilding and submarine building, now leave South Australia and that pipeline for the workforce is cut off.

Today's decision is yet another bad one for South Australia and the common theme is cuts to current programs in exchange for programs decades—decades—down the track. We just cannot believe that these programs, a figment of faint hope in the distance, will ever be delivered. We need ironclad guarantees today.

This builds on a legacy of broken promises from this government—a promise to fix ramping, a promise to be a pro-business government, a promise to deliver universal three-year-old preschool by 2026, a promise to cut energy bills and a promise regarding stage 3 tax cuts. At state and federal level, we have promise after promise broken. This is becoming a pattern, and this is what we have come to expect from federal and state Labor when it comes to South Australia.

NANNAPANENI, MS L.

The Hon. G.G. BROCK (Stuart—Minister for Local Government, Minister for Regional Roads, Minister for Veterans Affairs) (15:18): Today I would like to talk about a young person from Port Pirie who, despite her young years, has achieved some remarkable success in the world of tennis and other sports. Her name is Leana Nannapaneni.

I was delighted to hear recently that Leana, aged 14, has earned a six-month scholarship to train and study at the Rafa Nadal Academy in Majorca in Spain. This follow's Leana's success at the Rafa Nadal invitational masters tournament in Melbourne last year and subsequent visit to the Spanish academy. The second trip to the academy is extremely exciting for the community of Port Pirie and the Tea Tree Gully Tennis Club, who have been very proud to be part of Leana's tennis journey.

The Rafa Nadal Academy runs an annual and semester program for young players from age 12 to 18, based on Rafa's vast experience acquired through years of success on the professional tour. The academy's team of coaches is led by Toni Nadal, Rafa's uncle and coach for 27 years from 1990 until 2017 which included 16 major titles. Toni coached Rafa from the age of four and is now responsible for training young players like Leana and preparing them for the future.

Tennis coaching and academic education are accompanied by comprehensive personal development based on values such as hard work, humility, tolerance, patience, respect, integrity, discipline, organisation and commitment, in addition to physical and mental training and the importance of nutrition. Living at the academy's supervised residence, Leana will have the opportunity to maximise her potential at the high-performance centre where she will combine her tennis activities and, very importantly, her studies.

As regionally based members here will be well aware, nurturing a young sporting champion usually involves an enormous commitment of time and money. The Nannapaneni family's routine has involved weekly trips to Adelaide for Leana and her younger sister, Saesha, aged 10, for tennis coaching with Domenic Marafiote and to play junior state league and senior state league matches for the Tea Tree Gully Tennis Club. This travel regularly amounts to over 1,000 kilometres per week.

Saesha reckons she is going to be even better than her sister Leana. So who knows? These two remarkable young players could turn out to be Port Pirie's answer to the Williams sisters. I know that Leana receives lots of happiness knowing that more kids are playing tennis because of her and her sister. This is a quote from Leana:

> I don't see tennis just as a sport, but I see it as my lifeline which has taught me how to handle pressure, wins, losses, respect, resilience, humbleness to name a few. It has taught me to be extremely disciplined in education and to focus on the process, NOT THE RESULTS.

When Leana plays tennis, she carries the aspirations of many of the regional and remote youth of Australia to be successful at the state, national and international level. At times this is tough for her and her sister, but she is very proud and optimistic about her capabilities to perform to the highest standards if given the chance.

Leana is very grateful to her parents, Dr Neni and Dr Tan. I have a great association with this family. They are very dedicated to their Indian culture, very passionate about their family and also their family back in India. But certainly, I know her dad used to get up at 5 o'clock in the morning, go to the tennis courts in Port Pirie with the lights and then he would practise, practise, practise, and then Leana would go to school and he would go to his dental practice. Afterwards, when it was daylight saving, he would go back there at night-time and play again.

Leana is a credit to her family, the Port Pirie community and the local tennis community, including the Port Pirie sporting association and her school, St Mark's College. Leana won the Sportsperson of the Year Award at the association's presentations last year. I know the people of Port Pirie are looking forward to watching Leana's career, which with a bit of luck will include a United States college tennis scholarship and a successful career as a professional tennis player.

I conclude by saying how extremely proud I am and our community is of Leana and her wonderful family. I wish them well for the future.

DOMESTIC AND FAMILY VIOLENCE

Mr TEAGUE (Heysen) (15:23): Last November in a single week in South Australia, four women lost their lives in circumstances of domestic and family violence—a horrendous week and in the context of a still-terrible toll each year.

In January this year, we paid our respects gathered on the steps of parliament, including many participants from this chamber and from the other place, and commemorated the deaths of so many women. In January, 71 women were recognised and identified publicly—their lives and what happened to them—as women from across our state stood in solidarity to recognise that terrible stain on our community and to stand in solidarity towards achieving improvement to doing better.

Moved as we all were by that terrible week in November, I stand to salute the calls that at that time were led by South Australia's peak body and its leader, Mary Leaker, the founder and leader of the Zahra Foundation, Arman Abrahimzadeh, and other leaders, for a royal commission to be established in South Australia to examine how we can improve. I was proud to stand with them in November to make those calls.

In December last year, the government agreed to move towards the establishment of a royal commission. There is important work to be done, and the government made clear at that time that it was committed to moving with expedition to establish the commission with a view to undertaking and completing work according to relevant terms of reference within a short period, and the government has committed $3 million towards doing so.

Members will recall that in mid-December last year the local media reported that the government had undertaken to finalise those terms of reference and to appoint the commissioner, at that time by mid-February. At the end of January this year, in further media engagement, we were

told that that would be done this month, in February, and we are here looking forward to those important steps to be taken.

I want to recognise the government's undertaking to share with the peak body, Embolden, draft terms of reference for its consideration in particular and input before those terms of reference are finalised. Time is moving along. We are here, on 20 February, and I understand that draft terms of reference, if they have been prepared, have not been yet shared by the government, and it is very important that they are and it is important that Embolden has that chance to provide input to those draft terms of reference. Of course, it is important that a commissioner is identified and appointed with expedition so that that work can be undertaken.

Sometimes, the worst of circumstances move people to demand that action be taken by government. The undertaking is there; we must now see progress towards the establishment of the royal commission.

REGIONAL SCHOOLS

Mr BELL (Mount Gambier) (15:29): Earlier today, I gave notice of a motion asking the government to recognise that our regional schools are being disadvantaged by the government's current Across Government Facilities Management Arrangements, which require government-approved contractors to carry out maintenance at our regional schools.

Whilst this system may be effective in Adelaide, with multiple contractors competing for jobs, it presents challenges for regional schools. In many cases, regional schools have limited options, often needing to hire from another town or the metro area, as there are no approved local contractors available. This results in additional project costs, as schools are required to cover exorbitant fees, including travel and accommodation for contractors. This one-size-fits-all approach puts our regional schools at a massive disadvantage and highlights the need for a more tailored and nuanced solution to address this unique challenge faced by our areas.

I have been absolutely gobsmacked by principals talking to me regarding the cost for what I would say would be minor works in our primary and secondary schools. A factor that has to be put into this is the stress and distress that this puts on principals when they cannot deliver for their community due to exorbitant price increases—and I will give some examples in a minute. What this is leading to is principals walking away from the job. Principals in some of our smaller schools are greatly needed, and to lose them because of bureaucratic hindrance is really disappointing.

I recently spoke with the principal at a local school who had a new young student start. This very young student had a tendency to climb fences and this school is on the main through road, so it was decided that the 1200mm fence needed to be raised to prevent this young student from climbing it and going out onto the road. There are no local contractors available through the government system, so a quote was provided by a company in Adelaide. The quote was $65,000 for a fence to be raised. A local contractor gave a quote of $1,000, but they were unable to do the job because they are not approved under the government scheme.

Another example I was provided with was a primary school whose toilet facilities had fallen into such a state of disrepair that the roof had fallen in and students were wetting themselves rather than using the facility. Again, the school has to use contractors coming from Adelaide, leading to an exorbitant price for the repairs that the school simply cannot afford. On top of that, the estimated wait time is over eight months to have this work completed.

Additionally, smaller maintenance tasks also present challenges. A small rural school received an invoice close to $2,000 to have their split system air-conditioner filters cleaned. It was estimated by the principal that the contractor is there for no more than three hours every time they do it. I also know of other examples of a high school where we sought funding for a gymnasium. It started out at $3 million. As soon as the school was able to raise that $3 million, it then went to $3.6 million. It now sits at $4.2 million.

I am asking that we have a commonsense approach to this, where regional schools have the power to manage routine maintenance, the ability to obtain value for money for our students, as well as support local tradespeople in our area. A successful business would not accept one inflated quote incorporating travel and accommodation costs when quality local options are available.

A solution that I am proposing is that we allow schools to have discretionary spend up to $100,000 where they can use and manage projects. Three quotes would be required and the governing council would need to sign off. Let's empower our regional schools to provide the best value and service available to our students, parents and the Australian taxpayer.

TRADE RELATIONS

Mr WHETSTONE (Chaffey) (15:34): I rise today to reflect a little bit on one of the most important economic drivers in South Australia, and that is our trade relations with our global partners. On this side of the house, we have always been passionate about promoting South Australia to the world. Just recently, we have had a number of delegates visit here at Parliament House and also out in the business sector. We have seen the ambassador to Lithuania, today we have seen the British High Commissioner, and we have seen the Consul-General visit this place over the last couple of days.

What I want to touch on is some of the ways that the former Liberal government were able to stimulate not only the economy but also our trading and global partners. I also want to acknowledge Pallavi Mishra. She was appointed last year to lead the new Frankfurt trade office in Germany. She was also accompanied by the Agent General, the Hon. David Ridgway, who is terrorising the corridors of Parliament House as we speak, looking at ways that he can promote South Australia to the United Kingdom, as well as our ties to Europe.

One thing that has frustrated me over recent months is that the current government—and all kudos to the current government—are able to ride on the back of the great work that the former government did. I want to pay tribute to a couple of ministers, Minister Ridgway and Minister Patterson, who were both trade and investment ministers and did a very good job. It was great for me to be a part of that team, while in opposition, to help develop some of those policies that those two ministers were able to roll out successfully. South Australia is the beneficiary of that great work today.

The former Labor government did not care for the trade offices. As a former trader, I know only too well how important trade offices, representation, and inbound and outbound trade missions are to the trading economy. While we were doing that, the former Labor government were very focused on China. The world became very focused on China. All of a sudden, we put all of our trading eggs into the China basket, and we are now paying the price for that reliance that we put on China when we should have been diversifying.

For many months, I was criticised heavily by the former Labor trade minister, turncoat Hamilton-Smith, that I was jeopardising South Australia's trade relations. That was certainly not the case. While he was in charge, we witnessed six trade offices closed or downscaled. What we saw while in government was a rebuilding of those trade relations and the confidence needed to have those negotiations and talks with our global trading partners, so that we could again trade with a more diverse model and make sure that we have a very strong trading economy.

I know that there are many trade offices: Malaysia, Japan, reopening China, Dubai, India, Singapore, San Francisco and into Europe, just to name a few of those central hub and spoke approaches to our trading relations. Today we look at the results. We are one of the strongest trading economies in the nation. That does not happen overnight; it takes time for goods and services to be traded and for those numbers to come onto our books. I think what we are seeing today are the fruits of a number of years of the former Liberal government's trade credibility.

The message today is clear: the government must do more for our growth sectors and our traditional trading partners. We need to grow those. But we also need to look at a diverse level of new trading partners with new commodities and new services. Those services, of course, have been many. We talk about agriculture, tourism, wine and education as staples, but we also need to look at some of those high-tech businesses and Lot Fourteen businesses which are now very important to our economy here in South Australia.

One thing I must say is that I will be attending a public wine forum in the Riverland tomorrow. The wine industry is in dire straits. Whether a cool or warm area, the industry is looking for support.

They are looking for the government's intervention—not necessarily money, but they are looking for a proactive government to help one of the most important trading sectors, and that is the wine sector.

MCLAREN VALE AND DISTRICTS WAR MEMORIAL HOSPITAL

The Hon. L.W.K. BIGNELL (Mawson) (15:39): I rise today to talk about the McLaren Vale and Districts War Memorial Hospital which for decades has been run by a dedicated band of volunteers who have done a terrific job. It was originally set up post World War II in serving the local community of McLaren Vale and districts such as McLaren Flat and Willunga but, as we know, those small hospitals and the sorts of services they can provide have changed over the decades. It was a place where many, many local people were born, including Tony Modra, the great number 6 for the Adelaide Crows. He was born at the McLaren Vale and Districts Hospital and so many of the people I know in our local area were born there.

Maternity services were wound up many, many years ago, as were a lot of the other medical procedures that you could have carried out at our local hospital. But the board kept going, kept trying to retain a viable hospital. Successive governments under John Hill, Jack Snelling and other health ministers, on both sides, would constantly meet with the board. The Liberal Party under minister Wade kept that funding going, but last year in May, the chair of the board, Mr Chris Overland—who has had a very extensive work history in the public health system—and his committee made the very tough decision to announce the closure of the hospital. They said:

> The ageing hospital is not viable. We cannot employ enough staff due to workforce shortages to keep it running and that's why it will close on 30 June…There is just one proposal that would protect and preserve the site and replace the hospital with a key community service—the merger with the James Brown Memorial Trust/Kalyra, a not for profit charitable organisation helping older South Australians and people with a disability. There is NO other proposal that offers protection for the site.

That was an important thing for the community. This is, as I said, a volunteer committee that had worked so hard over so many years but they could see the writing on the wall: with new beds to be opened at Noarlunga Hospital, a lot of the government funded work that the hospital did would not be there in a few years' time. So they were preparing for the future by looking at all the options that were open to them for the site. Given the history of the site and how it was a community hospital, they wanted to make sure, like so many of us in the community did, that there would be a future use for the site, which was in keeping with what was intended when this hospital was first set up.

So Kalyra, which owns the aged-care village next door, wanted to expand, and they wanted to take over the kitchen, which not only provides for their residents but also for Meals on Wheels. So this was all set up with consultation and then, out of the blue, people who have never had anything to do with this hospital, never raised their hands to volunteer, never raised their hands to have a say in the future of the hospital, put up a bid on behalf of property developers.

Now, where do you think that is going to head? It is a prime site in the middle of town. They said, 'Oh, we can run a hospital there.' What we all know in the community, because we are not snoozers, we did not come down in the last shower, is that this was just an opportunity to get in and take this land and maybe develop it for housing in the future, for some other means.

There is a character called Henry Davis, who apparently is an Adelaide City councillor, who turned up at the meeting and did not say who he was until I yelled out, 'Can you please explain who you are?' He said he was a CFS volunteer. We had to get it out of him that he comes from Aldgate and that he had taken court action against these volunteers. That court action to date has cost the hospital, these volunteers, $80,000. I am not sure where this fellow is coming from, but he is not being helpful to a local community and a group of very good, hardworking volunteers.

Private Members' Statements

PRIVATE MEMBERS' STATEMENTS

The Hon. D.J. SPEIRS (Black—Leader of the Opposition) (15:45): I rise to raise a couple of matters that have been brought up with me by local residents in my electorate. I have written to the relevant ministers and am yet to receive responses. There could be a range of reasons for that, but I did want to put them on the record here.

The first concerns a block of Housing Trust units located at 32 Fryer Street, Hallett Cove. Those units adjoin 30 Fryer Street, a privately owned residence. There is a retaining wall between the two, which is collapsing. Further, the Housing Trust, as the owners of the property, is failing to discharge stormwater from their property onto the street. Instead, it is flowing over the retaining wall and causing significant damage to the private property at 30 Fryer Street. This warrants immediate rectification.

The Housing Trust should aim to be an exemplar neighbour, in my view, with regard to these sorts of matters and this is far from the case in these circumstances. I am pleased the minister is here and I would really appreciate her following this one up. It is causing some distress.

The other matter relates to the child protection portfolio and the presence of a group care home in the Cove Point estate at Hallett Cove. I will not identify the location of the home. The home houses vulnerable children. I acknowledge these homes must be located somewhere; however, there appears to be behavioural issues with the residents there who have been committing significant antisocial behaviour in the community, including breaking and entering. This has reduced the amenity of this community.

I have written to the Minister for Child Protection about this matter. I have not yet received a response. I would really love this to be investigated so that I can put my constituents' minds at rest.

Mr ELLIS (Narungga) (15:46): I would hazard a guess there would be a great deal many people in metropolitan area who are not aware that we rely heavily on volunteers to staff our emergency services in regional South Australia, and that extends all the way through to our ambulance services. It is a wonderful thing and a huge impost that those volunteers place upon themselves to serve our community in what can be such a confronting space and we are especially thankful to them for doing that.

Having said that, the nature of volunteering is that it is becoming less and less prevalent and there are greater demands on people's time and that leaves them with less time to serve their community and that impact is being felt especially hard in the ambulance service.

To that end, I would like to commend the South Australian Ambulance Service for hosting a community meeting in Minlaton last week, which I had the great pleasure of attending, to try to develop a mud map for a way forward for our volunteer ambulance service. Unfortunately, it was probably a little bit of a sub-par turnout. There were probably not as many people there as they would have liked, but it was still a valuable opportunity for us to chat to the volunteers, those who turned up, and chat to the community members who use the service and try to chart a course forward so that we can have a viable functioning service in southern York Peninsula in the future.

We are down to 11 volunteers in the ambulance service for the entire peninsula south of Minlaton. That is an extraordinarily few number of people and I think that the future will be volunteers supporting paramedics rather than the fly-in fly-out paramedics that we currently have supporting volunteers. I think we will flip that script and hopefully have a fully functioning staffed ambulance service up and down the peninsula in the not too distant future.

Mr PATTERSON (Morphett) (15:48): The uncertainty for the South Australian defence industry continues with confirmation today that the Hunter Class Frigate Program will be cut from nine ships to only six, and this is after the federal Labor defence minister has sat on the review since September of last year. The defence industry has been racked by uncertainty and chaos over their future in South Australia for the last 18 months. What the announcement today amounts to is a cut to the frigates program and a verbal commitment to building a replacement to the AWD, but with the decision happening by 2035, 11 years away, and with no budget attached, just a promise.

On FIVEaa radio this morning, the Premier made the point that unless dollars are put in the budget then a commitment is not real. By the Premier's own admission, any announcement regarding the AWD replacement ship is not real until money is in the budget.

Australian Industry and Defence Network CEO, Brent Clark, has said publicly that six Hunter class frigates would not meet the federal government's promise of a continuous naval shipbuilding program in Adelaide. The Premier is relying on a verbal promise from federal Labor of continuous shipbuilding, when the reality is that the only announcement confirmed today is a cut to shipbuilding

in South Australia. Unfortunately for South Australians, fewer ships mean fewer jobs and fewer skills. The opposition have long said anything less than the nine promised frigates would be a failure from the Premier, and today he and his Labor colleagues have let South Australians down.

The Hon. A. PICCOLO (Light) (15:50): Last Thursday, Liverpool Football Club announced the expansion of its International Academy program to South Australia with the creation of a new partnership with Gawler Belt-based Xavier College in my electorate. This expansion will see Xavier College become the home of the first Liverpool Football Club academy in South Australia. Xavier College will be able to offer a high-performance soccer program delivered by the Liverpool Football Club International Academy in Australia from this year.

Besides the high-performance soccer initiative, the collaboration with Xavier College promises to deliver many opportunities for the Greater Gawler community. The college will become a hub for several Liverpool Football Club International Academy community training sessions and holiday programs, open to every budding player in the local area.

Xavier College's principal said that this collaboration between the Liverpool Football Club and the college is a wonderful one because they share similar values. He said:

> This collaboration is not only exciting because of the programs and opportunities available for our students and the wider community, it's exciting because of the alignment in values between Xavier College, Liverpool Football Club International Academy and the Australian College of Physical Education.

I wish the partnership well and hope it raises the vision of our young people in our community.

Bills

ASSISTED REPRODUCTIVE TREATMENT (POSTHUMOUS USE OF MATERIAL AND DONOR CONCEPTION REGISTER) AMENDMENT BILL

Committee Stage

In committee (resumed on motion).

Clause 5.

Mr TEAGUE: It is a pity, in a way, that time intervened. I was just concluding those observations about the approach that we take. There is a lot of meritorious reform going on here in the bill. This is one key area of principle about which there is no doubt that there is the application of some retrospectivity, a change of approach. We have a clear understanding that it is reflecting the change of view about what is the best way forward.

I do not think it is helpful for observations to be made characterising the amendment in terms of undermining the core characteristics of the bill. On the contrary, what I would emphasise is that the amendment is bringing along those who have, in good faith, in a range of different circumstances, more than 20 years ago participated in something that, yes, has certainly a public and regulated character but on terms that, with the best will in the world, were either in a mandatory way anonymous or were certainly facilitated in such a way that identity was not indicated.

To be clear again, the amendment is not about some sort of blanket nor is it about the withholding of important de-identified information that might assist in terms of health issues and the like. What it offers in substance is the opportunity for those who have been involved, when the landscape looked very different on certain terms, to take a closer level of understanding and investment in the process. That is against the background, we understand, of a high level of desire to engage—to do so—to move with these times that are characteristic of the reforms in the bill.

It is important to identify the opportunity that the amendment brings, and I certainly trust the outcome that results, with or without the amendment, might be near-enough identical. It is an important means of bringing along, treating with autonomy and dignity, all participants in a process that has a 50-year history at this stage, and brings us all along in circumstances of significant reform. It is with those words that I endorse the amendment, not so much as a compromise or a paring back of the reform but as a means of making the reform so much more robust and capable of assisting to create and enhance a healthy space within which all participants can go forward.

The committee divided on the amendment:

Ayes 15
Noes.....24
Majority 9

AYES

Basham, D.K.B. (teller)	Batty, J.A.	Bell, T.S.
Cowdrey, M.J.	Ellis, F.J.	Gardner, J.A.W.
Hurn, A.M.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Pratt, P.K.	Tarzia, V.A.
Teague, J.B.	Telfer, S.J.	Whetstone, T.J.

NOES

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

PAIRS

Speirs, D.J.	Malinauskas, P.B.

Amendment thus negatived.

The Hon. C.J. PICTON: I move:

Amendment No 1 [HealthWellbeing–1]—

Page 5, after line 2 [clause 5(5)]—After inserted subsection (8) insert:

(8a) The Minister must establish and maintain written guidelines regarding the exercise of the Minister's discretion under subsection (8).

(8b) The Minister must ensure that guidelines established and maintained under subsection (8a) are published on a website determined by the Minister.

This amendment makes amendments to align the bill with the provisions of the Adoption Act 1988 to require further information in relation to the considerations the minister will make when determining whether to exercise discretion or not to disclose information from the donor conception register. There was a concern raised by a number of advocates in relation to the scope that the minister had in relation to making decisions of this nature. Obviously I am sure everyone had faith in my abilities as the minister, but people may have concern about a minister in 10, 20 or 30 years' time in relation to what they might do.

An honourable member interjecting:

The Hon. C.J. PICTON: That is right; it was not about me. So we have sought to provide greater assurance in that there would have to be the information of the considerations the minister will make in determining whether to exercise that discretion. Under section 15(8) information on the donor conception register can be restricted from disclosure if the information would be an unjustifiable intrusion on privacy, if disclosure would create a serious risk to the health, safety and welfare of any person or if the information is unreliable or misleading.

The amendment will require the minister to publish guidelines relating to the exercise of the minister's discretion, and these guidelines would be freely available on the internet. The amendment will bring consistency with the Adoption Act 1988 where under that act the chief executive of the

Department for Child Protection may restrict disclosure of information pertaining to adopted persons in accordance with published guidelines.

I thank members of Donor Conceived Australia for raising this matter and for their ongoing feedback, involvement and support of the development of this bill. I endorse this amendment to the house.

Mrs HURN: I rise to indicate that we will be supporting the government's amendment.

Amendment carried.

Mrs HURN: Section 15(7) establishes penalties for ART companies who fail to provide information for inclusion on the register or they face a fine of up to $120,000. Minister, can you just talk us through how the government arrived at that $120,000 figure?

The Hon. C.J. PICTON: If we can get an answer between the houses, we will, in relation to that. My experience of these in relation to previous bills is that there will be a process whereby particularly parliamentary counsel or the various departments will look at similar clauses that apply elsewhere and try to arrive at what is an appropriate penalty provision for the section.

I presume that there would be consideration in relation to the fact that the assisted reproductive providers are quite big businesses and that these are obviously very expensive procedures that people go through, and we would try to get an appropriate penalty that would provide a deterrent in terms of making sure that those providers are compliant with the section. But if we can provide a more specific rationale between the houses, we will.

Mrs HURN: Just in relation to the verification of the information that is provided, who is the body that is going to be verifying the information? Likewise, who would be policing or administering the fine?

The Hon. C.J. PICTON: Thank you for the question. In relation to the first part of the question, firstly, the providers, the fertility companies themselves, have well-established procedures in relation to verifying information, as I am advised, and that is part of their responsibilities that they have through licensing and also the NHMRC guidelines that they operate under.

The department would obviously provide advice, both in relation to their administration of this act and also in terms of the licensing operations of ART providers. In relation to the enforcement action, should that hypothetically be required, that would be dealt with in a similar way to other fines appropriately prosecuted, which I understand would involve the Crown Solicitor's Office in this instance.

Mrs HURN: Minister, I refer to section 15(8)(a). Could you please give an example of a situation where the disclosure of information would 'be an unjustifiable intrusion on the privacy of the person to whom the information relates', and, likewise, if you wouldn't mind giving an example in relation to subsection (8)(b) as well.

The Hon. C.J. PICTON: This obviously relates to what we were saying in terms of we expect that this would be a very rare circumstance in which this would happen, and we want to provide an appropriate assurance to the house that it would be very rare, and also to the donor-conceived community, who would be seeking to make sure that it is rare. It is always dangerous to get into hypotheticals. We would potentially look at something like a protected witness, or something like that, where there might be a danger to that person of their identity.

As we said previously, this is something where we would also look at how it is operated with similar provisions in relation to the Adoption Act 1988 as well, where there have been well-established sections, and how they have operated over time.

Mr TEAGUE: Just back to subsection (7) for a moment, can the minister identify for the assistance of the committee the extent of consultation, if any, on subsection (7) in particular, and the responses and from whom and what was expressed by those responses, relating to those who might be on the receiving end of the penalty?

The Hon. C.J. PICTON: First, in relation to consultation, we consulted broadly in relation to the whole bill, not just subsection (7) that we are looking at here. In relation to subsection (7), though,

we did receive feedback from the donor-conceived people and Donor Conceived Australia in relation to their concerns that there have been instances over time where there has been the destruction of records. They wanted to ensure that there was a penalty that was commensurate with that to make sure that there is appropriate deterrent to stop that from happening. That is something that the government believed was appropriate and hence we have put this provision in the bill.

Mr TEAGUE: I think that is actually a helpful addition to the record, with respect, in that that might provide some guidance to those who might be on the receiving end. It is a very different thing on the one hand to identify risk of or actual occurrence of destruction of records—that sounds like a negligent through to a malicious (call it what you like) kind of action. That is a positive act.

The trouble with subsection (7), as I understand it has been communicated to the government—and, again, I appreciate the minister taking any opportunity to provide any more particularised response about those responses that the government has received—the concern being raised, as I understand it, is that you have, on the face of subsection (7), a mandatory provision that the registered provider:

> …must provide the Minister with information required by the Minister for inclusion in the donor conception register in the manner and form determined by the Minister.

That is as blue sky as you can possibly imagine—it does not even refer to the making of regulation subsequently—and then there is this $120,000 maximum penalty. Subsection (7) certainly conveys, full bore, the seriousness of the subject matter, and that might well relate to actions like destruction, and it might even extend to not responsibly keeping safe, that sort of thing.

The trouble is, with a provision that is a mandatory provision that is also couched in blue-sky terms, it leads to the analysis by those who would be committing the offence and paying the penalty circumstances beyond their control that their very concern in the real world might lead to them falling foul of the provision. Just one scenario is where, despite the best will in the world, the registered provider is just not able, not getting any communication from the recipient so they do not have the information, they do not have birth outcomes—the recipient is not in contact.

That is, as I understand, feedback that has been provided to the government about the practical problem. Therefore you have a provider who is seeking some sort of reassurance, and it ought not be surprising that a provider is saying, 'Well, how about at least best endeavours?' when it comes to taking positive steps that are required by the minister from time to time that are not articulated here, or, better yet, a prohibition-type provision that says you must not treat information with other than care and integrity.

As I say, what the minister has said already is of assistance, I think, for those who are contemplating what this means. Beyond making that observation, I just note that while it remains in a mandatory form and with a blue-sky remit for the minister, it is the source of serious concern for those registered providers.

The Hon. C.J. PICTON: I acknowledge the feedback and the concerns of the member for Heysen, and obviously he is welcome to amend or seek to vote against this clause if he wishes. It is the government's view that this clause is appropriate. It is, we believe, a prospective clause and it is also consistent with the fact that ART providers have very strict information and recordkeeping requirements already that are placed on them under the NHMRC guidelines, which they are required to comply with already as part of their licence from the minister. So people should be complying with keeping those records at the moment. We think this clause is appropriate.

Mr TEAGUE: Without adding a further question, that, too, I might say, with respect, is helpful in that there is a reference to existing NHMRC guidelines. It begs the question, I suppose: they are already there, so why introduce the possibility that any requirement of the minister could be super added to those and in a way that is less than clear on the face of the statute? I do not know that there is anything more that can be said at this stage, noting the risk of unintended punitive action. It might be a matter for further reflection by the government in terms of practice.

My next question is in relation to subsection (8), in line with the questions raised by the shadow minister. The discretion of the minister—that is, for the time being, to be exercised as an absolute discretion, albeit with the guidelines set out and published and so on—provides a kind of

substituted means by which the minister can curate the landscape, on the face of it; and surely that has to be the case. You do not legislate in a vacuum. The minister has hesitated to enter into hypotheticals, but there must be a range of circumstances that have been thought about, if you are going to depart from the application of the new principle, in the broad.

It begs the question: why, for example, if you have an individual of the—we anticipate—rare kind who would have benefited from the amendment that was recently put and voted on, and you have got that possibility in subsection (8) for the minister to be the arbiter, do you not have the prospect of circumstances in which individuals will write to the minister and say, 'For goodness sake, here are all of my circumstances, they are personal to me, I have this sincere view, these are my life circumstances, please exercise your discretion in my favour,' and they may not be of that protected witness kind, but rather just plaintive cries from individuals with nowhere else to turn because they are otherwise now in a new environment that is the subject of these reforms on the whole?

Bear in mind that we are changing the landscape, and that has all these benefits and upsides and so on. But for that, let's say, small number, if this is what they have got to resort to, surely those are the sorts of communications that the minister is now going to be in receipt of and having to exercise a discretion on. I am not asking the minister to predetermine what the response is, but does the minister agree that it is quite potentially, quite likely, the same group of people who might have otherwise been those who would have interacted with the shadow minister's amendment?

The Hon. C.J. PICTON: The hypothetical that the member outlines, in which somebody is aggrieved and asks the minister to utilise this section, is entirely possible. Somebody could ask for that; it does not mean that it is going to be approved. I think the language of the section itself makes it quite restrictive in terms of the circumstances in which the minister can use that ability, plus we have now amended the section to add that guidelines will have to be put in place consistent with a similar section in the Adoption Act 1988.

The other key thing that I think is worth noting is that the act obviously has to be implemented and followed through in relation to the principles of the legislation, which are of paramount consideration in terms of the welfare of the children. That is obviously something that any minister will have to keep in mind in terms of any consideration of any decision under that subsection.

The CHAIR: Member for Heysen, this is your fourth question.

Mr TEAGUE: I do not know about that.

The CHAIR: I am being a bit more lenient. You have 38 days left.

Mr TEAGUE: We have certainly dealt, Chair, with some debate on amendments to the clause. I am, anyway, grateful for the call.

The CHAIR: I will remind you.

Mr TEAGUE: In the context therefore of those last two answers, just note that 8(a) sets the bar at 'an unjustifiable intrusion on the privacy of the person to whom the information relates' and (b) gives 'rise to a serious risk to the health, safety or welfare of any person.' Leaving aside (b), let's not forget (c), that it would 'be inappropriate because the information may be unreliable and misleading'. Leaving aside (b) and (c), before this legislation an unjustifiable intrusion would be the whole landscape that we have just dealt with and in large part moved on from.

So we are in circumstances where it is pretty much comprehensively unchartered what an 'unjustifiable intrusion' means. They are just two words. If someone feels that strongly that they are really not wanting that subjective matter, let's say, and it is a matter that is subjective as it is set out in the hands of the minister in terms of exercising the discretion, let's say the guidelines and all that, looking at it from the point of view of that individual who has their own reasons for feeling strongly about it, you cannot think of anything that perhaps someone might feel more strongly about than a view in these circumstances and hence the likely nature of the communications to the minister.

So I just say that that is what appears to be the relevant threshold test on the face of the legislation—an 'unjustifiable intrusion', whatever that means. Whatever assistance the minister is able to provide to the committee at this point is helpful but otherwise we are in territory where those

are the words that are going to need to be navigated when the minister is presented with a requirement to exercise a discretion.

The Hon. C.J. PICTON: I reiterate my comments in relation to previous answers to this. I would also say, obviously, it is not for me to provide commentary in terms of statutory interpretation; however, I think—

Mr Teague interjecting:

The Hon. C.J. PICTON: You will be one day on the judiciary, member for Heysen, but not me, is what I am suggesting.

The CHAIR: We will need extra judges.

The Hon. C.J. PICTON: I am complimenting you for being on the bar. It is nothing but compliments.

The CHAIR: That is a compliment.

The Hon. C.J. PICTON: I am boosting your career.

The CHAIR: Or the kiss of death. One of the two.

The Hon. C.J. PICTON: That's right. Next time you go to the party room ballot, you can say, 'The member for Kaurna has got my back.'

In relation to the terms of the word 'unjustifiable', I think it would be not just the view of the applicant in this sense, the person trying to keep their privacy in relation to that information, but a broader reasonableness. I would argue it is the person on the Glenelg tram test, what somebody would regard as unjustifiable in that situation. Obviously, somebody who does not want their information released might have a particularly subjective view of what would be unjustifiable in those circumstances. The minister will have to weigh up what is reasonably unjustifiable in those particular circumstances.

The CHAIR: I note for the record that the second amendment proposed by the member for Schubert is not proceeding because her first amendment fell over.

Clause as amended passed.

Clause 6.

Mrs HURN: In relation to clause 6, 15B(3), could you give us an example of what type of information the minister might request from the Registrar of Births, Deaths and Marriages in relation to donors? For instance, if a donor has passed away what would happen to the register once you had found out that information?

The Hon. C.J. PICTON: This is something where I understand similar provisions are currently in place. While I have not had the pleasure of issuing such an instruction to the Registrar of Births, Deaths and Marriages, I understand the previous minister has one that is still active in requiring a series of information, and obviously including information such as when births are registered, so that the donor conception register can be appropriately updated with that information flowing through.

It would not require a notice for each specific information, but it would be as per what is currently in place, still active from the previous minister, a notice to the Registrar of Births, Deaths and Marriages to provide a flow of information as appropriate that needs to then connect with the donor conception register.

Mrs HURN: Just to seek further clarification, you would write a letter in the first instance and you would advise the flow of information would happen on a regular occurrence, i.e. at the end of the month, or would it simply be that every time a single piece of information is updated, whether that be a birth, a death or a marriage, that information would then be uploaded to the register?

The Hon. C.J. PICTON: I understand it is currently on a daily basis that that information is provided.

Mr TEAGUE: I am just wanting to check the structure of the act. I will stand to be corrected, but in new section 15D(2)—and subsection (1) as well; it probably relates more to subsection (1) than (2)—is an honest and good faith exclusion of civil and criminal liability. Having traversed the problems that might be associated with subsection (7) of the section 15 amendment, I just wonder whether there is any comfort to be provided to the registered provider by reference to subsection (1) and/or subsection (2).

To spell it out, there is a mandatory obligation in 15(7) that we have traversed, the subject of clause 5, and there is what might provide comfort in new section 15D(1) and (2), where you have honest and good faith conduct. Again, for the benefit of those providers and the committee, is that actually relevantly a source of comfort? Might providers who are honest and in good faith—who might, on the face of it, fall foul of subsection (7)—find some comfort there?

The Hon. C.J. PICTON: The advice I have is that that is 100 per cent accurate, so a gold star for the member for Heysen.

Clause passed.

Clause 7.

Mrs HURN: Minister, in relation to clause 7, section 16(2a), which is in relation to the keeping of documents, a similar question to the previous clause: how did you land on the penalty of $50,000?

The Hon. C.J. PICTON: I have a good answer to this one. It is consistent with the current record keeping penalty.

Mrs HURN: Well done; gold star for you.

Mr Teague: Gold stars everywhere.

Mrs HURN: Gold stars everywhere. I haven't got one yet, I should note, Chair. Maybe that will come sometime soon.

The CHAIR: You would be worthy of a platinum star.

Mrs HURN: Thank you very much, Chair. I ask a question again in relation to section 16(2a), where it says, 'assisted reproductive treatment must keep those records or documents in accordance with the regulations'. Can you just talk us through what state those documents and records need to be in?

The Hon. C.J. PICTON: As per the section, it is in accordance with the regulations. The regulations have not been drafted yet, but I can say that it is the department's intention to consult upon the drafting of those regulations. Obviously, part of that will be what form the record keeping needs to be in.

Mrs HURN: Again, similar to previous sections, can you talk us through which body or agency might be responsible for making sure that those requirements are fulfilled and that the records are kept in a certain state?

The Hon. C.J. PICTON: ART providers need to have a licence through the minister, and obviously assisted by the department. Part of that is compliance with a whole series of requirements, including requirements of NHMRC, as we have discussed. In addition to that, ART providers also need accreditation through the reproductive technology accreditation committee of FSANZ, which is called RTAC, and they conduct audits of ART providers through that process as well.

Clause passed.

Remaining clause (8), schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (16:41): I move:

That this bill be now read a third time.

The Hon. A. PICCOLO (Light) (16:41): I will take the opportunity to speak on the third reading to provide some quick comments on things raised during the committee stage, which I think are very important in terms of this bill. Firstly, I would like to quickly quote from the United Nations Convention on the Rights of the Child, because I think it provides a good framework in which, in my opinion, this bill sits. It is also recognition that these rights that we are trying to confer today on donor-conceived people are universally held principles. They are things that have been raised in the second reading and challenged in the committee stage, but I think are worthy of support in this third reading. Article 8 states the following:

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

The key words in this particular clause within the United Nations Convention on the Rights of the Child relate to issues about identity.

The issue of identity is key to this bill in the sense that what we are seeking to do through this bill is to help ensure the identity of those people is known who believe their identity is not fully formed or is obscure in some way. That is a key element of this bill and it is a principle that is universally agreed to through the convention.

I say that because it was stated during the committee stage that the amendment proposed by the opposition was seeking to provide choice. On the face of it, it looks like a reasonable proposition to provide people with choice. Importantly, though, the conceived child has no choice. They have no choice about how they are conceived and they have no choice about getting that information and forming their identity. What we are now doing is giving those donor-conceived people a choice. It does not make it mandatory to find out. For those people who are comfortable in knowing the extent of their existing identity, that is fine, but for those who do not—and there are many—it gives them a choice to pursue that.

I reaffirm what I said earlier in the second reading, which is that the rights of the child have to be paramount. Importantly, if I have understood the minister correctly—and I am sure he can correct me if I am incorrect—what we have proposed here is consistent with the Adoption Act, in terms of access to information available to people at the age of 18-plus, so why would we give donor-conceived people fewer rights than those people who were adopted? Both, in my view, are seeking to fill in the jigsaw puzzle of their life. With those few comments, I think this bill, as amended by the minister, is worthy of our support.

Bill read a third time and passed.

SECOND-HAND VEHICLE DEALERS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 8 February 2024.)

Mr TEAGUE (Heysen) (16:46): I rise to indicate the opposition's support for the bill and that I am the lead speaker for the opposition. I note the contribution of members to the second reading already, including, chiefly, the minister. I will not state or rehearse all of those aspects of the changes that are contained within the bill. I do make particular mention of the Motor Trade Association's feedback, engagement and support for the bill and the changes that it contains. It is good to have the engagement of the Motor Trade Association.

Before proceeding too much further, I should note that being on my feet now has brought a necessary conclusion to the remarks of the member for Giles, who I thought was well underway on the last occasion and I had looked forward to hearing more from him. No doubt other members will have their own particular experience of the travails of acquiring second-hand vehicles along the way in a whole range of circumstances that people do, whether in remote and regional areas, as the member for Giles was describing, or in the metropolitan area of Adelaide, and for the whole range of different uses that people have for their vehicles.

There is no doubt that there is a very important, if not core, function that second-hand vehicle dealers perform and provide for what, perhaps until recent times, might have often been described as the second most significant individual purchase of an item outside of the family home that families would need to contemplate.

An individual vehicle purchase is a significant one. It is well therefore that we maintain a regulated environment that ensures the consumer experience, when considering and making that important purchase, facilitates as far as practicable an environment of free contracting between willing individuals that is as safe and secure and reliable as the legislation can assist it to be.

There are a number of discrete reforms that are the subject of the bill. I just highlight in particular the focus that has come on, even in recent times, of the security of the electronic form of data retention that motor vehicles have had for some time now and the prevalence of tampering with odometers. As is well known, the odometer's recording of the distance that a vehicle has travelled, along with the vehicle's age, is probably regarded as the key or among the key indicators of the value of a vehicle. So tampering with an odometer to provide an indication on the odometer that the vehicle has travelled less distance than it has is going to be one of those means by which you manipulate the perceived value of the vehicle, so much is clear.

What I confess is that, until considering this bill and the feedback from the Motor Trades Association, it had not been apparent to me just how concerning and prevalent the practice of interference with odometers has become, particularly electronic odometers. Indeed, just as we are aware of computer hacking and the like, the interference with an electronic odometer is something that is now presenting a real threat.

So it is welcome that the bill is very significantly increasing the penalty that would apply per offence, particularly so for third and subsequent offences. Where you have a course of conduct as often the marker of a concerted criminal effort, then for the third and subsequent offences involving such interference of the odometer there will be introduction of the possibility of a term of imprisonment being imposed, with a maximum of two years' imprisonment being in prospect. So that is welcome.

I hope that it is a real-life reflection of current risks and a meaningful response. We will need to look carefully to see that it is having an impact and it would be good to hear in the not too distant future about an improvement in that area.

No doubt there is the possibility for odometer interference to occur with the old school analog odometers. Indeed, while I presume it has become harder for the physical substitution of an odometer, particularly an electronic one, the possibility even for physical substitution might be something that occurs from time to time. I gather that this is something that is akin to computer hacking, hence it being very much in the frame. For those who engage in that sort of activity in a sustained way, involving multiple examples, there are very serious penalties indeed.

The bill engages in areas that are otherwise the subject of the balance between complete freedom of contract on the one hand and mandatory consumer protection provisions to contract on the other. It is welcome, just like is the case in insurance contracts, that it will be possible for certain aspects, certain defects of a second-hand car—and bear in mind that by definition we are not dealing with the pristine article. A second-hand car has a history by definition. It is important that we know what we are dealing with, that is, by virtue of an accurate odometer, that we know how far it has travelled and that there is some information about its history.

However, in terms of the transaction, there is the possibility reflecting the freedom to contract that where a particular feature or defect is pre-existing, then there should be full disclosure—make it clear. Provided the defect is not undermining roadworthiness, then exclude that defect from the otherwise obligation to repair, the subject of a warranty. It is a sensible addition to the landscape that takes us a bit further down the line than the underlying expiry of any obligation to repair when a vehicle is over 15 years old or has done more than 200,000 kilometres.

That itself being a particularly blunt instrument, I can think of any number of examples of vehicles well in excess of 15 years old and having covered more than 200,000 kilometres well and truly deserving of recognition and warranty, but that is another point. If we are dealing with the baseline obligation to repair, then disclosure of a defect—as I say, much like in the insurance

environment—is one that ought to make the transaction a more value-based transaction for both sides and, like so many things, full disclosure is often the sunlight that can add to the quality of the transaction rather than take away from it.

I understand and am advised by the government that that is an amendment that brings South Australia in line with other jurisdictions and aligns with the Australian Consumer Law guarantees as well.

On the other side of the line, the current capacity to waive the right to have a defective vehicle repaired is to be removed. Again, it is a change that reflects the balancing act that is the subject of consumer protection legislation across the board. While on the one hand one can anticipate full disclosure of a defect is something that is within the remit of the seller to identify and choose to disclose, there is some real merit to be found in protecting the consumer to the point where it is not part of the transaction to consider whether the price might be somehow reduced in return for a waiver where something that is undisclosed, of a really quite substantial nature, might therefore go unprotected.

There is some merit in that balancing act in terms of changes. There are changes to the provisions in relation to cooling-off rights—those have been addressed. The changes to previous-owner details arrangements are also I think a sensible response to feedback from the Motor Trade Association and other dealers and auctioneers.

It is a matter of longstanding practice and perhaps even a subconscious expectation of those who have looked at buying a second-hand car to see that sheet of paper hanging in the window that sets out all sorts of information that really includes a whole range of private information that, in many cases, serves no direct purpose in terms of informing a buyer as to what they need to know, and the capacity to find out necessary history information is preserved.

Perhaps at the core, I suppose, or the threshold of the scope of the bill and the amendments that it is making are the very substantial increases to penalties for unlicensed dealings. We have seen that they have been both significantly increased for single offending and, as in the circumstances of odometer tampering, significantly increased also for third and subsequent offences, a conduct that, again, highlights that, where there is a sustained practice, there is a particularly serious potential penalty to be now applied in those circumstances.

The odometer tampering and conduct in relation to those erroneous readings is amplified by new provisions that will provide for a new offence in relation to false or misleading statements about odometer readings and the new provisions for provision of compensation where odometer tampering has occurred. It reminds me that it was not until the eighties—perhaps not until the mid-eighties—that odometers routinely had six or more digits so that every 100,000 ks it used to just roll over and reset itself, so you had to remind yourself. So it was perfectly possible in an innocent way—I have fallen foul of this myself (on the receiving end)—for someone to forget and say, 'Hang on, was it 300,000 or 400,000 or 500,000 ks that this vehicle has travelled?'

Mr Pederick: Only 90.

Mr TEAGUE: Or it might be only 90. It might be only 90, but it might be 190 or 290 because they reset themselves. Maybe that tells a story of how long vehicles used to last. It was regarded that that was a good enough standard. Maybe, as well, there was a sense that if you were dealing with a history greater than 100,000 kilometres, then you would have some sort of record or recollection of just how many hundreds had been done.

It is possible, even in innocent circumstances, for a vehicle—even with a working odometer, in those circumstances—to be sold and represented as having done some considerable distance less than it has actually done. But no longer and, as I say, I would emphasise that the practice that has been observed by the motor trades is very much a modern phenomenon and it is well that there be a response—a modern phenomenon to what has been an issue for identifying the history of vehicles from the earliest days. To top it off in this regard, the commissioner, as if he does not already have enough to do, will have a power to go and rectify an odometer where that interference has been identified. That will also have the effect of preventing a vehicle that is, for the time being, getting around with an inaccurate odometer from remaining in circulation in such a misleading state.

The changes also make provision in relation to electric and hybrid vehicles. The minister has addressed those changes in the course of the debate. There is to be an expansion to the Second-hand Vehicles Compensation Fund. There is provision for additional information in contracts of sale and, for good measure, there is a sign of the times in the removal of the option for fax communication for purchasers who are providing written notice. We are seeing that now coming through in this bit of legislation as well.

The changes will be in part now providing a new landscape of responsibility for Consumer and Business Services and, in particular, the commissioner, extending to those specific oversight powers with respect to odometers and interference with them, and by addressing penalties in a way that is really very substantial. As I have said, I would hope and anticipate that Consumer and Business Services will be in a position to provide some information before too long to assist the community to see the benefits of the application of those increased penalties, particularly when it comes to interference with odometers. With those words I reiterate the opposition's support for the bill and I commend it to the house and commend its speedy passage.

Mr BROWN (Florey) (17:09): I am pleased to have the opportunity to speak on this bill which proposes to amend the Second-hand Vehicle Dealers Act 1995 to make a number of changes that we intend to be beneficial to both South Australian consumers and the dealers who are engaged in the sale of second-hand vehicles. The intention is that its provisions will help to streamline purchases to reduce red tape for second-hand vehicle dealerships and, importantly, to strengthen protections for consumers in our state.

It is true to say that motor vehicles are for the majority of South Australians a major purchase. Whether new or second-hand, cars are not cheap to buy. For many people, it represents a significant financial endeavour to support the costs involved in acquiring a motor vehicle, but there are, of course, very many of us who do make the choice to purchase and use motor vehicles. More than a million drivers are licensed in our state and many among them will purchase multiple vehicles over their driving lives to suit their changing needs, as well as because cars do, of course, experience wear over time and may require replacement.

People may take the route of buying a second-hand vehicle for a variety of reasons. Quite reasonably, many buyers prefer to purchase a second-hand vehicle from a licensed dealer in preference over a private sale. This is in part due to the assurance offered by consumer protections that are in place for those who purchase second-hand vehicles from licensed dealers. Vehicles purchased from licensed dealers are covered by applicable warranties and there is perhaps a greater sense of legitimacy, a sense of certainty for consumers that we are getting what is being advertised to us in the true condition in which it is being advertised, as part of our transaction with a registered second-hand vehicle dealer.

Unfortunately, we know that not typically but on some occasions, this sense of legitimacy that we perceive can be a deliberate deception created by an unscrupulous operator. Recent years have seen increased incidents of the practice of lowering a car's odometer reading by licensed dealers. We also see this occurring amongst unlicensed dealers. These are people who may be trying to represent themselves to the public and to prospective car buyers as ordinary private sellers but are actually selling far more vehicles in a single year than what is outlined within the parameters of legality, as well as what would be consistent with public expectation of what constitutes a private seller.

Many of these bogus private sellers, who should rightly be considered unlicensed dealers and will be so declared under the provisions of this bill, are selling from their home and advertising on online facilities such as Facebook Marketplace. The Second-hand Vehicle Dealers Act 1995 is a legislation that oversees the licensing of motor vehicle dealers to ensure robust consumer protections within what should ideally be an honest and reputable industry. Despite being subject to modest amendment at certain times over the period of its operation, the act itself and the Second-hand Vehicle Dealers Regulations had not been, until this government's efforts, comprehensively reviewed since 2009, but since that time some material changes have taken place.

For example, there have been changes in technologies that have had bearing on standards for vehicles, the nature of the business environment in the area of car sales, as well as consumer

expectations therein. Additionally, the Australian Consumer Law has been introduced, so a bit of consideration of the act's ongoing suitability was warranted. This bill proposes to improve and to modernise elements of the Second-hand Vehicle Dealers Act relating to the duty to repair vehicles, cooling-off periods, disclosure of information about previous vehicle owners, electric and hybrid vehicles, contracts of sale and also the important matter of penalties for noncompliance by dealers.

I note that these changes have been developed in part through consultation with industry groups including the Motor Trades Association and the Royal Automobile Association of South Australia. One of the reforms put forward in the bill that aims to offer benefit to dealers and operators, as well as to increase clarity for consumers who are prospective buyers, is the provision to allow second-hand vehicle dealers to disclose, rather than to repair, defects which will not be subject to the duty to repair provided that the vehicle remains roadworthy.

Under current provisions in the act, dealers have a duty to repair a defect that arises during or after the sale of a vehicle. There are a number of exemptions to this requirement, including for vehicles that are over 15 years old or those that have odometer readings exceeding 200,000 kilometres before the sale. It is proposed that this duty will not apply where a dealer provides a clear written notice to the consumer identifying a defect and the consumer acknowledges their receipt of that information.

This reflects existing arrangements that are now in place across a majority of jurisdictions around our nation and is consistent with the duty to repair that exists under Australian Consumer Law. The Second-hand Vehicle Dealers Regulations will also be amended to include a prescribed form that must be used by registered dealers to provide notice to a buyer about a vehicle's defect.

To create additional protection for consumers, the bill will also remove current provisions that allow a purchaser to waive their general right to have a vehicle repaired by the dealer under duty-to-repair obligations. This approach is in line with Australian Consumer Law requirements, which set out that purchased goods must be of an acceptable quality and must be fit for purpose.

To accommodate the advent of some of the new technologies that feature in more modern vehicles, the bill will expand the duty to repair to cover the main propulsion battery for hybrid and electric vehicles within the statutory warranty period that is specified in the act. The intention is that this change will support interest in purchasing second-hand electric and hybrid vehicles amongst South Australians and ensure that access to repair rights can be consistently extended to South Australians who own second-hand vehicles.

A transitional provision has been included in covering hybrid and electric vehicle batteries in vehicles purchased either prior to or following the commencement of the act. This provision will begin when clause 9 of the amendment bill comes into operation and will provide for electric and hybrid vehicles that are still under the statutory warranty period to receive the newly established protections. The bill also makes changes to reduce red tape for both consumers and dealers in instances where a consumer chooses to exercise their right to waive the cooling-off period after purchasing a vehicle.

Under current provisions, consumers are afforded two clear business days to consider the purchase of a second-hand vehicle from a dealer. Unless they have chosen to waive this right, a consumer may cancel the sales contract by written notification before the end of the cooling-off period.

Currently, in order to waive the right to a two day cooling-off period a separate form must be signed by the purchaser, as well as a person independent of the sale. This requirement imposes an extra burden on consumers to obtain a witness who will sign the form, a burden the removal of which this government considers reasonable. Amendments to the act will now specify that a consumer does not require an independent witness to sign the form that waives the cooling-off period. In these circumstances, the cooling-off period will now expire when the form is signed by the consumer.

We consider that both consumers and dealers will further benefit from changes to disclosure requirements in relation to previous owners of a vehicle. Currently, when a particular vehicle is being offered for sale, it must include a public notice specifying the name and address of the last owner. While this requirement does provide a measure of transparency for purchasers, it is the view of the government that it raises privacy and safety concerns for previous owners, as well as imposing an

administrative burden on dealers. The bill now before us proposes to remove the requirement to display the name and address of a previous owner on a notice and replaces it with a statement that the details of the last owner of the vehicle may be requested from the dealer.

The bill makes similar amendments to disclosure requirements where a vehicle offered for sale has previously been used as a taxi or as a hire car. Under current provisions, notices must display the name and address of the person to whom the vehicle was previously leased. However, it is the view of the government that this information may be misleading for consumers as vehicle dealers may not receive accurate information from previous owners about the history of a vehicle. Accordingly, this bill removes the requirement to disclose personal details and replaces it with a statement that these details may be obtained by request. Both changes to disclosure requirements I have just specified will apply as well in instances where vehicles are sold at auction.

The important component to this bill is the proposed increase in penalties. It is our intent that increasing the maximum penalties for unlicensed dealing and tampering with vehicle odometers will provide a substantially more compelling deterrent against these unacceptable practices. This initiative is important in part because it has been observed that some recent prosecutions undertaken for odometer tampering have resulted in fines substantially less than the maximum amount.

Further, under existing provisions, the applicable fines often represent only a small portion of the profit that can be made from tampering with an odometer. It seems reasonable, therefore, to say that more effective and more meaningful measures of deterrence are a necessary step in the right direction. This bill proposes that penalties for odometer tampering will increase from $10,000 to $150,000 or, for very serious offences, imprisonment for two years. Notably, this will make South Australia the jurisdiction with the most significant penalties in Australia applicable to these offences.

Further changes provide for purchasers to apply to the court for compensation from a private seller where the private seller has been convicted of odometer tampering. Previously, it was only dealers from whom purchasers could seek compensation for any disadvantage they had suffered following the purchase of a vehicle with a tampered odometer. For unlicensed dealing offences, the penalty for a first or second offence will see a meaningful increase from $100,000 to $150,000. The penalty for third and subsequent offences will see an even more substantial increase, from $100,000 or 12 months' imprisonment to $250,000 or two years' imprisonment. The maximum penalty that can be levied on body corporates that engage in unlicensed dealing will increase from $250,000 to $500,000.

It is the view of the Malinauskas Labor government that meaningfully increasing these penalties will be significantly more effective in deterring those who might seek to use deceitful practices to profit from second-hand vehicle purchasers. Increased penalties will better protect both the South Australian community and the licensed dealers who do the right thing from the adverse impacts of these activities.

Further, the bill proposes to create a new offence for false and misleading statements in relation to odometers. The Commissioner for Consumer Affairs will be able to direct a person to rectify an odometer that has been tampered with and also to stop a person from selling or disposing of a vehicle with a tampered odometer. These decisions will be reviewable with the South Australian Civil and Administrative Tribunal. Failure to comply with a direction will be subject to a maximum fine of $20,000.

Another provision of the bill is that where costs are not recoverable by other means, such as compensation following a prosecution, the commissioner will have the option of paying to rectify an odometer. The bill will also allow dealers to add additional information to a contract of sale. The act currently specifies the information that must be included in a contract, including details of the contract parties, details of the vehicle, an agreed purchase price and cooling-off period provisions. To meet these requirements, dealers are currently required to use specific forms prescribed by the Second-hand Vehicle Dealers Regulations.

Provided that information in the prescribed form is retained, dealers will be able to include new information as they see fit, such as the names of salespersons, vehicle stock numbers and other identifiers that are used in sales management systems in the contract of sale form. It is intended that

these changes will streamline the processes associated with vehicle sales while retaining important information for consumers about their rights and obligations that exist under contracts of sale.

Very importantly, in relation to communication via facsimile, the bill proposes to remove the option of fax communication for purchasers providing written notice to a dealer of their intention to rescind a sale contract during the cooling-off period. Also to be removed is the option of fax communication for service of documents under the act. These amendments reflect changes to communication practices in the industry and, indeed, across our community and its industries more broadly, where communication by fax is these days increasingly infrequently observed.

Another element of the bill is a series of minor changes to the Second-hand Vehicles Compensation Fund. Currently, dealers provide financial contributions to this fund, which is currently principally used to compensate consumers where there is no reasonable way of recovering money that they are owed by a dealer. This bill proposes to broaden the use of the fund to include programs relating to education, research or reforms that benefit dealers, salespeople or members of the public.

Subject to the passage of this bill through the parliament, there will be amendments to the regulations to support the changes that are proposed. Such amendments will include stylistic and formatting changes to forms relating to the sale of vehicles and motorcycles, in line with requests from industry. There will also be an appropriate period of transition to ensure that existing forms can be phased out and new forms may be introduced and adopted with minimal cost to dealers.

This piece of legislation aims to bring changes that will benefit both vehicle buyers and the great majority of operators of licensed dealerships, who already do the right thing. I am pleased to commend this bill to the house.

Mr PEDERICK (Hammond) (17:24): I rise to speak to the Second-hand Vehicle Dealers (Miscellaneous) Amendment Bill 2023. This bill seeks to get some honesty in the second-hand vehicle department. Obviously, there is a lot of honesty in selling second-hand vehicles but sometimes there is not. This bill was introduced on 15 November last year by the Minister for Consumer and Business Affairs, and obviously it will amend the Second-hand Vehicle Dealers Act 1995.

In regard to some of the clauses of the bill, clause 4 of the bill would increase the existing penalties for carrying out business as a second-hand vehicle dealer without a licence. The penalty for a first or second offence would increase to $150,000 up from $100,000. For a third or subsequent offence, it would increase to $250,000 from $100,000 or two years' imprisonment, up from 12 months. For an offence committed by a body corporate, the penalty would increase to $500,000, and that is up from $250,000. In the first instance we see, probably as a deterrent more than anything, the significant rises in the penalties for breaches of this legislation, if it does go through the house, and I am sure it will.

Clause 12 would increase the existing penalties for interfering with an odometer. This penalty would increase to $150,000, which is a significant increase from $10,000 per offence. For third and subsequent offences, it would introduce the option of a maximum of two years' imprisonment. This is one of the clauses that is getting quite a bit of debate on this legislation. There are a lot of stories, a lot of folklore, around selling second-hand cars. We always hear the story that 'it was only driven by a little old lady to church on Sundays or down to the shop on Saturdays,' and things like that. Sometimes, it is pretty difficult looking at a second-hand vehicle to see what has been flashed up on it unless you know what you are looking for. Even then, you might miss something that has been puttied up in terms of the bodywork and some things are more obvious—

Mr Whetstone interjecting:

Mr PEDERICK: —I am getting a lot of help from my colleagues here—than others. It is just the way of how vehicles can be presented. I remember the second car I owned which was a 1971 HQ and, yes, it looked straight enough. I did not pay a lot for it. That car was very reliable for three years: a 173 three on the tree. If you do not know what that is you might have to google it. That was after I had a disaster with a four-cylinder 1975 Torana with a four-cylinder Opel motor. That only lasted 12 months, and I went backwards in the years to buy this HQ. It was a magnificent car; a good shearer's car. You could get six people in it.

Soon enough, next thing there was a hole in the left-hand passenger door that you could get a cricket ball through that had rusted out. That car was a terrible colour: powder-puff blue with a white roof. I played with it a bit. I jacked it up and put spotlights on—all the carry-on. Pump-up shocks on the back was the go back in the day. But, no, the old Holdens went forever. I think in three years I just put a water pump in. I did not worry about fixing the door; it was not worth it.

It is one of those things: cars can be made to look a lot better than they actually are. As I said, you can detail them in many different ways. Obviously, people in the trade are more likely to know how to do that and, quite legitimately, they get detailed for a genuine second-hand sale to look as smart as they can to get the best possible price, because that is their business. But some people go one step above and, as I said, you hear a lot of folklore around odometers being spun back. It is not right, because it is fraud and it disguises the actual real age and condition of that vehicle.

I have not had many cars since the HQ. I bought a brand new Sigma in 1983, courtesy of some mining money. That went alright, but the motor was not good enough for hard runs across the Nullarbor—and I will leave that there. In January 1990 I managed to get my new V8 ute, which was one of the first ones back after the Holden WBs were phased out, I think in about 1984. The VG Holdens were the equivalent of the VN in the car range. I think there were only 5,690 of that model ever built as a ute variant. They actually had a higher roof put in them so that you could wear your Akubra, like the Commodores and Statesmans in the same range.

I still have that red ute to this day. It has done a few kilometres and it has had quite a journey. It sat in a shed for a long time. It was suggested that as I had not registered it for a while that perhaps I would sell it, so I just went down to the rego place and registered it again. I did not need it; we obviously had work cars in this role. I got it out occasionally for a bit of fun, and then down the track I decided to invest in it and I bought it back, but that is alright; she will go for a long time now. The one thing I have not touched is the motor. These old five-litre 304 motors in these Holdens are built of good steel. That ute has done about 450,000 kilometres, so it has gone a long way. It has a basically rebuilt gearbox, diff, all of the suspension works. There are no bananas in the diff, which is another old trick.

The interesting thing is the odometer only shows 260,000 kilometres but it has actually done 190,000 kilometres more, or very close to that mark. I have always remembered that number from when I had to get the dash repaired because I did not have a temperature gauge in the original dash that was in it. My auto-electrician said, 'Look, I'll just get another dash out of something else and swap it over, the whole thing: speedo, rev counter, fuel gauge, temperature gauge.' That is what happened. People say, 'How well has your ute done?' A mechanic might say it has done 260,000 kilometres and it is not in bad nick. I would say, 'Well, it's in really good nick because it has done 190,000 kilometres more than that.'

I suppose what I am saying, and I think it is caught up in the act, is if this ute was sold to a dealer or traded or something and someone wanted to onsell it, there would have to be that disclosure. I am not sure whether someone would have to wind the odometer up. I am assuming, and the minister might be able to help me in her contribution later or in committee time, you would have to find a way to actually wind it to the appropriate kilometres that it has done. I will give credit to that old motor. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

The Legislative Council informed the House of Assembly that it had appointed the Hon. R.P. Wortley to the committee in place of the Hon. R.B. Martin (resigned).

Bills

STATUTES AMENDMENT (INDUSTRIAL RELATIONS PORTFOLIO) BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 17.35 the house adjourned until Wednesday 21 February 2024 at 10:30.

Answers to Questions

AUDITOR-GENERAL'S REPORT

In reply to **Mrs HURN (Schubert)** (1 November 2023).

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing): I have been advised:

CALHN advises that as at 15 January 2024, of 4,274 employees identified as requiring a working with children check, a total of 142 employees (3 per cent) have no CHRIS payroll record indicating a current working with children check. Additionally, of 157 employees identified as requiring an aged-care check, a total of 11 employees (7 per cent) do not have a current aged-care check indicated on their payroll record. These figures include current employees who are absent on leave.

CALHN is actively working to confirm updated screenings for these employees and to update the CHRIS payroll system with confirmed records.

These figures include both employees who do not have the relevant check recorded in CHRIS or have an expired check recorded in CHRIS and excludes employees in Statewide Clinical Support Services.

AUDITOR-GENERAL'S REPORT

In reply to **Mrs HURN (Schubert)** (1 November 2023).

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing): I have been advised:

A prescribed position is defined in section 5 of the Child Safety (Prohibited Persons) Act 2016 as meaning:

(a) a position in which a person works, or is likely to work, with children; or

(b) any other position, or a position of a class, prescribed by the regulations for the purposes of this definition.

For an LHN such as CALHN, who provide primarily adult services, this requires an assessment of the extent to which each position in the LHN undertakes, or is likely to undertake, child-related work as further defined within the act.

AUDITOR-GENERAL'S REPORT

In reply to **Mrs HURN (Schubert)** (1 November 2023).

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing): I have been advised:

CALHN reports that as at 15 January 2024 one (1) employee working in a prescribed position has been identified as having an expired working with children check, and six (6) employees identified to have an expired aged-care check. These figures include current employees who are absent on leave.

CALHN is currently in the process of updating these checks through the Department of Human Services (DHS).

AUDITOR-GENERAL'S REPORT

In reply to **Mrs HURN (Schubert)** (1 November 2023).

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing): I have been advised:

CALHN is unable to provide historical data on the number of employees who may have been issued an employment contract in a prescribed position in the absence of a working with children check.

Based on the Auditor-General's recommendations, CALHN has further reviewed its control processes to ensure that persons offered employment in a prescribed position hold a current working with children check or obtain a working with children check prior to commencing employment.

AUDITOR-GENERAL'S REPORT

In reply to **Ms PRATT (Frome)** (1 November 2023).

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing): I have been advised:

The fact sheet was developed by CALHN to provide a brief, contextualised overview of the key policy and legislative requirements regarding criminal and relevant screening checks, promoting increased awareness and improved practices.

Together with system and reporting improvements implemented in response to the Auditor-General's recommendations, CALHN is better placed to effectively monitor and manage compliance with these requirements.

CALHN have advised the fact sheet has been recently reviewed and will be pleased to share this with other local health networks (LHNs) should they wish to consider utilising or adapting the fact sheet within their own LHN.

AUDITOR-GENERAL'S REPORT

In reply to **Mrs HURN (Schubert)** (1 November 2023).

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing): I have been advised:

In 2022 a procurement process was undertaken to purchase ICT security software.

Three conflict of interest forms relating to the process could not be located.

As these team members had left the organisation when this was identified, they could not be submitted retrospectively.

No actual or perceived conflicts of interest were declared during the procurement process by anyone involved, as evidenced in the evaluation minutes.

Staff working across procurement processes have been and are regularly reminded of relevant policies and requirements for records management.

AUDITOR-GENERAL'S REPORT

In reply to **Mrs HURN (Schubert)** (1 November 2023).

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing): I have been advised:

Forward procurement planning was complete by August 2023 and is regularly updated in the Procurement Activity Reporting System.

Estimates Replies

BUDGET SAVINGS TARGETS

In reply to **the Hon. V.A. TARZIA (Hartley)** (30 June 2023). (Estimates Committee A)

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

The Department for Infrastructure and Transport advises in removing the $5 on-time bonus and increasing the lifting fee to $25 as part of the Access Taxi Trial, the additional cost to budget between 22 February 2022 to 30 June 2022 is $0.5 million, and between 1 July 2022 to 30 June 2023 is expected to be $1.5 million.

TRANSPORT SERVICE TRANSACTION LEVY

In reply to **the Hon. V.A. TARZIA (Hartley)** (30 June 2023). (Estimates Committee A)

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining): The Department for Infrastructure and Transport advises

The initiatives the Transport Service Transaction Levy supports includes:

- reduced or waived fees for the passenger transport industry since 2016
- reduced chauffeurs' fees
- compliance activities
- introduction of a lifting fee to help improve services for people with disability.