

HOUSE OF ASSEMBLY

Thursday, 6 March 2025

The SPEAKER (Hon. L.W.K. Bignell) took the chair at 11:00.

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

The SPEAKER read prayers.

Parliamentary Committees

PUBLIC WORKS COMMITTEE: ADELAIDE ROAD, MOUNT BARKER ROUNDABOUT UPGRADE

Ms HOOD (Adelaide) (11:01): I move:

That the 115th report of the committee, entitled Adelaide Road, Mount Barker Roundabout Upgrade, be noted.

To support the increased residential development within the Mount Barker urban growth area and surrounding region, the Department for Infrastructure and Transport has identified the need for associated road network upgrades. The proposed project will upgrade the roundabout located at the intersection of Adelaide Road, Alexandrina Road, Wellington Road and Flaxley Road in Mount Barker, improving traffic flow as well as increasing road safety.

It is currently a dual-lane roundabout with single-lane approaches on some intersecting legs and experiences approximately 31,000 vehicles per day. This includes 26,000 from Adelaide Road, 15,000 from Wellington Road, 12,500 from Flaxley Road and another 7,000 from Alexandrina Road. Between 2019 and 2023 there were five reported accidents at the intersection, including one serious injury and two minor injury crashes. This project aims to increase the roundabout's capacity to support population and housing growth while also improving road safety for motorists, pedestrians and cyclists. The proposed works include:

- constructing additional traffic lanes on Flaxley Road, Wellington Road and Alexandrina Road;
- relocating a pedestrian-actuated crossing on Wellington Road approximately 50 metres south-east of its current location;
- installing a new pedestrian refuge on Alexandrina Road;
- creating new shared-use paths and bike on/off ramps;
- installing and upgrading lighting, line marking and drainage;
- building new asphalt, kerb and gutter; and
- creating new landscaping.

As part of the 2023-24 state budget, the South Australian government committed \$40 million to this upgrade, with ongoing maintenance costs to be sourced from the department's ongoing annual operating budget. Main construction works are anticipated to commence mid this year, aiming for completion in mid-2026.

Adelaide Road, Wellington Road and Flaxley Road are under the care, control and management of the Commissioner of Highways, and Alexandrina Road is under the care, control and management of the Mount Barker District Council. Preliminary design determined the need to acquire one full parcel of land neighbouring the works, as well as partially acquiring another eight parcels. The department has commenced engagement with affected owners and all acquisition will be undertaken in accordance with the Land Acquisition Act.

The department will deliver the project through separate design and construct contracts, and the planning and design contract was awarded in February last year. The construct-only contract will be procured via an open request for tender as part of the preferred supplier arrangement and contract management contract. All procurement will be undertaken in accordance with the state government's procurement management framework and will comply with South Australian government guidelines.

Construction works will be managed in accordance with the department's general conditions of contract, and external resources may be engaged as required. The department will be responsible for project management in accordance with its program and project management framework and guidelines. The project team undertakes ongoing risk management and has identified the following risks and mitigation strategies:

- community concerns, for which the department has developed a community and stakeholder engagement plan;
- impacts on the road network, where the department will work in collaboration with the local council and the department's traffic management centre to minimise interruptions and delays where possible;
- construction delays due to service relocations, for which the department has identified the affected existing services and is in early engagement with the relevant suppliers;
- delays in obtaining approvals, where early engagement will minimise impact from any unforeseen complications; and
- impacts to Mount Barker High School, for which the department will work in collaboration with the school to minimise impacts from the construction works.

The project will be assessed and managed in accordance with the department's environment and heritage impact assessment processes, including a sustainable development report outlining sustainability objectives, principles and opportunities. The report includes consideration of greenhouse gas emissions, green infrastructure, vegetation and fauna, water, noise, air quality and contamination. The selected contractor will also be required to develop and implement a contractor's environmental management plan that addresses key environmental and heritage aspects of the project.

The Register of Aboriginal Sites and Objects indicates no registered or reported Aboriginal sites, objects or ancestral remains within the project area, and a risk assessment indicates a low risk of encountering unrecorded Aboriginal heritage. Should any sites or objects be discovered during works, the management team will follow appropriate protocols. Relevant searches confirm the site is located within the area of the Peramangk Descendants Heritage and Land Council interest. There is no native title claim or determination over the project area. The department is aware that a native title claim may be made in the near future and will liaise with the Attorney-General's Department if required.

A non-Aboriginal heritage assessment has identified five local heritage places located within or adjacent to the project area, and the project will require the relocation of the heritage-listed original Mount Barker High School war memorial gates along Wellington Road. Detailed design will minimise any impacts on the remaining heritage places adjacent to the site, with the department stating that relevant approvals will be sought if determined to be necessary.

The department is in ongoing communication with stakeholders and the community and has prepared a management plan, providing an overview of communication strategies to ensure relevant stakeholders, local residents, property owners and businesses are consulted. This includes the Mount Barker District Council, traditional owners, state and federal members, the Department for Education, industry bodies, utility service providers, affected landowners and surrounding residents and businesses.

The committee examined written and oral evidence in relation to the Adelaide Road, Mount Barker roundabout upgrade. Witnesses who appeared before the committee were Andrew Excell, Executive Director, Transport Strategy and Planning, Department for Infrastructure and Transport; Andrew Nicolson, Delivery Manager, Department for Infrastructure and Transport;

and Amanda Collins, Director, Engagement, Department for Infrastructure and Transport. I thank the witnesses for their time.

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

Mr TEAGUE (Heysen—Deputy Leader of the Opposition) (11:08): I rise to address the 115th report of the Public Works Committee in relation to the Mount Barker roundabout upgrade, no doubt important work that follows on the dramatic growth of Mount Barker. Infrastructure growth needs to follow population growth.

We ought to remind ourselves at each turn in this regard that whenever the Labor government is coming along and providing funds to Mount Barker, it ought to preface that with an apology to the community. The government has apologised already for the 20-year mismanagement of the growth plan, or the lack thereof, at Mount Barker. The fact that Mount Barker is now needing to struggle through improvements that are really being made long after what should have been planned from the outset of Mount Barker's growth is a reminder to the residents of Mount Barker every day that there is going to be a lot they are going to have to go through while this significant work is undertaken.

I urge the government to ensure that it is done in as efficient and timely a way as it possibly can. We are going to see disruptions left, right and centre I expect at Mount Barker over the course of it and, my goodness, let's hope that it is worth it, because Mount Barker residents have been put through so much by this Labor government and past Labor governments and they know that.

The other thing I would stress is you had better believe it when you see it, because take by way of contrast just down the road at Meadows where we see a situation in which the government, the minister by his own hand, provided a promise to the very same local council, the Mount Barker council, in January 2024, January of last year, that an intersection upgrade, including a roundabout, would be installed, a long-awaited, long called for safety and infrastructure upgrade at the centre of Meadows. The minister promised that to the council, not to me. I have written to the minister urging it for some time and I do not get a response, but he said to the council in January of last year, 'This will be done and it will be drawn from the \$150 million Hills' infrastructure upgrade funds.'

But the minister then had his CE write to the council just at the end of last year to say, 'Hang on, we won't be doing that anymore. It's on the backburner.' Just so we are really clear about it, just like in the case of works that have been long planned for Mount Barker, when the minister made his promise to the council in January last year that the upgrade would be done at Meadows, he must have done that informed by the then already completed infrastructure design planning and drawings, because we have those and they are dated November 2023. So it was not just a kind of, 'Maybe we'll get there and if we assess it,' and so on, no, it was in the full knowledge of assessment, the full reference to the relevant fund from which this work was going to be drawn, and yet, over the course of the year, that was allowed to drift to, 'Well, sorry, that might be on the backburner.'

It is not good enough. The community in Meadows will not stand for it and I have the full backing of the council and the community association. I want to thank and applaud my colleague our shadow minister for transport and infrastructure, the Hon. Ben Hood MLC, who has been on the ground with me at the doors and hearing it direct from our community. We will not stand for it in Meadows. Those in Mount Barker ought to just bear in mind that salutary lesson that, while it is one thing to have something promised by this government, it is another thing to see it actually done.

So we will not be letting up in Meadows. We will be watching very closely to ensure that what is a very significant amount of money that is to be deployed in Mount Barker is deployed responsibly and in a timely way. We will certainly be keeping a close eye on those works in Mount Barker. Meanwhile, the government ought to be able to keep its promises to the people of Meadows.

Mr PEDERICK (Hammond) (11:13): I rise to speak to this Public Works report in regard to the Mount Barker roundabout. Certainly, it is a roundabout I go around many times in my role as the member for Hammond, either heading to Strathalbyn, if I am coming out of Adelaide, or coming from Strathalbyn through Mount Barker to Adelaide.

It is quite a usable roundabout and I have talked to quite a few Mount Barker residents about the priorities and certainly this roundabout will do some of the much-needed work in alleviating traffic stress in the Mount Barker region, especially when you look at the town that is essentially somewhere around 20 per cent of its growth plan. There was not much planning in the growth plan, as already indicated by the member for Heysen, so everything is done on an as-needs basis as time moves forward.

In my consultation with people who travel that route and the other intersecting roads into Mount Barker, the freeway interchange is one that comes up all the time as what should have been the priority in regard to getting into and out of Mount Barker. If you are coming from Murray Bridge into Mount Barker, you get to the freeway interchange to turn right towards Totness on the other side, and it is virtually impossible at times—most times, in fact—to turn right at that intersection. Notwithstanding, you usually give up, flick left, go into Mount Barker, find the first roundabout opportunity and turn around and come back that way, which is quite inefficient.

One thing that was a bit alarming—and the member for Heysen was there the other day with the football at the summit—was traffic banked up on those single-lane each-way roads. I must commend all the people involved in the traffic management there, working with council with the situation they had in getting those roughly 7,000 people in and out of the football at the summit. It was an excellent game. I know it was only a simulation game, so I am assuming Port Adelaide were simulating their chances that day, because they got beaten, sadly, but it was a great display of what can be done in regional communities. Sadly, that oval is not utilised enough, but that is a longer story. It is certainly good to see the AFL using it.

The Mount Barker freeway interchange project was part of the Hahndorf project, which got dismantled by the Labor governments both state and federal. It was a \$250 million project that was put up under the former Liberal government that we fully supported on a state basis on an 80:20 funding level. Sadly, that has gone away. We are told it is still coming, but I will believe it when I see it. That \$40-odd million greatly needs to be spent on that interchange to ease traffic.

One of the biggest issues in a growth area like Mount Barker is what we do if there is a fire. I know there was a report done many years ago on Blackwood, which is similar, having small streets and access points where even fire trucks are directed, 'Don't go down there because you will get caught.' The alarming report from that time was—and it was quite a while back now; it might be over a decade—if a horrendous fire goes through Blackwood, there will be 300 deaths. That is something pretty shocking to contemplate, and we certainly hope that does not happen.

The beauty of our firefighting service is that as we move forward we have better aircraft to work with the people on the ground in alleviating situations. But it is a very sobering thought that, if you cannot get out, there will be many people sadly paying the price. We certainly do not want that to happen. I know that emergency service workers, whether they be the Country Fire Service volunteers or the Metropolitan Fire Service, will do all they can in any situation to save everyone and maintain their lives.

In regard to talking about fire safety, I just want to note something that the member for Kavel said in a quote in *The Advertiser* of 23 November 2023 about emergency vehicles getting stuck in traffic congestion on the bridge over the freeway. The local MP, Dan Cregan, said that in the event of a bushfire, the interchange would be overwhelmed 'instantly'. That is something that needs to be taken into account with these road upgrades. I did have a conversation in the chamber with the member for Kavel about whether money for the roundabout could be put into the interchange. He said he had had that conversation with the minister and that it was not happening because it was a different bucket of money.

Certainly, this roundabout will alleviate some of the issues with the roundabout that is there currently. I believe, sadly, the fish and chip shop will disappear, and there will be some land compulsorily acquired from the high school and surrounding areas to make all those double-lane roads work with the expanded roundabout situation.

I urge the government to fast track the work on the freeway interchange at Mount Barker, not just for standard access but so that in the likely event—and I will call it, in the likely event—of bushfire

in that same area people can quickly get access to safety in those adverse conditions. With that, we support the works for the roundabout but note that other infrastructure needs building in that vicinity.

Motion carried.

PUBLIC WORKS COMMITTEE: HORROCKS HIGHWAY—WILD DOG CULVERT REPLACEMENT PROJECT

Ms HOOD (Adelaide) (11:20): I move:

That the 116th report of the committee, entitled Horrocks Highway—Wild Dog Creek Culvert Replacement Project, be noted.

Constructed in 1937, the Wild Dog Creek Culvert is located approximately 1.1 kilometres south of Murray Town in South Australia's Mid-North within the District Council of Mount Remarkable. The existing culvert has been in use since the late 1930s and the Department for Infrastructure and Transport has identified the need for the culvert replacement due to ageing, safety concerns and end-of-life deficiencies.

These concerns include that the current culvert has no sealed shoulder, the road lane width is narrow—between 3 to 3.5 metres in width—there is no wide centre line, and the safety barriers are aged. The replacement also provides opportunities to improve route reliability for high-productivity vehicles, which will support economic growth in the region while also increasing road safety.

These works form part of the department's commitment to develop and upgrade South Australia's key arterial road network, and will be funded jointly by the Australian and South Australian governments as part of the wider Australian government's road renewal program, which now falls under the Safer Local Roads and Infrastructure Program.

Currently, the width of the existing culvert restricts PBS scheme level 2B vehicles and above from travelling between the townships of Wilmington and Gladstone. Restricted vehicles through this area can have a detour of more than 100 kilometres, depending on their travel routes. The proposed new structure will widen the road, providing access for vehicles up to PBS scheme level 3A, the equivalent of a 36.5 metre road train. This increased access will offer higher efficiency and travel time savings on the Horrocks Highway.

In addition to widening the road, the work will install new roadside safety barriers, improving safety for all road users. Engineered to be similar to the existing structure, the new culvert will have a minimum carriageway width of 9 metres, allowing for a 3.5 metre wide lane and a one-metre wide sealed shoulder in each direction. Works will include:

- removal of the existing structure;
- installation of a new triple-cell culvert;
- construction of new pavement and servicing works;
- installation of new safety barriers; and
- new line marking for the extent of the works.

In preparation for the project, Telstra communication services were relocated in December of 2023 and no further service relocations are expected. The project will require the clearance of a combination of native vegetation and weeds, and the department states that relevant approvals will be sought in accordance with the department's Vegetation Impact Assessment Guidelines and relevant legislative processes.

The project is being funded by a \$5.2 million joint commitment from the Australian and South Australian governments. Ongoing maintenance costs will be sourced through the department's annual operating budget.

The Horrocks Highway comes under the care, control and management of the Commissioner of Highways, and no land acquisition is required for the works. The project is expected to support

approximately 20 full-time equivalent jobs over the construction period, with works anticipated to commence this quarter and be completed early 2026.

The procurement strategy has been designed reflecting the well-defined nature of the project and its fulfilment of master specification aspects. Procurement will assess tenders with a requirement for a minimum Preferred Supplier Arrangement of Civil and Bridges Category 2, as well as appropriate South Australian building licences and federal safety accreditation.

Construction works will be managed in accordance with the department's contract management general conditions of contract. All procurement will be undertaken in accordance with state government management frameworks and procurement guidelines, with project management implemented in accordance with departmental program and project management guidelines. External specialist resources will be engaged if required.

The department undertakes risk analysis and mitigation on an ongoing basis as part of the project management process. Key risks identified include community concerns, for which the project has developed a stakeholder engagement plan; access to neighbouring properties, where the department and contractor will liaise with relevant property owners adjacent to the project site throughout the construction phase; impact on the road network during construction, for which the department will work with local council to implement measures to reduce impacts and minimise interruptions and delays where possible; and delays in obtaining statutory approvals, for which the department will undertake early engagement to ensure relevant approvals are obtained in a timely manner.

A report has been prepared outlining sustainability objectives, principles and opportunities for the project and includes consideration of greenhouse gas emissions, climate change, vegetation and fauna, water, noise, air quality and contamination. The selected contractor will be required to develop and implement a contractor's environmental management plan that addresses key environmental and heritage aspects, including consideration of mitigation measures.

The works are located within the Nukunu Part A native title determination area, and the project site falls within an Indigenous Land Use Agreement. The department states that native title does not exist over the project area. The Register of Aboriginal Sites and Objects indicates no registered or reported sites, objects or ancestral remains. A department assessment indicates a low risk of encountering unrecorded Aboriginal heritage, and discovery protocols will be utilised should a discovery be made. The project will have no impacts on commonwealth, state or local heritage-listed places.

A community and stakeholder management plan has been prepared, providing an overview of communication strategies to ensure relevant stakeholders are consulted. This includes the District Council of Mount Remarkable; the Northern and Yorke Landscape Board; utilities service providers; emergency services; traditional owners; and local residents, property owners and stakeholders. The department has also consulted with relevant government departments, agencies and representatives. The department ensures that issues or potential issues will be identified early and managed appropriately with the project website, a community contact number and an email address maintained throughout the works.

The committee examined written and oral evidence in relation to the Horrocks Highway Wild Dog Creek culvert replacement project. Witnesses who appeared before the committee were Andrew Excell, Executive Director, Transport Strategy and Planning, Department for Infrastructure and Transport; Michael Rander, Delivery Manager, Department for Infrastructure and Transport; and Amanda Collins, Director, Engagement, Department for Infrastructure and Transport. I thank the witnesses for their time.

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

The Hon. G.G. BROCK (Stuart) (11:27): I also would like to speak on this Public Works Committee report on the Wild Dog Creek culvert replacement project. This project has been a long

time coming and is greatly welcomed, not only by myself but by all the communities there, specifically those in the farming sector.

On the Horrocks Highway between Wilmington and Gladstone we have had issues with the structure and gradings of several bridges and culverts which had been unattended for some years, reducing the efficiency of the road trains and the loads being able to be transported and requiring the grain industry in particular to not be able to utilise the larger vehicles to transport their goods, with specifically, as I say, the grain producers having to take their products to Gladstone, having to use alternative routes.

As the member has indicated, this required other trucks, not using the best opportunities with road trains etc., or if people had to use a road train they had to do another 100 kilometres to get their goods to the Gladstone terminal. However, since becoming the member for Stuart I have been lobbying the department to have these restrictions removed—and this is nearing completion—to allow heavier transports to be able to traverse the highway for those involved to have the best economical operations for their goods.

In terms of the bridges and culverts in the area from Wilmington right through to Gladstone, to my information now this will be the last one that needs to be done, and it will allow the farming community there to use road trains and the heavier vehicles.

The current capacity of this culvert is 2A, which allows 26.5-metre vehicles, and with these improvements this culvert will become 2B, which will allow 30-metre vehicles, which will then travel along between Wilmington and Gladstone. To my information, this culvert will be upgraded further to a 3A, which will allow 36.5-metre vehicles; however, there will have to be extra works carried out in the near future. Once this has been done, 30-metre vehicles will be able to traverse the area between Wilmington and Gladstone.

As the member for Adelaide also mentioned a minute ago, this culvert is located approximately 1.1 kilometres south of Murray Town, and the new structure will widen the road enabling the access for vehicles up to PBS level 3A which, as mentioned, will allow higher efficiency and reduce travelling times for those farmers and other organisations. These upgrades are all part of the upgrading of key arterial roads to allow for greater efficiency and improved reliability.

It has been very frustrating for me and other members of the community that, as members of this house have indicated, we have lots of roads out there, but we cannot use them efficiently to transport our goods there. The higher the capacity of your loads that you can transport in the one area, the more the costs are reduced for these particular farmers. Again, this is one of the issues that I have been fighting for since becoming the member for Stuart. It is good to see the minister refer it to the Public Works Committee, and I certainly commend it to the house. Hopefully, we see a speedy, efficient replacement of that culvert to allow the community there to actually get on with the job.

Let's hope in the new year we have a far better season for our grain growers in South Australia, in particular in regional South Australia. I have spoken in this house before about how it is very traumatic, very emotional talking to a lot of people out there in the farming community. They are struggling. The season has not been good. This is not the first bad season—there have been two or three in some locations—and I can only hope the next season is far better for them.

I am not only concerned about the viability of the farmers themselves but about the health and wellbeing of their children, the younger kids and the families, and also the sustainability of their small communities that rely on the farmers to spend their money. That has been pretty evident out there in some of the areas in my electorate of Stuart and other locations across regional South Australia. If the farmers and that sector do not have a good year, they do not spend money, which therefore affects the regional communities.

Again, I thank the Public Works Committee. I thank the minister for referring it to the Public Works Committee, and I am looking for a speedy construction of this culvert.

Motion carried.

PUBLIC WORKS COMMITTEE: MAIN SOUTH ROAD OVERTAKING LANES

Ms HOOD (Adelaide) (11:32): I move:

That the 117th report of the committee, entitled Main South Road Overtaking Lanes—Normanville to Cape Jervis, be noted.

Main North Road is an important route for freight, commuter and tourist traffic, connecting Adelaide to destinations on the Fleurieu Peninsula, as well as Kangaroo Island via the ferry terminal at Cape Jervis. Between Normanville and Cape Jervis, overtaking becomes markedly difficult, as traffic must navigate the meandering curves of the undulating terrain.

Between 2019 and 2023, the stretch of road sadly experienced 35 reported crashes, sadly including two fatal accidents and eight more causing serious injury. By installing new overtaking lanes, this project aims to improve traffic flow and increase road safety for all motorists whilst building capacity for anticipated future traffic growth along Main South Road. The proposed works will build:

- a northbound overtaking lane between Normanville and Second Valley;
- a southbound overtaking lane between Second Valley and Delamere; and
- a northbound overtaking lane between Delamere and Cape Jervis.

The works will include upgrades to drainage; new pavement construction and road servicing; new safety barriers; new line marking, including audio tactile line marking where required; and the removal and replanting of vegetation.

The Department for Infrastructure and Transport, referred to here as the department, anticipates the works will impact existing services at each of the three locations, requiring the relocation of underground Telstra services present on both sides of Main North Road between Normanville and Second Valley, as well as between Second Valley and Delamere. The site between Delamere and Cape Jervis will require the relocation of an SA Power Networks pole currently located on the northern side of the road. The department will undertake early engagement with the relevant suppliers in advance of the main construction works to minimise potential interruptions and delays.

The Australian and South Australian governments announced in the 2024-25 federal and state budgets a joint commitment of \$31.8 million towards the project on a fifty-fifty basis. The department expects ongoing costs for maintenance of the overtaking lanes to be sourced from its annual operating budget.

Main South Road is under the care, control and management of the Commissioner of Highways, and preliminary designs determined that five properties will need to be partially acquired. Consultation with the affected property owners is in progress and specific details will be determined as part of the detailed design phase of the project. All acquisition will be undertaken in accordance with the Land Acquisition Act and any impact to properties will be minimised where practicably possible.

The overtaking lanes will be delivered through a construct-only contract and construction services will be procured through a competitive tender process. All procurement will be undertaken in accordance with the state government's procurement management framework and will comply with the South Australian government procurement guidelines.

The department will be responsible for project management in accordance with its program and project management framework and guidelines as well as its contract management procedures. Construction is anticipated to commence this quarter, with the aim to be complete and operational in early 2027. Over the life of its construction period, the project is anticipated to support approximately 115 full-time equivalent jobs. The project team undertakes ongoing risk management and has identified the following risks and mitigation strategies:

- community concerns, for which management has developed a stakeholder engagement plan and will remain in ongoing communication and engagement with stakeholders;
- delays in obtaining statutory approvals, where the department wants to take early engagement with relevant authorities;

- impacts on the road network, on which the department will work with local council to implement measures to reduce impact on motorists and local traffic; and
- delayed land acquisition, where the department has undertaken early engagement with affected landowners.

The department has prepared a sustainability report, endorsed by the Department for Environment and Water, outlining sustainability objectives, principles and opportunities for the project. The report includes consideration of greenhouse gas emissions, climate change, green infrastructure, water, noise, air quality and contamination. Initiatives include consideration of carbon-neutral, recycled and durable materials; air quality mitigation measures, including dust control; and construction protocols to prevent potential contamination.

The selected contractor will also be required to develop and implement an environmental management plan addressing key environmental and heritage aspects of the project. The works will require the removal of some vegetation and approvals are being sought in accordance with the department's Vegetation Impact Assessment Guidelines and relevant legislative processes, with the removal of vegetation minimised wherever possible.

The Register of Aboriginal Sites and Objects identified no registered or reported Aboriginal sites, objects or remains within the project area. A risk assessment indicates a low risk of encountering unrecorded Aboriginal heritage, and discovery protocols will be utilised should a discovery be made. The overtaking lane between Delamere and Cape Jervis lies within the Ngarrindjeri and Others Native Title Claim Area but the department states that native title has been extinguished on the affected parcels of land. Currently, there are no native title claims, determinations or implications over the remaining project areas. The project will not have any direct impact on commonwealth, state or local state heritage-listed places.

The department has prepared a community and stakeholder management plan, providing an overview of communication strategies to ensure relevant stakeholders, local residents, property owners and businesses are consulted. This includes the District Council of Yankalilla, traditional owners, industry bodies and relevant utility service providers. The department has also consulted with relevant government departments, agencies and representatives.

The committee examined written and oral evidence in relation to the Main South Road overtaking lanes, Normanville to Cape Jervis. Witnesses who appeared before the committee were Andrew Excell, Executive Director, Transport Strategy and Planning, Department for Infrastructure and Transport; Michael Rander, Delivery Manager, Department for Infrastructure and Transport; and Amanda Collins, Director, Engagement, Department for Infrastructure and Transport. I thank the witnesses for their time. I would also like to thank the Speaker, who is currently sitting on the floor of the parliament, for providing a written submission regarding this project in his electorate.

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

The Hon. L.W.K. BIGNELL (Mawson) (11:38): I rise to support this project, one that had its genesis back when the Labor Party was in opposition and looking for good ideas in local electorates. It was one that I put forward to the then Leader of the Opposition, Peter Malinauskas, and the shadow treasurer, Stephen Mullighan, and the shadow transport minister, Tom Koutsantonis. I want to begin by thanking those three people who, right from the very start, got on board with this as a really important project for road safety in our local area.

Main South Road is a road used by, obviously, many locals but also a lot of visitors who come to South Australia to go and explore Kangaroo Island and also to have a look around the wonderful Fleurieu Peninsula. Unfortunately, the road is narrow and winding and there are very few places along that stretch of road where overtaking is possible, so we went with a promise to put in three overtaking lanes between Myponga and Cape Jervis.

The study was done once Labor got into government. The department went to have a look at the places where they could do these overtaking lanes, and all three of them have ended up being between Normanville and Cape Jervis. The one that is most obvious is when people come off the

ferry and head up Cape Hill: if you get stuck behind a slow-moving vehicle you are going to be stuck behind it all the way to Normanville. So that was the one that almost picked itself. Then there are two other overtaking lanes between Delamere and Normanville as well.

In my written submission, I did press the point that an overtaking lane at Wattle Flat—so in between Yankalilla and Myponga—would also be very beneficial for the safety of Main South Road, because we have had a few fatal crashes there and a few near misses as well. So that is an area that the locals would like to see upgraded. I have written to the state government and the federal government about that. I understand that there is not just this big tree full of money that can be divvied out to all sorts of projects, so I am very grateful for these three overtaking lanes that we have got.

I am also very grateful for the work that we put in the 2017-18 state budget, which was to duplicate Main South Road from Seaford to Sellicks. That project is coming along really well. Stage 2 will open up early next year; that is the bit from Aldinga through to the Victory Hotel. I know that Doug Govan is very happy that this road will go with four lanes all the way to his pub, the Victory Hotel. It is named the Victory Hotel, but it was originally called Norman's Victory Hotel because of a victory that Mr Norman, the publican, had when there was a debate over which way the road should go: should it go past his public house or should it go a different way? When the government of the day, 100 years ago, decided that the road would go past his pub, he renamed it Norman's Victory Hotel.

I remember when we had this in the 2017-18 budget and the then Premier Jay Weatherill and the then transport minister Stephen Mullighan came down and did the media announcement. We then went up and had a Victory burger and a few pints at the Victory Hotel to celebrate another victory for the local area, namely, the four lanes of road that by early next year will link Seaford to Sellicks.

We had an important milestone in the past week, and that was the opening of the grade separation that will connect Willunga and Aldinga. That is a really important piece of work, of course. It adds to the one at Port Road and Main South Road, where there was a roundabout that used to cause a fair few line-ups, particularly on long weekends and the like. So we are getting there. It is great infrastructure worth hundreds and hundreds of millions of dollars, with those four lanes of uninterrupted traffic going down there and now these three additional overtaking lanes. We are going to make everyone's pathway to Cape Jervis and Kangaroo Island from Adelaide much safer.

Coupled with that, of course we have the new ferries arriving this year as well. They will be drive-on/drive-off, which means no more reversing your vehicles onto the boat, and that is going to make it safer as well. While I am talking about that piece of connectivity for motorists, I want to thank the previous Liberal state and federal governments for the \$40 million that they committed to upgrading the roads on Kangaroo Island. It was a very good investment, and getting around the island is now a whole lot easier and safer for locals but also for visitors to that beautiful part of South Australia.

I also want to commend the current Labor government for its injection of extra money into the Kangaroo Island Council coffers to look after their road network. We know that it is a large island, the third-largest island in Australia at 4,500 square kilometres, but it only has 4,500 residents so it is a fairly low rate base when you have to maintain so many hundreds of kilometres of roads. It is the only council area in the state that is subsidised by the state government to maintain those roads.

It was something that Pat Conlon introduced when he was the Minister for Transport when I was his Chief of Staff many moons ago—21 or 22 years ago. That initial money has been paid year on year on year, and the year before last, during a country cabinet trip to Kangaroo Island, it was announced then that that contribution from the state government to the Kangaroo Island Council would, indeed, increase. That has been very much welcomed by the Kangaroo Island Council, which does struggle with their small rate base and large costs.

The motorists of Kangaroo Island also benefited from the Labor government's reversal of a Liberal government decision to take away the 50 per cent discount on registration. It is good to see a bit of credit there for governments of both sides for doing some good things in terms of looking

after motorists who live on Kangaroo Island and all those people who visit Kangaroo Island and, of course, the beautiful Fleurieu Peninsula that I am lucky enough to represent in this place.

Mr PEDERICK (Hammond) (11:46): I rise to speak on the motion about the overtaking lanes between Normanville and Cape Jervis. This is welcome work, as the member for Mawson has outlined, certainly linking people towards that vital sea route through to Kangaroo Island. I am sure the Mayor of Kangaroo Island, Michael Pengilly, will be pleased as well.

It is certainly a very windy road. As has already been described, the overtaking lane just out of Cape Jervis will be really handy for people to get going and get out of there instead of having the frustration of being held up. They are only being held up because there is vital freight coming off the island, which could be livestock or other materials, to make sure that the island essentially functions.

Sometimes there is not too much reality in regard to overtaking lanes. I see it on the Dukes Highway where, for whatever reason, the government does not want to take down a small amount of native vegetation in order to have the overtaking lanes in a straight line, because a lot of the time they are built on corners. I see it on the Dukes Highway near where I live at Coomandook, and it just seems a bit ridiculous and it causes confusion. I believe it has caused some fatalities where people are coming around a corner and do not know whether the overtaking lane is finishing or not and it causes a lot of confusion. I think there needs to be some more reality in regard to where these lanes are put for road safety. That is as simple as it gets: for road safety and to save people's lives.

We also see another issue, and the member for Finnis made me very well aware of this, with an overtaking lane that was proposed to be put in on Victor Harbor Road. At the last minute—after a land acquisition process was in place and the fencing had gone in; it was only a few kilometres out of Victor Harbor, to make overtaking lanes I think at five-kilometre intervals along Victor Harbor Road—this one got stopped. It was stopped because a group from Victor Harbor had protested about native vegetation being removed.

Anyone who drives down there—and I certainly drove down there to have a look at it in regard to going down there for various meetings and other things—can see that the trees were planted; they are all in a straight line. That does not happen naturally; it just does not happen. These were planted trees, and it was decided that they could not be removed to put in this vital piece of road safety infrastructure so that we can get everyone to and from Victor Harbor in a safer manner. Sadly, we have seen too many fatalities on that section of road, noting that there is a large retirement population in Victor Harbor.

Not only that, apart from all the other residents who are in the Victor Harbor and surrounding areas, it is the host to schoolies. We certainly want to do all we can to make sure that our young people who wish to celebrate the end of their 12 or 13 years at school can do that in as safe a manner as possible. I am literally appalled that this overtaking lane got taken out of the system right at the last minute after the processes had been gone through with land acquisition and fencing had gone in and then, 'Oh no, we can't do it.' We have to get some more reality into making our roads safer, and I am certainly not talking about broadscale clearing of native vegetation.

What I am talking about is a more realistic approach in how we manage it, and it can also encompass safety with wildlife, especially in these drought conditions when we have more kangaroos heading south. You certainly see them in urban areas now—you see them in Adelaide—and I certainly see them on main roads, right in the middle of Murray Bridge. In fact, one night I hit one. We need to get more reality into the safety of citizens, because we end up with these perverse outcomes where vegetation that is not even native is put above people's lives, and I think that is disgraceful.

Motion carried.

PUBLIC WORKS COMMITTEE: MOUNT BARKER ROAD AND RIVER ROAD JUNCTION UPGRADE

Ms HOOD (Adelaide) (11:52): I move:

That the 118th report of the committee, entitled Mount Barker Road and River Road Junction Upgrade, be noted.

The Department for Infrastructure and Transport has identified the need for upgrades to the River Road and Mount Barker Road T-junction that is located to the west of the township of Hahndorf, roughly 24 kilometres south of Adelaide's central business district. It is an unsignalised general access vehicle route, and generally experiences approximately 11,500 vehicles a day. In its current layout, semitrailers moving through the intersection are unable to remain within their lanes. Additionally, a bus stop within close proximity to the junction allows motorists to drive extremely close to waiting pedestrians when turning left onto Mount Barker Road.

The project aims to improve access and safety at the intersection for all road users, including cars and heavy vehicles, as well as pedestrians, by improving the current lack of pedestrian facilities. The proposed upgrades will widen Mount Barker Road, while modifying the existing channelised right turn, and improving lighting, pavement and drainage. The works also include a new footpath on the southern side of Mount Barker Road, and a new pedestrian refuge on Mount Barker Road, to improve pedestrian safety, access to bus stops and community connectivity. The scope of the works includes:

- extending the existing right turn on Mount Barker Road into River Road;
- widening Mount Barker Road north of the existing road corridor;
- creating a new footpath on the southern side of Mount Barker Road east of the junction;
- relocating the bus stops on Mount Barker Road, including building new indented bus bays;
- installing a new pedestrian refuge on Mount Barker Road east of the junction;
- constructing new paving and surfacing;
- installing new signage and line marking;
- building new safety barriers where required;
- installing and upgrading road lighting to improve visibility and enhance night-time road safety;
- improving drainage infrastructure;
- removing vegetation as required;
- creating landscaping and urban design; and
- enacting any required relocations to existing services, including Telstra, SA Water, SA Power Networks, NBN and Optus.

Construction is anticipated to commence this quarter, with the aim to be completed by the end of the year.

The project is expected to cost \$9.5 million, and funds will be drawn from the \$36 million Hahndorf traffic improvements project, which is jointly funded on an 80:20 basis by the Australian and South Australian governments. Ongoing operational costs are expected to be sourced from the department's annual operating budget.

The works will be undertaken on land which is under the care, control and management of the Commissioner of Highways, the Mount Barker District Council and SA Water. Preliminary design has determined the need for partial land acquisitions from two properties, one privately owned and the other belonging to SA Water, with the department stating that all acquisition will be undertaken in accordance with the Land Acquisition Act.

The project will be delivered through a construct-only contract, and all procurement will be undertaken in accordance with the state government's procurement management framework, complying with South Australian government guidelines. Project management will be undertaken by the department in accordance with its program and project management framework and guidelines, as well as its contract management procedures. External specialist resources may be engaged if required.

As part of the project management process, the department undertakes risk management on an ongoing basis, with key risks identified including community concerns, for which the project has developed a stakeholder engagement plan; delays in obtaining statutory approvals, for which the department will undertake early engagement to ensure relevant approvals are obtained in a timely manner; construction delays due to service relocations, for which the department has identified the affected existing services and is in early engagement with the relevant suppliers; and impact on the road network during construction, for which the department will work with local council to implement measures to reduce impacts on motorists and affected stakeholders to minimise interruptions and delays where possible.

The project will be assessed and managed in accordance with the department's environment and heritage impact assessment processes and guidelines. A sustainability report outlining the sustainable objectives, principles and opportunities for the project has been developed, which includes consideration of greenhouse gas emissions, climate change, green infrastructure, water, noise, air quality and contamination.

The selected contractor will also be required to develop and implement a contractor's environmental management plan that addresses key environmental and heritage aspects of the project. The department notes the project will require clearance of a combination of native and amenity vegetation, and necessary approvals will be sought in accordance with the relevant guidelines and legislation.

The project is located within, or adjacent to, the Kurna people's native title claim area. An Indigenous land use agreement exists between the Kurna people and the state government, and native title does not exist at the project location. The Register of Aboriginal Sites and Objects indicates no registered or reported Aboriginal sites, objects or ancestral remains within the project area. A risk assessment indicates a low risk of encountering unrecorded Aboriginal heritage, and discovery protocols will be utilised should a discovery be made. The department states that the project will have no impacts on commonwealth, state or local heritage-listed places.

A community and stakeholder management plan has been developed that provides an overview of communication strategies to ensure relevant stakeholders will be consulted regarding the works. This includes the Mount Barker District and Adelaide Hills councils, traditional owners, industry bodies and utility service providers, as well as local residents and property owners. The department has engaged in community consultation, and detailed feedback was provided in relation to proposed safety and access improvements at the junction. The department has also consulted with relevant government departments, agencies and representatives.

The committee examined written and oral evidence in relation to the Mount Barker Road and River Road junction upgrade. Witnesses who appeared before the committee were Andrew Excell, Executive Director, Transport Strategy and Planning, Department for Infrastructure and Transport; Dariusz Fanok, Delivery Manager, Department for Infrastructure and Transport; and Amanda Collins, Director, Engagement, Department for Infrastructure and Transport. I thank the witnesses for their time.

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

Mr TEAGUE (Heysen—Deputy Leader of the Opposition) (11:58): State and federal Labor's mismanagement of the Hahndorf bypass or the lack thereof under those two governments is writ large by what we have just heard and that mismanagement now continues with the need to upgrade the River Road junction. There ought to be no clearer message to South Australian Hills' residents across the board that you need state and federal Liberal governments to get things done in the Hills.

This abandonment is no thanks to the current member for Kavel and the incumbent member for Mayo, who appeared to be very comfortable with the Albanese Labor government's abandonment of the entire Hahndorf bypass funding that had been committed by the former state and federal Liberal governments. By pushing as hard as we have, we have restored that federal commitment to the Verdun interchange. That is extraordinarily important. But the fact that state Labor has embarked

upon this bandaid insult to River Road residents is now continuing with the need to spend more money after bad in order to make safe a turning point for trucks at that intersection.

The Leader of the Opposition has joined me and the member for Hammond has joined me in livestock trucks and in logging trucks, as those magnificent people have turned up and demonstrated back and forth just how inappropriate and unsafe this is. But there was no sign of the Premier and no sign of the minister despite multiple invitations. The residents of River Road will not be going quietly. We will make sure that we keep up the fight for a proper investment in this area.

Debate adjourned.

Bills

STATUTES AMENDMENT (HERITAGE) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 February 2025.)

Mr BASHAM (Finniss) (12:00): I will continue my remarks, even though they were very brief last time. As I said back then, I am the lead speaker on behalf of the opposition. The bill before us is here to amend the Heritage Places Act 1993 and the Planning, Development and Infrastructure Act 2016, and looking at the subject of proposed demolitions of State Heritage Places and opening that up to full public consultation. It is trying to emphasise the protection of these places from demolition and trying to show the transparency around decision-making, and also makes some changes for modernisation and to update the terms within the act.

This proposal, brought to us by the minister, is very much an election commitment that was made by the Labor Party back in February 2022 where, quoting from their Protect State Heritage Places policy document, they would:

Legislate to require proposed demolition of state heritage sites are subject to full public consultation and a public report from SA Heritage Council.

The document goes on to state:

To ensure that demolition cannot occur at the whim of a future government, Labor will legislate to better protect State Heritage Places, including requiring a public report by the SA Heritage Council being prepared and laid in parliament before any consideration of a demolition approval and full public consultation so that all South Australians can have their views heard.

I just reflect on those remarks and look at some of the instances where we have seen state heritage items demolished. The most recent one is certainly the SA Police barracks. Unfortunately, this piece of legislation was not in place prior to those being demolished. This would not necessarily have even required this piece of legislation to be followed, because the government of the day decided—at their whim—to introduce another piece of legislation to actually deal with the removal of those barracks.

Likewise, looking at Shed 26—which was done under the previous minister, David Speirs—my understanding is that that was only provisionally on the register at that point in time. The minister at the time had the ability to have it removed from the provisional register and not actually have it proceed right through to full listing, so that meant that the minister again had the ability to step in and stop this process, and this again would not have applied in those circumstances. There are certainly very challenging things there as well.

Another one that comes to mind is the Waite Gatehouse, another piece of state heritage that under the previous government in the end definitely was not demolished—it was dismantled. Again, it would not have necessarily triggered this piece of legislation to actually look at that. I am not sure that this piece of legislation is actually going to achieve the desired outcome of stopping the whims of ministers from either side from deciding to remove heritage-listed places.

The other interesting scenario here is very much in the wording of the bill around the demolition of the whole item. I am very curious and certainly will investigate further through the committee stage what 'demolition of the whole' means: for example, with the old causeway to Granite Island, the fact that two pieces were left at either end definitely would not have meant it was

demolished as a whole. Some of the heritage was retained. I am trying to understand what 'whole' means—is it leaving the foundation stone? It is really hard to know what 'whole' means and who is going to be interpreting what 'whole' means.

I think there is certainly a need to protect heritage, going forward, but I am not sure this piece of legislation actually achieves the outcome that is necessarily desired. We need to make sure that we do what we can to protect heritage. It is not just state heritage items that may need protecting from demolition, there are also local heritage items. We have the two systems that operate: one has quite significant protections, the other one has very limited protections. I think that is something on which we may need to take a very bipartisan approach, having a look at how we can work out how we can protect these heritage buildings.

Heritage is certainly very important. It is great to protect these buildings for future generations—and it is not just buildings, it is places as well. We need to make sure that we protect them for the future. But it can be very challenging. We need to keep them as viable buildings as well. We do not necessarily want something just to look at, it needs to actually have purpose, and certainly that is part of the heritage that needs protecting. It is a challenging space.

Interestingly, I have seen people apply for heritage listing. It is certainly a fairly fulsome process and a difficult process. There is a very limited set of criteria that needs to be met to actually get there. There may be some great pieces of history out there that we would love to protect but that do not meet the criteria for state heritage listing and will not be covered by protections. It is an interesting process. It is also going to be a really complicated process.

The timelines that have been put in the bill are certainly something else I will be investigating through the committee stage. With the report having to lay on the table in front of parliament for a period of time, if you happen to get the timing wrong, you could be in an election year and have to wait. The report might be presented to the parliament in late November of the final year of a parliamentary term, such as this year, and the parliament would not sit again until May, so it would not be until June that it actually triggers the timeframe. It could significantly hold up the process. We need to see whether we can find a way of making sure there are not those sorts of obstructions and whether there is another way of achieving that reporting to the people of South Australia.

With those few words, I will leave my comments there. I look forward to the committee stage to investigate some of these questions.

Ms O'HANLON (Dunstan) (12:08): It is a great pleasure to speak in this place on any bill that improves the protection of our state's heritage, but I am particularly pleased to be able to speak in support of this bill, the Statutes Amendment (Heritage) Bill 2025, a significant piece of legislation that strengthens the protection of our state's irreplaceable heritage places while streamlining our planning processes.

Our heritage buildings and sites are not merely bricks and mortar, they are the physical embodiment of our state's history, culture and identity. Each heritage place tells a unique story about South Australia's journey and, once lost, these stories can never be fully recovered. From the iconic Adelaide Town Hall to the historic Port Adelaide Lighthouse, from our 19th-century churches to our colonial-era warehouses, these structures stand as testament to the vision and craftsmanship of those who came before us.

I grew up in old houses, sometimes rundown, usually in a constant process of being renovated. I love the history that our old and early buildings hold. I love the architecture, their beauty and their dimensions. When I moved to the Norwood area over a decade ago, it was this beauty and history of the character and heritage buildings I fell in love with. It felt like home. I know that much of my community feels the same way. In fact, over the last four years as I have been doorknocking in my community and holding community meetings, it is one of the most common issues raised. We love our character and heritage buildings. We want them protected.

The Malinauskas government has listened and has delivered and in this bill continues to deliver. This bill delivers specifically on our government's election commitment to better protect State Heritage Places, particularly regarding proposals for their demolition. The amendments before us

today represent the most significant reform to heritage protection in our state in recent years and there are some key elements of these changes.

First and foremost, the bill establishes a robust process requiring proponents seeking to demolish a State Heritage Place to obtain a comprehensive assessment report from the South Australian Heritage Council. This requirement serves several crucial purposes and I want to elaborate on why this step is so essential. Many of our heritage listings, particularly those from decades past, lack the detailed documentation we expect by today's standards. Some of these places were listed with minimal information about their historical significance, architectural merit or cultural value.

The contemporary assessment this bill mandates will ensure decisions about demolition are based on current thorough evaluations of a site's heritage significance. However, we must acknowledge that heritage significance is not static. The cultural or historic importance of a place can evolve over time. A building that was listed primarily for its architectural features might, decades later, have acquired additional significance through its role in important community events or its association with notable South Australians.

This new assessment process ensures we capture these evolving values. The bill specifically addresses complete demolition of heritage places and for good reason. While partial demolition and adaptive reuse often allows us to preserve heritage values while accommodating new development, total demolition is final and irreversible. It effectively removes a place from our Heritage Register permanently. That is why we have created a process that demands careful consideration and multiple layers of scrutiny.

The bill builds in practical timeframes that balance thoroughness with efficiency. The Heritage Council will have 10 weeks to prepare their assessment report, a period that provides adequate time for proper evaluation while giving developers certainty about timeframes. This is not an arbitrary number. It reflects careful consultation with heritage experts, planning authorities and development industry stakeholders.

One of the most important aspects of this legislation is the mandatory public consultation period. Every South Australian deserves a voice in decisions that affect our shared heritage. This is not just about procedure. It is about recognising that our heritage belongs to all of us. Public consultation has already proved invaluable in other heritage matters, such as the provisional entry of places into the Heritage Register. It often brings to light historical information, community connections and cultural values that might otherwise have been overlooked.

The bill also introduces a crucial layer of accountability, while requiring these reports to be tabled in parliament. This means that decisions about our most significant Heritage Places will be subject to scrutiny by all members of this house, rather than resting with a single minister or authority. This parliamentary oversight reflects the gravity of any decision about the future of State Heritage Places and ensures proper democratic scrutiny of significant choices.

Practical amendments to the Planning, Development and Infrastructure Act 2016 have also been made to ensure these new requirements are clearly signposted for developers and seamlessly integrated into the planning process. This includes requiring the heritage assessment report to be submitted with any development application for demolition. These changes are not just administrative; they are about creating a clear, transparent process that all stakeholders can understand and follow.

The question might be asked why the bill requires this assessment before a development application can be lodged. The answer is simple: it provides certainty. Developers will know exactly where they stand regarding a site's heritage significance before investing significant resources in detailed development plans. This approach actually saves time and money in the long run by identifying any major heritage concerns at the outset.

I want to emphasise that this bill is not about stopping development; in fact, we have seen numerous examples across the state where heritage buildings have been successfully integrated into new developments, creating unique and valuable spaces that combine historical character with

modern functionality. The Mayfair Hotel in Adelaide is a prime example where a heritage-listed building has been transformed into a world-class hotel by preserving its historical significance.

What this bill does is ensure that when we are faced with proposals to demolish our heritage places entirely, we make those decisions with full knowledge of what we stand to lose, with input from experts and the community and with proper oversight from this parliament.

In closing, this bill strikes a careful balance between development and heritage preservation. It recognises that while our city must grow and evolve, we have a responsibility to ensure this does not come at the cost of erasing our history. These amendments provide the framework for making informed, transparent decisions about our heritage places, decisions that will affect not just our generation but those that follow. I commend this bill to the house.

Ms HOOD (Adelaide) (12:15): I rise in support of this bill. When there is an application for a State Heritage Place to be demolished, it is important that there is a contemporaneous assessment of the heritage significance of the place.

Under this bill a report by the SA Heritage Council would be prepared within a 10-week period. This is considered a reasonable timeframe in which to complete the report and provide certainty for any proponent that the development process will not be unduly delayed. Such an assessment may be necessary, particularly when there is insufficient information recorded at the time of listing the State Heritage Place, as is the case with older listings in order to determine the heritage significance.

Further, an assessment may be necessary when there have been changes in the heritage significance of the place, from the time of listing to the time that the proponent makes their application. Having the report prepared before lodging of a development application also allows the proponent to have certainty regarding the heritage significance of the place in question and may assist in their decision whether or not to proceed with the application to demolish.

Public consultation as part of the report's preparation will also allow all South Australians to have their views heard, thereby increasing transparency of the process, and will aid procedural fairness in the process. Provisions for public consultation currently exist under the Heritage Places Act 1993 relating to other actions by the South Australian Heritage Council, such as the provisional entry of places into the Heritage Register and designations.

As committed by government, providing powers to ensure the report is tabled in parliament provides for parliamentary scrutiny by all members. This bill joins other efforts by the Malinauskas government in the heritage portfolio. Just last year we introduced the bill to save the Crown and Anchor, securing the heritage-listed pub's future as an important live music venue. This was a great example of the community, the government and the private sector working together on a win, win, win outcome.

Last year we also passed the state Heritage Places (Protection of State Heritage Places) Amendment Bill 2024 with the support of the Hon. Robert Simms in the other place and increased protections for State Heritage Places, including addressing the issue of demolition by neglect. We also announced a \$250,000 funding boost to the City of Adelaide Heritage Incentives Scheme. This will help more owners preserve and protect their state heritage-listed properties.

We have also strengthened planning rules to increase protections for historical builds in character areas. The changes identified as part of our independent expert panel review into the state's Planning and Design Code makes it easier for councils to protect specific sites and buildings of significance and provide certainty for landowners.

The opposition perhaps has a short-term memory when it comes to their efforts in the heritage space. The Marshall Liberal government announced it would demolish the Waite Gatehouse. The building was rescued only because people protested, signed petitions and insisted that demolition was not necessary. This occurred after the Marshall Liberal government decided to allow Shed 26 in Port Adelaide to be demolished, despite the Heritage Council approving it for listing on the South Australian Heritage Register.

The Marshall Liberal government also introduced to parliament a bill that would remove the conservation park status and charitable trust of Martindale Hall with no consultation, rationale or clear plan for the future. Let's not forget when the former Liberal leader, David Speirs, booted the National Trust from Ayers House, handing them a 30-day eviction notice in 2021 after 50 years of dedicated service. Only a few weeks ago, it was wonderful to see the National Trust of South Australia state office officially move back into the historic Ayers House. Since the Malinauskas government's legislation passed in late 2024 to keep Ayers House in the National Trust's care, we are delighted to see it return home to its iconic venue. With those words, I commend the bill to the house.

Mr TEAGUE (Heysen—Deputy Leader of the Opposition) (12:20): The reference to short memories prompts me just to highlight the gall of this Labor government to come in here with legislation on heritage. In honour of the service of the great Keith Conlon, I just say to the government that has demolished the police barracks, the government that has embarked upon what is \$150 million and more now in relocating the police horses, the debacle that has ensued over these years: it highlights that when this government wants to dispose of heritage it will take it as far as special-purpose legislation. It will ride roughshod literally over heritage when it suits it, so it does not sit well in the mouth of this government to be talking about memories of the treatment of heritage.

Keith Conlon is a lifelong friend of mine. I honour his service. I was dismayed by what he was forced to endure in particular. I think it does not put it too high to say that that particular insult to our state's heritage brought an end to his committed service.

Yes, let's talk about the value of heritage in this state, but let's also be clear that this Malinauskas Labor government has just the most hypocritical record on heritage that one might countenance, extending to what is loud and clear on the record just in recent years, compounded of course by the massive cost that it has imposed on the taxpayers of South Australia in having to then relocate facilities. It is an insult to heritage on one hand, followed by the mismanagement of the consequences on the other.

Yes, let's value heritage. Let's honour the commitment to exactly that from all of those, including the great Keith Conlon. I pay tribute to him. Let's see whether or not the Malinauskas Labor government can learn from its mistakes and ensure that, when it comes to heritage, we can actually turn a corner towards improvement. But let's not hear from those in this house who would trumpet the merits of this bill about insults to heritage. That really stands out and will continue to sound to the shame of the Malinauskas Labor government for decades to come.

S.E. ANDREWS (Gibson) (12:23): I rise to indicate my support for the Statutes Amendment (Heritage) Bill 2025. This bill delivers on another election commitment of this Malinauskas Labor government. Protecting our heritage is important, and I am proud to stand here as a member of parliament with 101 local and 13 State Heritage Places in my electorate. I will speak about some of those special places later. The government committed, prior to the 2022 state election, to introduce legislation to require the proposed demolition of State Heritage Places to be subject to full public consultation and, additionally, that a public report be prepared by the South Australian Heritage Council and tabled in parliament.

The Statutes Amendment (Heritage) Bill 2024 outlines that on an application to demolish the whole of a State Heritage Place, the South Australian Heritage Council is to prepare a report within a 10-week period. The report will assess the heritage significance of the place in accordance with section 16(1) of the Heritage Places Act 1993.

Additionally, this bill requires the state Heritage Council to publish a copy of the report and invite public submissions within a four-week period. The South Australian Heritage Council is to finalise the report within four weeks of the end of the consultation period, and provide it to the minister responsible for the Heritage Protection Act. This report is to be laid before both Houses of Parliament within five sitting days of receipt.

It is appropriate that the SA Heritage Council, which provides strategic advice to the Minister for Climate, Environment and Water, administers the Heritage Places Act 1993 and administers the South Australian Heritage Register, should provide this report.

You may ask why it is important that we protect such places. They include places like St Jude's Cemetery at Brighton, which was established in 1854 and which is the resting place of many significant South Australians, including Sir Douglas Mawson (who lived in Brighton), and Catherine Helen Spence, one of our suffragettes.

They include Marion's Albion Homestead, occupied by the Turner and Vinall families, amongst others, that saw grapes, alfalfa, peas and olives grown by its inhabitants, as well as honey being produced from the apiary. Edward Vinall even provided free milk to pupils at Brighton Primary School. This homestead, comprising a cottage and stone outbuildings, is an example that demonstrates the development of the south-western Adelaide Plains between the 1840s and 1950s. As we know, much of my electorate used to host primary production for our state.

There is the beautiful Townsend House, the site of what was known as the Townsend House School for Deaf and Blind Children, which combined the roles of accommodation for staff and pupils, teaching, and sports and recreation for vision and hearing impaired children. There is also the unique Shri Ganesha Temple at Oaklands Park, which was the first traditional Hindu temple in South Australia, and which has been serving my local community for years. It was an absolute pleasure to visit there a couple of weeks ago and see their renovations.

While I have highlighted these diverse places, I would also like to mention the Marion Uniting Church, the Marion Cultural Centre, Warriparinga (including Fairford House, the Coach House and grounds), the Brighton Municipal Offices and Council Chambers, the Former Brighton Town Hall, the Verco and Rogerson buildings and Brighton House at Minda Home, and the Paringa Hall at Sacred Heart College, to complete the list of State Heritage Places in my electorate.

In fact, if any of you are familiar with the grounds of Sacred Heart, you may have seen the cottage that sits on the corner of Brighton Road. My parents were married at Sacred Heart, my dad being a student there. He became a teacher, and in his very first year of teaching he and my mum lived in that house for the first 12 months of their marriage.

A consequential legislative amendment will be made to the Planning, Development and Infrastructure Act 2016 to require that an application for consent to or approval of a development involving demolition of the whole of a State Heritage Place be accompanied by a finalised report prepared by the South Australian Heritage Council. This amendment to the Planning, Development and Infrastructure Act 2016 will alert the proponent, through the planning system, of the need to apply for the report. While it is important to protect our heritage, it is also important to ensure that those who may wish to demolish heritage sites are fully informed of their responsibilities.

Earlier I mentioned Brighton Primary School, which was formerly known as Brighton Public School when it opened in 1877. Most of its first 19 students were daughters or sons of local farmers who lived in New Brighton. The original school consisted of two buildings: the bluestone building facing Brighton Road, and the bluestone cottage, which was the residence of the headmaster. Both these buildings are local heritage places.

As a lover and protector of beautiful trees, I am also so pleased to see a number of eucalypts, Moreton Bay figs, pines, and river red gums recognised in local heritage places across my electorate, including the beautiful trees outside St Jude's Church, where I volunteer, serving lunch on a regular basis. I support and commend this bill to the house.

Ms WORTLEY (Torrens) (12:29): The Statutes Amendment (Heritage) Bill 2025 before us today stems from our government's 'Protect state heritage places' election commitment in the lead-up to the 2022 state election. I refer here specifically to the commitment to legislate to require that the proposed demolition of state heritage sites are subject to full public consultation and a public report from the South Australian Heritage Council. The Premier said that Labor will legislate to better protect State Heritage Places, including requiring a public report by the South Australian Heritage Council to be prepared and laid in parliament before consideration of a demolition approval and full public consultation so South Australians can have their views heard, and that is important.

That is the path we are taking with the bill before us today. It outlines that on application to demolish the whole of the State Heritage Place, the South Australian Heritage Council is to prepare a report to assess the heritage significance of the place in accordance with section 16(1) of the

Heritage Places Act 1993 and, further, that the state Heritage Council is to publish the report, inviting public submissions within four weeks of its publication. The South Australian Heritage Council is to then, within four weeks of the consultation period closing, provide the final report to the minister, to be laid before both houses of parliament within five sitting days of it being received.

The importance of having the South Australian Heritage Council conduct an assessment is evident as it is the body that manages and assesses places of significance for inclusion on the register. Part of this process is the public consultation, allowing all South Australians to have their views heard, increasing transparency and procedural fairness. Tabling the report in both houses of the parliament will enable proper parliamentary scrutiny by all members and removes the possibility of only one minister or body having the sole responsibility for the removal or demolition of any given State Heritage Place.

The process is important, and having the report prepared prior to the lodging of a development application will mean the proponent will have a full understanding of the heritage significance of the place in question, with that possibly being ultimately a deciding factor on whether to proceed with the demolition application.

There is also a consequential amendment to the Planning, Development and Infrastructure Act 2016, which activates the proponent of the proposed demolition to seek a copy of the report prepared by the South Australian Heritage Council. It also results in the planning authority considering the report as part of the assessment. These are positive steps to ensure state heritage sites are given absolute and proper consideration. I commend the bill to the house.

Debate adjourned on motion of Mr Odenwalder.

STATUTES AMENDMENT (TOBACCO AND E-CIGARETTE PRODUCTS—CLOSURE ORDERS AND OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 February 2025.)

Ms THOMPSON (Davenport) (12:34): I rise in support of the Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025, legislation that we bring forward to safeguard South Australians, in particular young South Australians, from the risks associated with tobacco and e-cigarette products. Today, as we have done right across our term of government, we stare down what has quickly emerged as one of the country's greatest health challenges.

Smoking and vaping are well-recognised public health risks, and while we have worked tirelessly and cross-departmentally to address those risks, it is naive to think that new threats will not emerge. The consumption of e-cigarette products among young people presents an alarming trend, and it is one that demands immediate action and our ongoing attention. This bill is just one of our responses to that challenge, with other approaches including the passage of legislation to ban the supply of vapes to anyone under 18 and Consumer and Business Services assuming responsibility for enforcement where illegal tobacco e-cigarette sales are concerned.

In fact, this bill is just one of our responses to that challenge. It was just last September I stood here and spoke to the Tobacco and E-Cigarette Products (E-Cigarette and Other Reforms) Amendment Bill 2024. We are not a government that is sitting on our hands; we are doing the work, and we are implementing laws to keep our community safe as soon as we possibly can.

The impact of tobacco and e-cigarette products on public health cannot be overstated. The industry is heavily regulated at both the state and federal level, and it is heavily regulated for good reason. Tobacco use remains the leading cause of preventable death and disease in Australia, being responsible for a devastating number of cancers, respiratory diseases, and cardiovascular conditions.

In South Australia alone, there are approximately 260,000 current adult smokers, and roughly two in three of those people will be killed by their smoking if they do not make the decision

to quit. That is a staggering number, but it is important to remember that number represents real people. Those who fall victim to smoking-related illnesses are fathers, mothers, children and friends, all lost too soon, and all early deaths that could have been prevented. But our concerns are not limited to the wellbeing of traditional tobacco smokers. The threat that we face today is e-cigarettes and vaping, which have been aggressively marketed to young people under the false premise of being harmless.

While some argue e-cigarettes provide a safer alternative for smokers looking to quit, we cannot ignore the mounting evidence that they are also a gateway to nicotine addiction for young people. This is not just an abstract policy discussion. It is an issue that is playing out in our schools, our homes, and in our communities.

Recently, I met with the local principal from one of our high schools who shared a troubling story with me. A year 8 student I will refer to as Josh was caught vaping in the school bathrooms. When his parents were called in, they were shocked. They had no idea that he had even tried vaping, let alone that he had become so addicted that he struggled to get through a school day without it. They soon discovered that he had been buying vapes from a local shop, hidden behind the counter and sold to him for \$20 cash no questions asked. Josh is 13 years old. His parents were devastated. They told the principal that they never thought this would be their child. They said they had talked to him about drugs and alcohol, but never thought they needed to worry about vapes.

My own daughter, also in year 8, tells me she is often offered vapes at school by older students. It is just normal for her to be confronted by this each day, and that is exactly why this legislation is necessary. Josh's story is not unique. There are countless young South Australians like him getting hooked on highly addictive, unregulated vapes, often containing high doses of nicotine and a whole bunch of other harmful chemicals. This bill is about shutting down the businesses that enable this and ensuring that families like Josh's do not have to go through this preventable ordeal.

The Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025 makes critical amendments to two acts: the Tobacco and E-Cigarette Products Act 1997 and the Retail and Commercial Leases Act 1995. Key reforms include:

- stronger police enforcement powers to crack down on illegal sales;
- new, tougher penalties and fines of up to \$6.6 million for the supply and possession of illicit tobacco and vapes;
- new offences for landlords and property owners who knowingly allow premises to be used for selling illicit products; and
- enhanced information-sharing powers to improve enforcement and help businesses, landlords and the public report illegal sales.

These measures send a clear message: if you are profiting from harming our community, you will be held accountable.

For me, though, what lies at the heart of this bill is the protection it affords young and vulnerable South Australians. Enforcement is important—absolutely—but ensuring the long-term health of our children, many of whom do not fully understand how wide reaching the consequences of smoking and vaping can be, even if they know it is wrong, is absolutely critical here. We have a responsibility to protect the next generation from the harms associated with nicotine addiction. Cracking down even further on the illegal sale of e-cigarettes and tobacco to minors is another step in preventing young South Australians from becoming one of those statistics that I mentioned earlier.

Beyond enforcement, we must always invest in education and prevention. The economic cost of smoking-related illness in Australia is estimated at over \$136 billion each year in healthcare expenses, lost productivity and premature deaths. If we allow vaping to become entrenched in the next generation, we risk replacing one public health crisis with another. We must also continue investing in health and education campaigns to ensure young people understand the dangers of vaping, to ensure schools have the resources they need to address the issue, and that parents have the tools to talk to their children about these risks. Cutting corners on prevention and education is just not an option.

Finally, I want to stress that public health is a collective effort. Legislation is one piece of the puzzle but we need families to talk to their kids, teachers to educate students about the risks, health professionals to support those trying to quit, and local businesses to do the right thing and refuse to sell these products illegally. Together, we can create an environment where healthier choices are easier to make and where those who break the law cannot profit at the expense of our children's health.

The statutes amendment bill is part of a broader strategy to reduce smoking and vaping rates in South Australia. It complements the work of the Department for Health and Wellbeing, Preventive Health SA, the federal government and community organisations fighting for a healthier future. This bill is about more than enforcement; it is about building a future where South Australians are healthier, happier and free from the dangers of nicotine. It is about ensuring that our children grow up in a world that prioritises their wellbeing, not the profits of an industry that preys on addiction. This is another opportunity to move the dial, strengthen our communities and take a stand against those who profit from harming young South Australians. I commend the bill to the house.

Ms PRATT (Frome) (12:42): I rise as the opposition's lead speaker on the Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025, noting that this legislation was introduced by the Minister for Health and Wellbeing with the aim to amend two pivotal pieces of legislation, those being the Retail and Commercial Leases Act 1995 and the Tobacco and E-Cigarette Products Act 1997.

The background, if you like, on this legislation, as we will hear from a number of speakers, stems from the government's very obvious and accelerated response to other reforms and amendment bills in cracking down on illicit tobacco trading. The introduction of stricter regulations was designed to empower Consumer and Business Services and South Australia Police (SAPOL) to conduct raids on premises selling illicit tobacco products.

In briefings that we have had just this week with the government and the department, based on the minister's own second reading, it is clear that the stakeholders that the government have engaged with include Preventive Health SA, the agency of Consumer and Business Services, the Small Business Commissioner and the Crown Solicitor's Office.

To elaborate from the opposition's point of view on how we are here reflecting on another amendment bill on tobacco and e-cigarette products two months into the enforcement of the current legislation, it is understood that SAPOL had identified critical deficiencies that hindered their own ability to effectively enforce these laws. Consequently, SAPOL, via the police commissioner, formally requested additional powers from the Minister for Health and Wellbeing to bolster their enforcement capabilities.

Speaking for the opposition, if SAPOL are identifying any gaps, weaknesses, flaws or loopholes that inhibit their ability to do their job and to crack down on this illicit trade, there is certainly support and strong consideration for why that would be needed. While SAPOL already possess certain enforcement powers, they have currently lacked the authority necessary for addressing the illegal trade of nicotine where it may be located on unlicensed premises. The proposed amendments before us aim to enhance SAPOL's constitutional authority, thereby facilitating more effective prosecution outcomes regarding tobacco and e-cigarette regulations.

Some of the key amendments that the house has been asked to consider in this recent amendment bill—from previous legislation to the current act that we have—include penalties being lifted from \$40,000 to \$1.5 million for the sale or supply of tobacco, e-cigarette or prohibited products to children, and from \$20,000 to \$1.1 million for offences relating to selling tobacco products without a licence. Now we see fines escalating up to \$4.5 million for commercial entities and up to \$6.6 million for large-scale violations, depending on the quantities of illicit product.

This bill introduces a new offence targeting property owners or landlords who—and this is important to stress—knowingly permit illicit trade on their premises. It empowers authorities to issue closure orders on premises involved in illegal sales, allowing for immediate and decisive enforcement actions. The bill also mirrors existing police powers found in the Tattooing Industry Control Act 2015, allowing for expanded searches of suspected premises and imposing severe penalties for the possession and supply of illicit products.

The legislation introduces provisions to hold property owners accountable for knowingly facilitating illegal activities, while at the same time ensuring that unsuspecting landlords are protected from unjust repercussions. It allows property owners to apply to the court for amendments to, or revocations of, long-term closure orders, enabling them to lease their premises to new tenants. It also allows for the information related to these closure orders to be made publicly accessible, fostering more transparency. Finally, it enables information-sharing capabilities among enforcement agencies, enabling SAPOL, most importantly, to collaborate effectively with other entities. Amendments we are seeing to the Retail and Commercial Leases Act will allow lessors to terminate leases affected by long-term closure orders and to possibly seek compensation for any incurred losses.

In the minister's own second reading speech we heard the following, which does help to explain how legislation that was being enacted only a couple of months ago is before us again. The minister made the following comment:

These new measures—

that is, of the current act—

have already been used by both Consumer and Business Services and South Australia Police to seize illicit products across the state.

The minister continued:

Since the law started on 13 December 2024, the Minister for Consumer and Business Affairs has issued six interim closure orders and applied for one long-term closure order, which is currently progressing through the courts.

There was a question that the opposition put to the government through our briefing this week, which was just to understand—in the short time from December to February and March; we have only had a couple of sitting weeks in that time—what was the trigger, what was the change? If the fines had already been increased up to \$1 million from low levels like \$20,000 or \$75,000, and short-term and long-term closure orders were in effect, what evidence did we have that that was working or that they were being prosecuted or used, if you like?

By the minister's own record—that is, the Minister for Consumer and Business Affairs—the evidence is not in yet that those short-term and long-term closure orders are really being pursued. We expect that they will be. We welcome the amendment bill but it was important to just test the data from last year's amendment bill to this one.

The minister continued, in his second reading speech, saying that as part of Operation Eclipse, South Australia Police are sharing intelligence with Consumer and Business Services to assist them with their enforcement work, and that shared intelligence between law enforcement agencies has identified for our South Australian authorities that up to 75 per cent of the illicit trade of tobacco and e-cigarette products in Australia is being controlled by organised crime groups. That data sharing and that evidence is certainly information that the opposition sees as being very important in our decision to support this amendment bill.

To be clear, the Commissioner of Police—reading from the minister's second reading speech—has requested additional powers to tackle this issue in South Australia, which we understand, and that a provision in this amendment bill is not targeting innocent mum-and-dad lessors, landlords, property managers or real estate agents. These questions were put to the government in our briefing, just to make sure that organised crime is really the identified target of all states and territories, and that where innocent mum-and-dad landlords are not knowingly aware of illicit practices taking place in their bricks and mortar, they are not unduly penalised by this.

To summarise on behalf of the opposition, or as lead speaker, while the government continues to refine its approach in response to emerging intelligence from the field, it is evident that this amendment bill has garnered support from key stakeholders and has been initiated by a direct request from the police commissioner, which we respect. This legislative initiative and this legislation represents a critical step forward toward strengthening the enforcement of tobacco and e-cigarette regulations in our community, ensuring that we are equipped to combat the illicit trade effectively. With those remarks, I support the bill.

Ms SAVVAS (Newland) (12:52): I am always pleased to speak on bills of this nature and, of course, to be part of a government that is categorically addressing smoking and vaping, particularly amongst young people. We well know that tobacco smoking remains the leading preventable cause of disease and death in Australia. In South Australia, there are still approximately 260,000 adult smokers, and the figure shows that about two out of three of those people, if they do not quit, will be killed by their smoking.

I am of a generation that has seen smoking reform in real time. My parents were, in a former life (though they would hate me saying so) smokers, and I remember each stage of reform as it impacted our family. I remember all too well the banning of smoking in a car with children, and I was grateful for that one. Then there were plain packaging reforms—or as I call them 'Chris Picton reforms' because our minister was working in the federal health space at the time—and I saw firsthand the impact on those loved ones around me who were smoking.

I am really glad to have been part of that generation because I was not raised in a generation where smoking was normalised nor seen as cool and many, like myself, watched loved ones impacted by the perils of smoking pass away. Both my maternal great-grandfather and paternal grandfather were smokers and both died of lung-related disease. I saw it happen in my lifetime and, of course, I am glad to be growing up in a generation that very much knows better.

We also know that smoking is estimated to cost our state health system in excess of \$2 billion each year. Through government action—through various governments—including legislation, education and many other initiatives we have made significant progress in reducing smoking in our community.

In the last few years alone, the Malinauskas government has demonstrated a strong commitment to tackling not just smoking and its impacts but illicit tobacco and e-cigarette sales in South Australia. We know that those illicit tobacco sales are very much a scourge on our society. In my own electorate, we have seen the sale of illicit tobacco products as well as advertising tobacco products, and that well and truly goes against plain packaging and advertising standards. From pretty much the day that I was elected this has been something about which I have been in regular contact with the various ministers' officers.

I know how my community feels about the sale of illicit tobacco products, particularly out in the suburbs near residential homes, and in our situation right next door to not one but three local schools. I was very proud that, in our last budget, our government committed \$16 million over the next four years to tackle the growing trade in illicit tobacco. I was also particularly pleased to see the shift of resourcing from SA Health to CBS in July 2024 when, of course, CBS assumed responsibility of the licensing and enforcement functions related to illegal sales of e-cigarettes and illicit tobacco. As that trade continues to increase, and in all honesty the dangerous activity around it continues to increase, we know that our government departments need to be better equipped to respond.

CBS are now responsible for assessing new licence applications, ensuring existing licensees are complying with the law, and investigating and prosecuting offenders. This tougher compliance approach is very much necessary to tackle not just the trade itself but the criminal activities, as I mentioned, that are occurring in relation to that trade, and it is obviously more closely aligned with the current compliance work that CBS are undertaking. In addition, last year our government also passed legislation that banned the supply of vapes, even by prescription, to any person under 18 years, increased penalties up to \$1.5 million, banned vending machine sales of tobacco products, and there were a number of other reforms.

I have six teenage cousins on one side of the family and another few on the other, as well as 14-year-old and 21-year-old little brothers, and I am so pleased to see that we are taking decisive action not just against smoking but against vaping. Of course, seeing that increase—particularly in a short period of time—in vaping by young people has been a significant concern to a number of us.

These new measures have been used by both CBS and SAPOL to seize illicit products across the state. We know that, as of February this year, approximately \$12.5 million worth of illicit products have already been seized by our enforcement teams, and that has occurred in less than an eight-month period. There have been six interim closure orders, and an application for one long-term closure order is currently progressing through the courts. This is brilliant work, but it does also go to

the enormity of the task ahead of us not just as a state but as a country as we work to tackle the next generation of narrative not only with respect to smoking but with respect to vaping as well.

We know that up to 75 per cent of the illicit tobacco trade is also accompanied by organised crime and related activity, and it is very much prudent that the police are given additional powers to tackle this issue in South Australia. That is, of course, what this amendment bill seeks to do, namely:

- introduce greater police enforcement powers;
- introduce new penalty levels and increased fines;
- create a new offence for a person who allows premises to be used for prohibited conduct; and
- enhance information-sharing powers, which is particularly important with respect to organised crime.

In practice, that means that SA Police will be able to undertake general drug detection and random weapon and explosive searches, including using detection dogs and the like when there is suspected unlawful conduct relating to the prohibited products in question. This is very much a huge change in approach by us and shows a firm, decisive action by our government to tackle this significant issue.

If we go back to the beginning of our term, the entire trade had to be responded to by two or three SA Health employees. Of course, that shift over to CBS has been really significant, as will be the introduction of SAPOL and the expanded powers that have been provided to them. I am really pleased to see that our police will be resourced to tackle the illicit trade and, of course, the organised crime networks that often have a significant role in conducting that trade. Also, I am pleased to know that SA will have the harshest fines in the nation, which sets a real tone as to our attitudes with respect to the illicit tobacco trade. I conclude my remarks there.

Debate adjourned on motion of Ms Clancy.

Sitting suspended from 13:00 to 14:00.

Petitions

SEVEN ROADS TO EDITHBURGH

Mr ELLIS (Narungga): Presented a petition signed by 450 residents of South Australia requesting the house to urge the government to undertake shoulder maintenance works on the 'Seven Roads to Edithburgh' section of the Edithburgh to Yorketown Road that is considered hazardous in its current state.

Parliamentary Procedure

VISITORS

The SPEAKER: I would like to acknowledge the presence in the gallery today of Rick Hutchinson from Edithburgh, who did all the legwork collecting signatures for the petition that was tabled by the member for Narungga. Well done on doing your bit for democracy and making sure the voices of your local community have been heard by the parliament, Rick.

I would also like to welcome year 12 Legal Studies students from Westminster School. It is great to have you with us today. They are the guests of the Hon. Heidi Girolamo from the other place. Also, your local member, the member for Gibson, is the first ever Westminster old scholar to make it into the Parliament of South Australia. You are in fine company. We want to see a few more of you in here over the years, but only when Sarah has finished with the seat, okay? She is a good local MP.

We also welcome Adrian Piccoli, the former education minister from New South Wales. It is great to have you with us as well.

PAPERS

The following paper was laid on the table:

By the Speaker—

Rules made under the following Acts

Adelaide Park Lands—Park Lands Lease Agreement—Park 2

Ministerial Statement

COMMISSIONER FOR THE RIVER MURRAY IN SOUTH AUSTRALIA, RESIGNATION

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Climate, Environment and Water, Minister for Industry, Innovation and Science, Minister for Workforce and Population Strategy) (14:07): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.E. CLOSE: It is with some personal sadness, but deep appreciation for what he has accomplished, that I rise to advise the house that Mr Richard Beasley SC is concluding his term as Commissioner for the River Murray in South Australia. In seeking to establish the role of commissioner soon after coming to office, the South Australian government had been clear about the need to stand up again for South Australia's interests in respect of the River Murray and the Murray-Darling Basin Plan.

While the role of commissioner was not necessarily conceived with one person in mind, there can be no doubt that Mr Beasley was uniquely qualified to fill this post. Building on a commitment to appoint an 'eminent jurist', the government wanted a commissioner who could navigate the worlds of both law and politics, as well as the court of public opinion. We wanted someone who could raise the profile of the River Murray at the national level but also raise hell if necessary. We therefore needed someone with a strong national reputation on this cause of vital national importance. Thankfully, in Mr Beasley we found just such a person.

As many of you would know, Mr Beasley came to the role having served as counsel assisting the Murray-Darling Basin Royal Commission under Mr Bret Walker AO SC. Mr Beasley joined the royal commission on the strength of his reputation, among other things, as a respected lawyer and Senior Counsel specialising in environmental issues.

Having also written five novels—including *Hell Has Harbour Views*, as well as a very angry book about the environmental degradation of the Murray-Darling Basin, *Dead in the Water*—I trust no-one here has been surprised by the cut-through or the passion or the erudite flair that Mr Beasley has brought to his follow-up role as inaugural River Murray commissioner.

Regrettably, Mr Beasley's second act on the River Murray was very much needed. The preceding term of government in South Australia had seen little progress against the commonwealth's commitment to recover the final 450 gigalitres under the basin plan, a commitment that had been secured by the Weatherill government back in 2012. This final 450 gigalitres of environmental water recovery was established as a strict volumetric target under the basin plan, and there was a commonwealth statutory commitment to recover it by mid-2024. However, by the end of the previous term of government in South Australia, only two gigalitres had been registered against the final 450 gigalitres.

Echoing Mr Beasley, the basin plan was, at that time, all but dead in the water. This simply was not acceptable to the incoming state government or to the people of South Australia, and a new model for influencing national opinion and decision-making was needed. At stake was the need to lock in volumes of basin plan water recovery that would, in line with the best science, futureproof River Murray and basin communities against a return of the devastating environmental impacts we saw during the Millennium Drought.

Given the mounting risks we face with a changing climate, there is absolutely no room for complacency on this issue. As such, I could not be more pleased with what Mr Beasley has achieved in just over two and a half years as Commissioner for the River Murray in South Australia. During his time as commissioner, Mr Beasley has been prolific as a source of independent commentary and advice on matters basin plan, and he has continued to build strong relationships with key stakeholders and scientific experts across the basin.

Mr Beasley's advice has been gratefully received within state government and he has been a truly invaluable asset for all those basin stakeholders who generally sought an 'environmentally sustainable level of take' within the basin. In this respect, a key highlight was Mr Beasley's participation in three forums hosted by the Murray-Darling Conservation Alliance on the health of the Murray-Darling Basin in Adelaide, Sydney and Melbourne in 2023.

As the responsible South Australian minister, I have also found Mr Beasley to be an incredibly effective and resourceful partner in reprosecuting the case for full basin plan delivery at the national level. As is well known, his advocacy helped to secure the passage of the Water Amendment (Restoring Our Rivers) Bill 2023 under Tanya Plibersek's strong leadership. This bill will be seen by future generations as an important milestone in basin plan delivery, and Mr Beasley deserves credit for his tireless advocacy in support of the bill both behind the scenes and in public.

It is also true that the passage of the bill effectively marked the end of the beginning for the next phase of work to recover the final 450 gigalitres under the basin plan. It is one thing to have the right legislative framework in place, but of course a great deal depended on how this framework was to be used over the next four years to the end of 2027. It is therefore fitting that I can announce Mr Beasley's resignation from the role of commissioner on the same day that we have the news that, as a result of all the water recovery efforts to date, the commonwealth is now on track to secure 286 gigalitres against the 450 gigalitres target. This is indeed great news for the Murray-Darling Basin and for the River Murray in South Australia.

Today's news only adds to Mr Beasley's legacy. And, so, Richard, on behalf of every Australian with an interest in the health of the basin, I thank you for what you have accomplished in your tireless work as River Murray commissioner. May your next book on the River Murray be less angry.

Parliamentary Procedure

VISITORS

The SPEAKER: I can spot Michael Pratt in the gallery, former federal member for Adelaide. Welcome back to parliament. Your frequent flyer points in this place are starting to rack up. You will have a free flight somewhere soon.

Question Time

YOUTH OFFENDER BAIL LAWS

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:13): My question is to the Premier. Did the police commissioner ask the government to undertake a review of bail laws for youth offenders and, if so, when did the commissioner first make that request? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: SAPOL data shows a 70 per cent increase in the number of youths charged with breach of bail offences since 2021. Only today did the government announce that the South Australian Law Reform Institute would undertake a bail law review, something that the opposition has been calling for for around the last two years.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries, Minister for Police) (14:13): Can I thank the leader for his question and his interest in this area. My understanding is that there has been ongoing engagement between the Attorney-General in the other place and the police commissioner, as well as of course, as you would expect, Mr Speaker, with the other justice agencies that the Attorney-General is responsible for in order to understand what the opportunities are for the government to further strengthen our strong stance on law and order.

Just as we have seen in the first three years of the term of the Malinauskas Labor government, what the Attorney announced today, along with the police commissioner, was yet another strengthening of the laws surrounding the powers of police, the DPP and our court system to ensure that we have the full toolkit available to protect the community. It comes on the back of

what has been a very significant step-up in resourcing not just in police—as I have advised the house previously and as have the former police ministers in the chamber—but also across our other justice agencies.

Those opposite may claim that they have particular positions on legislative reform, but simply calling for something to be done with no specificity or details, not calling for specific changes to specific acts, does not constitute the sort of contribution that should be required of an opposition which pays sufficient attention to these issues in the public interest. Simply making noise does not constitute a firm position that a major political party in this state should have in the year leading up to a state election.

Members interjecting:

The SPEAKER: Members on my left will come to order.

The Hon. S.C. MULLIGHAN: I would have thought, given the latest—

Mr Cowdrey: What are the specifics of your reforms?

The SPEAKER: The member for Colton, you are on your final warning.

The Hon. S.C. MULLIGHAN: I thank the shadow minister for the environment for his contribution on this matter. Maybe we will have one from the shadow attorney-general at some point as well. But that demonstrates—

Members interjecting:

The Hon. S.C. MULLIGHAN: Keep up with the changes to your responsibilities? We have, and we have all noticed. Perhaps we will have a contribution—

Mr Cowdrey interjecting:

The Hon. S.C. MULLIGHAN: Yes, to your obvious detriment. Are you not following this? Remember, you used to be shadow treasurer and now you're not, and whose responsibility is that? Is that our responsibility or yours?

Members interjecting:

The SPEAKER: Members on my left, with the exception of the member for Finnis, are all on your final warning.

The Hon. S.C. MULLIGHAN: As I was pointing out, perhaps we will have a meaningful contribution from the new deputy leader on this issue, given that he is the shadow attorney-general, but we are still waiting to hear what a clear position is from the opposition on this because, despite having three years in order to suggest reforms, we still don't have one from those opposite. In the meantime it has been this government which has continued to toughen our laws and this government which has continued, budget after budget, to invest more resources in our police and in our criminal justice agencies to tackle crime.

YOUTH OFFENDER BAIL LAWS

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:17): My question is again to the Premier. When will the government complete its review of South Australian bail laws? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: It was reported today that the South Australian Law Reform Institute would undertake a bail law review, something that the opposition has been calling for for around the last two years.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries, Minister for Police) (14:18): It's interesting, isn't it, that the Leader of the Opposition says they have been thinking about doing something for two years and we still don't have a proposition? Of course, we are all aware that there has been an intersection—

Members interjecting:

The SPEAKER: The member for Flinders will leave the chamber for the rest of question time.

The honourable member for Flinders having withdrawn from the chamber:

The Hon. S.C. MULLIGHAN: —between criminal justice agencies and the opposition leadership, hasn't there, which might have interrupted their policy formulation in recent times. Maybe that explains the delay.

The SPEAKER: Minister, the deputy leader has a point of order.

Mr TEAGUE: There is a point of order under standing order 98: the minister is debating the point when he needs to answer the question, and he has moved directly onto what sounds like a form of distraction from what is a clear question that needs to be answered.

The SPEAKER: I listened to the question from the leader, and leave was sought and leave was granted where the leader talked about the opposition. In listening to the minister's response, he is responding to and answering the question but also responding to those matters that were introduced after leave was sought. So we will return to the minister, who can continue his answer.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker. As I understood the question, and in particular the explanation from the Leader of the Opposition, he was explaining that over the last two years the opposition has had opportunities to become familiar with criminal justice agencies.

Mr TEAGUE: Point of order: the minister has flagged the subject matter of this distraction. It's a point of order under standing order 98. The minister is now defying your ruling, Speaker. I ask you direct him back to the question.

The SPEAKER: Deputy Leader, this is a bogus point of order. He is not defying anything, he is answering the question and he is responding to the explanation that was given when leave was granted by the chamber to do it. The Minister for Police.

The Hon. D.G. Pisoni: What is Bernie Finnigan doing these days, anyway?

The SPEAKER: The member for Unley will leave the chamber for the rest of question time.

The honourable member for Unley having withdrawn from the chamber:

Members interjecting:

The SPEAKER: The member for Florey will come to order.

The Hon. S.C. MULLIGHAN: The Attorney has made it clear, indeed on radio this morning, that he expects advice to him on the appropriate specific changes to the bail laws in the coming weeks. On top of that, in the broader reforms that were announced today, there will be immediate action that will continue under this government as we have already taken action over the last three years in a series of legislative changes. In fact, I think there have been nearly 30 legislative changes sponsored by the Attorney-General, as well as other ministers, to strengthen our legislative regime to better protect the public at the same time that we have invested hundreds of millions of dollars in our police and in our criminal justice agencies.

That is the record of a government that is investing heavily and toughening laws to better protect our community. That is the record of this government. If those opposite think that they have a better story to tell when it comes to criminal justice, when it comes to protecting the community, they should articulate it because they don't have that record, they don't have a record of coming up with specific reforms and prosecuting them as a political party.

The countdown is now on. We are 12 months out from the next state election. We have had three years of silence from those opposite, amidst the turmoil and the comings and goings and leavings and all of the other distractions that those opposite have had, including their direct interactions with criminal justice agencies, but we have been getting on with the job, toughening our laws, investing in our police, investing in our criminal justice agencies to better protect the community.

We had not been left with a very good record from those opposite after their term in government, but we are trying to make sure that not only can we invest more heavily in our criminal

justice agency and toughen our laws, but we can give confidence to the community that we are making the changes and the investments necessary to keep them safe.

YOUTH CRIME

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:23): My question again is to the Premier. Will the government introduce tougher new penalties for youth crime and, if so, what are those tougher penalties and when will they be introduced? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: It was reported this morning that the government announced tough new penalties for youth crime, something that the opposition has been calling for for around the last two years. Parliament is sitting today and we have not seen the introduction of a bill introducing tough new penalties for youth crime.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:23): I thank the Leader of the Opposition for his question. When it comes to some of these matters, I think sometimes past performance is a very strong indicator of future performance. In that regard, what we have seen over the course of the term of this government thus far is a proactive attitude, a lean-in response to making sure that we are constantly evolving the law to make our community safer.

What we understand the facts bear out, and this is publicly available data that the Leader of the Opposition would be well familiar with if he takes an interest in this subject matter, is that currently in South Australia, or currently in our federation, the state with the lowest level of youth offending is South Australia. We are very proud of young people in this state, that the overwhelming majority of them are actively engaged in their communities, actively engaged in their schools, at their places of work, at universities and cultural institutions in this state, and that in our state, overwhelmingly—and this is borne out by statistics—are some of the healthiest most engaged young people in the nation, and we have a youth offending rate that reflects that, the lowest of any state in the country. Only the ACT is lower. To that end—

The Hon. V.A. Tarzia: And no-one believes it.

The Hon. P.B. MALINAUSKAS: When they say 'no-one believes it', the Leader of the Opposition is making a virtue of ignoring the facts, seeking to talk young people in this state down. Well, we won't have it. We are an evidence-based government taking an evidence-based approach, and one of the reasons why we have the lowest youth offending rate of any state in the country is we have a proactive response. We are out on the front foot, making law reform to keep our communities safer, making sure that young people are engaged, whether it be leading the nation in reforms on young people and social media or taking a tough response to those people who would do the wrong things.

Examples that we can point to in terms of recent action that the government has taken include toughest knife crime laws in the nation, posting and boasting laws that we are passing in this parliament, but also taking a hard line with some of the toughest laws in the nation over criminal ringleaders—people who would seek to encourage young people to commit offences. We are cracking down on them too. If there is an adult in this country who seeks to have a nefarious impact on a young person, encouraging them to commit a crime, then we will come down on them as hard as you could possibly imagine. The response that we have announced today is yet another example of a proactive attitude that this government is taking.

If you are using past performance as an indicator of future performance, we know what those opposite did in their four years in government. There was scant example of them having a tough-on-law-and-order response. We know that when it comes to child sex offending that occurs in the state of South Australia, it has always been this side of the house that has taken a strong response in regard to child sex offending that we have seen in South Australia, whether it be on a range of measures, including, of course, keeping paedophiles in jail for longer. It was this side of the house that led that charge both when we were on the opposition benches and also on the Treasury bench.

So we are just going to keep on getting on with the task to make sure we continue as best as we can to retain our position of having the lowest level of youth offending in the nation.

The SPEAKER: Before I call the leader, the member for Florey you are on your final warning; the member for Playford—normally very well behaved and quiet—you are a little rowdy today. You have been warned.

TEENAGE STREET GANGS

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:27): My question is to the Premier. Will the government implement a teenage gang meeting ban and, if so, when? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: It was reported today that teenage street gangs would face new bikie-style meeting bans but 'full details were still being thrashed out' and 'such laws are viewed as difficult due to legal technicalities'.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:28): I guess this is the difference between us and them. Whether it be tackling the challenge of the Whyalla Steelworks, whether it be making sure we are ahead of the game with respect to youth crime, whether it be any level of reform—any reform that you speak to, they come up with the sound bites and we do the policy.

Members interjecting:

The Hon. P.B. MALINAUSKAS: Those opposite—

Mr Cowdrey interjecting:

The SPEAKER: The member for Colton can leave the chamber until the end of question time.

The honourable member for Colton having withdrawn from the chamber:

The Hon. P.B. MALINAUSKAS: Those opposite are undeniably Olympic champions in observing the problem. What we do on this side of the house is get on with the task of governing, engaging with experts, sitting down with the police commissioner, making sure that we have thoughtful policy reform that could be reflected in law. Those opposite, they are legislators, they can try to get on and do some work themselves. That is open to them, but we are going to deliver the reform that matters to make sure we deliver the outcomes that South Australians are entitled to expect.

MOUNT REMARKABLE NATIONAL PARK BUSHFIRE

The Hon. G.G. BROCK (Stuart) (14:29): My question is to the minister representing the Minister for Emergency Services—I think it is the Minister for Education. Can the minister update the house on the recent fire that occurred in the Mount Remarkable National Park, the area impacted and the equipment that was utilised, plus on the dedicated services provided by all our volunteers from all over South Australia?

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (14:29): I thank the member for Stuart for his question. I can certainly do that on behalf of the Minister for Emergency Services. The Wilmington fire was a significant and complicated incident, burning through 5,414 hectares of steep, rugged and often inaccessible terrain. These conditions made it particularly challenging for ground crews, requiring an extensive and coordinated response effort. It was the most significant fire event of the season so far.

Almost 1,200 personnel were involved in the firefighting effort, including highly skilled teams from the CFS and the Department for Environment and Water. Firefighters worked around the clock in extreme heat, on difficult slopes and in conditions that were both physically demanding and unpredictable. Their efforts on the ground were supported by aerial firefighting resources which played a crucial role in containing the fire. Volunteers from across the state provided assistance.

In total, aircraft completed 554 drops, delivering approximately 1.4 million litres of water to help suppress the fire. Aerial support was instrumental in slowing the fire's spread, particularly in those areas where steep terrain made it difficult for ground crews to gain access. South Australia leads the way with a strong aerial firefighting response to major fire events. The CFS has over 30 aircraft available for quick, decisive action to keep our fire-prone communities safe.

Despite the intensity of the Wilmington fire, the significant effort of the many firefighters involved prevented any major property loss. Alligator Lodge, a three-bedroom lodge in the fire zone, was successfully protected. The property damage was limited to a single toilet block, alongside several minor incursions onto private land, which were quickly contained before any further spread occurred. The quick action of both the DEW and CFS firefighters prevented further property loss and highlighted the level of coordination, professionalism and effectiveness of our firefighting teams.

I would like to take the opportunity to acknowledge the incredible outpouring of support, too, from the Wilmington and Port Augusta communities. As I think we have seen throughout our state's history, South Australians come together in times of crisis to support those in need, and in particular I think many in the community were particularly moved to see the thankyou cards written by the children at Wilmington Primary School. I can say as the Minister for Education it is fantastic to see our younger students showing their appreciation for the work of these volunteers. Many of the students had parents who were out each day fighting the fire and keeping their community safe.

The school community came together with students writing cards to CFS volunteers, which were then sent to the fire-staging ground for volunteers to read through on their breaks. I would also like to recognise the others who provided support, including the Salvation Army, St John Ambulance and many other volunteers from across the state. The Salvos played a key role in ensuring that the firefighters and other emergency responders, including volunteers from the SES, had hot meals and the food they needed to keep going. The local community itself donated generously, providing food, supplies and other forms of assistance to those on the frontline. An entire corner of the staging room was set aside to be filled with the donations from the local community.

This fire is a key reminder of the challenges we face across the state each fire season and of the critical role that preparation and a rapid response play. We are no stranger to bushfires in South Australia and events like this reinforce the importance of strong coordination between government, volunteer groups and engaged local communities. All involved can and should feel proud of the way this was displayed in the case of this Wilmington fire. I want to take this opportunity to express my deepest gratitude to the firefighters, emergency personnel, volunteers and local residents who played a role in responding.

SOUTH AUSTRALIA POLICE

Ms WORTLEY (Torrens) (14:33): My question is to the Minister for Police. Can the minister update the house on state government investment in South Australia Police?

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries, Minister for Police) (14:34): It is a pleasure to receive this question from the member for Torrens, who, of course, is keenly focused on what the government is doing to step up resourcing to South Australia Police and, in particular, what we have done over the last three years. Mr Speaker, as you would remember from previous information I provided to the house, this government has committed more than \$300 million in extra resourcing to South Australia Police across our first budgets. That also includes a significant amount of money to both recruit additional staff and step up our recruitment processes and advertising to get more sworn officers onto frontline duties, to get more police onto the beat.

The good news is that that is already paying dividends. The police commissioner made an announcement some weeks ago that this additional funding has allowed him to allocate a further 70 sworn officers onto frontline duties. This is really important because in June 2018, shortly after the 2018 election, there were 4,678 sworn officers in South Australia. At the same time four years later, in June 2022, after they had been in government for four years, there were 144 sworn officers less—less.

The Hon. V.A. Tarzia interjecting:

The Hon. S.C. MULLIGHAN: COVID. The Leader of the Opposition says, 'That's okay, it's COVID.' But he also talks about—

Members interjecting:

The SPEAKER: The Premier and the Leader of the Opposition, if you want to have the debate, maybe just step out the back for five minutes and then come back in.

The Hon. S.C. MULLIGHAN: It has fallen to this government to step up resourcing for South Australia Police to start plugging the gaps left by those opposite after they were in government for four years. I am pleased to advise that our recruitment efforts continue.

This week, as we were gathering here in parliament, we had our first graduation of international and national police recruits from different parts of the world and different parts of the country as part of our international and interstate transition program, a key feature of a program that the member for Cheltenham sponsored to ensure that we could step up recruitment to plug the gap that the Liberals had left in our police force. I am really pleased that 13 of those 15 have come from overseas, in particular from England and Scotland.

Members interjecting:

The Hon. S.C. MULLIGHAN: Apparently, this causes umbrage with those opposite; you don't have to scratch deep for the xenophobia, apparently. I am really pleased that we have police from overseas, from Dorset Police, Police Scotland, West Midlands Police and Durham police. We also have police from New Zealand as well as Queensland, underlining how attractive it is for people to come from around the world, from across the Tasman and from other parts of the country, to join South Australia Police.

The reason why is not only do people think that this is a great place to live and that there is, after a long time, a sense of momentum in this state but they can obviously see that this is a police force that is getting investment and getting support from the government for the first time in a significant period of time after police numbers diminished so much under the term of the previous Liberal government.

YOUTH AND STREET GANGS TASK FORCE

Mr BATTY (Bragg) (14:38): My question is to the Minister for Police. Have any additional police officers been allocated to the new Youth and Street Gangs Task force and, if so, how many? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr BATTY: A government press release on 5 February 2025 stated:

The existing Operation Meld and Operation Mandrake initiatives will merge and an extra 13 police officers will join their ranks.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries, Minister for Police) (14:38): I am very pleased to update the house, because this press release that the member quotes from was a press release that I put out as police minister celebrating the decision taken by the police commissioner to allocate a further 70 sworn officers into frontline policing. The immediate response from those opposite, in particular the fledgling member for Bragg, was to label the police commissioner's moves as 'a smokescreen'.

Now, yes, the police commissioner has taken the decision because—and I know that the fledgling member for Bragg won't be familiar with such things relevant to parliamentarians as legislation or the Police Act or the separation between police and the legislature, but section 6 of the Police Act is quite specific: that it is up to the police commissioner to allocate resources for operational purposes and not up to the police minister of the day.

So this was a decision taken by the police commissioner to take these resources allocated by the government—and look, I understand policing is a laughing matter for those opposite. I understand that the member for Schubert simply refuses to accept the facts of the decline of sworn officer numbers over the course of the last Marshall Liberal government when she was a chief adviser to the former Premier, but that is the reality.

When we are investing additional resources into police to release an extra 70 officers and enable the police commissioner to bring together Operation Meld and Operation Mandrake into this new combined task force, the fact is that there will be 13 officers extra on frontline services on the beat as a result of that, and they will be split across operational areas, including the Eastern District LSA. What was previously happening, as the police commissioner has articulated on talkback radio and in a Budget and Finance Committee and in other public forums, this move means that there are more sworn officers on frontline duties than there were previously.

Now that may offend the fledgling member for Bragg. He might take umbrage with that and he's constantly playing catch-up. He's constantly playing catch-up with this. He has realised the folly of criticising legitimate moves made by the police commissioner. He has realised the folly of rushing out and suggesting law reforms which are then immediately criticised as being unworkable by the police commissioner. This is the record of those opposite, so it's no wonder that when the government yet again, yet again today, makes a commitment to further toughen laws, in addition to the more than 30 pieces of legislative reform that we have taken, that we get this sort of snarky criticism from the member for Bragg.

Now I am pleased that after so long getting into the parliamentary year, finally he's getting a question, finally law and order and community safety is being thought of by those opposite, finally after we have had two full weeks of the Leader of the Opposition criticising the government for stepping in to save the steelworks at Whyalla—finally, finally, the fledgling member for Bragg is having a go. But I have got to say, it's a bit juvenile to keep criticising our police and our police commissioner.

The SPEAKER: Before I call the member for Bragg, that was pretty much four minutes of you yelling out, and if you want to ask more questions it's going to be easier to ask them from in here rather than in the sin-bin. The member for Morphett was getting quite loud there as well.

YOUTH AND STREET GANGS TASK FORCE

Mr BATTY (Bragg) (14:42): My question is to the Minister for Police. Did the minister approve a press release that stated an extra 13 police officers would be joining the Youth and Street Gangs Task Force and, if so, why? With your leave, sir, I will explain.

Leave granted.

Mr BATTY: When asked about this press release at the Budget and Finance Committee on 24 February, the Commissioner of Police said, 'I saw that myself and it is not an additional 13 staff.' He went on to say, 'It may have been a misunderstanding, but it's certainly not the case it was extra.' We have never tried to project it in a way that it was extra.'

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries, Minister for Police) (14:43): As I explained in my previous answer—and it was difficult, of course, for the member for Bragg, because he spent four minutes yelling at me rather than listening. I know it's early on for him in all walks of his life, but it might actually be good for him to learn the value of listening. When he asks a question, sits down and bellows for four minutes, it does of course put a substantial element of truth into the saying that the empty vessels, in that case, do make the loudest noise. The empty vessels do seem to make the loudest noise. The vacuous interjections from the member for Bragg—

Mr TEAGUE: Point of order: it is standing order 98. The minister would do well to respond to the question. That's what the standing orders require. The minister should direct his answer to the question.

Members interjecting:

The SPEAKER: The Leader of Government Business will come to order. Sorry, I didn't hear that point of order, deputy leader. There was a fair bit of noise on my right. I remind everyone on my right to keep the volume down.

Mr TEAGUE: Standing order 98: the minister needs to direct his answer to the question. He is clearly not doing that and he ought to be directed to do so.

The SPEAKER: I think the minister is answering the question. The police minister.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker. As I explained in my previous answer—I am happy to reiterate it, because—

Mr Batty interjecting:

The Hon. S.C. MULLIGHAN: He is still interjecting, Mr Speaker. He can't help himself. It's compulsive. He literally cannot help himself. But do you know what? If he can listen, if he can bear to be without the sound of his own voice after he has asked a question, I will explain it again for him, because it still doesn't seem to be seeping in for the benefit of the member for Bragg.

Seventy additional officers have been made available because of the investments that this government has made. The police commissioner brought together Operation Mandrake and Operation Meld, which has meant that the previous practice of taking resourcing from other frontline duties could then cease, releasing a further 13 sworn officers onto frontline duties. That's worth celebrating. It's not something to criticise. It's not something to call a smokescreen. It's no reason to be criticising the move of the police commissioner, all of which the member for Bragg had done in the hours after the commissioner made that announcement.

The member for Bragg holds himself out as the single best person in this state to administer the police portfolio, and he has got off to a dreadful start, criticising the allocation of additional funding to our police, criticising the decisions of the police commissioner to allocate more sworn officers onto frontline duties, and so badly, badly bumbling his attempts at legislative reform, calling for legislative changes which were immediately ruled out by the police commissioner as being unworkable.

In any other operation, three strikes would be enough, but such is the dearth of talent over there—and of numbers, of course—that everybody gets a gig, regardless of capability and talent. It is extraordinary—it is extraordinary. Do the work, listen, rather than making vacuous noises all the time, and you might actually have something that you could concoct together as a legitimate policy to take to the people of South Australia and restore some credibility for yourself.

YOUTH AND STREET GANGS TASK FORCE

Mr BATTY (Bragg) (14:47): My question is again to the Minister for Police. Will the minister resource SAPOL so that it can provide an extra 13 police to tackle youth crime? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr BATTY: A government press release dated 5 February promised 'an extra 13 police officers will join the ranks of the Youth and Street Gangs Task Force'. The Commissioner of Police told the Budget and Finance Committee on 24 February that there were no extra police officers.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries, Minister for Police) (14:48): Are we providing additional resources to South Australian police? Yes, more than \$300 million of additional funding has been provided to police across our first three budgets. What is the result of that additional investment? Not only does it start making up a huge contribution to additional staffing for South Australian police, not only does it mean that the police commissioner is able to take decisions to release more frontline sworn officers onto frontline policing duties rather than conducting other roles away from frontline policing duties that you might consider to be more support-type roles, but it means that he has been able to allocate those 70 additional sworn staff to areas of greatest need for policing, as the police commissioner thinks fit.

Whether it is a Youth and Street Gangs Task Force, whether it is additional resources out in our region or whether it is additional resources to continue to fight the scourge of domestic violence, these are the decisions that the police commissioner is now able to make because of how this government has stepped up police resourcing.

I know that the member for Bragg has called that a smokescreen; I know that he has criticised those moves. It is remarkable that when those opposite were in government and they imposed \$50 million worth of cuts to the SAPOL budget, that when we are doing the opposite—when we are stepping up police resourcing, when we are allocating funding to recruit more staff to SAPOL to

enable the police commissioner to allocate more sworn officers onto frontline duties, when we are stepping up our recruitment efforts not only to speed up recruitment but to try to plug the gap left in sworn police officer numbers by those opposite—they continue to criticise these moves. I find it absolutely remarkable.

I have explained it now twice: there are more police on the beat as a result of this decision. Operation Mandrake and Operation Meld are brought together into this new task force. Rather than having to take frontline sworn officers away from other duties in other service areas, that no longer has to happen. If that is not an unalloyed good thing for South Australia Police and for community safety, then I can't imagine what might be. It beggars belief that those opposite continue to criticise these changes.

This government will continue making the investments and continue reforming the laws that are necessary to ensure that we can continue protecting the community. That is the responsibility of government. We are making substantial progress. The Premier made reference before to crime statistics. I had to go through this in another portfolio, the Treasury portfolio, with the former shadow Treasurer when he was asking about basic statistics. It is difficult for some people opposite, but if those opposite can find Google and they can type in ABS.gov, they can see the statistics when it comes to youth crime and they will see that there has been a 17 per cent reduction in the most recent crime statistics published by the ABS on their website.

The Hon. V.A. Tarzia: Cherry-picking.

The Hon. S.C. MULLIGHAN: The Leader of the Opposition says that the ABS is cherry-picking data. So now we have moved off the police commissioner and we are criticising the independent statutory organisation responsible for collecting statistics. Is there no limit to the depth to which they will stoop?

WIND FARMS

Mr ELLIS (Narungga) (14:52): My question is to the Minister for Energy. Are any South Australian wind farms facing imminent decommissioning? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr ELLIS: The Codrington wind farm in western Victoria has been decommissioned and will be shut in 2027. It was one of Australia's first commercial wind farms, opened in 2001, and it is unclear how much of it will be able to be recycled. The Wattle Point wind farm in my electorate on the southern Yorke Peninsula was opened in 2005.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:52): I think they are different scenarios. But the point you make is a good one because, like a lot of ageing assets, South Australia has been a leader in wind farms and wind farm technology and solar arrays and some of those wind farms are coming to the end of their life.

But of course, the difference between us and the Victorian example is that our wind farms are in exceptional resources, in terms of the wind resource and the solar resource. While there might be independent generators that are changed and turbines that are changed, I suspect that you won't see decommissioning; what you will see is reinvestment.

Ultimately, all jurisdictions around the world are beginning to start thinking about what happens at the end of the life of wind farms. It is very important. The Abbott government quite rightly had a commissioner to look into the life cycle of wind farms, and that was a very important body of work that they did. There were some examples in New South Wales of poor workmanship around the establishment of some wind farms. South Australia has been largely immune to those problems because of our very stringent regulatory processes that we have in place, but we are very, very keen to maintain those resources. The important thing about the way we've rolled out wind farms in comparison to the way they are done in other jurisdictions is we've used the PDI Act, which means that the land that is zoned has a multiple land-use framework around it, which means those wind farms and the locations that they sit on have a value, because they have unlocked that wind resource,

they have connections to the grid. I doubt very much, Mr Speaker, that you will see wind farms in South Australia completely decommissioned.

What I think you will see, as technology changes and you can get more output from a single wind farm and turbine compared to multiple ones, is either a consolidation, or you will see a reinvestment. But in terms of total decommissioning, it would not make sense in a lot of these spots because of the sunk investment and the long-term nature of having to get connections to the grid. And, of course, there's also other aspects, which are the subsidies in place by the commonwealth government for renewable energy that would be forgone.

While it is a timely and good question, I don't think South Australia is going to suffer through what's happening in Victoria. It is a very, very different type of landscape in Victoria in terms of multiple land-use frameworks. I know the member has been a very strong advocate in this state of protecting farming rights on farming land. I have a slightly different point of view, which we have a very friendly disagreement on. I do believe in multiple land-use frameworks. I do think we can have a mine, a farm and wind farm operating together for the benefit of our community and the farmer and the wind farm and the mine, but, ultimately, it leads to a lot of conflicts.

In short, to your answer, it is something that the department is putting its mind to. It is a very, very good and timely question. We are looking at how we remediate this. Obviously, if a wind farm does close, remediation is not as impactful as it would be on a mine or some other type of industrial activity; it's basically connections underground and concrete foundations. By and large, remediation is a light touch, but I think the sunk infrastructure means that the wind farms that we've got now aren't going to shrink, they're going to grow.

RIVER MURRAY FLOOD CLEAN-UP

Ms O'HANLON (Dunstan) (14:56): My question is to the Minister for Climate, Environment and Water. Can the minister update the house on the progress of the government-led River Murray flood clean-up and her recent visit to the region?

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Climate, Environment and Water, Minister for Industry, Innovation and Science, Minister for Workforce and Population Strategy) (14:56): I am delighted to bring people up to date with this. Such is the adventure of climate change, where we are dealing with a cyclone hitting Brisbane and northern New South Wales, where we are dealing with an extended dry period here in South Australia, and, also, it is not so long since we had the flood that came across the border. Indeed, for people living in the Riverland who were affected by that, it hasn't yet really come to an end. Last week, I went to visit the sites where Green Industries has been involved in cleaning up a lot of the shacks and houses and some of the rubbish that had come down the river, but—

Mr Whetstone interjecting:

The Hon. S.E. CLOSE: I have tolerated this for a long time. I was never in London—

The SPEAKER: The member for Chaffey!

The Hon. S.E. CLOSE: —so stop misleading the house. You don't know what personal issues I was dealing with, you've never bothered to ask, and yet every single time I talk about the river I get this misleading of the house and it is discourteous and not true.

Members interjecting:

The SPEAKER: The member for Chaffey.

Mr WHETSTONE: I would like the Deputy Premier to withdraw and apologise. 'Misleading the house' at every time—what a load of rubbish!

Members interjecting:

The SPEAKER: Members on my right will be quiet or you will be leaving the chamber. The member for Chaffey, yelling out across the chamber is disorderly, so if you don't want to get pulled up on something don't yell out. The Deputy Premier.

The Hon. S.E. CLOSE: Thank you, Mr Speaker. So last week I went with Green Industries people who have been involved with the clean-up, and I met with several locals who have had the experience of having their sites cleaned or others that are still waiting to fully be able to refurbish the houses that they have been living in. It's extraordinary that it is some two years since the flood and yet we are still dealing with some of these issues. I would draw to the house's attention that, with the advent of climate change and therefore the likelihood of other extreme events, we are unlikely to continue to have even such a gap between them in the future, and we need to prepare still more.

There have been 1,941 properties that were registered for assistance, and in the process GISA has completed 412 demolitions and 142 hazard reduction works under the program. That's where the fabric of the house remains but the hazards—which might be asbestos, it might be mould, other forms of damage—are removed. There are still 16 properties scheduled for the final round of works which we are expecting to be completed before April this year.

In that time, I spent a good amount of time at Marks Landing with Rocky Warren. Rocky is an extraordinary leader in his community and a voice of the community. He lives in his house—he is actually currently living in a mobile home still, rebuilding and refurbishing his house. But he was never at any point concerned about himself, he was concerned about the way in which his community would be pulled back together, and I think that is a mark of so many people in South Australia who go through these experiences that are so selfless and generous with their support. I really want to acknowledge his role in continuously speaking up for his community and also thank him for his very warm and generous welcoming of all of us when we visited last week.

Similarly, I met with Rob Agius, who is one of the elders in the area. One of the challenges for many people who are undergoing works as a result of the flood has been the finding of Aboriginal heritage and how to manage that. What has been, again, a mark of this process has been how respectful people have been of the need to accommodate the Aboriginal heritage that has been discovered and the way in which they have worked together in a cooperative way.

Finally, in Swan Reach I spent time with Tim Siebert and John George OAM. Tim first took me out in a tinnie a couple of years ago at the height of the water to show me his shack and now he has been able to show this site that has been cleared by Green Industries ready for rebuilding from the other side, from the land. It was remarkable to try to fit together in my mind where that shack had been and now where that site will be. He is not without some frustrations about the pace of works being undertaken but, again, was a very generous person in his time that he spent with us and the visit that he showed us. I would like to pay tribute to GISA for the work that they have done.

YOUTH AND STREET GANGS TASK FORCE

Mr BATTY (Bragg) (15:01): My question is to the Minister for Police. Has the government given any extra resources to SAPOL for the new Youth and Street Gangs Task Force, and if not, why not? With your leave, sir, I will explain.

Leave granted.

Mr BATTY: The Commissioner of Police told the Budget and Finance Committee on 24 February that 'there are no extra resources'.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries, Minister for Police) (15:02): Perhaps next question time I will bring some sock puppets in for the benefit of the member for Bragg, because it seems that repeatedly explaining the facts of this situation doesn't allow him to arrive at some semblance of understanding plain English. The government has committed \$300 million of extra resources to South Australia Police. A large amount of that money was for additional staffing. That extra money has enabled more people to be recruited to SAPOL's operations, thereby releasing more sworn officers onto frontline duties. Is this starting to penetrate at all? Is this some RP7-like explanation for you? Is it starting to penetrate through the rusty gears of your mind?

That extra resourcing, that extra funding, has enabled the creation of this new task force, bringing it together and allowing the extra resources to be provided to those service areas that were previously providing the staff for those two separate operations. That's the third time I have explained it to the fledgling member for Bragg. It seems that it's not sinking in. Perhaps it's wilful ignorance

rather than just his misunderstanding. It is a remarkable effort. He has had it explained by the police minister on several occasions and by the police commissioner, and it still doesn't seem to gel. There are plain facts for the member for Bragg, but still it doesn't sink in.

The remarkable thing, though, is what sits behind this strategy because he peddled the story, of course, to the media over a week ago. The media, including *The Advertiser*, has run the story but here we are, finally he gets a question for the first time this year, as I understand, and he is still persisting. But maybe they were just keen to move on from the leader's strategy of criticising the government for acting to save the steelworks at Whyalla. I'm not sure.

What was served with the coffee that made you think it was worth giving Sanjeev Gupta \$50 million of taxpayers' funds? Was it a Bacci? You strike me as a Raffaello kind of guy. Was it the white chocolate? Was it a \$50 million Ferrero? Was that what it was? It's extraordinary that two people can have the same experience: one comes out and acts to save the steelworks and somebody else comes out and says, 'Let's give Sanjeev Gupta \$50 million.'

The SPEAKER: Just a heads up for the Minister for Police: your sock puppets will be ruled out of order as a display, but interpretive dance, we may be open to that.

YOUTH CRIME ROUNDTABLE

Mr BATTY (Bragg) (15:05): My question is to the Minister for Police. Will the minister be sitting on the expert round table on youth crime and, if so, can he advise who else will be sitting on the round table and on what date it will first meet?

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries, Minister for Police) (15:05): As the Attorney-General announced this morning, this is a round table that he is convening of not only the criminal justice agencies that report to him, but he has been speaking, of course, not just with me and with other cabinet ministers and the police commissioner, as I indicated earlier, but now he is seeking to expand those consultations.

If the member for Bragg is after a full list of people who will be attending that, I am happy to take that away and liaise with my colleague in the other place, the Attorney-General. He has made it clear, as indeed has the presence of the police commissioner in making the announcement today for the television media, that he has been consulting with South Australia Police and that has led to the announcement that was made today.

It's another example of this government making sure that we do the consultation properly in advance of settling a bill to come into this place. That's the approach that we have taken on more than 30 occasions in toughening legislation to better protect the community. It's the approach we have taken on knife crime: to come up with a comprehensive package of reforms to make sure that we had a much better regime controlling the sale of knives.

Those opposite, some of whom would be aware of the detail of this reform, would know that it enables the police, for example, to have metal detector searches at a much broader range of activities and events throughout the community. It expands the definition of a school in the offence so that somebody possessing a knife at school includes universities, childcare centres, preschools and other educational facilities. It requires the safe storage of knives. It is a comprehensive reform, as well as prohibiting the sale of knives to 16 and 17 year olds.

If you contrast that approach, a comprehensive set of law reforms to knives as they are supplied here in South Australia, to what those opposite came up with, which was a one-line response about the sale of knives to 16 and 17 year olds, you can see the value of the two different approaches. You do the work up-front and you do the consultation up-front and you get a better result. If you rush out without giving it thought, if you don't think these things through properly, then you don't actually get a proper response to the issue.

On that one, that ill-thought through approach on something like knife crime, that's the sort of thing that would lead you to making a contribution to a debate where you are talking about your visit to an RSPCA shelter rather than talking about knife crime. It's one thing to go to an RSPCA shelter somewhere near a hotel that may or may not have had a knife incident once before, but that's, I guess, a reflection of not having enough to contribute to the debate, where you are filling it up with

tales of family cat purchases rather than knife crime reforms. So that's where it comes. We have the shadow attorney-general walking us through the travails of his family in acquiring new cats into their household rather than talking about knife crime during a parliamentary debate about knife law reform. That's the approach of the opposition: talking about kittens rather than knives.

CLARE VALLEY WATER LEVY

Ms PRATT (Frome) (15:09): My question is to the Minister for Environment and Water. What does the minister say to Clare Valley residents like Annabelle Freeman? With your leave, sir, and that of the house, I will explain.

Leave granted.

Ms PRATT: Residents pay a water levy of approximately \$260 but have had no water to pump because they have been dry for the last two years. The department notice stipulates, and I quote, 'Interest accrues on an unpaid levy from the due date in accordance with section 83 of the Landscape South Australia Act 2019.'

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Climate, Environment and Water, Minister for Industry, Innovation and Science, Minister for Workforce and Population Strategy) (15:10): I can sympathise with people who are dealing with not having water when they are used to having water. The truth is, the way that the Landscape Act works—and it was most recently updated by your side of politics, which didn't touch any of the rules to do with the water levy. You didn't touch them, totally happy with them—changed the law, changed the name, because apparently 'landscapes' is something used in Scotland. That was an expression that was used. It had to have its own name, but didn't change anything to do with the law.

There have been recommendations made for having a proper look at the water levy approach, made in a review done by the Hon. John Hill, and that is under consideration at the moment within the department and is something that I think is likely to form the basis of legislative reform in the next term of government should we be in a position to do that. In the meantime, I am wanting to hear from people who are in particularly difficult circumstances, so I would urge your constituent to write to me. If she has already written to me then we are already looking at it.

WINE INDUSTRY

The Hon. D.R. CREGAN (Kavel) (15:11): My question is to the Minister for Trade and Investment. Can the minister please provide an update to the house on the export performance of the South Australian wine industry, and particularly the Adelaide Hills wine region?

The SPEAKER: The equal second-best wine region in South Australia.

The Hon. J.K. SZAKACS (Cheltenham—Minister for Trade and Investment, Minister for Local Government, Minister for Veterans' Affairs) (15:11): I certainly thank the member for his question and his advocacy for his Adelaide Hills. Mr Speaker, as you have touched on, it's a dangerous position to pick a favourite wine region in a chamber full of very keen advocates for their region: McLaren Vale, Adelaide Hills, Limestone Coast, Coonawarra, Clare Valley, Riverland—

Mr Pederick: Langhorne Creek.

The Hon. J.K. SZAKACS: —Langhorne Creek and—the member for Flinders is not here, but to his credit—Lower Eyre Peninsula as well. The wine industry has certainly had a number of tough years and within that there has been a degree of resilience from winemakers and wine exporters that has been extraordinarily important to their recovery. We know that through the former Morrison government relations with our major trading partners played second fiddle to the politics. The need for open dialogue with all of the \$17 billion worth of export partners that we have in South Australia is critically important.

The wine industry itself, particularly with respect to the Adelaide Hills, has been well supported by its peak associations, by Wine Australia, but also—with the direct support of our government since the reopening of trade with China—it has seen significant and material improvement. In fact, in the 10 months since the tariffs were lifted and the effective ban of wine into China was lifted from March of last year, \$760 million worth of South Australian wine has now been

exported to China. It is a great outcome for South Australian wineries, but also more important is the important outcome for regional communities, just like the member for Kavel's up in the Hills.

With data just to hand, as I have been sitting in the chamber today, in the last 12 months over \$1.8 billion worth of South Australian wines have been exported from South Australia to the world. It is that premium offering which is getting us into these jurisdictions. It is the continual effort from wineries, from associations and from government to kick down doors, to diversify and to open new markets that are seeing this particular improvement.

One of the particular programs of which the member for Kavel and his constituent wineries will be particularly interested in knowing is the Department for State Development's recovery program, which has seen wineries like Shaw and Smith, Tapanappa, Bird in Hand and Tomich continue their success. That has been as a direct result of the announcement, implementation and execution of our government's re-engagement workshops and package which have seen this occur.

In fact, we held recently a major workshop in the Adelaide Hills which not only saw the Adelaide Hills wine region showcased but brought together all of South Australia's great wine regions, including McLaren Vale, to devote attention to and open new markets across Korea, Japan, Vietnam, Thailand, Taiwan, Hong Kong and Singapore, just to name a few. The reason that this is important is that, notwithstanding the member's interest in the recovery post-China, the first and foremost priority of our government is diversification, and we have seen some fantastic results that are backing that in.

Parliamentary Procedure

VISITORS

The SPEAKER: Today we are honoured to have with us members of the Royal Adelaide Hospital auxiliary group, who are here as the guests of the member for Adelaide. Thank you so much for all your wonderful work and it is great to have you here. I hope it didn't get too rowdy for you.

Grievance Debate

CRIME STATISTICS

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (15:16): There is some absolutely astonishing feedback that we have learnt today, after three years of Labor being in power. While crime has soared Labor has ignored. We know they still have not fixed the ramping crisis and they basically now have torn up the only energy policy that they had. They have torn it up and, of course, South Australians continue to suffer from some of the highest power prices in not only the nation but also the world.

This week we saw the government on the backfoot on various issues that really matter to South Australians. We have now learned that they do not have a plan to bring down power prices for South Australians and they have delivered 32 of the worst months of ramping in South Australia's history. Of course, they were indeed elected basically on one promise and that was to fix ramping. And it took the opposition, and effectively a citizen's arrest in Rundle Mall, for the government to finally start to attempt to address what is a very serious spate of crime in our state.

This government's priorities—they said quite clearly that they would fix the ramping crisis and that they would help with electricity bills, but at the moment what we have seen is they have absolutely failed to deliver. And what about jobs for the boys? Even though the hydrogen bubble has burst—it has burst in Australia and it has burst all around the world—we are still paying one of the Premier's Labor mates around \$600,000 a year, making him the fifth highest paid public servant, paid more than the chief executives of education, child protection, primary industries, and defence as well. What is this guy doing?

This is while businesses across South Australia are struggling to keep the lights on, literally. Their power bills they are showing us are sometimes in the tens of thousands of dollars, week in and week out. We are seeing hospitality businesses closing their doors as well. But not the head of the hydrogen office. What's he doing? Well, let me tell you, he is certainly sitting very pretty, on over half a million dollars a year.

We heard this week, unfortunately, about the harrowing tale of Mr Haigh, who after suffering a stroke was left to languish for hours and hours in the Lyell McEwin Hospital last week. Mr Haigh I believe remains in hospital and our thoughts are with him and his family. His wife, Brigitte, was brave enough to tell their story publicly this week. Unfortunately, even after three years of this government, we are seeing cases like Mr Haigh's all too regularly. But don't just ask me, let's also hear about what the Australian Medical Association had to say recently about the state of Labor's health system in its recent hospital report card. I think you will find it very interesting.

Let's go through it. Firstly, it said: 'South Australia's emergency department performance went from bad to worse in 2023-24.' It goes on to say: 'Only 50 per cent of ED presentations were completed in the required time, a near worst-in-class performance.' Then it goes on further: 'Just 38 per cent of ED patients triaged as urgent were seen on time, down 65 per cent from 10 years ago.'

What this means is that 60 per cent of patients triaged as 'urgent' in our hospital system are not seen within the clinically required time. That is not fixing the ramping crisis. In fact, according to this evidence here, in some respects it has actually never been worse. This is frightening for patients. It is frightening for their loved ones, just like Mr and Mrs Haigh. Obviously, Labor said that they would fix the ramping crisis, but the truth is, in some respects, it is only getting worse.

When they are not making the health system more dysfunctional, Labor of course likes to play their hand at letting the justice system slip into disarray. Case in point: what we have seen today is a fail on bail, a fail on bail for the last two years while we have been calling on this government to review the bail laws. We know that, despite what the government wants to cherrypick, breach of bail by adult offenders is up by around 20 per cent. Breach of bail by youth offenders is up by around 60 per cent. Unfortunately, it has taken the opposition hounding this government for them to finally wake up to the crime crisis that is plaguing our streets.

At the moment, you cannot go one weekend without seeing evidence of this crime crisis on our streets, and the government know it. These victims could have been spared. These are crimes that would have never been committed had this government actually taken this matter seriously, but of course they have been distracted. We know that we have around 20 youth offenders who are committing around 11 per cent of total respective crimes. They are having regular interactions with the justice system, yet our government just cannot seem to get a handle on these criminals.

The promises that they made are not worth anything, quite frankly. They cannot keep their promises, they cannot deliver on what matters, and the people of South Australia deserve much, much better.

ROYAL ADELAIDE HOSPITAL AUXILIARY

Ms HOOD (Adelaide) (15:21): Today, I rise to celebrate the 100th anniversary of the Royal Adelaide Hospital Auxiliary. In the gallery today, I am pleased to be joined by many of the 18 active volunteers of the RAH Auxiliary. I thank each and every one of them for their efforts, including Debbie Conlon for helping me bring everybody together to the parliament today to acknowledge this significant milestone. It was in June 1924 that a proposal was published in the *Adelaide Observer* by Lady Moulden, a local philanthropist, which stated:

Lady Moulden has submitted an offer to the Government to establish an auxiliary department at the Adelaide Hospital for the sale of refreshments for visitors and others and dainties suitable for patients, and for the free provision of linenware made at sewing meetings of the members of the committee. The Government is favourable to the scheme, and has promised to set apart a site for a kiosk in the Hospital grounds.

A few months later, Lady Moulden said of the auxiliary's impending establishment:

Our aim is not only to provide linen for the wards but to give something that cannot be bought, and that is human interest. We want the public to show its sympathy, for that will make a tremendous difference to the patients and staff.

It was last Tuesday 25 February that marked exactly 100 years since the Royal Adelaide Hospital Auxiliary volunteers officially began selling cakes, jams, magazines and toiletries in a small wooden cabin by the hospital's main entrance gate. Back then, all articles were donated and the cakes and jams were made by a few dedicated women in their own homes. By the end of that year, the kiosk

had moved to its very own new building, the Sheridan Building, the small, round, iconic building on North Terrace that is now home to a new cafe, Table on the Terrace.

Initially, money was raised by the auxiliary to fund a women's hospital. Instead, a women's section was established in the east wing of the RAH, which was built in 1961, to which the auxiliary donated an incredible £171,000. From then on, financial assistance has been given to patients through the hospital Social Work Department, and in 1966 the auxiliary began providing funds for the purchase of specialised medical equipment for use within the hospital.

Some of the auxiliary volunteers were in the 'sewing room', which made thousands of sewn items for patients and wards and was last based in the stables in Austral House, now known as Ayres House. In 1990, after almost 65 years in its own little building, the kiosk moved into the new entrance to the hospital, and members enjoyed modern facilities and lots of space to cope with the ever-increasing trade. In 1993, the amount donated to the hospital for equipment and social work hit an incredible \$1 million, and by 2024 almost \$10.5 million had been donated back to the Royal Adelaide Hospital.

Since the move to the new Royal Adelaide Hospital the auxiliary now operates at SARAH's Gift Shop, which sells mostly locally designed and produced gift, craft and sewn items to patients, staff and visitors of the Royal Adelaide Hospital. Donations are now focused on funding research into rare cancers through the RAH Research Fund.

Once again, I want to give my heartfelt thanks to current volunteers who join me in the gallery today, and to each and every volunteer who has donated their time and their talents over the last 100 years to give back to the hospital, its patients and their families. On a personal note, as a teenager, my family moved temporarily from Naracoorte to the city for one of my parents to undergo cancer treatment at the RAH, and I remember as a kid running down to the kiosk to sneak a chocolate or a soft drink and your beautiful friendly smiles were a real comfort to our family during that time, so thank you so very, very much.

Today we are joined in the gallery by Wendy Polkinghorne, Dorinda Coppe, Margaret McPhee, Barbara Burn, Mary Dowie, Ann Phillips, Shirley Cock, Chantal Tse, Virginia Parsonage, Debbie Conlin, Dorothy Divito, Jane Heyndyk, Nigel Divito and Elizabeth Bedgood. All of you are such kind, caring and committed quiet achievers and we are so incredibly grateful for your efforts. Happy 100th.

The SPEAKER: Thank you again for all your tireless work, and what a great celebration it is for the centenary. Can I just ask the member for Unley and the member for Morialta, when people are doing their grievance debates if you could take your conversations out there or listen in silence, thank you.

YOUTH CRIME

Mr BATTY (Bragg) (15:26): It has taken the Liberal opposition today to wake the Labor government up to the youth crime crisis that has been sweeping South Australia for the last three years. We have finally woken them up to this youth crime crisis and they have arrived with a plan. The Attorney-General and the part-time police minister must have been up all night on Canva coming up with this new so-called Young Offender Plan, which is pretty light on detail—lots of great info graphics but no actual legislation that we are seeing after this tough new announcement today.

We of course welcome Labor's new-found interest in tackling the youth crime crisis, but this is something that should have happened months ago, this is something that should have happened years ago, and I just do not understand why Labor are always playing catch-up when it comes to law and order in South Australia. It is not like we have not had enough stark reminders that you might need a young offender plan before about three years into your term—and it needs to be a bit longer than six triple-spaced pages.

We have had so many reminders. Youth crime has skyrocketed under the Malinauskas Labor government. We have seen a 50 per cent increase in cases before the Youth Court since 2021. We have seen SAPOL data showing a 40 per cent increase in charges against youth offenders in just the last year alone. The Premier's response in question time today seems to be doing some sort of bizarre victory lap on youth crime and celebrating the fact that we are lower than other states. But if

a 40 per cent increase in the last year according to SAPOL data, and a 50 per cent increase since 2021 according to courts data is not a problem, then I do not know what is.

We have been calling this out for a long time and we have been expressly saying for a long time that a small cohort of youth offenders are a really big part of the problem. We seemingly have a handful of youth offenders who are repeat offenders engaging with the criminal justice system like it is some sort of frequent flyer program at the moment, while those opposite have done absolutely nothing about it.

It is one of the reasons why we have been calling, for the better part of two years, for a review into penalties, but in particular a review into bail laws for youth criminals in South Australia. Those calls from the Liberal opposition have fallen on deaf ears for the last two years, while sadly crime has increased, youth crime is increasing, and what that means is the number of victims of crime has increased while those opposite have done absolutely nothing.

So they walk in here today, wielding this new Youth Offender Plan, and what we have got there is this long-awaited review into breach of bail, which is great to see but, again, it should have happened months ago, it should have happened years ago, and we now need to know what it is going to look like.

Those opposite could not answer simple questions today about the scope of the review, about the timing of the review. We still do not know when the bail review will commence or be complete. The average SALRI review takes about six to 12 months. I think the New South Wales government undertook a similar review and it took them about a year, and then another year beyond that to actually legislate anything.

If the government was really serious about cracking down on youth crime, they would not be walking into parliament today with the Attorney-General's Canva document. They would be walking in here with a bill that actually implements these tough new penalties that they have been talking about in the media. They do not exist; they are nowhere to be seen. We need to see the detail, because we cannot afford to take this business-as-usual approach to youth crime that has got us into this mess in the first place. We cannot afford to sit on our hands for the next two years, just as the Attorney-General and the police ministers—the various police ministers—have done for the last two years.

If we do not act, we see what happens. Where were the government's tough new laws at the Elizabeth shopping centre last year when we had teenagers going around stabbing other teenagers? Where were the government's tough new laws in the Rundle Mall last year when we had gangs of youths engaging in these wild brawls? Where were the government's tough new laws last year when the machete became the weapon of choice for youth criminals and we had teens roaming the streets and suburbs wielding machetes and engaging in violent home invasions? It is time for the government to actually prioritise community safety. It is time to actually realise and acknowledge that there is a youth crime crisis and get on with doing something about it, instead of just hunting for headlines.

PARALOWIE POST OFFICE

Mr FULBROOK (Playford) (15:31): I wish to share the story concerning the recent closure of the Paralowie licensed post office and the unhappiness felt in the aftermath. In bringing this to the chamber, may it serve as a warning to the 46 other members here that the same fate could easily befall a community that you represent. By way of background, this post office operated in the Paralowie Village Shopping Centre and closed its doors for the last time on 21 February.

To those unfamiliar, this was a licensed post office, similar to many operating in country towns, whereby a private operator delivers a service rather than Australia Post directly. In this case, the licence holder has chosen to retire, with the licence handed back to Australia Post rather than it being sold. I know the former operator well and make no judgement on him, and I point out that he has been exemplary in supporting our local community.

When the news was broken to me by a staff member of Australia Post, I asked if it would be possible for a new licence to be granted should an appropriate operator step forward. I asked this on 30 January and was told it would require a thorough analysis. You be the judge of this: a week later

I received an email in reply advising me that it would not be viable. This is despite the fact that the growing suburb of Paralowie has over 17,000 people, and while we do not begrudge smaller communities I can think of many that can still support a licensed post office.

The shocking response also comes after news of a very reputable entity expressing interest in operating the post office just a few days after I posed the question. I will not divulge details, but I will point out that when I was studying marketing a thorough analysis was not something you reached a few days after a question was asked—especially after somebody approaches you in between. To be fair to Australia Post, I was told their decision in part was to support the viability of nearby licensed post offices. Granted, these small businesses need our support as well, but when I spoke to one of them they were deeply concerned at being overwhelmed at picking up a significant proportion of the now dispersed 17,000-strong customer base.

We can draw our own conclusions about whether the decision not to grant a new licence had already been made before someone came forward, but the fact remains that due to a business decision the people of Paralowie are now unfairly disadvantaged. In an attempt to try to show Australia Post that the customer base is still out there and that a new post office would be supported, I started a petition, politely asking that the decision be revisited. On 13 February (my birthday), the Mayor of Salisbury, Gillian Aldridge, and I stood at the Paralowie Village Shopping Centre to collect signatures. In just 2½ days 1,236 signed up, with strong support from not just Paralowie residents but also many from Burton and Salisbury North who were keen to add their name.

Our next step has been to present these to Mr Paul Graham, CE of Australia Post. I am very grateful to the federal member for Spence, Mr Matt Burnell, for cosigning my covering letter calling for a reversal of this position. As our letter points out, while the outcome may be seen as purely transactional, it represents the loss of a vital service so many rely on, including the elderly, people living with disability and those without easy access to transport. We feel it is unfair they should be disadvantaged because of a business decision in which the people of Paralowie, through no fault of their own, have been caught in the crossfire.

Regrettably, the closure of post offices is not something this house is unfamiliar with. Having said that, the circumstances I described, whereby a licence has been surrendered only for Australia Post to grant a new one, could be new territory. The people of Paralowie—indeed any community that suffers a similar fate—deserve a lot better than this and I hope others will heed this warning. We simply ask for fairness. Rather than an outright no, Australia Post should be open to granting a new licence based on merit rather than what appears to be a process with questionable due diligence.

STURT HIGHWAY

Mrs HURN (Schubert) (15:35): I rise to speak on something that is really important in my local community. You would appreciate that being a regional member of parliament there are many locals who focus on road safety. We need to make sure we have quality roads but we also need to make sure that they are safe roads. One road at the moment that is causing a lot of concern in my local community is the Sturt Highway.

The issue that I am about to outline was in *The Leader* newspaper this week. I would like to give a shout-out to *The Leader*: just recently they were awarded the Best Newspaper in the country for 2024. A big shout-out for them and in particular for covering such an important story in our local Barossa community.

To paint a picture of the situation that I am concerned about: it is the Sturt Highway, an extremely busy national highway. It is the main link between Sydney and Adelaide which sees up to 10,000 vehicles—primarily heavy vehicles—on a very particular stretch between Barossa Valley Way and Stockwell Road. This stretch of the Sturt Highway is only one direction each way, there are no overtaking lanes and it is 110 km/h. It is extremely concerning for not just families who are living along this road but the really critical businesses that are living off of the Sturt Highway, whose workers are really concerned about their safety.

They have reported multiple near misses. They have reported actual accidents largely caused by the fact that these trucks and cars are going at 110 km/h. We potentially have drivers who are inattentive, or they might simply just not notice the fact that there is a car in front of them indicating

to go into their place of work and they cannot brake quickly enough. People are really frightened. In fact, I was on site only a couple of weeks ago speaking with dozens and dozens of local workers and people who are living on this stretch. They are saying that something just has to be done to improve this road safety situation.

We have workers from Ultimate Engineering and Maintenance Services, we have Suber Oak, we have Wems Engineering, Filmer Delivery and, of course, the local families who are all living along there. Workers were telling me that they honestly feel as though they are rolling the dice and playing Russian roulette with their life every single time they are driving to work. That is just not something that we should be seeing anywhere across South Australia.

I have written to the former police minister about this on numerous occasions. I have written to the new police minister about this, urging him to get boots on the ground in my community and see this firsthand. What I do find, and certainly this is the approach that I take as a local member of parliament, is that you have to get boots on the ground yourself to actually see how dangerous a situation is. It is so easy for people to sit in Adelaide and pop it into Google and just make the assumption that there is no problem, but you need to get out there and see it for yourself, to speak with workers who are going into their businesses every single day worried about their lives. You simply cannot ignore these road safety concerns.

What I would love to see is (a) for the minister to come and get boots on the ground, but (b) I think there needs to be a really short, sharp review to look at all types of things that could potentially alleviate some of these concerns, whether it is looking at turning lanes into these businesses that I have mentioned, whether it is just extending the 80 kilometres speed sign just by a few hundred metres so that people can have that peace of mind, even if it is just putting in some additional signage about turning vehicles. But one thing I know is that something has to be done to improve this situation. It is so critical.

These businesses have started a petition. It is something that I am supporting very much so as the local member of parliament, and I am looking forward to tabling that in this place and helping them to get the signatories for that petition to show the government that it is really, really important. I think when regional members of parliament particularly bring road safety concerns to this place, we are not mucking around. Something needs to be done, and I am standing with these businesses that are not just bringing it to my attention but urging the government to act. We need a short, sharp review just to get on top of these issues that we are seeing on the Sturt Highway. I would like to thank *The Leader* newspaper for bringing this to the community's attention.

O'BRIEN, MR G.E.

The Hon. A. PICCOLO (Light) (15:40): Today, I would like to honour a remarkable individual, Mayor Bill O'Brien of the Light Regional Council, who has announced that he is stepping down this month after dedicating more than 14 years of his life to the role, serving the community with unwavering commitment, integrity and a heart full of compassion. Over the years, I have worked with Mayor Bill O'Brien on a number of issues. On top of the profound impact he has had on the community, I would also like to reflect on the extraordinary journey he has taken.

Affectionately known as Mayor Bill, he was born in Western Australia as Garnet Edward. His journey began in humble beginnings, but it was his character, not his name, that defined him. From a young age, Bill showed resilience and determination to rise above the challenges life threw at him. Growing up in the rough inner suburbs of Melbourne, he developed a strong sense of independence and a dedication to honesty, mateship and loyalty. His early years were marked by a series of diverse experiences, from working as a milkman in the streets of Collingwood and Fitzroy to serving in the Air Force during the Vietnam War. These experiences shaped him into the compassionate and steadfast leader we know today.

His journey has taken him from the inner suburbs of Melbourne to the picturesque town of Kapunda, where he built a life with his beloved wife, Marilyn. Bill started his life in our region as a wine waiter at Weintal in Tanunda and then as a tour guide at Seppeltsfield Winery. Throughout his life, Bill's commitment to community service has been unwavering. His love for sports and fitness is evident in his 65-plus marathons and numerous triathlons, translating into his dedication for

promoting a healthy and active lifestyle in our community. As the owner of 'Tri-Sports' in Tanunda, he brought joy to many, especially the young ones, with his genuine care and enthusiasm.

Bill's career in local government began with his role in tourism development at the District Council of Kapunda, which later became Light Regional Council. Despite facing political challenges, Bill's determination and commonsense approach saw him rise to the position of general manager of Central Darling Shire Council in Wilcannia. Under his leadership, the council achieved remarkable success, winning top shire in the state.

Returning to Kapunda, Bill continued to serve the community, eventually being elected as mayor. His tenure as mayor of Light Regional Council has been nothing short of transformative. His leadership has been marked by significant achievements, including, more recently, bringing forward and completing council's 15-year towns paved footpaths and sealed roads upgrade program in just three years; the Gawler River Water Reuse Scheme; the Kapunda Town Square; the major heavy vehicle freight route bypassing Kapunda; and the relocation of the Kapunda Bowling Club to Dutton Park, acknowledging the 80,000 hours of voluntary labour used for the new and outstanding undercover facility.

His focus on sustainability, economic development and tourism has positioned the Light region as one of the most progressive in the state. Mayor Bill's commitment to fairness, equity and community engagement have earned him the respect and admiration of all who know him. His involvement in various community organisations, such as the Eudunda Kapunda Health Advisory Council, Meals on Wheels and the University of the Third Age, showcases his dedication to making a positive difference in the lives of others.

As Mayor Bill steps down, we remember his warmth, genuineness and the personal touch he brought to his role. His legacy will live on in the projects he has championed, the lives he has touched and the community he has helped shape. On behalf of the community, I want to express our deepest gratitude for Bill's years of service, his unwavering dedication and his boundless passion for our community. However, I am confident that his involvement in the community will continue, and we all look forward to seeing the new and exciting ways in which he will contribute to the broader community. I take this opportunity to thank Mayor Bill for everything he has done for the community in the Mid North. We wish him all the best in his future endeavours and hope that he continues to inspire and uplift those around him.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence) (15:45): I move:

That the house at its rising adjourn until Tuesday 18 March 2025 at 11am.

Motion carried.

Bills

STATUTES AMENDMENT (TOBACCO AND E-CIGARETTE PRODUCTS—CLOSURE ORDERS AND OFFENCES) BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Ms CLANCY (Elder) (15:46): I rise today in support of the Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025. Tobacco smoking remains the leading preventable cause of disease and death in Australia. In South Australia right now, there are approximately 260,000 adult smokers, about two-thirds of whom will be killed by their smoking if they do not quit. We need to do whatever we can to stop people smoking and vaping and prevent people from taking it up in the first place. Disrupting supply is one way we can do that.

The primary purpose of this bill before us today is to expand SAPOL's powers to tackle illicit tobacco and e-cigarette sales in South Australia. Consumer and Business Services have had responsibility for licensing and the enforcement of functions related to illegal sales of e-cigarettes

and tobacco since July last year. Consumer and Business Services now assess new licensing applications, ensure existing licensees are complying with the law, and investigate and prosecute offenders. Our new closure orders, which allow authorised officers and the courts to immediately close down unlawful activity relating to illicit tobacco, have proven to be very successful. The Minister for Consumer and Business Affairs has utilised the new closure laws to issue six interim closure orders since December 2024.

In addition to these increased compliance powers, the Malinauskas Labor government has passed legislation that seeks to directly counter the sale of e-cigarettes and illicit tobacco to children and young people, including banning the supply of vapes to anyone under 18, even by prescription; banning vending machine sales of tobacco products in public areas; and creating smoke-free and vape-free buffer zones for enclosed public transport areas.

I would like to share a story from my electorate of Elder and the office in relation to this bill. Last year, we received an email from a local resident. Attached was a picture of a massage parlour on my section of South Road, and handwritten on an A-frame outside the shop was 'cheap cigarettes and vapes'. This concerned local had contacted me to find out if it was legal to sell cheap cigarettes and vapes from a little shop on South Road.

Accordingly, my staff forwarded the email and picture to our local police, who were very responsive and helpful—we are very grateful to them—and little more than a few days later we received a call from the sergeant to let us know that yes, in fact, the massage parlour was selling illegal tobacco and vapes. The shop's stock was seized and the owners were fined \$3,000. Our constituent was very pleased that his quick email through to our office had shut down an illegal seller. Unfortunately, not all illegal sellers of illicit tobacco and e-cigarettes are quite so transparent or brazen as to put a sign out onto South Road, so tougher compliance approaches are necessary to tackle the criminal activity responsible for distributing these substances throughout our communities.

Enforcement agency intelligence has identified that up to 75 per cent of the illicit trade of tobacco and e-cigarette products in Australia is being controlled by organised crime groups. The Commissioner of Police has rightly requested additional powers to confront the challenges in policing this issue. We, as a government, are prepared to act to provide our enforcement agencies with the legislative instruments they need to prevent children and young people's exposure to these poisons. These amendments will introduce greater police enforcement powers. The bill will also bring in:

- new penalty levels and increased fines of up to \$6.6 million for supply and possession of commercial quantities of illicit tobacco and vapes;
- the creation of new offences for a person who allows a premises to be used for prohibited conduct, such as the sale of illicit products; and
- enhanced information-sharing powers to support enforcement operations and allow for improved communication with owners, building managers and the public.

South Australia Police will be able to undertake general drug detection and random weapon and explosive searches, including the use of detection dogs and metal detectors in locations suspected of unlawful conduct relating to illicit tobacco, e-cigarettes or other prohibited products.

The Malinauskas Labor government will ensure we have the harshest fines of any state or territory in the country for supplying or possessing commercial and large commercial quantities of these prohibited products. Because, as we all know, vaping and smoking do serious damage to everyone, and especially to our children and young people. As a parent, I hate the idea of my child taking up smoking or taking up vaping, and I am sure every person in this chamber and in this building feels the same. No-one is going to be celebrating that.

We do presently see improvements in vaping and smoking rates among 15 to 29 year olds, which have reduced by about a third when compared to 2023. This is a direct result of what we have been doing to support our schools, with training for staff, social media campaigns and increased resources all contributing to the reduction in youth vaping. Education department data shows suspensions relating to vaping have reduced, a sure indication that what we are currently doing is working.

My worry, and I am sure I am not alone in this, is that an increasing number of illicit tobacco and vaping products coming into the market has the potential to interrupt our successes, so we must support our enforcement agencies to keep South Australians safe from these deadly products. With this amendment bill, our government is showing its commitment to improving public health and safety outcomes in South Australia. I commend the bill to the house.

Mr DIGHTON (Black) (15:52): I rise to speak in favour of the Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill. As has been stated, tobacco smoking remains the leading preventable cause of disease and death in Australia. There are approximately 260,000 adult smokers and about two out of three of these people, if they do not quit, will be killed by their smoking. Smoking also costs our state health system in excess of \$2 billion each year.

Unfortunately, I am the son of a smoker and I have seen the impact of smoking on my father and other family members. It was the experience of being the child of a smoker that in many ways meant that, unlike many of my peers growing up, I was never interested in trying cigarettes on any occasion.

I am proud of the work of this government through action, including legislation, education and other initiatives, implemented over a number of years, which has led to significant progress in reducing smoking prevalence in our community. Some of those initiatives have included:

- \$16 million over the next four years to tackle the growing trade in illicit tobacco;
- taking action against people thinking they can sell illicit tobacco and e-products; and
- Consumer and Business Services assuming responsibility for licensing and enforcement functions of illegal sales of e-cigarettes and illicit tobacco—CBS is now responsible for assessing new licence applications and ensuring existing licences comply with the law, investigating and prosecuting offenders.

This tough compliance approach is necessary to tackle the criminal activities that are occurring and is more closely aligned with the current compliance work. Last year, legislative changes included:

- banning the supply of vapes to a person under 18, even by prescription;
- increased penalties;
- banning vending machine sales of tobacco products in public areas;
- introducing a new authority to ban novel products that are marketed as alternative to vapes;
- creating a smoke-free and vape-free buffer zone for enclosed public transport areas;
- allowing the issue of a closure order on premises so that authorised officers and the courts can immediately close down unlawful activity relating to illicit tobacco; and
- updating licence and enforcement provisions to allow for greater capacity to enforce breaches of the law.

However, the fight against the harms of tobacco continues. These new measures have been used by CBS and South Australia Police to seize illicit products across the state. It was pleasing to hear that earlier this year approximately \$12.5 million worth of illicit products had been seized by enforcement agencies, including over 10 million cigarettes, more than four tonnes of tobacco, more than 400 kilograms of shisha and more than 55,000 vapes. These seizures occurred over an eight-month period between July last year and February of this year.

Since the closure orders started on 13 December 2024, the Minister for Consumer and Business Affairs has issued six interim closure orders and applied for one long-term closure order. That is currently progressing through the courts. This is important action by the minister. I have seen shopfronts in my electorate that market the sale of candy as well as shisha products. Whilst we cannot be sure necessarily of the legality or illegality of that, but one cannot help but sense it seems a little bit sinister that these shops sell both candy and tobacco products.

Enforcement agency intelligence has identified that up to 75 per cent of the illicit trade of tobacco and e-cigarette products in Australia is currently being controlled by organised crime groups. The Commissioner of Police has requested additional powers to tackle this issue, and the government is willing and prepared to provide our enforcement agencies with the tools they need to disrupt the illicit tobacco trade.

The amendments of this legislation include an introduction of greater police enforcement powers, new penalties, increased fines of up to \$6 million for the supply and possession of commercial quantities of illicit tobacco and vapes, the creation of new offences for a person who allows a premises to be used for a prohibited conduct, such as the sale of illicit products, and enhanced information-sharing powers to support enforcement operations and allow for improved communication with owners, building managers and the public.

South Australia Police will be able to undertake general drug detection, random weapon and explosive searches, including the use of detection dogs and metal detectors in locations suspected of unlawful conduct relating to illicit tobacco, e-cigarettes and other prohibited products. South Australia will also have the harshest fines of any state or territory in the nation for supplying or possessing commercial and large quantities of prohibited products.

The South Australian government was an active player in national vaping reforms, as well as taking other strong actions against this serious health problem, including:

- running media advertisements and campaigns about vaping across various mediums, including Instagram, TikTok, YouTube, radio and outdoors. In my experience, and from a schooling perspective, vapes are often for sale and promoted through a medium such as Snapchat, which unfortunately is a medium that is very difficult to monitor;
- supporting schools with education campaigns and resources;
- introducing new vape and smoke-free areas; and
- imposing licensing conditions to reduce the illegal sales of tobacco and vapes.

I can tell you from my experience as a schoolteacher the impact that vapes have, both on the individual health and wellbeing of young people and also within a school community. I am aware of at least two instances, including one on school grounds, where a student had a medical emergency because of vape use and, in particular, their body's reaction to substances within the vapes.

The students who used the vapes had no idea of the harmful chemicals that were contained within them. Of course, the unregulated black market means that these products are not regulated and therefore are unsafe. Additionally, I know of several students—and when I say 'students' I am talking about middle school students—who as a result of vape use had developed nicotine addiction. These are year 7s, 8s and 9s. Their families had to seek support from medical experts to manage their addictions.

The dangers of vape use are well known. According to the AMA, studies have linked vaping to acute lung injury, popcorn lung, tooth decay, along with ongoing nicotine addiction. Risks to the physical health of students are why school communities are undertaking many preventative measures to support students to both understand the risks as well as stop the use. Some of the measures implemented at my previous school community include the education of students and parents.

Vape detectors or monitors have been installed in school toilets, along with a number of punitive measures, including detention, suspension and, if required, expulsion. I can tell you firsthand of the significant additional workload created by installing vape monitors in toilets and the various follow-ups that had to occur as a result.

I was pleased to hear the Minister for Education has reported that suspensions relating to vaping in South Australia have dropped by 50 per cent. I know that despite a drop in suspensions, schools are continuing to allocate significant resources to change student behaviour. Additionally, I am aware of at least one occurrence where school communities, including parents, are working with SAPOL to identify commercial entities that are known to sell vapes to students. This is a great

example of commendable community action and I do want to emphasise the important role that parents play in supporting children to avoid such risk-taking behaviour.

I have, unfortunately, in my previous capacity met parents who were unaware of the risks of vapes and tobacco use, or in some examples even condoned the use of vapes for their children, assuming, unfortunately, that it was safer than cigarette use. I implore all parents to make sure they engage with their children around the dangers of vapes and tobacco more broadly. These law changes will reduce vapes from making their way into our school communities and hence allow school communities to focus on other academic and wellbeing goals.

It is pleasing that the South Australian Health and Medical Research Institute (SAHMRI) has conducted research and found that there has been a significant reduction in vape use amongst young people. Research from last year suggested that usage among 15 to 29 year olds was reduced by around a third, to 10.8 per cent, when compared to 2023, which was 15.1 per cent. This is a really pleasing statistic, but I know there is still much more work to do.

Again, according to the AMA, studies have shown that vaping significantly increases the likelihood of smoking cigarettes later by as much as five times. So whilst the data shows that the federal and state governments' vaping reforms are working, the illicit tobacco and vaping products currently available in the community have the potential to reverse these successes. We must ensure that our enforcement officers are supported to address the illicit sale of tobacco and e-cigarettes so we can continue to keep South Australians and our community safe from this illicit trade. I commend the bill to the house.

Mrs PEARCE (King) (16:03): As many of us know, tobacco smoking remains one of the leading preventable causes of disease and death in Australia. Here in South Australia there are approximately 260,000 current adult smokers, and about two out of three of those people, if they do not quit, will be killed by their smoking.

This was the experience of my pop. Watching him as a kid go through this process was truly devastating and left a lasting impression. As a country kid, most of his specialist appointments and treatments were in Adelaide. We were often taken out of school to be able to commute with him into town so he could receive assistance and treatment. Over time, we watched him slowly lose his dignity and his independence. It was truly crushing and certainly instilled in me a desire to see better in this space.

Smoking is also expensive. It is estimated to cost our state health system in excess of \$2 billion each and every year. Through government action, including legislation, education and other initiatives implemented over a number of years, we have made significant progress in reducing smoking prevalence across our community. This government has demonstrated a strong commitment to tackling illicit tobacco and e-cigarette sales across South Australia and in the last budget committed \$16 million over the next four years to be able to help tackle this growing trade in illicit tobacco and take action against anyone thinking that they can still sell illicit tobacco and e-cigarette products.

From 1 July 2024, Consumer and Business Services assumed responsibility of the licensing and the enforcement functions related to illegal sales of e-cigarettes and illicit tobacco. They are now responsible for assessing new licence applications, ensuring existing licensees are complying with the law and investigating and prosecuting offenders. This tougher compliance approach is necessary to be able to tackle the criminal activities that are occurring and is more closely aligned with the current compliance work.

Last year, our government also passed legislation that banned the supply of vapes to any person under 18 years old, even by prescription, and increased penalties up to \$1.5 million, banned vending machine sales of tobacco products in public areas, introduced a new authority to ban novel products that are marketed as an alternative to vapes, and used this to ban nicotine pouches. We created a smoke-free and vape-free buffer zone for enclosed public transport areas, allowed the issuing of a closure order on a premises so that authorised officers and the courts can immediately close down unlawful activity relating to illicit tobacco, and updated licensing and enforcement provisions to allow for greater capacity to enforce the law when breached.

However, the fight against the harms of tobacco continues. These new measures have been used by both Consumer and Business Services and South Australia Police to seize illicit products across the state. As at 13 February 2025, I understand that approximately \$12.5 million worth of illicit products have been seized by our enforcement teams. This includes more than 10 million cigarettes, more than four tonnes of tobacco, more than 400 kilos of shisha and more than 55,000 vapes. These seizures have occurred between July 2024 and February 2025, less than an eight-month period.

Since the closure orders laws started on 13 December, the Minister for Consumer and Business Affairs has issued six interim closure orders and applied for one long-term closure order, which is currently progressing through the courts. I would also like to take this time to thank the minister very much for all of her hard work and efforts to date in this space. Enforcement agency intelligence has identified that up to 75 per cent of the illicit trade of tobacco and e-cigarette products in Australia is being controlled by organised crime groups. The Commissioner of Police has requested additional powers to tackle this issue in South Australia, and this government is willing and prepared to provide our enforcement agency with the tools that they need to disrupt and end illicit tobacco trade in this state.

The Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025 seeks to amend both the Tobacco and E-Cigarette Products Act 1997 and the Retail and Commercial Leases Act 1995. The amendments include the introduction of greater police enforcement powers, something that I know has been called for in my community for some time; new penalty levels and increased fines of up to \$6.6 million for supply and possession of commercial quantities of illicit tobacco and vapes; the creation of new offences for a person who allows a premises to be used for prohibited conduct, such as the sale of illicit products; and enhanced information-sharing powers to be able to support enforcement operations and allow improved communication with owners, building managers and the public.

South Australia Police will be able to undertake general drug detection and random weapon and explosive searches, including the use of detection dogs and metal detectors in locations suspected of unlawful conduct relating to illicit tobacco, e-cigarettes and other prohibited products. We will also have the harshest fines of any state or territory in the nation for supplying or possessing 'commercial' and 'large commercial' quantities of prohibited products.

The South Australian government was an active player in the national vaping reforms as well as taking other strong actions against this serious health problem, including:

- running hard-hitting media advertising campaigns across a wide range of avenues including radio, outdoor and digital platforms such as Instagram, TikTok and YouTube;
- supporting schools with an education campaign, resourcing and staff training aimed at preventing children taking up vaping, helping those who want to quit as well;
- introducing new vape and smoke-free areas that commenced on the 1 March last year, banning vaping and smoking in a variety of public outdoor areas including at our schools and childcare settings and under-18 sporting events; and
- imposing tougher licence conditions on retailers to reduce the illegal sales of tobacco and vapes.

I have listened to many instances from concerned community members across my electorate regarding young people and the use of vape pens in public, whether that is in or around our local shopping centres, our parks and sports spaces, and even in our schools. It seemed that no matter where you went, you could always spot a young person with a vape in hand.

I remember a mother of a local student visited my office regarding the concerns that she held for one of her children. She was absolutely beside herself when she found a disposable vape in her daughter's room. When she confronted her daughter and asked her why she would partake in such an unhealthy and addictive habit, all she had to say was that it was because her friends were doing it. This mother wanted to know what our government was doing to prevent these unhealthy habits. Importantly, she wanted to know what we were doing to punish those who were taking advantage of young people and selling vapes to minors.

The South Australian Health and Medical Research Institute have recently released a report showing that vape use among young South Australians has significantly reduced thanks to South Australia's world-leading vaping laws. The research found 2024 vaping rates among 15 to 29 year olds reduced by around a third to 10.8 per cent when compared to the statistic in 2023, which was 15.1 per cent. Vaping rates among those aged 30 to 59 have also dropped around half from about 6.7 per cent in 2023 to 3.6 per cent in 2024, while overall vaping rates for people aged 15 and above were reduced more than a third to 6.7 per cent in 2023 to 4.3 per cent in 2024.

I am also incredibly pleased to hear that the Minister for Education has reported that suspensions relating to vaping in South Australian schools have dropped by a staggering 50 per cent. In term 1 2023, there were 388 suspensions compared to 186 in term 1 2024. A trend of greater than 50 per cent has continued throughout terms 2 and 3 in 2024 compared to 2023. This shows that we are doing something right, but there is still further to go.

This latest data shows that the federal and state governments' vaping reforms are working. However, the illicit tobacco and vaping products currently available in our community still have the potential to be able to reverse these successes. We must ensure that our enforcement officers are supported to address the illicit sale of tobacco and e-cigarettes so that we can continue to keep young South Australians in our community safe from diseases that occur as a result of taking up this habit. With that, I would like to commend the bill to the house.

Mr FULBROOK (Playford) (16:13): I am pleased to stand and add my name to a large list of members speaking in support of this bill. I consider this necessary to ensure those working in enforcement are properly supported to address the illicit sale of tobacco and e-cigarettes so that young South Australians and the community in general are made safer from the ill effects of this awful trade.

The cost of taking up smoking as a teenager is a price many will pay for a prolonged period. While I never smoked, I saw the disadvantage my dad, and subsequently people around him, suffered after he took up this habit in his teenage years. While it might not be obvious to those starting out, smoking takes food off the table and limits an abundance of opportunities in life. I saw this with dad, who took it up when he was 13, with the shadow of that decision following him closely right up until the last day of his life.

To be honest, he was so addicted that I do not think anyone in our family ever thought he would be able to give up. It was not until he was working for Australia Post—I just mentioned them in my last speech—when he broke his leg and was hospitalised for a prolonged period that it became extremely difficult for him to light up from his hospital bed. While it was not easy for him, or indeed our family, at the age of 53 he made the most of a difficult situation and kicked 40 years of addiction.

Even as a young boy, I can recall how he would wake up in the middle of the night for a smoke, and towards the end of his life he was dependent on oxygen. It is a life that I do not want for others. While we can talk all we want about the lost revenue to the community from the black market sales, from my point of view regardless of where a vape or a cigarette comes from they still have the potential to kill you.

Having said that, clearly those sold on the black market are going to be cheaper and therefore this presents a weaker barrier to taking up the habit. The fact remains that in a state of around 1.8 million people there are currently 260,000 adult smokers. If two out of three of those people do not give up, the advice I have suggests they will be killed by smoking.

Noting this costs our health system roughly \$2 billion alone each year, we really are just scratching the surface on the true cost to us, both as individuals and collectively as a community. Let's not forget that it is impossible to put a price on the grief and trauma tobacco causes and sprinkle in what is measurable, such as lost workforce productivity, just to give one small example. This is why I put my name next to any measures, both great and small, to help diminish the scourge caused by nicotine products within this state.

In looking at the detail of this bill, I can see the span of it stretches far across government and note that police have sought additional powers, with this bill granting them the ability to undertake additional searches of premises suspected of selling illicit products. Noting that these crimes are

hardly in isolation to other threats, it will also include additional powers to search for drugs, weapons and explosives. The net will tighten, with the use of detection dogs and metal detectors where our police officers suspect unlawful conduct.

The changes will also see new penalty levels and increased fines of up to \$6.6 million for supply and possession of commercial quantities of illicit tobacco and vapes. This includes the creation of new offences for a person who allows a premises to be used for prohibited conduct like selling illicit tobacco products.

Given the suffering nicotine inflicts on our community, I have absolutely no sympathy for anyone who may be hit with a fine of this proportion. Hopefully, the changes send a strong and loud message that it is just not worth the risk of getting involved in this trade in the first place, as eventually the net will tighten and the law will catch up with you. I understand and I welcome that we will now have the harshest fines of any state or territory for supplying or possessing commercial and large commercial quantities of these prohibited products.

There is also provision within this bill to amend the Retail and Commercial Leases Act, giving landlords the power to terminate retail shop leases if a long-term closure order issued under the Tobacco and E-Cigarette Products Act 1997 is in effect. This is a solid provision, as it grants them the power to clean up our retail strips and sends a strong message to illegal vendors that we simply do not want you trading here. I imagine a black mark against a retailer doing the wrong thing will send alarm bells to prospective landlords, and if by some miracle they can afford the hefty fines this hopefully makes it extremely difficult to find a new place to begin trading elsewhere.

This builds on our new closure order laws, which came into effect on 13 December last year. So far, the Minister for Consumer and Business Affairs has issued six interim closure orders and applied for one long-term closure order, which is currently progressing through the courts. I imagine she has a lot to say about that in the next few minutes, and hopefully she might be able to confirm my numbers.

The compulsion to take up smoking cigarettes or vapes often begins around our schools, let's not deny it. I can remember during my days in high school being reluctant to use the toilets, as the scent of urine mixed with cigarette smoke was nothing short of vile. I imagine, and I am hopeful, that the use of smoke detectors eventually stamped that out, but just as technology has evolved to combat the rise of nicotine products, so too has the product itself through the rise of e-cigarettes and other vaping products.

To combat this, the Malinauskas government has taken significant action in warning young people of the risks involved in vaping, including on radio and outdoor platforms and digital platforms such as Instagram, TikTok and YouTube. It has also supported schools with an education campaign, resources and staff training aimed at preventing children taking up vaping, and helping those who want to quit. There will be more to do, and I do not feel we can rest on our laurels, but I understand the Minister for Education has reported that suspensions relating to vaping in South Australian schools has dropped by a staggering 50 per cent. Well done. This is welcome news.

I want to take the chance to thank Minister Boyer on another front for delivering a fence around Parafield Gardens High School late last year. I had quite a few constituents approach me, concerned that due to the lack of proper fencing it was possible for students to disappear at certain times of the day for a quick smoke or vape. Staff at the school also expressed similar concerns, which I was able to then pass on to the minister.

In full credit to him, I only have one public high school in my electorate and he quickly stumped up the funding for the fence to go up. I am sure this measure will play a significant role in helping to address this problem, arguably at one of its key sources. Our community is extremely grateful and I want to take this moment to place on record a sincere thanks to the minister for his help.

Of course, there is more to do and we can expect that this problem will continue to evolve. As lawmakers, we must be prepared to evolve with it. Laws like the bill before us today build on legislation passed last year that banned the supply of vapes to anyone under 18 years old, increasing penalties to \$1.5 million, banning vending machine sales of tobacco products in public areas, and

updating licensing and enforcement provisions to allow for greater capacity to enforce breaches of the law, to name just a few. I also note that we have introduced a new authority to ban novel products that could be marketed as an alternative to vapes, which are the kinds of provisions needed within the law to help combat an industry with the resources and the technological prowess to rapidly evolve.

This week we heard of a *Four Corners* investigation detailing a web of shipping routes, Middle Eastern factories, false documents, unmarked white vans and violent criminals. While not every aspect of these concerns relates to South Australian law, it is a reminder that we have a long way to go in this fight, and I would imagine there will be more adjustments to legislation and regulation along the way.

Before I end, I want to digress slightly and place on record my admiration for Minister Picton on this front. He has brought very worthwhile legislation to this chamber over time and deserves recognition as a long-term champion in our community. Well over a decade ago, I can remember the minister served as Minister Roxon's Chief of Staff. This was at a time when the minister led the world in the introduction of plain packaging for cigarettes. Some may recall the plethora of detractors working hard to discredit these efforts in the hope of ensuring that the measure failed. Time has shown that this was not the case, but it seldom recognises how difficult the fight was.

At the helm was a younger version of Minister Picton doing everything in his power to ensure public interest won out over commercial greed. Although I was an adviser working for South Australian ministers at the time, I can remember we caught glimpses of Chris every now and then—and boy, he looked stressed. But the reality is, he succeeded and as a result there are a lot of people who are still here today due to his hard work. I know he would be the last one to seek recognition, but I do feel that his deep commitment to the cause shows just how personally committed he is to saving lives on this front.

I am sure the minister would agree that, while it is a tough battle to fight, the costs are simply too high to sit back and do nothing. When I think back to my dad, who went down the wrong path back in the 1950s, I feel we owe it to all those men and women who suffered in the name of someone else's greed to be ready to fight back. With all this in mind, I want to thank the minister not only for bringing this bill to the chamber but also for his long efforts on this front. I commend the bill to the house.

The Hon. D.G. PISONI (Unley) (16:24): I always enjoy the member for Playford's contributions and the articulate manner in which he delivers them. I do not think there is any argument with his very strong concern about the effects of nicotine and smoking in the community. In my contribution, I want to broaden the discussion about minimising the risks to people taking up smoking.

What I have seen in the last 10 years since the introduction of e-cigarettes is how they were somehow sold by people who had no qualifications or ability to make the claim that they are better than smoking and can help you get off cigarettes. Of course, the Therapeutic Goods Association has not given approval for them to be a drug to be used for any treatment for getting off cigarette smoking. That is a fallacy and it has become an urban myth. I think what has made it worse now is the federal government's decision to restrict the sale of vapes to pharmacists, a community distribution network right around the country.

It is interesting that pharmacists in Australia have expressed mixed reactions to the federal government's program allowing e-cigarettes to be available through pharmacies. In Western Australia, for example, there was a survey of 600 pharmacies, revealing that more than half, about 60 per cent of those pharmacies, are choosing not to stock the vapes, citing concerns about supplying unregulated products. Additionally, the Pharmaceutical Society of Australia has noted that a lack of Therapeutic Goods Administration approval is the reason that pharmacists are hesitant to supply e-cigarettes.

Remember, pharmacists are in the health business, and they are about people's health in general, about dispensing medicine that has been prescribed and proven to have an effect. That is not what e-cigarettes do, yet the federal Labor government has legitimised e-cigarettes by making them exclusively available, not even with a prescription, from some of the most trusted professionals in the community. If you look at the list of professions that are trusted by the public, get off the bottom

of the list, with politicians and a few others down there, and get up to pharmacists, right up the top. The Albanese government has now enabled cigarette companies, who are in the e-cigarette business, to access the massive distribution network of those pharmacies.

The federal government program permits the supply of e-cigarettes. Many pharmacists remain cautious due to the regulatory uncertainties, potential health risks and ethical considerations. It enables the cigarette companies to infiltrate those pharmacies. There was a story in *The Guardian* just late last year that spoke about the problems and reasons why pharmacists are just not happy with this process. The story says—and I will paraphrase some of the key points—that concerns were raised at the Oceania Tobacco Control Conference held last year that it is actually the tobacco industry 'trying to infiltrate the pharmaceutical space'.

Have you ever heard such an oxymoron that there could be an opportunity for the tobacco industry to work in conjunction with the health industry, a retail health industry that people trust? It is no wonder that more than half of pharmacies and many entire pharmacy chains and buying groups in the pharmacy sector have said no to selling vapes. The article goes on to say:

Unlike nicotine-replacement products such as nicotine gums and patches, there are no therapeutic vapes that have been evaluated by drugs regulator the Therapeutic Goods Administration as safe for commercial supply.

So not only have they not been evaluated for their effectiveness but they have not been evaluated as being safe, yet the Albanese government has given the e-cigarette industry and the tobacco industry that owns that industry the keys to the health industry by enabling them to be sold exclusively through pharmacists—as though buying it from a pharmacist means they must know what they are doing, so I can do that and I can believe the urban myth that this will help me to give up smoking, or this will be safer than smoking.

We know that research that has come out recently tells us it actually has the reverse effect: it is actually more toxic and more dangerous than smoking cigarettes, yet you can buy these—thanks to the Albanese government—from pharmacists over the counter. The federal legislation does not require a prescription for a vape. They can be supplied at a pharmacist's discretion to anyone over the age of 18 for smoking cessation.

How does that work? How does a pharmacist know that a person is on a program to give up smoking? There is no prescription required in order to buy them. Sure, they can ask them. I am sure that someone who is addicted to e-cigarettes who has never had a real cigarette will say, 'Yes, I'm trying to give up smoking, so that's why I'm here. Sell it to me.' It is just ludicrous, and the industry has responded: more than half of the pharmacies in the country have said no to the sale of these vapes over the counter.

The legislation in this place today has been brought in because of legislation that was rushed in last year on the back of a press release, and it is here because the original legislation was not workable and there has been advice from the police commissioner to fix this. I would like to give some advice to the Albanese government and that is to stop this ludicrous situation where people can go to a pharmacy—where they go for the health benefits of proven pharmaceuticals and qualified health advice—and remove that seal of approval that people see on e-cigarettes that is given to them because they are available from pharmacies. It is a ludicrous situation. To me it seems it was more about politics than it was about health.

We know that the 60-day prescription announcement by the Albanese government early in 2024 was very damaging to the relationship between the pharmacy industry and the Labor government. We know it costs the average pharmacy about \$250,000 a year just straight off the bottom line without any conversation, without the ability to plan for it. Many of the free services that pharmacists were offering could no longer be afforded to be delivered. It is a fallacy to say the 60-day prescription was making drugs cheaper. It was a con for the Albanese government to claim that they were reducing the cost of prescriptions. It is actually the pharmacists themselves who now have to prescribe two prescriptions for the same fee as prescribing a single prescription.

This ill-informed deal that the federal health minister, Mark Butler, knocked up and got through the parliament was a political decision obviously because it certainly was not a health decision. Being able to purchase addictive drugs that have no health benefit, as a matter of fact are detrimental to your health, from a pharmacy is a complete oxymoron.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (16:36): I rise today in support of the Statutes Amendment (Tobacco and E-Cigarette Products—Closure Orders and Offences) Bill 2025 that seeks to amend the Tobacco and E-Cigarette Products Act and the Retail and Commercial Leases Act.

This bill represents another significant step by the Malinauskas government to reduce smoking and protect our children and young people from the harmful effects of the tobacco industry. This industry costs our state health system in excess of \$2 billion each year. This bill also demonstrates the Malinauskas government is taking this extremely seriously and we continue to tackle the issue of illicit tobacco and the involvement of organised crime.

In the last budget, our government committed \$16 million over four years to tackle the growing trade of illicit tobacco and take action against anyone thinking they can still sell illicit tobacco and e-cigarettes. We have already passed legislation that:

- banned the sale, supply and possession of e-cigarette products in South Australia;
- increased penalties to up to \$1.5 million;
- banned vending machine sales of tobacco products in public areas;
- introduced a new authority to ban novel products which are marketed as an alternative to vapes, and used this to ban nicotine pouches already; and
- created a smoke-free and vape-free buffer zone for enclosed public transport areas.

The previous legislation allowed me, as Minister for Consumer and Business Affairs, to issue short-term or long-term closure orders on premises so that authorised officers can immediately close down unlawful activity relating to illicit tobacco. We also updated licensing and enforcement provisions to allow for a greater capacity to enforce breaches of the law.

Our government is committed to safeguarding our community and this bill responds to requests from SAPOL to provide police with enhanced powers similar to those established in the Tattooing Industry Control Act 2005, which grants law enforcement the authority to conduct supplementary searches of premises suspected of selling illegal products and may include searches for drugs, weapons and explosives.

In addition, greater penalties will be introduced for individuals caught in possession of or supplying commercial quantities of illicit tobacco and e-cigarettes, with fines reaching up to \$6.6 million. This serves as a substantial deterrent for those who choose to engage in this illegal trade. New offences will be created for an owner or a person having management or control of a premises who knowingly causes or permits another to engage in prohibited conduct on the premises.

A provision is also created in the Retail and Commercial Leases Act to allow for the termination of a retail or commercial lease if a long-term closure order is in effect. This provides a practical process of allowing a lease termination during a long-term closure order that is issued by the Magistrates Court.

This amendment reflects requests made to me by stakeholders and will make it easier for landlords to enter tenancies subject to a long-term closure order and find a new tenant. I want to thank members of the Retail Shop Leases Advisory Committee, which was convened by the Small Business Commissioner, for their input on this amendment. Additionally, this bill also creates a provision for information relating to the closure of unlicensed premises to be made publicly available. This is a matter of public importance, and we want to ensure that the community has access to accurate information to safeguard their loved ones.

As Minister for Consumer and Business Affairs, I want to make sure that this information is publicly available, not only for transparency reasons but also to allow other third parties—whether it be landlords or insurance companies—to be aware. I will undertake consultation with CBS, SAPOL and Preventive Health on how this information will be shared, but publication on the CBS website is one example. We believe there are over 200 tobacco stores operating illegally throughout South Australia selling tobacco and vapes without a licence and, between CBS and SAPOL, there

have been over 350 visits to tobacco stores across the state resulting in a seizure of approximately \$16 million worth of illicit products to date from 1 July last year.

It would be no surprise to members in this place that most of the cigarettes and vapes sold at these stores are imported from overseas. They do not contain the necessary health warnings and could have anything in them without any kind of screening process in place. In fact, vapes tested have been found to contain a cocktail of chemicals, including arsenic and lead. That is why we are cracking down and giving CBS the tools and resources they need to combat this illicit trade and continue to work closely with SAPOL's Operation Eclipse, Border Force and the TGA.

Over the years, parents have raised concerns about how their children and peers are using vapes. They were frustrated by how easy it was for our young people to get their hands on these harmful products. Only through this government's commitment to action, such as legislation, education and various initiatives implemented over several years, can we reduce this risk to youth.

In South Australia, we are already seeing positive changes. The South Australian Health and Medical Research Institute recently released a report indicating vape use amongst young South Australians has already significantly decreased. Vaping rates amongst 15 to 29 year olds have significantly dropped from 15.1 per cent in 2023 to 10.8 per cent in 2024. This is a remarkable reduction of about a third, and I know the Minister for Health, who is here, and the Minister for Education have been working hard to reduce the rates of vaping in our schools, and I want to thank them for their efforts.

I was pleased to hear the Minister for Education reporting a staggering 50 per cent decrease in suspensions relating to vaping in South Australian schools. In term 1 2023, schools recorded 388 vaping-related suspensions, yet in term 1 2024 that number plummeted to just 186. There are many positive signs that the federal and state governments' vaping reforms are working to prevent a new generation from becoming addicted to nicotine. Together, we are making bold strides towards a healthier future for our youth.

I am also pleased to tell the house that South Australia is the first state in the nation to ban highly addictive nicotine pouches under tough new legislation. Nicotine pouches, which are sold as an alternative to vapes and tobacco, are subject to the same controls as illicit tobacco and e-cigarette products. These pouches have been found alongside other illicit tobacco and vape products during our raids of tobacco stores. Consequently, we have taken proactive measures to prevent this insidious product from taking hold in our community.

Nicotine pouches pose a threat to vulnerable people in our community. They are available in a wide range of novelty flavours—fruit flavours, etc.—and are often packaged in colourful branding. Alarmingly, they are commonly marketed towards children and young people via social media and can also be promoted as quitting aids for smoking and vaping, despite the lack of any evidence supporting their effectiveness. In addition to the health risks, illegal sales of this product pose a serious threat to the wider community, with 20 arson attacks connected to the illicit tobacco trade taking place last year. These attacks were acts of intimidation by crime syndicates attempting to establish themselves here in South Australia to control the black market in illegal tobacco and vapes.

Australian Border Force estimates that about 75 per cent of the illegal tobacco market in Australia is controlled by organised crime. We certainly do not want to see what occurred in Victoria take hold in South Australia, which is why in South Australia we have begun taking serious action.

As members are aware, the Malinauskas government's \$16 million investment has seen the creation of a dedicated tobacco team in CBS, which is working very closely with SAPOL and members of the Operation Eclipse task force, with Operation Eclipse designed to dismantle and disrupt criminal syndicates and prevent further violence and arson, and we are definitely seeing very positive results from that task force.

I want to thank and acknowledge the work of our police commissioner Grant Stevens, Detective Brett Featherby and officers of Operation Eclipse for undertaking that work and commend them for the results they are getting. Only last week alone 14 premises, including gift shops, minimarts, tobacconists and a residential premises were searched across SA, with Operation Eclipse seizing four shipping containers containing \$2.3 million worth of illicit tobacco in that operation. This

bust follows joint operations by SAPOL and CBS in the South-East the week before, when more than \$800,000 worth of illicit tobacco was seized.

I am also pleased to advise this house that CBS has conducted over 20 per cent of its inspections in regional areas. There is no place in this state that illicit tobacco traders can hide. CBS and SAPOL will go where the intel leads, and I want to thank, in particular, honourable members of this place, on both sides of the chamber, who have written to me and given us that intel. This intel has led to seizures, and I would like to be more specific but, as members will understand, these matters are under current investigation and I do not want to prejudice any enforcement action.

The joint task force has also focused on policing our highways, as officers have identified that these are primary pathways for illicit tobacco to enter our state. Officers have successfully intercepted trucks in Tailem Bend, Monteith and Port Augusta, leading to arrests and charging of several individuals from interstate. This bill also enhances information sharing between our enforcement agencies. It also provides the ability to disclose information relating to illicit activity to interested parties, like the owner of the premises or their agent.

Our government is committed to eliminating the sale of illegal tobacco and vaping products and will continue to target dodgy operators and shut down their operations through coordinated raids with the support of agencies like Border Force and SAPOL. We are certainly not going to allow these illegal shops to operate in our community.

As I mentioned, since 1 July Consumer and Business Services have received more than 1,000 reports of suspected illegal activity, which has led to more than 350 inspections and seizure of more than \$16 million worth of illicit tobacco and vape products. This includes:

- more than 10 million cigarettes;
- more than four tons of tobacco;
- more than 400 kilograms of shisha; and
- more than 55,000 vapes.

Since the new closure orders took effect on 13 December 2024, as Minister for Consumer and Business Affairs I have issued nine short-term closure orders—and I just note some older numbers referring to six by other members—and applied for one long-term closure order, which is currently progressing through the Magistrates Court.

In less than eight months I am proud to say we have made significant progress. This has required tremendous effort from CBS, and I want to thank the dedicated and hard-working tobacco and vaping team in my agency for their ongoing commitment to protecting our community.

I would also like to take this opportunity to make a special mention and express my thanks and appreciation to Emily Sims, our inaugural acting director for tobacco and vapes, who stood up a new task force last year, in a very short amount of time, and it was ready to go from day one on 1 July when CBS officially took over licensing and enforcement responsibilities. Emily's work and dedication has been critical for the early and ongoing success of the work of the Malinauskas government in cracking down on the illegal trade, and on behalf of the government I want to thank Emily and I want to wish her well in the next stage of her career as she is actually taking up a very exciting opportunity in the US.

There is still more work to be done, and we will continue to tackle this threat head-on in our state while assisting agencies across the border. CBS is ably led by former head of the liquor enforcement branch of SAPOL, Commissioner Brett Humphrey, and he has certainly hit the ground running since he started in early January. Our government takes the threat posed by the relentless illicit tobacco industry extremely seriously, and we are not underestimating the challenge ahead of us. Illicit tobacco and vapes are prevalent in our community, and they do pose a serious risk. CBS, in conjunction with SAPOL, Border Force, SA Health and other agencies, is continuing to take action.

We are continuing to carefully consider any intelligence we receive, and we expect to continue to make more seizures in the coming months. We are committed to fighting this issue, and this again serves as a stark warning to illicit dealers that we will continue taking the fight to them and

we will find them. In South Australia, we certainly do not welcome these kinds of businesses. We are serious about protecting our community and will continue to encourage people to make reports and be our ears to the ground so we can raid these businesses and shut them down. I encourage all members to support this bill, and I commend this bill to the house.

Mr ODENWALDER (Elizabeth) (16:50): I rise to make a very brief contribution to the Statutes Amendment (Tobacco and E-Cigarettes Products—Closure Orders and Offences) Bill 2025, and I do so knowing that it is causing some of my colleagues some mirth because I think I am the only member of this place to have a continuing addiction to tobacco.

Mr Teague: It's not too late.

Mr ODENWALDER: It is never too late; that is exactly right. In fact, I was just asked by the Minister for Health whether this debate is making me want to have a cigarette, and it is not: it is actually having the opposite effect. I have had an on-and-off relationship with alcohol—with tobacco. Let me make it clear: I have no intention to stop drinking alcohol, but I have had a long and difficult relationship—

Mr Teague interjecting:

Mr ODENWALDER: That is right; we could range all over the place here. I do have a long and difficult relationship with tobacco, as all addicts do. I started smoking when I was in my early or mid-teens, when cigarettes I think cost \$2.40 a packet. I reckon a packet of Winfield Red was \$2.40. Thanks to the work of the Minister for Health and others like him, that price has considerably increased over the years, but nevertheless it has never been quite enough to deter me.

I do in passing want to acknowledge the work of the member for Kaurna, the Minister for Health, for the reforms that he is bringing in today, along with the Minister for Consumer and Business Affairs for some of the work they are doing in this government. I am also aware that the Minister for Health worked with a previous federal Labor government on smoking reforms, including plain packaging. All of those things led to, as I understand, a significant reduction in smoking across the population.

Of course, lately we have seen a growing increase in the use of tobacco and tobacco products, nicotine products, by young people, which is very concerning. I have had long periods of my life when I have not smoked, including recently shorter periods. I have had periods of up to seven years or more when I have not smoked, so I am not a continuous smoker. I am not a 35-year continuous smoker. I do not like to have regrets, but my biggest regret ever is ever starting smoking, having that first cigarette. It is perhaps my only real regret. I have a 25-year-old son who has never had a cigarette and I am certain never will, and I am teaching my younger sons the same thing. It is absolutely the worst thing you could do.

I want to acknowledge both the Minister for Health and the Minister for Consumer and Business Affairs for their joint fight in the Malinauskas government to continue the work of, as I said, previous federal governments in reducing the prevalence of smoking. Now, of course, we have vapes. We apparently have nicotine pouches, which I first learned about yesterday.

The Hon. C.J. Picton: Don't buy them.

Mr ODENWALDER: No. One of my young friends assured me they are less dangerous than vaping, but I am assured by other people in this room that they are not, in fact. In any case, I will continue my efforts to beat tobacco. I think it is important. I do just want to add my voice to this debate as a smoker, on and off, and reassure the Minister for Health that I have heard the warnings, as much as I have largely ignored them over the years. I commend his work.

I support everything in this bill that is being done and everything that the Minister for Consumer Affairs is doing in fighting both tobacco consumption generally and the prevalence of illegal tobacco and nicotine products in our community. I think they are doing enormous damage to the young.

We heard some terrible stories, I think from you, Acting Speaker, earlier on. I think it was you who told the story of the mum of the young child. Perhaps not, perhaps it was someone else. Anyway,

it was a terrible story about a year 8 girl, a perfectly normal year 8 girl who had never shown any signs of this sort of thing before, yet suddenly her mother discovered she is vaping.

I think that is happening all over the state, all over the country, perhaps all over the world, because these vapes are so insidious. They have historically been sweet-flavoured and attractive to children, deliberately marketed to children in many cases, and so any attempt to crack down on those products is to be commended. With those few words, I commend the bill to the house.

The Hon. C.J. PICTON (Kaurana—Minister for Health and Wellbeing) (16:55): I would like to thank all the speakers who have spoken as part of this very important debate, but no-one more so than the member for Elizabeth with that great contribution. Often there are no more passionate advocates for young people to not take up smoking than smokers themselves, and I thank the member for Elizabeth for talking about his battles in terms of nicotine addiction over his life.

The member said that one of the things he regrets was having that first cigarette. I am very proud of myself through my life that I have never had a cigarette. I have always been fearful of becoming addicted to nicotine and therefore have never even started. But I know how difficult it is for so many smokers to quit; it is an incredibly addictive substance. I have spoken in this parliament before about my grandmother, Ruth Picton, who smoked for many decades. I think in her late 70s, early 80s she managed to quit smoking, which was an incredible achievement and something I am very proud of her for doing. No doubt it has paid benefit to her health and she is still with us in her 90s.

We need to continue to take every possible measure that we can to avoid other people facing the fate of so many thousands of South Australians who have died because of tobacco-related disease. We are combating it in relation to new threats, particularly in terms of vaping, but also as has been mentioned in terms of some of these new nicotine products such as pouches, which we have through the passage of legislation towards the end of last year now banned in South Australia.

What this legislation is doing is combating the original threat, which is tobacco and the prolific sale of illegal tobacco largely through organised crime that is happening in this state, which is not only undercutting legitimate small businesses in this state and not only causing untold crime and behaviour of organised crime that we will not accept in this state, but it is also undercutting public health measures in terms of making it less attractive for people to smoke. So it is important that we take these measures.

One of the things that often gets raised with me is, 'You are just doing this to protect your tax revenue.' We do not receive the tax revenue from the excise of cigarettes at the state government level in South Australia or anywhere across the country; that all goes to the federal government. What we are doing as a government is making sure that we take every possible measure that we can in terms of addressing smoking and addressing this organised crime element that is getting a foothold, not just here but across other states.

I want to thank the Minister for Consumer and Business Affairs and her department, who have been working very hard in terms of the delivery of our extra resources that we have put in to combating this illegal trade and also the illegal trade of vapes, as well as South Australia Police who have really stepped up their efforts in terms of their task force combating the illegal tobacco trade in this state and obviously working with their federal counterparts, the federal police. Of course, both agencies are working with people like Border Force, the Taxation Office and other federal agencies to do everything we possibly can to combat this.

In the spirit of that, this is where this legislation has come through, recommendations that we have had from the police where we can go even further than we had in the previous legislation that we passed last year, and we will continue to review if there are any other legal avenues, any other legal law reform measures that we can take that can help, whether it be Consumer and Business Services or South Australia Police, to take action in relation to this illegal trade.

I would like to thank everybody who has been involved in the very quick work over the past couple of months in putting this legislation together. Sometimes our public servants, unfairly, are easy targets in the media and by some politicians. Here, we have seen public servants across a

number of agencies working together extremely well, in an extremely quick way, to achieve this policy outcome.

I would like to thank, particularly from my agency, Preventive Health SA, Marina Bowshall, the Chief Executive; Mel Bradley; Clinton Cenko; Narelle Perks; and James Bayliss. They have been working very closely with South Australia Police, in particular Brett Featherby and Adrian Daly. I also thank at Consumer and Business Services, Brett Humphrey, the commissioner; Emily Sims; Ellie Stenner; and Claire Zollo; the Small Business Commissioner of South Australia, Nerissa Kilvert; and Olivia Anemouri. I also thank Dylan Anesbury in my office for his work in this. I thank Chad Buchanan in the Minister for Consumer and Business Affairs' office as well for their work in this.

This is important legislation. It will give our agencies more power to be able to combat this trade, and I endorse it to the house.

Bill read a second time.

Third Reading

The Hon. C.J. PICTON (Kaurua—Minister for Health and Wellbeing) (17:02): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL (MISCELLANEOUS)
AMENDMENT BILL**

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Climate, Environment and Water, Minister for Industry, Innovation and Science, Minister for Workforce and Population Strategy) (17:02): I move:

That this bill be now read a second time.

I am pleased to introduce the South Australian Civil and Administrative Tribunal (Miscellaneous) Amendment Bill 2024. The bill makes two substantive changes to the South Australian Civil and Administrative Tribunal Act 2013.

First, the bill amends part 3A of the act, which currently provides for the South Australian Civil and Administrative Tribunal to transfer matters to the Magistrates Court, where SACAT is barred from dealing with that 'federal matter' under the Australian Constitution. Such federal matters are currently only limited to matters relating to the federal diversity jurisdiction, and so this bill would broaden the scope of part 3A to encompass all federal matters.

Secondly, the bill will address concerns raised by SACAT that the strict definition of 'legally qualified member' for the purposes of determining which SACAT members are allowed to make certain types of decisions or orders in SACAT unduly restricts the pool of members able to hear any particular matter, with resulting inefficiency for SACAT and all parties involved.

To speak to the first change proposed by the bill, the constitutional implication recognised in the High Court case of *Burns and Corbett* (2018) HCA 15 prevents a state tribunal that is not a court of the state exercising judicial power with respect to any matter of the kind described in sections 75 and 76 of the constitution.

The *Burns and Corbett* limitation will only apply when a state tribunal is exercising judicial power. Although tribunals are more commonly considered to undertake administrative decision-making—classically, reviews of administrative decisions of government—most civil and administrative tribunals in Australia, including SACAT, exercise a mix of both administrative and judicial powers. A classic example of SACAT exercising judicial power is SACAT's residential tenancies jurisdiction to resolve legal disputes between lessors and lessees under residential tenancy agreements.

Burns and Corbett had involved a dispute between residents of different states, which is the federal diversity jurisdiction under section 75(iv) of the constitution. The High Court held that state

tribunals that are not state courts cannot exercise judicial power with respect to any of the classes of matters listed in sections 75 and 76 of the constitution. The consequent inability for SACAT to deal with residential tenancy disputes where one of the parties resides interstate proved to be a big impediment, as it transpired that SACAT deals with many residential tenancies disputes involving interstate lessors.

That problem led to the SACAT Act being amended in 2018 to insert a new part 3A for diversity proceedings. Under part 3A, if SACAT considers that it may lack jurisdiction to deal with a particular application made to SACAT because it involves federal diversity jurisdiction, it can transfer the matter to the Magistrates Court, which is correspondingly empowered to deal with the matter in the same way—including informally—and with the same powers SACAT would have if it had dealt with the matter. In practice, these matters are dealt with seamlessly on SACAT premises by a SACAT member who is also a magistrate or judicial registrar sitting as the Magistrates Court.

The present issue arises because in reacting to the Burns and Corbett decision the scope of part 3A was limited to the types of matters that may fall under section 75(iii) (commonwealth is a party) or 75(iv) (residents of different states) of the constitution. At the time, these were the only situations in which it was considered that the Burns and Corbett limitation would arise in practice in SACAT.

Since part 3A was inserted into the SACAT Act, SACAT's jurisdiction has been expanded to include a broader range of matters and it also appears that several other jurisdictions have amended their equivalent civil and administrative tribunal legislation to provide for transfer to a court by their equivalent tribunal of 'federal matters' generally—that is, any matter of a kind described in sections 75 and 76 of the constitution. Out of an abundance of caution, the bill will amend part 3A consistently with those interstate approaches.

I now move to the second substantive change to the act that the bill makes. Depending on the nature of a matter, SACAT is constituted by a single member, or a panel of members, from the following member types under SACAT Act section 9: the president, a deputy president, magistrates who are designated as members of the tribunal, senior members and ordinary members, and assessors. The senior and ordinary members are appointed on the basis of experience as a practising legal practitioner or on the basis of relevant expertise to SACAT decision-making, with section 19(3) of the SACAT Act setting out these respective limbs of eligibility for appointment to SACAT.

Members appointed under the non-legal practitioner eligibility limb include both people with law subject matter expertise who are not admitted to practice and/or do not have five years' past legal practice, as well as non-legal subject matter experts with experience and qualifications in areas including social work, accountancy, economics, child development and medicine. These non-legal members currently preside over some SACAT matters and write decisions. For example, a SACAT member with qualifications and experience in social work is nominated to sit in SACAT's guardianship and administration and mental health lists.

The SACAT Act, as well as various acts that confer jurisdiction and functions on SACAT, reserve certain types of SACAT decisions and orders only to a legally qualified member of SACAT. The types of orders and decisions that may only be made by a legally qualified member include:

- an order under section 73 of the SACAT Act staying the operation of a decision until proceedings are finally decided;
- the power to require reports, including reports as to mental capacity under section 69 of the Guardianship and Administration Act 1993; and
- the power to make an order in the nature of an injunction under section 35 of the Residential Tenancies Act 1995.

The SACAT Act in turn defines 'legally qualified member' for that purpose as a presidential member, magistrate member or another member of the tribunal who is 'a legal practitioner of at least five years' standing'.

The reason for reserving these particular orders and decisions to a legally qualified member is that they are orders of a court-like nature, including requiring understanding of legal rights and proficiency in principles of procedural fairness that are expected to be gained from a law degree plus experience in practising in the profession of law. In practice, SACAT has multiple members who are legally qualified in the sense of having a law degree plus extensive relevant experience, for example as a legal academic or as a member of another tribunal.

These members have been appointed under the 'extensive knowledge, expertise or experience' limb of the eligibility criteria for appointment as a SACAT member due to not having five years' legal practice experience. SACAT is forced to list certain matters before a legally qualified member, as strictly defined, if apprehended that there is any prospect of any of the types of reserved orders needing to be made. This can then lead to delays with matters due to a narrower pool of members being eligible to deal with hearings, including urgent hearings, as often required under the Guardianship and Administration Act 1993.

The objectives of SACAT in providing efficient and low-cost dispute resolution support a tailored approach to determining which members are considered legally qualified for the purposes of restricting the exercise of certain SACAT powers. Under section 23 of the SACAT Act, the President of SACAT determines which members or member are to constitute SACAT for a particular matter or matters, subject to the SACAT Act or another act providing otherwise.

The SACAT president would need to be satisfied that a member has the requisite independence to hear matters of the relevant type and the legal skills to deal with matters of the relevant complexity. In addition, SACAT advises that only members with significant legal experience and the necessary skills, including SACAT's senior members, are assigned to hear matters that are considered to be complex.

A Supreme Court or District Court judge, as the SACAT president is required to be, should be relied upon to constitute SACAT appropriately for various types of matters from the pool of members appointed under the eligibility criteria set out in the SACAT Act, including to guard against increased applications for internal review or appeal of SACAT decisions. Accordingly, the bill would broaden the definition of 'legally qualified member' for the purposes of the SACAT Act to include also SACAT members with appropriate legal qualifications and law-related experience but without five years' practice as a legal practitioner, who are designated by the SACAT president as a 'legally qualified member' for the purpose of those reserved decisions and orders.

I am pleased to introduce this bill to make such technical changes to the act to ensure that SACAT can continue to provide efficient, high-quality and low-cost dispute resolution for many South Australians. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *South Australian Civil and Administrative Tribunal Act 2013*

3—Amendment of section 3—Interpretation

This clause amends the definition of *legally qualified member* to include members of the Tribunal who hold a qualification in law from an Australian tertiary institution, or who hold a qualification in law from a tertiary institution in a foreign country and are duly admitted and enrolled as a barrister and solicitor of the Supreme Court, if they have 5 years or more relevant experience in a law-related field and are designated as a legally qualified member by the President of the Tribunal.

4—Substitution of section 28

This clause substitutes section 28 as follows:

28—Validity of acts of Tribunal

The proposed section updates current section 28 of the Act to provide that acts or proceedings of the Tribunal are not invalidated by reason of a vacancy or defect in an appointment or by reason of an absence of or defect in a designation of a member of the Tribunal as a legally qualified member.

5—Amendment of heading to Part 3A

This clause amends the heading to Part 3A to reflect the broadened scope of the Part.

6—Amendment of section 38A—Interpretation

This clause deletes the definition of *federal diversity jurisdiction* and inserts a definition of *federal jurisdiction*, meaning the jurisdiction contemplated by section 75 or 76 of the *Commonwealth Constitution*. These amendments broaden the scope of Part 3A by expanding the class of matters which are able to be transferred by the Tribunal to the Magistrates Court for determination under the Part.

7—Amendment of section 38B—Transfer of applications involving federal diversity jurisdiction to Magistrates Court

8—Amendment of section 38C—Magistrates Court proceedings, jurisdiction, powers and functions etc

9—Amendment of section 38I—Enforcement, variation or revocation of purported orders

These amendments change references to 'federal diversity jurisdiction' to 'federal jurisdiction'.

Schedule 1—Related amendments

Part 1—Amendment of *Housing Improvement Act 2016*

1—Amendment of section 40—Special powers to make orders

This amendment clarifies the meaning of a member of the Tribunal who is 'legally qualified'.

Part 2—Amendment of *Residential Parks Act 2007*

2—Amendment of section 117—Special powers to make orders

This amendment clarifies the meaning of a member of the Tribunal who is 'legally qualified'.

Part 3—Amendment of *Residential Tenancies Act 1995*

3—Amendment of section 108B—Procedure

This amendment clarifies the meaning of a member of the Tribunal who is 'legally qualified'.

Part 4—Amendment of *Retirement Villages Act 2016*

4—Amendment of section 46—Application to Tribunal

This amendment clarifies the meaning of a member of the Tribunal who is 'legally qualified'.

The SPEAKER: Deputy leader, are you the lead speaker?

Mr TEAGUE (Heysen—Deputy Leader of the Opposition) (17:13): You stole my thunder there, Mr Speaker, but yes. I was going to say that. I am prepared to be and will be. I indicate the opposition's support for the bill. I will speak briefly.

The Deputy Premier has read the government's speech into *Hansard*, and that tells the story really quite comprehensively. It is perhaps worth bearing in mind that the Attorney introduced this bill into the other place on 16 May last year. It is not controversial. It is making further changes in relation to the federal diversity jurisdiction, as it is known, to broaden the capacity of SACAT to refer off matters to the Magistrates Court. That is all well understood. I think it was act No. 5 of 2018, fairly early on in the Marshall Liberal government period, that the act was amended to insert part 3A to provide for that response initially to *Burns v Corbett*.

As the Deputy Premier has indicated, there has been some expansion of the jurisdiction of SACAT in the time since, and I think the other thing the government has adverted to in that regard is that there has been some now uniformity across the country in relation to the referring capacity to hear matters outside the jurisdiction of tribunals across the country for the same reason.

Those matters are in addition to the changes in clause 3 of the bill that would make the redefinition of a legally qualified member of the tribunal and other members of the tribunal holding relevant qualifications. Those are sensible changes and I will not stay to deal with the balance. I just

indicate that there are perhaps one or two discrete questions in committee, for the benefit of the record, but otherwise I commend the bill to the house.

S.E. ANDREWS (Gibson) (17:16): I rise to indicate my support for the South Australian Civil and Administrative Tribunal (Miscellaneous) Amendment Bill 2024, a bill that makes sensible reforms to the South Australian Civil and Administrative Tribunal Act 2013 (the act) to improve the operation of SACAT.

This bill makes two substantive changes to the act. Firstly, the bill amends part 3A of the act which currently provides for SACAT to transfer matters to the Magistrates Court where SACAT is barred from dealing with that federal matter under the Australian constitution. Secondly, the bill will address concerns raised by SACAT that the strict definition of 'legally qualified member' for the purposes of determining which SACAT members are allowed to make certain types of decisions or orders in SACAT unduly restricts the pool of members able to hear any particular matter, with resulting inefficiency for SACAT and all parties involved.

The act was amended in 2018 due to the constitutional implication recognised in the High Court in the case of *Burns v Corbett* that prevents a state tribunal that is not a court of a state exercising judicial power with respect to any matter of the kind described in sections 75 and 76 of the Australian constitution. The *Burns v Corbett* limitation will only apply when a state tribunal is exercising a judicial power. The SACAT, like most civil and administrative tribunals in Australia, exercises a mix of both administrative and judicial powers. An example that affects many residents in my electorate is SACAT's residential tenancies jurisdiction to resolve legal disputes between lessors and lessees under residential tenancy agreements.

The present issue arises because, in reacting to the *Burns v Corbett* decision, the scope of part 3A was limited to the types of matter that may fall under subsection 75(iii) where the commonwealth is a party, or subsection 75(iv) for residents of different states of the constitution. At the time, these were the only situations in which it was considered that the *Burns v Corbett* limitation would arise in practice in SACAT.

However, since part 3A was inserted into the SACAT Act, SACAT's jurisdiction has been expanded to include a broader range of matters. It also appears that several other jurisdictions have amended their equivalent civil and administrative tribunal legislation to provide for transfer to a court by the equivalent tribunal of federal matters generally—that is, any matter of a kind described in sections 75 and 76 of the constitution. Out of an abundance of caution, the bill will amend part 3A consistent with those interstate interpretations.

Onto the second substantive change to the act that the bill makes—

The SPEAKER: The deputy leader has a point of order.

Mr TEAGUE: I am loath to interrupt the member for Gibson. It is a point of order under standing order 128 that goes to repetition. I am listening. The member on this occasion—and it is not for the first time, and I mean no particular reflection on the member—is rehearsing the government speech, which I have word for word in front of me and I have just heard the Deputy Premier rehearse the government speech, which is appropriate for the purposes of this place, but not to hear twice verbatim. I bring that to your attention, sir. We can press on with the debate.

The SPEAKER: Thank you, deputy leader, I will listen out for it. I think we might have seen a bit of this over the years on both sides where people make speeches that reflect what has been written by the minister and the government to convey their feelings towards their support or otherwise of a piece of legislation.

S.E. ANDREWS: I am pleased to seek advice from the minister with regard to such a technical change to the act and so continue that currently the definition of 'legally qualified member' for the purposes of the SACAT Act and other legislation reserves the making of certain SACAT decisions and orders for legally qualified members of SACAT to mean a SACAT member with an Australian law degree plus at least five years relevant experience in a law-related field, who is designated by the SACAT president as a legally qualified member for the purposes of the SACAT Act.

I am pleased to endorse this bill which makes technical changes to the act to ensure that SACAT can continue to provide efficient, high-quality and low-cost dispute resolution for so many South Australians. I commend this important bill to the house.

Mr BROWN (Florey) (17:21): I will try to give a contribution on this bill that does not offend the member for Heysen.

Mr Teague: It is the standing orders that are being offended, not me.

Mr BROWN: I know you are an expert on the standing orders. You used to be in that chair but I do not know what happened to you. You got turfed out.

The SPEAKER: Member for Florey, please address the subject matter or we will pass on to someone else to have a chat.

Mr BROWN: Thank you, sir, and thank you for your advice too. I rise in support of the South Australian Civil and Administrative Tribunal (Miscellaneous) Amendment Bill 2024, which seeks to make two sensible changes to the South Australian Civil and Administrative Tribunal Act 2013, usually known as the SACAT Act.

The first proposed change is to broaden the scope of part 3A of the act, which provides for the South Australian Civil and Administrative Tribunal (SACAT) to transfer federal matters to the Magistrates Court to be dealt with where SACAT is barred from dealing with that matter under the Australian constitution. The proposal is that part 3A will encompass all federal matters under the constitution rather than being limited, as is the case currently, to federal diversity jurisdiction.

The second proposed change is to amend the definition of 'legally qualified member' for the purposes of the SACAT Act and also for other legislation that reserves the making of certain SACAT decisions and orders for legally qualified members of SACAT. This element of the bill aims to address concerns raised by SACAT that for the purposes of determining which SACAT members are allowed to make certain types of decisions or orders within SACAT the strict definition of 'legally qualified member' creates undue restrictions as to which members are able to hear a particular matter. This, in turn, leads to inefficiencies that may have an impact on all parties involved in SACAT matters.

I will take the opportunity to go into brief detail in relation to the two elements of this bill. Firstly, the High Court of Australia ruled in the case of *Burns v Corbett* HCA 15 in 2018 that a state tribunal is not a court of a state under section 77 of the Commonwealth Constitution. A state tribunal is therefore unable to exercise judicial power with respect to matters in which there are applicants or respondents who are residents of other states or territories.

It is the case that most civil and administrative tribunals in Australia exercise a mix of both administrative and judicial powers, and this is true for SACAT. While the majority of matters dealt with by SACAT are typically administrative in nature, one example of SACAT exercising a judicial power might be a circumstance in which SACAT uses its residential tenancies jurisdiction to resolve legal disputes between landlords and tenants under residential tenancy agreements.

Where disputes arise in relation to residential tenancy agreements between landlords who are interstate and tenants who are in South Australia, the consequent inability for SACAT to deal with such disputes has created significant impediments. The SACAT Act was amended in 2018 to insert a new part 3A for diversity proceedings, which refers to cases involving parties from different states under federal law.

Under part 3A, in the event that SACAT considers that it may lack jurisdiction to deal with the particular application that has been made because it involves federal diversity jurisdiction, it can elect to transfer the matter to the Magistrates Court, which is correspondingly empowered to deal with the matter in the same way and with the same powers as SACAT would have if it were able to deal with the matter. In practice, it is the case that such matters are dealt with on SACAT premises by a SACAT member who is also serving as a magistrate, or a judicial registrar sitting as the Magistrates Court.

The issue this reform seeks to address arises because in reacting to the *Burns v Corbett* decision, the scope of part 3A was limited to the types of matters that may fall under subsections 75(3) and 75(4) of the constitution, those being matters to which the commonwealth is a party and

matters involving residents of different states respectively. Previously, these have been the only situations in which it was considered that the *Burns v Corbett* limitation would arise in practice in SACAT.

However, since part 3A was inserted into the SACAT Act, SACAT's jurisdiction has been expanded to cover a broad range of matters. It is also apparent that several other jurisdictions have amended their equivalent legislation in relation to civil and administrative tribunals to provide for transfer to a court by their equivalent tribunal of any matter of a kind described in sections 75 and 76 of the constitution, which is to say matters that are considered federal matters. The proposed amendment will give SACAT the power to deal with more types of cases, which will enable it to provide more efficient services.

The bill further seeks to amend part 3A consistent with approaches that have been taken interstate changing the definition of 'legally qualified member' for the purposes of the SACAT Act (and other legislation that reserves the making of certain SACAT decisions and orders for legally qualified members of SACAT) to mean a SACAT member with an Australian law degree plus at least five years' relevant experience in a law related field who is designated by the SACAT president as a legally qualified member for the purposes of the SACAT Act.

Members will be aware that SACAT has a president, deputy presidents, magistrates, senior and ordinary members and assessors who can sit alone to hear matters or who can sit as a panel to hear matters. Legal practitioners of a certain standing are eligible for appointments as members as are persons who are not legal practitioners but are subject matter experts with requisite experience and qualifications in disciplines including social work, accountancy, economics, child development and medicine. These members currently preside over some SACAT matters and write decisions. The Attorney-General in the other place cited the example of a SACAT member with qualifications and expertise in social work being nominated to sit on SACAT's guardianship and administration and mental health lists.

The SACAT Act as well as various acts that confer jurisdiction and functions on SACAT reserve certain types of SACAT decisions and orders only to a legally qualified member of SACAT. The SACAT Act currently defines 'legally qualified member' for that purpose as a presidential member, a magistrate member or another member of the tribunal who is a legal practitioner of at least five years' standing. In practice, it is the case that SACAT has multiple members who are legally qualified in the sense of having a law degree, plus extensive relevant experience, for example as a legal academic or as a member of another tribunal. Due to not having five years' legal practice experience, however, these members have been appointed to SACAT under the extensive knowledge, expertise or experience a limb of the eligibility criteria for appointment.

The fact that SACAT is compelled under current arrangements to list certain matters before a legally qualified member under its strict definition can lead to delays in the progress of matters due to a narrower pool of members being eligible to deal with hearings. Importantly, this can include urgent hearings; for example, those that are often required under the Guardianship and Administration Act 1993.

Under section 23 of the SACAT Act, the president of SACAT determines which member or members are to constitute SACAT for a particular matter or matters, subject to the SACAT Act or another act providing otherwise. The president would need to be satisfied that a member has the requisite independence to hear matters of the relevant type and possesses the legal skills to deal with matters of the relevant complexity.

The SACAT president is required to be a Supreme Court or District Court judge. These reforms reflect that such a person should be relied upon to constitute SACAT appropriately for various types of matters from the pool of members appointed under the eligibility criteria set out in the SACAT Act, including to guard against increased applications for internal review or appeal of SACAT decisions. The bill therefore proposes to broaden the definition of a legally qualified member for the purposes of the SACAT Act to include SACAT members who possess appropriate legal qualifications and law-related experience, despite the fact that they may not have achieved five years of practice as a legal practitioner but who are designated by the SACAT president as a legally qualified member for the purposes of those reserved decisions and orders.

The bill was consulted on with the courts, SACAT, the Law Society and other interested parties and broadly supported, apart from some concerns expressed by the Law Society and the Aboriginal Legal Rights Movement about the legally qualified member amendments, specifically in relation to the dilution of the practice requirement. The fact that the president of SACAT being a judge who is responsible for designating members, did go some way to alleviating these concerns.

In progressing these reforms we aim to strengthen SACAT's ability to provide high quality and cost-effective dispute resolution services to our community in as efficient a manner as can be achieved.

I would like to thank all members for the indulgence that they have shown me so far during my speech, but I do seek leave to continue my remarks.

Leave granted; debate adjourned.

CRIMINAL LAW CONSOLIDATION (MENTAL COMPETENCE) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

SUMMARY OFFENCES (KNIVES AND OTHER WEAPONS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the amendments made by the House of Assembly without any amendment.

At 17:32 the house adjourned until Tuesday 18 March 2025 at 11:00.