LEGISLATIVE COUNCIL

Tuesday, 30 November 2021

The PRESIDENT (Hon. J.S.L. Dawkins) took the chair at 14:16 and read prayers.

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

Bills

EMERGENCY MANAGEMENT (ELECTRICITY SUPPLY EMERGENCIES) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

FIREARMS (MISCELLANEOUS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

UNCLAIMED MONEY BILL

Assent

Her Excellency the Governor assented to the bill.

SENTENCING (HATE CRIMES) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (SPIT HOOD PROHIBITION) BILL

Assent

Her Excellency the Governor assented to the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Legislative Council—Report, 2020-21
Ombudsman SA—Annual Report, 2020-21—Corrigendum

By the Treasurer (Hon. R.I. Lucas)—

Fees Notice under Acts—
Planning, Development and Infrastructure Act 2016
Regulations under Acts—
Burial and Cremation Act 2013—Surrender of Interment Rights
Oaths Act 1936—General
Rules of Court—
Youth Court Act 1993—Youth Treatment Orders
Management Arrangements for the Taking of Sardines—Outcomes: Review of the 2014 Management Plan for the South Australian Commercial Marine Scalefish Fishery—Part B—dated 10 August 2021

Review of the Major Indictable Offences Reforms pursuant to section 191A of the Criminal Procedure Act 1921—Report to the Attorney-General dated 8 October 2021

By the Minister for Human Services (Hon. J.M.A. Lensink)—

Regulations under Acts—
Landscape South Australia Act 2019—
Transitional Provisions—Water Register
Water Register—Operation of Provisions

By the Minister for Health and Wellbeing (Hon. S.G. Wade)—

AHPRA and National Boards, Report—2020-21
Fees Notice under Acts—
Controlled Substances Act 1984
Regulations under Acts—
Children and Young People (Oversight and Advocacy Bodies) Act 2016—
Commissioner for Aboriginal Children and Young People
Community Based Sentences (Interstate Transfer) Act 2015—Interstate Transfer—General
Controlled Substances Act 1984—Youth Treatment Orders—General
Health Practitioner Regulation National Law (South Australia) Act 2010—
Telepharmacy

Parliamentary Committees

SELECT COMMITTEE ON FINDINGS OF THE MURRAY-DARLING BASIN ROYAL COMMISSION AND PRODUCTIVITY COMMISSION AS THEY RELATE TO THE DECISIONS OF THE SOUTH AUSTRALIAN GOVERNMENT

The Hon. K.J. MAHER (Leader of the Opposition) (14:19): I bring up the interim report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

SELECT COMMITTEE ON DAMAGE, HARM OR ADVERSE OUTCOMES RESULTING FROM ICAC INVESTIGATIONS

The Hon. F. PANGALLO (14:20): I bring up the report of the select committee, together with minutes of proceedings and evidence.

Report received and ordered to be published.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. H.M. GIROLAMO (14:21): I bring up the annual report of the committee 2020-21.

Report received and ordered to be published.

Parliamentary Procedure

ANSWERS TABLED

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

VISITORS

The PRESIDENT: Before calling on questions without notice, I acknowledge the presence in the gallery today of former Lord Mayor and now CEO of Business SA, Mr Martin Haese, and Ms Theseira-Haese—welcome.

Question Time

GOVERNMENT APPOINTMENTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): My question is to the Treasurer regarding governance. Treasurer, what discussions have you had with current members of this parliament about employment opportunities or government appointments post the 2022 state election?

The Hon. R.I. LUCAS (Treasurer) (14:26): I have lots of conversations with members of parliament of all persuasions and, as I have indicated before, I do not propose to share any of those discussions with anybody.

GOVERNMENT APPOINTMENTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Supplementary arising from the answer: is the Treasurer not ruling out the possibility that he has discussed government appointments with current members of parliament post this election?

The Hon. R.I. LUCAS (Treasurer) (14:26): After all my years in this parliament, I am not going to be verballed by anybody, including the Leader of the Opposition. That is not what I said. I answered the question clearly and distinctly. I have lots of conversations with members of parliament—Labor, Liberal, even crossbenchers—and—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —I do not propose to share the confidences I might have with other members of parliament publicly.

GOVERNMENT APPOINTMENTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:26): Final supplementary: does the Treasurer really propose to end his almost 40 years in this parliament cowardly refusing to answer questions?

The PRESIDENT: I am going to rule that out of order, and we will go to the Deputy Leader of the Opposition, who will be heard in silence on both sides.

The Hon. S.G. Wade interjecting:

The PRESIDENT: The Minister for Health and Wellbeing is out of order.

The Hon. E.S. Bourke interjecting:

The PRESIDENT: And the Hon. Ms Bourke is out of order. The Deputy Leader of the Opposition has the call and will be heard in silence.

GOVERNMENT APPOINTMENTS

The Hon. C.M. SCRIVEN (14:27): My questions are to the Treasurer regarding administration. What discussions has the Treasurer had with his Liberal Party colleagues about his future after the election? Specifically, what conversations has the Treasurer had about being appointed as an unelected member of the administration in the position of cabinet secretary, and what pay would attach to a position of cabinet secretary, including to an executive director, a chief executive or higher?

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order, the Hon. Mr Stephens!

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! The Treasurer has the call.

The Hon. R.I. LUCAS (Treasurer) (14:28): I never cease to be amazed at the fertile—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —imagination of members of the opposition and others. At my ripe old age of 68, I suspect I will be worth nothing and I will be useless. I will be happily pensioned off in relation to the future.

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition is out of order.

The Hon. R.I. LUCAS: I am looking forward, if the member is interested, to introducing myself on a more personal level to my four grandchildren, so that I graduate beyond, 'Granny, who's that strange man in the corner smiling at me and I want to have nothing to do with it,' to actually saying, 'Oh, that's papa or grandpa,' and they will have a hug with their grandfather. There are lots of exciting things ahead. I did not hear all of the detail of the question, but I can assure you that I have had no discussions with anybody in relation to what I might do beyond introducing myself to my grandchildren and potentially becoming a much better grandparent than I have been thus far.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I give the deputy leader the supplementary, can I recognise in the upstairs gallery two former occupants of this chair, former Presidents Bob Sneath and John Gazzola—welcome.

Honourable members: Hear, hear!

Question Time

GOVERNMENT APPOINTMENTS

The Hon. C.M. SCRIVEN (14:29): Supplementary arising from the original answer: is the Treasurer therefore ruling out any appointment of himself as cabinet secretary in the future?

The Hon. R.I. LUCAS (Treasurer) (14:29): The answer to the question is yes, but I have had no discussions. I can assure you it is the last thing in the world I would be seeking. I shouldn't say the last, but it is one of the positions which would be the least likely that I would be seeking. I did notice on the West Adelaide Football Club chat site that they said there was a vacancy a month ago for the chief executive of the West Adelaide Football Club and that maybe the former Treasurer might be of interest in that. I must admit that the response to that wasn't overly warm from the West Adelaide supporters. I suspect there will be very few people wanting a discarded ex-Treasurer, but if in the future there is somebody post retirement, I will be very happy to talk to them.

GOVERNMENT APPOINTMENTS

The Hon. E.S. BOURKE (14:30): My question is to the Treasurer regarding leadership. Why does the member for Bragg in the other place get to keep her job as Attorney-General when the Treasurer ensured that the then House of Assembly Government Whip and the then President of the Legislative Council both resigned from their positions when faced with allegations about misuse of country members' allowance?

The Hon. R.I. LUCAS (Treasurer) (14:31): The urban folklore of my power grows. I should stay in this position much, much longer. I obviously have much more power than I ever contemplated. I am just a mere member of the Legislative Council. I have never been in the position of being the Premier or the President of the Liberal Party.

Members interjecting:

The PRESIDENT: The Hon. Ms Bourke, you asked the question. Listen to the answer.

The Hon. R.I. LUCAS: I am just a mere functionary of the government. The notion that's grown with urban folklore that in some way I can sort of execute people left, right and centre is, as I said, part of urban folklore. The one thing I can rule out, but it would have been a very interesting exercise if I did, is actually correcting some of the urban folklore by writing a memoir. But I can assure you, if you are interested in my future beyond the grandchildren, there are two things I have ruled

out publicly, and I do so in this chamber: I will never, ever be a lobbyist, and I will never, ever write a memoir.

ADELAIDE AIRPORT LIMITED

The Hon. D.G.E. HOOD (14:32): My question is to the Treasurer. Can the Treasurer indicate whether the government this year settled a long-running claim against the government by Adelaide Airport Limited and, if so, what was the cost to taxpayers?

The Hon. R.I. LUCAS (Treasurer) (14:32): After all that urban folklore frivolity and levity, I return to a more serious issue and, sadly, I do have to report that this year, reluctantly, I had to agree and authorise a payment in terms of a legal settlement, at a cost to taxpayers, of $4.5 million in terms of settlement of the legal claim.

The facts in relation to this particular issue go back to 2014 when the then minister, Mullighan, in 2014 approved a deal for a 33-year lease over land, approximately 3.1 hectares, at Parafield Airport for a major park-and-ride facility. Soon after that deal had been approved by the former minister, Mullighan, in 2014, Mr Mullighan realised that he didn't actually need to lease the land, as the government already owned land immediately adjacent to the land that he had leased, so the government then proceeded to build the park-and-ride on that adjacent piece of property.

At that particular time, legal advice provided to the former minister, Mullighan, indicated that if he didn't proceed with the deal with Adelaide Airport—it was actually with a subsidiary of Adelaide Airport, Parafield Airport Limited—he would be in breach of contract and the exposure of taxpayers would be significant. Sadly, early this year on behalf of taxpayers, based on advice that I received, I had to authorise the payment of $4.5 million to Parafield Airport Limited, a wholly owned subsidiary of Adelaide Airport Limited, to settle that particular longstanding legal claim.

Put simply, we had a situation where the former minister, Mullighan, entered into a deal, at great cost to taxpayers, for a park-and-ride. He then finds out, either through a combination of incompetence or negligence, that the government actually didn't need the land, it actually owned land immediately adjacent, with which he proceeded to go ahead with a park-and-ride. He got legal advice that said he was going to be in breach of contract and as a result of that we have had to settle this particular dispute. This comes hot on the heels of something else that I have highlighted previously to this house, which was Mr Mulligan's decision in relation to the spectacular bungle of the Gillman deal, which promised thousands of jobs and more than $70 million in revenue over the life of the project, which failed to materialise.

I conclude by saying two things. One, I hope at some stage the Auditor-General will cast his forensic eye over this particular bungle and report publicly as to the circumstances of the ultimate cost to taxpayers of $4.5 million. And I guess the final note I make in relation to this is that Mr Mullighan, or the member for Lee, is obviously the person the alternative government hangs out to be the alternative treasurer, a treasurer of the state. The sad reality is that his performance in relation to the Gillman deal and bungle and this particular bungle means, in my view, he is not fit to serve in that particular office.

CHILD PROTECTION SYSTEM REVIEW

The Hon. J.A. DARLEY (14:36): I seek leave to make a brief explanation before asking questions of the Minister for Human Services, representing the Minister for Child Protection, about a review.

Leave granted.

The Hon. J.A. DARLEY: It was extremely disappointing to hear the government position not supporting an independent inquiry, with the statement that:

> …there will be a full statutory review of the children and young people (safety) legislation…due to occur in 2022…which will trigger all the aspects of the child protection system.

Apparently, the government was depending on the view of the Premier that the CEO of DCP:

> …confirmed the department takes any matters raised by carers seriously and has made carer engagement and participation a key priority in recognition of the invaluable role carers play.

This was despite clear advice to the Premier, at a meeting with foster and kinship carers, that many carers felt they were not treated with natural justice and procedural fairness when making complaints and this was affecting their role and the retention of carers. They were concerned that their voices will not be heard in the legislative review next year. An independent inquiry is needed ahead of the legislative review scheduled for October 2022. An inquiry is needed focusing on the needs of carers.

A proper investigation into the need for a review of procedures, including the handling of complaints processed within DCP, needs to be conducted to see if matters already uncovered in a recent coronial investigation have been addressed. There is an inherent enormous power imbalance between DCP officials and foster and kinship carers, who would be afraid, if they questioned decisions of the department, that they could lose custody of children in their care.

This was the purpose of the independent review supported by all political parties but yours. It is not too late for the government to change its position. This misalignment between the views of foster and kinship carers and the assurance to you by DCP undermines the basis of government decision-making and competency in this area of foster care. My questions to the minister are:

1. How can the government conduct a legislative review on child protection legislation and not obtain the unguarded and unfettered view of foster and kinship carers?

2. How can the government complete a review of the legislation next year without obtaining the view of foster and kinship carers, who are scared to speak out publicly?

3. Will the government consider changing its position based on reason and evidence-based investigation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39): I thank the honourable member for his question. Indeed, he has articulated that the government was not supportive of doing a separate review into foster and kinship care on the basis that there is a statutory review, which is triggered under the existing legislation next year.

Clearly, foster and kinship carers are a very important part of the child protection system. They offer support and a home to children who are unable to be with their birth families and certainly are a group of people that this government has been very keen to support in that role.

We have extended, as I outlined in my contribution recently on this motion, a range of measures that this government has undertaken to make it easier, if you like, for foster and kinship carers to play that important role in the system, and that remains our position. They offer the sort of home to a child that you can't get through the paid carer system. We would dearly like to have more foster and kinship carers and the Minister for Child Protection has been very keen to expand the number of people who are available to fulfill this important role.

It is part of a continuum of the system, and for that reason the government thinks it needs to be looked at holistically, rather than through different parts of the system, to consider how that system can operate better so that children are safe and they thrive in the environments in which they are placed, regardless of which part of the system they were in at the time.

SA HOUSING AUTHORITY

The Hon. J.E. HANSON (14:41): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding housing.

Leave granted.

The Hon. J.E. HANSON: Last week, on 22 November, the SA Housing Authority wrote to a tenant to advise that their category 1 application—the highest possible category reserved for urgent cases—had not been reviewed, and I quote:

> Your registration has been deferred and your category changed to 4.

Category 4 is the lowest possible category of priority. The letter further stated, and I quote:

> This is because we haven't heard back from you about updating your registration…You won't be considered for housing while your registration is deferred.

The tenant has told the opposition, and I quote:

It's essential I remain on Category One, as I'm almost 70 and am struggling with the stairs and the two large gardens…An appointment was made for 10th November, after I called on 18th October 2021, which was cancelled by Housing SA, who called me the day before on the 9th November, because it was mistakenly made in the wrong place by Housing SA. Further, I was informed that Housing SA would call me to discuss my Category One and that it wasn't necessary for me to do anything until I heard from them—which I am still waiting on.

For the minister's benefit, the tenant in question is Ms Julie McDonald, who has lived in a Housing Trust home for more than 30 years and has served as a leader in the Housing Trust Tenants Association for many years. My questions to the minister are:

1. Exactly how many people have been kicked off category 1 for new housing or transfers due to allegedly not being heard from?

2. How exactly does the Housing Authority lose contact with someone who lives in their home, pays rent every week and often speaks to the media about the Housing Trust?

3. Can the minister understand how people who don't have Julie's knowledge or connections may simply fall off the radar and between the cracks if they get letters like this after being told they didn't have to do anything?

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43): I thank the honourable member for his question. I am happy to look into the particulars of this particular case. It has been standard practice, and I think it's fair and reasonable, that people who wish to either transfer or remain on the list respond to the Housing Authority to advise whether they wish to continue to be in that situation. That has been standard practice for quite some time, as I understand it. We ask the question and we expect a response, rather than people remaining on lists in perpetuity, because there are always more people who would like to be in Housing Authority properties than there are properties available. I am happy to take this particular case on notice and get a response back to the chamber.

DISABILITY

The Hon. J.S. LEE (14:44): My question is to the Minister for Human Services regarding disabilities. Can the minister provide an update to the council on how the Marshall Liberal government continues to clean up Labor's mess in the disability space since the last election?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44): I thank the honourable member for her question, and indeed this is a very important issue in South Australia.

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition is out of order.

The Hon. J.M.A. LENSINK: There are a number of things—

Members interjecting:

The PRESIDENT: Order! The Leader of the Opposition is in great danger of doing himself an injury with that pencil.

The Hon. J.M.A. LENSINK: Thank you, Mr President; I thank you for your protection of the Leader of the Opposition from himself. We have indeed been engaging in a range of activities to assist people with a disability. One of the most important things that we have done is to release media guidelines called Report it Right for reporting of people with disabilities.

This is particularly in response to the reporting of the death of Ann Marie Smith last year and a lot of public commentary, and indeed some of the commentary that has come from the mouths of members of the Labor Party, where it's my personal view that they have been ableist and patronising towards people with disability, particularly assuming that everybody who has a disability is vulnerable.

Members interjecting:

The PRESIDENT: Order! Order, the Government Whip! Order, Leader of the Opposition! The minister will continue.

The Hon. R.P. Wortley: Thank God it's your last week on government benches.

The PRESIDENT: The Hon. Mr Wortley, order!

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: Mr President, the Labor Party continue to show disrespect—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Hunter!

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bourke, order! Minister, continue.

The Hon. J.M.A. LENSINK: —to people with lived experience, given that this particular document has been embraced by people with disability. I do note—

The Hon. I.K. Hunter: You have been in the job for four years and all you've got to show for it is a pamphlet. You should be ashamed of yourself.

The PRESIDENT: The Hon. Mr Hunter!

Members interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. J.M.A. LENSINK: I do not often play the female card, but I do notice that these members particularly like to scream at women.

The PRESIDENT: Order! The minister shouldn't be pointing, whether she's got a book in her hand or not.

The Hon. J.M.A. LENSINK: They won't let them ask questions in the House of Assembly and they won't let them debate their own legislation.

Members interjecting:

The Hon. C.M. SCRIVEN: Point of order.

The PRESIDENT: Order! I have a point of order. The minister will resume her seat.

The Hon. C.M. SCRIVEN: Point of order: I frequently scream at the minister also, so what she is saying is totally untrue.

The PRESIDENT: Well, that's totally out of order as well.

Members interjecting:

The PRESIDENT: Order! The opposition is in grave danger of losing the next question if we don't continue. Minister, I would like you to conclude your answer fairly soon.

The Hon. J.M.A. LENSINK: This is actually a really important issue, and people with lived experience have said to us that this is a really important issue, that they feel distressed when people use bad language, when they patronise people with disability, assume that they are all vulnerable and that they all need to be protected—

The Hon. I.K. Hunter interjecting:

The PRESIDENT: The Hon. Mr Hunter!

The Hon. J.M.A. LENSINK: —and treated in the same way.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, leader!

The Hon. J.M.A. LENSINK: These guidelines are a really important part of addressing ableism in our community, which is quite prevalent, and people with lived experience reported to us that they often feel that the reporting of them in the media is inappropriate. As you would be very familiar with yourself, Mr President, we have had suicide guidelines for some time. We have also had, in relation to domestic and family violence, the websites and the numbers for people to contact when those stories are reported.

Common stereotypes for people with disability include that having a disability is a tragedy and that families, particularly spouses of people with a disability, are heroic. We need to respect the diversity of people with disability in our community and use the correct language. It's very important that these guidelines are adhered to. I would particularly like to draw to the attention of the Labor Party page 20, in relation to reporting on deaths. We had the very inappropriate manner in which the member for Hurtle Vale in particular in the Labor Party used the death of someone in one of our accommodation centres—

Members interjecting:

The PRESIDENT: The Hon. Mr Hunter, order!

The Hon. J.M.A. LENSINK: —without the permission of the next of kin, in the media, for their own base purposes. They are a disgrace.

DISABILITY

The Hon. C.M. SCRIVEN (14:50): Supplementary: what monitoring processes has the minister put in place to measure the effectiveness of the pamphlet that she has just described to the chamber?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:50): This document was put together by people with lived experience, and we will be monitoring it on a case-by-case basis. We are also providing it to the Press Club—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —and it should have been provided to electorate offices. What people with lived experience tell me is that they get exhausted by calling this behaviour out online and so the government joins with them in ensuring that—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —this document is produced far and wide—

Members interjecting:

The PRESIDENT: The Hon. Mr Hanson!

The Hon. J.M.A. LENSINK: —and is available to make sure that people who speak about people with disability in the public domain do so appropriately.

DISABILITY

The Hon. C.M. SCRIVEN (14:51): Further supplementary: could the minister outline specifically what processes will measure that effectiveness? She has talked about she is ensuring the document will be out widely. How will she know whether it has actually been useful in improving, across the board, the reporting of persons with a disability?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:51): We are not going to be monitoring every single website known to the human race, but we will—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —be doing it on a case-by-case basis. This document gives us strength. There are articles that I could pull out of the system where, if we had a document to point to, we could have said to the authors of those documents, 'You should know better.' But I am more than happy, particularly when it relates to the Labor Party, when they once again—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —insult people with disability and demonstrate their ableness—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: —we will write to them and point out that they should use more appropriate language.

The PRESIDENT: The Hon. Mr Pangallo.

Members interjecting:

The PRESIDENT: Order, on both sides! The minister should not have a—

Members interjecting:

The PRESIDENT: Order! No conversations across the chamber.

RIDESHARE VEHICLES

The Hon. F. PANGALLO (14:52): I seek leave to make a brief explanation before asking the Treasurer, representing the transport and infrastructure minister, the Hon. Corey Wingard, a question about taxis and rideshare.

Leave granted.

The Hon. F. PANGALLO: In five years, the number of vehicles in point-to-point transport has increased from 1,000 to 6,000, yet the number of compliance officers appears to have halved. By way of further explanation, I am advised by the Taxi Council that, since rideshare's introduction, over 4,000 complaints against rideshare vehicles illegally standing on taxi ranks were lodged with the department, 2,500 with photographic evidence.

It appears that not one $30,000 fine provided for under the act has been issued. Almost all breaches are just ignored or given an ineffectual warning, although occasionally rideshare operators are fined $180 under the Road Traffic Act if they were private motorists who had inadvertently strayed onto a taxi rank. Non-taxis have been allowed to install meters to give the appearance of being a taxi. Rideshare vehicles were for years allowed to avoid the regulation for chauffeured vehicle numberplates until the department took it upon themselves to change that regulation.

My question to the minister is: has the minister directed, or in any way encouraged, the Department for Infrastructure and Transport to abandon its Passenger Transport Act responsibilities of enforcing the regulations applying to rideshare vehicles and protecting the licences issued by the government to taxi plate owners and operators, or has the department developed its own policy of ignoring those regulations, on the assumption that they have a free hand to do so?

The Hon. R.I. LUCAS (Treasurer) (14:55): I am happy to refer the honourable member's question to the minister and bring back a reply.

COVID-19 QUARANTINE FACILITIES

The Hon. R.P. WORTLEY (14:55): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding health.

Leave granted.

The Hon. R.P. WORTLEY: SA Health opened tenders last week on Monday, and then closed them on Friday, for regional quarantine facilities that could support Aboriginal communities in which members may struggle to isolate due to COVID-19. When the media questioned the short time

frame, it was reported that SA Health had already been in conversations with quarantine providers and scoped out where facilities should be. My questions to the minister are:

1. What is the point of a tender process when the government may have already determined who to provide the contracts to?

2. If a provider had not already been briefed by the government and given a heads up that a tender was coming, can the minister understand that they would feel that procurement processes had been abused because they would not have enough time to submit a formal proposal?

3. Exactly how many tender applications were received?

The PRESIDENT: Before I call the minister, the middle question was getting close to seeking an opinion from the minister, but I am sure the minister will respond to the remainder of the questions.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56): I would think it was somewhat bizarre if the opposition felt that after almost two years of a pandemic, considering that we considered more than 100 potential sites for medi-hotels and other quarantine facilities, significant discussions had not taken place with a range of stakeholders in relation to a range of processes.

If the honourable member is suggesting that that process is corrupt, then he is welcome to provide information to the relevant authorities or to me as Minister for Health and I will certainly pursue that matter, but to suggest that somehow, because SA Health has spoken to providers at some indeterminate period, the procurement process is corrupt, I completely reject.

The PRESIDENT: Supplementary, the Hon. Mr Wortley.

COVID-19 QUARANTINE FACILITIES

The Hon. R.P. WORTLEY (14:57): First of all, I didn't say they were corrupt. I said they were abused.

The PRESIDENT: Order! Your question.

The Hon. R.P. WORTLEY: Exactly how many tender applications were received?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): I am happy to take the honourable member's question on notice.

SA HEALTH AWARDS

The Hon. H.M. GIROLAMO (14:57): My question is to the Minister for Health and Wellbeing. Will the minister please update the council on what the government is doing to recognise excellence in innovation in public health?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): I thank the honourable member for her question. I think it's a very pertinent question. The political process and industrial processes highlight the negative in our health services, but we should never lose sight of the fact that in spite of the range of challenges we are blessed with one of the best health services in the world.

On Friday 19 November, it was my privilege and honour to attend the 13th annual SA Health Awards, which were held once again at the Adelaide Town Hall. The awards celebrate and reward the programs and projects, the individuals and the teams whose drive and dedication has significantly improved the delivery of health services to their fellow South Australians or whose commitment to service improvements is enhancing the overall performance of our public health system.

The SA Health Awards are divided into 10 categories and there were three finalists in each category. Each finalist was showcased in a short video presentation in which the nominees explained what they had done, highlighted why it is important and gave a sense of how their work is enhancing the delivery of health care in this state. Each video only lasts for about a minute—the longest was less than 90 seconds long—yet each one captured the power of what had been achieved by passionate public servants.

Members probably won't be surprised to learn that half of the awards this year went to COVID-related activities, wonderful, amazing, important work that has kept our community safe and

strong over the last two unprecedented years. But even during the pandemic, life goes on and the SA Health team has continued to deliver quality ongoing health services. In recognition of this, five awards recognised outstanding achievements in services unrelated to COVID, work that is driving innovation and improvements in the delivery of health care in our state.

One of those awards, the Minister's Research and Innovation Award, went to the cardiothoracic surgery and plastic and reconstructive surgery units in the Central Adelaide Local Health Network. In an Australian-first procedure, surgeons in those units successfully implanted a 3D-printed polymer breastbone in a patient battling cancer. The surgery involved removing the patient's sternum so a tumour could be cut out and then replacing the sternum with a new 3D-printed one that was an exact replica of their old one—extraordinary innovation.

The Excellence and Innovation in Aboriginal Health Award went to SA Pharmacy for its Closing the Gap Medicines Access Program. The program, which commenced in 2017, reduces the costs of medicines dispensed from South Australian public hospital pharmacies for eligible Aboriginal and Torres Strait Islander peoples. In the four years it's been running, the program has helped more than 7,000 Aboriginal and Torres Strait Islander people access over 40,000 medications.

The Enhancing Hospital Care Award went to a project driven by South Australian Medical Imaging and children's anaesthesia in the Women's and Children's Hospital network. This project has seen a team of anaesthetic and radiology staff work together to significantly reduce the number of general anaesthetics given to babies who require interventional radiology procedures.

The Young Professional of the Year Award went to Dr Andrew Vanlint for the improvements he has introduced to doctors' clinical documentation and a new approach to the way medical discharge summaries are presented. This award I found particularly challenging. I have known Andrew for over three decades and the fact that he won a young professional award both delighted me and made me feel old!

In this brief response, I have only been able to identify four of the 10 awards. I want to conclude by congratulating all the winners and all the finalists for the inspiring work they do. I would encourage members of the council and every South Australian, if they have the time, to take a few minutes to watch one or more of the 30 video presentations played at the award ceremony and posted on the SA Health website. I assure you it will be time well spent, time that will leave you both inspired and appreciative of what SA Health staff do, how they go above and beyond searching for and striving to find ways to improve the systems and services South Australians rely on.

NUCLEAR WASTE

The Hon. R.A. SIMMS (15:02): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Premier, the Treasurer, on the topic of the Kimba nuclear dumping site.

Leave granted.

The Hon. R.A. SIMMS: Yesterday, the federal government announced that it has acquired more than 200 hectares of land near Kimba on Eyre Peninsula to build a nuclear waste storage facility, confirming the site, which is home to some of the country's best agricultural land, and it was also recently announced as the Agricultural Town of the Year. The traditional owners, the Barngarla people, have been vehemently against this proposal from the beginning, with this announcement also at odds with South Australian law, under which this proposal is deemed illegal. My questions to the Treasurer, therefore, are:

1. Has the government sought advice from the Crown Solicitor on the implications of Kimba being selected as the nation's radioactive site, which is in direct contravention of the Nuclear Waste Storage Facility (Prohibition) Act 2000, an act which was passed under the former Liberal Olsen government, of which the Treasurer was a part?

2. Given the government has announced Kimba as the 2021 Agricultural Town of the Year, are they concerned that their status as a thriving farming community will be compromised once this radioactive waste dump is established?

The Hon. R.I. LUCAS (Treasurer) (15:03): I am happy to refer the honourable member's questions to the Premier and/or other ministers and bring back a reply.

COVID-19 TREATMENT CENTRES

The Hon. T.T. NGO (15:04): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about health.

Leave granted.

The Hon. T.T. NGO: The government committed in October to opening rapid assessment and treatment centres for people with COVID-like symptoms. The government also committed in October to establishing a network of respiratory-ready GP clinics. My questions to the minister are:

1. When will the government's promised rapid assessment and treatment centres open?

2. When will the government's promised respiratory-ready GP clinics come online?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:05): My understanding in relation to the first rapid assessment clinic at the Royal Adelaide Hospital is that it has already opened. If it has not already opened, it will do shortly. I would underscore the fact that, in spite of the questioning leading up to the opening day of 23 November by the opposition in previous parliamentary sitting days, we have not seen a tsunami of cases. The government consistently said that would not happen. The fact of the matter is that you open your borders and over time there will be seeding. In that regard, my understanding is that in the days since the opening there have been about 10 cases in South Australia, and they would not all be interstate acquired.

There is unlikely to be a strong need for the full range of facilities the government is planning for in the immediate future, but the government is continuing to roll out initiatives. The work is being done not just in the COVID readiness space in terms of caring for people who are COVID positive but also it is being done in the context of the ongoing vaccination effort. This morning, for example, I was delighted to be at Pooraka for the opening of the first South Australian COVID vaccine drive-through clinic. There have been drive-through clinics in Victoria and New South Wales, and we are building on that experience to continue to push the vaccination program.

The COVID-ready road map that was released by the government is predicated on an ongoing effort to increase our vaccination rates. We have made it clear that the progress in terms of easing restrictions and opening borders is predicated on vaccine milestones, the first being 80 per cent of 16 plus and the second being 90 per cent of 12 plus. The most important way that South Australia can be COVID ready is to make sure that as many South Australians as possible get vaccinated.

GAMBLING HARM AWARENESS WEEK

The Hon. N.J. CENTOFANTI (15:07): My question is to the Minister for Human Services regarding preventing gambling harm. Will the minister please update the council on Gambling Harm Awareness Week, and the Marshall Liberal government's state-first Here For The Game initiative?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:08): I thank the honourable member for her question. It was a great day when we were able to launch the Here For The Game campaign with Adelaide United last week. Adelaide United are to be commended because they were approached by one of the online gambling companies to be a sponsor and they rejected it.

My understanding is that they approached the state government to put together an advertising campaign because they are particularly concerned that the prevalence of online gambling is something which some of the community may engage in, and the research is quite disturbing in terms of the number of children aged between eight and 16, some 75 per cent or more, who can name some of these sports betting companies and the impact that that has in terms of normalising that sort of behaviour.

They have with their key players, and through partnering with the state government, developed this campaign, the ads for which are quite powerful and include messages such as 'Here for the memories, not for the early bet payouts', and 'Here for the fans, not odds-on favourites'.

We do know that the impact of online gambling is particularly prevalent amongst younger males. While in this state we have a traditionally strong policy focus, particularly through this parliament, on electronic gambling machines, the online products available and the betting that is taking place there is certainly the fastest growing area of gambling.

My congratulations go to Nathan Kosmina, the coach, and the leadership of that club in partnering with this campaign. The state government has committed $328,000 over three years to roll out this advertising and make sure that the focus of people who are part of the Adelaide United community is on soccer—or the world game, as our colleague Frank Pangallo likes to put it—rather than on sports betting on their phones and their apps, and we look forward to harm prevention through this very important program.

Other codes may wish to adopt this as well, so that is something that the state government is open to. There is information on the website should they wish to seek to partner with the state government.

ONLINE GAMBLING

The Hon. C. BONAROS (15:10): Supplementary: if the government is so concerned about problem gambling, why are we yet to commence the inquiry process that was supported by this parliament almost two years ago into online gambling?

The PRESIDENT: It's not really relating to the answer given.

Members interjecting:

The PRESIDENT: It is online gambling. The minister can respond, if she wishes.

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:11): I am not responsible for the parliamentary committee that the honourable member is referring to, so I will have to seek some information in order to be able to respond to that particular query.

VISVANATHAN, PROF. R.

The Hon. C. BONAROS (15:11): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about Professor Renuka Visvanathan. I think I have pronounced her name completely wrong and I apologise.

Leave granted.

The Hon. C. BONAROS: A senior doctor awarded $115,000 compensation after the South Australian Employment Tribunal found she had been targeted for workplace bullying has had that legal victory overturned. Last year, the tribunal president, Stephen Lieschke, found the highly respected physician was subject to discrimination and bullying at work between 2014 and 2018, and this included a former Adelaide health bureaucrat repeatedly bullying the professor, turning colleagues against her and, when she complained, ensuring she was overlooked for a promotion, despite being the only qualified applicant.

Further, the president ruled that the clinician in question had been promoted to that particular role because she was the only eligible candidate. Last year, when I asked you some questions about the original verdict, you said at the time you were unable to respond because the government had chosen to appeal the decision. That decision has since been appealed, and we know the outcomes of that, so my questions to you now are:

1. How much money has SA Health and CALHN spent on legal fees fighting this health clinician in court?

2. How much has SA Health and CALHN spent in total on the appeal process alone?

3. What was the cost of Frances Nelson QC's role in terms of representing the Department for Health and Wellbeing in the tribunal process?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:13): I am certainly happy to take the honourable member's question on notice, but I will take the opportunity to concur with the Hon. Connie Bonaros's remarks that Dr Renuka is highly respected. I have certainly appreciated to

hear of her research, particularly in the area of older people at risk of falls. As I said, I will certainly seek on notice the information the honourable member seeks.

COVID-19 EMERGENCY RESPONSE

The Hon. I. PNEVMATIKOS (15:13): My question is to the Minister for Health and Wellbeing regarding health. Given that the powers of the State Coordinator that underpin many of the government's pandemic health and safety measures are due to lapse any day, can the minister advise whether there is a risk of legal challenges to the current COVID emergency directions once the powers expire? Has the minister made any representations to his cabinet colleagues to extend the emergency powers just as we see new variants enter Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): With all due respect, I think the powers the honourable member refers to relate to an act of the parliament which is scheduled to lapse at the end of today. They are not directions under the Emergency Management Act. If the honourable member wants to inquire about that act, that is an appropriate question to direct to the Attorney-General. If the honourable member, rather, has an inquiry about any directions, they are matters under the Emergency Management Act and are the responsibility of the Premier.

SUICIDE PREVENTION

The Hon. T.J. STEPHENS (15:15): Could the Minister for Health and Wellbeing please update the chamber on the 'What we heard about suicide in South Australia' report?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): I would like to thank the honourable member for his question and I would be delighted to update the council on the suicide prevention team within Wellbeing SA and the work that they have done in the consultation feedback report informing the development of the state's next Suicide Prevention Plan.

As members of the council would be aware, this government has taken real action to address the issue of suicide and preventing it in this state. In addition to the legislation currently being considered in the other place, back in 2018 the Premier appointed the state's inaugural Suicide Prevention Council and also South Australia's first Premier's Advocate for Suicide Prevention, a role filled by yourself, Mr President, for more than two years.

This government's commitment to suicide prevention and mental health services can also be seen through the landmark spending of $163.5 million over four years committed in this year's state budget. We are also the government that developed the first Mental Health Services Plan in seven years, after mental health was sorely neglected by the then government, the government that brought us Oakden, a shame on this state's history when it comes to mental health.

Meanwhile, we are the government that opened Australia's first adult mental health care centre, the Urgent Mental Health Care Centre in Grenfell Street, providing a more appropriate option for people experiencing mental health crisis or emotional distress, a service that has supported more than 1,600 people in the first 8½ months. I understand, Mr President, that you have had the opportunity to inspect that facility and I trust that you were as impressed as I was. It is a world-leading facility for people with mental health issues here in Adelaide.

We are also the government that established South Australia's first specific service for people living with borderline personality disorder (BPD). The service, BPD Co as it's known, provides expert support, education, training and services through a hub and spoke model to people living with BPD and their families and allies.

We are the government that managed to get the Psychiatric Intensive Care Unit open at the Royal Adelaide Hospital after the former government failed to do so. But I digress. This year, the suicide prevention team within Wellbeing SA has been working on the state's next Suicide Prevention Plan.

From March to July 2021, we heard from 3,200 South Australian voices on this plan, a very significant response in a public consultation on a government plan. The 3,200 included individuals, community groups, peak bodies, government agencies and more. Feedback was provided by phone, email, social media and in writing.

It demonstrates how important this issue is for so many South Australians and why it is essential we get this plan right. In 2020, around 234 South Australians lost their lives to suicide and it was a leading cause of death for people aged between 15 and 44 years of age. We need to remember that each statistic represents a human life and that suicide is often preventable.

The key themes that emerged from the public consultation included the need to respect people as individuals—including responding to individual needs, treating people with kindness and respecting different views—and building stronger communities, including cohesion, connection and belonging, care and compassion, self-determination, challenging societal norms, and tackling social and economic disadvantage such as poverty and domestic and family violence.

The consultation also highlighted the need to build community capacity, including community education, learning to identify and talk about feelings and knowing how to help each other, creating more supportive environments and supporting people at times of risk and people bereaved by suicide. The consultation highlighted the need for strengthening services, including putting the person first, changing the care model, knowing how to get help and appropriate services for different cultures and populations, and workforce training. Finally, do it right, don't rush.

I would like to thank Wellbeing SA for their work in coordinating the preparation of the Suicide Prevention Plan. I would like to acknowledge all those who have contributed to the report: the Premier's Council on Suicide Prevention; the many offices, teams and local health networks; community mental health; acute mental health; rehabilitation mental health; the Office of the Chief Psychiatrist; and all of the staff, whether they were a peer worker, a nurse, an allied health member, a psychiatrist, or employed through our important partnerships with the non-government sector. Thank you for your ideas and thoughts.

Very importantly, I thank the thousands of South Australians with lived experience of mental illness, emotional distress, suicide and suicidal ideation for what they have brought to this report as we strive to have relevant and responsive mental health services.

SUICIDE PREVENTION

The Hon. K.J. MAHER (Leader of the Opposition) (15:20): Supplementary: can the minister inform the chamber when he expects the suicide prevention bill will pass both houses of parliament by?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): With all due respect, I don't speak for the House of Assembly.

SUICIDE PREVENTION

The Hon. K.J. MAHER (Leader of the Opposition) (15:21): Further supplementary: can the minister outline to the chamber what steps he has taken as the minister responsible to ensure that the suicide prevention bill will pass both chambers before this parliament rises before the election?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): I have continued to advocate for the progress of the bill and I look forward to the progress of the bill.

SUICIDE PREVENTION

The Hon. K.J. MAHER (Leader of the Opposition) (15:21): Final supplementary: can the minister inform the chamber who now holds the position of the Premier's Advocate for Suicide Prevention?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): My understanding is the Premier does.

COVID-19 VACCINATION

The Hon. T.A. FRANKS (15:21): I seek leave to make a brief explanation before addressing a question on the topic of vaccination requirements and the arts and festivals to the Treasurer representing the Premier as Minister for Arts and Tourism.

Leave granted.

The Hon. T.A. FRANKS: We have seen some major venues in Adelaide introduce a voluntary requirement for people to be double-vaxxed; however, this requirement doesn't yet exist for major events, such as the Adelaide Festival and the Adelaide Fringe, and with festival season coming this is a pressing matter. For example, the Adelaide Festival is a statutory authority and therefore needs a directive from SA Health to bring in compulsory double-vaccination rules, which is what other arts events, such as WOMADelaide, have been able to do without that legislative barrier.

Venues and artists across the state are struggling to navigate the uncertainty and differences between venues and organisers when it comes to the requirements for audiences to be vaccinated. Some venues, for example, require everyone to be fully vaccinated, but others don't. Further, a requirement to be double-vaxxed, as we have seen in Europe, does not mean that people can't attend these events, only that they simply have to provide a negative COVID test or of course evidence of a medical exemption.

However, without being able to ensure people are double-vaxxed, major events, such as the Adelaide Festival, can only sell tickets up to 75 per cent capacity. Venues can only sell tickets up to 100 per cent capacity if everyone is fully vaccinated. After struggling for so long, the South Australian arts community deserves to be able to sell out—to be able to sell tickets for 100 per cent capacity in their upcoming events—and they certainly deserve the certainty.

My question to the minister is: will the Marshall Liberal government work with the arts industry, in particular with the Adelaide Festival and the Adelaide Fringe, to provide clear guidance on vaccination requirements and the support they need to have these festivals sell tickets to 100 per cent capacity so that our arts sector can finally recover from almost two years of pain?

The Hon. R.I. LUCAS (Treasurer) (15:23): I am happy to refer the honourable member's question to the Premier and bring back a reply, but I am sure even the Hon. Ms Franks would acknowledge that there is no bigger supporter of the arts community and the importance of the arts community than our Premier. He is an arts aficionado and a very strong supporter of the—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —arts community in South Australia and has done much to support them to manage and to cope with the challenges of the COVID pandemic. So the Hon. Ms Franks can rest assured that whatever can be done safely by the Premier will be done.

The only other broad comment I would make, noting statements that the Premier has made, but also that the police commissioner and the Chief Public Health Officer have made, is that when our state reaches the next threshold, which is 90 per cent double-vaccination, there is an active contemplation of a further easing of restrictions in South Australia. I did see in the weekly media the police commissioner, I think, indicating that, in his view anyway, dancing might be allowed in some establishments when we reach 90 per cent double-vaccination rates.

Clearly, there is to be some easing of restrictions when we reach 90 per cent. The estimation of when that occurs, as I understand it, the best guess is sometime toward the end of the year, possibly early next year. So, certainly on that basis, well before Mad March or the festive season of February and March. I do acknowledge that pre-selling tickets for some of these events is an important aspect of their work, so the earlier advice the better. I am sure the Premier is aware of that and I will certainly ensure that the Premier addresses the question and provides some sort of response.

Bills

AQUACULTURE (TOURISM DEVELOPMENT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 September 2021.)

The Hon. C.M. SCRIVEN (15:26): I rise to indicate that I am the lead speaker for the opposition on this bill. This bill was introduced in the House of Assembly on 26 May, so it has been quite some time before it has managed to make its way to this place. According to the government, it streamlines the application process for tourism developments within aquaculture zones by enabling the Minister for Primary Industries to approve developments. Currently, he does not have that power.

The minister purports to merely replicate existing requirements currently under the jurisdiction of other ministers. He has said that applicants must currently apply for development consent under the Planning, Development and Infrastructure Act 2016 via the State Commission Assessment Panel (SCAP) and also seek authority to construct on the seabed from the transport minister. He says that if this bill passes, it will be a one-stop shop instead.

However, there are a number of questions that need answers, and during the committee stage—assuming we progress to that stage—the opposition does have a number of questions and will seek a number of clarifications.

The bill also removes entirely the application of the Planning, Development and Infrastructure Act 2016 from aquaculture tourism development, and the reasons for this are not clear to the opposition.

In terms of coastal tourism and tourism aquaculture, we are very keen to look at ways that we can increase the opportunities for such tourism ventures. Some of the examples that have been put forward include things such as oyster shucking on the water, which might be particularly attractive to tourists.

The minister in the other place has said that this new legislation will cut red tape, as I mentioned, and yet it is unclear how it will actually do so, given that there will still be a number of different approvals that will need to go to a number of different government departments. However, we are keen.

The shadow minister for tourism in the other place, the Hon. Zoe Bettison, and I have certainly had a number of conversations about the potential for destination experiences, particularly the opportunities to increase tourist numbers to such destinations and to ensure that there is a holistic promotion of different regional areas in particular to the rest of the country and indeed to the rest of the world once we have fully open borders, or at least more open than we have experienced in the last two years.

We want to ensure that emerging tourism sectors of all sorts are encouraged and expanded. We want to make sure that particularly our locally grown seafood is well-known across the world and across the country and that there are increased opportunities for people to not only experience the pleasure of eating such seafood but also the pleasure of seeing how those things come to pass.

We do want to make sure that new tourism experiences can be stimulated, but we also want to ensure that the necessary guidelines are in place. We want to ensure that there are no opportunities for inappropriate developments in aquaculture zones, which of course, in general, are in protected areas.

Among the questions we will be asking are: what will be the impact? What will be the limitations? How can we be sure that inappropriate development will not occur, and in what way does the government envisage that these will actually enhance both environmental protections as well as tourism opportunities and ensure that there is no crossover that is detrimental to our environment or detrimental to our regional communities?

As I mentioned, we have a number of questions that we will be putting at the committee stage if the bill passes the second reading. Subject to appropriate answers to those, we will be supporting the bill.

The Hon. T.A. FRANKS (15:30): I rise on behalf of the Greens to indicate our cautious support for the second reading of this bill and note that we also have many questions that we would like answered before offering full support. The desire and need to diversify an industry or business is certainly understandable and we must acknowledge the significance of aquaculture in our state. Certainly, the new and emerging opportunity for tourism as part of the aquaculture industry is exciting.

Indeed, I have seen fishery businesses going down this path during the pandemic, moving from fishing to tourism, and good luck to them.

My understanding is, however, that there are already two developments that might fall under this bill and that there has been some interest from the industry in further aquaculture tourism developments from the tuna industry, relating to tuna rings off Port Lincoln, and there has also been some interest on Kangaroo Island.

Whilst we appreciate the desire for progress and innovation in tourism and the need for businesses to be able to diversify, we do wish to ensure that, with this legislation, that is done in the best way for all involved. We have some concerns that were raised in the other place and that we would echo here. We continue to be unclear in this bill whether the environmental protections that will be in place as part of the new planning approval process envisaged under this legislation will be as strong and as stringent as they should be. Indeed, we want to ensure that the EPA standards remain strong and stringent, and it is unclear to us whether this bill will do that.

We certainly do not wish to take the words in a briefing of the minister or the minister's staff for it. We wish to have this on the public record, so I will have questions at the committee stage but also questions in the second reading that we hope the government will respond to before progressing to a second reading vote. We will of course support this bill at the second reading stage but reserve our position regarding the third reading after we go through the committee stage.

The initial tranche of questions we have are: why is this particular type of development being pulled out of the recently reformed planning system legislation? Will similar arguments that have been made for this be made for other types of developments to be pulled out of that planning regime, and will that therefore create a pathway for other types of developments to circumvent the standard planning applications and approval processes and environmental assessments?

Further, during the briefing the minister indicated that there had not been opposition or concerns raised regarding this bill. However, during debate in the other place, it was raised that environmental stakeholders and NGOs were not consulted, so could we please have a list of those environmental stakeholders and NGOs that were consulted and also whether or not they raised any concerns, whether they indicated support and in what form that support was indicated?

To the best of my understanding, the consultation was limited to the Department for Environment and Water, the EPA and the Department for Infrastructure and Transport, as well as the Attorney-General's Department. Could the minister provide clarity as to whether that is the case or whether further consultation was undertaken or has since been undertaken and whether the lower house concerns that were raised have been addressed?

During our briefing, the minister indicated that there were some existing developments that might need retrospective approval under this bill, as they may not have gone through and got all the approvals as they may not have known that they needed to. Is this correct, and does the government think that introducing new legislation with unclear environmental protection requirements is good practice for dealing with developments that did not get the correct approvals under the current system?

The development in question, I believe, is the Salt Water Pavilion from Coffin Bay Oysters and the SA Premium Oyster farm tours from Smoky Bay Oysters. I have named them, but I would like the minister to address whether or not this legislation has been drafted with those particular businesses in mind. Further, the minister has stated:

> If a proposed tourism building work application is to overlap any portion of an existing aquaculture lease or corresponding licence within an aquaculture zone, any associated tourism authorities may only be granted with the consent of these entities and any registered specified persons who hold an interest in them.

Could the minister please outline how this process will be managed, as it is not clear in the bill.

Throughout the bill, and the minister's contribution and briefing, there have been several references to aquaculture tourism developments needing to be ecologically sustainable. How does the government define the criteria for ecological sustainability in this context? How will it be measured and how will it be enforced?

During the briefing that my office received, the minister indicated that while aquaculture sites already need to provide annual reports this reporting will likely cover the activities and impacts of structures and activities undertaken as part of the aquaculture tourism development, though he flagged that this would probably be less extensive than existing reporting and might not cover things such as waste. Would reporting and measuring waste, for example, associated with the development not be necessary to measure its environmental impact and ongoing ecological sustainability? If the minister could provide clarity on that, that would go some way to addressing the Greens' concerns with this bill.

Further, during the briefing the minister indicated that this bill is not limited to developments that are demountables but that infrastructure has to be able to be removed. I do know that this seems to be different to the advice that the Labor Party received in their briefing and as was alluded to in the other place, where they state that the minister informed them that these structures must be demountables. Will the structures all be demountables and, if not, what kind of infrastructure does the government then consider will fit this criterion within this legislation?

Further, given the government has acknowledged general limitations of the Aquaculture Act in their second reading speeches in both houses, why are they not waiting for the broader review of the act so that this can be properly consulted on and implemented? Why is there a rush for this legislation? What relies on this piece of legislation passing within this current sitting period?

Finally, during the debate on the bill in the other place, the minister indicated that it is a requirement of aquaculture tourism development authorisation being granted that the development benefits or value-adds to the existing aquaculture operation, but the bill is broader than this. It states that the minister must be satisfied that the relevant building work and commercial tourism activity comprising the development will 'complement, promote, be of benefit to or otherwise relate directly to aquaculture undertaken within the aquaculture zone'.

I think many would agree that that is quite broad and many things could otherwise relate directly to aquaculture undertaken within the aquaculture zone. What does the government envision these projects that otherwise relate directly to aquaculture undertaken within the aquaculture zone might entail if they do not already complement, promote or be of benefit to that same aquaculture undertaken within the aquaculture zone?

As I say, we have some concerns regarding this bill. We are gravely concerned with respect to the lack of consultation with NGOs, and particularly the environmental stakeholders. We look forward to our answers assuaging those fears or, should they not, this bill perhaps being given more forethought and consultation and being brought back in the new parliament.

The Hon. C. BONAROS (15:39): I rise on behalf of SA-Best to speak in support of the second reading of this bill and I do so with the benefit of having received comprehensive briefing from the office of the Minister for Primary Industries, David Basham, and follow-up responses in relation to questions and only last week having visited one of the developments that this bill would intend to support.

Aquaculture is one of the great success stories of South Australia, contributing close to $2 billion a year to the Australian economy. Tuna, marine finfish, oysters, mussels, algae and abalone are just some of the species farmed here, with oysters alone producing $35 million per annum. It has not always been smooth sailing, particularly for that industry, but it does provide an increasing number and diversity of local jobs in pristine regional locations across the state, such as KI, Arno Bay, Ceduna, Smoky Bay, Streaky Bay, Coffin Bay, Port Lincoln, Yorke Peninsula and the Limestone Coast.

It is estimated there are about a thousand direct jobs and over 1,500 support service jobs generated by aquaculture across a broad range of skilled and professional occupations, from cockswains, divers, scientists, technicians, farmhands and motor mechanics to boatbuilders and retail hospitality roles. There is nothing quite like visiting a region to understand the benefits or otherwise of the issues we debate in this place. It was absolutely fascinating to visit Coffin Bay Oysters to see firsthand how the oyster growing industry has evolved and expanded the production of the much sought after Coffin Bay oyster in the cool, clean, crystal clear protected waters of Coffin Bay.

It is fascinating to see how the industry has recognised and capitalised on the opportunity to value-add to the industry with ecologically appropriate and sustainable tourism operations within aquaculture farming zones by establishing low-key unique tourism experiences, such as the pavilion I saw at Coffin Bay. I did not dine on the platform myself, but I could see how unique an experience it would be to sit at a table on the water in view of an osprey's nest, taste testing the world-renowned Coffin Bay oyster.

These experiences existing amongst the oyster farming operations, and I am told by oyster farmers, go a long way towards advertising Coffin Bay, for instance, and its mouth-watering oysters Australia wide, and they do so in that case with a very tiny footprint. Ten years ago, the indigenous Sydney rock oyster might have been the only oyster on menus around Australia, but today Coffin Bay oysters are recognised and renowned for their wonderful clean flavour and meaty texture. There is no doubt from the discussions I have had that these sorts of operations go a long way towards assisting in that process.

That industry we know is experiencing a hiccup due to a supply chain issue, but from the firsthand accounts I heard, they remain optimistic that they will come good in the future in the new year. It is a big hiccup leading up to Christmas and I hope the government is doing absolutely everything it can to support that industry during this time of need. It is not the first time they have found themselves in, as I said, tricky times, but I think overall they remain optimistic that they will come through this in a positive way.

The reason I talk about Coffin Bay is because I have just seen that pontoon there and it is supposed to apply to similar approval processes for similar pontoons there and elsewhere. The bill itself is aimed at streamlining those processes to create certainty for investors in aquaculture tourism developments and to ensure these developments are not unduly delayed by too many layers of red tape. Hopefully, the amendments will improve the regulatory processes for existing operators and support new and emerging businesses without any compromise to the environment or sustainability.

The EPA will still need to approve any conditions imposed as part of the approval process, and there will be risk mitigation plans in place, as I understand it, for public safety and environmental threats, such as waste disposal.

The EPA can recommend the inclusion of conditions to protect, for instance, the seabed, including obligations to rehabilitate a requirement for public liability insurance, ongoing maintenance, water and waste management, building certification and water quality monitoring as part of any approval. However, as I have noted and as other members have noted in their contributions, we have been told by the government that this process is meant to replace the current process that exists, and make it less cumbersome with a one-stop shop approach.

We know that the current licensing process is riddled with red tape and requires applicants to go through multiple government agencies, which is where I understand the time-consuming part of this process comes through. You may make one application to one agency and then six months later find out that you also had to make an application to another agency, and then find out that you had to make an application to another agency or department, so there is no streamlining of those processes.

The intent of this bill, when we talk about the one-stop shop, is to bring those all under the one umbrella, so that when you do make this application you are not surprised six or 12 months later by the need to make a further application, which you had not thought of or did not know that you needed to do before. That is my understanding of how this will work in practice, certainly based on the information we have received from the government.

These changes are aimed at addressing these issues without compromising existing protections. I am pleased there is a public notification process for aquaculture developments in the application stage, so that everyone is consulted and approved developments are appropriate and supported by the local community and industry alike.

I note that the changes are not retrospective as such, and my understanding is would not apply to those cases that have been given to us as examples. I think in the worst case scenario one application has been going on for about 18 months. That is not necessarily because approvals were

not granted but because some of these steps were missed in terms of the approvals that needed to be granted during that process. The advice I have in terms of the retrospectivity of this bill is that it would not be retrospective but rather it would effectively allow those applicants to start that process again in a more streamlined manner.

The minister can confirm on the record whether that is in fact the case; that is certainly the information we have. It relates only to developments within existing aquaculture development zones, so it is not a carte blanche to start building restaurant pontoons up and down the South Australian coast—that is something that I do not think any of us would support in this place. It acknowledges the efforts of the aquaculture industry, which not only relies on our pristine waters for its existence but also plays such an integral role in protecting and preserving those very same waters and habitations from which they make a living.

I believe this is a positive initiative to support the huge potential of aquaculture and tourism industries in our state, and therefore indicate, as I did at the outset, our support for the proposal. I do acknowledge the contributions by my colleagues. It goes without saying that we will listen closely to the government's responses to those questions that have been asked and remain hopeful that the concerns are appropriately addressed so that we can see the successful passage of this bill.

The Hon. R.I. LUCAS (Treasurer) (15:48): I thank honourable members for their contributions to the second reading. Honourable members have raised some questions, and I will endeavour to provide responses upon advice from my adviser at clause 1 of the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. T.A. FRANKS: I would like an answer to the Greens' questions, and I am sure the Labor Party would like answers to their questions, too.

The ACTING CHAIR (Hon. I.K. Hunter): We will just take a moment for the adviser to enter the chamber.

The Hon. R.I. LUCAS: I now have an adviser with me, so if I could ask the Hon. Ms Franks to put the questions, because I don't have a copy of the questions that she asked during the second reading, and I will seek advice and try to provide an answer.

The Hon. T.A. FRANKS: Why is this particular type of development being pulled out of the recently reformed planning system?

The Hon. R.I. LUCAS: I am advised that under the current arrangements these projects or proposals have to go to two agencies. One is the Attorney-General's Department and the other one could be a number of different agencies that actually control the seabed. Under the new arrangements that are proposed, a more administratively streamlined process, it will be one agency, which is to be PIRSA.

The Hon. T.A. FRANKS: Will this be the same for other types of developments? Is this the start of a trend, or will this be the only industry that will be treated this way for the purposes of the new planning laws?

The Hon. R.I. LUCAS: I am advised it is only aquaculture related in relation to this legislation. In terms of whether there is a wider policy agenda of the government, I am not aware of any wider policy agenda. This is just addressing particular issues as it relates to the aquaculture industry.

The Hon. T.A. FRANKS: Why are PIRSA not able to streamline this for the industry and in fact act as the one-stop shop themselves to negotiate the bureaucracy and the different legislation without the need for the passage of specific, standalone legislation?

The Hon. R.I. LUCAS: I am advised that under the current legislation it is not actually accepted as aquaculture under the definition at the moment. Therefore, PIRSA are not in a position to be able to undertake the process that the honourable member proposes or envisages.

The Hon. C.M. SCRIVEN: I would also like to thank the minister in the other place for the briefing that was provided to the opposition. While some answers were provided to questions that were taken on notice from that briefing way back in, I think, May or early June, we would like to have them on public record, so we will be asking some of them again here. Is this bill supported by the EPA (Environment Protection Authority)?

The Hon. R.I. LUCAS: I am advised yes.

The Hon. C.M. SCRIVEN: Is there any written document that indicates that?

The Hon. R.I. LUCAS: I am advised there are probably emails or correspondence that relate to that, but I do not think that anyone from the EPA or anywhere else is contesting the fact that they have indicated support for it. I do not have a copy of a document or a letter with me at the moment, but I am advised, yes, there is clearly somewhere in the department an indication of support from the EPA.

The Hon. C.M. SCRIVEN: My next question is in regard to consultation and the Hon. Tammy Franks also alluded to this in her second reading speech. There was a list provided in the other place of who had been consulted with and the minister said—I am not quoting, I am paraphrasing—there had not been specific consultation with conservation groups. Has that now occurred and, for the record, for this chamber, could the Treasurer outline who has been consulted with on this bill?

The Hon. R.I. LUCAS: I am advised that, as the member was advised some time ago and I think the Hon. Ms Franks indicated as well, the consultation was with the EPA, the Department for Environment and Water, the Department for Infrastructure and Transport and the Attorney-General's Department in the drafting. So to the specific question of consultation with, broadly, conservation groups, the answer is no.

The Hon. C.M. SCRIVEN: So just to clarify, since the question was put a full 12 weeks ago in the other place, there still has not been any consultation with conservation groups; is that correct?

The Hon. R.I. LUCAS: That is my advice. Whether or not there have been submissions made by conservation groups at all, I am not sure. But in terms of: has there been another round of consultation by the government, which I think is the question by the Hon. Ms Franks, which involved a range of other groups including conservation groups and others, my advice is the answer to that is no.

It may well be that some of those groups may have made submissions either in support or opposition, I do not know about that, but that is not the honourable member's question. The Hon. Ms Franks' question, as I understand it, is has the government engaged in another round of consultation with the broader group involving conservation groups and the answer to that, I am advised, is no.

The Hon. C.M. SCRIVEN: I appreciate the answer, and that is clear in regard to former consultation. I guess my question comes to one part of the Treasurer's response, that there may well be those who are in opposition. So my question is, have there been any submissions received, either formally or informally, from groups or bodies who oppose this legislation in full or in part?

The Hon. R.I. LUCAS: I am advised the answer to that is no.

The Hon. T.A. FRANKS: Why, in the three months since this bill was before the other place, has there been no consultation with conservation groups?

The Hon. R.I. LUCAS: I can only assume that the minister, the department and the government believe that the consultation process entered into as outlined was sufficient in relation to it. The judgement was made that there was no need or requirement to consult other groups, including conservation groups, so I cannot provide any further detail than that. The answer to the question is there was not any, so I am advised, and I am assuming that is because the minister, the department and the government made a judgement call that nothing further was required.

The Hon. T.A. FRANKS: It has been indicated that the government consulted with the Department for Environment and Water, the EPA, the Department for Infrastructure and Transport and the Attorney-General's Department. Basically, the government consulted with the government. Did the government even consult with the industry on this bill?

The Hon. R.I. LUCAS: I am advised the answer to that is yes.

The Hon. T.A. FRANKS: Given one of my questions was, 'Which stakeholders were consulted on with regard to this bill?', can the minister now enlighten the council on who was consulted with regard to this bill other than the government?

The Hon. R.I. LUCAS: My adviser and I are not aware of the specific names of the representatives of the industry who have been consulted. My adviser is aware that the South Australian Oyster Growers Association is one of the groups that has been consulted, but as to the names of the others that represent the aquaculture industry, I am advised that the aquaculture industry has been consulted and is supportive.

The Hon. T.A. FRANKS: When were the South Australian Oyster Growers Association consulted? Were they consulted on a draft of the bill or the bill itself that we have before the parliament? What other stakeholders in the industry were consulted?

The Hon. R.I. LUCAS: As I indicated, I am not in a position to indicate what other stakeholders were consulted, other than the industry. In terms of the dates of consultation, I cannot assist the member as to the precise dates of the consultation for the South Australian Oyster Growers Association either.

The Hon. C.M. SCRIVEN: Can the Treasurer outline what kind of structures are envisaged to be able to be constructed if this bill passes this place?

The Hon. R.I. LUCAS: I am told that the restriction is that it complements and provides a benefit to aquaculture. Further detail may be provided by way of regulation, should the legislation be successful.

The Hon. C.M. SCRIVEN: At this stage—but of course we do not have regulations before us—what confidence can you provide to those who have concerns that there will not be inappropriate structures or large structures? In that same light, can you give some examples at least of the types that you think would be approved under this?

The Hon. R.I. LUCAS: I am told that the two that exist at the moment are referred to as water tasting platforms, which is sort of like a bench or a platform that goes out into the sea. So, clearly, to answer the question as to what might be approved, those sorts of similar structures and developments may well be approved under the proposals, but again it comes back to the definition of something that complements and benefits aquaculture. As to the specifics of what examples exist, they are the examples that exist: water tasting platforms. There are two of those at the moment.

The Hon. T.A. FRANKS: Echoing one of my second reading speech questions and noting that the Labor opposition seem to have received different answers in their briefing than the Greens received in our briefing on this matter, will these structures have to be demountable?

The Hon. R.I. LUCAS: I am advised, yes, they are not permanent structures.

The Hon. C.M. SCRIVEN: Could you point to what part of the legislation ensures that they must be demountable? I am aware, of course, that current aquaculture leases must be, I think, no more than 30 years. So that might be, in fact, an implied suggestion that they are not going to be 20-storey hotel buildings. Where in the legislation does it say that they must be demountable?

The Hon. R.I. LUCAS: I am advised that, similar to existing aquaculture leases, there is an existing condition that the lease must be rehabilitated. That is an existing condition of an aquaculture lease. That condition, that it has to be rehabilitated, means that, clearly, if the structure is going to be rehabilitated, it would need to be demountable.

The Hon. C.M. SCRIVEN: So seeking further clarification on that and perhaps two points. One, is that in each individual lease, or is it in the existing act? Perhaps I will ask one question at a time, so I will ask that and then I have a follow-up in a moment.

The Hon. R.I. LUCAS: I am advised it is a condition of existing leases, and each lease.

The Hon. C.M. SCRIVEN: So what requires that to be a condition of each lease? Is that a legislative requirement in the existing Aquaculture Act, is my question?

The Hon. R.I. LUCAS: I do not have parliamentary counsel with me here to advise. It is an existing condition of the aquaculture lease, and the proposal from the government is to continue it. There is no suggestion to the alternative, so I am told.

In relation to what the head power is back in the legislation for that to have existed in the aquaculture leases in the first place, as I understand it, I was advised, no-one has challenged the fact that that is an existing condition of an existing lease. No-one is challenging the legal authority to have that in the existing leases that are there, and the proposal is just to continue that particular arrangement, so I am advised.

The Hon. C.M. SCRIVEN: Thank you for that response. My concern is we are currently changing the legislation, so my question is around whether leases going forward would therefore necessarily have that provision in them.

The Hon. R.I. LUCAS: I am advised the change is in legislation, not changing whatever legal authority exists for the existing conditions in leases to continue.

The Hon. C.M. SCRIVEN: The second part of the question arose from the Treasurer's previous answer, where he is saying that the requirement is that the lease must be rehabilitated. In non-aquaculture developments there are certain opportunities. If I can use an analogy, bearing in mind obviously the limitations to that analogy, when someone re-leases a shop or an office, it needs to then be essentially returned to its original condition at the end of that lease, but that does not stop one doing a shop fit-out or an office fit-out.

My question is really, I guess, around the understanding and if there is a formal definition of 'rehabilitated'. My whole point being: how can we be assured that the biggest development that could occur under this legislation would be something such as a tasting table?

The Hon. R.I. LUCAS: I have not said that the biggest development that could occur is a tasting platform. The member asked if we can give an example, because the response to the earlier question was that it had to complement and benefit the aquaculture industry. The member then asked, 'Can you at least give us an example?' So I gave an example. I would not want the member to infer from that that I said that was the biggest. If something complements and benefits the aquaculture industry then it would comply with the legislation.

I am not sure what else I can do to provide assurance to the Deputy Leader of the Opposition other than what I have already placed on the record in relation to the member's questions on this particular area. I have no further information that I can provide that provides any greater detail in relation to the honourable member's series of questions.

The Hon. C.M. SCRIVEN: The crux of what I am trying to get at, which I think is the basis of the concerns of those who have raised them, is on one hand we can be clear that some things will not be possible. A 30-storey hotel, I think we can probably all agree, is not likely to get through this process, and then we have a water tasting platform, but there is such a wide range of potential developments from those two extremes.

Where is, if you like, the upper limit of what can be approved through this? Who determines what complements or provides a benefit, and how can people be reassured that this legislation will not allow development of a type that is not envisaged when people think of, for example, a tasting platform?

The Hon. R.I. LUCAS: I cannot answer that question to the degree of specificity that the member is seeking—what is the exact upper limit—because I cannot envisage what the nature of structures might be that fit within the definition of 'complements and benefits the aquaculture industry'. The member has outlined the extremes. I am not going to argue with the extremes, but as to providing a midpoint cut-off point, I am not in a position to provide that degree of clarity for the member.

The minister has to agree. I am told the EPA has to agree. The EPA is independent of the government. It obviously has to take into consideration, if people are concerned about the size of the structure, what the impact might be on the marine environment and the like. The EPA has demonstrated its capacity to speak out on particular issues, whether or not they are in accord with departmental or government views on occasions, so that is the sort of safety net or check that is envisaged in relation to the system.

The Hon. C.M. SCRIVEN: I think that is where some of the concern lies. We do indeed want a safety net, and we want that safety net to be robust, but there seems to be very little detail forthcoming as to how that will actually occur. I will give an example. Perhaps there are existing toilets and a group of transportable buildings for accommodation is proposed. From what we can tell from the debate in the other place, that would not necessarily trigger a referral to the EPA. When we get to those clauses, we might have some further questions around that.

That is simply an example. I appreciate the difficulties of hypotheticals. I am not trying to be difficult; I am trying to get clarity so that those who have concerns can be reassured that they are not a problem or can raise further questions. My question is: would something like a group of transportable buildings that does not involve additional toilets be potentially able to be approved under this legislation if it passes?

The Hon. R.I. LUCAS: I just cannot answer the hypothetical questions that the member is putting. Ultimately, it is a judgement call for this parliament to take. If the parliament is unhappy with the lack of specificity, the parliament will have to endeavour to put in, to quote an earlier question from the member, what the upper limit of the structures is that she envisages.

Good luck with contemplating all the various aquaculture projects or structures that might be proposed that might complement and benefit the aquaculture industry and drafting appropriate words in legislation to draw a clear line as to what is in and what is out. That is an extremely challenging task, but if ultimately that is the position of the opposition and other members in this chamber then so be it.

The legislation will need to be delayed, as the Hon. Ms Franks has canvassed, until next year, and these sorts of potential benefits to the aquaculture industry in terms of jobs in regional areas in the tourism sector can be put on ice for another 12 months. That is ultimately a judgement call the Hon. Ms Scriven and others can take in relation to whether the legislation progresses or not. It is the government's view that there are worthwhile projects out there that can have an appropriate balance in terms of environmental protection and promotion of jobs in regional areas, in particular, for regional communities. The government believes it has the balance right.

If ultimately this chamber does not believe the balance is right, as I said, as the Hon. Ms Franks at least canvassed, the legislation can be delayed for another year. Someone can try to draw a line as to what the exact shape and structure of an aquaculture development that is acceptable to members opposite might be, but it would be an extremely challenging drafting task.

The Hon. T.A. FRANKS: I reiterate, and just follow on from the opposition deputy leader's question. The minister has mentioned that it is a condition, once tourism development use envisaged under this legislation has reached its end, that the site must be returned to its original state. I am going to pre-empt that I will be asking about the ecological sustainability requirements of this legislation in just a minute, but what if that original state was already very degraded? Will there be an expectation that its simply degraded state will be enough, or will it be actually rehabilitated to ensure that ecological sustainability that the bill also holds as an ideal?

The Hon. R.I. LUCAS: If I understand the honourable member's question, if an area is already partially degraded—and I presume by that the honourable member is talking about in terms of the conditions of the marine environment, for example—it is not going to be the proposition that someone who for a period of time has put in an aquaculture development and has a structure there by rehabilitation will have to remove the structure. They will not actually have to take responsibility for decades of marine environment downgrading that others have been responsible for. If that is the proposition of the Hon. Ms Franks it is an interesting one, but it is not one the government subscribes to.

The Hon. T.A. FRANKS: That brings me to the next question. During the minister's contribution, and indeed our briefings, there were several references to aquaculture tourism developments needing to be ecologically sustainable. How is the criteria for ecological sustainability defined in this legislation, how will the government measure it, and how will it enforce it?

The Hon. R.I. LUCAS: I am advised there is already a definition under the Aquaculture Act of an ecologically sustainable development.

The Hon. T.A. FRANKS: I do have more questions and I note that I did ask questions in the second reading and it would be usual for the second reading summation to have responded to a lot of those questions. I find it quite disappointing that the government treats this with such flippancy that it did not have the respect for the council to answer those questions before we proceeded into the committee stage.

I note, also, that the Conservation Council has not been consulted on this and yet we have just had a little lecture from the Treasurer to the opposition and I believe to myself as a crossbencher, if not all the crossbenchers, that apparently, should we adjourn this for proper answers to be provided, it would be next year. I note that we could come back next week, we could come back in February, we could come back well before April/May 2022.

I also note that, while we have been lectured on appropriate balance, no NGOs in the environmental sector or the Conservation Council were consulted about this bill. In fact, we might have quite a few more answers had they been consulted. I have had some communications with Craig Wilkins of the Conservation Council while I have been asking these questions and he certainly queries why this bill is being rushed through. I am sure he probably queries why the Conservation Council was not consulted.

I just received a trite answer to how ecological sustainability will be measured and enforced in this legislation and indeed simply defined in this legislation. We have not had an answer for why it is being removed from the planning act, other than to somehow streamline bureaucracy and provide a one-stop shop.

Beyond that, we have been given no clarity as to where the urgent need was to provide this one-stop shop, why the review could not be part of the planning act or other reviews, and come to us properly consulted with the ability for the minister—albeit the acting minister, the minister representing the minister in the other place—to answer questions that are simple questions, even to the point that you cannot even tell me who in the industry, other than the SA oyster association, has been consulted from the industry. With that, I move to report progress.

The committee divided on the motion:

Ayes 10
Noes 11
Majority 1

AYES

Bourke, E.S.	Franks, T.A. (teller)	Hanson, J.E.
Hunter, I.K.	Maher, K.J.	Ngo, T.T.
Pnevmatikos, I.	Scriven, C.M.	Simms, R.A.
Wortley, R.P.		

NOES

Bonaros, C.	Centofanti, N.J.	Darley, J.A.
Girolamo, H.M.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	Pangallo, F.
Stephens, T.J.	Wade, S.G.	

Motion thus negatived.

The Hon. C.M. SCRIVEN: I would just like to put on the record that I had been about to ask a question about timing. It is important to put on the record that this was introduced in the other place in May but not passed until 7 September in the other place. The Hon. Mr Lucas gave his second reading explanation in this place on 9 September, which I think is a full 12 weeks since it was slated to come for debate, yet we are having the second reading for everyone else today and then taking it through to a vote. My question would be: why has it taken so long to get here if it is of such vital importance to regional jobs, as the Treasurer indicated?

The Hon. R.I. LUCAS: Because the government has given every opportunity to the Labor Party and the crossbenchers to inform themselves, to consult and to form a view one way or another in relation to the legislation. If the opposition and crossbenchers do not support the legislation, they are perfectly entitled to vote it down.

As the member has indicated, it is not as though this bill has been rushed through, as was suggested earlier. This bill was introduced in May. I think the member—correct me if I am wrong—indicated that it was introduced in this chamber almost two months ago, in September. It is hardly the definition of rushing a piece of legislation through the parliament or even this chamber.

The opposition and crossbenchers have had plenty of time to inform themselves as to whether or not they support the legislation and whether or not they want to move amendments, and they are perfectly entitled, if they so wish, to vote against the legislation. But as I said, it is the government's view that we think the legislation is an appropriate balance, and we want to see regional jobs in regional communities. If the Hon. Ms Scriven and others do not want to see regional jobs in regional communities, then let them vote accordingly.

The Hon. T.A. FRANKS: Point of order, Chair: the Treasurer is impugning improper motive on behalf of the opposition and crossbenchers. I think that he should be asked to withdraw, and I ask him to withdraw.

The Hon. R.P. Wortley interjecting:

The CHAIR: The Hon. Mr Wortley, I do not need your help. I do not consider that the Treasurer has done that, but I think the Treasurer ought to bring himself back to the nub of the questions that are being asked. Extensive questions have been asked, and I think we are canvassing a number of different issues, and I ask the Treasurer to continue that without perhaps moving off the topic.

The Hon. T.A. FRANKS: Point of order, Chair: he said that the opposition and the crossbenchers do not support the tourism industry. I think that is impugning improper motive, and I ask him to withdraw.

The CHAIR: I will invite the Treasurer, if he wishes, to withdraw that remark.

The Hon. R.I. LUCAS: No, I do not.

The CHAIR: I will invite the Treasurer to continue. No—you have finished responding? Next question, the Hon. Ms Franks.

The Hon. T.A. FRANKS: It has been revealed that no NGOs or environmental stakeholders have been consulted in the three months between the time that this bill was in the lower house until we now debate it today, yet the minister has had ample opportunity. I also note that they were not consulted in the drafting of the bill. However, proposed section 58B negates the application of the Planning, Development and Infrastructure Act 2016. This is actually quite concerning—and the Conservation Council has raised this concern with me because clearly the government have not listened to them—as the only referral to the Coast Protection Board is via that act. Surely the Coast Protection Board should have been another essential referral agency. Can you explain why the Coast Protection Board were not consulted on this piece of legislation?

The Hon. R.I. LUCAS: I cannot provide any further advice in relation to why various other bodies were not consulted, including the Coast Protection Board. As I said in relation to the series of earlier questions, I can indicate on advice which bodies were consulted but, as the member has highlighted, bodies including conservation groups and others were not consulted. I cannot provide a reason other than the one I provided on the record earlier in relation to why they were not consulted.

The Hon. T.A. FRANKS: Can a definition of 'tourism activity' be provided by the government? Proposed section 58A just refers to 'building work'. This is a concerning precedent, as there could be any number of types of aquaculture ventures that could be proposed in the name of tourism. Will this legislation only enable building work, or are other broader definitions of 'tourism activity' envisaged?

The Hon. R.I. LUCAS: I can only refer the honourable member to the definitions under the act, which are, 'commercial tourism activity means a tourism activity undertaken for fee or reward', and 'building work has the same meaning as in the Planning, Development and Infrastructure Act 2016'. Other than those two clear definitions, I cannot offer any greater clarity than what is envisaged under those definitions.

The Hon. C.M. SCRIVEN: I would just note that, given the Treasurer's statement in regard to this being introduced in May, it is rather surprising then that the government cannot provide answers to questions that are being raised both by the opposition and the Greens. Could the Treasurer outline how tourism structures in aquaculture zones have been approved to date?

The Hon. R.I. LUCAS: As I outlined before, there are two separate authorities under the current arrangement. This proposal is to streamline the process with one. So it would have been under the Attorney-General's Department, the planning section of that, and whichever other second authority controlled the particular seabed. That can be, I understand, a number of different agencies. Currently, there are two separate authorities that need to provide approval. This process is to try to streamline it and reduce some of the red tape by making it the responsibility of one authority.

The Hon. C.M. SCRIVEN: How many tourism structures in aquaculture zones have been approved to date?

The Hon. R.I. LUCAS: As I advised earlier, my advice was that there had been two. These were those water tasting platforms that I referred to in response to an earlier question.

The Hon. C.M. SCRIVEN: Just for clarification, the Treasurer is saying that they both have gone through the approval process; is that correct?

The Hon. R.I. LUCAS: I am advised they are currently going through a development approval process, albeit they evidently exist.

The Hon. C.M. SCRIVEN: Is the government concerned that there are currently two ventures operating, it would appear from what the Treasurer has just said, without authority?

The Hon. R.I. LUCAS: If that is the case I would be concerned, but they are evidently seeking retrospective development approval, so I am advised. The process is they have to go through two authorities and that is what they are going through in terms of seeking approval.

The Hon. T.A. FRANKS: Proposed section 58F(1)(c)—concurrence required—does this apply to land underlying waters proclaimed as marine parks?

The Hon. R.I. LUCAS: I am advised that the Minister for Transport owns the seabed in a marine park so, in that particular case, it would be the Minister for Transport.

The Hon. T.A. FRANKS: That answers the question of which minister the concurrence was required from. So it does not require the concurrence of the Minister for Environment, it requires the concurrence of the Minister for Transport; is that the case? Clearly, we are not getting answers, Chair. I will move on to another question: is DEW a compulsory referral agency for any of these proposals?

The Hon. R.I. LUCAS: I am advised no and that is consistent with how aquaculture is currently regulated under the current Aquaculture Act.

The Hon. T.A. FRANKS: Following on from that, who will pick up any threatened species or any marine pests or marine protected area implications?

The Hon. R.I. LUCAS: Pick up?

The Hon. T.A. FRANKS: Yes.

The Hon. R.I. LUCAS: What do you mean by pick up?

The Hon. T.A. FRANKS: How will those issues be addressed?

The Hon. R.I. LUCAS: I am advised that PIRSA, under that ecologically sustainable development definition, has to have responsibility. Whilst it is not mandated, they can—and it is envisaged that they may well do so—refer those types of issues for advice from DEW, but it is not mandated.

The Hon. T.A. FRANKS: Are there any penalties if they do not do that?

The Hon. R.I. LUCAS: If it is not mandated, there would not be penalties.

The Hon. T.A. FRANKS: Given it is not mandated, how will it happen?

The Hon. R.I. LUCAS: Just as I explained to the honourable member; that is, the PIRSA department, under this proposal, has the responsibility for ecologically sustainable development so they have to make the call, and it may well be that they choose in certain circumstances to seek advice from DEW. That is how it would happen.

The Hon. T.A. FRANKS: Very good, Chair. This is the bill that was not sent out to the environmental stakeholders for any consultation, but we are now told, 'Trust us. We will consult on the environment, even though we are not mandated to. There will be no penalty for not doing so and there are no safeguards.' Indeed, it does not seem to be thought through whatsoever.

Under clause 4 and proposed section 58C, it is an offence to carry out aquaculture tourism development. Under this section that offence is created if someone undertakes aquaculture tourism development unless authorised to do so. However, while newly inserted 58I covers the removal of unauthorised development there does not seem to be any reference to the person responsible for the unauthorised development being required to remediate any environmental damage that may have occurred as a result. What is the government's plan should environmental damage occur as the result of an unauthorised aquaculture tourism development?

The Hon. R.I. LUCAS: I am advised that under 58I—Removal of unauthorised development, covers the issue of unauthorised developments and there are clear requirements there by way of written notice from the minister to the persons who might have been responsible.

The Hon. T.A. FRANKS: Can the minister clarify whether that simply covers the removal of that unauthorised development or goes further to ensure that the environmental damage that may have been inflicted is actually addressed and remediated?

The Hon. R.I. LUCAS: If the honourable member would like to look at subclause (a), which says to remove it, and then (b), which says 'reinstate and rehabilitate the area of the development'.

The Hon. C.M. SCRIVEN: For the record, could the Treasurer advise: is the current application process for development approval to the planning department and a seabed licence, which we have heard is to the Department for Infrastructure and Transport, concurrent or sequential?

The Hon. R.I. LUCAS: To clarify, as I understand the honourable member's question, it was the current process and my advice is that it is really up to the proponent. There is nothing that prevents them from concurrently, to use the member's word, going through that process, or they could do it sequentially, if they so chose.

The Hon. C.M. SCRIVEN: So in what way then would this proposed legislation speed up the process if currently applicants can apply at the same time for approval?

The Hon. R.I. LUCAS: All I can say is that, if you are an applicant with a proposal and you only have to deal with one government agency, as opposed to two separate government agencies, the general view from people who are making applications to government agencies is that it is a more streamlined process if you only have to go to one agency in terms of getting your requirements, as opposed to having to go to two separate agencies.

The Hon. C.M. SCRIVEN: But is it not the case that in a number of proposed aquaculture tourism developments PIRSA would then need to go to another department and therefore it would not necessarily be any quicker?

The Hon. R.I. LUCAS: I think this is not the only area where the concept of a one-stop shop or facilitating agency or coordinating agency has been developed, not only under this government but under former governments as well. We can all have our view as to the efficacy of what is being proposed and, as I said, it is entirely up to members to make a judgement call about that. It is the government's view that this is a more streamlined process. It reduces red tape and the industry is supportive of it. We can only urge members of the chamber to agree with that particular position or not.

The Hon. C.M. SCRIVEN: Again for the record, what are the application and annual fees for development approval and a seabed licence under current arrangements and what are the proposed application and annual fees under the aquaculture bill?

The Hon. R.I. LUCAS: I am told there is a scale of fees. I think under the planning act there is an application fee and a scale of fees and under seabed licensing there is a scale of fees and annual fees, not application fees. The government's proposal is to not increase significantly the fee, it is to keep the fees in and around the same order of magnitude as they are at the moment. Under the planning act, as the member is probably aware, it varies depending on the scale of the development.

The Hon. C.M. SCRIVEN: In a letter to myself, as shadow minister, from the minister, the government stated:

> …and by policy decision these costs will not exceed existing application and annual fees as apply under the Planning, Development and Infrastructure Act.

For the public record, could you please confirm three things. First, can you confirm that the minimum fees for development approval will not increase under this new proposed system?

The Hon. R.I. LUCAS: I cannot give that guarantee, because there is normally a Treasury indexation rate for all fees and charges that goes up, which the former government used and the government current uses. There is a standard indexation rate, but my advice is that is the proposition from the government—it would be indexed at the usual indexation rate.

The Hon. C.M. SCRIVEN: Again, for the public record, can you confirm that the annual fees for seabed licences will not increase under this new proposed system, other than an annual indexation rate?

The Hon. R.I. LUCAS: I am advised that that is the policy position of the minister and the government. As I indicated earlier, we are not seeing this as a significant revenue-raising opportunity. It is something there to try to assist the industry with a streamlined process, to promote regional jobs and worthwhile developments.

The Hon. C.M. SCRIVEN: Finally, again for the record, can the Treasurer confirm there will be no additional types of fees introduced in relation to aquaculture tourism?

The Hon. R.I. LUCAS: Again, my advice is the government is not proposing any additional fees, to answer the member's question.

The Hon. T.A. FRANKS: At clause 5, what is the threshold for referral to the EPA?

The Hon. R.I. LUCAS: My advice is that at this stage the government's position is that all applications are to go to the EPA, but there is a provision there if the EPA, for example, came back and said they did not want to consider applications below a certain threshold, that there is the capacity for that. The government's position at this stage is to provide all developments to the EPA. If we are talking about a modest number of potential developments, I cannot imagine the EPA is going to object to it.

The Hon. T.A. FRANKS: Can the Treasurer confirm that if the EPA does not give approval, the development will not go ahead?

The Hon. R.I. LUCAS: I am advised that the minister takes advice from the EPA but it is not a veto right from the EPA.

Clause passed.

Clause 2.

The Hon. C.M. SCRIVEN: Some questions were asked in the other place but, as I mentioned, that was a full 12 weeks ago so I seek some clarifications and further updates. What lead time is needed to change these processes?

The Hon. R.I. LUCAS: I am advised that there is no specific time line. My responses to some questions have referred to regulations. They will need to be developed so, I think as with most legislation, as soon as the regulations are able to be completed the government will be intent on proceeding at pace.

The Hon. C.M. SCRIVEN: The second reading speech of the minister in the other place stated:

> PIRSA will then progressively review all current aquaculture zone policies and consult with industry to determine if any relevant provisions governing aquaculture-associated tourism developments are required and, if so, undertake the prescribed amendment process…

Will consultation expand to include environmental groups, or will it be limited only to industry, as appears to have been the case with the draft bill?

The Hon. R.I. LUCAS: I am advised that there is a prescribed process, as I understand it, for consultation for those sorts of zones and policies and some conservation groups are part of that prescribed process.

The Hon. C.M. SCRIVEN: In the other place, the minister indicated that 'the Lower Eyre Peninsula policy is being reviewed. There is no defined time frame on the review of these policies, but it is an ongoing process.' Where is that review at now?

The Hon. R.I. LUCAS: The answer to the previous question is really the same as this one, that is, where that one is in particular, I understand that is just ongoing. There is no prescribed time line as to when they have to be concluded. I think there are 12 zones. There are 12 zones, so these things are going to take a period of time and there is no time limit within which that particular policy review has to be concluded.

Clause passed.

Clause 3 passed.

Clause 4.

The Hon. C.M. SCRIVEN: In section 58A, in the preliminary, there is the definition:

> *aquaculture tourism development authorisation* means an authorisation for aquaculture tourism development granted under section 58D(1).

That is what I am referring to. How many aquaculture licence holders does the government anticipate applying for tourism development approval over the first 12 months, two years and five years?

The Hon. R.I. LUCAS: That is not a question that I can have an answer for or can provide an answer for. It is really not something within the knowledge of the department or the government.

The Hon. C.M. SCRIVEN: I am not expecting any specific guarantees, but given the minister has referred to regional jobs and a boom and so on, and because the government is giving time and resources to have this bill progressed, I imagine they must have some kind of expectation around how many might be applied for, or indeed how many potential operators have approached them, which has resulted in this bill coming forward.

The Hon. R.I. LUCAS: There is no time or resources being devoted to debating this particular bill. We are here legislating and we are required to be here and we just happen to be debating this bill. I do not think we need to worry about time and resources being devoted to debating this particular piece of legislation. I have nothing further to add in relation to the number that the government or the department might expect to take up the opportunities that might be provided for if this legislation passes.

The Hon. C.M. SCRIVEN: The bill, of course, only allows for aquaculture tourism development within aquaculture zones. What is the impact for aquaculture operators who are not in

aquaculture zones? Has the possibility of extending this type of process or one-stop shop beyond the zones been considered, and do you have any concerns about competitive disadvantage for those who are not in aquaculture zones and who therefore cannot access this expected one-stop shop?

The Hon. R.I. LUCAS: I am advised that over 80 per cent of aquaculture licences are in the zone, so it is a minority that are outside the zones. Those that are outside the zones would go through the current process in terms of planning approval and whatever the seabed authority licence process is, which is the current requirement.

The Hon. C.M. SCRIVEN: That leads to the second part of my question, which was around competitive disadvantage for those that are not in aquaculture zones. What is the government's view on that?

The Hon. R.I. LUCAS: Clearly, the government's view is that we are trying to provide a more streamlined process that reduces red tape. If that provides some advantage to those within zones, it is the end product of the government's proposition. My advice is that those who are outside the zones do not have access to what is being proposed and whether that leads to a significant or insignificant competitive disadvantage I guess will be a judgement call for the individual operators.

The Hon. C.M. SCRIVEN: This question was addressed in part at clause 1, but I want to specifically address it here in regard to section 58F. This is the section which says that:

> (1) The power of the Minister to grant an aquaculture tourism development authorisation, a tourism lease or a tourism licence in relation to certain land is subject to—
>
> (a) if the land is vested in the Minister responsible for the administration of the Harbors and Navigation Act 1993, the requirement under section 15 of that Act for the concurrence of that Minister; and
>
> (b) if the land is vested in any other entity, the concurrence of that other entity; and
>
> (c) the concurrence of any other entity that may be responsible for the care, control and management of the land.

That is a fairly lengthy way of asking: how does this streamline the process and cut red tape if the primary industries minister will still need to refer to the EPA and still get the concurrence of the minister responsible for the Harbours and Navigation Act, which is the Minister for Infrastructure and Transport? I appreciate that for the applicant it may be easier to be going just to PIRSA, but how will it actually cut red tape if there is still a requirement for the primary industries minister to go to both the EPA and the Minister for Infrastructure and Transport?

The Hon. R.I. LUCAS: The honourable member is right: we did address this question earlier, and that is, I guess, the argument for one-stop shops or facilitation and coordination agencies or bodies and, that is, there will be one body, PIRSA, responsible for facilitating and coordinating the application process. It is the government's view and clearly the industry's view that that is preferable to the current process.

The Hon. C.M. SCRIVEN: I appreciate and in fact agree that that may well be preferable to the current process, but what actual steps of the process are removed? There does not seem to be any being removed, notwithstanding the fact that the applicant does not have to see all of those other processes. How is red tape being lessened?

The Hon. R.I. LUCAS: I cannot offer much more than I have just offered and what I offered earlier, and that is the industry obviously believes, and so too does the government, that this streamlines the process and reduces the red tape by having PIRSA as the agency which helps facilitate or coordinate, on behalf of or with the applicant, the process of government. I know in many other areas, coordinating or facilitating roles in terms of managing various application processes to more than one department and/or government agency is generally supported by industry sectors. It is therefore unsurprising that this industry sector is supportive of the government's proposal to streamline this particular process.

The Hon. C. BONAROS: Can the Treasurer just confirm, based on the advice that we have had and the contribution I made earlier, and referring back to the question of the Hon. Clare Scriven, that in some instances we have had applicants who have actually subsequently found out that they ought to have gone to another agency for different approval and did not do that at the outset, so they

might be six months or eight months, whatever the case may be, into one process before they are then advised that they have to go to another agency for another set of approvals, and that is part of the problem that is causing the blowout in time frames?

The Hon. R.I. LUCAS: Yes, just confirming the honourable member's understanding of an earlier discussion that we had that these two current water tasting platform developments or structures are those sorts of examples where they are now retrospectively seeking approvals, which they should have got under the existing act at a much earlier stage.

The Hon. C.M. SCRIVEN: In regard to section 58G, which is in regard to public notice, in the other place the question was asked—I am paraphrasing—'Why has the requirement for newspaper advertisements been removed?', because in the bill it is now appropriate to advertise in either a website or a newspaper, not as well as a newspaper. In the other place the minister said that it is the same as is in the current Aquaculture Act. I have not been able to find that provision. I am happy to be corrected if it is there; if it is there, could you direct me to that provision in the current act?

The Hon. R.I. LUCAS: I am advised that it is subsection 35(3):

A public call for applications must be made by notice published on a website determined by the Minister or in a newspaper circulating generally in the State and may be advertised in any other manner that the Minister thinks fit.

The Hon. C.M. SCRIVEN: Thank you, I appreciate that answer. No further questions at clause 4.

Clause passed.

Clause 5.

The Hon. C.M. SCRIVEN: The bill allows for referral to the Environment Protection Authority to determine whether an aquaculture tourism development or variation should be approved. In earlier questions from, I think, the Hon. Ms Franks, she asked what was the threshold for referral to the EPA, and the Treasurer said—I think I am not misquoting—that at this stage the intention of the government is that all applications would go to the EPA. Can I clarify that that is simply an intention or policy of government and not a requirement within the bill that we are currently discussing, and therefore it is not necessary for it to be adhered to?

The Hon. R.I. LUCAS: I am advised that it is a requirement of the bill that they all go there. The provision the Hon. Ms Franks raised earlier is that there is the opportunity for the EPA at some stage to come back and say, I assume, 'Hey, we are getting too many and we don't think we need to get ones that are so small they are underneath a particular threshold,' or something. But it is a current requirement, I am advised, for all of them to go to the EPA.

The Hon. C.M. SCRIVEN: I would like further clarification, because clause 5(4) states:

Section 59—after subsection (1a) insert:

(1b) Subsection (1) does not apply in the case of an aquaculture tourism development authorisation of a class approved by the EPA as not having, or being unlikely to have, an adverse effect on the environment.

The Hon. R.I. LUCAS: To assist, that is the provision to which we were referring earlier; that is, at this stage the EPA obviously has not done that. At this stage, the answer to the honourable member's question is that all of them have to go to the EPA, but if the EPA came back and said, 'Hey, there's this threshold,' where they do not want to see these particular developments, then they have the capacity to do that, but that is a decision of the EPA.

The Hon. C.M. SCRIVEN: Section 59(7), to paraphrase, provides that if the EPA does not respond within the period allowed it is taken to have agreed. How does that compare to the current situation if the EPA does not respond? And just for reference, I did ask this question at the briefing we were given, but the answer was not contained in the letter that I received.

The Hon. R.I. LUCAS: I am advised the answer to that question is it is exactly the same provision as exists under the current Aquaculture Act.

Clause passed.

Remaining clauses (6 to 10) and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:11): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ROAD TRAFFIC (DRUG DRIVING AND CARELESS OR DANGEROUS DRIVING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 18 November 2021.)

The Hon. E.S. BOURKE (17:12): I rise to be the lead speaker on this bill. Let me say from the outset that Labor is the party of road safety. This is a road safety bill as opposed to a simple law and order measure. Its primary aim is to increase safety on the roads for all users. It builds on the drug-driving measures developed and implemented by the previous Labor government and is aimed squarely at efficiently removing drivers who are affected by drugs.

Whenever the government introduces measures like this with the full support of SAPOL, it knows that the Labor Party will likely support it, because Labor is the party of road safety. Over 16 years, we made road safety a priority, both through tough legislative measures and through the promotional and advisory work of the Motor Accident Commission. Labor in government made no apology for its zero tolerance approach to road safety. Among other measures, Labor introduced static and mobile driving testing for alcohol and drugs, which is the measure this bill is, in large, building upon. Further, we tackled hoon driving through higher penalties, facilitating targeted policing, and of course legislation to impound vehicles and crush vehicles of reoffending hoon drivers.

In June of this year, the government introduced the Criminal Law Consolidation (Driving at Extreme Speed) Amendment Bill 2021, which again was supported by the opposition. It introduced new laws to deal with dangerous road users who drive at extreme speeds. Extreme speed is defined now as a situation when a vehicle travels over the speed limit by 55 km/h or more when the speed limit is 60 km/h or less, or 80 km/h or more when the speed limit is more than 60 km/h.

This legislative change was a specific request from the Commissioner of Police who, like many involved in this policy space, is constantly grappling with how to deal with those few individuals who put not only the safety of themselves but the general public in harm's way through hoon driving. That bill built on Labor's reforms and in some ways this bill follows from that and, again, the Labor Party will not oppose any of these measures.

This current bill does the following things. It allows the police to issue a notice of immediate loss of licence for the offence of reckless and dangerous driving and drug driving and it extends the scope of aggravated circumstances that will now be applicable to the offences of both careless driving and excessive speed, so they align better with both the other measures in the Criminal Law Consolidation Act.

This bill also increases financial penalties and increases the financial penalty for excessive speed and allows for the first time, I believe, imprisonment for aggravated and subsequent offences. On top of this, it allows the police to recoup pre-trial costs for a defendant who is found guilty of driving under the influence, driving with a prescribed concentration of alcohol and driving with the presence of a prescribed drug. The cost includes additional drug testing if the defendant contests the offence. It will also provide for the possibility of a longer imprisonment term for a subsequent offence of reckless and dangerous driving.

An important feature of this bill is that it enables the Commissioner of Police to redraw a notice of immediate loss of licence and reissue a fresh notice. Until now, a person to whom a notice

had been issued had to apply to the court. Obviously, this is a lengthy process. It deals with a situation where an error is made, perhaps because the driver of the vehicle could not be readily identified. The Commissioner of Police now has the opportunity to redraw that notice without recourse to a lengthy court process.

The bill also increases the penalty for driving suspended or disqualified to 12 months' imprisonment for the first offence, with a second or subsequent offence attracting up to three years' imprisonment. It is perhaps the first aspect of this bill, the issuing of immediate loss of licence to someone who tests positive to roadside drug tests, that in many ways mirrors the way the drink-driving regime works.

When a drink driver is detected on the roadside, their licence is temporarily suspended pending the conclusive blood test. The difference with drug driving is that, currently, the conclusive test can take up to a month to be performed by Forensic SA, so a driver who is detected at the roadside with drugs, as opposed to alcohol, in their system can essentially drive away freely until the conclusive test can be performed. On the face of it, this is a sensible measure, as it prevents drug drivers from continuing to drive immediately.

In the other place, the shadow minister raised the topic of medical cannabis, as I am sure others will over the course of this debate. SAPOL advice is very clear and was expanded upon in the committee stage in the other place. SAPOL's advice is that, in relation to cannabis, they can only test for the presence of THC, not levels of presence or level of impairment.

Further, the advice of the Therapeutic Goods Administration is that the person who has THC in their system, whether the THC is from recreational cannabis or from medical cannabis, simply could not drive or even operate machinery. This legislation, like the legislation it builds on, is necessarily inflexible. Further, the current testing can make no distinction between medical and recreational cannabis.

I make no further comment other than to say that Labor supports this aspect of the bill in the absence of any effective alterations. Road safety must remain paramount. I am sure amendments will be brought by others to this place. I will listen carefully to these amendments, but Labor's priority remains the same. The dangers of drug use on our roads are real and getting worse. We need to do everything we can to ensure that our roads are safe for everyone. In that context, Labor supports this bill.

The Hon. R.A. SIMMS (17:19): I rise on behalf of the Greens to place on the public record some of the concerns we have with the legislation that is before us. While I note that this bill has the support of this chamber—I note the support of the Labor Party and, I understand, the crossbenchers—I think it would be remiss of me not to outline some of the concerns that have been raised with the Greens about the implications of this bill. In particular, I want to acknowledge the feedback that we have received from SANDAS (South Australian Network of Drug and Alcohol Services).

One of the key issues that has been flagged with us is that, if a person is detected with cannabis in their system that has been prescribed by a doctor for a medical condition, they could still lose their licence if they test positive for THC, which is the psychoactive ingredient in cannabis. It is important to note that tests for THC detect presence in the system, not impairment. The test can detect prior use over many days, while impairment is likely to persist for about five to eight hours only.

Other countries have looked into this matter and they have provided some provision for people to drive with a level of THC within their blood system. It is clear that Australia is out of step with other countries that have prescription-only medicinal cannabis, including the UK, New Zealand, Ireland and Germany. They all have policies that allow patients to drive when not impaired.

An article published in the *Australian Journal of General Practice*, which was published in June of this year, highlighted some of the different approaches that are being used around the world. For example, the Netherlands, Belgium and France all have legal limits for THC in oral fluid, but typically only request samples when there is clear evidence of impaired driving. In Canada, where cannabis was fully legalised in 2018, oral fluid tests, like those used in South Australia, can be used

to confirm a suspected case of drug-impaired driving but only when the officer can first demonstrate impaired driving.

I understand that the Victorian government is currently considering legislation that would allow patients using medicinal cannabis to legally drive with THC in their systems as long as they are not impaired. This would bring cannabis and our driving laws into line with current laws for other drugs that are known to impair driving, and I refer here to opioids and benzodiazepines. It is important to note that this proposed reform in Victoria would not extend to the large number of patients self-medicating with illicit cannabis products but rather acknowledge what the research is telling us; that is, people who have been prescribed a legal medicine should be allowed to drive.

While I accept that this bill will pass and there are the numbers in favour of the bill in the chamber, the Greens consider it important for us to put on record some of these concerns and to note that medicinal cannabis is the only prescription medication that excludes you from driving. The Greens are not for one moment suggesting that we should allow people who are impaired to drive. That is certainly not our intention in putting those concerns on the public record, but I think the experience from other jurisdictions around the world proves that there are other models with proven success that could have been adopted in South Australia as well.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:23): I thank the honourable members who have made a contribution on the second reading debate: the Hon. Connie Bonaros, the Hon. Emily Bourke and the Hon. Robert Simms. I look forward to further discussion on the bill in the committee stage.

Bill read a second time.

Committee Stage

In committee.

The Hon. S.G. WADE: Just to make a response to the Hon. Robert Simms' comments in relation to driving whilst using medicinal cannabis, the Therapeutic Goods Administration in its publication 'Guidelines for the use of medicinal cannabis in Australia: patient information' states the following:

> Patients should not drive or operate machinery while being treated with medicinal cannabis. In addition measurable concentrations of THC (tetrahydrocannabinol — the main psychoactive substance in cannabis) can be detected in urine many days after the last dose. It may take up to five days for 80 to 90 per cent of the dose to be excreted. Drug-driving is a criminal offence, and patients should discuss the implications for safe and legal driving with their doctor.

The government continues to act consistently with clinical advice.

Clause 1.

The Hon. C. BONAROS: Just on from that contribution by the minister and to address some of the points made by the Hon. Robert Simms—and I am hoping that the minister will confirm this on the record—the intent of this bill is to cover illicit drugs. At the moment, cannabis in whatever form is an illicit drug.

The advice that we have and the discussions that we have had with the minister responsible and SAPOL is that there is obviously another proposal, which I have indicated my support for, and that is one that relates to medicinal cannabis. If that separate proposal were to be successful in line with what happens in other jurisdictions, there is nothing in this bill that would actually prevent these two models coexisting.

That is, if there was a separate proposal that had the support of this parliament in relation to medicinal cannabis—not illicit cannabis, but medicinal cannabis—if that were to garner the support of the majority of this parliament, then that law could coexist with this bill, which deals specifically with the use of illicit drugs and driving.

The Hon. S.G. WADE: I would simply indicate that I have huge confidence in the Office of Parliamentary Counsel, and I am sure that if it was the will of this parliament to have coexisting legislation, that would be possible. In fact, if you like, as a result of a recent legislative process in this parliament, we can see how the advance care directives have accommodated the voluntary assisted

dying—in that sense, the Consent to Medical Treatment and Palliative Care Act and the Criminal Law Consolidation Act. It is not uncommon for new reforms to be accommodated with amendments to that legislation.

The Hon. E.S. BOURKE: Can the minister advise whether SAPOL had further recommendations or suggested amendments to the act and, if so, why those further amendments were not included in this bill?

The Hon. S.G. WADE: I am advised that there were no other proposals.

The Hon. E.S. BOURKE: Given the intention of this bill is to improve road safety and reduce the road toll, can the government advise if, during the consultation for this bill, the government received advice regarding the reinstatement of the Motor Accident Commission (MAC), given that since its abolishment the road toll has only continued to rise, with the exception of last year with COVID measures in place?

The Hon. S.G. WADE: I am advised that the re-establishment of the Motor Accident Commission was not raised in the context of this bill.

Clause passed.

Clause 2.

The Hon. E.S. BOURKE: I will ask these two questions together, if that is okay with the minister. Can the minister advise what the expected date of the proclamation will be for this bill and why this date was chosen? That couples with the following question: will there be a public awareness campaign regarding any of the amendments to the act in the lead-up to the date?

The Hon. S.G. WADE: I am advised that in relation to clause 2 the date on which the bill will come into operation has not been identified at this stage. There is work that needs to be done, particularly on the development of regulations and forms. I am advised that a credible estimate for the time frame would be at least six months. It is certainly the intention of the government to provide public information in relation to the bill.

Clause passed.

Clauses 3 and 4 passed.

Clause 5.

The Hon. E.S. BOURKE: This question is in reference to clause 5(4) and the insertion of subsection (4a). Were any circumstances considered for inclusion in the list of aggravated offences that were not included in this bill?

The Hon. S.G. WADE: I am advised that all the measures were suggested by SAPOL, and they were suggested by SAPOL to align with the extreme speed bill.

The Hon. E.S. BOURKE: Did the government consider having children present as an aggravation factor under the provisions?

The Hon. S.G. WADE: Consistent with my previous answer, I am advised the answer is no.

The Hon. C. BONAROS: Are there other existing provisions that apply that create aggravated offences when there are children present?

The Hon. S.G. WADE: I presume we are talking about driving legislation. In relation to road traffic legislation, I am advised that there are not other cases where an aggravated offence is established because of the presence of a child, but it may well trigger the need for the person who is charged to undertake a dependency assessment.

Clause passed.

Clauses 6 to 12 passed.

Schedule 1.

The Hon. E.S. BOURKE: Under clause 4, can the minister explain the difference between the operation of the alcohol testing regime and the drug testing regime?

The Hon. S.G. WADE: I wonder if I could ask the Hon. Emily Bourke if she would mind repeating that question.

The Hon. E.S. BOURKE: Can the minister explain the difference between the operation of the alcohol testing regime and the drug testing regime?

The Hon. S.G. WADE: I am advised that both regimes test for presence. If there is an impairment, there is legislation which deals with that. In relation to alcohol, there is an evidentiary roadside test that is available. In relation to drugs, there is no such evidentiary roadside test but there is a positive screening tool.

The Hon. E.S. BOURKE: Is there a difference in the turnaround times between the two testing regimes?

The Hon. S.G. WADE: Alcohol is immediate and drugs is 28 days.

The Hon. C. BONAROS: Following on from the questions the Hon. Emily Bourke has just asked, the statistics that we have received show that generally the negative results that come back from a laboratory are very low in number. We have stats here from around 2.7 per cent. The highest stat is 4.5 per cent, so after the 28-day period we are talking about less than 5 per cent of tests that actually come back with anything other than a negative result. Can the minister confirm that for the record, please?

Members interjecting:

The CHAIR: Order!

The Hon. S.G. WADE: I am advised that over the last three financial years 3.72 per cent of the drug tests received back were not sufficient for the authorities to initiate charges. That is not to say that there were 3.72 per cent that were not positive; it may be that they had been positive below the laboratory threshold to support a prosecution. Also, there may have been issues with the sample quality. For those of us, like myself, who are less scientific, I am also informed that one in seven people we test tests positive for drugs and one in 111 who we test tests positive for alcohol above the legally acceptable limit.

The Hon. C. BONAROS: Just to confirm then, if I use one of the figures, we had figures from 2019, stating that there were 6,064 roadside tests and, of those, 163, or 2.7 per cent, returned a negative result, but even that may not be a negative result because the threshold may not have been reached. So that 2.7 per cent, in actual fact, may be a lot lower than what the stats from SAPOL reflect.

The Hon. S.G. WADE: On behalf of the government, I certainly agree with the Hon. Connie Bonaros's comments.

Schedule passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:42): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (Treasurer) (17:43): I move:

That the time for bringing up the report of the committee be extended until Tuesday 3 May 2022.

Motion carried.

Bills

HOLIDAYS (CHRISTMAS DAY) AMENDMENT BILL

Final Stages

The House of Assembly insisted on its amendment to which the Legislative Council had disagreed.

Consideration in committee.

The Hon. R.I. LUCAS: I move:

That the disagreement to the amendment be not insisted on.

From the advice I have had from the Clerk—this is a complicated process—my understanding is that you will put that the disagreement to the amendment be insisted on. My advice is that those who are on the losing side, which is the government in terms of the Legislative Council's position, will vote no and those who are on the winning side will be voting yes.

The advice will be that the actual vote that the Chair will put is that the disagreement to the amendment be insisted on. Those on the majority side in the Legislative Council, which is Labor and the crossbenchers, will be voting yes, and the government will be voting no to that. We are just sending a message down to the House of Assembly; they then have to do their bit and they will come back to us with a suggested time. We will not meet tonight but some time tomorrow, I would suggest.

The Hon. T.A. FRANKS: As the mover of this bill that makes Christmas Day a public holiday, I do stay firm in my resolve that we not trade off the Christmas Eve public holiday to ensure that those workers who will be working on Christmas Day this year, simply because it is a Saturday, are not robbed of their Christmas Day holiday penalty rates, regardless of whether they work for the government or not. It will be the ones the government cannot take care of, with workaround and sticky-taped together solutions, who will be worse off under this.

Again, I reiterate: for example, the NDIS workers, whose work the federal NDIS scheme would dearly love to ensure was rewarded with appropriate penalty rates on Christmas Day, will be some of those who suffer the most because of the inaction of this government. I look forward to the deadlock conference. I hope that we can come out with a resolution some four weeks before Christmas Day this year that is something in the Christmas spirit, rather than what we have seen to date from this government.

The CHAIR: I will put the question in the positive form, as the Leader of the Government indicated, and that is the disagreement to the amendment be insisted on.

Question agreed to.

Conference

The Hon. R.I. LUCAS (Treasurer) (17:49): I move:

That a message be sent to the House of Assembly requesting that a conference be granted to the council in respect of an amendment in the Holidays (Christmas Day) Amendment Bill and that the House of Assembly be informed that, in the event of a conference being agreed to, the council will be represented at such conference by five managers, and that the Hon. Ms Franks, the Hon. Mr Maher, the Hon. Ms Bourke, the Hon. Mr Stephens and the mover be managers of the conference on the part of the Legislative Council.

Motion carried.

MUTUAL RECOGNITION (SOUTH AUSTRALIA) (FURTHER ADOPTION) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

CIVIL LIABILITY (INSTITUTIONAL CHILD ABUSE LIABILITY) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill without any amendment.

At 17:59 the council adjourned until Wednesday 1 December 2021 at 14:15.

Answers to Questions

STRIKE FORCE WYNDARRA

In reply to **the Hon. T.A. FRANKS** (16 March 2021).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Police has been advised:

1. Yes.

2. This detail was not recorded.

3. South Australia Police do not have any cross border travel registrations referencing 'Strike Force Wyndarra'.

4. Yes.

ABORIGINAL HEALTH

In reply to **the Hon. T.A. FRANKS** (8 June 2021).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Premier has been advised:

The Davenport Community Council had determined that, as the community had come out of lockdown prior to the ALT delivery and residents were able to purchase these products as part of their usual household shopping, it would retain the ALT supplies – with a view to distributing them in the event that the community was placed under lockdown again or residents were otherwise unable to access such products independently.

COVID-19 HOTEL QUARANTINE

In reply to **the Hon. F. PANGALLO** (22 June 2021).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

1. As at 30 May 2021, the cost of damages charged by hotel operators was $8,491.32. This covers property damage to items inside the rooms, such as televisions and carpet. The full extent of damage is unknown as the hotel operators often choose to treat damage as accidental or expected depreciation.

2. Debt recovery for damage caused by guests undertaking quarantine is not pursued.

3. The total dollar value of infringement notices issued to guests quarantining in a medi-hotel from 27 March 2020 to 29 June 2021 was $33,370.

4.

(a) With the exception of Tom's Court, provisioning expenditure is not required for the sites previously or currently utilised as medi-hotels.

(b) As of 30 May 2021, the cost for the provision of Tom's Court as a medi-hotel was $188,491.75 (including GST) in preoccupancy upgrades to air conditioning; carpentry (adjoining room door install for family rooms); and other incidental and administrative services.

(c)

- installation of a new air-conditioning system and adjustments to door closers on guest suite doors at Tom's Court Hotel;
- an independent cost review of the heating, ventilation, and air-conditioning (HVAC) works at Tom's Court Hotel; and
- engineering consultants (mostly internal staff) engaged to provide preliminary supporting advice on the commencement of the medi-hotel HVAC reviews.

(d) See above answer to question 1.

(e) As at 30 May 2021, $16,649,762.64 is outstanding. The initial invoice is sent to the guest with terms of payment within 30 days. Up to three dunning notices are sent if the invoice is unpaid. If the invoice remains unpaid after the three dunning notices, the account is escalated to the Fines Enforcement and Recovery Unit . Payment plans are offered for those proving financial hardship.

(f) The government of South Australia has received an invoice for $3.2 million from the New South Wales government. The South Australian Department of Treasury and Finance have worked with NSW and other participating states/territories (being Victoria, Tasmania and the ACT) to implement a cross-charging regime with those states and territories. We will be reimbursing those states/territories for the net costs of hotel quarantine for returning SA residents, while those states and territories will reimburse SA for the net costs of their residents who quarantine in our hotel quarantine facilities.

(g) The government of South Australia has not billed any states or territories, as the cross-charge regime detailed above is being finalised.

(h) As of 30 May 2021, the total is $22,561,417.59.

HEALTH INFRASTRUCTURE

In reply to **the Hon. E.S. BOURKE** (26 October 2021).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The then Minister for Planning and Local Government has advised:

The Chief Executive of the Attorney-General's Department is the designated entity responsible for the Riverbank Precinct Planning and Design Code Amendment (the code amendment).

It is acknowledged the area subject to policy change through the code amendment—Karrawirra Parri, meaning 'river of the red gum forests', and official Kaurna name for the River Torrens—was the heartland of the Kaurna people, who lived along its length and tributaries.

It is in this context that the code amendment has been prepared by the chief executive, taking into account the areas of cultural significance to the local Kaurna people.

The engagement plan for the code amendment identified the traditional owners as stakeholders of high interest.

The following engagement was undertaken by the Attorney-General's Department on behalf of the Chief Executive:

- A letter to the Kaurna Yerta Aboriginal Corporation (KYAC) board, sent five days before the commencement of consultation, informing the board of the code amendment and offering a meeting to discuss the changes proposed to policy in the Riverbank Precinct.
- A briefing provided to the reconciliation committee of the City of Adelaide, which includes traditional owner representatives, during the consultation period.
- A meeting with staff from Aboriginal Affairs and Reconciliation within the Department of the Premier and Cabinet during the consultation period.
- A meeting with Kaurna community members, facilitated by an Aboriginal business enterprise, to discuss the Code Amendment and further opportunities to provide meaningful engagement with traditional owners.
- Face-to-face engagement with the KYAC board to assist in informing its submission on the code amendment and discuss further opportunities to provide meaningful engagement into planning matters.
- Minister Chapman also met with Mr Jeffery Newchurch, chair of the KYAC board, to hear directly from him about the views of the Kaurna community.
- The KYAC board has been given an extension of time to prepare its submission on the proposed code amendment.
- The engagement process on the code amendment is genuine. Now that all submissions have been received, I am advised that the Chief Executive of the Attorney-General's Department is considering changes to the code amendment in response to the issues raised, including Pinky Flat, Kate Cocks Park and a range of other matters. These considerations will be summarised in an engagement report, to be provided to the minister in determining the code amendment.

HYDROGEN PRODUCTION

In reply to **the Hon. J.A. DARLEY** (28 October 2021).

The Hon. R.I. LUCAS (Treasurer): The Minister for Energy and Mining has advised:

Response to Q1:

The Australian Hydrogen Centre is bringing together industry and government to deliver detailed feasibility studies focused on 10 per cent blending into the entire state gas networks in South Australia and Victoria. This work will also consider the feasibility of converting the gas networks to 100 per cent hydrogen. The studies are due to be delivered in Q1 2022.

The project is seen as the next step to the Australian Gas Network's power-to-gas demonstration facility at the Tonsley Innovation District (Hydrogen Park SA) which was co-funded by the South Australian government's Renewable Technology Fund.

The Australian Hydrogen Centre is supported by the South Australian and Victorian governments, as well as the Australian Renewable Energy Agency, and comprises Australian Gas Networks, AusNet Services, ENGIE and Neoen.

Response to Q2:

The Hydrogen Park SA project, comprising a 1.25 megawatt electrolyser, is demonstrating the feasibility of producing green hydrogen from South Australian renewable electricity and blending hydrogen into South Australia's gas networks.

This is currently Australia's largest operating electrolyser, and an important industry capability building project and a stepping-stone to larger projects.

The project is aligned with action theme 5 of South Australia's Hydrogen Action Plan which seeks to integrate hydrogen into our energy system. Data from the operational project is also informing the feasibility study being undertaken by the Australian Hydrogen Centre, a key action under the Hydrogen Action Plan for fostering innovation and workforce skills development

Response to Q3:

On 18 May 2021, the state government launched an expression of interest (EOI) to develop land at Port Bonython to create a multi-user export focused precinct to leverage the state's advantages in renewable energy, fuels and minerals.

There are seven shortlisted projects from both Australian and international companies, potentially creating hundreds of local jobs, in all parts of the hydrogen supply chain. The shortlisted projects could produce over one and a half million tonnes of hydrogen per annum, which would make South Australia one of the most significant producers of hydrogen in the world.

The level of investment proposed would make the Upper Spencer Gulf a world-class renewable energy industrial precinct and deliver regional jobs growth for decades to come in the towns of Whyalla, Port Augusta, Port Pirie – and beyond.

To support the state's export potential the state government has also committed $37 million to upgrade the Port Bonython jetty.

Response to Q4:

South Australia's Hydrogen Export Modelling Tool and prospectus were delivered in October 2020 and have been designed to assist international hydrogen customers, infrastructure developers and potential investors to make decisions about developing clean hydrogen export projects and infrastructure in South Australia.

The Department for Energy and Mining has provided digital access to the modelling tool to more than 100 hydrogen stakeholders from Australia and overseas.

The export modelling tool and prospectus promotes the state as a world-class clean hydrogen producer and exporter, identifying five potential hydrogen export hubs at Port Bonython, Port Adelaide, Cape Hardy/Port Spencer, Myponie Point and Port Macdonnell.

This export modelling tool and prospectus informed the Port Bonython EOI, which, as detailed above, has seen seven shortlisted projects from Australian and international companies and could result in significant investment and potentially hundreds of jobs.

Additionally, the modelling tool and prospectus has supported the South Australian government's partnership with the Port of Rotterdam, which is a European leader in the transition to renewable energy and has developed an ambitious hydrogen master plan to become the major hydrogen import hub to supply Northwest Europe with renewable energy.

CITIZENSHIP CEREMONIES

In reply to **the Hon. T.A. FRANKS** (28 October 2021).

The Hon. R.I. LUCAS (Treasurer): The Attorney-General has advised:

Councils hold the majority of citizenship ceremonies across Australia. However, *the Local Government Act 1999* is silent on the role of councils in citizenship ceremonies.

The legislation that determines how people become Australian citizens is commonwealth legislation—the *Australian Citizenship Act 2007*. Under this act, a person before whom the citizenship pledge is made must be authorised by the Australian government minister responsible for citizenship matters. In the case of councils, this is usually the Mayor and chief executive officer.

All councils therefore hold citizenship ceremonies on behalf of the Australian government, in partnership with the Department of Home Affairs (DHA). The *Australian Citizenship Ceremonies Code* (the code) sets out the legal and other requirements for conducting citizenship ceremonies. Councils must comply with this code when arranging and holding citizenship ceremonies.

Importantly, the code requires ceremonies to be 'non-commercial, apolitical, bipartisan and secular. They must not be used a forum for political, partisan or religious expression.'

The Office of Local Government undertook significant discussions with DHA over 2018 to determine how best to resolve this matter.

On 25 September 2018, the then Minister for Immigration, Citizenship and Multicultural Affairs, the Hon. David Coleman MP, wrote to all councils reiterating the Australian government's position that *'councils must not use citizenship ceremonies, or their ability to determine the dates on which they are held, as a political movement to change its date. Any action taken to do so is a serious breach of the Australian Citizenship Ceremonies Code*.'

On 14 January 2019, Minister Coleman wrote to all councils, seeking feedback on a proposed revised code, requiring councils to hold a citizenship ceremony on Australia Day.

On 19 September 2019, Minister Coleman again wrote to all councils, announcing the publication of a new version of the *Australian Citizenship Ceremonies Code*, which states that:

'Local government councils must ensure ceremonies are conducted in accordance with the Australian Citizenship Ceremonies Code. This includes a requirement to hold a citizenship ceremony on Australia Day (January 26). Councils that conferred citizenship on less than 20 people in the previous year are exempt from this requirement.'

These actions taken by the Australian government to ensure that all councils conduct citizenship ceremonies on 26 January where practicable, and do not utilise these events to make a political or partisan point on any views that may be held about this date, have nullified the requirement for amendments to the *Local Government Act 1999*.

EMPLOYEE BENEFIT EXPENSES

In reply to **the Hon. C. BONAROS** (28 October 2021).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Correctional Services has been advised:

Over the past three financial years, 48 Adelaide Remand Centre staff have accepted a targeted voluntary separation package.