LEGISLATIVE COUNCIL

Thursday, 9 February 2023

The PRESIDENT (Hon. T.J. Stephens) took the chair at 11:00 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.

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:01): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and questions without notice to be taken into consideration at 2.15pm.

Motion carried.

Bills

FIRST NATIONS VOICE BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:02): Obtained leave and introduced a bill for an act to give First Nations people a voice that will be heard by the Parliament of South Australia, the Government of South Australia and other persons and bodies, to establish Local First Nations Voices and the State First Nations Voice, to repeal the Aboriginal Lands Parliamentary Standing Committee Act 2003, to amend the Constitution Act 1934, and for other purposes. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (11:03): I move:

That this bill be now read a second time.

In doing so, I acknowledge the traditional owners of this land. When in this chamber, we are on the lands of the Kaurna people, the traditional owners and custodians, who have thrived and lived in balance on this land for thousands of generations. Where we are now, on Kaurna country, this whole state, the whole of this nation, always was and always will be Aboriginal land. I extend my respect to the Kaurna people, as well as to all Aboriginal and Torres Strait Islander people across the state.

I am pleased that so many Aboriginal leaders and community members who have contributed on this bill have chosen to come to parliament today. I am grateful for your longstanding willingness to walk together with this and other governments and with the broader South Australian community. It is only when we work together that we can really make a difference. As my friend Senator Pat Dodson has said:

Reconciliation is a journey for all Australians. When we acknowledge our history and share the load, we help to unburden each other and the healing together begins.

In the decades and centuries gone by, the laws of our state and those of the colony that preceded it have done so much to disadvantage, discriminate against and disempower Aboriginal people. Today, this government seeks to use the laws of our state to achieve exactly the reverse.

I have worked in and around Aboriginal affairs for more than two decades now. I have had the privilege, both as the South Australian Minister for Aboriginal Affairs and in earlier roles, to be involved with a range of legislation, programs and initiatives created to support Aboriginal people and Aboriginal communities.

In all my experiences, the one thing I am absolutely certain of is that services, programs and legal mechanisms that are created for Aboriginal people only work properly when Aboriginal people are directly involved in their design. Far too often in our history post-colonisation, it has been the practice of governments at every level not to invite, and quite often not to permit, Aboriginal people to be included in, or contribute to, the decisions that directly affect their lives. This means decisions have been made for Aboriginal people and not with them.

The legislation I introduce today seeks to change that. Whether driven by well-intentioned ignorance or deliberate cruelty, the practice of excluding Aboriginal people from the decisions that affect them has, in our history, at best stood in the way of progress. At worst, it has been used as a tool of oppression and brutality, enshrining intentionally harmful policies in law, destroying families, communities and culture.

Governments across every state and territory of our nation have failed to appropriately include and consult Aboriginal people for far too long. In May 2017, when the Uluru Statement from the Heart was released after many dozens of dialogues throughout the country, the momentum and good faith that had been built around a shared intention to make meaningful change for First Nations people filled so many with the vivid hope that real progress was imminent.

For me, I remember—a few months after that Uluru Statement was handed down in August 2017—being on Gumatj country in northeast Arnhem Land at the Garma festival with the then Prime Minister, the then opposition leader and many other government and First Nations leaders who shared that hope. There was an air of elated anticipation, so potent you could almost reach out and grasp it. We had arrived at an unprecedented moment in our history, a moment of opportunity for enduring change. The Uluru Statement from the Heart graciously showed us the path to arrive at the future we envisaged.

The Uluru Statement is, as Minister Linda Burney has said, 'a generous invitation to the Australian people to walk together'. That invitation was extended with gracious openness and a hope it would be received by the Australian people in a similar spirit. The despair that followed later that year when the federal government rejected the Voice to Parliament proposed in the Uluru Statement was devastating. It was devastating for First Nations communities around the nation and, indeed, for any Australian who wished to see change and wished to see that respect and courtesy given.

I remember on the Sunday after the 2019 federal election, talking through tears of disappointment with Senator Dodson, lamenting the opportunity this nation had lost. It was not long after, in discussions with then opposition leader and now Premier, the Hon. Peter Malinauskas, that we decided we could not wait for the possibility of a federal government that would enact the Uluru Statement. That is why we (the now South Australian government) from opposition, as one of our very first policies, committed to the full implementation of the Uluru Statement from the Heart at a state level.

We committed to take the significant and fundamentally important steps to begin to reverse the disenfranchisement and disempowerment of South Australian Aboriginal people that the Uluru Statement invited us to take. With the introduction of this bill, we open the door to a historic change. We can become the first jurisdiction in the nation to legislate for a Voice to Parliament and a Voice to government for First Nations people, empowering them to shape decisions, instead of being subject to them.

Historically, South Australia has led the nation in reforms and legislation for Aboriginal people. It has been a proud cross-partisan tradition that we seek to build on today. Then Attorney-General and Minister for Aboriginal Affairs Don Dunstan's Aboriginal Lands Trust Act 1966 conferred the first major recognition of Aboriginal land rights by any Australian government. The Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 was enacted during Premier David Tonkin's administration, providing Aboriginal people the right to claim their ancestral lands and to protect their cultural heritage. That was followed by the Maralinga Tjarutja Land Rights Act in 1984.

Then Minister for Aboriginal Affairs Dean Brown apologised to the stolen generations only two days after the handing down of the Bringing Them Home report in federal parliament in May of 1997. We were the first mainland state to implement a Stolen Generations Reparations Scheme. We were the first jurisdiction in the nation to begin Treaty negotiations. These moments of leadership

have occurred when we have listened to the voices of South Australian Aboriginal people. Now we are poised to lead the nation again, and make no mistake, the nation will be watching very closely ahead of the referendum to be held later this year.

Now is our chance to demonstrate that First Nations Voices should be a consistent leading force to achieve better outcomes and drive meaningful change. It gives us a powerful opportunity to send a powerful message about the recognition and respect First Nations people deserve in this state and in this nation. It must be a voice that is listened to and considered and one that is recognised for the unique perspective it provides, which is underpinned by its authority of culture and experience.

This legislation has been shaped by extensive consultation aimed at ensuring the Voice will be robust, informed and inclusive. In July last year, Mr Dale Agius was appointed as South Australia's inaugural Commissioner for First Nations Voice. The commissioner led two rounds of engagement with First Nations people around our state on both the concept and the design of the model. The first round of engagement occurred between August and October last year. Dozens of sessions with hundreds of Aboriginal people and organisations were held across the state, from the APY lands to Ceduna to Mount Gambier to many points in between.

These processes and the commissioner's subsequent engagement report informed the development of the First Nations Voice Bill 2022. A draft was released for a further round of engagement sessions and online engagement between November last year and January this year. During the rounds of community engagement, there was a strong and consistent discussion around the key principles that should inform the design of the Voice. Some of these key principles were:

- the Voice must be underpinned by self-determination and, as such, representatives must be chosen by First Nations communities themselves;
- the Voice must come from the grassroots level and be able to speak for local issues; and
- the Voice must reflect the diversity of First Nations communities. It must reflect regional issues and it must speak for men's and women's issues as well as for elders and young people.

These principles and the key issues raised during both rounds of engagements have closely informed the final version of the bill that I introduce today. In particular, the bill provides for representation at the local level and the state level that reflects the diversity amongst First Nations people and ensures the voices of First Nations people in South Australia are heard directly by this parliament and by the South Australian government.

I now turn to some of the detail of the bill itself. Part 1 of the bill sets out important preliminary matters. In response to feedback from engagement sessions, the definitions of 'Aboriginal person' and 'country' have been replaced with 'First Nations person' and 'traditional owner'. The definition of 'First Nations person' adopts the tripartite test as set out by Justice Brennan in Mabo v Queensland (No. 2) and is commonly used by governments all around Australia. A reference to a traditional owner in relation to a particular place is now modelled on references in other legislation.

Two new clauses have been included in part 1 of the bill in response to concerns raised about the interaction of the Voice with other bodies and agreements already in existence. Clause 7 makes it clear that the Voice does not limit or otherwise affect:

- the functions of any First Nations persons or bodies under any other act or law; or
- an agreement or arrangement entered into or relating to First Nations persons or bodies, such as native title agreements; or
- anything that First Nations persons or bodies can do in accordance with First Nations tradition.

Clause 8 makes it clear that this bill is intended to be read in conjunction with and to complement the provisions of any other act that implements measures to progress Truth and Treaty, as contemplated in the Uluru Statement from the Heart.

Part 2 of the bill sets out the structure and functions of the Voice at a local level. Regions will be established within South Australia that will be represented by independent First Nations Voices with elected members. Pursuant to clauses 10 and 11 of the bill, the number of regions and the number of members that make up these Local First Nations Voices will be prescribed by regulation.

Local First Nations Voices will engage with local communities in order to determine matters of interest to First Nations people in its region and communicate those to the State First Nations Voice. This process will be a collaborative process with the State First Nations Voice.

Local First Nations Voices will also have a discretion to collaborate and assist public sector agencies and other organisations in the development of policies and procedures, and engage with local government and other organisations on matters of interest to First Nations people in that region.

Part 3 of the bill sets out the structure and functions of the Voice at a state level. The membership of the State First Nations Voice will be comprised of the joint presiding members, who must be of different genders, of each Local First Nations Voice. This State First Nations Voice will represent the diversity of First Nations people in South Australia and is the body that will formally interact with the South Australian parliament and the South Australian government.

In response to feedback, which sought greater recognition and representation for young persons, elders, native title holders, as well as members of the stolen generations, this bill now requires the State Voice to establish specific committees to represent these important groups. The membership of these advisory committees is to come from the community and not from the membership of the existing elected State Voice or Local First Nations Voices.

Parts 4 and 5 of the bill set out the formal requirements for the State First Nations Voice interaction with the South Australian parliament and the South Australian government. The State First Nations Voice will be notified of the introduction of each bill in the House of Assembly or the Legislative Council and will be able to address either, but not both, of those chambers through one of their joint presiding members in relation to any bill.

The State First Nations Voice must deliver an annual report and address a joint sitting of this parliament, and may present a report to parliament on any matters of interest to First Nations people. To ensure that the issues raised in such reports are appropriately considered, the minister is required to provide a response to the report, including whether any action has been taken or any action is proposed to be taken.

Interactions between the State First Nations Voice and the South Australian government will occur through required meetings with cabinet, briefings with chief executives and through an annual engagement process. The ability to directly address the South Australian parliament and to engage with cabinet, ministers and chief executives will give First Nations people the opportunity to influence decision-making at the highest levels and have their voice heard where it counts.

The conduct of these elections is set out in schedule 1 of the bill. Elections will be run by the Electoral Commission of South Australia and will, with the exception of the first election, be held at the same time as a state election. Transitional provisions will allow for the first election of members to be held as soon as possible after the commencement of this legislation.

A First Nations person who is on the state electoral roll, and who has completed a declaration of eligibility, will be able to vote in the election for members of their Local First Nations Voice for the region in which they reside. A person who nominates as a candidate for their Local First Nations Voice is not restricted to nominating in the region to which they reside. Instead, they may choose to stand either where they reside or where that person is a traditional owner within South Australia.

This bill embodies our government's commitment to the Uluru Statement from the Heart by giving First Nations people a direct Voice to our parliament and to the government. It is an important moment for our state, and the effects of our actions in this matter will extend far beyond our borders. I encourage each and every member in this place, and when it comes down to the House of Assembly, to take this reform to heart, to sincerely reflect on the opportunity that is before us and what it can mean for the future. Let us work together to ensure that First Nations people in South Australia are better empowered, more deeply valued and genuinely heard.

For far too long, the First Nations people of this state have been denied that formal and meaningful Voice in the decisions that impact their lives and communities. For far too long, they have suffered the consequences of policies that have been imposed on them without their input or consent, often with the deliberate intent to subjugate or cause them harm.

For far too long, First Nations people of this land have endured the devastating impacts of colonisation, including the theft of ancestral lands, the forced removal of their children and the deliberate and systematic destruction of their language, heritage and culture. For far too long, these injustices have been allowed to prolong the pain and hardship that still affects our First Nations community today through the intergenerational legacy of trauma and suffering, one that we as a government have a profound moral obligation to address in any way that is within our capacity.

The concept of a First Nations Voice to Parliament is not a new one; it is well known. We see it in a range of global jurisdictions where First Nations and Indigenous people have a formal body through which to make representations to their government. The concept is also well known in our nation and state. This particular reform has been the subject of six months of extensive consultation around South Australia. It is almost six years since the Uluru Statement from the Heart was handed down, and it is 187 years overdue.

We have nothing to fear from the First Nations Voice, and we have everything to gain. It will not diminish any single one of us. Quite the opposite is true: what diminishes us is the suffering of Aboriginal people enduring throughout our history. What diminishes us is that Aboriginal people were denied a voice in shaping the decisions that affected their lives for so long. A First Nations Voice helping to guide better outcomes for Aboriginal people and communities in this state will elevate every single South Australian.

I have heard people put forward the objection that establishing a Voice to Parliament will create further division between Aboriginal and non-Aboriginal people on the basis of race. That position is not reflective of the fact that such division already very much exists. To suggest otherwise is both insulting to Aboriginal Australians and utterly incorrect on the basis of observable fact.

That division is deeply entrenched, and the consequences arising from that division are why we see the education outcomes, the economic outcomes, the health outcomes and the life expectancy outcomes that we do for First Nations South Australians. That division is the very force that created the gap that we try and try to close.

Some have warned that we will see ugly and hurtful expressions of racism as part of this journey. Of course we will. We already have. But if we avoided making significant reforms for fear of drawing out the worst in a small minority, we would never see progress. Just imagine—just imagine—telling Rosa Parks or Charlie Perkins not to get on those buses or to challenge the status quo for fear of drawing out racism and hatred.

Campaigns like these do come at a cost, and it is one that is borne most heavily by those whom bigoted and hateful people are already inclined to denigrate and vilify. But that cost is far outweighed by the transformative outcomes and reforms that things like this can achieve.

Far from dividing us, this legislation is precisely aimed at helping Aboriginal and non-Aboriginal South Australians walk together. It will enable us to find ways together not only to remedy the consequences arising from the division that has already been allowed to persist for too long but to begin to mend that division itself.

From more than 200 years of history, and from my own personal experience, I know that in order for us to be successful in mending that division, Aboriginal people must have the ability to make representations to this parliament and to the government and to have a voice in their processes. Frankly, it is my view that Aboriginal South Australians have been exceptionally patient in waiting for that opportunity to be properly heard. It has been a slow and often excruciating journey to arrive at the point we do today.

Let us make them wait no longer for access to this crucial avenue of participation in our democracy that will elevate our whole community and help us realise a fairer and more just future for all. It was well more than fifty years ago, at the 1967 referendum, that Aboriginal people were counted, and through the First Nations Voice proposed in this bill, we propose that we will be heard.

I commend this important and historic bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used in the measure.

4—Meaning of *First Nations person*

This clause explains when a person will be taken to be a First Nations person and when a person will be taken to be of Aboriginal or Torres Strait Islander descent for the purposes of the measure.

5—Meaning of *traditional owner*

This clause explains what a reference to a traditional owner in relation to a particular place means for the purposes of the measure.

6—Act does not require disclosure of certain information

This clause provides that nothing in the measure requires a Local First Nations Voice, the State First Nations Voice or any First Nations person to disclose information that should not, according to First Nations tradition, be disclosed.

7—Act does not limit functions of other First Nations persons or bodies etc

This clause provides that nothing in the measure limits or otherwise affects—

(a) the functions of any other First Nations persons or bodies under any other Act or law;

(b) an agreement or arrangement entered into or relating to First Nations persons or bodies or the ability of First Nations persons or bodies to enter into such agreements or arrangements;

(c) anything that First Nations persons or bodies can do in accordance with First Nations tradition.

8—Act to be read in conjunction with other relevant Acts

This clause provides that the provisions of the measure are intended to be read in conjunction with, and to complement, the provisions of any other Act that implements measures to progress Truth and Treaty, as identified in the Uluru Statement from the Heart.

Part 2—Local First Nations Voices

Division 1—State to be divided into regions

9—Constitution of regions

This clause requires that South Australia be divided into 6 regions or the number of regions prescribed by the regulations for the purposes of this measure and that each region will consist of the area or areas specified by the regulations and may be known by the name assigned by the State First Nations Voice after consultation with the relevant Local First Nations Voice.

Division 2—Local First Nations Voices

10—Establishment of Local First Nations Voices

This clause provides that a Local First Nations Voice is to be established in respect of each region in the State. A Local First Nations Voice is independent of direction or control by the Crown or any Minister or officer of the Crown and is not an agency or instrumentality of the Crown.

11—Composition of Local First Nations Voice

This clause provides that a Local First Nations Voice consists of such number of members as may be prescribed by the regulations elected in accordance with the measure and reflecting the gender diversity contemplated by Schedule 1 of the measure.

12—Joint presiding members

This clause provides that each Local First Nations Voice must elect 2 of its members (of different gender) to be joint presiding members of the Local First Nations Voice and that a joint presiding member removed from the State First Nations Voice ceases to be a joint presiding member of the Local First Nations Voice and is not eligible to be re-elected.

13—Terms and conditions of office

This clause provides that a member of a Local First Nations Voice holds office until the next election of members, is eligible for re-election and is entitled to such remuneration, allowances and expenses as may be determined by the Governor.

14—Vacancies

This clause outlines how the office of a member of a Local First Nations Voice becomes vacant, and the rules that apply to the filling of a vacancy that occurs in the office of a member.

15—Functions of Local First Nations Voices

This clause outlines the functions and powers of a Local First Nations Voice.

16—Procedures of Local First Nations Voices

This clause sets out the procedures of Local First Nations Voices.

17—Delegation

This clause provides that a Local First Nations Voice may delegate a function under this measure to a member of the Local First Nations Voice and that a function delegated may be further delegated if the instrument of delegation so provides.

18—Accounts and audit

This clause requires a Local First Nations Voice to keep proper accounting records in relation to its financial affairs, and to have annual statements of account prepared in respect of each financial year.

The Auditor-General may at any time, and must once a year, audit a Local First Nations Voice's accounts.

19—Duty to act honestly

This clause requires members of Local First Nations Voices to act honestly in the performance of the functions of their office at all times.

20—Code of conduct

This clause allows the Minister to publish a code of conduct for members of Local First Nations Voices after consultation with the State First Nations Voice and requires members of Local First Nations Voices to comply with the code of conduct.

Division 3—Elections of members of Local First Nations Voices

21—Conduct of elections of members of Local First Nations Voices

This clause sets out how an election of members of a Local First Nations Voice is to be conducted.

Division 4—Annual meeting of Local First Nations Voices

22—Annual meeting of Local First Nations Voices

This clause sets out that the State First Nations Voice must convene, at least once in each year, a meeting of all Local First Nations Voices and how that annual meeting is to be conducted.

Part 3—State First Nations Voice

23—Establishment of State First Nations Voice

This clause establishes the State First Nations Voice. The State First Nations Voice is independent of direction or control by the Crown or any Minister or officer of the Crown and is not an agency or instrumentality of the Crown.

24—Composition of State First Nations Voice

This clause provides that the State First Nations Voice consists of the joint presiding members of each Local First Nations Voice.

25—Joint presiding members

This clause requires the State First Nations Voice to elect 2 members (of different gender) to be joint presiding members.

26—Terms and conditions of office

This clause provides that a member of the State First Nations Voice holds office for as long as they are a joint presiding member of the relevant Local First Nations Voice and that they are entitled to such remuneration, allowances and expenses as may be determined by the Governor.

27—Vacancies

This clause outlines how the office of a member of the State First Nations Voice may become vacant.

28—Functions of State First Nations Voice

This clause sets out the functions and powers of the State First Nations Voice. The State First Nations Voice must, in carrying out its functions, endeavour to represent the views of all Aboriginal persons in the State.

It also provides that the State First Nations Voice cannot delegate a function under the measure.

29—Procedures of State First Nations Voice

This clause establishes the procedures of the State First Nations Voice.

30—First Nations Elders Advisory Committee

This clause requires the State First Nations Voice to establish a First Nations Elders Advisory Committee. It sets out the composition of, eligibility of persons for membership to, and procedures of, the committee.

It also provides that a member of the committee is entitled to such remuneration, allowances and expenses (if any) as may be determined by the Minister after consultation with the State First Nations Voice).

31—First Nations Youth Advisory Committee

This clause requires the State First Nations Voice to establish a First Nations Youth Advisory Committee. It sets out the composition of, eligibility of persons for membership to, and procedures of, the committee.

It also provides that a member of the committee is entitled to such remuneration, allowances and expenses (if any) as may be determined by the Minister after consultation with the State First Nations Voice).

32—Stolen Generations Advisory Committee

This clause requires the State First Nations Voice to establish a Stolen Generations Advisory Committee. It sets out the composition of, eligibility of persons for membership to, and procedures of, the committee.

It also provides that a member of the committee is entitled to such remuneration, allowances and expenses (if any) as may be determined by the Minister after consultation with the State First Nations Voice).

33—Native Title Bodies Advisory Committee

This clause requires the State First Nations Voice to establish a Native Title Bodies Advisory Committee. It sets out the composition of, eligibility of persons for membership to, and procedures of, the committee.

It also provides that a member of the committee is entitled to such remuneration, allowances and expenses (if any) as may be determined by the Minister after consultation with the State First Nations Voice).

34—Other advisory committees

This clause enables the State First Nations Voice to establish other committees to advise the State First Nations Voice as the State First Nations Voice considers appropriate. It sets out the composition of, eligibility of persons for membership to, and procedures of, such committees.

It also provides that a member of a committee is entitled to such remuneration, allowances and expenses (if any) as may be determined by the Minister after consultation with the State First Nations Voice).

35—Accounts and audit

This clause requires the State First Nations Voice to keep proper accounting records in relation to its financial affairs, and to have annual statements of account prepared in respect of each financial year.

The Auditor-General may at any time, and must once a year, audit the State First Nations Voice's accounts.

36—Duty to act honestly

This clause requires members of the State First Nations Voice to act honestly in the performance of the functions of their office at all times.

37—Code of conduct

This clause allows the Minister to publish a code of conduct for members of the State First Nations Voice and requires members to comply with the code of conduct.

Part 4—Addresses to Parliament

38—State First Nations Voice to deliver annual report and address to Parliament

This clause requires the State First Nations Voice to present written reports setting out a summary of the operations of the State First Nations Voice and each Local First Nations Voice to a joint sitting of Parliament, and to address the joint sitting through 1 of the joint presiding members of the State First Nations Voice, once in each year.

39—State First Nations Voice to be notified of introduction of Bills

This clause obliges the clerk of the Legislative Council or House of Assembly to notify the State First Nations Voice of the introduction of each Bill in the Council or Assembly. However, failure to provide such notice does not affect the validity of the Bill or proceedings of Parliament.

40—State First Nations Voice entitled to address Parliament in relation to Bills

This clause entitles the State First Nations Voice to address either House of Parliament in relation to a Bill that has been introduced in the relevant House through 1 of the joint presiding members. It also sets out notice requirements in respect of an address.

41—State First Nations Voice may present report to Parliament

This clause provides that the State First Nations Voice may provide a report on any matter that is, in its opinion, a matter of interest to First Nations people and sets out the procedures for providing, and following provision of, the report.

42—State First Nations Voice may be requested to provide report to Parliament etc

This clause provides that the President of the Legislative Council or the Speaker of the House of Assembly may, by written notice, request a report from, or an address by, the State First Nations Voice in relation to a specified Bill.

Part 5—Interaction with South Australian Government

Division 1—Meeting with Cabinet

43—State First Nations Voice to meet with Cabinet

This clause requires that the State First Nations Voice meet with Cabinet at least twice in each year (subject to specified circumstances).

44—Protection of communications etc with Cabinet

This clause provides that information and documents prepared for, or provided to, the Cabinet by the State First Nations Voice will be taken to have been specifically prepared for submission to Cabinet for the purposes of the *Freedom of Information Act 1991* and any other Act or law.

Division 2—Briefings with Chief Executives of administrative units

45—Briefings with Chief Executives of administrative units

This clause requires the Premier to cause a Chief Executive's briefing to be held at least twice each year between the State First Nations Voice and the Chief Executives of each administrative unit of the Public Service specified by the State First Nations Voice. The briefings will allow the State First Nations Voice to be briefed by, and ask questions of, the Chief Executives in relation to matters of interest.

Division 3—Annual engagement hearing with administrative units etc

46—Annual engagement hearing with administrative units etc

This clause requires the Premier to cause an engagement hearing to be held in each year between the joint presiding members of the State First Nations Voice and each Minister and Chief Executive of an administrative unit of the Public Service specified by the State First Nations Voice. The hearing will allow the State First Nations Voice to ask questions relating to the operations, expenditure, budget and priorities of administrative units as they affect certain matters.

Part 6—Administration and resourcing

47—Secretariat

This clause establishes the secretariat for the Local First Nations Voices and the State First Nations Voice, which will consist of whichever Public Service employees are assigned to the secretariat.

48—Resources

This clause requires the Minister to determine the resourcing that, in the Minister's opinion, the Local First Nations Voices and the State First Nations Voice reasonably need to carry out their functions under the measure and sets out consultation requirements.

49—Use of staff etc of Public Service

This clause allows a Local First Nations Voice and the State First Nations Voice, by agreement with the Minister responsible for an administrative unit of the Public Service, to make use of the staff, equipment or facilities of that administrative unit.

Part 7—Review of Act

50—Review of Act

This clause requires the Minister to cause a review of the operation of the measure to be undertaken, and a report on the review to be prepared and submitted to the Minister. It outlines the requirements of the review.

The Minister must cause a copy of the report to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

Part 8—Miscellaneous

51—Confidentiality

This clause requires persons who obtained personal information in the course of the administration of the measure not to divulge any such information except in certain circumstances. The proposed maximum penalty is $10,000.

Any information disclosed under this clause must not be used for any other purpose by the person to whom it is disclosed, or by any other person who gains access to the information as a result of the disclosure. The proposed maximum penalty is $10,000.

52—Obstruction etc

This clause requires that a person must not, without reasonable excuse, obstruct, hinder, resist or improperly influence, or attempt to obstruct, hinder, resist or improperly influence, a Local First Nations Voice or the State First Nations Voice, or a member of those bodies, in the performance or exercise of a function under the measure. The proposed maximum penalty is $10,000.

53—Protections, privileges and immunities

This clause confers protections from liability on a Local First Nations Voice, the State First Nations Voice, a member of those bodies or any other person or body for any act or omission in good faith in the exercise or purported exercise of functions or powers under the measure or any other Act. It also provides that nothing in the measure affects the privileges, immunities or powers of the Legislative Council or House of Assembly or their committees or members or any rule or principle of law relating to the matters specified in the clause.

54—Regulations and fee notices

This clause provides power to make regulations and to prescribe fees by fee notice.

Schedule 1—Rules of election for Local First Nations Voices Part 1—Preliminary

1—Interpretation

This clause defines terms used in the Schedule.

2—Voters roll

This clause provides that the State electoral role will be taken to be the electoral role for the purposes of an election under the measure.

3—Declaration of eligibility

This clause sets out what a declaration of eligibility is in respect of voting in an election and nominating for an office of member of a Local First Nations Voice.

4—Gender representation

This clause sets out the required gender representation of members of a Local First Nations Voice.

Part 2—Returning officer

5—Returning officer

This clause establishes that the Electoral Commissioner will be the returning officer for elections under the measure, and that they may appoint 1 or more electoral officials to assist them in conducting the election.

6—Distribution of information and election publicity

This clause establishes that the returning officer is responsible for publicity of an election in each region and outlines what that requires.

Part 3—Eligibility to vote

7—Eligibility to vote in elections

This clause establishes who is eligible to vote in an election in relation to a region.

Part 4—Eligibility and nomination for election to Local First Nations Voice

8—Nominations for office of member of Local First Nations Voice

This clause establishes the process for a person to nominate for an office of member of a Local First Nations Voice, as well as who is eligible to nominate.

Part 5—General rules relating to election

9—Election timetable

This clause sets out that polling for an election will occur in the course of each State election at State election polling places at the same time as polling for the State election.

10—Uncontested elections

This clause establishes that where only 1 nomination for a given office is received, the returning officer will declare the candidate duly elected.

11—Voting

This clause establishes the process to be followed if there are 2 or more nominations for a given office.

12—Postal voting may be used

This clause establishes that postal voting may be used in an election under the measure in accordance with the rules and procedures established by the returning officer.

13—Counting of votes

This clause establishes how the counting of votes is to be performed.

Part 6—Declaration of results

14—Provisional declarations

This clause establishes that when the result of the election has become apparent, the returning officer must make a provisional declaration of the result.

15—Recounts

This clause outlines the circumstances in which a recount of the votes may be requested and the procedure to be followed in performing a recount.

16—Declaration of results and certificate

This clause establishes the procedure to be followed if either a recount has been made, or the period in which a recount can be requested has expired.

Part 7—Supplementary elections on failure of election

17—Supplementary elections on failure of election etc

This clause sets out that a supplementary election may be required to be held, after consultation with the State First Nations Voice, the returning officer and any other person or body the Minister thinks fit, if an election fails for certain reasons.

Part 8—Disputed Returns

18—Constitution of Court

This clause requires that there be a Court of Disputed Returns for the purposes of the measure that is constituted of a District Court Judge.

19—Clerk of Court

This clause requires that there be a clerk of the Court appointed by the Chief Judge of the District Court.

20—Jurisdiction of Court

This clause sets out the jurisdiction of the Court.

21—Procedure upon petition

This clause sets out the requirements for a petition to the Court.

22—Powers of Court

This clause sets out the powers of the Court.

23—Effect of decision

This clause outlines the effect of a decision of the Court.

24—Right of appearance

This clause provides that a party to proceedings before the Court may appear personally or be represented by counsel.

25—Case stated

This clause allows the Court to state a question of law for the opinion of the Court of Appeal.

26—Costs

This clause allows the Court to make orders for costs, sets out circumstances in which any costs must be awarded against the Crown and provides that an order for costs may be enforced as an order of the District Court.

27—Rules of Court

This clause sets out the rules that the Chief Judge of the District Court may make in respect of the Court.

Part 9—Miscellaneous

28—False or misleading statements

This clause prohibits a person from making a statement that is false or misleading in a material particular in information provided for the purposes of an election under the measure. The proposed maximum penalty is imprisonment for 4 years.

Schedule 2—Repeals, related amendments and transitional etc provisions

Part 1—Repeal of *Aboriginal Lands Parliamentary Standing Committee Act 2003*

1—Repeal of *Aboriginal Lands Parliamentary Standing Committee Act 2003*

This clause repeals the *Aboriginal Lands Parliamentary Standing Committee Act 2003*.

Part 2—Amendment of *Constitution Act 1934*

2—Insertion of section 3

This clause inserts a new section 3 into the principal Act as follows:

3—Recognition of importance of First Nations voices

This section provides that the South Australian Parliament recognises the importance of listening to the voices of First Nations people, acknowledges that those voices have not always been heard in Parliament, and intends that those voices will be heard, and will make a unique and irreplaceable contribution to South Australia that benefits all South Australians.

Part 3—Transitional etc provisions

3—First election of members of Local First Nations Voices

This clause outlines provisions that apply to the first election of members of Local First Nations Voices.

4—Consultation with State First Nations Voice

This clause provides that the Minister, the Electoral Commissioner or any other person or body need not comply with a requirement under the measure requiring consultation with the State First Nations Voice until the State First Nations Voice is capable of performing its functions.

Debate adjourned on motion of Hon. N.J. Centofanti.

Sitting suspended from 11:24 to 14:15.

Petitions

WHALERS WAY SANCTUARY

The Hon. T.A. FRANKS: Presented a petition signed by 1,207 residents of South Australia requesting the council to urge the government to oppose the Orbital Launch Complex in Whalers Way, a private sanctuary in a conservation zone, under a heritage agreement and home to numerous endangered, threatened and vulnerable species.

The petitioners request that the council initiate an inquiry into the decisions that led to the selection of Whalers Way as a site for an orbital launch complex.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. K.J. Maher)—

Report prepared by SA Health October 2022—SA Health's response to the coroner's finding of 13 July 2022 into the death of Jeremy Dane Wotton

By the Minister for Primary Industries and Regional Development (Hon. C.M. Scriven)—

Report of the Independent Inquiry into Foster and Kinship Care— dated November 2022

Ministerial Statement

TERRAMIN'S BIRD IN HAND GOLD PROJECT

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:17): I table a copy of a ministerial statement made by the Minister for Energy and Mining in the other place.

COUNCIL MEMBER VACANCIES

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:18): I table a ministerial statement made by the Minister for Local Government in the other place.

Question Time

RIVERLAND CROPS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:18): I seek leave to provide a brief explanation before asking the Minister for Primary Industries and Regional Development a question regarding crops in the Riverland.

Leave granted.

The Hon. N.J. CENTOFANTI: Irrigators near Napper's Outlet have been advised that salinity levels have risen from 706, up from 293 just three days ago. My question to the minister is:

1. In her role as Minister for Primary Industries, what measures are being put in place to manage the slug of salinity coming from Lake Bonney to prevent crop damage?

2. Will her government compensate for any damage to crops caused by increasing salinity levels?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:19): I thank the honourable member for her question. Of course, we have seen the devastating floods throughout the River Murray adjacent areas, and in many areas the waters are yet to recede. Once they have receded and during this process, particularly the next

few weeks, they are being analysed in terms of the damage that has been done, in terms of responses that are needed, and we are working very closely as a government with local communities and with local primary producers in order to support them during this difficult time.

RIVERLAND CROPS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19): Supplementary: is the minister aware of the issue of increased salinity to crops around Napper's Outlet?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): Issues of salinity are always a concern when we have flooding events such as we have had. There are a number of different impacts, all of which need to be taken into account. Sometimes they need to be taken into account in conjunction with other issues at the same time. It is an issue which of course we will continue to work with local primary producers on.

RIVERLAND CROPS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): Supplementary: has the minister been briefed by her department on this matter?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): I am frequently being briefed by my department on the various issues related to the River Murray flooding that fall within my portfolio.

RIVERLAND CROPS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:21): Supplementary: when the minister consults with the communities have any compensation issues been raised?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:21): The government is continuing to consult with communities along the flood affected areas and we are discussing many issues in regard to the impacts of the floods and the need for recovery. There has been a lot of engagement, of course, with local communities and with local councils as well, and those communications and those engagements are continuing.

STRATHALBYN ABATTOIR

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): I seek leave to provide a brief explanation before asking the Minister for Primary Industries and Regional Development a question regarding the Strathalbyn abattoir.

Leave granted.

The Hon. N.J. CENTOFANTI: In August last year, the member for Hammond and I wrote to the minister seeking answers as to why the Strathalbyn abattoir restoration project had been delayed. We received a letter from yourself in October, saying that you had 'recently reviewed these conditions and have approved an alternative model to allow the project to progress in a timely manner'.

Four months on, despite the Treasurer signing a funding deed, the grant is yet to be paid. The co-op believes it has satisfied all the conditions of this deed. My question to the minister is: why hasn't the grant to the Fleurieu Community Co-op been paid and what does she say to the board, who have been unable to open up the doors of the abattoir because of her government's inaction?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22): I thank the honourable member for her question. The issue of the Strathalbyn abattoir came to my attention last year, prior to the correspondence to which the honourable member refers, because the former government—the former Liberal government—had announced funding for the project. Indeed, they apparently had approved it and they had established a number of conditions which were proving to be problematic for the abattoir.

My department has been working with the Strathalbyn abattoir project team. I was briefed on this within the last week or fortnight—I can't remember exactly which—and at that time I saw

correspondence from the abattoir which indicated that they were yet to provide some information. In fact, they referred to the fact that they had staff who were on leave and would be back shortly. That was from the proponent of the project, which indicated that they had not been able to provide all of the information that had been requested at that time.

STRATHALBYN ABATTOIR

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): Supplementary: the co-op believes it has satisfied all the conditions of this deed, so will the minister ensure that she seeks guidance as to why this grant has yet to be paid?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): The statements that the honourable Leader of the Opposition is making with regard to this do not align with the information that I have been provided with and indeed the copy of the email that I saw when I was briefed—I can't remember if it was last week or the week before.

FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24): I seek leave to provide a brief explanation before asking a question of the Minister for Primary Industries and Regional Development on fruit fly.

Leave granted.

The Hon. N.J. CENTOFANTI: The Riverland has continued to experience several outbreaks of fruit fly in recent days and weeks. Industry stakeholders have been calling on the government to increase the capacity of the SIT facility since July of last year, with no movement and much frustration. My question to the minister is: why has it taken so long to get movement on the SIT facility expansion, and is this a reflection of resourcing cuts to her department?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I thank the honourable Leader of the Opposition for her question; however, the basis of the question is incorrect as it is incorrect to say that there has not been movement. There has been considerable movement. Work has commenced to extend the Port Augusta facility to double its operational output to 40 million SIT flies every week—that is in regard to Qfly.

That work should be completed later this year so that extra SIT flies will be available for the high-risk season, which, of course, is the season starting in spring. It is also relevant to note that when you are looking at the reproduction cycles for sterile insects, it obviously takes time to build up to the 40 million in any case. The work is progressing. It will be completed in the near future and then the reproduction will commence to increase up to that 40 million per week.

FRUIT FLY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:26): Supplementary: can the minister confirm that shovels are, in fact, in the ground?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26): I am advised that work has commenced to extend the Port Augusta facility to double its operational output to 40 million SIT flies every week. That work should be completed later this year.

THRIVING COMMUNITIES PROGRAM

The Hon. T.T. NGO (14:26): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber on the new Thriving Communities Program?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26): I thank the honourable member for his question, which is highly relevant to our regions. Earlier this year, I was pleased to announce the Malinauskas Labor government's Thriving Regions Fund, which will inject $15 million into regional communities through

several new programs. The Thriving Communities Program is one of those and I am pleased to advise the program has $600,000 allocated for this financial year (2022-23) for projects that will help regional communities and community groups.

The Thriving Communities Program will deliver new opportunities for community-based groups to advance plans around the infrastructure and services in a targeted manner that ensures funding truly benefits the state's regional communities. The Thriving Communities Program consists of small grants for projects that build social capital through facilitating community group participation and equity of access. The program is open to incorporated associations and registered charities, and that could include community groups, interest groups, show societies, chambers of commerce or local charity groups.

The funding will be available for projects that meet the aim of the program, which may include: physical infrastructure, which could be either new infrastructure or expanded; plant and equipment; events to enhance community wellbeing and engagement; training, such as first aid or mental health first aid; child safe training; and cultural awareness and inclusion.

The program will support projects that can be delivered within a 12-month time frame and grants for these projects will range between $20,000 and $50,000 each. Applications for the Thriving Communities Program opened on 12 January this year and will remain open until the full funding has been allocated or until 30 June 2023. All applications must be submitted through the PIRSA website and I encourage all who may be eligible to apply.

I look forward to continuing to support our regional communities into the future through wonderful programs such as this one. It has been my pleasure to be talking about these programs in the various regional visits that I have already done so far this year. They have been very well received. I look forward to there being many worthy applicants.

THRIVING COMMUNITIES PROGRAM

The Hon. H.M. GIROLAMO (14:29): Supplementary: how many groups are likely to receive these grants and how will the grants be awarded and selected?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29): The grants are for between $20,000 and $50,000 each, and there is a $600,000 allocation as I mentioned, so I will leave it to the honourable member to work out the maths on that, and what that might divide into. The applications and criteria are all on the website.

THRIVING COMMUNITIES PROGRAM

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): Supplementary: is this the minister's replacement for the Regional Growth Fund? If not, it is a piddly amount.

Members interjecting:

The Hon. C.M. Scriven: Thriving Regions Fund?

The PRESIDENT: Order! Minister! When you ask a question at least let there be an answer before you answer your own question.

The Hon. C.M. Scriven: Show some courtesy. Common manners, that is what the President has asked for.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): I am happy to answer the second question in a row that was already answered in my original response. There is a $15 million Thriving Regions Fund. The topic of today's question was the Thriving Communities Fund, which is a subprogram of that fund.

Members interjecting:

The PRESIDENT: Are we just going to have conversations or are we going to ask and answer questions?

REGIONAL CHILDCARE SERVICES

The Hon. S.L. GAME (14:30): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries and Regional Development on a lack of childcare facilities in rural and regional South Australia.

Leave granted.

The Hon. S.L. GAME: Attracting both skilled and unskilled labour in rural and regional South Australia is a significant challenge, and the lack of child care is a significant contributing factor. The Yorke Peninsula Council have informed me that there is not one childcare facility in their entire local government area, and the Ardrossan Childcare Committee conducted a survey, which found that 99 per cent of residents agree that a lack of child care was an issue for them, and that 120 children would utilise a service if one was established in the town.

In Port Lincoln I was told of significant issues with both childcare quality and availability, with one community childcare facility there already reaching capacity despite only just increasing placements by about 50 per cent. They are faced with a two-year waiting list of at least 70 children under the age of two.

I understand that Regional Development SA chair and former Premier Rob Kerin has stated that only one in nine children in the Mid North can access child care, which has significant flow on effects to all aspects of our regional communities. I have also heard firsthand about a desperate need for childcare services in Kingston South-East. The Early Learning and Childcare Services Working Group there is hopeful of establishing a centre and being a pilot for other towns to follow.

Without better access to childcare services our regions will continue to struggle to attract and retain high-quality staff to fill shortages that are being experienced across almost every industry in the state. My question to the minister is: given the centrality of early childhood education and care to this government's pre-election platform, what immediate actions is the state government taking in the short term to assist our regional constituents to overcome the disparity in access to childcare services?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:32): I thank the Hon. Ms Game for her question. Child care certainly is something that is raised with me quite frequently in my many regional visits, and I in fact remember being at the Jamestown Show last year, which I think is where the former Premier Rob Kerin made that statement. It is certainly a very challenging environment for parents who are seeking child care in regional areas, and it is something that is certainly raised with me very frequently. Of course, there have been some positive changes made by the federal government, which will assist in general in child care, and one of the Malinauskas Labor government's commitments is to three-year-old preschool.

It is I think probably obvious to all that it is very difficult to get short-term fixes to what are long-term entrenched issues, both in terms of attracting skilled workforce but also the establishment of new facilities, which can sometimes be bound by not only workforce but also facilities available and an appropriate model. It is something that is certainly a part of the overall considerations. One of the terms of reference for our Royal Commission into Early Childhood Education and Care includes looking at access issues, equity issues, and specifically refers to regional areas.

INDUSTRIAL RELATIONS

The Hon. H.M. GIROLAMO (14:34): I seek leave to give a brief explanation before asking the Attorney-General a question about simply rocking up to work on time.

Leave granted.

The Hon. H.M. GIROLAMO: In a newly negotiated agreement between Crane Services and the CFMEU, which was brokered by convicted domestic violence perpetrator and Labor supporter

Mr John Setka, employees receive a bonus for simply turning up to work on time and wearing their correct uniform. My questions to the Attorney are:

1. Do you think it's reasonable to be paid a bonus for simply rocking up to work on time?

2. Do you think it's reasonable for small business to be paying extra for what is deemed as 'business as usual' in an employer-employee situation and getting to work on time and wearing your correct uniform and doing the work you are salaried to do?

3. Is this bonus scheme something that the Labor Party will look to introduce within the public sector awards?

Members interjecting:

The PRESIDENT: Order! Don't be baited by the Hon. Mr Wortley. Just listen to the answer to your question.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:35): Probably the most correct answer is to explain to the honourable member that the industrial relations jurisdiction for private companies has nothing at all whatsoever to do with the state, nothing at all to do with what I'm responsible to parliament for, but is entirely a creature and provenance of the commonwealth system. Now that the honourable member knows that, I'm sure she will be able to ask her questions on something that is of relevance to the South Australian parliament or on something that we have responsibility for.

However, that being said and now being convinced that the honourable member has learnt and has a better understanding of the industrial relations system in Australia, what I can say is I think it is entirely appropriate that companies—and again, companies that are entirely governed by the federal industrial relations system and those who negotiated with it—come up with agreements that they agree to, that they be a combination of conditions of different pay structures, of different pay increases, of different parts of entitlements. I think it is entirely appropriate that is up to those parties that are part of a national system to come up with a range of things that suit both parties' interest.

WE'RE EQUAL CAMPAIGN

The Hon. I. PNEVMATIKOS (14:37): My question is to the Attorney-General. Will the minister please update the council on the We're Equal initiative being run by the Office of the Commissioner for Equal Opportunity?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:37): I certainly will and I thank the honourable member for a question—

Members interjecting:

The PRESIDENT: Order! I call the Attorney-General.

The Hon. K.J. MAHER: —that is a state issue. It is remarkable foresight that the honourable member has to understand the differences between state and federal jurisdictions. Given that the honourable member has asked a question—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: Sir, I can't hear myself think at the moment.

The PRESIDENT: Please continue, and please listen in silence. I call the Attorney.

The Hon. K.J. MAHER: Some time ago, I informed the chamber about a four-week pilot program that was the initiative of the Office of the Commissioner for Equal Opportunity: the We're Equal program. This initiative began as a public-facing campaign to help South Australian businesses provide an easily identifiable, safe work environment which is free from discrimination, bullying or harassment.

It aimed to promote respect and inclusion across the areas of law relevant to the Equal Opportunity Act, which the commissioner is responsible for administering, covering four main areas of discrimination: age; disability and accessibility; race and culture, including religious appearance and dress; and relationships, including gender, sexuality, pregnancy, marital status and association with a child such as breastfeeding. Businesses that participated in the four-week pilot program signed up to display a statement of commitment, pledging that as an employer they had zero tolerance for discrimination and disrespectful behaviour to both staff, customers, or suppliers and contractors.

I am extraordinarily pleased that the commissioner has informed me that after a highly successful four-week pilot campaign, the initiative will be continuing and expanding beyond the four weeks and be expanding beyond just hospitality venues. Over the four-week pilot program, 695 registrations were received from members of the public who participated in things like the drink bottle giveaway promotion, with nearly 1,000 drink bottles being distributed as part of the We're Equal program. The promotion had a total reach on social media, I'm informed, in excess of 8,000 over three channels, and 11 media stories were generated across television, radio and online.

Some very promising figures from the pilot also demonstrated the success of the campaign's educational component to business owners and their workers. This success is evidenced in the figures, which showed that compared with the previous month the equal opportunity website saw a 51 per cent increase in total activity across the entire site during the pilot period, with notable increases in views of pages relating to discrimination laws and types of discrimination, complaint processes and pathways, and training and resources.

Most promising was the feedback received from the campaign's participants about customer and staff responses to the pilot program, indicating it was resoundingly positive and supportive of the campaign's intent. In particular, several respondents reported that there was real value in the campaign as a tool to start conversations with staff or for inducting new staff, and one respondent even offered examples of how the pilot had clearly generated confidence in the surrounding community for members of diverse backgrounds to use and feel safe in their venues.

Due to this positive feedback and engagement with the pilot, the office of the equal opportunity commissioner are currently undertaking work to expand the initiative beyond small hospitality venues into a much broader reach across South Australian businesses. Work is currently being done with businesses in the financial sector, high-profile venues, peak sporting bodies, government departments and legal firms to make this campaign farther reaching and ongoing. Many new businesses, including Credit Union SA, have just signed up to the initiative, and many others have expressed interest in joining, and that process will happen over the coming months.

Any business wanting to sign up is encouraged to go to the Equal Opportunity Commission's website to register their interest. Registration is quick and easy and is available in three categories: small businesses, for sole traders and businesses with fewer than 20 employees; medium-size businesses and organisations, 20 to 200 employees; and the large ones, with in excess of 200 employees. Once the business has completed the form and submitted it on the Equal Opportunity Commission's website, small and medium businesses will receive an email with a direct link and a welcome pack.

I would like to thank all of the staff from the office of the equal opportunity commissioner, particularly the commissioner, Ms Jodeen Carney, and Assistant Commissioner Colin Marsh for leading this initiative that encourages zero tolerance towards discriminatory behaviour in our workplaces.

WE'RE EQUAL CAMPAIGN

The Hon. R.A. SIMMS (14:41): Supplementary: does the government intend to expand the program to religiously-based schools, given the horrific revelations of the *Four Corners* program on Opus Dei?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): I thank the honourable member for his question, and I am happy to raise it with the Equal Opportunity Commission to see what potential there is to expand it further given the current success it has had.

WE'RE EQUAL CAMPAIGN

The Hon. R.A. SIMMS (14:42): Supplementary: is it the case that such schools would be beyond the scope of any program given they are exempt from the requirements of the Equal Opportunity Act under section 50(1)?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): I'm happy to take that on notice. I know there are certain exemptions, particularly in terms of employment practices, but I'm happy to take that on notice to see how any exemptions would interact with a campaign like this.

WE'RE EQUAL CAMPAIGN

The Hon. R.A. SIMMS (14:42): Final supplementary: has the minister seen the *Four Corners* program that I referred to?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:42): If the honourable member is referring to the *Four Corners* program about a number of schools in Sydney controlled by the Opus Dei part of the Catholic Church, yes I have.

VICTIMS OF CRIME FUND

The Hon. F. PANGALLO (14:43): I seek leave to make a brief explanation before asking a question of the Attorney-General about victims of crime.

Leave granted.

The Hon. F. PANGALLO: I've been contacted by the family of Deon Hewitt, a beloved 74-year-old grandfather, father and husband, who was bashed to death in his own home with a hammer by a drug-using psychopath, Steven Patrick Berg, in May 2018.

Berg was found not guilty of murder by reason of mental incompetence and sentenced to a period in care at James Nash House. He has been allowed three hours of freedom once a week, supervised by two mental health workers, but his lawyers are now arguing in the Supreme Court that Berg should be allowed to have up to 10 hours' freedom to wander and shop, spread over two days and supervised by just one mental health worker instead of the two initially sought.

Could he even be trusted with three? They claim the current arrangement is not a lot of time for Berg's activities—not that the victim, Deon Hewitt, nor his family now have any time at all for activities with him.

The still grieving family is upset by the move, which still allows the madman killer to travel through the community where he committed the horrific crime. Berg's court hearing was adjourned until 3 March to allow Mr Hewitt's family to participate in the matter and be heard, yet to add insult to egregious injury, the family has now been informed by the Commissioner for Victims' Rights that she will not release modest funding for a lawyer to represent them. This comes at a time when there is an obscene amount of money—nearly $200 million—sitting in its coffers specifically for victims of crime like Mr Hewitt's family.

My question to the Attorney is: will you instruct the commissioner to ensure that the Hewitt family gets the financial support it requires to engage a lawyer to represent them in court and, with such a vast amount of money piling up in the Victims of Crime Fund, do you think it's fair to deny modest funding for victims of crime wanting a legal voice in court?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:45): I thank the honourable member for his question. Much of that I will have to take on notice. I don't recall being briefed on the details of the matter the honourable member refers to, but I'm happy to check some details and maybe bring back, even before tabling if I can, in the coming days some further information for the honourable member.

Certainly, there are funds that are available for victims of crime to make applications as victims of crime for compensation under the Victims of Crime Fund, but I gather the honourable member was talking about further legal representation for other matters beyond the application for a

payment from the Victims of Crime Fund. I'm happy to take that part on notice and see if I can find an answer for the honourable member.

BEACH MANAGEMENT

The Hon. J.M.A. LENSINK (14:46): I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for the Environment, a question on beach management.

Leave granted.

The Hon. J.M.A. LENSINK: The communities of West Beach, Henley South and Henley are fed up with the government's lack of action and dragging the chain when it comes to beach management. As the minister responsible, they are wondering whether the minister believes that it's acceptable that multiple beach access points, including disability access, along Henley Beach South and Henley Beach are no longer safe for use. What is the responsible minister in this chamber's response to those concerns?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47): I thank the honourable member for her question. In relation to the specifics about individual beach management, my understanding is that the Department for Environment and Water is the department that actively manages Adelaide's metropolitan coastline. Of course, there is some responsibility of local councils as well, but I'm happy, as the honourable member indicated in her question, to refer that to the minister in the other place who is responsible for the Department for Environment and Water.

BIOSECURITY, KANGAROO ISLAND

The Hon. R.P. WORTLEY (14:47): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber on the additional biosecurity signage measures recently installed on Kangaroo Island?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:48): I thank the honourable member for his question. I'm always happy to talk about Kangaroo Island. Kangaroo Island's relative isolation and unique pristine environment are internationally recognised and loved by South Australians and overseas visitors alike. Kangaroo Island's clean and green image and freedom from many pests and diseases found on the mainland are key to its economic and social wellbeing; however, transport services to Kangaroo Island are, of course, a major risk pathway for biosecurity incursions.

I'm pleased to advise that several new initiatives are underway or have recently been completed to continue to improve awareness of biosecurity restrictions on Kangaroo Island. Public awareness activities include signage and biosecurity bins at strategic entry points to Kangaroo Island by sea and air and pre-arrival messaging and information regarding entry restrictions for SeaLink and airport passengers.

Media campaigns to promote biosecurity and signage have recently been enhanced and upgraded, with some additional signs strategically placed in an attempt to inform travellers entering the SeaLink terminal or when boarding the SeaLink or KI Connect ferries. Biosecurity signage in the vicinity of the SeaLink ferry terminal and at the KI Connect loading ramp is more comprehensive, with a mix of visual aids of biosecurity requirements to assist non-English speaking travellers through to explanations about specific biosecurity requirements.

Two biosecurity bins located at Kingscote Airport and two at the Cape Jervis ferry vehicle loading area were refreshed in September 2022, with new signage above and on the bins. Two new biosecurity bins have also been constructed and are due for installation at Penneshaw in February 2023, this month. The bins will be located at the SeaLink terminal and the Kangaroo Island visitor centre and will have the same branding and signage as existing bins.

A new sign will soon be installed on the side of the PIRSA biosecurity checkpoint office at Cape Jervis wharf. The large, eye-catching sign will include an image of Remarkable Rocks with wording 'Keep me clean' in reference to the long-running and notable 'Keep me wild, keep me sweet,

keep me clean' campaign. This sign is in addition to existing legislative signage that includes visual aids to outline biosecurity restrictions.

The Kangaroo Island Biosecurity Rebuild Project 'Keep me wild, keep me sweet, keep me clean' social media campaign has been successfully run during peak visitation periods over the last year and has commenced again for the summer holidays 2022-23. The social media boosted posts across Facebook and Instagram have reached over 185,000 people within the targeted audience, who were served the post multiple times, resulting in over one million impressions. It represents good value for money and is a positive way to promote biosecurity requirements to a wide and wider audience.

BIOSECURITY, KANGAROO ISLAND

The Hon. F. PANGALLO (14:51): Supplementary: will the bins be available on the ferries for forgetful travellers?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): I thank the honourable member for his supplementary question. I will take it on notice to double-check, but my understanding is that bins will not be on the ferry. My understanding is that there are bins both on departure and on arrival, but I will check that detail and come back to the honourable member if there is any different information.

BIOSECURITY, KANGAROO ISLAND

The Hon. F. PANGALLO (14:51): Further supplementary: are there any penalties that apply for people who are breaching those requirements?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:52): There are penalties for breaching the requirements. Most of the time, PIRSA does use an educative process. We are not trying to raise revenue: we are trying to make sure that Kangaroo Island stays free of the pests and diseases which it is currently free of. Penalties do exist. I do not have to hand figures on how many fines may have been issued, but certainly that is there as a possible consequence should it be deemed appropriate.

SEX WORK AND MONEY LAUNDERING

The Hon. T.A. FRANKS (14:52): I seek leave to make a brief explanation before addressing a question to the Attorney-General on the topic of spent convictions for sex workers convicted of money laundering.

Leave granted.

The Hon. T.A. FRANKS: This state has a convoluted history with the way police have engaged with sex workers. We have women who have worked in the industry for decades, providing safe workplaces for those who wish to work in the industry. I have spoken at length with some of the women who work in this industry, and it is clear that the police tactics used to try to shut down some workplaces and leave others alone are confusing and have led to some adverse outcomes. The tactics also extend to misusing criminal laws to slap these workers with inappropriate charges.

I draw the Attorney-General's attention to women from this industry who have had money laundering charges and convictions accompany their 'keeping brothel' charges for using an ATM within a business, contrary to what most members of the public would think was in fact an act of money laundering. When we usually imagine money laundering, it is significant amounts with much more nefarious process and purpose, yet these women have worked in the sex industry for decades, in many cases cooperating with the police previously, and then copped a money laundering charge and conviction that has left them criminalised and unable to find employment anywhere else.

Looking to start afresh in another industry, these workers then have the often insurmountable hurdle of finding any employment with a money laundering charge appearing next to their name on any police check. My question to the Attorney is: how are sex workers, who have been forced out of their industry, expected to find employment with inappropriate money laundering charges and convictions on their police record?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I thank the member for her question; it is an important one. I know she has been a fierce advocate of the decriminalisation of sex work in this state and, as it is a matter of conscience for all parties in this chamber, it is one on which I have supported her endeavours and voted for the bills the honourable member has previously brought before parliament for the decriminalisation of sex work.

I will have to liaise with my colleague the police minister to find some answers, but I will be more than happy to do so and to bring back a reply after receiving a briefing about how the application of the laws of our state are used without fear or favour for all members in the community.

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:55): I seek leave to provide a brief explanation before asking a question of the Attorney-General, representing the Minister for the Environment, on beach management. The minister in the other house has declared a conflict of interest and has delegated this responsibility to the Attorney-General.

Leave granted.

The Hon. J.S. LEE: The panel tasked to review the sand management at West Beach, Henley South and Henley has released its terms of reference. Those terms of reference are:

> The review will address the following matters:
>
> 1. How to manage sand on Adelaide's beaches achieve the follow goals. The priorities are:
>
> (i) Minimise disruption for all communities;
>
> (ii) Avoid environmental harm; and
>
> (iii) Maximise sand staying on beaches.

My questions to the minister are:

1. Can the minister clarify whether those terms of reference are listed in the order of priority?

2. Can the minister confirm that minimising disruption for all communities is a higher priority for his government over maximising sand staying on beaches when it comes to managing sand on Adelaide's beaches?

3. As the minister who has been delegated the responsibility now, can he explain when the government is expecting to move forward with a costed and funded solution for sand management on the central and northern beaches?

Parliamentary Procedure

VISITORS

The PRESIDENT: Just before the minister answers the question, I draw the attention of the chamber to now South Australia's Agent General from London, former member of this place, Leader of the Opposition and minister, the Hon. David Ridgway.

The Hon. K.J. Maher: What did he have for lunch?

The PRESIDENT: That interjection is out of order. I call the Attorney-General.

Question Time

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I thank the honourable member for her question. I don't have a copy of the terms of reference in front of me, so I will have to look at them. From memory, I think all of the issues are important, and there is not one to operate at the exclusion of all others, so the number of terms of reference the honourable member read out are all important

considerations for the review to take into account. In relation to time frames, I believe it is on track to be completed by the end of this year.

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. L.A. HENDERSON (14:58): Supplementary question: when was the last time the minister requested and received a briefing on this matter?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): From memory, about a fortnight ago.

The Hon. R.P. Wortley interjecting:

The PRESIDENT: No need for your commentary, the Hon. Mr Wortley.

Members interjecting:

The PRESIDENT: Order! Do you have a supplementary?

The Hon. T.A. FRANKS: A supplementary.

The PRESIDENT: I'm sorry, I didn't see you.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Franks has a supplementary question.

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. T.A. FRANKS (14:59): Supplementary: what opportunity will all members of the community be given to make representations to the panel?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:59): I thank the honourable member for her question. Certainly, it was in the vicinity of about two weeks ago when I had about a 20-minute update with some members of the review panel from the department, and part of that was to discuss making sure that there is as much possibility as possible for written submissions and an ability for people who have an interest to come in and talk to the review team.

ADELAIDE BEACH MANAGEMENT REVIEW

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:59): Supplementary: will the Attorney or the minister be committed to bringing back the report about the review and recommendations to this parliament?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00): I thank the honourable member for her supplementary question. We will certainly be making sure that the public and those who have been consulted and the rest of South Australia are aware of what we propose to do.

WORK HEALTH AND SAFETY

The Hon. R.B. MARTIN (15:00): My question is to the Minister for Industrial Relations and Public Sector. Will the minister please update the council on the development of a new work health and safety and injury management strategy for the public sector?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00): I thank the honourable member for his very important question and his ongoing and continuing interest in the area of worker safety. The South Australian public sector aims to be an employer of choice and strives for the highest standards of leadership when it comes to ensuring safety and healthy workplaces. In this respect, the public sector has implemented successive safety strategies over many years and multiple governments have aimed to improve the work health and safety and injury management of its employees.

The current work health and safety strategy for the public sector, Building Safety Excellence in the Public Sector, nominally operated from 2015 to 2022, and this strategy was aligned with Safe Work Australia's national Australian Work Health and Safety Strategy 2012-22. The objectives of

Building Safety Excellence in the Public Sector were to ensure that safety is given the highest priority in the work of the public sector; assist agencies to identify challenges to health and safety and address them before they adversely impact workers; and build work environments that promote wellbeing, provide leadership, drive and safety performance to support a high-performing public sector and to enable the safe return to work of injured workers.

Agencies are responsible for implementing and maintaining work health and safety injury management policies and procedures, and may develop their own plans and strategies that address their individual risk profiles, in addition to the sector wide strategy. The Office of the Commissioner for Public Sector Employment centrally monitors, measures and analyses safety and injury management performance across the public sector. This allows the commissioner to address emerging issues and remain responsive to agencies.

The commissioner has commenced development of the next work health and safety and injury management strategy for the public sector, which will act as a 10-year road map for the sector. The strategy also aims to be aligned with the next iteration of the national Safe Work Australia strategy. That work undertaken by the commissioner includes a YourSAy survey on priority initiatives, workshops with agency work health and safety managers, and consultation with public sector unions and workers. The strategy will also take into account emerging work through SafeWork SA. It will also consider emerging issues, including working from home arrangements.

The strategy has a focus on areas of improving analytical and reporting tools, including benchmarking capabilities. This will enable agencies to compare performance against other jurisdictions and like agencies. I look forward to the strategy being published after the consultation has concluded.

WORK HEALTH AND SAFETY

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:03): Supplementary: what is the minister doing to ensure workers in South Australia are not subjected to bullying on construction sites inhabited by the CFMEU?

Members interjecting:

The PRESIDENT: It's not actually a supplementary arising—

Members interjecting:

The PRESIDENT: Excuse me. It's not a supplementary question. The minister can answer if he chooses to. Otherwise, we move on.

Members interjecting:

The PRESIDENT: Order!

WOMEN'S AND CHILDREN'S HOSPITAL

The Hon. C. BONAROS (15:04): I seek leave to make a brief explanation before asking the Attorney, representing the Minister for Health in another place, a question about medical accreditation at the Women's and Children's Hospital.

Leave granted.

The Hon. C. BONAROS: The Royal Australasian College of Physicians is the latest medical college to write to the Women's and Children's Health Network outlining a number of concerns it has with the hospital's accreditation, this time with general medicine and paediatrics. It's the hospital's third medical accreditation issue in less than three months, following similar issues with the hospital's paediatric intensive care unit (PICU) and neonatal intensive care unit (NICU).

So concerned is the college, it has only given the hospital provisional accreditation for 12 months—when the norm is usually about three years—and with conditions. As we all know in this place, a hospital's accreditation is the most critical aspect of its entire operation. Without the necessary accreditation in place, it simply cannot operate.

The recent crisis is being viewed by many in the medical profession as another glaring sign of the incompetence of the senior executive team at the hospital. The chief executive officer, Lindsey Gough, has sent a communiqué to staff this morning watering down the issue but refuses to publicly release the correspondence from the college. My questions to the minister are:

1. Did the hospital senior executive team advise the minister this time of the accreditation downgrade?

2. Will the minister instruct the hospital to publicly release the report correspondence from the college and provide a public response to it, or will he do it?

3. Does the minister maintain confidence in the Women's and Children's Hospital CEO and senior executive team, given the ongoing issues and downgrades?

4. What will he be doing to address the ongoing and worsening issues with accreditation at the hospital?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:06): I thank the honourable member for her questions and I will refer those to my colleague in another place who has responsibility for the health portfolio and bring back a reply to the member.

AUTISM

The Hon. L.A. HENDERSON (15:06): I seek leave to make a brief explanation before asking a question of the parliamentary secretary to the Premier on autism.

Leave granted.

The Hon. L.A. HENDERSON: I have permission to use the family's name in the following explanation. Mrs Kirsten Richards and her daughter, who has autism and severe clinical anxiety, negotiated a One Plan for her daughter to complete her SACE this year in year 12. The plan with SACE-approved allowances was agreed by all parties in writing. Mrs Richards tells me that she understood she would have oral and email access to a SACE coordinator.

Her daughter often doesn't understand instructions or forgets tasks, so Mrs Richards needs to have access to her daughter's coordinator to ensure that she is able to support her daughter in her studies. She tells me that since school has returned, she has been told that she is only allowed to speak with the principal and no-one else about her daughter's plan. She tells me that she is only able to email the coordinator, but feels that sometimes an email is not sufficient and that she needs to speak to the coordinator directly.

Mrs Richards is very frustrated as she feels that she has been locked out of any direct involvement with the SACE program for her daughter. She is concerned that by essentially removing her from her daughter's educational support network, it will hinder her daughter's efforts in her SACE studies. My questions to the parliamentary secretary to the Premier are:

1. Will you intervene to ensure that her daughter will have every opportunity to successfully complete her SACE?

2. How many children and families have signed up to receive support from an autism lead in each state school?

3. How many children are waiting for support?

4. Given the above explanation, do you think the government is failing to deliver on their election promise to provide straightforward and additional support to families and children with autism?

The Hon. E.S. BOURKE (15:08): I thank the honourable member for her question. Obviously, we take all of these stories very seriously. I would be more than happy to refer that story to the Minister for Education, who looks after One Plan. I am happy to take those details on.

In regard to the Autism Inclusion Teacher role, I just want to make it really clear about what that role is. You asked, 'Are students getting enough support?' and you referred to them as 'lead

teachers' but they are called Autism Inclusion Teachers. I do want to make it really clear that the reason why we have developed this role, which started just last week, is that it's about giving knowledge to our teachers.

At the moment, we have teachers who are fantastic. They are in our schools and they are doing a really good job, but what we need to be doing is giving an opportunity for them to go off and get the training and knowledge that they need. That's why we have created these Autism Inclusion Teachers, so that they can start to get training in what is the best way to support students.

It is really about not doing one-on-one work with students. It is about the teacher becoming a pillar of knowledge in our schools, so that pillar of knowledge can be there to support other fellow teachers as well. That is the primary focus of this role. It is about teachers supporting teachers and sharing that knowledge between each other.

AUTISM

The Hon. L.A. HENDERSON (15:09): Supplementary: how many children and families are currently partaking in the Autism Inclusion Teaching program?

The Hon. E.S. BOURKE (15:10): I just want to make it really clear: students are not participating in the Autism Inclusion Teacher role.

The Hon. L.A. Henderson: Well, they benefit from it, so how many?

The PRESIDENT: Order!

The Hon. E.S. BOURKE: That's a really interesting question. I just want to go back again about what this role is about, why we had to create this role. The Autism Inclusion Teacher's role is there to be able to have time so that they can leave the classroom. A teacher will be, more often than not, already within that school community. They will now be able to leave the classroom and go off to get that training so, when they do return, they can provide that knowledge to fellow teachers. This is not about sitting with every individual student in the school.

There is at least one autistic person, I am advised, in every classroom, so what we need to be doing is giving the knowledge to our teachers, so that they can be providing the best support to all students in the school as much as they can. If we are not giving knowledge to teachers they don't know where to start in providing that support, so we're starting with one teacher. This is a start. There is a long, long way to go, but if we don't start now we will be having the same conversation in 10 years' time about how do we provide support to kids, but we have to start first by providing support to our teachers.

AUTISM

The Hon. H.M. GIROLAMO (15:11): Supplementary: have there been any changes to the funding given to Autism SA as a result of this new program that has been introduced?

The Hon. E.S. BOURKE (15:11): I will have to take that on notice.

RIVER MURRAY FLOOD

The Hon. J.E. HANSON (15:11): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber on the assistance provided to primary producers affected by the floods?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:12): I thank the honourable member for his question and his ongoing interest and willingness to provide support for people who are affected by the floods. I am pleased to advise that the commonwealth and state governments, under the disaster recovery funding arrangements, are working together to deploy this assistance measure to support clean-up, relief and recovery costs for primary producers who have suffered direct loss or damage owing to the River Murray floods, with costs associated to immediate recovery activities needed to rebuild their primary production enterprises.

Primary producers play an integral part in local economies and communities, and this assistance will go toward minimising disruption in the affected areas, and assisting with recovery in

the affected communities. The assistance provided is available for eligible primary producer businesses located within the Alexandrina Council, Berri Barmera Council, Coorong District Council, District Council of Karoonda East Murray, District Council of Loxton Waikerie, Mid Murray Council, Pastoral Unincorporated Area, Renmark Paringa Council, and Rural City of Murray Bridge council areas who have suffered direct damage from the flooding disaster of 2022-23.

The River Murray Floods Primary Producer Recovery Grant is now open for eligible expenditure on or after 15 November last year. The grant will be available up to a date to be determined by the commonwealth and relevant state governments, having regard to the floodwater levels. Eligible primary producers who have been directly impacted by the River Murray floods may apply for up to $75,000 to undertake clean-up and recovery actions, including removing and disposing of debris, damaged goods and materials, and injured or dead livestock and aquaculture species, and repairing a building or repairing or replacing fittings in a building if the repair or replacement is essential for resuming operation of the primary production enterprise.

The full list of eligibility criteria can be accessed through the River Murray Floods Primary Producer Recovery Grants guidelines available on the PIRSA website. Information for flood-affected primary producers, including how to apply for the River Murray Floods Primary Producer Recovery Grant, is available through the online portal on the PIRSA website.

Information on grants on household, business and primary producer relief can also be obtained by visiting the relief centres or by calling the information line on 1800 302 787, Monday to Friday. The government will continue to support the Riverland region and the communities along the length of the river as the recovery continues.

It has been very pleasing to have so many of my parliamentary colleagues and my cabinet colleagues visiting the Riverland and the Murraylands and, in fact, visiting all of the affected communities. It's something that is also good to see that there has been, on the whole, a bipartisan approach from the local members of parliament in those flood-affected areas. I have been pleased to be able to catch up on a number of occasions at different events with the member for Hammond and the member for Chaffey as well as my office assisting the member for Finniss.

I think when we have these types of disasters it's really important—and it's something the community is really keen to see—that governments and elected members work together and that they won't be trying to play politics on these issues. I think the positive response that we have had from many of the communities has been very encouraging.

In fact, I noticed in I think it was today's *Stock Journal* that the Mayor of Murray Bridge, Wayne Thorley, commented how pleased he had been with the response from parliament. He wasn't referring simply to government—I want to give the opposition credit where credit is due as well—he was referring to the parliament, so members of parliament who had been out there interacting, engaging with council, engaging with the communities. I also want to thank Mayor Thorley for those very kind words.

RIVER MURRAY FLOOD

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:16): Can the minister explain why the government picked the 15 November date, given that the Riverland had been subjected to high river flows prior to this and preparations by local farmers and producers were already underway?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:16): I will take that on notice. I have some recollections as to what the requirements were in terms of interaction with federal funding but I can't remember the details. I am happy to take that on notice and, as appropriate, refer to where that information can be found.

REGIONAL HEALTH SERVICES

The Hon. R.A. SIMMS (15:17): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Regional Development on the topic of regional health services.

Leave granted.

The Hon. R.A. SIMMS: It was reported yesterday that SA Pathology was restructuring, with 30 nurses being moved to other parts of the healthcare system. Eight of those nurses are from regional areas. This morning, on ABC radio, Elizabeth Dabars from the Nursing and Midwifery Federation said, and I quote:

> This proposal looks to completely eliminate a nursing presence out in country South Australia.

'Completely eliminate', Mr President. My question to the minister, therefore, is:

1. Does the minister believe that having no SA Pathology nurses in regional communities is acceptable?

2. What action is she taking to ensure that this calamity is averted?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): I thank the honourable member for his question. I am happy to check, but I think the item to which he is referring is a consultation paper rather than a decision of the government. However, health, of course, is looked after by my colleague in the other place so I am more than happy to refer that direct question to him and bring back a response for the honourable member.

I am in frequent discussions with my colleagues in the other place about the various portfolio areas that they have responsibility for but which, of course, have direct impacts on regional South Australia. Some of the feedback that I have had in my many visits around the state have been positive in terms of the election commitments that were made by the Malinauskas Labor government, which we are in the process of fulfilling in terms of giving health a very high priority. In terms of this particular matter, I am happy to bring back an answer.

Bills

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 November 2022.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:19): I rise to indicate that the opposition will be supporting this bill. I note the long list of government members who apparently have a significant interest in rail safety today. Someone more cynical than I might even think that this is an attempt at filibustering because the government are lacking a legislative agenda. Nevertheless, I am willing to give my colleagues the benefit of the doubt, and I am really looking forward to their contributions, and I am sure the people of South Australia are too.

It is crucial that rail safety is never compromised in any way, and a bill that seeks to ensure that certainly has the support of the Liberal Party of South Australia. South Australia, being the lead legislator for the Rail Safety National Law, has an important responsibility to ensure that the spirit of the national law is being upheld and that its functions work as intended.

We know that there are issues or areas within the Rail Safety National Law that need to be addressed. One such issue concerns the incidence of rail safety workers potentially altering certificates of competence which are then provided to rail transit operators. This could effectively undermine the necessity for the certificate. This bill seeks to address that kind of behaviour—providing misleading material or omitting information to then create misleading material—by punishing those found guilty of such an offence with a maximum penalty of $10,000.

COVID-19 also brought about challenges and difficulties within many industries. It certainly brought about difficulties around section 114 of the act. Section 114 of the act requires that rail safety workers undergo health and also fitness programs as implemented by rail transport operators. We know that due to COVID-19 access to non-urgent medical services has at times been very difficult, therefore making the ability of rail transport operators to meet the requirements of section 114 difficult during these times.

It is appropriate that the Rail Safety National Law has the ability to adapt to these and other challenging circumstances. This bill would insert a section into the national law that would provide the National Rail Safety Regulator with a new power to grant exemptions to all rail operators or rail transport operators of a class from section 114 in the event of an emergency. This is, of course, regulated by a limited period of time for which exemptions can be granted of three months.

We have been assured that any rail transit operator that breaches any condition placed on the exemption from section 114 without reasonable excuse is subject to a maximum penalty of $20,000 if they are an individual and up to $100,000 if they are a body corporate. We, the opposition, believe this new power is a reasonable response to the challenges faced due to the COVID-19 pandemic.

I certainly hope that this section will not need to be used often into the future; however, it is entirely appropriate that this issue be addressed in the event that it is required at any point into the future. With that, I commend the bill to the house.

The Hon. R.B. MARTIN (15:22): I am pleased to rise to speak in support of the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill. Late last year, we were reminded of the fundamental importance of rail safety when the Grange train lost traction and collided with a barrier. Despite the seriousness of this incident there were no injuries or fatalities because our rail safety mechanisms functioned as they should.

What this incident shows is that South Australia's rail safety infrastructure is working, but when it comes to something as crucial as rail safety, there is no room for complacency. The amendments moved by this bill respond to gaps that have been identified in the existing legislation to bolster our already strong system, increasing security for rail passengers workers and pedestrians alike. However, this bill is one of a suite of initiatives the Labor government has designed to increase and ensure a safe and sustainable rail system for the future.

It is important to note that South Australia is the lead legislator for the Rail Safety National Law. This means that if the bill passes in this house the amendments to the national law flow on to all Australian states and territories, except Western Australia.

There are two important ways in which this bill amends the Rail Safety National Law. Firstly, it creates an offence for a rail safety worker to provide a document or information that is false or misleading or that contains fundamental omissions. Secondly, it gives a new power to all rail safety operators to grant an exemption from the requirement to prepare and implement a health and fitness program for rail safety workers in the event of an emergency.

Under the Rail Safety National Law, rail transport operators are responsible for ensuring that rail safety workers have the competence to undertake rail safety work in relation to their railway operations. An assessment of a rail safety worker's competence includes an assessment of the worker's competence in accordance with any applicable qualifications or units of competence recognised under the Australian Qualifications Framework. The national law provides that a certificate of competence that has purportedly been issued under the framework to a rail safety worker and that certifies the worker has certain qualifications or units of competence is evidence that the worker has those qualifications or units of competence.

There have been incidents where rail safety workers have altered certificates of competence and provided the altered certificates to rail transport operators. This bill amends the Rail Safety National Law to address this behaviour. This bill makes it an offence for a rail safety worker to knowingly provide a document or information that is false or misleading in a material particular or that omits any matter or thing without which the document or information is misleading for the purposes of an assessment of the worker's competency to carry out rail safety work. The maximum penalty for this offence is $10,000. This penalty is commensurate to similar offences as it is the same maximum penalty that applies to rail safety workers who test positive to drugs or alcohol or those who refuse to submit to such tests.

It is anticipated that the introduction of this offence will help to increase the safety of railway operations in Australia by dissuading some rail safety workers from attempting to rely on altered certificates of competence, as this has occurred in the past. The creation of this new class of offence

is a sensible and decisive approach that will ensure that everyone who works on our rail network is appropriately qualified to do so.

The bill also inserts a section into the national law that provides the National Rail Safety Regulator with a new power to grant exemptions. The new power enables the regulator to exempt all rail transport operators or rail transport operators of a class from section 114 of the national law in the event of an emergency. Section 114 requires rail transport operators to prepare and implement a health and fitness program for rail safety workers. At the beginning of the COVID-19 pandemic, access to non-urgent medical services was limited and this affected the ability of rail transport operators to meet the requirements of section 114.

While the regulator currently has the power to grant rail transport operators an exemption from section 114, this power only allows the regulator to grant exemptions to individual operators upon application. The narrow scope of the regulator's power meant that, at the beginning of the pandemic, the Office of the National Rail Safety Regulator had to work with each state and territory to arrange for the responsible minister in each jurisdiction to grant operators an exemption from section 114.

The regulator's new power means that, in the event of a future emergency, the regulator will be able to grant an exemption from section 114 to all rail transport operators across all jurisdictions at the same time. Like the section of the national law that gives responsible ministers an exemption power, the new section will limit the period of time for which exemptions can be granted to three months and will allow exemptions to be granted subject to conditions and will allow for the variation and cancellation of exemptions.

It will be an offence for a rail transport operator to breach a condition placed on an exemption from section 114 without reasonable excuse. If an operator is prosecuted, it will be up to the operator to show that they had a reasonable excuse for breaching the condition. An operator found guilty of this offence will be subject to a maximum penalty of $100,000 if they are a body corporate or $20,000 if they are an individual. What this amendment does is give our rail system the ability to continue to operate flexibly and safely in times of a national crisis or emergency.

Rail safety is an incredibly important issue in South Australia and across the country. On average, there are 83 fatalities on Australian rail lines each year and, unfortunately, only this week a further fatality occurred in an incident on the Seaford rail line. In South Australia, we have approximately 300 pedestrian railway crossings in the metropolitan passenger rail network and 180 in regional, rural and remote communities. We also have 557 public railway level crossings, including 79 metropolitan level crossings.

In South Australia, there are on average 110 near misses and six collisions between a train and people or vehicles each year. Every single accident or near miss leaves an indelible mark on the people involved: the train drivers, the emergency services members, the railway workers and their families. The Malinauskas Labor government is committed to increasing and ensuring rail safety at our level and pedestrian railway crossings.

Recently, in addition to pedestrian railway crossings, the Malinauskas government has announced that 13 existing pedestrian crossings along the Gawler rail line are being upgraded to active crossings to improve safety for pedestrians. We have announced that on the Outer Harbor line, the existing pedestrian crossing adjacent Kilkenny Primary School will be upgraded to an activated pedestrian crossing, and we have announced that the two pedestrian crossings at Clarence Park train station are also planned to be activated.

The Malinauskas government, in conjunction with the federal Labor government, has also recently committed to funding a number of grade separations for level crossings. Grade separation is the removal of a level crossing and has been shown to improve travel times for motorists and increase safety for all road users.

As part of this tram grade separation project, the federal and state Labor governments have committed to funding a planning study to investigate the removal of the level crossing where the Glenelg tramline crosses Morphett Road in Morphettville and funding of $400 million, split fifty-fifty, towards removing the level crossings from the Glenelg tramline at Marion Road and Cross Road in

Plympton. These future-focused rail safety initiatives will ensure that the next generation of South Australians will have a safer and more secure environment to travel in.

While I am on my feet speaking to this bill, I think it is important to acknowledge the message of last year's Rail Safety Week, which ran from 8 to 14 August. Rail Safety Week is an annual community awareness campaign held in Australia and New Zealand designed to engage the community in safe rail practices. The message of last year's Rail Safety Week was: 'Stand back, look up and stay rail safe when around trains, trams and rail lines.' It only takes one moment of distraction or unsafe action to change a person's life forever. This campaign reminds people travelling on or around rail to turn down distractions, take off your headphones and look up from your phone, look up and stand behind the gate at pedestrian crossings, stand behind the yellow lines and hold onto handrails.

Another commitment of the Malinauskas government to increase rail safety is to reverse the Marshall Liberal government's privatisation of our trams and trains. At the election, the Labor team committed to reversing the Marshall Liberal government's privatisation of our trains and trams, bringing them back into public hands as soon as possible. We committed to establish an independent commission of inquiry, to ensure the return of a trained and competent workforce into the public sector, including train and tram drivers and maintenance workers, and to ensure a smooth transition of our trains and trams back into public ownership.

Public transport in public hands ensures governments can invest in cleaner, greener and safer rail networks to reduce greenhouse gas emissions and help combat climate change. In turn, investing in a more modern rail network encourages more people to catch public transport and leave their car at home. With cars contributing about half of all transport-related emissions, fewer vehicles on our roads leads to environmental and health benefits, such as lower emissions, improved air quality and increased road safety. This bill and the Malinauskas government's other rail initiatives are designed to ensure that we continue to have a safe and agile rail system for the future. I commend the bill to the house.

The Hon. F. PANGALLO (15:33): I rise on behalf of SA-Best in support of this bill, which seeks to reinforce safety in rail transport through certification of qualifications and the competence of workers. One section of the act will require the rail transport operators to prepare health and fitness programs. There are measures to grant exemptions to workers who may not meet all the criteria in the event of emergencies such as the pandemic. The fitness of rail workers to fulfil their responsibilities is vital in this heavy transport sector, and as South Australia is the lead legislator, this will flow through to the national level.

It is fascinating and it strikes me as being quite curious that, of all the Australian states and territories, South Australia is a lead legislator when it comes to national rail laws. I say this because, of all the states and territories, our existing rail networks are nowhere near the size or capacity of what occurs elsewhere. This bill is all about rail safety, and that is a good thing and we all support that, but what about the health and safety of our entire rail lines throughout the state?

Around the country we are seeing large nation-building rail projects. We are seeing them in resource rich areas of Western Australia and Queensland. The Victorian government is spending billions building up its freight and passenger networks. New South Wales continues to expand its rail services, yet South Australia remains the archaic rail oddity, not only in this country but the world. We do not have any major infrastructure rail works in the pipeline, save for a planned 240-kilometre link between Leigh Creek and Port Augusta by a mining company. I understand it is still waiting for approval.

It is time we had a serious look at the health and fitness of our entire rail network, in particular the disused lines. Our regional rail lines have been allowed to fall into disrepair because successive state governments failed to ensure proper maintenance compliance for which rail companies were responsible under the terms of their contract. That contract was quite clear on what the obligations were, or so we thought. Those lines had to be maintained to a standard that would allow them to be used and brought back into service at short notice.

But, as it now turns out, nobody in the Department for Transport or any of the ministers responsible ever cared to enforce it. Therefore, many regional lines were simply allowed to rust away,

with trees growing between rotting sleepers. One of the dumbest decisions made by this state was to turn its back on the existing network in the late 1960s and 1970s in favour of road transport, a follow-on from Tom Playford's misguided decision to rip up our network of tramlines so that he could put more diesel-powered buses on our roads, after inking a deal with Mobil for an oil refinery at Port Stanvac.

The Hon. R.A. Simms: Shame!

The Hon. F. PANGALLO: Yes. Abandoning country rail proved to be the death knell of several once-thriving regional centres. When rail disappeared, so did people living in regional communities linked by rail lines. Towns like Burra and Peterborough to the north, and towns in our South-East slowly died. Populations dwindled. Regional communities were further isolated from the city, relying on infrequent bus services, cars or expensive flights, putting enormous pressure on our poorly managed and maintained regional roads, creating unsafe driving conditions, which no doubt led to fatalities and injuries.

Representatives of the Burra community recently spoke out about the disruptive effect of losing their rail links, causing an exodus of residents and making the community feel isolated. Viterra is now talking about rejuvenating the grain line on Eyre Peninsula that it foolishly abandoned three years ago, claiming that the deteriorating state of the track had slowed down freight trains. It opted for putting more heavy vehicles on our crumbling regional roads to transport its grain to ports.

Viterra's about face has been influenced now by increased transport costs due to high fuel prices, which will not be coming down in a hurry. Last year, I put to the Chief Executive of the Department for Infrastructure and Transport, Mr Whelan, that his department had a real aversion to reinvigorating regional rail networks and seemed only interested in what was going on in the city. He told me he loved rail, that it was in his DNA, with his dad working for the Australian National Railways, and that he believed rail was the backbone of Australia and would always be that way—except in South Australia, of course.

He then mentioned the electrification of the Gawler line, where, as we know, costs blew out to exorbitant amounts. It is a line that services the needs of those who travel to and from the city. When I put it to him that they are doing nothing in the regions, he said Aurizon, the company which took over lines previously run and those run into the ground by One Rail, nee Genesee & Wyoming, have come to the department with some ideas of utilising rail in the north. That is nice, but why is DIT not pursuing initiatives of their own?

Mr Whelan's predecessor, Mr Braxton-Smith, under the direction of his then minister and member for the Barossa seat of Schubert, Stephan Knoll, made the incredibly stupid decision to slice the line between Tanunda and Nuriootpa to make way for a hideous vehicle roundabout. The move cruelled an ambitious yet attractive tourism initiative by Chateau Tanunda's colourful character of an owner, John Geber, to bring back a wine train, much like the successful operation in California's Napa Valley.

Ideas like this need nurturing and encouragement rather than being dismissed out of hand by bureaucrats and politicians lacking any vision. I still hope it can happen. Who knows, we might yet see Sam Smith, or someone of that ilk, tooting the whistle on a train loaded with influencers travelling through one of the most picturesque and famous regions in this country.

In response to a question from me to Mr Whelan about why those country lines were allowed to fall into disrepair in the first place, the contract signed in 1997 excluded maintaining all rail lines that had been disused before 1997, ruling out a lot of those regional lines that had been used for both freight and passengers.

The contract also included a puzzling dormant condition, a minimum service requirement that was meant to maintain the infrastructure only to a level that was reasonably practicable to reopen the line for rail traffic of a similar volume and nature as was operated on the line before it was closed to rail traffic within a period of two weeks. That was a term in the contract.

You could drive a locomotive through that condition. Those volumes would have been quite negligible by then anyway, so next to nothing. Worse still, this dormant condition obligation only applied to actively used Australian National Railways Commission lines in the year prior to the

commencement of the lease in 1997, and it only applied for the first five years of the lease, which expired in November 2002. So we have seen 21 years of total neglect.

Mr Whelan went on to say that since November 2002 it has not been practical, reasonable or commercial for the lessee to maintain unused tracks in a state that is able to be returned to active service. Seriously, what an abject failure of government to protect the sovereign interests of this state, and its taxpayers, for ill-founded and misguided sociopolitical reasons.

Eminent King's Counsel, former Eyre Peninsula country girl Marie Shaw KC, revealed that a DIT whistleblower told her it was unspoken policy in the department for a long time that road transport was always the preferred option over rail. Mr Whelan has denied this, but from my own knowledge and experience of dealing with this issue I am siding with Ms Shaw until I see otherwise.

However, it was pleasing to see that the government—this government—has put $9 million towards the maintenance of bridges and other infrastructure used for the very popular SteamRanger and Pichi Richi railway journeys run by volunteer enthusiasts. That brings me to the proposal by Spanish company Talgo to run the trial of their unique fast train, using its innovative variable gauge technology, between the Keswick terminal and Mount Barker, which would demonstrate what can be achieved on the existing standard gauge line running through the Hills.

Right now, we know that there are transport challenges in the Hills because of the ever-expanding development in Mount Barker and surrounding towns. We saw only the other day the Mayor of Mount Barker predict that the population of that town could hit 40,000, making it the second largest city in the state. Having such a rail service from Mount Barker into the city would ease the traffic congestion to and from the city, provide a valuable, uninterrupted and rapid service, and would also serve to reduce the spate of traffic-choking incidents on the South Eastern Freeway.

It is disappointing that a briefing paper, recently put out by the minister and his department canvassing options for the South Eastern Freeway, did not even touch on the rail trial, even though Mr Whelan assured us that the government was keen for it to proceed, pending some financial commitments from the Spanish government. These discussions are going at such a snail's pace—and through no fault of the Spaniards—that it could be two to three years before we even sight any movement there, let alone the train Talgo wants to ship out here.

Talgo believe that they have the rapid-speed technology to provide a quick and efficient service that is not available in Australia. In October, I travelled to Las Matas, Madrid, and met with Talgo's CCO, Mr Rafael Sterling, Mr Jesus Rodriguez, the head of business development for the Asia-Pacific region, and Mrs Elena Garcia, the project manager for the Asia-Pacific region, where we discussed their enthusiasm to undertake the trial and the possibility of Talgo establishing a manufacturing base in South Australia, as they did in Kazakhstan, where more than 2,000 jobs were created in the manufacture of Talgo's rolling stock.

Talgo has operations around the world; however, it is quite enthusiastic about establishing a presence in the ASEAN region and preferably in Australia, where its unique variable gauge and carriage-tilting systems and their hybrid and hydrogen-powered fast trains would transform rail freight and passenger services. I went there under my own steam because it was important, as a member of the Hon. Robert Simms' transport committee and as a supporter of rail, to experience Talgo's truly revolutionary and innovative technologies, which have already transformed rail travel not only in Spain but throughout Europe.

Spain in the 1970s was not unlike South Australia, where car travel overtook existing public transport services, causing a steady decline in passenger numbers. However, a side effect was that motor vehicle traffic flows increased dramatically, creating a whole new set of problems in large cities like Madrid. In the late 1980s, Talgo modernised rail services and reversed declining patronage with comfortable high-speed trains able to operate at more than 200 km/h and fitted with an automatic variable gauge system.

Like Australia and this state, there are different sized gauges in Spain. Talgo's train sets can switch from, say, 1,668 millimetres or a 1,435 millimetre-sized line without having to stop. Talgo trains, running at maximum speeds of 330 km/h, have been in commercial service in Spain since

2005. Their trains, with a variable gauge system and a top speed of 250 km/h, have been running on several routes since 2007.

Spain, like Australia, is also experiencing the post-COVID after-effects of housing affordability and cost-of-living pressures, with many families now moving to more affordable regional cities and towns. Their fast train network enables people to mix between working from home and travelling into larger cities like Madrid, Seville or Barcelona. Patronage has increased significantly.

Talgo and the Spanish government's train operator Renfe invited me into the driver's cabin for their Madrid to Zamora service, some 254 kilometres, or the distance roughly between Adelaide and Port Augusta, which is around 308 kilometres. The train set was a hybrid, meaning it runs on both diesel and electricity. The variable gauge system was also used on the journey. I would not have known when the train changed gauges had it not been pointed out to me by the driver. It was an incredibly smooth and quick journey, effortlessly reaching a top speed of 250 km/h. It took just on an hour, even with some stops along the way. To put that in some local context, you could safely travel from Adelaide to Port Augusta in just over an hour, compared with the 3½ hours or more by road.

At Talgo's manufacturing factory, I saw how the unique variable gauge system works and their sophisticated guided axle-tilting technology system, which accommodates the high-speed capacity of Talgo's train sets. I also inspected a new train rolling off the production line with a luxurious and comfortable interior. This train is destined for the Madrid to Paris journey, some 1,276 kilometres. With a top speed of 330 km/h, the trip would take just three hours.

Given current fuel prices and infrequent slower public bus services throughout our regional centres linked by existing rail—used or unused lines—I am confident people would jump at it, and it would breathe new life into those regional communities forgotten by years of city-centric transport politics.

The Walker Corporation is currently developing a massive residential and commercial estate, Riverlea, on the Port Wakefield Road at Buckland Park. The $3 billion development will eventually be home to 30,000 residents—another satellite city that will present transport challenges on Port Wakefield Road. Residents would benefit from the creation of a rail spur line and a fast train that would carry passengers into the city.

Talgo is confident it can complete the trip from Mount Barker to Adelaide in under an hour. The company would also look at trialling on the *Overland* route between Adelaide and Melbourne, which it says would slash the travel time from 10½ hours to around six hours. Who needs to jump on a plane when you can do that trip, go through various towns in that region and then get to Melbourne? It would almost be the same time as it would be to make a plane journey. If we were to adapt Talgo's technology, I am confident we would see a momentous switch to rail travel.

I have written to the Minister for Infrastructure and Transport, the Hon. Tom Koutsantonis, to fast-track negotiations with Talgo and work with the company and the Spanish government to overcome any existing obstacles. I would urge the Premier and trade and investment minister, the Hon. Nick Champion, to make the trial an urgent priority. There are joint economic benefits and enormous job creation opportunities awaiting us. I would hate to see them lost to another state which appreciates the value of rail more than we have. I commend the bill to the chamber.

The Hon. T.T. NGO (15:53): I rise to support the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill. I am proud to support this bill, which amends and improves the rail safety national law in two main ways.

I will firstly speak about the group of amendments that make it an offence for a rail safety worker to knowingly provide false or misleading documents or information for the purpose of assessing a worker's competency. It is quite disturbing to learn that this legislation came about because of the submission of fraudulent documents to sidestep meeting an essential safety requirement.

This sidestepping by submitting falsified documents about a worker's competence relates to section 117 of the Rail Safety National Law. The law ensures that all rail operators must be accredited in carrying out rail safety work. A certificate of competence can only be issued under the Australian

Qualifications Framework. This certificate verifies that a worker has certain qualifications or has units of competence to fulfil the duties of a rail safety worker.

Just to clarify, under the Rail Safety National Law, rail transport officers have the important responsibility of making sure that rail safety workers have been trained and have the necessary skills to perform rail safety work, which includes:

- driving or dispatching a train or tram otherwise referred to as rolling stock, or any other activity which is capable of controlling or affecting the movement of rolling stock;
- coupling or uncoupling rolling stock;
- work involving the development, management or monitoring of safe working systems for railways;
- work involving the management or monitoring of passenger safety on, in, or at any other railway.

The importance of rail safety cannot be underestimated. The revelation that rail safety workers have altered certificates of competence and then given the altered certificates to rail transport operators is serious. Compromising safety by the submission of false documents is utterly unacceptable. This bill amends the Rail Safety National Law to address this behaviour.

Given the seriousness of such actions, the Labor Malinauskas government should be commended for addressing this issue. The bill also amends the national law to provide the National Rail Safety Regulator with a new power to exempt all rail transport operators from section 114 of the national law in the event of an emergency.

Section 114 of the national law requires a rail transport operator to prepare and deliver a health and fitness program for rail safety workers who perform rail safety work for the operator. As it currently stands, the National Rail Safety Regulator's power to grant an exemption to this requirement is limited. Currently, the rail transport operator can only grant an exemption to an individual rail transport operator who makes an application for an exemption.

This meant that during the COVID pandemic the regulator was unable to grant an exemption to all rail transport operators at the beginning of this health emergency. This group of amendments will give the National Rail Safety Regulator the power to exempt all rail transport operators or a class of rail transport operators from section 114 of the national law in the event of an emergency.

As the whole world learned during COVID, the need for quick and decisive action during an emergency is vital. Getting the various jurisdictions to agree to a national set of guiding principles is never easy. Balancing different points of view, perspectives and priorities is always challenging and I commend everyone involved in ensuring these changes were made in order to improve rail safety. There is usually always room for improvement. Reflecting on and learning from the past two years of COVID is how we can improve responses in the future. This part of the bill does this for all rail transport operators.

I understand that there was extensive consultation during the process of forming this bill, and I thank the following stakeholders for their work: the National Transport Commission, all states and territories, the Office of the National Rail Safety Regulator and members of the rail industry, including the Australasian Railway Association and the Rail, Tram and Bus Union. I thank them all for contributing to this bill, which will improve public safety and ensure proper processes and behaviours are followed.

Making our rail systems safe will encourage our community to use them more. The amendments in this bill are responsible and practicable. I encourage all members to support this bill.

The Hon. R.P. WORTLEY (16:00): I rise to speak briefly on the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill 2022. This is a very exciting bill, as South Australia is the lead legislator for the Rail Safety National Law, which can be found in the schedule to the Rail Safety National Law (South Australia) Act 2012. It was originally introduced into the lower house by the Minister for Transport, the Hon. Mr Tom Koutsantonis, who is well known throughout the country as being a champion when it comes to safety issues in the rail network.

The bill will amend the Rail Safety National Law to make it an offence for a railway safety worker to knowingly provide a document or information that is false and misleading and omits any matter or thing without which the document or information is misleading for the purpose of an assessment of the worker's competency to carry out rail safety work. The new offence, in section 117, will allow for the prosecution of a railway safety worker who provides a document or information in relation to an assessment of the worker's competency.

The maximum penalty for this offence is $10,000. It is submitted that this penalty is commensurate with similar offences, as it is the same maximum penalty that applies to rail safety workers who test positive to drugs or alcohol or those who refuse to submit to such a test; that is, an offence against sections 126—Authorised person may require preliminary breath test or breath analysis; 127—Authorised person may require drug screening test, oral fluid analysis, urine test and blood test; and 128—Offence relating to prescribed concentration of alcohol or prescribed drug. It is anticipated that the introduction of this offence will help to increase the safety of railway operators operating in Australia by dissuading some railway safety workers from attempting to rely on altered certificates of competence, as has occurred in the past.

The new offence does not impose a term of imprisonment as a penalty. There are three serious offences in the existing Rail Safety National Law that have the option of a jail term as a penalty. These offences are found in the following sections: section 58—Failure to comply with safety duty—reckless conduct—Category 1; section 128B—Offence to assault, threaten or intimidate authorised person; and section 174—Offence to assault, threaten or intimidate rail safety officer.

In terms of the new power during emergencies, the bill will also amend the national law to provide the National Rail Safety Regulator with a new power to grant all rail safety operators an exemption from the requirement to prepare and implement a health and fitness program for rail safety workers in the event of an emergency. It is expected that the regulator's new power will benefit rail transport operators by allowing them to be exempt more quickly from the requirement to implement a health and fitness program in the event of an emergency.

Existing regulation 27 of the Rail Safety National Law National Regulations 2012 requires that a health and fitness program implemented by a rail transport operator under section 114 of the national law must comply with the national standard for health assessment of rail safety workers published by the National Transport Commission.

The standard stipulates minimum assessment frequencies for different risk categories of rail safety workers. A transport operator may decide to require rail safety workers to be assessed more frequently. The responsibility for preparing and implementing a health and fitness program rests with rail transport operators and not rail safety workers.

If the regulator were to grant an exemption to all rail transport operators under the new section 203A power, from the requirements relating to periodic health assessments, rail transport operators would be required to implement their health and fitness programs as it relates to periodic assessments as soon as the emergency ends or the exemption expires, whichever occurs first. Labor takes safety on our railway networks very seriously, hence the bill. I urge all members of this house to support it.

The Hon. J.E. HANSON (16:05): Isn't it wonderful to get up and speak about safety again. Really, it does not matter: it could be trains, trams, automobiles or flying things—Labor loves talking about safety.

I took some umbrage at the honourable leader's comments in starting debate on this bill. I was pleased to see that obviously there is support being provided, but I have to say that, in saying that somehow we would be delaying matters, I can only look at the speaking list and note that such is obviously the power of what the honourable leader had to say that none of her colleagues felt the need to speak on the bill. I am going to take that as speaking to the authority the honourable leader has: when she speaks, her bench listens. I think that is good. I think that is important. It is nice. I think that applies to rail, veterinary issues and lumpy skin disease. These types of issues are very important, and it is good that we can talk about them.

The PRESIDENT: The Hon. Mr Hanson, can you just talk about the bill.

The Hon. J.E. HANSON: Thank you, Mr President, I will pick up the pace a bit. Obviously, I rise to speak in support of the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill 2022—

The Hon. H.M. Girolamo: Along with your whole team; every single one.

The Hon. J.E. HANSON: —along with our whole team and the reason is clear. Thank you for the interjection. Yes, along with our whole team, the Hon. Ms Girolamo, and the reason is because on this side of the house we care about safety, and this is really important: we care about safety and we care about rail. We care about public transport, like I know many South Australians do, and how I know that is because we took a very important issue to the last election all about rail and that was about bringing our rail transport system back into public hands after it was privatised by your current party, the Hon. Ms Girolamo. I know you will not make that mistake again and, when it comes to supporting us bringing it back, I know you will—I know you will—because you will not make the mistake of privatisation again. I am sure you will not, but—

The Hon. R.A. Simms: I don't know.

The Hon. J.E. HANSON: The Hon. Mr Simms says, 'I don't know'. I have more confidence. I am an optimist, the Hon. Mr Simms.

The Hon. R.A. Simms interjecting:

The PRESIDENT: The Hon. Mr Simms, keep it up and you will be thrown out—outrageous.

The Hon. J.E. HANSON: Anyhow, the importance of—

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: Order!

The Hon. J.E. HANSON: —good, safe, reliable public transport is paramount. In South Australia, we are fortunate enough to have a great public transport system to utilise of various things, such as bus, rail and tram across our metropolitan services. But when you talk about rail in a wider sense, obviously we need to be talking about the fact that we have quite a few rails going across regional South Australia and not just in our metropolitan areas and that is also why this bill is quite critical.

I took umbrage at the comment that in some way we would be talking for no good reason. South Australia is the lead jurisdiction in regard to what is going to happen in national rail safety law. The reason that is important is because for quite some years there has been a problem with our current legislation around how reporting of rail safety incidents or prospective rail safety incidents is going to occur. This is actually quite critical because you have RTOs that send out people to conduct jobs and sometimes they might not have the right qualifications. You have protection officers for the ARTC. They are very well trained, but unfortunately they cannot attend or do not attend all jobs and you have contractors who come out and conduct spot work and they are not always trained properly.

I know none of this was in the honourable leader's statement. I am sure she is across these issues, too. This has been a problem for years. It is a problem with the legislation, and it has to be addressed. It is a problem that we know about in part because it has come up in some reports out of legal proceedings that have resulted from crashes that have occurred. The safety of workers has, very sadly, been put behind the safety of the industry. We cannot have that. We cannot have a situation where worker safety is put behind industry safety.

The safety of workers must be more important than the safety of the industry. Some of the changes already ventilated by my colleagues will indeed allow that. Workers can alert regulators about other workers who they know do not have the appropriate qualifications. This will be confidential, but what it achieves is deterrence, in effect. If you know that someone else on the job can say that you do not have the right qualifications and you are doing the wrong thing and that can be achieved in a manner that achieves deterrence, then that is going to make all jobs across this state safer.

Under the act, if you believe that you are doing the job you are asked to do, then the onus ends up falling on the employer. You can see how this starts to provide both safety for the industry

and safety for the worker, but it really puts the worker first. I think that is what compelled so many members on this side to want to speak in favour of this bill because worker safety is something that we take very seriously. That is why this bill is so critical.

Rail safety is something that goes not only to whether workers are adequately trained but, under the Rail Safety National Law, rail transport operators are responsible for ensuring that rail safety workers have the competence to undertake rail safety work in their railway operations. In effect, what this means is an assessment of a rail safety worker's competence looks at the works and abilities in accordance with applicable qualifications or units recognised under the Australian Qualifications Framework, again going to why this is obviously so important in regard to national law.

The national law provides that a certificate of competence that has purportedly been issued under the framework to a rail safety worker and certifies that that worker has certain qualifications or units of competence is the evidence. So when an incident does occur, it is as simple as going to the evidence of whether the worker was qualified to undertake the work. As I foreshadowed, unfortunately there have been incidents where rail safety workers have altered certificates of competence and provided altered certificates to rail transport operators. Put simply, in any other industry, I think that would be an offence.

What we are seeking to ensure is that it will be an offence here also. Under the amendments to the national law being put forward in this bill, it will now be an offence for a rail safety worker to knowingly provide an altered document or information for the purposes of an assessment of the worker's competence. Essentially, that goes straight to 'false and misleading'. I say again, you have evidence; if you have altered your document in some way, you have altered evidence. You have provided false and misleading things, and if we go through a report, we will find culpability.

The important thing here is that this also defends employers because employers are currently responsible as the operator but they can only do as much as they can do. If someone is providing false information to them, there is only so much they can do. This will also assist them when it comes to those reports.

The bill will also provide, as the Hon. Mr Ngo went through, amendments to section 114. This has particular importance because when we have a national emergency—as we did very recently, of course—this goes directly to those points. Rail safety operators are required to prepare and implement health and fitness programs for rail safety workers. That could not be done during the pandemic, and what it led to was problems within the industry. What this allows is for there to be a short suspension of those matters. If I go from recollection, I think that is up to three months. This new section will limit the period of time for which exemptions can be granted.

It will allow exemptions to be granted subject to specific conditions. I guess that will depend on the nature of the emergency before you, and it will allow for the variation and cancellation of exemptions, critically, as well. It is an offence for a rail transport operator to breach a condition placed on an exemption without reasonable cause. If an operator is prosecuted, it will be up to the operator to show that they had a reasonable excuse for breaching that condition.

That really sums up a pretty critical issue that has come to the fore most recently with COVID and everything that we saw there, and will allow our rail safety laws to be far more flexible, if you like, in effect. If this bill passes the parliament and commences operation, these amendments to national law will apply to the majority of Australian states and territories, except for Western Australia. That is why it is important that we actually get this right. That is why it is so important that we take a bipartisan approach to this issue.

I am glad to see that just about everybody, including the Hon. Mr Pangallo—other than his concern about a few decaying lines here and there—seems quite happy to support it. We can encourage more people onto public transport, we can get more freight onto our freight lines and make it safer not only for commuters but also for workers operating on our transport systems in this this state. I commend the bill to the council.

The Hon. E.S. BOURKE (16:16): I rise to speak in support of the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill. This bill makes necessary changes to the national

rail safety regulations, but it has been a long journey to get to a point where we even have a national regulation in our rail network.

South Australia has a long and proud history in rail. The first railway in South Australia was built in 1854, a horse-drawn tram, which ran between Goolwa and Port Elliott and later extended to Victor Harbor. This now forms part of what is known as the SteamRanger Heritage Railway. I am pleased to say that our government is making significant investments of $8.9 million to upgrade five bridges along the line, to ensure South Australians can continue to enjoy this unique tourist attraction.

South Australia had the first publicly-owned and operated rail system in the British Empire, when the railway between the city and Port Adelaide was completed in 1856. I know that all on this side are proud—as are many other members in this chamber as well—that the Malinauskas Labor government is working towards returning our train network to public ownership, as it should be.

In 1886, the line from Adelaide to Melbourne opened after a bridge was built at Murray Bridge. Rail transport was vital for freight movement between the colonies and to transport goods to export seaports. By the time of Federation in 1901, all mainland states, except Western Australia, were connected by rail. Of course, one of the challenges in the Federation made up of former colonies was that infrastructure, such as gauges and how wide the tracks were, were not uniform and neither were regulations.

Even within this one colony, as lines developed, rail ran on many different gauges. Lines were built on narrow gauge, such as Broken Hill to Port Pirie, while some lines ran on broad gauge. Towns such as Peterborough became a major break of a gauge station. Everywhere there was a different gauge the goods on the trains had to be unloaded and reloaded onto different trains. In his excellent book, *A Great Australian Road Journey*, Ross Stargatt notes that in 1917 if someone were to travel from Perth to Brisbane, they would have needed to change trains six times.

It is not surprising, given the amount of infrastructure involved, that it has taken us a long time to get uniformity in operations and regulations of the rail system in Australia. One of the biggest steps forward was in the late 2000s, when Prime Minister Anthony Albanese was transport minister. He drove a great period of reform in safety regulations in both rail and heavy road vehicles around Australia.

The South Australian Rann Labor government at the time, through the works of the then transport minister and good friend Patrick Conlon, was a strong supporter of this reform, and South Australia's contribution was recognised when the rail industry itself suggested that South Australia should be the base for the head office of the National Rail Safety Regulator.

We continue to be the lead legislators in national rail safety. Once this bill is passed it will apply to all states and territories, except, Western Australia, which will introduce a mirroring legislation. The bill addresses circumstances where rail safety workers provide false or misleading documentation regarding their competencies.

Rail safety workers are a large and diverse group of workers. They perform a range of rail safety related tasks, including driving and dispatching trains; signalling and relaying communication to direct trains; coupling or uncoupling carriages; constructing and maintaining trains and rail infrastructure; work on or about rail infrastructure, where the worker might be exposed to trains in motion; installing or maintaining rail-related telecommunications or electricity; certifying the safety of, or decommissioning of, trains or rail infrastructure; developing or monitoring safe working systems for railways; and managing or monitoring passenger safety in or at railways.

All of these jobs are essential to the safe and efficient operation of passenger and freight rail services across Australia. Rail safety operators are required by law to ensure their workers undergo assessments of their competence before performing rail safety work. The bill will amend the Rail Safety National Law to make it an offence for a rail safety worker to knowingly provide a document or information that is false or misleading in a material way in the course of an assessment of their competence. The maximum penalty is $10,000, which is the same as for testing positive to drugs or alcohol or refusing to be tested for drugs or alcohol.

The purpose of these new offences is to prevent rail safety workers from working in circumstances where they do not have the capacity to do so, in the interests of both their safety and

the public safety. Many people in this chamber know about my and John Weste's passion for Harry Potter and bringing the magic of Hogwarts into Parliament House. Unfortunately, the magic of Hogwarts does not go across to the train system in South Australia, which is why we in parliament need to legislate to ensure that those who are in control of our trains and rail infrastructure are up to the important job of driving, dispatching, maintaining, monitoring and certifying our trains and network.

The bill will also amend the Rail Safety National Law to empower the National Rail Safety Regulator to exempt rail safety operators from the requirement to prepare and implement a health and fitness program for workers in the event of an emergency. This will allow exemptions to be granted more quickly, when appropriate. This was found to be necessary during COVID restrictions, but it will not mean that operators are not required to run the health and fitness programs. They will still be required to do so periodically when the emergency ends or the exemption expires.

Adelaide's metropolitan rail service carries over 15 million passengers every year and includes approximately 300 railway crossings, which allow pedestrians to cross the tracks safely. The amendments in this bill are just part of the Malinauskas Labor government's commitments to rail and infrastructure safety. They are important because they are about keeping South Australians safe.

Our commitments to rail safety include the upgrade of 13 existing pedestrian crossings on the Gawler line to improve pedestrian safety, work that I understand is due to be completed in the first part of this year; the upgrades of pedestrian crossings at West Croydon on the Outer Harbor line and two pedestrian crossings at Clarence Park train station; and the investigation of a grade separation to remove a level crossing at various locations across Adelaide, including Morphettville, Marion and Ovingham. This bill is the latest instalment in a vastly improved system of rail in Australia, and I commend it to the chamber.

The Hon. R.A. SIMMS (16:24): I rise to indicate that the Greens also support the Rail Safety National Law (South Australia) (Miscellaneous) Amendment Bill 2022. Hearing all of the speeches, one thing is very clear: Labor loves to talk about rail. But talk is cheap. Whether or not they will put their money where their mouth is remains to be seen in terms of investing in the infrastructure upgrades that are required for our state's railway network.

I spoke recently in this chamber about the push for regional rail. My colleague the Hon. Frank Pangallo has spoken at considerable length about that. I do not intend to reventilate the arguments that he made—they are very compelling. I note that the chamber is full of Labor members. I hope that they were taking notes and will be following up on the important issues that the Hon. Mr Pangallo has raised because I am supportive of those concerns around regional rail and recognise, as does the community, how important that would be in terms of getting our rail network back on track.

The bill before us today is not talking specifically about regional rail; rather, it is looking at the issues of certificates of competence for rail workers and seeking to ensure that rail operations can continue under a state of emergency. The measures in this bill are valuable in ensuring the safe and continuous operation of rail networks across the state and, indeed, across the country. The first is to make it an offence to falsify a certificate of competence. We have been advised that there are instances where this has occurred, and this is a significant risk to public safety.

Secondly, the bill seeks to allow an exemption to health and fitness requirements in the case of a declared emergency. The COVID-19 pandemic, as my colleagues have noted, has taught us lessons about circumstances where activities under an emergency or a disaster could be hindered by an existing law or regulation. This part of the bill provides some flexibility in cases where an emergency has been declared and will enable the rail workforce to continue their important work.

The Greens are always supportive of rail as a mode of transport. We recognise rail as being safe, reliable and accessible. Indeed, we have been calling for new and extended rail networks across South Australia, particularly into regional areas. We are satisfied that the provisions in the legislation will enable the continuous safe operation of rail. With those very brief remarks, I commend the bill.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:27): I close the debate with my remarks and thank all members

for their contributions and their interest in this matter. Creating a new offence disincentivises rail safety workers from providing false or misleading information when providing evidence to verify their competencies. The change proposed in this bill will strengthen existing governance arrangements, overseeing the competency management system for rail workers in the Australian rail industry.

We are confident this will increase the safety of railway operations in Australia by dissuading rail safety workers from attempting to rely on altered certificates of competence, as has unfortunately occurred in the past. The regulator's new power will also increase safety of railway operations by allowing rail transport operators to be exempted more quickly from the requirement to implement a health and fitness program in the event of an emergency. These changes were agreed to by all jurisdictions and have come to our chamber as South Australia is the lead legislator for national rail safety. For its benefits to rail safety, I commend the bill to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 6 passed.

Clause 7.

The Hon. R.A. SIMMS: I just want the government to clarify the process for resuming health and fitness programs that are outlined under section 114 of the Rail Safety National Law (South Australia) Act 2012. After the three months has expired, and the emergency is no longer declared, what happens at that point?

The Hon. C.M. SCRIVEN: I am advised that the guidelines do not go into the detail in terms of the question the honourable member has raised. It is at the discretion of the operator to advise when it is appropriate, and that is where it has been left at this stage.

The Hon. R.A. SIMMS: Just so I am clear, the minister is indicating that the government does not play a role in that process; it is just a matter for the private provider?

The Hon. C.M. SCRIVEN: Yes, that is correct.

The Hon. R.A. SIMMS: Have any safety concerns been raised in that regard, or is that not an issue that has been raised in consultation with respect to the bill?

The Hon. C.M. SCRIVEN: I am advised there has not been any issue raised in regard to that.

Clause passed.

Remaining clause (8) and title passed.

Bill reported without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:32): I move:

That this bill be now read a third time.

Bill read a third time and passed.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (MINISTERIAL RELIABILITY INSTRUMENT) AMENDMENT BILL

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:33): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The Government is building upon an important national reform, the Retailer Reliability Obligation, which commenced in July 2019. The Retailer Reliability Obligation aims to give confidence to all stakeholders that sufficient dispatchable power will be available when required as the National Electricity Market transitions from ageing fossil fuel plants to new, clean energy resources.

This mechanism was designed to ensure the electricity system operates to reliably meet electricity demand at the lowest cost by incentivising retailers and other market customers in the National Electricity Market. It does this by encouraging earlier and longer term electricity contracting, thereby underwriting greater investment in dispatchable capacity.

Under the Retailer Reliability Obligation, if a forecast supply shortfall is identified, this triggers an obligation on electricity retailers to demonstrate their contracting can meet their share of peak demand one year in advance.

In 2019, the National Electricity (South Australia) (Retailer Reliability Obligation) Amendment Act 2019 provided for local provisions related to the triggering of the Retailer Reliability Obligation which applied only in South Australia. It provided for the South Australian Minister to make a reliability instrument if it appeared on reasonable grounds, that there would be a real risk that the supply of electricity to all or part of South Australia may be disrupted to a significant degree on one or more occasions during a period.

These South Australian provisions have proven to be valuable for us, with Reliability Instruments being made in early 2021 and early 2022 to reduce the risk of an energy shortfall in South Australia during the 2024 and 2025 summers respectively. The most recent Electricity Statement of Opportunities has indeed identified a reliability gap for the 2024 summer, further justifying the merits of theses supplementary provisions.

The other jurisdictions within the National Electricity Market have recognised the usefulness of these provisions and are now looking to adopt them.

In October 2021, National Cabinet endorsed the Energy Ministers' decision to implement a Ministerial reliability instrument for the Retailer Reliability Obligation for all regions in the NEM, as is currently in place in South Australia.

As such, the *National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill 2022* seeks to expand these provisions that previously were only applied in South Australia to the other NEM jurisdictions.

The Bill gives an option to the Minister of the relevant participating jurisdiction to make a 'T-3' reliability instrument three years out for a specified period on or after 1 December 2025. A T-3 reliability instrument can only be made with 3 years' notice under the RRO framework.

The intention of this Bill is to better manage the risk that a reliability gap could emerge at any time across the 10 year forecast period that may not have been forecast by the Australian Energy Market Operator.

A Minister can only make such an instrument if at appears to the Minister, based on reasonable grounds, that there is a real risk that the supply of electricity will be disrupted to a significant degree on one or more occasions during a period specified in the instrument.

A transitional arrangement has been included in the draft Bill to manage the risk that amendments to the existing framework are not in place in time to provide 3 years' notice for the 2025/2026 period.

The notice period provided for in this draft Bill is no less than 24 months. A cut-off date applies to this transitional arrangement in that, after 1 December 2023, the trigger period reverts to 36 months which is consistent with the existing Retailer Reliability Obligation mechanism.

If an Energy Minister intends to make a reliability instrument, this Bill requires the Minister consult with the Australian Energy Market Operator and the Australian Energy Regulator in relation to the instrument the Minister proposes to make.

Broadening the existing Ministerial reliability instrument from South Australia to all NEM jurisdictions strengthens the ability for National Electricity Market jurisdictions to manage potential risks to system reliability.

The Bill also provides for the South Australian Minister to make the initial rules relating to the Ministerial reliability instrument.

The Ministerial reliability instrument reflected in this Bill is only one component of a broader resource adequacy reform package being developed by market bodies and jurisdictions. Nevertheless, strengthening the regulatory resilience of the National Electricity Market via this Bill is in the best interests of the South Australian community, particularly while there remain reliability concerns in response to risks and uncertainties associated with generation retirement.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of National Electricity (South Australia) Act 1996

4—Repeal of Part 7A

Part 7A provided for the South Australian Minister to make a T-3 reliability instrument. Its repeal is consequential on the amendments to the *National Electricity Law* effected by the measure.

Part 3—Amendment of National Electricity Law

5—Amendment of section 14C—Definitions

Certain definitions are inserted or amended for the purposes of the measure.

6—Amendment of section 14G—Meaning of forecast reliability gap, forecast reliability gap period, T-3 cut-off day and T-1 cut-off day

Section 14G of the *National Electricity Law* is an interpretative provision—the amendments are related to proposed section 14JA (which proposes to authorise a Minister of a participating jurisdiction to make a T-3 reliability instrument for a region).

7—Amendment of section 14H—Rules must provide timetable for reliability forecasts, requests and instruments

8—Amendment of section 14I—AEMO must request reliability instrument

These amendments are consequential.

9—Insertion of section 14JA

Section 14JA is proposed to be inserted into the *National Electricity Law*:

14JA—Minister may make T-3 reliability instrument

A Minister of a participating jurisdiction is authorised to make a T-3 reliability instrument for a region in certain circumstances.

The provision provides for the content of a T-3 reliability instrument for a region. Consultation and publication requirements are provided for. Certain limitations relating to making a T-3 reliability instrument are set out in the proposed section.

10—Amendment of section 14K—AER may make reliability instrument for a region

This amendment is consequential.

11—Insertion of section 90EC

Section 90EC is proposed to be inserted into the *National Electricity Law*:

90EC—South Australian Minister to make initial Rules relating to Ministerial reliability instrument

The South Australian Minister is authorised to make the initial Rules relating to the Ministerial reliability instrument amendments.

Schedule 1—Transitional provision

1—Transitional provision

A transitional provision relating to T-3 reliability instruments made by the Minister under section 19B of the *National Electricity (South Australia) Act 1996* is inserted for the purposes of the measure.

Debate adjourned on motion of Hon. L.A. Henderson.

GENE TECHNOLOGY (ADOPTION OF COMMONWEALTH AMENDMENTS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:34): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation and explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The Bill before the Legislative Council seeks to amend the *Gene Technology Act 2001* to adopt future amendments to the Commonwealth gene technology legislation by regulation.

The Bill intends to prevent any future instances where there are inconsistencies between the South Australian legislation and the National Gene Technology Scheme.

The National Gene Technology Scheme is administered in each Australian jurisdiction through their respective laws, and each jurisdiction is committed to mirroring the legislation of the Commonwealth to ensure consistency.

Currently, South Australia must undertake a full legislative process every time that there is an amendment to the Commonwealth legislation. This process allows for inconsistencies between the regulatory requirements of South Australia and the Commonwealth.

Applying an adoption by regulation process to the South Australian gene technology legislation would mean that future changes to the commonwealth legislation would be considered by the South Australian government as amendment of act regulations.

This will provide the opportunity to adopt, not adopt, or adopt with modification, any changes to the Commonwealth gene technology laws.

Parliament would still retain the right to review and disallow the regulations, with changes only able to be made to the Commonwealth legislation after consideration by the Gene Technology Forum, of which I am the South Australian representative, and following full public consultation.

This process allows for objectionable amendments to be disallowed and ensures that scrutiny is still able to be applied by this Parliament.

The *Gene Technology (Adoption of Commonwealth Amendments) Amendment Bill 2022* will ensure that regulatory requirements remain consistent, and intends to support clinicians, researchers, industry, transport companies and farmers who deal with gene technology by ensuring that we are aligned with the rest of the nation.

Aligning state and national gene technology provisions will improve consistency and help support innovation, as well as ensure that South Australia is in line with the nation.

I note that a similar Bill was introduced late in the last Parliament, and received bipartisan support. I look forward to this piece of legislation receiving similar support.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

Part 2—Amendment of *Gene Technology Act 2001*

2—Insertion of section 5A

This clause inserts new section 5A which provides that the Governor may, by regulation, amend the *Gene Technology Act 2001* to give effect to an amendment to the *Gene Technology Act 2000* of the Commonwealth made by the Commonwealth Parliament. The Governor must be satisfied that an amendment that corresponds, or substantially corresponds, to the Commonwealth amendment should be made to the *Gene Technology Act 2001*.

In making a regulation under proposed new section 5A, the Governor may make any additional provision considered by the Governor to be necessary to ensure that the Commonwealth amendment has proper effect under the law of South Australia.

A regulation made under proposed new section 5A may take effect from the day of the commencement of the Commonwealth amendment, including a day that is earlier than the day of the regulation's publication in the Gazette.

Debate adjourned on motion of Hon. L.A. Henderson.

STATUTES AMENDMENT (CIVIL ENFORCEMENT) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 September 2022.)

The Hon. C. BONAROS (16:35): I rise to speak on the Statutes Amendment (Civil Enforcement) Bill 2022 on behalf of SA-Best. This is one of those bills that lapsed under the former government, stemming from the 2018 self-initiated review by the courts. While we support the provisions of the bill—most of them—there are some minor issues which I think are worth highlighting in more detail during the second reading and potentially the committee stage debate, depending on the answers that we get.

As we know, the bill arises from the recommendations of a review undertaken by the Courts Administration Authority and I understand that these amendments are strongly supported by the Chief Justice. It is clearly focused on trying to improve the enforcement of civil judgements delivered by the courts in keeping more matters from entering litigation.

As such, it increases powers to pursue debtors and administrative efficiencies to expedite that pursuit. Several provisions are, arguably, beneficial to debtors, including the new provision for the judgement creditor to serve an investigation notice on the debtor prior to issuing an investigation summons. We welcome the introduction of the interim notice, which will act to save court time and reduce costs. I think it is a useful new step in the process and one that has apparently been of some success in New South Wales.

The expansion of the scope of garnishee orders to include salaries and wages without consent is, unquestionably, a significant new power. South Australia is, as I understand it, the last jurisdiction in Australia where consent is still required. Being able to dip into someone's salary or wages without their consent is in anyone's language a considerable extension of the court's powers. Of course, issues have been raised around what protections the debtors have and they must be, on balance, front and centre.

The Attorney-General's Department has provided assurance the court will still have regard to ensuring the debtor is able to meet the amount of garnishee orders made and that the courts are still required to assess their living costs and the affordability of that order. An aspect that I suppose has been less clear on reading the bill is the consequences of a garnishee order concerning term deposits that have not yet matured.

I think, while we appreciate the intention of the provision is to prevent debtors from putting funds and assets beyond the reach of a garnishee order, there are questions that have arisen—for example, cost penalties associated with early term deposit releases and the like and whether they will form part of the court's consideration about those financial circumstances.

Similarly, with changes to mandate that banks disclose information of the debtor's financial situation, there are obviously questions around issues of privacy of non-debtors in circumstances where there is joint ownership of assets, potentially putting the non-debtor party at risk of having their financial information or other private information disclosed without their consent. It is my understanding—and one of the issues that the banks have raised is that they have been reluctant and reticent to give such information for obvious reasons—that such an amendment ought to provide banks with the protections they seek and enable more streamlined processes.

That said, as the non-debtor party is not the subject of the court order, the issue has still been raised that there could be an unfair burden placed on them. One of the questions to the Attorney is to ensure that there are those privacy checks and balances in place with this provision to ensure the appropriate levels of protection for non-debtor parties.

I think this was one of the issues that we raised at the briefing we had and I am suspecting the Attorney will say that the banks are subject to privacy laws and that obviously they will continue to apply, but these considerations have been taken into account with these amendments. To this end, I think the impacts of this bill, just in terms of the issue with the bank, is something that will be monitored further.

I note that the Law Society has raised some concerns covering some concepts, and I have alluded to some of those and others, but these have, I think, in large been addressed by amendments that have been filed by the Hon. Rob Simms. Subsequently, the government has, I note, also filed amendments to deal with some potentially unintended consequences of those initial amendments, but that seems to have worked out very well. So in the spirit of collaboration, I think we have landed where we needed to land.

I indicate for the record we will be supporting the amendments moved by the Hon. Rob Simms and the amendments moved by the government to address those issues. I would simply ask the Attorney for some clarity around the issues I have just quickly outlined in relation to the bank disclosure and non-party debtor's privacy rights and, lastly, some indication from the Attorney about what the courts have done to date to prepare for the implementation of the bill. With those words, we support the second reading.

The Hon. J.M.A. LENSINK (16:40): I rise to make some remarks in relation to this legislation, at risk of being repetitive in covering similar territory to my learned colleague the Hon. Connie Bonaros. Indeed, this bill is reinstating one which lapsed with some minor amendments. It was originally moved in this place on 6 May 2021, passed on 22 June 2021 and was introduced in the House of Assembly on 23 June 2021 by the then Attorney-General, the Hon. Vickie Chapman.

The bill amends the Enforcement of Judgements Act 1991 and the Sheriff's Act 1978 to implement recommendations of a 2017 review undertaken by the Courts Administration Authority into civil enforcement processes in South Australia. The CAA's review proposed ways to modernise and streamline civil enforcement procedures in South Australia in line with other jurisdictions.

I do not intend to go into explanation of clauses; that has been done many times through the journey of this piece of legislation. I simply say that a judgement creditor will serve an investigation notice on a judgement debtor as an alternative to an investigation summons under section 4 of the act. That provision is a replica of what was in the bill that was first proposed in 2021.

Clause 4 of the bill amends section 6 of the Enforcement of Judgements Act, expanding the scope of garnishee orders as a means of enforcing judgement debts. These changes mirror the 2021 bill; however, they add protection mechanisms which include introducing the definition 'designated amount', meaning the debtor must be left with an amount that is at least 90 per cent of the national minimum weekly wage.

The justification of this addition is to provide protection for low income earners, considered to be vulnerable members of society. Further there are some amendments to provide for a garnishee order to be attached to a term deposit, with that payment to be made at maturation. With those remarks, I indicate support for the bill.

The Hon. R.A. SIMMS (16:43): I rise briefly to speak on the Statutes Amendment (Civil Enforcement) Bill. This is a new version of a bill that, as the Hon. Ms Lensink has pointed out, was first brought before us in 2021. Some honourable members may recall back then that the Greens were supportive of the bill, and we also supported a proposal from the then Labor opposition to make some changes to the bill. The bill before us today aims to address a concern the Hon. Kyam Maher, I believe, had at that time, which was regarding the implications of this reform for people on low incomes and looking at how garnishee orders could result in them not being able to meet their financial needs.

The new clause, which aims to protect low income workers, could have some adverse effects for those who have inconsistent incomes. The Greens are concerned that there may be people who work as a casual employee or work seasonally who could be impacted. Indeed, as the Hon. Connie Bonaros pointed out, a submission from the Law Society raised these concerns about the implementation of the clause, given that a seasonal or periodic worker may earn significantly more

than the national minimum wage in a short period of time and then may earn nothing for the remainder of the year.

In such circumstances, when averaged over a year, it is possible that a garnishee could earn less than 90 per cent of the minimum wage but then still be required to pay in those weeks where they earned a greater amount. I recognise, of course, that was not the government's intent, but that could have been an effect.

We have worked with the government to improve the bill and to ensure that it is fairer for people who live on inconsistent incomes. I understand the government will be advancing an amendment to address that concern that has been raised by the Greens and others and we are certainly supportive of that.

The other issue the Greens had some concerns about was the protection of personal information supplied under investigation notices. In the last year, we have seen multiple examples of data breaches that have resulted in personal information being compromised and we know that that has significant implications for our community. Most recently, there has been the Medibank saga, the Optus saga and others.

The Law Society raised concerns about personal information being obtained under an investigation notice and the need for this to be protected from uses other than that for which it was intended. We will therefore be moving an amendment to ensure that these protections are in place. The Greens will be supporting the bill with the amendments that I have outlined.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:46): I wish to thank members for their contributions on this bill and in particular thank the Greens for their constructive dialogue and the bringing forward of amendments. With some discussion, I think we have landed on a place that I think makes this bill a better bill as a result of a combination of Green and government amendments.

I thank the Hon. Connie Bonaros for her questions. If I need to add any more at clause 1 I will, but I understand that the things the Hon. Connie Bonaros has outlined, such as the privacy restrictions that banks are already subject to, go a long way in the protections the Hon. Connie Bonaros is advocating for on behalf of members of the public. Of course, I thank the Hon. Michelle Lensink for her contribution on behalf of the Liberal opposition and I welcome the upcoming committee stage.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. R.A. SIMMS: I move:

Amendment No 1 [Simms–1]—

Page 2, after line 22 [clause 3, inserted section 3A]—Insert:

(4) If information or a document is provided to a person in accordance with an investigation notice under this section, a person who uses the information or document for a purpose other than assessing a judgment debtor's means of satisfying a judgment is guilty of an offence.

Maximum penalty: $5,000.

This amendment seeks to give effect to the intention that I outlined in my second reading speech, that is, to ensure that people's personal information is protected. The amendment would ensure that, if information or a document is provided to a person in accordance with an investigation notice under the section, a person who uses this information or document for a purpose other than assessing a judgement debtor's means of satisfying a judgement is guilty of an offence and the amendment would apply a penalty of $5,000 for such an offence.

We believe this is an important safeguard in terms of the protection of personal information and we believe the community would expect a provision like this to be put in place in legislation such as this given the significant breaches we have seen of personal information over the last few months.

The Hon. K.J. MAHER: I rise to indicate that the government will be supporting this amendment for the reasons outlined by the Hon. Robert Simms.

Amendment carried; clause as amended passed.

Clause 4.

The Hon. R.A. SIMMS: I indicate I will not be proceeding with amendment No. 2 [Simms-1] or amendment No. 3 [Simms-1] given the government will be moving amendments that address those concerns.

The Hon. K.J. MAHER: I move:

Amendment No 1 [AG–1]—

Page 3, line 8 [clause 4(2), inserted subsection (2)]—After 'subsection (2a)' insert:

and (2ab)

Amendment No 2 [AG–1]—

Page 3, after line 15 [clause 4(2)]—Insert:

(2ab) In particular, if the court is satisfied that the amount earned by a judgment debtor in salary or wages varies significantly from period to period during a year (for example, due to the casual nature of their employment), the court must take that matter into account in order to ensure that the amounts under 1 or more orders made in accordance with subsection (2) do not, in total, reduce the net weekly amount of any wage or salary received by the judgment debtor from the garnishee to less than the designated amount during the period to which the order or orders relate.

These amendments together are an alternative set of amendments to address concerns about the judgement debtor having a fluctuating income, which is the same as the topic of the amendments that were proposed but not moved by the Hon. Robert Simms. It appears from advice received that the Hon. Robert Simms' amendments may have had an unintended impact in the circumstances where a judgement debtor's previous income for the year from casual employment had been high but the future income would be low.

In those circumstances, it appears the annualised net weekly amount could then be higher than the designated safety net amount in the bill due to the earlier higher income. The court can make a garnishee order under those provisions as amended; however, if the income earned by the debtor in the weeks after the making of the order is less than the safety net amount, the judgement debtor would be disadvantaged, particularly if there had been no savings from the earlier higher income period.

The amendments being suggested would insert an express provision to require the court to take into account a judgement debtor's fluctuating income but not with an annualised approach that could inadvertently leave the debtor being disadvantaged. Rather, the amendments require the court to take into account the fluctuating nature of the debtor's income and ensure that any garnishee orders do not reduce the net weekly amount of any wage or salary received by the judgement debtor from the garnishee to less than the designated safety amount respectively during the period to which the order or orders relate.

The Hon. R.A. SIMMS: I rise to indicate the Greens will be supporting both of the government's amendments. I just want to take the opportunity to put on record my thanks to the Attorney and his office for the collaborative way in which they have engaged with the Greens on this amendment. Might I say I think it does demonstrate what this council does really effectively, and that is when we have different parties working together to achieve outcomes in the best interests of the community. I certainly thank the Attorney for his efforts in that regard.

Amendments carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed.

Bill reported with amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:54): I move:

That this bill be now read a third time.

Bill read a third time and passed.

BURIAL AND CREMATION (INTERMENT RIGHTS) AMENDMENT BILL

Final Stages

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

At 16:55 the council adjourned until Tuesday 21 February 2023 at 11:00.