

LEGISLATIVE COUNCIL

Tuesday, 7 March 2023

The **PRESIDENT (Hon. T.J. Stephens)** took the chair at 14:16 and read prayers.

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

Bills

MOTOR VEHICLES (ELECTRIC VEHICLE LEVY) AMENDMENT REPEAL BILL

Assent

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 2) BILL

Assent

Her Excellency the Governor assented to the bill.

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

Assent

Her Excellency the Governor assented to the bill.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO AND OTHER JUSTICE MEASURES) BILL

Assent

Her Excellency the Governor assented to the bill.

BURIAL AND CREMATION (INTERMENT RIGHTS) AMENDMENT BILL

Assent

Her Excellency the Governor assented to the bill.

Members

MEMBER, SWEARING IN

The President produced a commission from Her Excellency the Governor authorising him to administer the oath of allegiance to members of the Legislative Council.

The President produced a letter from the Clerk of the Assembly of Members notifying that the Assembly of Members of both houses of parliament had elected Mr Benjamin Robin Hood to fill the vacancy in the Legislative Council caused by the resignation of the Hon. S.G. Wade.

The Hon. Benjamin Robin Hood, to whom the oath of allegiance was administered by the President, took his seat in the Legislative Council.

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT (14:22): I lay on the table the minutes of the Assembly of Members of both houses held on 7 March 2023 to fill the vacancy in the Legislative Council caused by the resignation of the Hon. Stephen Graham Wade.

Ordered to be published.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the President—

Report by the Independent Commissioner Against Corruption titled Yes Minister:
Corruptions risks associated with unsolicited proposals [Ordered to be published]

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

Maternal and Perinatal Mortality in South Australia, Report—2020
South Australian Abortion Reporting Committee, Report—2021
Reports, 2021-22—

Alinytjara Wilurara Landscape Board
Eyre Peninsula Landscape Board
Green Adelaide Board
Hills and Fleurieu Landscape Board
Kangaroo Island Landscape Board
Limestone Coast Landscape Board
Murraylands and Riverland Landscape Board
Northern and Yorke Landscape Board
Parks and Wilderness Council
South Australian Arid Lands Landscape Board

Regulations under Acts—

Fair Trading Act 1987—

Motor Vehicle Insurers and Repairers

Motor Vehicle Insurance and Repair Industry Code of Conduct

Response to the COVID-19 Direction Accountability and Oversight Committee Report
dated February 2023

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

Response to the Economic and Finance Committee's Inquiry into Embedded Networks in
South Australia dated February 2023

ANSWERS TABLED

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

*Ministerial Statement***ANDROMEDA, GREAT WHITE KAOLIN PROJECT**

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:24): On behalf of the Minister for Infrastructure and Transport, and Energy and Mining in the other place, I lay on the table a copy of a ministerial statement in regard to Andromeda—Great White Kaolin Project.

*Question Time***AMBULANCE RAMPING**

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): I seek leave to provide a brief explanation before asking a question of the Leader of the Government regarding the safety of South Australians.

Leave granted.

The Hon. N.J. CENTOFANTI: Labor promised South Australians they would fix ramping. Instead, ramping has surged to record levels under the watch of this government. Just last month, ambulance ramping hit a new all-time record of 3,036 hours. My questions to the leader are:

1. As a member of cabinet and leader in this place, what do you say to South Australians who believed the misleading Labor ads stating Labor would fix ramping?
2. What responsibility do you take for your government's failure to fix ramping, given it is the worst it has ever been in this state?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:33): I thank the honourable member for her questions, which are a variation on a regular theme. As I have said before, and as I will say again, I will refer them to the minister in another place and bring back a reply.

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition, your second question.

EYRE PENINSULA DESALINATION PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries regarding the Eyre Peninsula desalination project.

Leave granted.

The Hon. N.J. CENTOFANTI: Eyre Peninsula Seafoods and Yumbah Aquaculture have both written letters stating their support for the recommendations of the site selection committee and their preference for the Sleaford West site as a location for the EP desalination plant. In particular, Eyre Peninsula Seafoods has grave concerns about the high risk associated with the placement of a desalination plant at Billy Lights Point with regard to the impact on the local marine ecosystem and subsequent effects on their business and the livelihood of their employees. My questions to the minister are:

1. Has she received these letters?
2. If so, as Minister for Primary Industries, which includes fisheries, what formal representation has she made on behalf of Eyre Peninsula Seafoods and Yumbah Aquaculture to the Minister for Environment and Water, or SA Water, to advocate for the recommendations of the site selection committee?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): My office has advised me that there has been some correspondence that would appear to accord with that referred to by the honourable Leader of the Opposition in this place. As yet I have not seen that correspondence; however, I think what is particularly relevant—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —is that this whole decision needed to be taken some time ago when the previous government was in place. The delays in making a decision by those opposite or their predecessors have meant that the time frame for now actually providing a solution has reduced considerably. I understand—

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition and the Hon. Ms Girolamo, I want to hear the minister. Continue, please, minister.

The Hon. C.M. SCRIVEN: I understand if those opposite are a bit embarrassed by the non-action of the previous government, that they wanted to push out a decision—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —to be after the state election. Well, they got their wish, but of course they didn't remain in government. This is a matter for the Minister for Climate, Environment and Water. I will certainly refer it to her and bring back a further response to this chamber.

Members interjecting:

The PRESIDENT: The Hon. Mr Wortley, the honourable Leader of the Opposition, the Hon. Ms Girolamo!

EYRE PENINSULA DESALINATION PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): I seek leave to make a brief explanation before asking the Minister for Regional Development a question regarding the EP desalination project.

Leave granted.

The Hon. N.J. CENTOFANTI: Regional Development Australia Eyre Peninsula, the City of Port Lincoln council and the Lower Eyre council have all written letters stating their support for the recommendations of the site selection committee and their preference for the Sleaford West site as the location for the EP desalination plant. In particular, the RDA EP board believes that the Billy Lights Point location, referred to as the base case during this process, unnecessarily puts the fishing and aquaculture industries—which the Port Lincoln economy is so heavily reliant upon—at risk. My questions to the minister are:

1. Has she received these letters?
2. If so, as Minister for Regional Development, what formal representation has she made on behalf of councils and RDA Eyre Peninsula to the Minister for Environment and Water, or to SA Water, to advocate for the recommendations of the site selection committee?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I thank the honourable member for her further question. I am advised that the SA Water board and the Minister for Climate, Environment and Water will consider the available information, which includes that from the site selection committee and also from the Marine Science Review Panel, to make a final decision regarding a proposed plant location. I am aware that my office has received correspondence on this matter, and I will be in the process of responding to them once I have seen that correspondence.

EYRE PENINSULA DESALINATION PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:37): Supplementary: will the minister make a formal representation to the Minister for Environment and Water, or SA Water, on behalf of the councils and the RDA Eyre Peninsula?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): I am advised that the SA Water board and the Minister for Climate, Environment and Water will consider the available information. In terms of representations, I am constantly in conversation, in both informal and formal forums—

Members interjecting:

The PRESIDENT: Order, the Hon. Ms Girolamo! The Hon. Mr Wortley, you are not helping. Minister, please conclude your answer.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Thank you; I was attempting to answer, but the opposition couldn't hear it because of their constant interjections. As I was saying—

An honourable member interjecting:

The Hon. C.M. SCRIVEN: Here we go again.

The PRESIDENT: Interjections are out of order. Continue, please, minister.

The Hon. C.M. SCRIVEN: As I was saying, we have both formal and informal interactions with our ministerial colleagues in a wide range of matters, including this one.

RIVER MURRAY FLOOD

The Hon. R.P. WORTLEY (14:38): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about a visit to the Murraylands last week to discuss important dewatering and recovery efforts?

The Hon. N.J. Centofanti interjecting:

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): I overheard the Leader of the Opposition there saying that I'm happy to talk about this and I certainly am. It is an incredibly important issue.

The PRESIDENT: Minister, don't acknowledge interjections.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The floods in the Murraylands and the Riverland have, of course, impacted many hundreds of people and so I am always keen to update the chamber on actions that have been taken. Last week, I was glad to once again be in the Murraylands talking with local primary producers, as well as Mayor Wayne Thorley from the Rural City of Murray Bridge.

It's been a very difficult time for primary producers along the river. With great resilience they have battled a range of issues caused by the floods, including loss of power and water supply, inundation of crops and pastures, relocation of livestock as well as the need to source alternative feed and water. They have also faced disruption to transport routes as roads have been closed, which has caused considerable added travel times.

Understandably, the focus of primary producers now is on the re-establishment of the levee network and dewatering efforts, which are needed as the recovery effort gathers pace. The state government is working with landholders within the Lower Murray Reclaimed Irrigation Area and also with the South Australian Dairyfarmers' Association to bring about a coordinated approach to short-term levee repairs and to dewatering of agricultural land impacted by recent floods.

Last week saw a significant step forward with a commencement of dewatering in parts of the system. I was fortunate to see the incredible work happening at Wall Flat with a dedicated crew operating several large pumps working quickly to move water back into the river so that the task of recovering land back to its use for primary production can occur as soon as possible.

PIRSA is leading the engagement with landholders on agriculture recovery and is working closely with key industry groups to coordinate the dewatering process. A small number of irrigation areas have been identified through the coordination between PIRSA and SADA as being ready for dewatering, and pumps are being moved between these locations. Assessment works continue for remaining areas. This is a complex operation and it requires significant cross-government collaboration. A lot of work has gone into getting to this point and, of course, much more work is required to complete the process.

With floodwaters still receding and the unknown nature of levee stabilisation works that may be required so that dewatering can occur, it is too early to determine a time frame for the completion of the dewatering process. That being said, work continues at pace and with a sense of urgency to ensure that the process is completed within the shortest time frame possible so that primary producers can get back to doing what they do best.

It was also very useful while I was in the area to be able to catch up with Rural City of Murray Bridge Mayor, Wayne Thorley, at the recently reopened 1924 River Tavern on the riverfront in Murray Bridge. Like the Murray Bridge Club nearby, the tavern spent much of the summer behind the DefenCell barriers to keep water at bay and were, of course, unable to be open for business.

After a big clean-up effort, it is really good to see these businesses up and running again and locals and tourists alike doing their bit to support them. I would like to thank Mayor Thorley and his team for his hard work throughout the flooding event and his advocacy in getting outcomes for primary producers in the area back onto their land.

RIVER MURRAY FLOOD

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:42): Supplementary: will the Malinauskas government commit to funding a causeway for Bookpurnong Road in the recovery period to improve freight efficiency and productivity?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:42): The Malinauskas Labor government is working closely with all affected stakeholders and individuals wherever possible to see what will be the most appropriate and effective way of providing assistance.

SEAFOOD INDUSTRY

The Hon. S.L. GAME (14:43): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries and Regional Development on the seafood industry.

Leave granted.

The Hon. S.L. GAME: Concerns over the mislabelling of cheap Chinese fish as South Australian garfish sold in the food services industry have increased in local media outlets recently and present a threat to our local fishing industry. I understand that, since 2006, it has been a legal requirement that all fresh seafood sold by retailers to the Australian public must be clearly labelled with its country of origin.

However, the regulations excluded or exempted cooked or pre-prepared seafood sold in outlets such as restaurants, hotels, cafes and takeaway shops. It has been reported that so-called garfish are flooding the market from China and being sold to unknowing consumers for up to a third of the price of our premium and distinctive South Australian garfish.

These cheap imitation imports are negatively impacting local fishers whose annual income can derive significantly from the sale of fresh South Australian garfish. The seafood industry contributed half a billion dollars to the South Australian economy in 2021-22 and is a significant contributor to regional jobs and local communities.

Seafood industry advocates claim that improving country of origin labelling laws would be a significant job creator, with the Australian Prawn Farmers Association, for example, telling a Senate committee hearing almost a decade ago that it would result in a 17-fold increase in jobs.

This issue has been discussed at a state and federal level for almost two decades but action has consistently been delayed by successive ministers. My questions to the Minister for Primary Industries and Regional Development are:

1. Does the minister acknowledge the concerns of local fishers over the mislabelling of cheap imports as South Australian garfish?
2. Will the minister advocate to the relevant state and federal ministers for changes to our consumer labelling laws that will address these concerns?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45): I thank the honourable member for her question and her interest in this matter. Clearly she, like myself, is keen to see local consumers protected from any misleading advertising or labelling and also to protect local industry.

Certainly, yes, I do, in terms of the first question, acknowledge the concerns that the honourable member has raised. This is predominantly a federal matter because country of origin labelling is under the federal jurisdiction. However, I certainly would be keen to advocate to the federal government, and potentially with my other state and territory colleagues, on ways that this can be progressed.

SEAFOOD INDUSTRY

The Hon. C. BONAROS (14:46): Supplementary: has any such consultation taken place to date with your federal or interstate counterparts?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): I will take that question on notice in terms of whether that has happened at an officer level with my department.

SEAFOOD INDUSTRY

The Hon. D.G.E. HOOD (14:46): Supplementary question arising out of the original answer, when the minister said that it was predominantly a federal matter: to what extent can the state influence the outcome?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): I thank the honourable member for his supplementary question. My understanding is simply through advocacy. As a federal matter, the ultimate responsibility or decision lies with the federal government but, certainly, if there are any alternative ways of influencing I am keen to hear them and/or to progress them.

ABORIGINAL CHILDREN AND YOUNG PEOPLE IN CARE

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:46): My questions are directed to the Minister for Aboriginal Affairs:

1. Can the minister inform the council how often does he meet with the Minister for Child Protection to develop specific strategies to address the urgent issues for Aboriginal children in care?

2. Can the Minister for Aboriginal Affairs explain how often and when was the last time he has attended a cross-agency briefing on early intervention in child protection areas, specifically for Aboriginal children?

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; it's a question that touches on a topic that is exceptionally important. In terms of how often I meet with the Minister for Child Protection on issues to do with early intervention, particularly as they pertain to Aboriginal people: I am regularly talking to my colleagues about all matters that affect and pertain to Aboriginal people and I certainly have regular discussions with my colleague the Minister for Child Protection and member for Reynell, the Hon. Katrine Hildyard, in another place.

There is also a specific cabinet committee dedicated to early intervention, of which both myself and the Minister for Child Protection are members, that meets regularly and it certainly canvasses areas to do with early intervention generally but it also, of course, touches upon issues to do with Aboriginal children as well.

ABORIGINAL CHILDREN AND YOUNG PEOPLE IN CARE

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:48): Supplementary: with the meetings that he had with the Minister for Child Protection, can the minister give the council an indication whether any urgent strategies are actually on the table to address those issues now?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48): I thank the honourable member for her question and certainly the Minister for Child Protection is always considering what strategies can better protect children in South Australia, including Aboriginal children.

ABORIGINAL CHILDREN AND YOUNG PEOPLE IN CARE

The Hon. L.A. HENDERSON (14:49): Supplementary question: can the minister please advise when was the last time the early intervention cabinet subcommittee met?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for her question.

Off the top of my head, it would have been somewhere in the vicinity of three to four weeks ago but if that is out by a large amount I am happy to bring back a reply to correct that. Somewhere in the vicinity of three weeks ago, to the best of my memory.

ABORIGINAL CHILDREN AND YOUNG PEOPLE IN CARE

The Hon. L.A. HENDERSON (14:49): Supplementary question: can the minister advise whether this is a standing and ongoing committee meeting and how regularly they do meet?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for her further supplementary question. Yes, it is a standing, ongoing committee of cabinet. Again, if it is wildly out I will bring back a response, but it is certainly quite a number of times a year—every couple of months, from memory, but if that is wildly out I am happy to bring back a reply and give further and better information.

NUNGA COURT

The Hon. I. PNEVMATIKOS (14:50): My question is to the Attorney-General. Will the Attorney-General inform the council about the recent commencement of legislation that has seen the South Australian Nunga Court now enshrined in law?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50): I thank the honourable member for her question, and it gives me the great pleasure to inform the chamber that legislation we have passed is now enshrined in law. On Wednesday of last week, 1 March, the bill to enshrine the Nunga Court in law commenced, seeing these specialist sentencing courts now having a formal and recognised place in the South Australian judicial system.

The Magistrates Court (Nunga Court) Amendment Bill passed through parliament in November of last year after significant consultation was undertaken, including roundtable discussions held at the Port Adelaide Magistrates Court, which was attended by a number of Aboriginal elders and respected Aboriginal people involved in the justice system, Aboriginal justice officers and other representatives from the Courts Administration Authority.

The Port Adelaide Magistrates Court is one of three locations the Nunga Court sits in South Australia, with the specialist court also operating out of Murray Bridge and now the Maitland circuit court, with the latter being instead known as the Narungga Court. South Australia was the first jurisdiction to establish the Nunga Court model, having been an important part of the South Australian Magistrates Court process for more than two decades now, and the courts of Port Adelaide and Murray Bridge are respectively the oldest and second oldest specialist courts for sentencing of Aboriginal and Torres Strait Islander peoples in Australia.

His Honour Magistrate Chris Vass was the inaugural magistrate in each of these courts and was instrumental in their establishment, so I would like to acknowledge and commend him for his pioneering work. The purpose of the Nunga Court is to allow for Aboriginal elders or respected persons to sit with the magistrate as they finalise a matter where an Aboriginal or Torres Strait Islander person has pleaded guilty, advising them on any relevant cultural or community matters that may assist in the sentencing process.

In a criminal justice system that sees Aboriginal people massively over-represented, the work of this specialist court is a small but significant step, building the confidence of Aboriginal people in the system. I was pleased to see an article in *The Advertiser* last week on Friday 3 March acknowledging the commencement of this significant change and acknowledging the work of the people who ensured the Nunga Court is being utilised and operating to facilitate culturally appropriate sentencing processes.

Some of those included key people are: Uncle Fred Agius, Aunty Wendy Warner, Josephine Kunde, magistrate Paul Bennett, Aunty Pat Waria-Read, Aaron Zammit, Nicole Cook, Deb Moyle, John Carbine, Peter Struhs, Najwa Richards and Jason Ngatokorua. I would particularly also like to acknowledge once again, as I have in the past when this bill has been before the parliament, Aunty Yvonne Agius, who was involved in the consultation session held at the

Port Adelaide Magistrate's Court and has been involved since its very inception. I look forward to seeing the continued operation of the Nunga Court now enshrined in the laws of this state.

Parliamentary Procedure

VISITORS

The PRESIDENT: Before I go to the Hon. Ms Bonaros, I acknowledge in the gallery the Hon. Jonathan O'Dea MP, Speaker of the New South Wales Legislative Assembly. With him is Mr Mark Webb, the CEO of the Department of Parliamentary Services of the New South Wales parliament. Welcome, gentlemen.

Question Time

SUMMARY OFFENCES ACT

The Hon. C. BONAROS (14:53): My question is to the Attorney-General. Attorney, to your knowledge have there been any prosecutions, successful or otherwise, pursuant to section 40 of the Summary Offences Act?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I thank the honourable member for her question. It is a matter that came up recently. Sometimes we look at laws that have been historical laws in bits of legislation that have been there for a very long time. There are laws, for example, that were only recently repealed in Western Australia, which, if my memory serves me correctly, created an offence for carrying more than 50 kilograms of potatoes without the permission of the Potato Marketing Corporation—laws that have been around for various reasons but appear in statute books.

This is one that came up recently: section 40 of the Summary Offences Act is in relation to 'Acting as a spiritualist, medium etc with intent to defraud'. It has a long history of this and incarnations of this particular sort of offence that date right back to the United Kingdom's Witchcraft Act of 1735, under which I think the last attempted prosecutions were actually reasonably recently under the UK act in 1944, having been two cases that year.

There was one involving a woman called Rebecca York and, a more prominent one, a woman by the name of Helen Duncan who was alleged to have preyed on grieving people, claiming she could contact their departed loved ones and used the idea of being a medium as a thinly deceptive way to receive benefit. In relation to the South Australian section 40 of the Summary Offences Act, which states:

A person who, with intent to defraud, purports to act as a spiritualist or medium, or to exercise powers of telepathy or clairvoyance or other similar powers, is guilty of an offence...[for up to] 2 years.

I have checked and I am not aware of any prosecutions that have successfully been undertaken for someone who acts with intent to defraud as any of those sorts of things. I thank the honourable member for her important question and her interest in all manner of offences.

SUMMARY OFFENCES ACT

The Hon. T.A. FRANKS (14:56): Supplementary: as the minister for the Public Service, have any public sector departments or agencies employed the services of a medium in the last five years?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:56): I thank the honourable member for her question. I am happy to take that on notice and see if there is a reply I can bring back. I must say, I did not know she was going to ask that, so certainly it's not a power I have.

ATTORNEY-GENERAL'S DEPARTMENT

The Hon. J.M.A. LENSINK (14:56): Let's get back to some serious questions, shall we? My question is to the Attorney-General:

1. How many policy staff are employed in the Attorney-General's Department?

2. How does this compare to the number of policy staff employed under the former Marshall Liberal government?

3. How many bills has the Attorney introduced in his portfolio area as Attorney-General which were not already in train under the Marshall Liberal government?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57): I thank the honourable member for her question. I will have to take that on notice. I don't have figures about how many people are employed in a particular area within government.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: But what I certainly can say is, I very much appreciate and respect the very, very hard work of those people not just in the Attorney-General's Department who are employed in policy areas, who are employed in legislative services areas, who do exceptionally diligent work supporting the work of government in the area that I am responsible for, but similar people employed right across government in a whole range of areas.

I don't have the exact figures of the areas of the legislation that we have introduced and areas of legislation that are brand-new things, such as reforming areas in relation to child sex offences, that we took a very strong stand in the lead-up to the election and we have in train and legislation that is passing these areas, but it is almost certainly too numerous to count.

ATTORNEY-GENERAL'S DEPARTMENT

The Hon. J.M.A. LENSINK (14:58): Supplementary question: does the Attorney-General have any insight into whether the well-respected officers reciprocate their views of himself as Attorney?

The PRESIDENT: I am sure that's opinion.

COUNTRY PRESS SA AWARDS

The Hon. R.B. MARTIN (14:58): My question is to the Minister for Primary Industries and Regional Development. Will the minister please update the chamber on the recent Country Press SA Awards held in Victor Harbor?

Members interjecting:

The PRESIDENT: The Hon. Ms Girolamo!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I thank the honourable member for his question and his ongoing interest in regional and rural areas. Members on this side of the chamber understand and appreciate the importance of regional media and the contribution they make to our regional communities. Regional newspapers are the heart and soul of regional communities and they play a key role in—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —updating residents with issues that matter in their local area. Regional communities, including but not limited to Port Lincoln, Whyalla, Kadina, Loxton, Strathalbyn, Tanunda, Naracoorte and Mount Gambier, all have local media writing local stories specific to that local community.

Many regional and rural residents consider there has been a greatly reduced focus on local towns by this state's largest newspaper, so it is critical that we continue to see good quality regional journalism being produced for regional residents. As Minister for Regional Development, I always try to ensure that I have the opportunity to speak to as many regional newspapers and other media as possible while I am out and about in regional South Australia.

Events such as the annual Country Press Awards are an important fixture in the calendar to acknowledge the significant work undertaken by individual journalists and the papers they work for. I was pleased to see the event was attended by a large number of regional journalists from all across the state, along with the Governor of South Australia, the Hon. Frances Adamson AC, and my colleague in the other place the member for Light.

The member for Light is a strong supporter of regional media and sponsors an award for this night on an annual basis. I, too, was pleased to present an award on behalf of the state government for the best road safety reporting. I must admit the event was a bit light on with members of His Majesty's opposition not in attendance, apart from the member for Finniss; however, that was to do with another internal event that I suspect was attended by many members opposite on this night and, indeed, may well have resulted in a certain addition to this chamber which we witnessed today.

I would like to congratulate the *Eyre Peninsula Advocate* for winning the Best Front Page Award; *The Border Watch* for taking out the Best Headline Award; the *Yorke Peninsula Country Times* for being awarded both the Best Advertisement in Branding and Best Community Advertising Promotion Award; *The Leader* for winning the Best Advertising Feature; *The Bunyip* for being successful in the Best House Advertisement and the Best Sports Photograph categories; *The Murray Pioneer* for winning the Best Supplement Award; *The SE Voice* for their success in winning both the Best Advertisement and the Best Photograph awards; and the *Fleurieu Sun* for taking out Best News Photograph and Best Road Safety Reporting.

I would also like to congratulate Paul Mitchell from *The Murray Pioneer*, who had a terrific night in winning both the Editorial Writing and Best Sports Story awards. I was speaking with Paul prior to the ceremony and perhaps he was too humble but it certainly seemed as though he had no expectations whatsoever, so especial congratulations to him. Congratulations must also go to Gabrielle Hall from the *Plains Producer* for taking out the Excellence in Journalism Award and Giorgina McKay for taking out the Young Journalist of the Year Award.

One of the prizes for the Young Journalist of the Year includes spending a week in federal parliament with the federal member for Barker. Some have asked whether that would be a prize or a punishment, but I think that is most unkind. I would never make that suggestion personally.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Nonetheless, I congratulate both these journalists on their outstanding achievements in winning these awards. Finally, I want to congratulate *The Southern Argus* for winning the Best Newspaper Under 4,000 Circulation and *The Leader* for winning the Best Newspaper Over 4,000 Circulation awards. They narrowly beat *The Border Watch* and the *Yorke Peninsula Country Times* in second and third spot respectively.

Judging by the calibre of journalists who were there on Friday night, and those we saw featured in the various categories, the industry is in good hands, and I look forward to attending many more of these events and continuing to see our regional journalists acknowledged and celebrated.

SKYCITY ADELAIDE

The Hon. T.A. FRANKS (15:03): I seek leave to make a brief explanation before asking the Attorney-General a question about the independent investigation into SkyCity Adelaide.

Leave granted.

The Hon. T.A. FRANKS: In July 2022, it was announced that the Hon. Brian Martin AO QC had been appointed to conduct an investigation under section 22(2) of the Casino Act 1997 in regard to the suitability of SkyCity Adelaide to continue to hold the casino licence at the Adelaide Casino. This followed a separate investigation by AUSTRAC, who accused SkyCity of serious noncompliance related to money laundering and counterterrorism financing laws. AUSTRAC's document states that SkyCity Adelaide was aware of information suggesting that some of its customers were connected to organised crime, or that their source of funds might not have been legitimate.

The Liquor and Gambling Commissioner, Mr Dini Soulio, said that commissions of inquiry into casinos had been undertaken in New South Wales, Victoria and WA, and a further inquiry was about to begin in Queensland. I quote him:

Inquiries to date have highlighted significant failings on the part of Crown Resorts as operators of Crown casinos.

In February 2023, Mr Martin advised the commissioner that it is not possible to reliably determine the question of suitability under the resolution of proceedings by AUSTRAC, and consequently placed the investigation on hold. On 7 February 2023, the commissioner advised, by media release from the Attorney's own department, that further information would be made public as soon as possible. That is now a month ago. My questions to the Attorney are:

1. Can he please advise any progress made on this independent investigation?
2. When will this further information be advised to the community, some one month on?
3. Does the Malinauskas government have confidence in SkyCity's capability to hold the licence at the Adelaide Casino?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:05): I thank the honourable member for her questions and her ongoing interest in this area. I will have to take that on notice, but I will bring back a reply as soon as I can. The area of the Attorney-General's Department that deals with consumer and business affairs that includes liquor and gambling, and the Liquor and Gambling Commissioner, sits under the portfolio area of the Hon. Andrea Michaels, the member for Enfield and Minister for Consumer and Business Affairs in another place.

As happens, sometimes there are areas of a department that report to different ministers. That one reports to, as I said, the Minister for Consumer and Business Affairs, but I will refer that to the honourable member in another place and bring back a reply in relation to the important question she has asked today.

SKYCITY ADELAIDE

The Hon. C. BONAROS (15:06): Supplementary: has the investigation the Attorney alluded to been placed on hold?

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 question. I presume from the information that was given in the asking of the question for that to be the case, but it is not an area that I am responsible for, but I will include that in the answer I bring back in relation to the honourable member's substantive question.

SKYCITY ADELAIDE

The Hon. F. PANGALLO (15:06): Supplementary: does the Attorney-General and the minister in the other place think it is appropriate that it could be at least five years before the report by the Hon. Brian Martin sees the light of day?

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 his question, and note his ongoing interest and that he has asked questions on this matter previously. I will be more than happy to also refer that and bring back a reply to the honourable member's question. I might do that as a reply that incorporates the questions asked by the two SA-Best members of this chamber in the reply that I give to the substantive question asked by the Hon. Tammy Franks.

APY LANDS TUBERCULOSIS OUTBREAK

The Hon. H.M. GIROLAMO (15:07): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about health.

Leave granted.

The Hon. H.M. GIROLAMO: SA Health has declared an outbreak of tuberculosis in the APY lands in the state's Far North, with approximately 10 cases confirmed so far. Chief Public Health

Officer, Professor Nicola Spurrier, and SA's TB Services clinical director, Dr Simone Barry, visited the APY lands this week to meet with community leaders, service providers, schools and the Nganampa Health Council in response to the outbreak. When were you first advised of the outbreak and has SA Health provided you, as Minister for Aboriginal Affairs, a briefing on this outbreak? If so, what actions will you and your department be taking to assist?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:08): I thank the member for what is a very serious and important question relating to the health of people in the Far North-West of our state. I will have to go back and check, but it would be a number of weeks ago that I was first informed, and I think my colleague in another place the Hon. Chris Picton provided information to me by way of a minute three or four weeks ago from memory, but I will check to see those dates.

Very early February, I think, is when I was first informed of this. As Minister for Aboriginal Affairs, and regularly visiting for a range of reasons the APY lands and taking a very keen interest in the health of Aboriginal people across South Australia, I had asked to be kept informed. I have been informed that there have been cases of TB reported in the APY lands in communities, and I understand that SA Health has undertaken steps to work with the community to manage the TB outbreak.

I know that the health department is working to ensure that a culturally appropriate response is undertaken and work is done with community, particularly with, as I think the member outlined, Nganampa Health, who are the local health providers that are commonwealth funded across the APY lands. I think they have six clinics in all the major communities across the APY lands.

I am aware, from questions asked since I first became aware of this, and I have liaised with my colleague the Minister for Health, that there has been a collaboration between SA Tuberculosis Services, the Communicable Disease Control Branch, the COVID planning and response branch—which obviously has some well built up and developed skills in responding to health issues—and SA Health's corporate team. We are also, as the honourable member outlined, working with Nganampa Health to ensure that they are in the best possible way working culturally appropriately with local communities to manage this outbreak.

APY LANDS TUBERCULOSIS OUTBREAK

The Hon. H.M. GIROLAMO (15:11): Supplementary: I have questions around what sort of briefings you have been given from SA Health and the frequency—

The PRESIDENT: Just ask your supplementary question.

The Hon. H.M. GIROLAMO: —in regard to what briefings SA Health has provided to you and the frequency of those briefings, and also what the case numbers are currently sitting at and if it is likely to continue to spread.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:11): I thank the honourable member for her question. Again, if it is significantly at variance from what I can recall off the top of my head, I will bring back a clarification. I have received two to three written briefings, starting in early February, in relation to this matter. I think the last time I was informed there were somewhere in the order of 20 cases, and of course further community screenings are happening in communities across the APY lands.

APY LANDS TUBERCULOSIS OUTBREAK

The Hon. H.M. GIROLAMO (15:12): Supplementary: has the original cause of the outbreak been noted and, given the severity of the disease, what other measures have been put in place to make sure that people in the APY lands are protected?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for her question. Not that I am aware of, but if that patient zero or original cause has been identified I am happy to bring back a response. As I have said, I know that SA Health is working with Nganampa Health Council to do screenings in communities where this has been detected.

FIRST NATIONS VOICE TO PARLIAMENT

The Hon. T.T. NGO (15:12): My question is to the Minister for Aboriginal Affairs. Will the minister tell the council about the launch of the 'yes' campaign for a Voice to the federal parliament held in Adelaide on 23 February?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:13): Yes. I thank the honourable member for his important question. It intersects with the work that is happening in South Australia and that this parliament is contemplating in relation to the Voice. It was a privilege to attend the official launch of the 'yes' campaign for the referendum on an Indigenous Voice to our federal parliament. It was after the Thursday of our last sitting week, and the national launch was held in Tandanya National Aboriginal Cultural Institute right here in Adelaide.

It was part of a national week of action, where workshops were held in the two days leading up to the official launch in Adelaide on Thursday. I understand that workshops were held in other locations across Australia and provided an opportunity for attendees to talk about the actions that might be taken in relation to progressing the referendum that will be held later this year.

On the day of the launch, hundreds of supporters and advocates braved the very hot weather and were welcomed into Tandanya with a moving smoking ceremony from Uncle Moogy Sumner prior to the formalities. It certainly was very positive to see so many different people from so many walks of life come together for the common cause in relation to a Voice to Parliament and the upcoming federal referendum.

It was a good opportunity for myself and other members of this chamber to speak with community members, supporters and advocates, having an optimistic outlook in the months ahead in relation to a federal referendum. Importantly, this was a community event. A number of speakers commented on the fact that the national debate on Aboriginal affairs in general, and for almost a decade on constitutional recognition, has spent too long being discussed in Canberra and not in other places around Australia, so to have the federal launch in Adelaide was an important event.

There were many speakers who had very inspiring messages, including Philip Saunders, Acting Chief Executive of Tandanya; the Commissioner for First Nations Voice South Australia, Dale Agius; Rachel Perkins, who, on top of being a renowned Australian film and television director, is the co-chair of Australians for Indigenous Constitutional Recognition; and Dean Parkin, Director of the From the Heart campaign.

It was certainly a night, for those in attendance, that gave cause for optimism about the referendum due to be held later this year for a federal Aboriginal and Torres Strait Islander Voice to Parliament.

SA COURTS SYSTEM DELAYS

The Hon. F. PANGALLO (15:15): I seek leave to make a brief explanation before asking a question of the Attorney-General about court delays.

Leave granted.

The Hon. F. PANGALLO: As has been reported, the Chief Justice has granted bail to a man on remand facing serious charges of domestic violence and sexual assault. His timing could not be worse—tomorrow is International Women's Day. According to the Chief Justice, he had little choice because there would be a long delay (up to a year) before the matter could go to trial. It appears there is a logjam of criminal and civil cases waiting to be heard. As the saying goes, justice delayed is justice denied, particularly for victims of crime. My question to the Attorney-General is:

1. What does he intend to do to fix it?
2. Have either the Chief Justice or the Courts Administration Authority previously asked for additional funding and resourcing to address the worrying situation in our courts?
3. Are delays also the result of police and the DPP being unable to prepare their briefs for matters because of delays and lack of resourcing at the Forensic Science SA centre?

4. Can the Attorney-General provide the number of cases currently before the courts where trials cannot start for at least 12 months or more?

5. Because of the Chief Justice's astonishing decision, is it likely there will be more applications for bail resulting in more dangerous offenders being released into the community and causing fear amongst their victims?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): I thank the honourable member for his question and for his longstanding and very well-known interest in our justice system, particularly in advocating for victims of crime. In relation to court processes and how long things take to go to trial, I will have to take on notice the specific question about, I think, the number of criminal cases there might be that have not started after 12 months.

There are regular statistics published from year to year regarding where South Australia sits in a national comparison, and it certainly goes up and down depending on what jurisdiction it is, what level of court it is, whether it is criminal or civil. However, if I can bring back a response in relation to that specific question I certainly will.

There are matters that take longer to get to trial than other matters; often the complexity of the case or the number of witnesses can influence that. During COVID there were certainly longer delays and backlogs in terms of what the courts were able to do, and from time to time there are complex cases or complex sets of cases that necessitate extra resources and funding.

I have spoken here before about extra resources, and I think to date, over the last budget and Mid-Year Budget Review, there has been somewhere in the order of \$22 million of extra resourcing provided to the justice system in relation to the Ironside cases that have come about in relation to the Anon encrypted messaging service, which have seen a lot of investigations and prosecutions starting in South Australia.

Certainly, where there has been an increase in demand, such as the Ironside cases, it is something the government is alive to and something to which the government has provided extra resources. We will continue to look at that and see what can or needs to be provided. Certainly, in relation to the specific matter that the honourable member has referred to in relation to the granting of bail, it is something that I have asked for a briefing on to see what the exact reasoning of the court is and if we need to make any further changes.

SA COURTS SYSTEM DELAYS

The Hon. R.A. SIMMS (15:19): Supplementary: what support is the government providing to victims who are impacted by these court delays?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20): I thank the honourable member for his important question. Probably the most important question in the criminal justice system is what support victims are provided, and it is certainly something that I will be liaising with our Commissioner for Victims' Rights about to see what level of support can be provided, particularly in cases like this.

SA COURTS SYSTEM DELAYS

The Hon. R.A. SIMMS (15:20): Supplementary: is the minister not aware of the level of support provided and, if he's not aware, why hasn't he asked?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20): I thank the honourable member for his question. There is extensive support provided, particularly through the excellent work that the victims' rights commissioner does in relation to victims of crime. So in relation to this particular case that was reported on yesterday, I will bring back specific details, if I have them for the honourable member.

The PRESIDENT: The Hon. Mr Pangallo, you have a supplementary question?

SA COURTS SYSTEM DELAYS

The Hon. F. PANGALLO (15:20): Actually, it is the last question I asked, which hasn't been answered. Does the Attorney-General have concerns that there will now be more applications for bail resulting in more dangerous offenders being released into the community?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I thank the honourable member for his question and I think I part answered it but certainly I have asked for some advice and a briefing on the reasoning that was used in the granting of this bail to see if there are any further changes that need to be made.

SA COURTS SYSTEM DELAYS

The Hon. D.G.E. HOOD (15:21): Supplementary arising out of the original answer where the Attorney mentioned the substantial delays in the court system: is the Attorney aware of substantial differences between individual judicial officers in delays that occur?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I thank the honourable member for his question. No, I am not aware of any substantial differences in relation to that.

The PRESIDENT: You have a supplementary question?

SA COURTS SYSTEM DELAYS

The Hon. F. PANGALLO (15:21): I will phrase it another way: is it likely that there will be bail applications now from others who have been in remand for a long time looking to be released because of delays in their trials?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21): I thank the honourable member for his question. Without having had the benefit of properly analysing and getting advice on the reasoning behind this particular case, and the particular and individual circumstances of this case, I would want to get that advice before answering, but I certainly will do that and happy to bring back a reply to the honourable member.

TIKTOK APP

The Hon. D.G.E. HOOD (15:22): I seek leave to make a brief explanation before asking a question of the Attorney-General regarding the use of the TikTok app on government devices.

Leave granted.

The Hon. D.G.E. HOOD: Due to national security concerns, the social media app TikTok has been banned on work-related devices in some 25 Australian government departments including the Department of the Prime Minister and Cabinet and the Department of Foreign Affairs and Trade, and a further 12 departments have implemented a partial ban for use of the app on such devices, with the Senate Select Committee on Foreign Interference through Social Media calling for clear and consistent bans across government.

This follows the European parliament, the European union council, the European Commission banning use of the app on official devices, with similar measures being taken by the United States Congress, the United States federal government and over half of America's state governments. Canada has also banned the app from government devices. Despite these bans, and the risk of intelligence potentially being provided to the Communist Party of China, I note a number of state government ministers here in South Australia still have TikTok accounts. My questions to the Attorney-General are:

1. Is he aware of any ministers or state government officials that use the TikTok app and do they have them installed on their government-supplied devices?
2. Has the state government been briefed on the potential national security risk or state security risk of TikTok being installed on government devices?

3. Is the state government planning to ban TikTok or remove it from state government installed devices?

4. What is the Attorney-General's view on the potential risk of this app to our state's security?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:23): I thank the honourable member for his question and his ongoing interest in cybersecurity and making sure South Australia is kept as safe as possible. I know there is a part within the Department of the Premier and Cabinet that looks into cybersecurity and digital defence-type issues. I am not aware of which members of parliament or the executive have various different applications installed on their sorts of devices, but certainly I will refer his questions to the Premier and to be considered by that part of the Department of the Premier and Cabinet that deals with these matters.

Of course, when it comes to security-type issues there are some things that can be answered and some that can't, but to the extent that there is an ability to answer those I will see what can be provided back for the honourable member.

TIKTOK APP

The Hon. T.A. FRANKS (15:24): Supplementary: is the Attorney-General aware of which shadow ministers have TikTok accounts and regularly post?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:25): I thank the honourable member for her question and I am afraid I am not aware of which shadow ministers use TikTok accounts and whether or not they are on personal or government-supplied devices or not, I'm afraid.

WILD DOG MANAGEMENT

The Hon. J.E. HANSON (15:25): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber about the recently announced funding boost to wild dog management in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:25): I thank the honourable member for his question. I am delighted to update members about this landmark deal for wild dog management in South Australia.

I recently had the opportunity to attend a meeting of the South Australian Wild Dog Advisory Group to announce that the Malinauskas Labor government had signed an agreement with Meat and Livestock Australia, which will see an additional \$2.9 million invested in wild dog management in the state. Investment in this program is on top of existing investments which deliver the Trapper Program and the BiteBack Program, which is run by the Arid Lands Landscape Board.

Wild dogs across the state have significant impacts in the agricultural sector. Just five years ago, wild dogs were impacting livestock producers where every year 20,000 sheep were killed, resulting in lost profits of upwards of \$4 million. Aside from the financial losses that our regional communities were experiencing, confidence in the sector decreased.

As a result of the agreement that has been secured, producers will benefit from the trialling of novel technologies and strategies, demonstration of best practice wild dog management and additional significant training and capacity building across a range of topics, including predator control and livestock production.

I am advised that this is the first project that Meat and Livestock Australia has funded that focuses on large-scale producer-led activities, including wild dog management. This will complement existing activities that are already being actively used across regional South Australia. As members would be aware, the state government is committed to delivering a 10-year program to eradicate wild dogs inside the dog fence and I acknowledge that this has enjoyed bipartisan support.

This additional funding is further evidence of the state government's commitment and is on top of the current \$25 million investment in wild dog management, which includes rebuilding 1,600 kilometres of the dog fence, with more than 750 kilometres rebuilt since 2019; expanded

ground and aerial baiting programs; and the trapper program that has removed over 730 wild dogs from sheep country since 2018. Because of this work, South Australia is leading the nation in wild dog control and this government will continue to ensure we lead the way in wild dog management to ensure we achieve the aim of eradicating all wild dogs inside the dog fence within the 10-year program.

I would like to use this opportunity to specifically thank the chair of the SA Wild Dog Advisory Group, Graham Gunn; Chair of the Dog Fence Board, Geoff Power; David Beatty from Meat and Livestock Australia; Gillian Fennell, board member of Livestock SA; Ian Rowett from the Sheep Industry Fund Board; Ian Evans from Australian Wool Innovation; and Greg Misfurd, National Wild Dog Management Coordinator, for updating me on wild dog management at their recent advisory committee meeting.

I look forward to having the opportunity in the near future to join some of them in inspecting some of the important work being done to eradicate wild dogs inside the dog fence in our state and to see firsthand the benefits of this recently announced funding.

RENT BIDDING

The Hon. R.A. SIMMS (15:28): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Consumer and Business Affairs on the topic of renters rights.

Leave granted.

The Hon. R.A. SIMMS: Last month, the Malinauskas government announced their plan to introduce legislation to ban the practice of rent bidding; that is, a practice whereby tenants are encouraged to bid higher than rent offered by other tenants in order to secure a home. According to a story in *The Advertiser* published on 15 February this year, under the proposed legislation:

Landlords will still be allowed to accept offers above the listed rental price if they are made unsolicited and without encouragement.

Four days later, SBS online published a story that considered the effects of similar bans in other jurisdictions. The article stated that in New South Wales some prospective tenants are still offering more than the asking price, as well as offering to pay rent in advance—sometimes as much as a full year in advance. My question to the Attorney-General therefore is: given that so many South Australians are struggling with housing stress at the moment, is he concerned that the government's bill may not achieve its stated objective of actually banning the practice of rent bidding?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:30): I thank the honourable member for his question. I will forward that on to the minister to whom he referred, the Minister for Consumer and Business Affairs in the other place, and bring back a reply for him.

The Hon. R.A. SIMMS: Supplementary.

The PRESIDENT: It will be interesting, given the answer, but the Hon. Mr Simms is going to attempt a supplementary.

RENT BIDDING

The Hon. R.A. SIMMS (15:30): Is the minister, in his capacity as Leader of the Government in this house, concerned that the government's legislation may not achieve what it sets out to do?

The PRESIDENT: It's not really a supplementary question, the Hon. Mr Simms, but the Attorney can answer if he wishes. The Hon. Mrs Henderson has the call.

NOVITA

The Hon. L.A. HENDERSON (15:30): My question is to the Assistant Minister for Autism on Novita. Have there been any changes or forecast changes to the funding given to Novita since the 2022 election and change of government? Will the rollout of your autism wellbeing and inclusion program impact on Novita's funding and program delivery services?

The Hon. E.S. BOURKE (15:31): I thank the honourable member for her question. I will have to take that on notice. It is a very open-ended question. I believe there are about 15 government departments, and I can't say off the top of my head how many agencies. If you would like to narrow it down into particular areas with regard to funding, I am happy to do that to speed up the process, but it will take some time with such an open-ended question.

With regard to what we are doing with autism, I believe we have nation-leading policies in South Australia, something that I am very proud of, not only as a Labor member but as a South Australian. We can lead the nation.

The Hon. I.K. Hunter interjecting:

The Hon. E.S. BOURKE: I am very, very proud, thank you, the Hon. Ian Hunter, because we are doing something that has never been done before.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! Interjections are out of order, even from your own cheer group.

The Hon. E.S. BOURKE: I appreciate that honourable members opposite are very focused on our stakeholders, as am I. I am working very closely with our stakeholders and also with the autistic and autism communities. I appreciate the effort and support they have put in to make sure that this policy can also be successful.

When we work together we can achieve amazing things, as we do on this side of the chamber. We have already seen in a really short period of time, since the creation of my role, a rollout of what I believe to be the nation-leading sized network of autism inclusion teachers. I also believe we have been able to deliver for the very first time an office for autism in South Australia.

Members interjecting:

The PRESIDENT: Order!

The Hon. E.S. BOURKE: I know those opposite don't want to hear about what we are actually achieving in this space. They would prefer to make politics of it, but I would be more than happy to talk about the incredible achievements we are making to support the autistic and autism communities.

Bills

LOCAL GOVERNMENT (CASUAL VACANCIES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 February 2023.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:33): I rise today to speak in support of the Local Government (Casual Vacancies) Amendment Bill 2023. In what has been a roller-coaster ride of uncertainties and trying times for several of our council members around our state, I am glad these amendments have passed through the other place, and commend the member for Flinders for his efforts and swift actions in ensuring that this issue is resolved.

Whilst technological innovation has seen drastic changes to the methods of our processes and procedures of government, this scenario that unfolded has unfortunately highlighted the detrimental effects of over-reliance on our technology. It is my understanding that the Electoral Commission encouraged the use of technology to lodge campaign returns.

In the case of the online portals used for the Electoral Commission of South Australia, it would be a miracle to assume that all council members would have no issues in lodging their papers. We are all human and, after all, many communities, especially those communities in our regions, will always suffer from setbacks, such as poor internet and delayed Australian postage.

However, the manner in which the government responded to the situation was nothing short of appalling because this issue had been raised with the Electoral Commission several times; in fact,

as the member for Flinders highlighted in the other place, council members had been having issues with lodging their paperwork before the election when nominations were due. One would only assume, if an issue this significant had occurred, the Minister for Local Government, the Attorney-General and the Electoral Commission would work together to ensure that this situation did not happen again.

Instead, the issues of the online portal used by the Electoral Commission were neglected, meaning council members were left scrambling, ultimately resorting to alternative sources of sending their campaign returns forms back. When hearing and analysing the time lines and the lack of correspondence between the Minister for Local Government, the Attorney-General and the Electoral Commission, I must say I was very disappointed. Given the minister's and the Attorney-General's responsibility to the Electoral Commission, I struggle to understand how not one of the pair decided to use their initiative to seek out answers.

Our elections are the primary function of the Electoral Commission of South Australia. It should not have taken a month to start communicating and corresponding with our council members to warn them that their papers were overdue. That period of a month, I may add, was the only time frame before council members lost their positions. This process has failed miserably and we need answers to ensure that this situation does not happen again.

I certainly welcome this legislative change. It really is the only appropriate way to help out the 36 communities and 45 council members who have essentially been left in the dark with the future of their position. However, I hope that the Minister for Local Government and the Attorney-General can also take a lesson out of their mistakes from this situation. I completely support transparency in our democratic process, but when our processes fail, the relevant minister must act accordingly. It is not unreasonable to ask that they effectively manage their responsibilities.

We in this house and in the other place need to look out for our council members as much as possible. They are the good Samaritans who put in a great deal of effort, often working extensive hours in serving our communities. It is important to remember that these council members campaign for their local communities to assist, develop and support change. They do not reap many financial benefits. I certainly wish all 36 communities and 45 council members the best with their terms and hope this legislative change can in some way make up for the stress and angst caused.

The Hon. R.A. SIMMS (15:38): I rise to speak in favour of the Local Government (Casual Vacancies) Amendment Bill on behalf the Greens and to indicate that we will be supporting the bill. I listened closely to the speech by the Leader of the Opposition in relation to the bill. It seems that there might be lessons to be learned by both sides of politics because I remember, when I first came into this parliament back in May 2021, one of the first matters that I dealt with at that time was the local government amendment bill. That reform piece had been knocking around for some time.

I know that a number of groups had been advocating for the bill to be advanced quickly because there was concern that we were heading into an election. What has happened, of course, is because the bill was dealt with quite quickly and quite close to the election, there were some unintended consequences. I am not seeking to make a partisan point; I am just pointing out that there have been some areas here on both sides of politics in terms of how the issue has been dealt with.

As I indicated, the Greens are supportive of this bill. After 45 local government council members lost their positions for failure to lodge their campaign donation return on time, we are pleased to see that the government has intervened. The bill is a simple one. It provides for a 10-day extension to those affected council members while ensuring decisions made by those councils since the election remain valid.

One of the four pillars that underpin the Greens political party is participatory democracy. We believe that real progress comes when enough people believe it is possible to make a difference and to do something about it. Of course, local government is often the most accessible level of government for people to participate in. Many people who run the council elections are new to the processes involved in public office and run without the support of political party machines. Indeed, this particular form was a new requirement brought in as part of the recent local government reforms.

I want to make it very clear that the Greens support requiring disclosure of campaign donations of this kind. Indeed, it was a Greens amendment that was made to the bill that required the disclosure of campaign donations prior to the campaign proper, as well. We certainly would not be supporting any moves to water down that requirement or to make it easier for council members to not disclose their donations, but we do recognise that something has gone awry in this instance and it needs to be amended.

There has been some commentary in the media about whether or not the information provided by the Electoral Commission was clear and whether or not the ECSA website was functionally effectively. I will not speculate on that. That is a matter for the minister to investigate and a matter that should be looked at as part of the broader investigation into what has happened here.

When 45 people make a minor administrative error it is possible that something has gone wrong. It is also vital, when we are considering this piece of legislation, that we consider the democratic principle; that is, the electors should get the council that they voted for. I am reminded of my days in the Senate when we saw the fiasco that unfolded a few years after regarding citizenship, when members of that place had failed to comply with what was quite a minor administrative decision and, as a result, we saw their electors being disenfranchised, and members who had not been democratically elected being elevated to that chamber on the basis of a minor administrative error.

I submit to you, Mr President, that if we were to allow the status quo to stand—that is, if this parliament was not to intervene and 45 councillors were to lose their positions—then I am concerned that those communities are going to be disenfranchised, and that is not a good thing for our democracy. While ECSA is already conducting 10 supplementary elections for positions that remain unfilled, we do need to, if we can, avoid the prospect of additional by-elections in affected council areas.

Whilst I notice that in some areas there may potentially be a countback mechanism, again, that is not quite the same as the communities getting the member that they voted for just a few months earlier. Not only is it preferable to avoid the cost of more by-elections, it is also vital that affected councils can continue their core business of serving their communities. Residents of local council areas deserve to have effective and functioning councils and so this extension will achieve that.

The Greens look forward to the results of the reviews being undertaken by the minister and the Electoral Commission to see whether there are any options for improving the Local Government Act. Indeed, I have indicated previously that I think there are things that could be done. I know the Hon. Mr Pangallo has mooted a number of changes as well that I think have merit. We are certainly keen to see what happens as part of this review and have a more fulsome discussion of those matters when they come before the parliament in due course. With that, I will conclude my remarks.

The Hon. F. PANGALLO (15:44): I rise to speak on the Local Government (Casual Vacancies) Amendment Bill, which seeks to amend the Local Government Act to fix a mess created by elected councillors and mayors who failed to lodge campaign donation returns on time. The aim of this bill, as the local government minister reassures us, is to avoid burdening taxpayers with hefty costs in any supplementary elections, estimated to vary between \$8,000 and \$40,000, and there could be as many as 45.

It is obvious from the support of Labor and the Liberals that this amendment will go through this chamber, as it did without much debate in the House of Assembly. Ordinarily, I would oppose this legislation, particularly given the retrospective nature of these changes. It is classic backside covering for the tardiness and sloppiness of the four dozen or so candidates who failed to abide by the law.

I cannot understand the haste here. Why should the SACAT not hear the 30 or so appeals and make a determination rather than having legislation rushed through to circumvent the proper process that was agreed to by parliament? I suspect it is because the government has received Crown opinion, a question I intend putting to the government in the committee stage.

Here is another question: I am uncertain about the backgrounds of all the councillors and mayors affected, but I would certainly like to know what their political affiliations are. It would not

surprise me that a considerable number would be aligned to either the Labor or Liberal parties. Cynicism aside, the changes made in this place were very precise to any prospective candidate at the last local government elections.

When previously a single return had to go to the council CEO, now they are required to complete two either on online portals provided to every candidate or other means. These changes were strongly endorsed by the Local Government Association itself. You do not expect me to believe that some of these candidates had little or no knowledge of their obligations at the time they contemplated running and nominating. Understanding those obligations does not require that much brainpower or effort to ensure compliance.

Of the 1,258 candidates who stood, 45 messed up for one reason or another. Those contemplating running for office, whether in local, state or federal government, must surely need to do their due diligence about what is required. They cannot blame the Electoral Commission for not being aware or blaming frustration for not being able to lodge their declarations online, because the commissioner says he did what was required of them, and more.

I have heard much commentary in the media about this situation and the blame game is being aimed squarely at the Electoral Commissioner, who had responsibility for these declarations for the first time. It seems quite convenient to throw the Electoral Commissioner, Mick Sherry, and his team under the bus, as the member for Flinders, a former regional mayor and president of the LGA, did in his spray at Minister Brock. I have a question or two for him: how many candidates caught up in the fiasco are known to him or his party? Does he know the circumstances behind each of those failed candidates?

While I have been informed about one situation where a councillor took photographic evidence for proof of his lodgement at the Electoral Commission office, and which could not be found afterwards by commission staff, I will not go boots and all at Mr Sherry and his team, as some have done.

The year 2022 was a challenging year for the Electoral Commission. They have been frustrated because of parliament's failure to pass legislation to make voting smoother amid the uncertainty of a pandemic. They had to prepare for the March state election, requiring the recruiting of many thousands to work at polling centres and counting ballots. Then, the May federal election, and, lastly, the local government elections in November. Voting fatigue plagued voters in South Australia, and I am hoping that this can be overcome in any review of the election process, for both local and state government, and I will add some of my perceptions shortly.

Back to Mr Sherry and his exasperation from the fallout. While acknowledging that candidates may have held other jobs that distracted their attention from legislated detail, he made some salient observations on ABC morning and afternoon radio last month. Allow me to refer to some of his comments. I quote from 13 February:

The Commission puts extensive effort into ensuring candidates are aware and assist them with the whole election process and there is a variety of different ways in which we do that, but ultimately it comes back to the candidates have to be aware of their legislative obligations.

To which interviewer David Bevan crudely put to him:

And you are saying there is no way that anybody with half a brain who is standing for council did not know their obligations, they all should have known?

In other words, ignorance of the law is not, and should not be used as, a card to get you out of a predicament. Mr Sherry then went on to explain what the Electoral Commission did to ensure there was compliance, and it was extensive. Here is a quote from Mr Sherry:

I will just give you some examples of that, we provide a comprehensive candidate handbook that is not in legalistic terms it is very, very straightforward, and easy to understand and that contains the requirements to lodge donation returns. We also do numerous candidate briefing sessions both in person, they are recorded and via webinars that we invite anyone to participate in.

He then went on:

We sent letters to all of the people; it was not just the 45—they are the ones that we are left with after this cut-off date. There was quite a lot more that had not lodged getting closer to that time that we were corresponding with.

On another ABC program that day, Mr Sherry said:

Candidates have a whole range of different options available to them. They can walk in here and provide it to us, they can send it through the post if they have time. Some have just emailed it and sent it in to us. There have been others that have taken a photo on their phone, sent it in to us, and we have uploaded it on their behalf. So many ways of which they can lodge their return.

If you nominate for the council elections, we send you a letter advising that the nomination has been received...and highlighting your requirement now to lodge two returns.

Mr Sherry pointed out that even at the end of the election they send out not one but two follow-up emails. SACAT would and should be able to decide on the bona fides of each appeal that has been lodged.

This brings me to the urgent amendments that now need to be made to local government elections. It needs to be a priority for the minister, who is extremely knowledgeable about the workings of local government given his years of distinguished service in that sector. I understand the minister and the LGA have begun a review and there will be more discussions with the sector in months to come about changes that need to be implemented.

I cannot emphasise more the importance of professionalising the local government sector. The days of infrequent town hall meetings presided by well-meaning retirees and volunteer councillors is long gone; the governance of councils must now reflect community expectations. Local government in Greater Adelaide and in some regions is big business, dealing in multimillion-dollar budgets and complex issues like infrastructure, planning and development.

In recent years, and with the onset of the digital age which gives individuals instant reach to a horde of readers on social media platforms, we are witnessing the rise of local government activism, with voices representing a multitude of interests and political viewpoints. Some wackos have managed to get themselves elected with a modicum of votes on dangerous platforms.

Of course, this is democracy at work, but for democracy to work effectively at any level people with voting rights must exercise them. There is no point in whining about a vocal minority trying to derail progressive action when the silent majority fail to express their view where it really counts—in the ballot box.

A key reform area for me is the election process, and I will briefly outline the ideas I will be advocating in any review. I have already made them to the LGA, the minister's office, and many local government officials I have consulted with. First on the list is eligibility to vote. It must conform to the requirements mandated in state and federal elections, and that is that you must be an Australian citizen. I have raised this previously and my amendment was defeated during the debate of the local government reform bill.

During the debate I raised concerning issues that have since materialised, like ballot fraud and national security fears over foreign influence infiltrating all levels of government, but especially local government. ASIO has issued warnings and, not long after I asked the Attorney-General whether any suspected spies had been exposed in this state, there was publicity about a staff member at Marion council being forced out of the country by our agency itself.

I simply cannot comprehend why foreign students, many from China and without any skin in the game in this state or city, are given the right to vote on supplementary roles in City of Adelaide elections if they can show they have resided here for a minimum of 30 days. I cannot find any other country in the democratic world that has such a lax attitude to non-residents and voting rights.

As has been reported by the Electoral Commissioner himself, there were worrying instances of fraud detected through the manipulation of postal ballots involving international students. I raise this red flag: postal voting, as it operates now, needs to be scrapped. We need to go back to the drawing board with the voting process.

I will again push for mandatory voting, because it is vital to significantly lift the participation rate from its current moribund state of around 30 per cent turnout. Places where it is mandatory have

seen participation rates of 85 per cent or more. There needs to be early voting at designated civic polling centres and a designated polling day where ratepayers can cast votes, as we have in state and federal elections. The voting rights of property owners or business owners in council areas need to be restored.

Do we look at a trial of electronic voting (although this does have risks)? For transparency, council meetings must be recorded and streamed live for the benefit of ratepayers unable to attend. There must be mandatory training models for prospective candidates before they nominate, as happens in Victoria. If we had that we may have avoided the chaos and the mess we are having to deal with today.

Then, there is the probity of nominees, candidates and elected officials themselves. I will be pushing that they are required to provide police clearances before being declared eligible to stand. Right now we would not have a clue whether there are elected council representatives or candidates who have criminal records or any criminal action pending.

There is a lot of work ahead for Minister Brock, but he has the opportunity to modernise and professionalise a very important tier of government. Thank you.

The Hon. R.B. MARTIN (15:58): Today, I rise to speak in favour of the Local Government (Casual Vacancies) Amendment Bill 2023. This bill deals with the situation that has arisen where vacancies have been created for a significant number of council member positions due to those members' failure to lodge their campaign donations returns within the statutory deadline.

The bill proposes to amend section 54 of the Local Government Act to retrospectively disapply the provisions that automatically make a member's position vacant when they have not lodged their return within one month of the statutory deadline for doing so. This deadline is 30 days after the conclusion of the election.

The bill will, in effect, deem the vacancies to have not occurred. This will provide a simple solution that would otherwise have an unacceptable impact on councils' communities through additional costs that may occur through supplementary elections or delays in important council business.

It is important to note that the bill does not remove the obligation for all candidates to manage their campaign donations and to furnish returns so that their communities can see what they have received. The bill also puts in place measures to make sure that acts and decisions by any council members and their councils caught up in this disclosure matter are not invalid due to this change. Transparency is vitally important in elections and candidates should be obliged to put in returns, even if they are returns that show no money has been received by the candidate. However, the obligation to submit a return should not be overly burdensome. A robust and commonsense system is required.

In the last sitting week, I spoke on a matter of interest and praised the work of the Electoral Commission of South Australia. They are diligent, careful and their integrity is unquestionable. However, like all of us, they are not infallible. I have been told by affected council members of difficulties with submitting forms, of differing advice from ECSA officials, of challenges with the online platform, and the subsequent inability to lodge returns in person. While the overwhelming evidence is that the system worked for almost every candidate in the local government elections, I think it is fair to ask questions of the system in place to take returns.

I have personal experience with lodging returns with the Electoral Commissioner of South Australia and I have on rare occasions had similar issues with broken technology and inconsistent advice. Fortunately, I was able to overcome any technical difficulties and had a positive relationship with ECSA which allowed returns to ultimately be submitted on time, but for a first-time candidate caught up in this problem, I do have some sympathy.

This bill is a commonsense solution to the disclosure problem and it is supported by the Local Government Association. It will save the South Australian population what could be hundreds of thousands of dollars in unnecessary by-elections, and it ensures the integrity of any decisions made by candidates and councils caught up in this mess. I commend the bill.

The Hon. J.E. HANSON (16:01): Contrary to some of the debate which has been put, particularly by the Hon. Mr Pangallo, I think this bill needs to be seen as very much an extraordinary measure. I do not think that it is really seeking to cover anything. In fact, contrary to that rather strange proposition, I think this bill makes very clear that we are baring all. If you want to know how many people were politically affiliated in the last council elections, you can look that up. In fact, as referred to by some political operatives in the federal sphere, you can just Google it. It is actually not even hard, so I find it really odd to say that in some way we are covering up.

What this bill proposes to do is amend section 54 of the Local Government Act and it allows us to retrospectively disapply—I am not sure that that is a word but it does achieve that aim—the provisions that automatically normally would apply from that section. So it will not surprise many here, other than perhaps the Hon. Mr Pangallo, to know that normally we do not do this. This measure is applied, my understanding is, 'sparingly' would be a word generously used; I think a more appropriate word would be 'once'. We have done this once. I will get to that later on.

So what does all this mean? Newly elected members who failed to submit themselves to be in line with their statutory requirements are not immediately declared vacant from their position. That is what we are trying to do. It is important that they did meet this statutory requirement because it concerns the management of campaign donations, so it is actually pretty important that they meet this statutory requirement but we are waiving it here.

So what actually happened? What did they do? I think it is important, given the debate that has been put and, indeed, our committee stage, that we spend a bit of time talking about this for those avid readers of *Hansard*. A significant number of local government elected members were unable to provide campaign donation return information to the Electoral Commissioner within the time period required. It is worth noting at this time that there were recent changes to the act in this respect in regard to local government elections.

The Local Government (Elections) Act was amended after we had the last election. So after the last election, when we used to do things the same way every single time, we made a change, and that occurred in 2021. This change changed, of course, as change does, the reporting requirement from one of reporting to the CEO of the council to instead reporting directly to the Electoral Commissioner through the ECSA. This is the first election, as I have said, where this change has come into effect.

There are certain new duties which are also incumbent upon ECSA to remind candidates and elected members of their duties and this was the first time that ECSA was doing that too. So for the Electoral Commission, it was the first run for them; and for candidates, it was the first run for them. I am reliably informed by the Hon. Mr Pangallo that there were 1,258 candidates and I think only about 90 of them failed to meet the requirements.

The fact is that this change, while necessary to relieve operational cost to individual councils, has created a level of chaos, because instead of reporting it to your CEO and every single council having lots of feedback that they need to get and the council CEO then forwarding to it on to Electoral Commission SA, we just send it straight to ECSA.

That creates, of course, an interesting thing. If you can imagine, if there are 1,258 candidates and there is only one Electoral Commissioner—as was pointed out by the Hon. Mr Martin, there were quite a few elections run last year and, indeed, I think the Hon. Mr Pangallo conceded that—it is possible that receiving 1,258 emails or more, if you are a particularly concerned candidate, might be a lot. That might be a bit of a load and if it is the first time that you have ever done it, I wonder how the chaos ensued.

While upwards of 40 councillors failed to submit their forms to the Electoral Commission, it is well worth noting at that point that with 68 councils across our state and with I think an average of around 10 members on each council, we are talking about an amount of about 5 per cent of local government elected councillors failing to meet the requirement—5 per cent, or probably a little bit less than that.

If then we add the candidates or those who were not elected—I am informed there were about 50 more of them—who failed to complete the form, it would result still in only about 5 per cent

of the overall number of candidates who often run in council elections failing to submit this form. I would say 5 per cent seems pretty consistent with trialling a new system, with trying to get someone to do a new thing and with having a bureaucracy receive that new thing. I think about one in 20 really is not inconsistent with that.

What can we take away from all this? What do we have to learn? The vast majority of those who ran and were elected in local government have done the right thing: 95 per cent did the right thing. They have met the requirements of the act. They have completed their paperwork. The councils assisted them. ECSA assisted them. Everybody did the right thing 95 per cent of the time.

I am reliably informed that there were many applications to SACAT—the South Australian Civil and Administrative Tribunal—for restoration to office. Even for those 5 per cent, we are looking at maybe one in 20 of them not getting their email in. As the Hon. Ms Centofanti pointed out, sometimes that can be difficult if you are in a regional area or the dog ate their homework.

I am really not sure, but I think it is entirely possible that one in 20 people might also get a restoration to office because something went wrong, which goes in line with exactly why SACAT would reinstate them, because it is in circumstances beyond their control. Contrary to the Hon. Mr Pangallo's assertions, the returns that we got back are actually pretty impressive, given the reality that local government is just that: it is local.

There are no major parties in local government. While some may have a political allegiance of one sort or another—that certainly exists as you are entitled to do and as, indeed, you must declare—it is highly unusual to see any party structures involved. It is highly unusual to see party structures, which often do things like make sure that forms are submitted on time and in an acceptable format. As the Hon. Mr Martin pointed out, having experience in doing this makes it all much less daunting. But for someone who is doing this for the first time, submitting a form and sending it to the Electoral Commission is a pretty big deal.

To put what has occurred into perspective, in this place and the other place combined, 5 per cent of those 69 people who were elected to the two places would be less than four people. It would be about 3½ people who failed to meet the requirements. In terms of what we might do here, I do not think we would see three people out of this measure to be some sort of undue influence, for us to have some sort of massive crisis meeting about it. It would be three people failed and we need to address that.

That said, it is not simply a mathematical problem. It is all very well and good to go and look at percentages; however, it is also a logistical, democratic and economic problem. Those three things are pretty critical. We cannot minimise the impact that failing to allow this bill to pass will have on communities with respect to those three things.

The failure to submit the form has left each individual liable for a fine up to \$10,000. Previously, ECSA has prosecuted this. This is not simply a paperwork fine; this is here as very much a deterrent for candidates who fail to comply with the statutory compliance requirement around campaign donations. It is my understanding that this bill makes clear that returns must still be lodged so that candidates in the election who did not return their campaign donations may actually still be liable for some sort of penalty. It is not as if there are literally no consequences here, which may also be why so many people got their applications into SACAT.

While this suggests there is a certain penalty in place for failing to do something, which I think we all regard as pretty important, it does provide deterrence, but it failed here. Without speculating at length as to why, it underlines the extraordinary nature of the need for this bill, or at the very least underlines that there cannot be serious consideration that there was some sort of mass intent behind what has occurred on behalf of any elected persons in local government or otherwise. There is no mass conspiracy with everybody going, 'You know what, I would love to incur a \$10,000 fine because I don't want to declare that some other government of some other nation has sponsored my campaign.' I really do not think that is what we are looking at here.

One in 20 people failing to do something, in the first election where that is put into place, is really consistent with a stuff-up, consistent with a new system and is not somehow some wider thing we need to look at for some international government influence. I guess what I am saying, in short,

is what occurred seems to suggest confusion, not intent. I am reliably informed that ECSA sent a reminder letter of failure to comply to many more candidates than the 40 or so who failed to submit their forms, which it is legislatively required to send, and apparently that prompted quite a few returns. Again, it goes back to the fact that there might have been confusion, not intent.

It certainly further suggests that there was confusion centred around the submission of the forms and where they were to be submitted, which is consistent with the fact that we had a legislative change around that not that long ago. This is all very likely a significant oversight, given changes previously made, and possibly because ECSA may be familiar with receiving such forms or notices only when there is a failure to comply. Obviously, the Electoral Commission are sitting there and receiving 1,258-odd emails, and they might be sifting through those on the basis that they came after the stress of doing a state and a federal election in the same year and same time period.

In an economic sense the expense of conducting or reconducting, if you will, a significant number of supplementary elections will incur a significant cost, and the cost will likely exceed any level of fine we will impose. This cost will exceed any level of fine imposed if one considers the amount of time that will doubtlessly be involved in also delaying council business to conduct the elections.

More than any of that, it is worth noting, regardless of legislative requirements, our community has cast its vote. It has cast its will in regard to elections already conducted. There is a need in my view to respect those votes as cast by the community. That has more weight, also in my view, given the voluntary nature of voting, which does occur in local government. If you wanted to cast your vote, you went out there and did it. If your candidate got elected, you will be pretty proud of that. If they subsequently submit a form and they did not receive any donations, you will be pretty proud of that and happy with that.

Furthermore, I believe, while a matter of happenstance, there were a significant number of elections which occurred last year. There cannot be any such thing, really, as too much democracy. As I am sure the Hon. Mr Simms from the Greens would agree, we do well in this place to seek to respect the matter that the opinion of many outside of this place is that they have had their say.

In my conversations with the local government sector and indeed with those who voted in local government elections, I believe this is the tenor of their expectations too. This bill will provide a quite simple solution, which will prevent the additional costs that will doubtlessly occur through supplementary elections and delays in important local government business.

All of that said, we must acknowledge there is a high importance, which must be recognised, in lodging campaign donation returns. There will be a requirement, even in the amendments on this bill, to lodge returns within 10 days of the commencement of the amendments we are going to put in place. We should not see this bill as some sort of encouragement to see the requirement to lodge returns as administrative or otherwise. Making campaign donations known and accessible is critical in transparency and accountability. It ensures, for a lot of very good reasons, a level of trust in our democracy at all levels, including when we have elections at state and federal level.

It should have been done. It should have been received by the Electoral Commission without a problem and reminders should have been effective in ensuring that that was the case. However, it is worth considering that, prior to the changes made to the act, this never happened in the history of the Local Government (Elections) Act—it never happened before—so we made changes and as a result we have to come along and amend certain things to make sure that no-one is disenfranchised by that. There is nothing suspicious about that; there is nothing more than chaos, really, at play here. I agree with the statement of the LGA president, Mayor Dean Johnson, when he said that:

While the LGA accepts that individual elected officials bear personal responsibility for complying with their campaign reporting obligations, it appears the cost and consequence of not submitting paperwork on time is utterly unreasonable.

He is correct about that: it is utterly unreasonable. Furthermore, in terms of longer term legislative change, I note that the minister responsible has made some reference to a review of all aspects of local government elections, and what has occurred here in practice will be considered as part of that.

Hopefully, we may consider what measures are best to take to make sure that we never have to do this again and it will also be simply a once-off measure for all involved and, as I am certain many members in this place look forward to with the reporting of Legislative Council returns, we can look forward to the Electoral Commissioner's review of the local government elections in addition to this review. I support the bill.

The Hon. R.P. WORTLEY (16:17): I rise to support the bill. This bill will deal with the situation that has arisen where vacancies have been created for 45 council member positions, due to those members' failure to lodge their campaign donations returns within the statutory deadline. This is important to maintain the integrity of our democratic processes and reinstall the decisions made by the people in our communities via the ballot box.

As a former elected councillor, I understand the importance of maintaining confidence in our council decision-making processes. The bill makes it clear that any decisions made by councils while these elected members were stood down are not invalid. This bill removes any uncertainty in this regard. This bill also reinforces the requirement to be transparent and makes it clear that those 45 elected members who find themselves in this position still need to provide their returns. My understanding is that the bill gives them 10 days after the act is operational to do so.

This is a straightforward, commonsense piece of legislation. It is retrospective in nature, which is usually not a good thing, but in this case it is a simple solution to circumstances that would otherwise have had an unacceptable impact on local communities through additional costs that may occur through supplementary elections or potential delays in important council business. In other words, the bill will ensure that the democratic will of our community is respected without the cost associated with supplementary elections.

We all know the costs associated with supplementary elections could be better spent on a number of other local community priorities. The old days of the three: rates, rubbish and the like, is a thing of the past. Councils are actually involved in every aspect of one's life in the community. They support local sports clubs and community centres and are involved in new developments. They are also involved in libraries, swimming pools, local traffic management and health-related services. All these issues affect our daily lives and it is much more important that money is spent in those areas.

Finally, it is also very important to emphasise that this bill does not remove the obligation for all candidates to appropriately declare their campaign donations. In regard to that, I would like to make the following points. These councillors and mayors were elected by the people of this country and given the trust to sit on councils that oversee billions of dollars of infrastructure, yet they could not fulfil a basic statutory responsibility. To me, that is very disappointing.

I know people who failed the first time they had run for election but who still got their required declarations in on time. I also know some of these councillors who did not get their forms in on time were told by other councillors, and in some cases the administration, to get their statutory obligations fulfilled. Many of them just ignored it. Hopefully, these councillors will sit and have a bit of reflection on their actions. When speaking to people in the electorate, some of them are scratching their heads wondering what on earth has happened and why these people seek to obtain such office but cannot fulfil a basic statutory obligation.

I would like to congratulate Minister Brock, Minister for Local Government, for his strong and decisive actions to circumvent the potential turmoil and expense that could have occurred in local government. I support the bill, and hopefully this exercise will ensure that future councillors will fulfil their obligations in accordance with the act.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:22): I thank honourable members who contributed, the Hon. Ms Centofanti, the Hon. Mr Simms, the Hon. Mr Pangallo, the Hon. Mr Martin, the Hon. Mr Hanson and the Hon. Mr Wortley, for their contribution on the second reading and look forward to the committee stage and having this matter resolved as effectively as possible.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: If it assists you, Chair, I have a few general questions; some are actually more of a political nature so I can start with those first for you, Attorney. My first question relates to the point that was raised by the Hon. Mr Pangallo and the Hon. Mr Wortley in their contributions around retrospectivity. I am interested if the Attorney-General is concerned that this bill may set a precedent in terms of other retrospective legislation and how he intends to manage that.

The Hon. K.J. MAHER: I thank the honourable member for his question. I certainly do not have a concern about that in relation to this bill. I think we all take each bill on its merits. What this seeks to do and in order for the effect that this bill seeks, it necessarily needs to be, but I know the hesitancy which many quite rightfully approach anything that takes us back in time effectively to regularise behaviour in the past and the hesitancy with which many of us look to those things. So, no, I do not think this creates a precedent, but it is, if we are to give the effect to this bill that is proposed, needed on this occasion.

The Hon. R.A. SIMMS: I understand the minister is planning a review of the recent council elections and the broader Local Government Act. Can the minister advise the chamber on what the process will be in terms of undertaking that review, and what mechanisms members of parliament will have to have input?

The Hon. K.J. MAHER: I am aware that the Electoral Commissioner, as is a matter of course, will do a review of the recent local government elections and processes around there, and no doubt this will likely be a part of that. I am also advised that the Minister for Local Government, through the Office of Local Government and the LGA, will also be conducting a review to run concurrently.

The Hon. R.A. SIMMS: With respect to the Attorney, I am aware of that. My question was: what mechanisms will be available to members of parliament to have input? Is the government intending to bring legislation to the parliament for us to deal with, addressing the outcome of such a review?

The Hon. K.J. MAHER: That probably would be premature for me to foreshadow, any possible legislation, but in the event that there are recommendations from one or both of the reviews that necessitate legislative change, that will be something that we will—as we are now—scrutinise at the time.

The Hon. R.A. SIMMS: Is the minister aware of how many council candidates or councillors have been excluded in the past for failure to comply with the act in terms of submitting paperwork?

The Hon. K.J. MAHER: I am advised that since the late 1990s, when the current system and the act that we have brought in prior to this election, no councillor or mayor has fallen foul of these provisions.

The Hon. F. PANGALLO: Can I ask the Attorney: why did the government not consider the countback provisions?

The Hon. K.J. MAHER: My advice is that the countback provisions may have been able to be used in some instances but certainly not in all instances, particularly mayoral elections or any elections where there was an uncontested election, so there would have been a requirement for further supplementary elections regardless.

The Hon. F. PANGALLO: Does this legislation now render the countback measures in the bill redundant?

The Hon. K.J. MAHER: My advice is no, this does not render any provisions that are currently in the Local Government Act in relation to that—it does not interfere with those going into the future. It just does what this does in relation to those candidates who did not get their forms in on time to extend the deadline for that. It does not in any way on an ongoing basis change provisions in the Local Government Act.

The Hon. F. PANGALLO: Just to answer something that the Hon. Justin Hanson raised in relation to party affiliations: I do not know the identities of these 45 councillors, they have never been made public, apart from some mayors, so I cannot look them up without having to look up 1,280. Can I ask the Attorney-General: did the government get Crown advice about the appeals to SACAT and the prospect of whether they would succeed or fail?

The Hon. K.J. MAHER: No, there is no advice that I am aware of, and I certainly have not sought advice in relation to the merits of individual appeals. That would be up to individual members who are before the SACAT. What I am aware of, and can inform the honourable member of, is as of maybe two to three weeks ago there were, I think, somewhere in the high thirties, 37 or 39 people out of the number that I understood was about 45 who had been affected by this, councillors or mayors.

Somewhere in the high thirties had lodged appeals, but I am not aware of the relative merits of each case or what the likelihood of any single member's success for a SACAT application would be, and I do not think there is probably any way the Crown could advise on such a thing before actual hearings over days and days had taken place for each of those individuals and all the evidence had been put forward and considered.

The Hon. F. PANGALLO: Just for its own benefit, did the government make inquiries of these 45-odd candidates to assess what had happened, regardless of what was going to happen at SACAT or here? Has there been a review, perhaps, by engaging with these candidates to find out what happened?

The Hon. K.J. MAHER: My advice is no, the government has not gone to individual candidates and sought to, I guess, do the things that would not necessarily be done at the SACAT, but certainly, as I foreshadowed, I suspect that a number of those candidates who have been affected by this no doubt will contribute to that review that is occurring, and I think that will be an important thing to do to understand how processes can be improved in the future.

The Hon. F. PANGALLO: When these councillors and mayors take up their positions again once this legislation is assented to, will they receive any payments that were due to them while they have been suspended?

The Hon. K.J. MAHER: My advice is that the bill clarifies that decisions and allowances for the period of suspension will apply as that is the most administratively straightforward way to deal with it.

Clause passed.

Remaining clause (2) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:32): I move:

That this bill be now read a third time.

Bill read a third time and passed.

NATIONAL GAS (SOUTH AUSTRALIA) (EAST COAST GAS SYSTEM) 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 delivering an important reform to national energy frameworks agreed by Energy Ministers on 28 October 2022, which involves amendments to the National Gas Law to extend the Australian Energy Market Operator's (AEMO) functions and powers to manage reliability and gas supply adequacy for the east coast gas market over winter 2023 and beyond.

This is in response to events experienced in the National Electricity Market and east coast gas markets in the winter of 2022 and forecasts of future risks to reliability and supply adequacy going forward. These risks are emerging with the forecast decline in southern gas reserves, increasing reliance on gas from Queensland and challenges to the reliability of coal generation as the energy market transitions.

The domestic east coast gas market has become more susceptible to external shocks. In winter 2022, impacts of the Russian invasion of Ukraine increased international demand for Australian gas (in the form of Liquefied Natural Gas). Additionally, coal generator outages and lower renewable energy generation increased domestic demand for gas powered generation. This confluence of events, amongst others, led to record high prices and multiple interventions from AEMO to address supply adequacy risks in the Victorian Declared Wholesale Gas Market (DWGM) and the Short Term Trading Markets (STTM).

The Australian Competition and Consumer Commission (ACCC) and AEMO have raised concerns that domestic gas supply adequacy has declined substantially since early 2022. AEMO's 2022 *Gas Supply and Systems Adequacy Risk report* and the ACCC's *July 2022 Gas Inquiry interim report* both highlight increased risk of peak day and seasonal gas supply shortfalls in southern states in winter 2023.

While LNG exporters have committed to offer additional uncontracted supply to the east coast market, risks to supply shortfall remain, such as unexpected maintenance or outages, production and infrastructure constraints and unexpected increases in demand.

In August 2022, Energy Ministers agreed to the accelerated development and implementation of a broad range of actions to address the significant risks of forecast gas supply shortfalls and help AEMO to manage those risks.

Unlike the National Electricity Market which has well established frameworks under which AEMO maintains reliability and supply adequacy, AEMO has limited powers and tools to identify and respond to supply-demand imbalances in the east coast gas market outside of Victoria.

The broad aim of the regulatory amendments outlined in the *National Gas (South Australia) (East Coast Gas System) Amendment Bill 2022* is to implement a framework that provides AEMO with the tools to monitor risks to supply adequacy in advance of those risks being realised, to signal those risks to the market and seek a response.

Should the market fail to respond, this Bill will give AEMO the power to manage reliability and supply adequacy threats through seeking further information, engaging the market to identify and implement actions, such as trading in gas—including related services such as procurement of pipeline services or services provided by a compression service provider or a storage provider—as well as directing participants in the market to better manage existing issues.

AEMO's ability to exercise its directions powers and trading function is limited to when AEMO is of the opinion that the giving of the direction or exercise of the trading function is necessary to prevent, reduce or mitigate an actual or potential threat identified by AEMO in the exercise of AEMO's proposed monitoring and signalling functions.

The Bill is intended to complement other initiatives by governments and industry to address forecast shortfalls in the east coast gas market. This includes the Commonwealth Government's actions to amend the Australian Domestic Gas Security Mechanism and the recent renegotiation of the Heads of Agreement. The Bill also builds on recently implemented transparency measures as seen in the- *National Gas (South Australia) (Market Transparency) Amendment Act 2022*.

More specifically, the Bill outlines AEMO's new east coast gas system reliability and supply adequacy functions, which are broadly proposed to encompass:

- Monitoring trends in supply and demand of natural gas across the east coast gas system and factors which affect, or may potentially affect, the reliability or adequacy of the supply of gas within that system;
- Identifying, communicating and publishing information about actual or potential risks or threats to reliability and adequacy of gas supply within the east coast gas system;
- Reporting to Energy Ministers on these matters;
- Giving directions and trading in gas (and associated services) to maintain and improve the reliability or adequacy of gas supply in the east coast gas system where AEMO considers it necessary to prevent, reduce or mitigate an actual or potential threat; and
- Other functions conferred on AEMO by the Rules for the purposes of the new east coast gas system reliability and supply adequacy functions.

The Bill introduces a new term, the east coast gas system. The east coast gas system encompasses the east coast jurisdictions covered by the framework and includes a natural gas industry facility, regulated gas market or

gas trading exchange for which AEMO has an established gas trading exchange agreement as well as other matters as specified in the Rules.

The Bill outlines that AEMO must account to the relevant Ministers for performance of east coast gas system reliability and supply adequacy functions.

AEMO will be empowered to exercise a range of directions powers, similar to those which AEMO can utilise in relation to the Victorian DWGM but modified to be more generally applicable to the east coast gas system as a whole. As set out in the Bill, these powers will be exercisable:

- to maintain and improve the reliability of the supply of natural gas within the east coast gas system; and
- to maintain and improve the adequacy of supply within the east coast gas system.

AEMO directions may relate to the operation, maintenance or use of any equipment or installation, the control of the flow of natural gas, or any other matter that may affect the reliability or adequacy of gas supply within the east coast gas system.

The Bill provides for the requirement for AEMO to prepare, in accordance with the rules, guidelines relating to the exercise or performance of AEMO's directions power and trading function.

The Bill provides a head of power for the Regulations to specify:

- the relationship between the operation of AEMO's east coast gas system reliability and supply adequacy functions, or a provision of these functions, and a law of a participating jurisdiction, in the event of an inconsistency;
- the extent to which a relevant entity is or is not required to comply with an east coast gas system direction in circumstances where the direction is inconsistent with a law of a participating jurisdiction;
- the extent to which an east coast gas system direction is not valid in circumstances where the direction is inconsistent with a law of a participating jurisdiction.

The Bill provides for the Rules to specify matters that AEMO may or must consider in determining there is or is not an actual or potential threat to the reliability or adequacy of the supply of natural gas within the east coast gas system; the kinds of directions that AEMO may or may not give under this function; and the matters that AEMO may or must consider in determining whether to exercise its directions power or trading function.

The Bill provides that the East Coast Gas System Procedures may deal with the matters specified by the Rules and any other matter relevant to AEMO's east coast gas system reliability and supply adequacy functions on which this Law or the Rules contemplate the making of Procedures. Compliance with the East Coast Gas System Procedures is also dealt with in the Bill and outlines who would be applicable and must comply with the Procedures.

AEMO's declared system functions will be expanded to include purchasing pipeline services or services provided by a compression service or storage provider.

AEMO's information gathering powers will be broadened to include its new function for east coast gas system reliability and supply adequacy.

AEMO's powers to make general market information orders, or serve market information notices, will be expanded to include making or serving an order or notice in relation to the exercise of an east coast gas system reliability and adequacy function. The Bill allows for the Rules to specify a person, or class of persons, to whom such an order or notice may be issued. AEMO must determine the type of consultation that should occur before making such an order.

The Bill extends AEMO's ability to disclose protected information to include adequacy of gas supply.

The Bill extends the obligations to make payments under the Rules and Procedures to apply to relevant entities subject to AEMO's directions power.

Consistent with the introduction of most energy legislation, the Bill inserts a head of power for the South Australian Minister to make an initial set of rules. The Bill will allow the Minister to make further rules for a maximum period of six months from commencement of the Bill. This additional six month period is aimed at refining the initial package of Rules with respect to any outstanding issues. Once the time period has expired, the Minister will have no power to make any further amendments.

New subject matters for the making of National Gas Rules will be inserted into Schedule 1 under the heading 'East coast gas system reliability and supply adequacy functions'. This will empower the Australian Energy Market Commission to consider rule change proposals for further development of a range of matters in relation to AEMO's east coast gas system reliability and supply adequacy functions including:

- The development of reliability standards;
- Arrangements to enable AEMO to contract with other parties to reduce or curtail natural gas demand;

- Arrangements to procure, by or on behalf of AEMO, the supply or storage of natural gas, transport capacity and other services for the purposes of AEMO's east coast gas system reliability and supply adequacy functions;
- Obligations on retailers, gas powered generators and other large gas users to develop plans to manage peak or other demand scenarios; and
- Arrangements to assist AEMO and participating jurisdictions to coordinate with each other in relation to addressing actual or potential threats.

I commend this Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provision

These clauses are formal.

Part 2—Amendment of *National Gas Law*

4—Amendment of section 2—Definitions

Definitions are inserted for the purposes of the measure.

5—Amendment of section 74—Subject matter for National Gas Rules

Additional subject matters are added to the list of subject matters in relation to which the AEMC may make National Gas Rules.

6—Amendment of section 91A—AEMO's statutory functions

Additional functions are conferred on AEMO, being the east coast gas system reliability and supply adequacy functions.

7—Insertion of Chapter 2 Part 6 Division 1A

New Division 1A is proposed to be inserted into Chapter 2 Part 6:

Division 1A—AEMO's east coast gas system reliability and supply adequacy functions

91AD—AEMO's east coast gas system reliability and supply adequacy functions

AEMO's east coast gas system reliability and supply adequacy functions are set out.

91AE—AEMO to account to relevant Minister for performance of east coast gas system reliability and supply adequacy functions

AEMO is required to provide information about the performance of its east coast gas system reliability and supply adequacy functions at the written request of a Minister of a participating jurisdiction or the MCE.

91AF—AEMO's power of direction—east coast gas system reliability and supply adequacy

AEMO is authorised in specified circumstances to give a written direction (an *east coast gas system direction*) to a relevant entity for 1 or more specified purposes. Provision is made in relation to east coast gas system directions.

91AG—East Coast Gas System Procedures

Provision is made in relation to East Coast Gas System Procedures made for the purposes of section 91AD.

91AH—Compliance with East Coast Gas System Procedures

The section provides for compliance with East Coast Gas System Procedures.

8—Amendment of section 91BA—AEMO's declared system functions

This amendment is consequential.

9—Amendment of section 91F—Information gathering powers

10—Amendment of section 91FA—Making and publication of general market information order

11—Amendment of section 91FB—Service of market information notice

12—Amendment of section 91GG—Disclosure of protected information for safety, proper operation of the market etc

The amendments to the above sections are related to the conferral of the east coast gas system reliability and supply adequacy functions on AEMO.

13—Amendment of section 91H—Obligations under Rules or Procedures to make payments

This amendment is consequential.

14—Insertion of section 294H

Section 294H is proposed to be inserted:

294H—South Australian Minister may make Rules relating to AEMO's east coast gas system reliability and supply adequacy functions

The South Australian Minister is authorised to make Rules relating to AEMO's east coast gas system reliability and supply adequacy functions. The provision expires 6 calendar months after it commences.

15—Amendment of Schedule 1—Subject matter for the National Gas Rules

The list of subject matters for the National Gas Rules in Schedule 1 is extended to include subject matters relating to the east coast gas system reliability and supply adequacy functions.

The Hon. H.M. GIROLAMO (16:34): I rise to briefly speak on the National Gas (South Australia) (East Coast Gas System) Amendment Bill and indicate that I am the lead speaker for the opposition on this bill. The bill continues the trend of reforms coming out of the Energy Ministers' Meeting and seeks to deliver transparency and increased powers to market bodies to address historical gas supply issues that have been going on for some 10 years or so.

This bill will support the movement to create a more secure, resilient and flexible east coast gas market. The reasoning provided by the energy ministers for the changes proposed in this bill comes from the fact that unlike the National Electricity Market, which has well-established frameworks under which AEMO maintains reliability and supply adequacy, AEMO has limited powers and tools to identify and respond to supply and demand imbalances in the east coast gas market outside of Victoria.

This bill inserts explicit disclosure measures and enhances AEMO's ability to seek specific information to exercise its powers. This will increase transparency for all industry participants with respect to the forecasting periods. The bill inserts a regulatory framework for AEMO, with flexibility to undertake its monitoring and signalling functions, usually used when there is an emerging risk or system threat. Further from that, when the market does not or cannot respond to AEMO's signalling and the risk or threat does develop, the directions framework allows AEMO to take specific actions to maintain or improve the reliability and supply adequacy of natural gas across the east coast system.

Currently, the gas market is based on bilateral contracts between producers, retailers, infrastructure service providers and larger users. These contracts have proven to be very reliable in ensuring contracted positions are met. Many, if not all, of the market participants mitigate their major supply risks through contracts, so the contracts are very important to a functioning gas market here in Australia.

This bill, proposing government intervention into the gas market, is a major change and may well result in unintended consequences. This could very well have a significant impact on investment into gas production and gas infrastructure. This uncertainty comes at a time when the investment is crucial not only to South Australia's but to Australia's energy security.

More investment in natural gas, and increasingly in renewable gas, is going to be critical to address the fundamental issue in the east coast gas market: the high prices and challenging market for supply of gas that is occurring at the moment. In fact, more gas into the east coast market is critical to keeping gas prices, and ultimately electricity prices, down—a lot of electricity prices are dictated by gas generation—for families, for industry and for business as well.

However, there have been a number of criticisms of this bill, a common one being that stakeholders were given only two weeks to analyse, model and form an opinion on the proposed

reforms. The bill seeks to overcome that criticism by providing the Minister for Energy and Mining with the power—also called the 'head of power'—to make an initial set of rules, and also enabling the minister to make further rules for a maximum period of six months from the commencement of the bill subject to a further consultation process conducted by the Energy Ministers' Meeting.

Given that the government could intervene to set the sale price of gas, and even to whom the gas is sold, as and when it sees fit, suppliers and infrastructure service providers are at the moment wary and not willing to commit to a large financial investment decision until the regime and regulations become more apparent.

The changes proposed are required, but the major changes proposed need to be acknowledged, especially as we head into winter. The uncertainty this bill could bring will have an effect on investment into gas production and infrastructure at a time when investment is going to be crucial to South Australia and right across Australia. This is an area that parliaments around Australia need to watch very closely, especially at a time when we have a looming energy crisis and a cost-of-living crisis converging. With the shortened time for consultation, the real fear is that not all options or consequences have been considered.

The Hon. R.A. SIMMS (16:39): I rise to speak on the National Gas (South Australia) (East Coast Gas System) Amendment Bill on behalf of the Greens. This bill seeks to address an issue that emerged during the last winter period where interventions were needed in order to ensure continuity in the supply of gas for both consumers and manufacturers. The Greens understand that the goal with this national gas reform is to give the Australian Energy Market Operator (AEMO) the option to step in where supply is likely to be insufficient. In order to avoid similar problems during this winter, the country's energy ministers have agreed to this reform in order to manage the gas system in a way that ensures continuity.

The Greens recognise that a number of South Australians are still using gas but, of course, it is our view that we should be transitioning away from gas within our energy market. Indeed, members of this place may recall that last year I introduced a private member's bill on behalf of the Greens that would prevent connection to gas on new property builds by 2025. The Greens have also been advocating for a range of measures to assist homeowners in terms of getting them off gas and moving them onto other forms of energy.

There are lots of ways that the government could do this in terms of introducing rebates and assistance to convert appliances to electricity connection, and certainly we would urge the government to investigate those measures as we head into winter to reduce the reliance that South Australians have on gas, given the terrible impact that gas has on our environment and also given the serious consequences gas has for community health.

Whilst we understand the need for this legislation, we hope that the government takes action to break South Australians' reliance on gas and encourages South Australians to move away from gas, recognising that that reduces the cost for consumers and also produces much better outcomes for our environment.

The Hon. R.B. MARTIN (16:42): I rise to speak in support of the National Gas (South Australia) (East Coast Gas System) Amendment Bill. This bill is one of the national energy reforms where the South Australian parliament acts as lead legislator for states and territories. Consistent with the usual practice, this bill requires states and territories and the commonwealth through the energy ministers' forum to agree to its drafting.

It has progressed far more quickly than usual because all jurisdictions want it in place to mitigate against the risk of a repeat of winter 2022, when gas supplies ran extremely tight and prices spiked so high that the Australian Energy Market Operator had to cap prices in Victoria and New South Wales.

This bill gives AEMO more insight into the dynamics of the gas market, requires industry to participate in addressing possible shortfalls and gives AEMO the capability to direct a business—that is, to issue an order—to address shortfalls and, if necessary, to trade in the market. Fortunately, given the urgency of these reforms, the energy ministers' forum now enjoys the leadership of the Albanese Labor government rather than the dysfunctional situation which prevailed while the Liberal-

National Coalition held office in Canberra. This has facilitated a collaborative approach by states to the reforms.

It has also allowed for concerns of industry to be heard and ameliorated, even though a major factor in why these reforms are necessary is the failure by private companies to meet the expectations of households and businesses. That community expectation is that in a resource-rich country like Australia, the domestic economy should have reliable energy supplies available at affordable prices. It is a perfectly fair and reasonable expectation and the Malinauskas government will do whatever it can to achieve that.

This bill will stimulate the industry to provide a market response to potential shortfalls in gas supply, with the Australian Energy Market Operator ready to step in and intervene if the market does not respond. It is not surprising some industry players resent the idea of AEMO intervening in the market, but all jurisdictions agree that providing AEMO with intervention powers is essential. Nonetheless, this council should know that concerns of industry have been heard. One of those concerns was that for AEMO to have better visibility of the industry, companies will have an increased reporting and compliance burden.

A number of stakeholders suggested AEMO should make greater use of the existing and new bulletin board reporting obligations to reduce duplication and overlap in the reporting obligations. The Gas Bulletin Board provides publicly accessible information on gas flows in SA, New South Wales, Victoria, Queensland, Tasmania, the ACT and the Northern Territory. It provides data on gas production fields, pipelines and demand centres.

In response to industry concerns, this bill contains changes from the draft version which was released for comment. Overlap and duplication have been removed between the east coast gas system reforms and bulletin board reporting obligations. A requirement has been removed for retailers and large gas users to report medium-term demand forecasts. These forecasts will instead be developed by AEMO.

The focus will be market participants and facilities which can have the greatest impact on reliability and supply adequacy in the east coast gas system by:

- employing the same reporting threshold that is used for the bulletin board (so facilities with a nameplate rating greater than or equal to 10 terajoules a day have to report);
- providing automatic exemptions to facilities that are exempt from the bulletin board (such as remote facilities and exempt Northern Territory facilities); and
- allowing AEMO to exempt a relevant entity from the obligation to provide an item of information in specified circumstances and to use a default or standing value in place of the relevant information.

Other steps to reduce the reporting and compliance costs include:

- aligning information standards with those applying to the bulletin board;
- defining materiality thresholds for information updates to minimise reporting costs;
- allowing for the use of standing or default values, which should alleviate reporting for users with relatively stable demand; and
- allowing for the appointment of a reporting agent or a reporting entity for those cases where there are multiple owners, operators or controllers of a relevant entity, which will reduce the reporting costs.

Given that the gas market is commercially competitive, stakeholders were concerned about the treatment of confidential information. Amending rules make it clear that all information obtained under the new disclosure obligations will be considered confidential and is protected from unauthorised use or disclosure. This means that AEMO must follow the necessary aggregation and anonymisation requirements set out in the National Gas Law if it is considering publishing the information on the bulletin board or in its regular industry overview, the 'Gas statement of opportunities'.

One of the most common concerns was about AEMO having powers to direct market participants to supply, pipe or store gas. To address the concerns raised by stakeholders, a number of changes have been made to both this final bill and the amending rules. These include:

- AEMO may only exercise its direction function if it is of the opinion that the direction is necessary to prevent, reduce or mitigate an actual or potential threat; and
- AEMO must have regard to the following principles when deciding whether to exercise its directions function to the extent AEMO considers appropriate, given the nature, timing or circumstances of the identified risk or threat.

Those principles are:

- industry must be given a reasonable period of time to take action to mitigate the identified risk or threat;
- AEMO must coordinate with affected jurisdictions in a timely manner;
- safety must not be compromised; and
- distortionary impacts must be minimised.

That final point warrants expansion because AEMO will have the power to affect existing contractual obligations of a business. Forcing the break of a private company's contract is not an action that AEMO will be able to undertake lightly. The amending rules establish a number of caveats on AEMO, including consulting on directions prior to issuing them. This should enable AEMO to elicit information, including on contractual impacts, that it can then use to make a more informed decision about minimising distortionary impacts.

Similar concerns were raised by industry about giving AEMO the capability to trade in the market. On this, AEMO will have similar obligations as it will to issue directions. Trading will only be undertaken if AEMO is unable to elicit sufficient reaction from using less interventionist measures. It should also be noted that the pool of funds to be established for AEMO to trade will only be \$35 million. This is a modest pool in a market where hundreds of millions of dollars change hands. It indicates that any trading by AEMO is likely to be a rare event.

The Malinauskas government recognises that gas is an essential part of the energy mix, even as the state stands proudly on the frontline of the world's transition to a decarbonised economy. Gas is needed by households and industry, with many manufacturing processes having no viable current alternative. Our gas system must be cleaner, affordable and reliable. This bill creates a necessary set of powers for AEMO to ensure that objective is met. I commend the bill to the council.

The Hon. R.P. WORTLEY (16:49): I rise to speak in support of the National Gas (South Australia) (East Coast Gas System) Amendment Bill 2020. This bill is only one of a suite of measures that are taking place to ensure continuing supply of gas to South Australia. This bill is predicated on risks of a shortage, which are forecast by the nation's energy organisations.

The most recent analysis on gas availability was published by the Australian Competition and Consumer Commission on 27 January. The ACCC's report is part of an ongoing inquiry into gas, which began in 2017 under a tasking from the commonwealth government. The ACCC's January report warns that Australia's east coast gas market faces a shortfall of 30 petajoules this year if the liquified natural gas producers were to export all their uncontracted gas.

In context, the commonwealth Department of Energy says one petajoule is the energy required to power 19,000 homes for a year. On the supply side, the ACCC estimates that this year alone 1,983 petajoules will be produced, mostly from developed reserves but also with some undeveloped reserves coming online, some net input from storage and some gas coming into the east coast market from the Northern Territory. On the demand side, the ACCC estimates that about two-thirds of demand, or 1,296 petajoules, has already been contracted by the LNG companies for export. Some 22 per cent of demand, or 445 petajoules, will be needed by Australian consumers, that is, residential, commercial and industrial.

Just over 6 per cent, or 126 petajoules, will be used in gas-powered generation of electricity. This is particularly important in South Australia where gas-fired power is second only to wind generation in annual contribution to electricity power supply. Finally, the ACCC lists 146 petajoules of demand from uncontracted gas that LNG producers expect to have in excess of their contractual commitments. This uncontracted gas could be exported, placed in storage or used to supply the domestic market, the ACCC has said.

If it was all exported, the ACCC warns there would be a 30 petajoule shortage in supply. Most worryingly, the ACCC says that the LNG exporters have become net extractors from the domestic market, that is, they purchase more from third parties to add to their exports than the quantity they supply themselves into the domestic market from their own operations. This imbalance began last year in 2022 and is expected to take place again this year, with a net withdrawal of 17 petajoules from the domestic market.

A further issue of concern raised by the ACCC is that demand in the southern part of the east coast gas system, that is, South Australia, Victoria, New South Wales and the ACT, will significantly exceed production in the southern section. Therefore, gas will need to be piped from Queensland to the tune of 52 petajoules. The ACCC report does not break down the supply contributions from individual states. However, industry analysts calculate that South Australian producers put more gas into the system than the state consumes.

The net shortfall can really be traced to New South Wales and Victoria. In New South Wales, there have been long delays on impending gas development, most particularly the Santos Narrabri project. In Victoria, the moratorium on onshore gas development, which was instigated in 2012, stymied projects until new legislation and regulations were passed and prepared, keeping the industry frozen until November 2021.

The stagnation in New South Wales and Victoria is also identified by the Australian Petroleum Production and Exploration Association. In a submission to the consultation of this bill, the APPEA says it should be up to the market to respond to potential shortfalls. Their submission states:

An alternative to setting up a way for AEMO to intervene in the market, is to increase the supply of gas in the East Coast market, particularly in Victoria and NSW. This would alleviate the need to direct gas from Queensland to the south at times when there is a perceived shortage.

The ACCC says its forecast of the southern states being net importers from the north continues a trend that has been developing in the past few years. The ACCC goes on to say:

Given that some gas from the southern states flows north of Queensland, especially during summer, the actual amount shipped will very likely be higher than 52PJ. This places a great deal of reliance on certain key pieces of infrastructure: the South West Queensland Pipeline (SWQP), the Moomba to Sydney Pipeline (MSP), and Wallumbilla.

While there is likely to be a sufficient pipeline capacity to bring gas south, AEMO has found that pipeline and storage capacity in the southern states are likely to be insufficient on peak winter days in 2023.

Specifically, AEMO has found that under one-in-20 year demand conditions, small, infrequent supply shortfalls could occur in 2023. To mitigate these shortfalls, AEMO noted that on-schedule completion of committed pipeline upgrades, greater operational management of LNG storage, and demand-side solutions are likely to be required.

It is clear from these warnings that the community cannot rely on the market alone to safeguard against the risks of shortfall. Greater oversight, and, if necessary, intervention to ease pressure points is required from the Australian Energy Market Operator. That is what this bill aims to achieve. Looking further ahead, the ACCC is concerned about the pace of new supply coming online. This concern adds to the need for this legislation. Again, I quote the ACCC January report:

While the need for more supply and associated infrastructure is clear, the development of most of the proposed supply and infrastructure projects has been delayed.

For example, a number of domestic supply projects that have already been approved for development have been delayed by a year. The potential timing of supply from LNG import terminals and a large number of other domestic supply projects that have not yet been approved for development have also been delayed by 1-2 years, with supply from most of these projects not expected to commence until 2025-2026. Pipeline and storage projects have also experienced a number of delays over the last 12 months and some major pipeline projects have been abandoned.

These delays, which are occurring against a backdrop of significantly higher domestic gas prices, have contributed to the deterioration in the short and longer-term supply...

While delays are somewhat inevitable given the geological, land access and regulatory challenges that these projects can face, there are a number of new challenges that these projects are likely to face. The two most significant challenges are environmental policies and access to finance, with the latter reportedly becoming increasingly difficult for fossil fuel projects.

The ACCC notes that some of Australia's potential new sources of gas supply are in regions not connected to the east coast gas system infrastructure, those being the McArthur, North Bowen, Gunnedah and Galilee basins. The ACCC says only five significant gas projects have been identified which have been approved for development and which could be brought online within the next five years. The largest of these is Beach Energy's project in the Otway Basin, the Enterprise field.

This project is forecast to produce an average of 11.7 petajoules a year. First gas is expected in 2024, but Beach says this could be brought forward to later this year if all regulatory approvals are obtained. The other four projects are all in Queensland and each is only expected to produce two petajoules or fewer per year. Therefore, they are unlikely to have a material impact on supply, the ACCC advises. With gas supply tight right now in 2023, and risks to supply likely to remain in the next few years ahead, the reforms proposed in this bill fulfil a vital need. I commend the bill to the council.

The Hon. F. PANGALLO (16:59): Today, I would like to speak to you about the benefits of using natural gas as an energy source for consumers and industry in Australia. Natural gas has become increasingly important as an energy source around the world, and Australia is no exception. In fact, Australia has vast natural gas reserves making it an attractive option for domestic and international consumption. Let me explain why natural gas is so valuable and what the economic risks would be if its production was banned.

Firstly, natural gas is a cleaner burning fuel than other traditional energy sources like coal and oil. It produces significantly lower levels of harmful emissions like sulphur dioxide, nitrogen oxides and particulate matter. This means that using natural gas as a fuel source can help to improve air quality and reduce greenhouse gas emissions, which is critical in the fight against climate change.

Secondly, natural gas is incredibly versatile and can be used for a wide range of applications from heating homes and businesses to generating electricity. In fact, natural gas is the largest source of electricity generation in Australia, accounting for around 20 per cent of the country's total electricity production. This makes it a crucial component of Australia's energy mix and an important contributor to the country's economic growth.

Thirdly, natural gas is relatively affordable compared with other energy sources, particularly when it comes to electricity generation. This is because natural gas is abundant in Australia and is therefore cheaper to produce and transport than other forms of energy like coal or oil. This affordability makes natural gas an attractive option for consumers and industry as it can help reduce costs and improve energy efficiency.

Now let's talk about the economic risks of banning natural gas production in Australia. Firstly, it is important to understand that natural gas is a major industry in Australia and contributes significantly to the country's economy. According to the Australian Petroleum Production and Exploration Association (APPEA), the natural gas industry contributes around \$50 billion to the Australian economy each year and supports around 80,000 jobs. Banning natural gas production would therefore have significant economic consequences, including job losses and reduced economic growth.

Secondly, banning natural gas production would have a knock-on effect on other industries that rely on natural gas as an input; for example, the manufacturing industry which uses natural gas as a fuel source and raw material would be particularly affected. This could lead to reduced productivity and competitiveness and could even result in some companies moving their operations overseas to countries where natural gas is readily available.

Finally, banning natural gas production could have an impact on Australia's energy security. As I mentioned earlier, natural gas is a critical component of Australia's energy mix and is used to generate around 20 per cent of the country's electricity. Banning natural gas production could

therefore lead to energy shortages and price spikes as Australia would have to rely more heavily on other energy sources like coal and renewable energy.

In conclusion, natural gas is an important energy source for consumers and industry in Australia, offering a range of benefits including lower emissions, affordability and versatility. Banning natural gas production would have significant economic consequences, including job losses, reduced economic growth, and an impact on other industries that rely on natural gas. It is therefore important that we continue to support the natural gas industry in Australia while also investing in renewable energy sources to reduce our reliance on fossil fuels and help combat climate change.

Thank you for listening, but before I sit I have a confession to make. This is the first oratory piece where I have not written a single word of my own. I decided to run a test of artificial intelligence and the words were generated by artificial intelligence site ChatGPT only a short time ago, based on a handful of words that I put into its search module and, presto, in the course of a few seconds up came exactly 600 words. Yet it is not really far off the mark reflecting my own sentiments. I must say, it might lack the rhetorical flourish—as the Hon. Rob Lucas would often say about me—that I tend to use in colouring my speeches, questions and even countless words I have written as a journalist over five decades.

This is probably the first speech written by AI to go into our *Hansard*; however, I will resort to my own style in future, and I hope it does not stifle critical thinking and expression in this place and eventually replace the need for MPs and their speech writers. SA-Best supports the bill.

The PRESIDENT: The Hon. Mr Pangallo, the Clerk has rightly pointed out to me that regardless of where it comes from, you are still going to be held accountable for what you have said in the chamber. Most of the members thought it was probably one of your better contributions.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:05): I would like to thank the members who made a contribution on this bill: the Hon. Ms Girolamo, the Hon. Mr Simms, the Hon. Mr Martin, the Hon. Mr Wortley, the Hon. Mr Pangallo and the AI assistant as well.

Just in response to some of the matters that have been raised in others' contributions: in reference to some comments by Mr Simms, the South Australian government strongly supports the gas industry as a key part of a transition to a net zero carbon economy, and it is essential that this transition takes place as smoothly as possible. That means that consumers and businesses must not be left in the cold, either literally or figuratively, nor should they be subjected to extreme price spikes because of pressures on gas supply.

The Hon. Ms Girolamo made some comments which I just respond to, that given the limited time available to consult on the changes that are required to be implemented before winter this year, energy ministers across the country agreed to a post-implementation regulatory impact assessment being completed by the Department of Climate Change, Energy, the Environment and Water within 12 months. Also, the Australian Energy Market Commission will be conducting a review of the entire framework within three years.

I do urge council members to see the bill in the context of a range of matters that need to be addressed in the gas sector, including ensuring a fair balance between domestic gas demand and the lucrative export of liquefied natural gas, notwithstanding that this bill is separate from those other matters. Again, I thank members for considering this bill and, in anticipation of a vote, I encourage them to recall the practice of the South Australian parliament in terms of voting in favour of agreed national reforms in the energy system, which is represented in this bill. I commend the bill to the council.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (17:09): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Committees

JOINT COMMITTEE ON THE LEGALISATION OF MEDICINAL CANNABIS

The House of Assembly appointed Mr Ellis to the committee in place of Mr Bell.

At 17:10 the council adjourned until Wednesday 8 March 2023 at 14:15.

*Answers to Questions***FUNDS SA**

176 The Hon. H.M. GIROLAMO (16 November 2022). Can the Treasurer advise—

1. Why is Funds SA's net income negative \$2.1 billion?
2. What is the reason for the movement?
3. Why has the net income for Funds SA decreased, but net assets have increased?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Treasurer has been advised:

1. Per Funds SA's Schedule 1 Statement of Income and Expenses of Assets Under Management, total net income for the government and client funds under Funds SA's management for the 2021-22 financial year, was negative \$2.1 billion. This is driven by the fact that Funds SA's assets under management are valued at market values in its financial accounts. As the prices of investment assets in the equities and fixed income asset classes fell over 2021-22 (refer 2. below), this generated significant realised and unrealised losses on these asset classes. This is reflected in schedule 1, which shows that realised and unrealised losses (and expenses) across the whole portfolio totalled \$3.3 billion, partly offset by rent, interest and dividends received of \$1.2 billion, to produce the net loss figure of \$2.1 billion.

2. During 2021-22, the value of many asset classes, particularly fixed income and equities asset classes, fell sharply mainly as a result of a combination of high inflation, increasing interest rates and credit spreads, rising risks to economic growth and the possibility of recession, the ongoing Russia-Ukraine conflict and COVID-19 related lockdowns in China.

3. Funds SA's financial statements are essentially broken up into two categories: (1) The Statement of Comprehensive Income, Statement of Financial Position, Statement of Changes in Equity and Statement of Cashflows measures the results and financial position of Funds SA's corporate activities as an individual reporting entity (quite distinct and separate from the funds it manages on behalf of government and clients)—i.e. the corporate entity that is owned by the SA government; (2) The Schedule 1 Statement of Income and Expenses of Assets Under Management and Statement of Net Assets Under Management, which measures the results and financial position of the funds of government and clients under Funds SA's management.

The net income of negative \$2.1 billion for the 2021-22 financial year relates to the latter, whereas the net assets in Funds SA's Statement of Financial Position, relate to the former. The increase in net assets of Funds SA during the 2021-22 financial year of \$2.9 million (from \$10.9 million at 30 June 2021 to \$13.8 million at 30 June 2022) is a result of the net surplus reported in the Statement of Comprehensive Income of \$2.9 million in 2021-22.

Additional Information—Prior year results for comparative purposes

For comparative purposes, the following table shows Funds SA's corporate operating surplus along with the corresponding net income (loss) derived from Funds SA's funds under management for each of the past four financial years.

| Financial Year | Corporate Operating Surplus | Net income/(loss) of Funds Under Management |
|----------------|-----------------------------|---|
| 2021/22 | \$2.9m | (\$2.1bn) |
| 2020/21 | \$2.0m | \$7.1bn |
| 2019/20 | \$0.1m | (\$0.3bn) |
| 2018/19 | \$1.3m | \$2.5bn |

The first column shows that Funds SA's target to achieve a achieve cost neutrality or a small annual operating surplus, in accordance with its cost recovery policy, has been achieved in the last four years. Note that the 2019-20 result was impacted by materially lower corporate fee revenues caused by the material sell-off in financial markets upon the onset of COVID in early 2020.

The second column relates to the net income (or net profit/loss) derived from Funds SA's funds under management for the corresponding financial year. As discussed under 1. above, the major driver of net profit or loss on holding investment assets is the market valuation of those assets, which can be quite volatile over short-term time frames.

For example, the result in 2019-20 (a net loss of \$0.3 billion) was caused by the sell-off in financial markets following the onset of COVID in early 2020. The result in the next year (a \$7.1 billion net profit in 2020-21) was caused by the massive rebound in global asset prices in response to the economic stimulus engineered by governments and central banks across the globe to support industry and workers and to loosen monetary policy (i.e. reduce interest rates).

SUPER SA

183 The Hon. H.M. GIROLAMO (16 November 2022). Can the Treasurer advise—

1. What was the process undertaken by the Auditor-General for the audit of Super SA?
2. Was Super SA, as a statutory authority, audited separately, then individual superannuation schemes audited, then consolidated into Treasury?
3. What was the outcome of Super SA's audit?
4. Were there any control issues?
5. Were there any financial misstatements?
6. Were KPI's achieved?
7. Any issues relating to the recruitment of staff?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Treasurer has advised:

1. The Auditor-General undertook an audit of the Super SA Board and all schemes administered by Super SA. The audit process was in line with the requirements of the Public Finance and Audit Act 1987. The review commenced in March 2022 and was finalised on time in September 2022.
2. Super SA's audit was undertaken by the Auditor-General's Department as a branch of the Department of Treasury and Finance. The Super SA Board and the schemes administered by Super SA were subject to a separate audit by the Auditor-General.
3. The outcome of the Super SA audit resulted in 'no significant audit findings' as outlined in the annual Report of the Auditor-General for the year ended 30 June 2022. The Auditor-General issued unmodified independent audit reports for the board and superannuation schemes administered by Super SA.
4. The audit did find minor control issues as outlined in the management letter issued 12 September 2022. These are summarised as:
 - Unit pricing and investment valuations—recommendation that Super SA and Funds SA implement a formal procedure and policy to manage the year end reporting
 - Date inconsistency between the general ledger, registry system and bank accounts—this issue is being addressed as part of Super SA's forward unit pricing model
 - Regular updating of authorised bank signatories—Super SA to incorporate into its banking arrangements policy.
5. The audit did not find any financial misstatements.
6. The Super SA audit scope by the Auditor-General did not review Super SA's KPI's.
7. The Super SA audit scope by the Auditor-General did not review Super SA's recruitment practices.

GREYHOUND RACING

219 The Hon. T.A. FRANKS (8 February 2023).

1. How many TAB greyhound meetings have been postponed or cancelled under the Racing SA hot weather policy?
2. How many greyhound races have been run when the temperature at the time of the race is over 38° Celsius?
3. Does the government condone the Greyhound Racing SA hot weather policy which allows for greyhounds to race on days of extreme heat?
4. Will this government commit to bringing South Australia in line with other states by restricting the temperatures that greyhounds are forced to race in?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Recreation, Sport and Racing has advised:

The South Australian government is serious about animal welfare.

In 2000, South Australia corporatised the racing industry. The corporatisation fundamentally changed the state government's involvement in the management of the racing industry, including Greyhound Racing SA.

Greyhound Racing SA has informed the Office for Recreation, Sport and Racing that:

- three (3) meetings in 2022 were postponed and/or cancelled in line with their hot weather policy, where the temperature and conditions at the time of race commencement were deemed unacceptable for racing; and
- since the beginning of 2023 calendar year, an additional two (2) meetings have been postponed and/or cancelled.

Greyhound Racing SA has informed the Office for Recreation, Sport and Racing that no races have been run where the temperature exceeds their hot weather policy.

On any day forecasted to approach or exceed the hot weather policy, stewards have made the decision to reschedule to a cooler part of day such as early morning, reschedule for another day, or abandon the race meet altogether.

There are strict guidelines in place in relation greyhound racing during hot weather and there is expectation from the state government that these guidelines are adhered to at all times.

The Minister for Recreation, Sport and Racing has recently written to Greyhound SA requesting they consider a review of their current hot weather policy.

REGIONAL FRESH WATER SUPPLY

220 The Hon. S.L. GAME (8 February 2023). Can the Minister for Climate, Environment and Water advise—

1. How is the government securing fresh water in the South Australian regional areas of:
 - (a) Lower Eyre Peninsula
 - (b) Eastern Eyre Peninsula
 - (c) Gawler Ranges and Central Eyre
 - (d) West Coast
 - (e) Far West Coast and Nullarbor
2. Can the minister guarantee that these measures:
 - (a) Will not further strain the underground aquifers in the region?
 - (b) Will not cost residents, businesses and producers more?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Climate, Environment and Water has advised:

The government has in place a water security statement which outlines the water security status of regional areas in the state.

The Department for Environment and Water is undertaking a stocktake of self-supplied remote communities to assess water security risks. The department is also working with the National Indigenous Australians Agency to commence work with the Scotdesco community on the Australian government's election commitment to find a permanent water supply solution for Scotdesco west of Penong.

To ensure Eyre Peninsula's water security into the future, SA Water is progressing its plans for supplementing the Uley South groundwater supply with a seawater desalination plant.

SA Water's plant will provide a new reliable, climate-independent source of drinking water to supplement existing groundwater sources and water from the River Murray to supply of safe, clean drinking water for around 35,000 customers on Eyre Peninsula.

SA Water's experience in operating seawater desalination plants—and the experience of other utilities around Australia and the rest of the world—confirms they can be designed and operated to ensure they maintain the health of the environment, including the local marine environment.

This government is committed to ensuring the region's sustainable water supply and is working with SA Water to confirm the site selection of the desalination plant.

In the meantime, drinking water supplies for Eyre Peninsula community remain secure, with current modelling showing groundwater resources and the River Murray will continue to meet demand until the currently planned desalination plant is built.

Once the desalination plant is built, water draw from the Uley South groundwater supply will decrease and be managed in accordance with revised long-term sustainable levels.

SA Water's Eyre Peninsula customers will continue to pay statewide pricing, the same as all SA Water customers.

CARBON FARMING ROAD MAP

223 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (9 February 2023). Can the minister advise: as part of the carbon farming road map are individual farmers being advised to seek their own independent counsel on the risks that are associated with carbon farming?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

The carbon farming road map does not prescribe action to individual farmers.

The carbon farming road map provides a framework for government, industry and private enterprise to collaborate to increase the realisation of opportunities provided by carbon farming within South Australia.

In accordance with best practice carbon market integrity, transparency and accountability, it is recommended that farmers seek counsel from an organisation that is signatory to the carbon industry code of conduct.

FOOT-AND-MOUTH DISEASE

224 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (9 February 2023). Can the minister advise: what training and preparedness exercises have been provided for stakeholders and industry in preparation for a potential outbreak of foot-and-mouth disease?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

In December 2022, I announced new funding of \$6.8 million to prepare for and respond to emergency animal diseases. In addition to nine new animal biosecurity staff in my department, this funding will provide mobile laboratory facilities and emergency response units for deployment in the event of an incursion, and equipment for destruction, disposal and decontamination activities during a response.

We continue to work closely with the Australian government, our colleagues interstate and our South Australian livestock industry, remaining alert to any developments.

PIRSA is prioritising staff resources to focus on preparedness activities for foot-and-mouth disease and lumpy skin disease. PIRSA is working closely with our South Australian livestock industry and nationally through working groups to contribute to both national and state preparedness activities.

A joint PIRSA/livestock industry workshop of a number of industry leaders was held in August with Livestock SA, SA Dairyfarmers' Association and Pork SA.

In the second half of last year, Livestock SA hosted a webinar where South Australia's Chief Veterinary Officer and I provided South Australian context for the preparedness activities underway and outlined the likely response required should and emergency animal disease occur.

PIRSA are working collaboratively with stakeholders in the regions to provide disease and response awareness information. This is through a wide range of activities including field days, shows, producer talks, meetings with private veterinarians.

PERSONAL HARDSHIP EMERGENCY GRANT

225 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (9 February 2023). Can the minister advise:

1. What is the minimum number of days that must be spent in the residence to qualify for the personal hardship emergency grant?
2. What criteria will establish eligibility for the personal hardship emergency grant?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

The criteria used to establish eligibility for the personal hardship emergency grant is:

1. The applicant's principal place of residence has been impacted by an emergency event. The applicant must be able to provide evidence the address is their primary place of residence, by way of a driver's licence, utilities bill, rates notice or similar; and
2. The applicant is not able to meet their own immediate and essential needs (e.g., food, clothing, toiletries, medication, etc.).

There is no minimum number of days that an applicant must have spent in their residence in order to qualify for the personal hardship emergency grant.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

226 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (9 February 2023). Can the minister advise: how much of the federal funding of \$46.7 million to develop improved livestock traceability systems will go towards the mandatory implementation system of national sheep and goat electronic identification in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

The final figure is to be determined.

SHEEP AND GOAT ELECTRONIC IDENTIFICATION

227 The Hon. N.J. CENTOFANTI (Leader of the Opposition) (9 February 2023). Can the minister advise:

1. Will a co-funding arrangement be applied for mandatory eID tags in South Australia?
2. Will a state levy be applied to support the eID rollout in South Australia?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

1. Australian government Minister for Agriculture, Fisheries and Forestry, Senator the Hon. Murray Watt, is seeking co-investment by state jurisdictions and industry to assist funding the implementation of eID in sheep and goats.

The South Australian Sheep and Goat Traceability Steering Committee, managed by Livestock SA, developed the South Australian implementation plan, which will provide advice to the government on industries priorities for funding infrastructure, including eID tags for the consideration of government.

2. A levy is already collected from South Australian sheep farmers through the Sheep Industry Fund. The fund is used to financially support projects and activities that benefit the South Australian sheep industry. The industry would need to apply for funding from Sheep Industry Fund to support eID rollout if it wished to pursue this option.

SINGLE-USE PLASTICS

228 The Hon. H.M. GIROLAMO (9 February 2023). Can the Minister for Climate, Environment and Water advise—

1. Since March 1 2022, how many notices have been issued to businesses for infringements against the single-use plastics ban?
2. Since March 1 2022, how many notices have been issued to individuals for infringements against the single-use plastics ban?
3. Since March 1 2022, what is the quantum (dollar amount) of fines issued to businesses for infringements against the single-use plastics ban?
4. Since March 1 2022, what is the quantum (dollar amount) of fines issued to individuals for infringements against the single-use plastics ban?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Climate, Environment and Water has advised:

No notices for infringements or fines have been handed out since the Single-use and Other Plastic Products (Waste Avoidance) Act 2020 came into operation on 1 March 2021. Consistent with public statements since the implementation of the first ban, the Environment Protection Authority has attended to notifications of noncompliance through education and communication with the alleged offender, to support them in complying with the single-use plastics bans.

CHILD PROTECTION

230 The Hon. L.A. HENDERSON (9 February 2023). Can the minister advise—what is the strategy employed by the Department for Child Protection in reducing traumatic access experiences?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

Family contact can be unsettling for children and young people in care.

DCP caseworkers conduct holistic assessments of children's and young people's needs to inform decision-making regarding contact arrangements. Such assessments are child centred and consider information gathered from a number of sources.

The safety of children and young people is paramount in all decision-making. Decisions also take into account the wellbeing and developmental needs of the children and young people involved. When a child or young person is experiencing difficulties related to contact, caseworkers will consider various strategies to help children and young people experience visits positively, such as changing who can attend visits, working with family attending visits to refrain from any behaviours that are causing the child distress, changing the place, time, duration or frequency of visits, increasing supervision or ceasing visits where necessary.

CHILDREN IN STATE CARE

231 The Hon. L.A. HENDERSON (9 February 2023). Can the minister advise—is the Department for Child Protection allowing foster children to visit biological parents when there are reported safety issues present during birth parent access?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

The safety of children and young people is paramount when making decisions regarding contact arrangements. At times, supervising visits can effectively address safety concerns and may help children and young people to feel comfortable during visits. Working with families to ensure children and young people experience contact visits positively can also be effective. In addition, changing contact arrangements (such as who can attend and/or the place, time, duration, or frequency of visits) can help to address safety concerns. However, if such changes are not able to ensure the child's or young person's safety during visits, visits can be suspended or discontinued.

FOSTER AND KINSHIP CARE

232 The Hon. L.A. HENDERSON (9 February 2023). Can the minister advise—when will the proposed new Carer Council, which will consult on improvements to the foster care system, be established and what will the cost be?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

The Carer Council, as recommended by Dr Fiona Arney's report on the independent inquiry into foster and kinship care, is expected to be operational by 1 July 2023. Detailed costings are yet to be finalised. The commitment to the Carer Council sits alongside ensuring we hear from carers and are able to learn from their experiences. To support this, an additional \$800,000 has been committed over four years to provide for enhanced carer advocacy.

FOSTER AND KINSHIP CARE

233 The Hon. L.A. HENDERSON (9 February 2023). Can the minister advise—how does the Department for Child Protection address concerns raised by foster and kinship carers regarding children's needs not being met during birth parent access?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

Children and young people can be impacted by attending contact visits. This impact can be positive or negative or a combination of both. In addition to listening to a child's or young person's views, caseworkers will consult with carers about what they have observed about the child or young person before and after contact visits.

Carers have important information about the impact of contact on a child or young person and it is acknowledged that their views must be considered in assessments of a child's or young person's contact arrangements—particularly as poor quality contact can negatively impact placements. Should carers raise concerns, caseworkers work to improve the quality of contact visits for children and young people.

To ensure the government hears from carers and are able to learn from their experiences, an additional \$800,000 has been committed over four years to provide for enhanced carer advocacy.

FOSTER AND KINSHIP CARE

234 The Hon. L.A. HENDERSON (9 February 2023). Can the minister advise—how the Department for Child Protection determines if the wishes of biological parents are in the best interests of children in foster care, when it comes to biological parent visits?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): The Minister for Child Protection has advised:

All-decision making regarding contact arrangements is child centred and safety is the paramount consideration. Decisions take into account the wellbeing and developmental needs of the children and young people involved. Caseworkers' observations of contact arrangements contribute to the holistic assessment of the appropriateness of existing contact arrangements with biological parents.

Consideration of the child's or young person's emotional and behavioural functioning before and after family contact is critical to develop a full understanding of the child's or young person's experience of contact. The views of

biological parents regarding contact are one source of information informing contact decisions. Other sources can include the views of the child or young person themselves, carers, schools, therapists and support workers.

CHILD GENDER DYSPHORIA

In reply to **the Hon. S.L. GAME** (1 December 2022).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Health and Wellbeing has been advised:

As of 13 September 2022, the Women's and Children's Hospital Gender Diversity Service currently prescribes puberty blockers to 68 youth ranging between the ages of 10 and 17.

All youth accessing the gender diversity service need to have a formal assessment by a psychiatrist prior to treatment commencement and are reviewed every three to six months while receiving ongoing mental health support.

EYRE PENINSULA WEATHER FORECASTING

In reply to **the Hon. J.M.A. LENSINK** (7 February 2023).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

That on 12 January 2023, my office received correspondence from the Member for Flinders, the Hon. Sam Telfer, regarding a Doppler radar on Eyre Peninsula. I have since responded to the Member for Flinders' letter on 20 February 2023.

RIVERLAND COMMUNITY LEGAL SERVICES PROGRAM

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (8 February 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

There are multiple grants and assistance measures as part of the response to the River Murray flood event, ranging from small business to travel cost relief.

In terms of the funding for legal assistance services, these do not operate as a grant of legal aid. Instead, the funding is provided in whole to Community Justice Services SA to employ more staff to be on the ground and provide direct support and advice to local community members on their legal needs.

To date an initial payment of \$60,000 has been provided to Community Justice Services SA. The remaining \$190,000 will be provided in early March once the funding agreement has been finalised.

BIOSECURITY, KANGAROO ISLAND

In reply to **the Hon. F. PANGALLO** (9 February 2023).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised that the reason that there are no biosecurity bins on the ferries is because passengers are discouraged from accessing their vehicles to retrieve honey once their cars are parked on the ferry. I am advised that this is deemed a safety risk by SeaLink; the company that operates the ferries.

In addition to the two biosecurity bins available at the SeaLink terminal at Cape Jervis, there is also a biosecurity bin adjacent to the passenger and vehicle unloading area at Penneshaw.

The bin at Penneshaw is about to be replaced with a new bin, which will have additional biosecurity signage. Another new biosecurity bin is intended to be placed at another location in Penneshaw so it can be accessed by visitors before they arrive at the terminal at Penneshaw.

RIVER MURRAY FLOOD

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (9 February 2023).

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries): I am advised:

15 November 2022 is the date that the flow at the SA/VIC border exceeded 100 gl/day which is defined as a 'low flood' event for the purpose of classifying it as a natural disaster under the state and commonwealth definition for joint assistance under the disaster recovery funding arrangements.

In regard to the primary producer grants that are available, I can advise that River Murray flood preparation work prior to this date is being recognised in the claim assessment process.

VICTIMS OF CRIME FUND

In reply to **the Hon. F. PANGALLO** (9 February 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

The Commissioner for Victims Rights (commissioner) has advised that she will always do her utmost to ensure that victims are appropriately represented in proceedings of this nature.

Outside of specific legal representation, the next of kin will be heard in these proceedings through a formal report prepared by Forensic Court Services with input from the next of kin, which must be received and considered by the court before a determination is made.

It is the role of the prosecution to provide support to families and to inform the court of the views of victims and also wider community interests. As there were unique circumstances in this specific case, funding had been provided to assist the family to address an initial application made by the defendant.

In relation to the most recent application for funding, the commissioner consulted with the lawyer who represented the family last time. Having regard to the advice the commissioner received, she formed the view that the family's voice would be heard in these proceedings without separate legal representation.

WE'RE EQUAL CAMPAIGN

In reply to **the Hon. R.A. SIMMS** (9 February 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

The Commissioner for Equal Opportunity is an independent statutory officer, and We're Equal is an initiative of her office. While government is supportive of the We're Equal initiative, it is not for government to expand it or otherwise.

The Commissioner for Equal Opportunity has provided a briefing to the Minister for Education, Training and Skills on the We're Equal initiative, and is exploring options to deliver elements of the initiative in educational settings.

The commissioner has advised that she has not specifically met with representatives of religiously based schools, however, in relation to whether they would be beyond the scope of the initiative given the exemptions under section 50(1) of the act, there is no impediment to the commissioner seeking to expand We're Equal to those, or any, schools.

The exemptions with respect to religious bodies must be read in conjunction with section 37 of the Equal Opportunity Act (SA) which makes it 'unlawful for an educational authority to discriminate against a person on the ground of sex, sexual orientation, gender identity, or intersex status' by, for instance refusing or failing to accept an application for admissions, the terms or conditions on which it offers to admit a student.

In addition, the exemption provisions in section 50(1) apply to religious bodies and not the body corporate that operates a school (1). Accordingly, the exemptions under section 50(1) do not prevent the commissioner from acting on complaints of sex discrimination against students and prospective students in religious schools by pursuing allegations against the organisation or its staff.

(1) The Commissioner for Equal Opportunity previously met with Ms Kerry Leaver, Chief Executive and Registrar of the Education Standards Board, who advised that a religious body cannot operate a school because standard 1.1 of the Standards for Registration and Review of Registration of Schools in South Australia, requires that a 'school' is established as a body corporate or body politic and its principal purpose is the provision of school education. The commissioner shares this view.

LOCAL GOVERNMENT ELECTIONS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (21 February 2023).

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

The Minister for Local Government is responsible for local government elections. I refer the honourable member to Minister Brock's public comments for particulars of when the government was made aware of the issue.

My office was informed of the matter by the Electoral Commissioner on 9 February 2023. This was the same day as Minister Brock's ministerial statement on the matter, and subsequent reporting in the media.

MEALOR, MS C.

In reply to **the Hon. F. PANGALLO** (21 February 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

Applications for reimbursement for legal costs are a matter for me. I receive advice from the Crown Solicitor on those applications for reimbursement. My chief executive is not involved in that process.

As the honourable member is aware, I have requested that the ICAC inspector undertake a review of the Hanlon matter. The inspector is an independent statutory officer who will undertake that review and discharge his other functions independent of government.