LEGISLATIVE COUNCIL

Thursday, 9 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.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:17): I bring up the report of the committee's Riverland fact-finding visit, 7-9 November 2022.

Report received.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

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

South Australian Multicultural Charter

Ministerial Statement

MULTICULTURAL CHARTER

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:18): I lay on the table a copy of a statement made by the Minister for Multicultural Affairs in the other place.

Question Time

EYRE PENINSULA DESALINATION PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Primary Industries a question regarding the government's announcement of Billy Lights Point as a location of the EP desal plant.

Leave granted.

The Hon. N.J. CENTOFANTI: On Tuesday, just two days prior to the public announcement, in response to a question asked in this chamber on the EP desalination plant, the minister said, and I quote:

> 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.

My question to the minister is: was she aware of the minister's decision to choose Billy Lights Point as the site for the EP desal plant when she made this statement to the chamber on Tuesday?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): I thank the honourable member for her question. As she quoted, that is what I was advised.

EYRE PENINSULA DESALINATION PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): Supplementary: what date was she advised of the minister's decision?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): I will take that on notice and check.

EYRE PENINSULA DESALINATION PROJECT

The Hon. H.M. GIROLAMO (14:20): Supplementary: was the minister aware on Tuesday of where the location of the desal plant was going to be?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): I think I have answered that question.

Members interjecting:

The PRESIDENT: Order!

EYRE PENINSULA DESALINATION PROJECT

The Hon. J.M.A. LENSINK (14:21): Further supplementary: would it be in order, without having to answer the specifics of this because of cabinet confidentiality, indeed would it be general practice that a matter like this would be discussed at cabinet?

Members interjecting:

The PRESIDENT: Order! Look, the reality is, it is hard to drag that out of the original answer. The supplementary has been put and the minister is quite within her rights to not provide an answer.

Members interjecting:

The PRESIDENT: Order!

EYRE PENINSULA DESALINATION PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries regarding ignoring local community and industry advice.

Leave granted.

The Hon. N.J. CENTOFANTI: In a media release issued by the Minister for Environment and Water this morning she stated that, and I quote:

> The South Australian Government has accepted the advice of the SA Water Board that Billy Lights Point is the preferred location for a desalination plant at Port Lincoln should the project proceed.

My question to the minister is: what does she say to the fishing and aquaculture industry? What does she say to Eyre Peninsula Seafoods and Yumbah Aquaculture after she, as the minister responsible for the fishing and aquaculture industry, and her government have ignored the pleas for the Sleaford West site and their significant concerns that a desal plant at Billy Lights Point will have huge impacts on the marine environment?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:22): I thank the honourable member for her question. It is quite accurate that the South Australian government has accepted the advice of the SA Water board that Billy Lights Point is the preferred location for the Eyre Peninsula desalination plant, with preparatory works proceeding. The final decision will be informed by Infrastructure SA's separate business case into the Northern Water Supply Project, which is looking at new and sustainable water supply for the Far North and Upper Spencer Gulf.

SA Water continues, I am advised, to work with the Northern Water Supply Project team in assessing if this may be a viable solution. This comes after the former Liberal government, and in particular the now opposition leader, David Speirs, who was then minister for environment and water—

Members interjecting:

The PRESIDENT: Order! Minister, please continue.

The Hon. C.M. SCRIVEN: This comes after the former Liberal government, and in particular the now opposition leader, David Speirs, who was then minister for environment and water, wasted years on this important project, which really does beg the question: was holding the seat of Flinders against an Independent more important to them than their concern for residents of Port Lincoln and Eyre Peninsula having long-term access to drinking water? Let's have a look at what the former minister said—

Members interjecting:

The PRESIDENT: Members on both sides, I can't hear the minister. Order, the two leaders! The Hon. Mr Wortley! Minister, please continue.

The Hon. C.M. SCRIVEN: Let's have a look at what Mr Speirs said in June 2020 at Sleaford, which remains on his own website to this day, interestingly. It is a bit of a difficult watch. Clearly, the poor quality of the video matched the poor quality of their approach to this project. Some big claims were made by the now Leader of the Opposition. He said, 'This is the site.' He said, 'Locals have been advocating for the best part of 20 years and the Marshall Liberal government is getting on with it.' Then he said, 'I look forward to getting back here'—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —'and turning the first sod in a couple of months and seeing this project get underway.'

Members interjecting:

The PRESIDENT: Order! The honourable Leader of the Opposition, the Hon. Mr Wortley! Minister, please continue. I do want to hear the minister's answer.

The Hon. C.M. SCRIVEN: Thank you, Mr President. I think South Australians should be concerned that the now Leader of the Opposition in this state, the person who wants to be Premier, could be so far off the mark—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —in what he should have been able to deliver as minister.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: It is too important an issue—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley!

The Hon. C.M. SCRIVEN: —to add to the wasted Speirs years. The wasted Speirs years is what we have here. The wasted Speirs years are shameful, given the region is predicted to come perilously close—

Members interjecting:

The PRESIDENT: Order! Minister, sit down.

Members interjecting:

The PRESIDENT: I am not going to reward him by throwing him out.

Members interjecting:

The PRESIDENT: Order! I cannot hear the minister. Minister, please continue, conclude your remarks and we will move on with the day, but I need to be able to hear the minister.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley, she hasn't even started again yet. Stop it!

The Hon. C.M. SCRIVEN: The wasted Speirs years are shameful, given the region is predicted to come—

Members interjecting:

The PRESIDENT: Order!

The Hon. H.M. GIROLAMO: Point of order: could you table the press release that you—

The PRESIDENT: There is a point of order. What is the point of order?

The Hon. H.M. GIROLAMO: Absolutely. She is reading from a press release and I would like her to table it and stop continuing on with all this argumentative debate and actually answer the question.

The PRESIDENT: What is your point of order?

The Hon. H.M. GIROLAMO: She is reading from a press release. I would like her to table what she is reading from.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Mr President, if it would assist, this is not a press release.

The PRESIDENT: Thank you. Please conclude your remarks so we can move on.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: The wasted Speirs years are shameful, because the region is predicted to come perilously close to running out of water in 2025.

The PRESIDENT: Minister, I am sorry, there is a point of order behind you. I didn't see the Hon. Ms Bonaros.

The Hon. C. BONAROS: Point of order: it is unparliamentary of the minister to be referring to the Leader of the Opposition as the wasted Speirs years. With respect, and I am impartial. How's that?

Members interjecting:

The PRESIDENT: Order! I am not sure that you are actually calling the member wasted.

The Hon. C. BONAROS: We are not allowed to refer to members by their—

Members interjecting:

The PRESIDENT: That's reasonable. Minister, listen to me. You will refer to him as the Hon. David Speirs or the member for his electorate, please. Okay, please conclude your remarks so we can move on.

The Hon. C.M. SCRIVEN: The point that I have been trying to make, but those opposite don't want to hear, is that Port Lincoln is likely to run out of water suitable for drinking in 2025. That is only two years away. After flagging it in 2018, the former minister for environment and water delayed the project not long before the last election, which again begs the question of what the priorities of those opposite were. In terms of the science, I understand and appreciate—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Girolamo!

Members interjecting:

The PRESIDENT: Order! The Leader of the Government, you are not helping. Lead by example.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I understand and appreciate the concerns of stakeholders, in particular the aquaculture sector, but SARDI research has found that the desalination plant can be built at Billy Lights Point without negatively impacting the local marine environment. Oceanographic modelling by SARDI shows that when the plant is operational long-term salinity levels will remain within natural background levels.

The SARDI research is now available on the SA Water website and I would encourage all interested stakeholders to have a look. As I have said on previous occasions on matters that have relied on SARDI research, I have confidence in the world-class scientists at SARDI, and I hope those opposite are not suggesting that they don't share that confidence in our world-class researchers and scientists who are located at SARDI.

Further, the Billy Lights Point site is a former industrial area situated away from residential properties and set back from the coastline, meaning there will be less impact on residents. Additionally, the site selection committee's proposed Sleaford West site would cost up to $150 million more, I am advised, than the Billy Lights Point proposal, and that cost would be borne by South Australian residents who are SA Water customers. So that $150 million, I am advised, is in addition to the $313 million cost of the Billy Lights Point desal plant. A range of geological, technical and transport challenges, I am advised, were present at the Sleaford West site, which contributed to that potential extra cost.

As I said previously, I am aware of correspondence from stakeholders in the region and I do respect their concerns. The state government and SA Water are committed to working with the aquaculture industry to ensure the design of Billy Lights Point addresses the things about which they are concerned. The Malinauskas government understands the significant water security issues facing the region and will continue to work on a long-term solution. After all, the residents of Port Lincoln and Eyre Peninsula deserve to know that they will not run out of drinking water in a few short years' time.

EYRE PENINSULA DESALINATION PROJECT

The Hon. T.A. FRANKS (14:31): Supplementary: when will the minister be meeting with the aquaculture industry, who have raised these concerns?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): I meet frequently with the many industries within my portfolio. My understanding is that the minister responsible, the Minister for Environment and Water in the other place, has had a number of discussions with stakeholders, given it is within her direct portfolio.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Bonaros has a supplementary.

EYRE PENINSULA DESALINATION PROJECT

The Hon. C. BONAROS (14:31): Did the SARDI research and modelling involve targeted consultation with the aquaculture and fishing industries?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): My understanding is that it was a scientific investigation. I can take that on notice and see whether they had direct consultations or not, or whether it was limited strictly to the facts and the science.

EYRE PENINSULA DESALINATION PROJECT

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 Minister for Primary Industries regarding the government's announcement of Billy Lights Point as a preferred location for the EP desal plant.

Leave granted.

The Hon. N.J. CENTOFANTI: According to a letter from Eyre Peninsula Seafoods, they were so concerned about the impact of a desalination plant at Billy Lights Point on their business that, and I quote:

> …we commissioned a study by Professor Paul McShane, a marine biologist, research manager, and educator with over 30 years of international experience, which raises significant concerns about establishing the proposed desalination plant in Boston or Proper Bay. In his study, McShane found that the biophysical model developed by SARDI Aquatic Sciences was inadequate in characterising the risk of entrainment of mussel larvae in seawater intakes. As a result, 'the magnitude of entrainment relative to source populations remains to be adequately predicted'.

McShane's findings led him to conclude that Boston and Proper bays be excluded from consideration for the desalination plant 'given potential harm to existing and valuable mussel aquaculture enterprises'. My question to the minister is: has she contacted Eyre Peninsula Seafoods to discuss the results of this study? And if not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33): I thank the honourable member for her question. I am advised that comparison of the hydrodynamic model with moored field measurements was made over a one-year period, and it showed that the model was able to reproduce tidal and lower frequency weather band and seasonal variations in currents, sea level, temperature and salinity.

I am advised that the model therefore demonstrated predictive capability for assessing the transport, dispersal and fate of brine discharges and planktonic larvae associated with the operation of the proposed desalination plant. I am advised that using a five-year model hindcast, far field predictions of the salinity differences, that is, the anomalies, between a 12 gigalitre per year desalination plant operating at full capacity and a model simulation with no desalination, showed a maximum seasonally average salinity anomaly of 0.44 PSU within 250 to 500 metres of out force.

This anomaly, I am advised, is equivalent to a 1.2 per cent change in the ambient salinity. Maximum seasonally adjusted average anomalies were reduced to one kilometre from outfalls. At hourly timescales, predicted far field increases in salinity at distances of approximately 300 metres from outfalls were always one kilometre from outfalls.

I am advised the predicted changes in salinity due to desalination discharges are within the natural salinity variability of the region determined from the measured data. Salinity observations showed an annual range of 1.46 PSU, equivalent to a 4 per cent change in ambient salinity, and variations of approximately 0.1 and approximately 0.5 PSU across timescales of several hours to a week respectively.

Doubell, M. and James, C. 2023, 'Oceanographic far-field modelling to inform desalination in Boston Bay' was the comparison of the brine dispersal patterns from the different outfall locations and demonstrated the spatial extent and magnitude of long-term salinity increases were reduced when outfalls were in offshore waters east of Boston Island.

I am advised that for all outfall locations, salinity increases predicted at distances greater than 250 metres from outfalls, associated with a 12 gigalitre per year plant, modelled in this study were below the less than 5 per cent change in ambient salinity recommended by the Australian and New Zealand guidelines for fresh and marine waters and the one PSU environmental and ecological tolerance limits for flora and fauna reported in the desalination literature.

I am advised that this suggests, given the small size of the proposed plant which is eight gigalitres per year maximum, there are unlikely to be any substantial environmental impacts from the brine discharges in the far field. However, to adequately minimise salinity increases, it will be important that sufficient dilution is achieved by appropriate diffuser designs in the near field.

I am advised that biophysical modelling results for planktonic larvae, based on a limited understanding of the spawning characteristics of blue mussels, showed the far field spatial connectivity assimilated passive larvae with intakes were strongly influenced by tides and the regional circulation patterns.

I am advised that this identified that mussels sourced from Proper Bay and the Boston Bay area inshore from Boston Island have increased connectivity with intakes located near Billy Lights

Point and reduced connectivity with the intake located near Point Boston. Similarly, mussels sourced from Louth and Peake bays had increased connectivity with the intake located near Point Boston and reduced connectivity with intakes located near Billy Lights Point.

For all intake locations, the far field connectivity modelling indicated that less than 0.1 per cent of the particles released over the course of the mussel spawning season may be at risk of coming within a 25-metre radius of intakes. I am advised that further validation and development of the biophysical model, including in situ sampling to understand larval source regions and concentrations and the vertical distribution of mussel larvae, is needed to improve the far field connectivity modelling to better inform the number of larvae possibly removed by desalination intakes.

The modelling results, I am advised, that are presented in this study of the potential far field increases in salinity due to desalination brine outfalls and larval entrainment by intakes, should be considered in the context of current and future cumulative environmental impacts in the Port Lincoln region which, as we know, is home to South Australia's most valuable and productive aquaculture zone.

EYRE PENINSULA DESALINATION PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:38): Supplementary:

1. Will the minister table the modelling and also the report that references the EP water security issues into the future?

2. Has she had any contact with Eyre Peninsula Seafoods about their concerns and will her government provide compensation if it's found out that the concerns of the industry were indeed correct and her government got it wrong?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): I thank the member for her supplementary question. In answer to the first question, as I mentioned in my original answer the report is available on the SA Water website and I would again encourage interested stakeholders to look at that report. The second is a hypothetical, given that the modelling shows that there will not be a significant impact on the proposed Billy Lights Point site.

EYRE PENINSULA DESALINATION PROJECT

The Hon. C. BONAROS (14:39): Can the minister tell us what the financial benefit of that aquaculture activity at those locations referred to is worth to the South Australia economy?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): The aquaculture industry, of course, is incredibly important to our state. It forms a very important part of our industry and our economic output. In terms of the specific figure, I am happy to take that on notice.

EYRE PENINSULA DESALINATION PROJECT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Supplementary: has the minister had any contact with Eyre Peninsula Seafoods about their concerns?

Members interjecting:

The PRESIDENT: Order! The minister is on her feet. I will give one more chance. Minister, provide an answer. If there are interruptions, we move on.

The Hon. C.M. SCRIVEN: I beg your pardon? Interruptions, we will—

The PRESIDENT: If there are any interruptions as you are giving this answer, we are going to move on.

The Hon. C.M. SCRIVEN: Okay, certainly. Feel free. They are quiet now. They are very quiet.

The PRESIDENT: Minister, are you going to provide an answer?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40): I am always happy to engage with all stakeholders on matters that concern them.

EYRE PENINSULA DESALINATION PROJECT

The Hon. T.A. FRANKS (14:40): Supplementary: has the minister engaged with the referred to stakeholder on this matter, not in the past and not in generics?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:40): I have already answered that twice.

ALFALFA CROPS

The Hon. R.P. WORTLEY (14:40): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about SARDI's partnership—

Members interjecting:

The Hon. R.P. WORTLEY: Mr President, this is outrageous—absolutely outrageous.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: This is so disrespectful.

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: The Hon. Ms Girolamo!

The Hon. R.P. WORTLEY: So disrespectful.

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: The Hon. Ms Girolamo! Order! Start again.

The Hon. R.P. WORTLEY: My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about SARDI's partnership with the Crop Trust's BOLD Project and their research into alfalfa crops?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): I thank the member for his question and his ongoing interest in alfalfa, which is well documented, I'm sure. It's always a pleasure to inform this chamber of the incredible research and partnerships that our world-renowned SARDI scientists undertake across so many important areas.

SARDI scientists are currently leading an international project to assist farmers in marginal food environments to adapt and meet the challenges of the impacts of climate change. Partnering with Crop Trust, which is a non-profit international organisation dedicated to conserving crop diversity and improving worldwide food security, and as part of the Crop Trust's Biodiversity for Opportunities, Livelihoods and Development project (BOLD), SARDI will lead a three-year effort to use wild relatives of alfalfa to improve alfalfa varieties in countries including Kazakhstan, Kyrgyzstan and Pakistan.

The aim of the SARDI-led program is to expand livestock rearing and forage production opportunities for smallholder farms in these and other countries, leading to improved resilience to lower rainfall and higher temperatures experienced as part of the impact of climate change and variable climate.

Alfalfa is an important crop worldwide, planted for hay, pasture and silage in over 80 countries between 30 and 35 million hectares. As climate change continues to evolve and water becomes scarcer in many parts of the world, drought-tolerant alfalfa varieties will become even more essential. Previously, SARDI has been part of other important research programs into alfalfa and lucerne varieties and their ability to adapt to extreme environments, from the freezing winters in

places like Kazakhstan, to the heat of places such as Chile and Australia. These are yet more examples of South Australian knowledge through SARDI being exported to the world.

I look forward to continuing to update the chamber on the exciting and groundbreaking research that SARDI scientists are undertaking. It is valuable work that in this case is helping livestock industries all over the world, particularly in difficult environments, which in turn helps to feed people all around the world—a worthy goal. I am very pleased to have been able to update the chamber about this important work.

FOOTROT

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 footrot.

Leave granted.

The Hon. S.L. GAME: Producers and stock agents have reported that South Australia's approach to managing footrot is resulting in sheep bypassing South-East saleyards to go to Victoria. In that state, footrot is not considered a notifiable disease and takes a buyer beware approach when purchasing sheep. Mount Gambier Combined Agents Chairman, Ben Jones, is reported in the *Stock Journal* as saying that PIRSA's intense monitoring is crippling their yardings and is actually a reactive rather than proactive approach.

It is resulting in dishonesty or avoidance by producers who are cautious of flagging potential cases of benign footrot due to onerous management plans that follow. For producers who are singled out and have their pens placarded, it can also result in mental anguish for the flocks' owners. Questions over the effectiveness of the current program have been raised, particularly as close to $1 million is being directed at the disease; however, detection numbers continue to increase.

Accessing a vaccine for the different strains of footrot can only be done in South Australia through the Chief Inspector of Stock and not through private veterinarians. It is also reported that PIRSA are discussing alternative biosecurity options with South Australian agents to alleviate the redirection of sheep sales from the state to Victoria. My questions to the Minister for Primary Industries and Regional Development are:

1. What alternative biosecurity options are being considered to alleviate concerns over the bypassing of sheep from South-East saleyards to Victoria?

2. Has the government considered making footrot vaccines more widely accessible to producers, for example, through private veterinarians?

3. Has the minister considered whether a less strict regulatory regime enabling individual producers to manage the disease is a better approach?

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. As members are no doubt aware, the member was formerly a veterinarian so no doubt has a particular interest in this.

I have met with agents in the South-East as well as other stakeholders about this matter. It is certainly well recognised that there is a concern that there is export, if you like—I do not mean to use that term wrongly—of animals into Victoria because of the changes in the way footrot is addressed between the two states. I have discussed this also informally with Livestock SA as well as raised it with my department.

There are contrary views. There are differing views around how footrot should be addressed. Certainly, in the South-East of the state, due to the usual weather conditions, it is more prevalent than it is in more dry parts of the state. Currently, to my knowledge, there are different views from producers as to whether the existing regime is appropriate because it is very much tailored to trying to arrest the spread of footrot or, as some producers are reporting in the South-East, whether they find it too onerous.

However, the issue of whether PIRSA were reactive was raised, and PIRSA have advised me that they certainly do not consider themselves to be reactive: they consider themselves to be

undertaking the roles that they are required to undertake under the sheep industry funding scheme and the actions that that requires them to do. Also, they are involved in education around footrot: how to prevent it, how to recognise it and how to treat it and stop it spreading in the best ways that are available.

I think it is an important discussion. I have certainly raised the possibility of a review of it, which potentially would be led by industry, to see whether there are any different approaches that would address some of the issues that have been raised by the member and by stakeholders I have spoken to. I will be happy to update the house further as that information comes to hand.

FOOTROT

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:48): Supplementary: would the government be providing any financial support to that review?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:48): Because it has not been determined as yet whether a review will proceed and, if so, by whom and under what circumstances, it would be premature to be able to answer that question.

FOOTROT

The Hon. T.A. FRANKS (14:48): Supplementary: has the minister discussed this issue with the Cross Border Commissioner?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:48): The Cross Border Commissioner has not commenced her role as yet, so no, I haven't. Certainly, we indicated in the discussions that we had in the South-East that it might well be something that would be suitable work for the Cross Border Commissioner when she commences, which is in the coming weeks.

CROSS BORDER COMMISSIONER

The Hon. R.A. SIMMS (14:48): Supplementary: why hasn't the Cross Border Commissioner commenced her role given the urgency with which the government pursued the matter?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:49): I appreciate the recognition that the Hon. Mr Simms is giving as to the urgency with which we pursued this matter, which after all had been on the radar and been advocated by the member for Mount Gambier for a number of years, but of course wasn't taken up by the former Marshall Liberal government at all. I was very pleased that we were able to proceed with it. We introduced the legislation to establish the Cross Border Commissioner in I think it was our first week of government, although I stand to be corrected in case it was a couple of weeks afterwards.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Members may recall that those opposite attempted to move a number of amendments that would have made it far more difficult to be a workable piece of legislation, but fortunately—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —those were able to be defeated in the other place. The bill then came back to this place and we were able to pass it. We then commenced the recruitment process, which included engaging the services of a recruitment firm, and they went through a very robust recruitment process which meant that we were then able to announce, in December, the appointment of Ms Liz McKinnon. Ms McKinnon had an existing role. It's not unusual when we are looking at executives that they may need to finish off work in their existing role and therefore need a little more time to be able to transition to their new role. That was the situation in this case.

CROSS BORDER COMMISSIONER

The Hon. C. BONAROS (14:50): Supplementary: when was it actually intended that the commissioner would commence their role?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50): I am not sure if I quite heard the full question, but I think the question was: when was it intended that the commissioner would commence the role? The answer of course is: as soon as was possible.

The Hon. R.A. SIMMS: Supplementary?

The PRESIDENT: The Hon. Mr Simms, this will be our last supplementary before we move on. We have had five questions today so far.

CROSS BORDER COMMISSIONER

The Hon. R.A. SIMMS (14:50): Where will the commissioner be residing?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): In Mount Gambier.

APY EXECUTIVE BOARD

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:51): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs on the APY Executive Board.

Leave granted.

The Hon. J.S. LEE: A media release issued yesterday on 8 March by the APY Council of Elders stated, and I quote:

> This week the Minister directed, after being contacted by the two-thirds majority Executive Board with their concerns, that the Executive must meet before 17 March 2023.
>
> At the direction of the South Australian Attorney-General and Minister for Aboriginal Affairs, an APY Executive Board Meeting has been called in Adelaide to resolve important governance issues, including the position of General Manager of APY.

The media release then goes on to say:

> An Executive Board Meeting in Adelaide is in breach of the APY Land Rights Act S12—'Meeting to be open to all Anangu'.
>
> Adelaide is Kaurna land and it is disrespectful to bring confrontational Anangu business onto their land. Totally inappropriate. Anangu business must be conducted on Anangu land with all Anangu able to attend and contribute to the meeting.

My question to the minister is: can the Minister for Aboriginal Affairs please explain why he has intervened and directed the APY Executive Board to attend a meeting in Adelaide next week?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member for her question. I can let her know it is completely and utterly and absolutely false that I have directed a meeting to be held in Adelaide. I certainly have not.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley! The honourable Deputy Leader of the Opposition, what is your supplementary question?

APY EXECUTIVE BOARD

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:53): My supplementary question is: have you seen the press release?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): I am not sure of the exact press release. I see a lot of material that's put out and a lot of material that doesn't make factual claims. Certainly, I can

repeat: the honourable member has got it completely and utterly wrong. She may wish to think about apologising for putting information into this chamber that is completely and utterly false.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Wortley! Deputy leader, what is your supplementary question arising from the original answer?

APY EXECUTIVE BOARD

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:53): My supplementary question is: the press release, I just want to directly—

The PRESIDENT: No explanation. Just ask your supplementary question.

The Hon. J.S. LEE: Okay. The press release relating to APY Council of Elders—

Members interjecting:

The Hon. K.J. MAHER: Point of order: that's another—

The PRESIDENT: No, you sit down. The honourable Deputy Leader of the Opposition, I am sorry, I didn't hear your supplementary question. There was too much noise. Ask the supplementary question, I will rule on it and then we will move on, please.

The Hon. J.S. LEE: The supplementary question is: has the minister referred or read the press release by the APY Council of Elders? That is exactly what I asked him and he is being defensive.

The PRESIDENT: No explanation!

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I am not sure exactly what the honourable member is referring to. I have a huge amount of things that cross over my desk, but a particular press release from whatever the member is referring to I will have to check whether I have read or not. As I said, I have a huge amount of correspondence and issues that come across my desk, some are exceptionally important but there will be others—and if the honourable member is relaying it correctly, she is putting false information into this chamber.

APY EXECUTIVE BOARD

The Hon. H.M. GIROLAMO (14:55): Supplementary: where will the meeting be held—in Adelaide or in the APY lands?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55): It is not up to me as minister to decide on locations of meetings.

APY EXECUTIVE BOARD

The Hon. T.A. FRANKS (14:55): Supplementary: is the minister aware of this press release and its promulgation through the Twitter account atapy_lands, which purports to be the official account of the APY administration in governance?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55): I am not aware of a press release that makes the assertions that the Hon. Jing Lee has referred to being on Twitter or another place. As I have said, I get a huge volume of information coming across my desk in relation to a huge range of matters.

PREMIER'S EXCELLENCE AWARDS

The Hon. T.T. NGO (14:56): My question is to the Minister for Industrial Relations and Public Sector. Can the minister update the council on the Premier's Excellence Awards for the Public Sector in the emergency response category?

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 his question.

I will be most happy to update the chamber on the Premier's Excellence Awards for the Public Sector in relation to the emergency response category. I am very pleased to let the council know the finalists and winners in this very important category that certainly has had increased importance in recent years with the emergency response needed to keep South Australia safe from what was a global pandemic.

It is a relatively new category that has been awarded for the past three years for work keeping the South Australian community safe. This award is given in both individual and group categories. I am advised that the finalists in the category were:

- Nan Vasilunas from COVIDKids, a service that uses video technology to provide specialist paediatric care to children in their own homes, avoiding the need to come into hospital;
- Mr Andrew Bull from the Department of the Premier and Cabinet, who played a critical role in updating, maintaining and overseeing the state's crucial COVID-19 website while it was active; and
- the final nominee and winner of the individual category was Marie Sindarusiba, from the Department of Human Services, who saved the life of one of her clients, who had collapsed with COVID-19, by administering CPR.

In the group category there were a record number of finalists, which only serves to emphasise the scope and impact of the work undertaken by the public sector to keep the South Australian community safe. I am advised that the finalists in the group category were:

- the Biosecurity Response Team from PIRSA, which managed and prepared more than 20 varied and complex responses posed by disease risks interstate and overseas;
- the State Emergency Service for its immense and coordinated response to the recent flooding of the River Murray and the now ongoing recovery effort;
- the State Emergency Centre over the past three years for its key role in coordinating response and recovery to the Cudlee Creek and Kangaroo Island bushfires, COVID-19 and other preparations; and
- the final nominee and winner of the group category was the Aboriginal and Vulnerable Community Response and Contact Tracing team from the Flinders and Upper North Local Health Network, having combined successfully to deal with the COVID outbreak in high-risk communities.

I congratulate both the finalists and the winners for their outstanding work in contributing to keep the South Australian community safe and pay tribute to the thousands of people in our public sector who have gone above and beyond, particularly over the last few years, in keeping us all safe.

PREMIER'S EXCELLENCE AWARDS

The Hon. C. BONAROS (14:59): Supplementary: does the COVIDKids program continue to operate, given its importance and the finalist award to Nan Vasilunas?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:59): I thank the honourable member for her excellent question, and I will absolutely take that on notice and bring back a response in relation to the COVIDKids program, which produced one of the individual nominees in the Premier's Excellence Awards this year.

SUICIDE PREVENTION

The Hon. C. BONAROS (14:59): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development, representing the Minister for Human Services in another place, a question about older South Australians taking their own lives.

Leave granted.

The Hon. C. BONAROS: A deeply disturbing and groundbreaking study undertaken right here in South Australia by Flinders University has painted a very tragic picture about the number of older Australians who have taken their own lives, falling through the cracks, scared and alone, while they wait to move into aged-care facilities.

For the first time, Flinders University researchers, headed by senior research fellow with the university's College of Education, Psychology and Social Work, Dr Monica Cations, looked at the number of people over 65 who are ending their lives before accessing aged-care services. Older adults record the highest age-specific suicide rate of any age group in most countries. The research showed that 354 older people, who are in the process of accessing or waiting for aged-care services, died by suicide in the nine-year focus study.

Dr Cations said there is a misconception older people who die by suicide are choosing it as a way of euthanasia, but the research shows that many older people who die that way are distressed by the idea of moving into residential care, and said, and I quote:

> We need to take this risk seriously … we've older people who are really vulnerable, falling through the cracks…each death by suicide is potentially preventable.

My questions to the minister, noting that this is also a federal jurisdiction, are:

1. What is the state government doing to ensure our older citizens are getting the counselling and mental health support that they require?

2. What state government services are available to elderly people in South Australia, and their families, to assist them with the transition into aged care?

3. What is the current waiting period/backlog for elderly South Australians waiting to get into state-run aged-care facilities?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I thank the honourable member for her question. I would imagine that all of us who heard the reports about that important piece of research were most concerned, and all of us would look for the best possible outcomes for our aged relatives. To hear that 354 older people have taken their own lives in the circumstances described is quite heartbreaking. In terms of the specifics of the question, I will refer that to the relevant minister in the other place and bring back a response.

APY EXECUTIVE BOARD

The Hon. J.M.A. LENSINK (15:02): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about the APY Executive.

Leave granted.

The Hon. J.M.A. LENSINK: The Liberal opposition has sought a freedom of information request along the following lines, and I quote:

> A copy of all documentation (including, but not limited to, hardcopy or electronic briefings, meetings, reports, emails, letters—including draft versions—meeting agendas, diary entries, event attendance records and any other correspondence) regarding:
>
> - the APY Executive Board meeting in October 2022; and
> - a decision to hold the APY Executive Board meeting in Alice Springs in 2023.

My question for the minister is: did this particular freedom of information request provoke him to take any particular action in response and, if so, what was it?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): I thank the honourable member for her question. No, the freedom of information application from the opposition has not provoked me to take any particular action.

SNAPPER FISHERY

The Hon. R.B. MARTIN (15:03): My question is to the Minister for Primary Industries and Regional Development. Will the minister please inform the chamber about the snapper science stakeholder group as part of efforts to help the species recover?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:04): I thank the honourable member for his very important question. As members would be aware, late last year the difficult decision was taken to have the snapper fishery remain closed in most South Australian waters, with the exception of the South-East, where strict bag and boat limits apply. This was in response to the SARDI Snapper Stock Assessment report 2022, which showed that snapper stocks, while not depleting further since previous assessments, had not recovered to a sustainable level and were still considered depleted.

As part of that necessary decision to keep the fishery closed, the government announced a significant $8.8 million package to support the commercial, charter and recreational fishing sectors. This included $2.4 million in fee relief in the form of a 50 per cent reduction in licence fees for the charter and commercial sectors, $1.2 million for a restocking program that has already commenced at SARDI that will see close to a million fingerlings released across both gulfs, and $200,000 towards reef restoration projects, working with RecFish SA to involve the recreational fishing community.

Improvements to science were called for across fishing sectors, and this informed the largest part of the package: $5 million, with $2½ million coming from the state government and $2½ million from the Fisheries Research and Development Corporation (FRDC). That money goes towards research projects to broaden knowledge of the species and the best methods to measure their progress.

An important part of ensuring proposed science programs can have maximum benefit for industry, researchers and, of course, the species itself, is the snapper science stakeholder group. This group is made up of representatives from commercial sectors, the recreational sector, FRDC, PIRSA and SARDI. The group came together earlier this month and is already providing feedback to researchers and, importantly, bringing feedback back to stakeholder group members following the meetings.

The range of projects proposed over the next few years during the closure is extensive. They include enhanced biological sampling (including sampling for genetic testing), model forecasting, refining the stock assessment model, hydroacoustic surveys to measure stock levels, determining whether West Coast snapper should be considered separately from Spencer Gulf, and more. Many of these measures were directly called for by the fishing sectors. Combined with the already strong scientific work done by SARDI in this area, this will provide for the best possible decisions being made for the long-term future of this iconic species.

MICROALGAE BIOSEQUESTRATION

The Hon. T.A. FRANKS (15:06): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the topic of microalgae biosequestration.

Leave granted.

The Hon. T.A. FRANKS: Since the beginning of the Industrial Revolution, the release of greenhouse gases from human activities has resulted in an increase in concentrations of atmospheric carbon dioxide (CO_2), leading to global warming and climate change. Addressing the impacts of global warming has become a pressing concern for both economic systems and environmental/energy regulation in recent years. Climate and ecological disasters have posed threats to humanity and have forced decision-makers, politicians and companies to significantly reduce anthropogenic greenhouse gas emissions into the atmosphere, with a particular focus on CO_2.

Among the existing CO_2 capture technologies, microalgae guided sequestration is seen to be one of the more promising and sustainable solutions. Microalgae are single-celled

microorganisms which turn solar radiation energy to chemical energy using photosynthesis and, like trees, absorb carbon dioxide naturally, removing greenhouse gases from the atmosphere.

Research has shown that this method of sequestration is 100 times more efficient at absorbing CO_2 than an equivalent fast-growing tree—to produce one tonne of algal biomass, consumes 1.6 tonnes of CO_2 and exhausts 1.2 tonnes of oxygen. Research says every second breath we take originates from oceanic microalgae.

The USA, along with Asian and European countries, has now started the industrialisation of bioenergy with the use of microalgae biosequestration. My question to the minister is: previously, she has detailed what her department is doing to develop aquaculture and seaweed industries in South Australia. Can the minister now also inform the council what her department is doing with regard to microalgae?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:08): I thank the honourable member for her question. Microalgae sequestration is certainly an interesting area of research. I am happy to discuss with my department whether SARDI or PIRSA is currently involved in any of that particular research and bring an answer back to the chamber.

APY EXECUTIVE BOARD

The Hon. L.A. HENDERSON (15:09): My questions are to the Minister for Aboriginal Affairs about the APY Executive Board. My questions are:

1. What is the Minister for Aboriginal Affairs' relationship with Mr Richard King?

2. Does the minister endorse Mr King's leadership?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I thank the honourable member for her question. I think, if my memory serves me correctly, since being Minister for Aboriginal Affairs I have had one maybe two meetings with Mr King as the general manager of APY. The matter of who is general manager of APY is not up to me, it is up to the APY Executive Board. As I have told anyone who I have talked to, anyone who cares to listen, under the act the minister approves the terms and conditions of the general manager but it is up to Anangu Tjuta about who they select through their representatives as the duly elected APY Executive Board as to who is their general manager.

EXCELLENCE IN WOMEN'S LEADERSHIP AWARDS

The Hon. I. PNEVMATIKOS (15:10): My question is to the Attorney-General. Will the Attorney-General inform the council about the recognition of a South Australian lawyer in the 2023 Australian Awards for Excellence in Women's Leadership?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:10): I thank the honourable member for her important question, in the week that has included International Women's Day and from a woman who was an exceptionally well-regarded lawyer in Adelaide before coming to this place. I thank her for maintaining her interest in these matters.

We heard yesterday in contributions to this chamber the formal recognition for International Women's Day and I am pleased to now be able to share the recipients of the 2023 Australian Awards for Excellence in Women's Leadership, including the South Australian awardee from our state's legal profession. The Excellence in Women's Leadership Awards was created by Women and Leadership Australia in 2014 with the aim to increase awareness and momentum for supporting Australian women to receive fair opportunities to exercise leadership positions across every industry and the broader community.

These awards, presented at the Australian Women's Leadership Symposium, aim to recognise and pay tribute to individual women who have, on their own volition, supported and uplifted other women in their field and to also excel in their positions to rise to positions of leadership. The national overall recipient for the award this year was Karen Mundine, who I know and who does

tremendous work as the CEO of Reconciliation Australia. She is also a passionate advocate for women, particularly Aboriginal women and Aboriginal people right across Australia.

There were recipients from each state and territory in very important areas including the Victorian recipient, Georgie Harman, CEO of Beyond Blue. The Northern Territory winner was Pat Anderson AO, Chair of Batchelor Institute. I am very pleased that from South Australia, Moya Dodd, a South Australian lawyer and former vice captain of the Matildas, was a winner. It was a fitting award for Moya Dodd, the South Australian recipient, who has been acknowledged as supporting women in leadership through various aspects of her life, not only as a partner at the law firm, Gilbert and Tobin, but also in the sporting world, particularly soccer, where she was previously vice captain of the national soccer team, the Matildas.

Moya's leadership for women in sport has continued past her days on the field where she now contributes to uplift and empower women from the sidelines on the Football Australia Board and in having taken a lead role on gender reforms and becoming a 'driving force in the recent push for women within FIFA', and Moya's role in this area was recognised recently in no other than the publication *The New York Times*.

In the legal world, Moya is a member of the International Council of Arbitration for Sport, is a renowned motivational speaker, having often appeared at significant legal and other events such as the International Bar Association's annual conference and the IOC Athlete's Entourage Commission, to name just a few. Moya's incredibly impressive list of achievements and history of motivating and uplifting other women to rise into leadership positions both in the legal and sporting world is to be hugely commended and something that certainly I and I think most South Australians are very proud of.

ADELAIDE OVAL LIQUOR LICENCE

The Hon. F. PANGALLO (15:13): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development, representing the Minister for Police in the other place, a question about conflict of interest.

Leave granted.

The Hon. F. PANGALLO: The Liquor Licensing Commissioner, Dini Soulio, last July, approved the sale of liquor cans at Adelaide Oval after SAPOL agreed on terms with the Adelaide Oval Stadium Management Authority and withdrew its opposition on public safety grounds. The move came as a shock and betrayal to the South Australian Police Association, which remains concerned about the risk of injury inside the venue. The lead police officer who had oversight of discussions and the process with the AOSMA was Assistant Commissioner, Operation Support Service, Linda Fellows, who signed off on the decision to agree to the application to vary the liquor licence and allow for the sale of cans.

At all material times through the application process, Assistant Commissioner Linda Fellows was, and still is, a paid sitting member of the Adelaide Crows Football Club Board, serving as deputy chair. A freedom of information request lodged by my office to SAPOL asked for a:

> …copy of conflict-of-interest declaration of Assistant Commissioner Linda Fellows regarding her role on the Board of the Adelaide Crows and involvement in this matter.

This formed part of a larger application making inquiries into what information formed the basis of SAPOL's surprising about turn.

The response from SAPOL was that, after conducting inquiries with Assistant Commissioner Linda Fellows, no such document was located. In other words, no evidence that Fellows declared her interest when the Adelaide Football Club, along with Port Adelaide, the SANFL and SA Cricket Association, all stood to benefit financially from increased revenue from liquor sales.

However, I received emails between Fellows, another police officer, Paul Mitchell, and Superintendent Matt Nairn, in which cautionary notice was given by Mr Mitchell about a perception of a conflict of interest of SAPOL's dealings with the Adelaide Oval's venue manager who, as luck would have it, happens to be a serving police officer on extended leave of absence.

It can be drawn from that that Ms Fellows should have also been aware and made known her own obvious conflicts and recused herself. My inquiries also found no material evidence that a formal risk management plan was prepared for consideration. SAPOL—Ms Fellows and Commissioner Stevens—simply ticked off the commissioner's briefing paper dated 25 July 2022 by putting its trust in the AOSMA on safety. Nowhere to be seen in that document is there reference to any environmental benefits in ditching the environmentally friendly biodegradable plastic cups. It's all about making more money, so be up-front about it. My question to the minister is:

1. Will he now ask the police commissioner and Assistant Commissioner Fellows to explain why she didn't recuse herself and openly declare a conflict of interest in overseeing SAPOL's involvement in the AOSMA's application, given her significant position as deputy chair on the Adelaide Crows Football Club Board?

2. Will the minister order an investigation to determine whether there have been code of conduct violations?

3. Will he ask the police commissioner who had directed Assistant Commissioner Fellows to take conduct and oversight of this process? And did that authority instruct Ms Fellows as to a perception of a conflict, given her active role on the Adelaide Football Club Board?

4. Why was the decision made and signed off by Assistant Commissioner Fellows and Commissioner Stevens to support the varied terms negotiated between SAPOL and the SMA to sell liquor in cans without a risk and public safety management plan being tabled?

5. Can the commissioner and assistant commissioner explain the unusual action of SAPOL in providing assistance—rather than advice—to the applicant party, the AOSMA, in its application to vary its liquor licence? And is this going to be normal practice now for SAPOL and the liquor licensing branch to assist other applications from the hospitality sector?

The PRESIDENT: The Hon. Mr Pangallo, that was hardly brief, but we will move on.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:19): I thank the honourable member for his question. As you mentioned, Mr President, it wasn't a brief explanation but I understand fully that it's something about which the member has, clearly, a very strong interest. I am happy to refer the question to the relevant minister in the other place and bring back a response to the chamber.

Bills

STATUTES AMENDMENT (SEXUAL OFFENCES) BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): Obtained leave and introduced a bill for an act to amend the Bail Act 1985, the Child Sex Offences Registration Act 2006, the Criminal Law Consolidation Act 1935 and the Sentencing Act 2017. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20): I move:

That this bill be now read a second time.

I am pleased to introduce the Statutes Amendment (Sexual Offences) Bill 2023. This bill progresses a commitment that was made from opposition by this government to close loopholes that make it easier for people who possess child pornography or childlike sex dolls to get bigger sentence discounts or bail. The bill continues the government's commitment to ensuring our laws dealing with child sex offenders are fit for purpose and that they properly account for the harm that this kind of offending does to children.

The government wants to strongly emphasise that possessing this kind of exploitative material is not a victimless crime simply because the offender does not have direct contact with the child. Every time such exploitative images are downloaded or viewed that child is revictimised. The

downloading or viewing of this sort of material fuels demand, which then incentivises others to continue to abuse children to generate more material to meet that demand.

The bill amends the Sentencing Act 2017 to provide that possession of child exploitation material and offences involving childlike sex dolls are serious indictable offences for the purposes of the sentence discount provisions. Currently, they are both considered as indictable offences. Under the Sentencing Act, the maximum sentencing discount that can be awarded for a guilty plea is based on when the plea is entered and the seriousness of the offence.

Some serious indictable offences attract less of a sentencing discount than the normal discount, in recognition of the particular harm that these offences cause to the victims and to the community. The government believes that possession of child exploitation material and childlike sex dolls should be considered part of this serious category. This amendment will help to ensure that the sentences given to child exploitation material and childlike sex doll offenders who plead guilty are in line with community expectations and properly reflect the gravity of the offending.

The bill also amends the Bail Act 1985 to legislate a new bail principle that authorities must take into account when considering whether to grant bail to a person charged with child exploitation material or childlike sex doll offences. Under the current law, bail authorities consider the gravity of the charged offence when determining whether someone should be given bail.

The bill provides that, when determining the gravity of an alleged offence involving child exploitation material or childlike sex dolls, bail authorities must take into account the harm that these offences cause to children by continuing to contribute to the demand for child abuse. This principle will ensure that bail authorities consider the particular impact of such possession offences on the indirect victimisation to the child and create a legislative statement of the gravity with which the parliament views this type of offending.

Finally, the bill amends the language used in the child exploitation offences in part 3, division 12 of the Criminal Law Consolidation Act 1935 so that they better reflect the exploitative nature of the conduct. Currently, the division centres around 'commercial sexual services' offences, being the forcing of a person to provide such services or using a child in such services.

The bill changes this language to 'commercial sexual acts'. The use of the word 'services' is considered inappropriate in the context of these offences. A child or adult who is being sexually exploited for profit is not providing anyone with a 'service'. The language is changed to reflect the exploitative nature of the offending and to be more sensitive to the experiences of victims. Importantly, this amendment will not change the substance of the offence, as the definition of a commercial sexual act is equivalent to the current definition of a commercial sexual service. The bill also amends the Child Sex Offenders Registration Act 2006 to update references to the commercial sexual services offences to reflect these changes.

I wish to acknowledge the advocacy and the work of the Hon. Connie Bonaros, who has raised issues of language in current statutes that deal with sexual offences, particularly in the debate on the Statutes Amendment (Child Sex Offences) Act 2022, which raised the penalties for some of the aforementioned offences. I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

3—Insertion of section 10AA

This clause inserts a new provision in the Act requiring a bail authority considering a bail application by a person who has been charged with a child sexual material offence to take into account the harm that people who deal

with child sexual material cause to children by contributing to demand for the abuse of children in considering the gravity of the offence.

4—Transitional provision

The new provision will apply in relation to a person who applies for bail on or after the commencement of this Part.

Part 3—Amendment of *Child Sex Offenders Registration Act 2006*

5—Amendment of Schedule 1—Class 1 and 2 offences

These are consequential to Part 4.

Part 4—Amendment of *Criminal Law Consolidation Act 1935*

6—Amendment of heading to Part 3 Division 12

7—Amendment of section 65A—Definitions relating to commercial sexual services

8—Amendment of section 66—Sexual servitude and related offences

9—Amendment of section 67—Deceptive recruiting for commercial sexual services

10—Amendment of section 68—Use of children in commercial sexual services

These clauses make various amendments to remove references to 'commercial sexual services' and to instead use the new terminology of 'commercial sexual acts'.

Part 5—Amendment of *Sentencing Act 2017*

11—Amendment of section 40—Reduction of sentences for guilty pleas in other cases

This clause makes offences against sections 63AA, 63A and 63AAB of the *Criminal Law Consolidation Act 1935* 'serious sexual offences' for the purposes of section 40.

12—Transitional provision

The amended definition will apply in relation to the sentencing of a person for an offence to which the person pleads guilty on or after the commencement of this Part.

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

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

Second Reading

Adjourned debate on second reading.

(Continued from 9 February 2023.)

The Hon. H.M. GIROLAMO (15:25): I indicate that I will be the lead speaker for the opposition on this bill, another bill arising from the national Energy Ministers' Meeting. The National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill builds on the Retailer Reliability Obligation that was brought to the parliament in 2019 by the former Liberal government, a good demonstration of the former government's commitment to improve the reliability and security of the state's energy system.

Following the 2018 election, there was a lot of focus on improving the reliability of energy in the state's electricity system. This ensured that electricity for families and businesses was affordable and, most importantly, reliable as well. Forewarned is forearmed. The Retailer Reliability Obligation was one such tool to increase reliability in the grids by providing some form of recognition of capacity in the National Electricity Market. It was designed to change the way power generators will invest and places what is a clear value on putting power into the system.

It was designed to ensure that the electricity system operates reliably and meets the demand for electricity at a lower cost. The national energy ministers agreed in September 2021 to include the ministerial lever for the T-3 instrument under the Retailer Reliability Obligation for all regions in the National Electricity Market (NEM). Further to this, the national energy ministers agreed to further progress design work on the mechanisms that specifically value capacity in the NEM.

By expanding the existing ministerial reliability instrument from South Australia to all NEM jurisdictions, it provides the ability for National Electricity Market jurisdictions to manage potential risks to the system reliability. With the NEM becoming more interconnected to assist with an orderly transition, it is certainly to South Australia's benefit that these other jurisdictions address any reliability risks in their state or territory, especially with some upcoming significant retirements of large coal-fired power stations.

Because of other jurisdictions facing the retirements of large coal-fired power stations, they have significant reliability caps forecast in the coming years by AEMO. This will certainly help to that end. We on this side will always champion instruments and measures that improve reliability and smooth and dampen price rises in the energy market, especially in these times of a great cost-of-living crisis and a looming energy crisis. We commend this bill to the house.

The Hon. R.A. SIMMS (15:28): I rise to indicate the Greens' support for this bill, which will introduce a ministerial reliability instrument in other states that is already in place here in South Australia. In the transition to renewable energy, the stability of electricity is vital. This bill allows energy ministers to intervene three years before a predicted failure in the energy market.

We have seen successes in South Australia in producing and supplying high levels of renewable energy. In 15 years we have shifted from 1 per cent renewable energy to almost 65 per cent of South Australia's power coming from wind, rooftop solar, large-scale solar and battery storage.

A renewable, reliable grid is vital to our state's energy needs. This bill allows the national energy market to implement reliability instruments, as is already done in South Australia. Reliable energy ensures the demands of consumers can be met consistently. The ministerial reliability instrument is only for stability issues that can be forecast and thus it will not provide outcomes for storm-related blackouts, such as those that were experienced by South Australia last year.

According to the Australian Energy Regulator, there are currently three reliability instruments in place for South Australia for 2024, 2025 and 2026. A reliability instrument was in place for the current period but has been revoked. Many of these reliability instruments are revoked before implementation as the need no longer exists. What this shows us is that this is a safeguard mechanism that is only enacted when necessary. The Greens will be supporting this bill to ensure ministers can step in to provide safeguards for a reliable network in the transition to renewable energy.

But I do want to point out that it will take more than this bill to provide security for South Australians in terms of our state's energy needs. Some months ago, I proposed here in this place that the government hold a commission of inquiry into bringing back ETSA. We have seen, since the privatisation of our electricity network 20-odd years ago, the disaster that has faced South Australian consumers in terms of skyrocketing costs and the unreliability of the network. Indeed, our electricity network cannot even weather a storm.

So we need to bring our electricity network back into public hands, and the South Australian people should own the distribution and production of that network. That is precisely why the Greens have been advocating to bring back ETSA. Unfortunately, that is a position that is opposed by both of the major parties in this place. I am not sure why. They seem to be beholden to corporate interests rather than the interests of the South Australians they represent.

That said, the Greens will continue to push for public ownership of electricity. We believe that public assets belong in public hands. That is the way that we guarantee the stability of our network. But, that said, we will support the legislation that has been proposed by the government.

The Hon. R.B. MARTIN (15:32): I rise to speak in support of the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill. The National Electricity Market is undergoing a fundamental transition, driven by rapid technological change, as Australia moves towards a lower emissions electricity system. The large influx of intermittent renewables along with the closure of thermal generators means that states and territories need to take extra measures to ensure the reliability and continuity of electricity supply.

One way in which the reliability of our energy supply is being ensured is through the Retailer Reliability Obligation. This initiative of the then COAG Energy Council aims to give confidence that sufficient dispatchable power will be available when required whilst the National Electricity Market undergoes this transition towards a sustainable, lower emissions future.

Under the Retailer Reliability Obligation, if a forecast supply shortfall is identified, then an obligation is placed on electricity retailers to demonstrate their contracting can meet their share of peak demand one year in advance. This policy ensures that energy retailers are accountable for reliability in a way they have not been before. If the reliability obligation is triggered, then retailers must enter into sufficient contracts to meet their share of expected system peak demand. Retailers can choose to contract with any form of generation—for example, solar, hydro, wind, gas, coal or batteries. This provides an incentive for market participants to invest in the right technologies, in the right areas, sustainably and for the future.

The primary mechanism by which the Retailer Reliability Obligation program works is through the Australian Electricity Market Operator, identifying any potential reliability gaps in each National Electricity Market region. The market operator will generally update the forecast annually, or it can provide more frequent updates if required. The purpose of this report is to inform the market of any possible gaps between energy supply and demand and signal the need for investment.

If the market operator identifies that there is likely to be a gap in supply three years and three months from a specific date, they can request that the Australian Energy Regulator make a T-3 reliability instrument, which has the effect of triggering the Retailer Reliability Obligation. Until now, South Australia was the only jurisdiction in which an energy minister had the ability to trigger the Retailer Reliability Obligation independently from the Australian Energy Regulator.

The power of an energy minister to make a T-3 reliability instrument declaration has been shown to be of fundamental importance, allowing South Australia to better manage the risk that a liability gap not forecast by the AEMO could emerge at any time across the 10-year forecast period. It is important to note, however, that this ministerial power is required to be exercised only following extensive consultation with the Australian Electricity Market Operator and the Australian Energy Regulator in relation to the instrument the minister proposes to make.

Furthermore, under the National Electricity (South Australia) (Retailer Reliability Obligation) Amendment Act, the South Australian energy minister is only permitted to make a T-3 reliability instrument if they reasonably consider there was a real risk of significant disruption to the supply of electricity to all or part of South Australia on one or more occasions during the period.

The other jurisdictions within the National Electricity Market have recognised the usefulness of these provisions and are now looking to adopt them. As such, the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill seeks to expand these provisions that previously were only applied in South Australia to the other NEM jurisdictions.

I note that South Australia is lead legislator in this area. That means that if this bill passes in this house the amendments to the national law will flow on to all other members of the National Electricity Market. Significantly, the expansion of the ministerial lever powers to other jurisdictions proposed by this bill was endorsed by national cabinet in 2021 and followed consultation with the Energy Security Board and a process of public submissions.

It is important to understand that the value of this legislation and the T-3 ministerial lever is not simply hypothetical. In its 2022 Electricity Statement of Opportunities Report, the Australian Electricity Market Operator identified a T-1 forecast reliability gap in South Australia for the 2023-24 period. However, the Australian Electricity Market Operator had not previously made a T-3 reliability instrument for this period; for example, the determination that there could be an energy reliability gap three months and three years from that date.

Without the power that has existed in the South Australian minister to pull the ministerial lever and make a T-3 instrument on 7 January 2021, the obligation on energy retailers to secure supply under the Retailer Reliability Obligation would not have been possible. There is no doubt that energy security and reliability is of extreme importance to this state and the entire population of South Australia.

The reform proposed by this bill, which gives states and territories greater power to ensure their energy supply, is only one component of a broader adequacy reform package being developed by market bodies in consultation with the states and territories. I look forward to seeing the results of this consultation and further legislation aimed at supporting policies that address reliability concerns that have arisen as a result of the risks and uncertainties associated with generation retirement, challenges of mothballing rather than closure, market illiquidity, and hedging exposure of large commercial and industrial participants contracting directly from the wholesale market. I commend the bill.

The Hon. R.P. WORTLEY (15:38): The government is building upon an important national reform, the Retailer Reliability Obligation, which commenced in July 2019. The Retailer Reliability Obligation aims to give confidence that sufficient dispatchable power will be available when required as the National Electricity Market (NEM) transitions from ageing fossil fuels plants to new clean energy sources. Under the Retailer Reliability Obligation, if a forecast supply shortfall is identified this triggers an obligation on electricity retailers to demonstrate that their contracting can meet their share of peak demand one year in advance.

In 2019, the National Electricity (South Australia) (Retailer Reliability Obligation) Amendment Act 2019 provided for supplementary local provisions related to the triggering of the Retailer Reliability Obligation, which applied only in South Australia. It provided for the South Australian minister to make a liability instrument if they considered there was a real risk of significant disruption to the supply of electricity to all or part of South Australia on one or more occasions during a period.

The other jurisdictions within the National Electricity Market have recognised the usefulness of these provisions and are now looking to adopt them. As such, the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill 2022 seeks to expand these provisions that previously were only applied in South Australia to the other National Electricity Market jurisdictions.

The bill gives an option to the minister of the relevant participating jurisdiction to make a reliability instrument three years out for a specific period on or after 1 December 2025. The intention of this bill is to better manage the risk that a liability gap not forecast by the Australian Energy Market Operator could emerge at any time across a 10-year forecast period.

A minister can only make such an instrument if it appears to the minister on reasonable grounds that there is a real risk that the supply of electricity will be disrupted to a significant degree on one or more occasions during the period specified in the instrument. A transitional arrangement has been included in the draft bill to manage the risk that the bill is not passed in time to provide three years' notice for the 2025-26 period.

If an energy minister intends to make a reliability instrument, the bill requires that the minister consult with the Australian Energy Market Operator and the Australian Energy Regulator in relation to the instrument the minister proposes to make. The ministerial lever reflected in this amendment bill is only one component of a broader resource adequacy reform package being developed by market bodies and jurisdictions.

The T-3 ministerial lever is a supporting policy for reliability concerns in response to risks and uncertainties associated with generation retirement, challenges of mothballing rather than closure, market illiquidity, and hedging exposure of large commercial and industrial participants contracting directly from the wholesale market.

Most recently, the value of the T-3 ministerial lever has been proven. The Australian Energy Market Operator identified a T-1 forecast reliability gap in South Australia in 2023-24 in its 2022 Electricity Statement of Opportunities report of 31 August 2022. The Australian Energy Market Operator did not previously make a T-3 reliability instrument for this 2023—

Members interjecting:

The ACTING PRESIDENT (The Hon. L.A. Henderson): Honourable members, I would ask you to please keep your volume down. The Hon. Mr Wortley has something very important he would like to say.

The Hon. R.P. WORTLEY: Thank you for your strong protection, Madam Acting President. The Australian Energy Market Operator did not previously make a T-3 reliability instrument for the 2023-24 period, so without the South Australian minister first triggering a T-3 instrument on 7 January 2021, AEMO would not have been able to trigger the obligation on retailers.

The key benefits of this include: broadening the existing T-3 ministerial lever from South Australia to all national energy market jurisdictions; strengthening the ability for national energy market jurisdictions to manage potential risks to system reliability; and supporting policy for reliability concerns in response to risks and uncertainties associated with generation retirement, challenges of mothballing rather than closure, market illiquidity, and hedging exposure of large commercial and industrial participants contracting directly from the wholesale market.

This is a very important bill, and I look forward to it being passed in this chamber.

The Hon. T.T. NGO (15:44): I rise to speak in support of the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill 2022. This bill is part of a group of reforms, with South Australia acting as the lead legislator for the nation's energy markets. The essential improvement being proposed in this bill is to give the minister in a particular jurisdiction the ability to declare what is called a T-3 instrument. This, in simple terms, is a warning to the electricity market that a risk of a supply for the years ahead has been identified and consequently needs a response.

South Australia already allows for our minister to make such a declaration. In fact, this modification has applied in South Australia since the commencement of the Retailer Reliability Obligation. The bill builds on amendments made in 2019 to the National Electricity (South Australia) Act 1996, when the Retailer Reliability Obligation was created. It will help create greater confidence about there being sufficient supply in the electricity market.

Interestingly, when those amendments were debated in this place during the previous parliament in April 2019, the member for West Torrens, the Hon. Tom Koutsantonis MP, who is now our Minister for Energy and Mining, pointed out that he could not understand why South Australia was the only jurisdiction that gave the relevant minister the power to make a T-3 instrument. I can also remember he said the same thing in one of our caucus meetings as well.

By extending the existing T-3 ministerial lever from South Australia to all jurisdictions we will strengthen the capability for the National Electricity Market jurisdictions. This measure will help to fix the broken parts of our National Electricity Market so we can better manage potential risks and significant disruptions to electricity supply.

The South Australian provisions have proven to be valuable, with reliability instruments being made in early 2021 and early 2022 to reduce the risk of an energy shortfall in South Australia during the 2024 and 2025 summers. Now, other jurisdictions within the National Electricity Market are recognising the benefits of these provisions and are looking to adopt them. A minister will be able to trigger a T-3 situation when a risk of significant disruption to the supply of electricity is determined during a specified period on or after 1 December 2025.

Importantly, a transitional arrangement was included in an earlier draft bill to manage the possible risk of this bill not being passed on time to provide the three years' notice for the 2025-26 period. In supporting this bill, we will be implementing a nationally consistent framework. Strengthening the regulatory strength and flexibility of the National Electricity Market is certainly in the best interests of all our communities.

We have seen the huge disruption that can occur if dispatchable energy is not available and if retirements of base loads are not handled sufficiently. There have, and will continue to be, storms and environmental elements causing disruption to electricity supply. When we lose the luxury of electricity during a blackout we are left in a vulnerable position. We know that all aspects of human daily life, our economy and our environment depend on electricity.

Our National Electricity Market was designed at a time when it was powered with coal and gas as base load generators. These generators could run 24 hours a day and it was taken for granted that dispatchable energy would be available at all times. Today's electricity market has had a massive growth in other sources such as wind and solar, and these are part of the new generation mix of

electricity in the National Electricity Market. At the same time, we are experiencing the retirement of base load power from the system.

For this reason, we are fortunate to have a government committed to seeing this state guaranteeing the development of a hydrogen hub while we improve electricity laws in all jurisdictions and work towards national reform. I am proud to be a member of a government that is improving and safeguarding our electricity market. For that reason, I commend this bill to the house.

The Hon. J.E. HANSON (15:51): It is a great time to be alive in South Australia, isn't it? Much like everybody else, I rise to speak in support of the National Electricity (South Australia) (Ministerial Reliability Instrument) Amendment Bill 2022. Right, we all said that, and if you did not catch it the first seven times, the bill is obviously part of a suite of reforms and then some other stuff. If you want to read *Hansard* you can go back and have a look at what everyone else said—it is exactly the same thing.

The core reform being proposed is this T-3 scenario, this T-3 instrument. I think it is pretty important that everyone who might be interested in energy in South Australia gets across just how important that is because it allows for a warning to the electricity market about a risk of supply shortfall. That is pretty critical. Anyone who has been in South Australia recently would know that is pretty critical.

I will continue now but I am certain that people have a certain number of events in their minds when you talk about risk to supply. In this particular case, South Australia already provides for our minister to make such declarations, so why are we here? Well, to put it simply, as a colleague once put to me: it is hard to fly like an eagle when you are surrounded by turkeys. What does that mean? This bill merely allows the rest of the nation to catch up to South Australia. That is right: we are in front. What an exciting time to be in South Australia. This bill builds on amendments made in 2019 to the National Electricity (South Australia) Act 1996.

Before my colleagues and, indeed, the members on the opposition benches get too excited, this will not be a celebration of maybe the one thing you were able to achieve in government, but I will acknowledge it was done during the time period of an otherwise catastrophic Liberal government and it did create the Retailer Reliability Obligation.

Interestingly, as has already been put by the Hon. Mr Ngo, when those amendments were debated in the other place during the previous government, the member for West Torrens, who is now our Minister for Energy and Mining, made some pretty prescient comments. At that time, in 2019, the member said he could not understand why South Australia was the only jurisdiction that gave the relevant minister the power to make a T-3 instrument. That is pretty interesting, given what I just said about risk of supply. He summarised then that the South Australian energy minister was probably acting on the excellent advice he received from his agencies, which they both recognised as being exceptional.

He went on to say, and I will quote him specifically, 'I do not know why and I still cannot understand why other member states of the National Electricity Market did not wish to take that power for themselves as well. I think that is a very prudent thing to do.'

The Hon. R.B. Martin: Turkeys.

The Hon. J.E. HANSON: The Hon. Mr Martin cuts in saying the other states are turkeys. Well, maybe they are.

The PRESIDENT: Interjections are out of order. You do not need to acknowledge them.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.E. HANSON: Calling other states turkeys for not being South Australia is actually, I think, just a statement of pride in our state. They are turkeys for not putting in the kind of reforms that the then shadow energy minister was lauding his department for advising the then energy minister for doing.

Rather than repeating a fairly boring technical overview of what we are potentially looking at here, I would like to make some observations about what this bill says about the national energy market. It is pretty interesting when you look back over the history of energy in South Australia. South Australia's electricity system was formerly owned by the South Australian people. I know that the Hon. Mr Simms will be running from somewhere in the building right now. Do not bump into anything on the way here, Mr Simms, I have a way to go; it is okay.

The PRESIDENT: Order! There is no need to reflect on whether a member is here or not.

The Hon. J.E. HANSON: The government owned and operated ETSA and the generation arm OPTIMA. We were told that the system should be privatised. We were told that the private market would be more efficient and that the customers would have cheaper power. Yet here we are, some 20 plus years after the day that the Liberal Party privatised the system, now having to debate reforms to fix the inefficiencies of the private market at a time when customers are staring down the barrel of electricity prices potentially rising by 56 per cent in the next two years. In the next 750 days, we could see prices rise by as much as 56 per cent.

As we on this side of the house have always known the privatisation of essential services like electricity is a pathway to disaster. To be clear—before the Hon. Mr Simms, who I know must have just briefly stepped out for a few seconds, gets his hopes up—we are pro-business. We welcome the competition, we welcome the innovation, the investment, the job creation that the private sector brings, but it has to be done in the many sectors where those factors can flourish, not in the areas of essential services, like Service SA, which have elements of operating as a monopoly or where there are risks of market manipulation to the detriment of consumers' interests.

Let us consider briefly the inefficiencies that led to the establishment of the Retailer Reliability Obligation. The obligation was deemed necessary because the private market was not working to ensure sufficient generation was being built. There was a risk of disorderly exit of ageing fossil fuel plants with insufficient replacement of generation being available. This was a big stick—penalties that could be as high as $100 million were put in place to incentivise that investment. Privatisation alone failed to create the incentive to invest nor was the market really, if you like, liquid enough to achieve what the aim was.

For the competition to be successful—I know the Liberal Party are listening because they love competition—new players must be able to come in and disrupt a market with better offers from target buyers.

Members interjecting:

The PRESIDENT: Do not tip petrol on the fire here.

The Hon. J.E. HANSON: It would be coal on the fire I think, Mr President. The market liquidity obligation that works in tandem with the Retailer Reliability Obligation is an acknowledgement that the electricity market was not liquid. This is something that the opposition is indeed agreeing with now, which is nice. It was an acknowledgement that the big, vertically integrated companies, the ones who bought out the previous government-owned utilities, could squeeze out newcomers. It was literally, if you like, a failure of privatisation.

Here we are, more than three years later, after we saved ourselves last time with the honourable member for West Torrens then making the very prescient comment that he thought it would be a prudent thing for the rest of the nation to do what South Australia was doing, and here we are—we are doing it. We are allowing them to catch up with us. So with all the other states asking us to legislate for them, exactly what our minister recognised back then as the best course of action in administering the Retailer Reliability Obligation, it should not come as a surprise to South Australia that our minister at the helm of energy regulation is once again way ahead of the pack.

Think back to the energy plan under the previous Labor government. Remember that thing? That is right, the big battery. The big battery was where the government incentivised the revolutionary concept—the revolutionary concept—of building a grid-scale battery to stabilise supply. Do you remember that? Uninformed critics, and critics who should have known better but did not, made comments then and regretted them later, but they did not understand what they were saying. They misunderstood the purpose of the big battery. They labelled it, I think rather bizarrely, the big banana.

I do not really get where they were going with that. Who was that Prime Minister? Anyway, it does not matter. They said it would be useless because it could only supply energy for a very brief period, but time has proved those critics wrong.

The big battery, owned and operated by Neoen using Tesla equipment, has saved South Australians tens of millions of dollars in ancillary support costs. It has been so successful that it was increased in size—increased in size—from 100 megawatts to 150 megawatts. The range of support services it supplies has been broadened. Significantly, big batteries are being or have been installed across Australia and many other countries. South Australia, once again, just like here today, is leading the way.

South Australia moved ahead earlier than other states in identifying opportunities in power. I am trying to think of another source of energy. Hydrogen, that is right. Once again, here we are leading the nation in another energy-producing device. There is hydrogen. We are creating a road map with a vision that has led us to today's Hydrogen Jobs Plan. We are at the cutting edge of exciting technological change. We have led the way with renewables, with more than two-thirds of supply from renewables last financial year. Often, renewables in South Australia are ample to meet 100 per cent of demand. That is in renewables. Renewables meet 100 per cent of demand. Some people said that could not happen. Maybe they are eating a banana now.

Often, renewables will meet those demands. We are understood to be the first jurisdiction in the world—the first in the world—where an electricity system of more than one gigawatt of demand has at times had solar alone providing that level of capacity. Wind alone meets 100 per cent of the mark frequently and wind combined with solar meets the mark for hours most of the time.

It would take a degree of hubris—I do not think I have that—to say that South Australia's achievements in energy leadership have not been without challenges, but being a progressive state we have met those challenges and made reforms to strengthen our system. One need look no further than, for instance, last year when storms whipped through South Australia. The Hon. Ms Girolamo, storms whipped through South Australia causing two different but related major problems.

The Hon. L.A. Henderson: Remember that blackout under the Labor government—the Labor one. It wasn't under Liberal. It was under Labor that we had those big blackouts.

The Hon. J.E. HANSON: I will get to it, the Hon. Ms Henderson. I am going to get to it, don't worry.

The PRESIDENT: Interjections are out of order. Do not respond to them.

The Hon. J.E. HANSON: Thank you for your protection, Mr President. In one incident, the ElectraNet transmission tower south of Tailem Bend was toppled. It caused a line to trip and it effectively islanded, if you like, most of South Australia from the rest of the national energy market. This was a major disruption, fairly obviously, yet the grid handled it and no customers lost power because of the lack of supply—no customers lost power because of the lack of supply. Actually, the reverse was true. Excessive supply became the issue, and it required careful interventions to curtail generation until the transmission line was repaired and ready to export South Australian renewable energy to Victoria. That is us giving back to Victorians again. I look forward to the Gather Round.

The second stress on the system was not related to transmission, it was the widespread damage to the distribution network caused by falling trees and vegetation. This damage was an act of nature, unfortunately the type of extreme event that we can expect to become more common because of climate change. It resulted in more than 500 wires being downed and 163,000 customers losing power. The length of the blackouts was minimised by the South Australian volunteer spirit and the professional response of many of our organisations.

I think the circumstances of those blackouts were very different from the risks in supply that this bill seeks to address; however, I think the experience fresh in our minds is that this is all a matter of reliability. Our homes, our schools, our hospitals and our places of entertainment are all sites in our lives where we need reliable energy supply, and we cannot afford to take it for granted. We need our system to be as resilient as possible. We have led the way. South Australia has led the way in providing that resilience.

I think everyone here should be pleased to see the rest of the nation following our lead and, indeed, the rest of the international community looking at South Australia and how we are leading the world. But this bill only acts as a patch on a broken system. It is a system that is ripe for deeper reforms that restore the centrality of consumers rather than make us all shareholders. While those deeper reforms take shape, I think it is pretty necessary to put patches like this in place, and it is why the Malinauskas government supports this bill. I commend it.

The Hon. F. PANGALLO (16:06): I was not on the list, but I thought I may get up and say something after all that hot air we have heard today and talk about turkeys. I commend the member, Mr Hanson, on his parochialism about South Australia. Reliable and affordable supply is still a challenge and will continue to be as woke-driven generators look at closing down coal power stations in the Eastern States that can power millions of consumers, further endangering the dispatchable power that this country needs.

In Europe, countries like Germany, after closing down nuclear and coal-fired power stations, are now looking at reopening them. Germany is reopening something like 20 coal-fired power stations simply because of the uncertainty of supply. I cannot see that certainty here in Australia. I note that Mr Hanson—

The PRESIDENT: The Hon. Mr Hanson.

The Hon. F. PANGALLO: —was barking about how South Australia is in front of the game. Let's not forget what happened on the watch of the previous Labor government. That is when we had the statewide power blackout and the dramas that ensued in the weeks and months after that. Let's also not forget that under Labor we had the highest power bills in the world. They were the highest.

I have to say, they are not really coming down that much at all. We do have a lot more renewable energy today, and that is probably to some of their credit, but again, the bills have not come down as were promised to long-suffering consumers in South Australia; in fact, they are going up by 20 per cent by July this year. Of course, we have heard the Prime Minister and a number of his Labor acolytes parroting that they are going to bring down power prices by $275.

The Hon. H.M. Girolamo: I haven't seen that cut.

The Hon. F. PANGALLO: I cannot see that happening, either. To quote Mr Hanson, we will see a turkey fly by the time that happens.

The PRESIDENT: The Hon. Mr Hanson.

The Hon. F. PANGALLO: Any politician on any side who promises they are going to bring down power bills are really kidding themselves and also the public. I will never believe a politician who utters the fact that they are going to bring down power bills. It will not happen. It has not happened. The biggest mistake that this state made was made by the Liberals in privatising ETSA. That was a black day for this state, and we are continuing to pay for that right now.

The Hon. T.A. Franks interjecting:

The Hon. F. PANGALLO: But I must say the Greens want to ban new gas and coal. If that happens, what happens to guaranteed supplies?

The Hon. R.A. Simms: Frank, you were doing so well.

The Hon. F. PANGALLO: Yes, I know, but I have just said you cannot believe politicians on either side.

The PRESIDENT: The Hon. Mr Simms, do not bait him, and the Hon. Mr Pangallo, do not respond to interjections.

The Hon. F. PANGALLO: I am just winding up, Mr President, even though they are trying to wind me up. It will be a disaster for all consumers and industry here if that crazy proposition ever gets up.

Members interjecting:

The Hon. F. PANGALLO: Well, I am just going to point to what is happening in Ukraine at the moment. We have a war on at the moment, and what do you think the Russians' first targets were to try to shut that country down and cause chaos and suffering amongst the Ukrainians? They targeted all their energy generators. They targeted their nuclear power station. They targeted all these other energy generators to shut it down so that they had no power.

We do not have that guarantee here. We just do not have that insurance here at the moment. With that, SA-Best will actually support the bill.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:11): I would like to thank the Hon. Ms Girolamo, the Hon. Mr Simms, the Hon. Mr Martin, the Hon. Mr Wortley, the Hon. Mr Ngo, the Hon. Mr Hanson and the Hon. Mr Pangallo for their contributions. Clearly, this is something that is close to all of our hearts. Interestingly, it is a somewhat peculiar piece of legislation given it does not actually affect South Australia.

As the Hon. Mr Ngo and the Hon. Mr Hanson pointed out, the current energy minister noted back in 2019 that it was amazing that other jurisdictions were not doing this already. However, we are proud to be the national leaders in the energy space, and part of that leadership is the South Australian parliamentary convention of multiparty support for national reform bills such as the one we have before us today. As a government, we appreciate that support and 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) (16:13): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Parliamentary Committees

SELECT COMMITTEE ON MATTERS RELATING TO THE TIMBER INDUSTRY IN THE LIMESTONE COAST

Adjourned debate on motion of Hon. N.J. Centofanti:

That it be an instruction to the Select Committee on Matters Relating to the Timber Industry in the Limestone Coast to amend its terms of reference in paragraph 1 by inserting 'and other regions' after 'Limestone Coast' and in subparagraph 1(b) by inserting 'and other regions' after 'Limestone Coast area' and in subparagraph 1(f) by inserting 'and other regions' after 'Limestone Coast'.

(Continued from 22 February 2023.)

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:14): I indicate that the government has no objection to the amendments being proposed by the opposition and will be supporting it.

The Hon. R.A. SIMMS (16:14): I indicate the same on behalf of the Greens.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:14): I thank members for their contributions—the Hon. Clare Scriven and the Hon. Rob Simms—and with that I commend the motion to the house.

Motion carried.

Motions

EMERGENCY ANIMAL DISEASES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:15): I move:

That this council—

1. Recognises that emergency animal diseases can often have significant impacts on animal health, welfare and production, as well as on human health and the economy;
2. Acknowledges the importance of the livestock industry, government, farmers and veterinarians working together to tackle the prevention and mitigation of emergency animal diseases;
3. Notes that agriculture ministers have committed to introduce a national mandatory individual electronic identification (eID) system for sheep and goats by 1 January 2025; and
4. Calls on the Malinauskas Labor government to publicly commit funds to the sheep and goat eID system and to work more closely with industry, to ensure that an optimal regulatory framework is reached that balances risks, impacts and costs to producers.

Emergency animal diseases are highly contagious often serious diseases that can have significant impacts on animal health, welfare and production, as well as on human health and the economy. Emergency animal diseases can spread rapidly through animal populations. In primary industries, such as agriculture, forestry and fisheries, emergency animal diseases can have devastating consequences. They can cause significant losses in animal productivity, lead to animal deaths and result in reduced trade opportunities and economic impacts.

For example, outbreaks of diseases such as foot-and-mouth disease, avian influenza, lumpy skin and African swine fever have had significant impacts on the primary industries and economies of affected countries around the globe. If there was an outbreak of foot-and-mouth disease in Australia, it has been estimated that it would have an $80 billion direct impact on our economy. Because of the potential for emergency animal diseases to cause significant harm, many countries have developed emergency preparedness plans and response strategies to manage outbreaks of these diseases.

These plans involve measures such as surveillance, rapid diagnosis, quarantine, culling of infected animals and vaccination. They also include greater animal traceability systems and standards. The aim is to control the spread of the disease and minimise its impact on animal health, welfare and production, as well as of course on human health and the economy.

Being a veterinarian for 15 years I experienced firsthand the benefits of traceability systems, development of these preparedness plans and the impact that disease can have on a mob, a farm, a producer and the surrounding community. We were always taught in veterinary school to be vigilant with disease diagnosis, in the event of a suspicion of emergency animal disease to always err on the side of caution and to follow strict protocols in terms of notifications. We absolutely understood the importance of robust traceability systems.

We know that livestock traceability systems are critical to ensure that incursions of exotic diseases can be rapidly detected, contained and eradicated. We, the opposition, absolutely support efforts to improve traceability. The idea of South Australia moving into the space of electronic identification started as an industry-led initiative that was 100 per cent backed by the former Liberal government. In fact, a number of South Australian producers today are already using electronic identification for farm management purposes.

The benefits of introducing livestock traceability systems include the ability to be in the best recovery position if there is an emergency animal disease or food safety incident. The recovery will be shorter if we strengthen our biosecurity systems with improved traceability, and the chance of disease getting into flocks in the first place will be lessened if we can individually trace sheep and goats.

It is also important for the maintenance of market access. A loss of reputation and confidence caused by a livestock disease outbreak or a chemical contamination incident would incur large and long-lasting costs for Australia's export markets. An effective tracing system can enable an efficient, effective and targeted response.

Evidence both locally and abroad demonstrates that in some situations the current visual mob-based system is not as quick or as accurate as tracing the individual movement of sheep and goats. On the surface, a well-developed sheep and goat electronic identification system will help achieve these outcomes. However, as with any regulatory framework, it must balance risks, impacts

and costs to producers. It must also be developed with the livestock industry, government, farmers and veterinarians all working together.

What was originally an industry-led initiative has now become government driven due to the announcement by federal agricultural minister Murray Watts in September 2022, ratified by all state agricultural ministers, to mandate sheep and goat electronic identification nationally by January 2025. There is absolutely no problem with this, and we absolutely support this, but given the government are mandating this outcome they need to step up to the plate. They need to publicly commit funding to the rollout, and they need to listen to the industry and producers to ensure the optimal regulatory framework is reached that balances risks, impacts and cost to producers.

On multiple occasions, the South Australian Minister for Primary Industries and Regional Development has stated that the sheep and goat electronic identification process has been industry led and continues to be industry led. She is correct in the first instance. It was industry led, but because her and her federal colleagues moved to mandate the process, setting the agenda and vocalising the need for national harmonisation, it is no longer industry led in South Australia, and the minister must acknowledge this.

The industry, which was originally looking at the merits or otherwise of a rollout of state-based electronic identification, have been told that the decision has been made and it has been taken out of the industry's hands. There has been an absolute lack of transparency and clarity from the Minister for Primary Industries and the Malinauskas government around the details surrounding the rollout of the program. What will be the end date of the rollout? What funding will be provided by her government and, indeed, the federal government into South Australia? Will exemptions be considered?

It is absolutely critical that the industry has certainty around this reform and is provided with this certainty in a timely fashion. The business model for producers will be impacted by this change, with the concurrent rising costs of doing business. Farmers need to be able to plan their future, and they cannot do that at the moment because of the lack of transparency by this government and because of a minister who refuses to answer any questions on the subject.

We are calling on the Malinauskas Labor government to commit adequate funding to and to work more closely with industry with respect to the sheep and goat eID system to ensure that an optimal regulatory framework is reached that balances risks, impacts and costs to producers. The sheep industry alone generates $2 billion in annual gross state revenue, with an estimated 5,200 farm businesses in South Australia. Those businesses support close to 11 million sheep, with farmgate production valued at $780 million. This type of economic turnover fuelled by primary producers is the bread and butter of South Australia and must be invested in and protected.

The Malinauskas Labor government must do better when it comes to regional South Australia and our primary producers.

Debate adjourned on motion of Hon. R.P. Wortley.

NATIVE BIRD HUNTING

Adjourned debate on motion of Hon. R.B. Martin:

1. That a select committee of the Legislative Council be established to inquire into and report on the hunting of native birds, with particular reference to:

   (a) community values and perspective;

   (b) cultural, social and recreational aspects;

   (c) sustainability, environmental and animal welfare aspects of native bird hunting;

   (d) economic considerations;

   (e) perspectives of First Nations;

   (f) how native bird hunting is managed in other jurisdictions; and

   (g) any other relevant matter.

2. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

(Continued from 22 February 2022)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:23): I rise to speak on behalf of the opposition. We the opposition acknowledge that Labor made an election commitment, albeit not well publicised, to hold an inquiry into the practice of recreational hunting of native birds and that this select committee will fulfil that commitment.

The government's election commitment did not specify whether the inquiry would be performed by a parliamentary committee or the Department for Environment and Water; however, the model proposed will ensure transparency and the ability for relevant stakeholders to participate. Consequently, the opposition supports the establishment of this committee.

The Hon. T.A. FRANKS (16:24): I rise on behalf of the Greens to support this motion to establish a select committee. We certainly were aware of the government's promise and paid close attention. It was actually made quite public to a variety of animal advocacy groups, and well known to those of us who were paying attention to such things.

Duck and quail hunting is an annual event that takes place over a variable period each year, but usually commences in March where a season is declared, when species of usually protected native ducks are declared able to be shot under an open season. This declaration is made by the government, and thousands of ducks and other birds are shot by hunters across the state when it is made each year.

Some are killed outright, but others are wounded. Those wounded ducks often die a slow, painful and prolonged death in the name of this so-called sport. The practice of duck hunting is cruel. As many as one-quarter of the native ducks and quails that are shot each year are wounded and not found or retrieved by shooters. If they are not rescued, their fate is to suffer a painful death or to live the remainder of their lives with shotgun pellets in their bodies.

In increasing numbers over the last decade, animal activists have been co-present with the hunters on the wetlands, where they protest and attempt to rescue wounded birds. In January this year, the Malinauskas government declared yet another open season, despite public outrage. We remain lagging behind so many other states when it comes to this barbaric practice. Western Australia, Queensland and New South Wales have already banned the vicious practice of duck and quail hunting for recreation many decades ago.

From small volunteer groups to the RSPCA, along with the broader South Australian community, there is support for duck hunting to end. Many vets have attended duck shoots to treat injured birds and have been appalled at the extent and nature of the injuries inflicted. In urbanised areas, hunting is neither an attractive pastime nor a necessary survival activity. Studies estimate that in some waterbird species one bird is wounded for every one killed. In 2019, the RSPCA estimated that between 26 and 45 per cent of the birds shot will be wounded and:

> …can suffer from the disabling effects of the injury, from sickness due to infection of the wound, from pain created by the wound or from thirst or starvation if unable to drink or eat often due to the injuries to the bill. Wing fractures, which increase the likelihood of being taken by a predator, are common in wounded birds.

It is a natural assumption that these hunters are firing a single bullet, one at a time, to try to kill that duck or quail. However, that is simply not the case. Native birds are often shot with shotguns, also known as scatterguns. They fire 100 to 200 pellets at a time and, depending on size, many birds will be hit but keep flying. This does not even cover the potential collateral damage for the other species in the air that are often caught in the crossfire.

Pellets have a similar diameter to a roofing nail, so when they are driven into the body of a duck this causes extreme pain and suffering. They can break wings, legs and beaks. Given the size of the ducks and the speed at which they fly, they may be hit by only one or two pellets, which is often not enough to kill them. Those ducks that are shot and injured severely enough to bring them down may die slow and painful deaths if the shooters do not retrieve them. If they are retrieved, hunters will often break their necks to kill them, by swinging their bodies around and around.

Otherwise, they might throw the wounded ducks to their dogs to finish them off. They, of course, can do nothing and are simply allowed to struggle until they die from these injuries.

For many of us, when we think of ducks we remember them from our time as young children, from our storybooks and cartoons, and of course in real life at the edge of lakes and rivers. We are encouraged to observe them, to adore them and to make connections with them. We went in our childhoods to feed the ducks at the local pond with our parents or grandparents. These days, children still go to the local pond but are encouraged not to feed the ducks. However, there are often those fond memories handed down from generation to generation. Juxtaposed with this, each year for several months in our state those ducks that many of us are raised to adore are being killed, maimed and traumatised.

Research argues that modern sophisticated technology for locating, tracking, targeting and killing these birds means an unfair stack in favour of the hunters. Despite arguments by hunters, the net economic benefit received from hunting native birds is close to zero. Additionally, banning duck hunting has been modelled to have minimal impact on our economies and, according to the Australia Institute, which has commissioned a report on this matter called 'Out for a Duck', every dollar that is currently spent on duck and quail hunting could be spent on other activities such as the hunting of other species, fishing, boating or camping.

It is often considered that duck hunting is defended by the notion of conservation hunting. However, native birds are not overpopulated and, as native species—native species—are not pests. In this situation, it is known that hunting is a potential threat to viable duck populations, rather than being a means of ecosystem control.

In terms of the decision made each year to declare a duck hunting season, it is not lost on the Greens that that decision is never made on the grounds of animal cruelty. Animal cruelty is not a factor that decides whether or not that season is declared, and only the levels of population and the current climatic and environmental conditions are a feature in that decision.

I would contend that it is actually even being cruel to put some of those animal welfare advisory groups in that room to make that decision. I have had feedback from some of those who have had to sit in that room that it is, indeed, the worst day of the year when they have to attend those meetings, completely constrained from putting forward their opinions that this is a cruel and barbaric and innately painful decision that they have to make, where they are not able to voice their concerns about animal welfare but are only able to give an opinion on the environmental factor.

With that, I do commend the introduction of this review. The Greens look forward to participating in it. We were certainly well aware of the Labor government's promise to have a review of this. It has been well ventilated in the public arena and we hope that we see the parliament get on with it and come back with some certainty for the ducks that allow them to live without cruelty.

The Hon. F. PANGALLO (16:31): I will keep it short: I would like to thank the Hon. Reggie Martin for moving this motion. I am looking forward to being on this committee and hearing both sides of the story. As the Hon. Tammy Franks has just explained, there is that element of cruelty that needs to be explored, but I would also like to hear from the other side, the hunters themselves, and the attraction of that, and whether they see it as a sport or as a conservation measure and how they work in with conservation groups. I am sure we will hear a lot of testimony from various interest groups that will enable a committee to come to some recommendations. With that, SA-Best supports the motion.

The Hon. R.P. WORTLEY (16:32): On behalf of the Hon. I.K. Hunter, I move:

After paragraph 1, insert new paragraph 1A as follows:

1A That the committee consist of seven members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members.

The Hon. R.B. MARTIN (16:33): Very briefly, I would like to thank the Hon. Nicola Centofanti, the Hon. Tammy Franks and the Hon. Frank Pangallo for their contributions and for their support for this committee to be formed, and I look forward to their further contributions as members of this committee, should this motion pass.

Amendment carried; motion as amended carried.

The Hon. R.B. MARTIN: I move:

That the select committee consist of the Hon. M.J. Centofanti, the Hon. T.A. Franks, the Hon. S.L. Game, the Hon. B.R. Hood, the Hon. I.K. Hunter, the Hon. F. Pangallo and the mover.

Motion carried.

The Hon. R.B. MARTIN: I move:

That the select committee have the power to send for persons, papers and records, to adjourn from place to place and to report on 28 June 2023.

Motion carried.

DUNSTAN, HON. D.A.

The Hon. R.B. MARTIN (16:34): I seek leave to move my motion in an amended form.

Leave granted.

The Hon. R.B. MARTIN: I move:

That this council—

1. Acknowledges that 7 March 2023 marks the 70th anniversary of the election of Don Dunstan as the member for Norwood; and
2. Recognises the significant social, cultural and economic contributions made by Don Dunstan to the state of South Australia.

Don Dunstan is spoken about so frequently in South Australia that praising his legacy can feel like a practised recitation. I seek today to attempt to capture the magnitude of his impact and influence, to honour the seven decades since that legacy found its beginnings in this parliament.

Part of what sets Don Dunstan apart is the comprehensiveness of his influence. Both during and before his premiership, across wideranging areas of our social, cultural and economic life, Dunstan shaped ideas and attributes which are so fundamental to the South Australia we now inhabit that they are deeply woven into our fabric. Professor Andrew Parkin wrote, shortly after Dunstan's death, that:

…one of the most telling testimonies to the value of the Dunstan legacy is how many of [his] reforms now seem so accepted, familiar and uncontroversial. We have absorbed many of them into the received wisdom about how a modern society should organise itself.

Don Dunstan would most likely not feel flattered by these observations: he would say that is exactly as it should be. His achievements and his radical reforms amounted, in his mind, to the overdue realisation for South Australia of that which he had long believed to be correct, reasonable and just.

By his own account, Dunstan's values in life were shaped by his early experiences and observations growing up in the diverse but racially segregated and economically stratified environment of colonial Fiji. While undertaking his degrees at Adelaide University, he embraced the ideas and values that attracted him to the Labor Party, joining in 1945. Upon graduating from university, he returned to Fiji for a while to practise law and be with his widowed father but soon came back to Adelaide in 1951.

As soon as Don Dunstan was elected to parliament on 7 March 1953, he set about challenging and changing the status quo. Although quite young, Dunstan was already considered by many to be Labor's most talented orator, and he wasted no time in positioning himself as a leading antagonist of the Playford government in the other place. Labor had spent two decades in opposition by that time, and while some members seemed resigned to letting the remarkably socialist-leaning Playford continue in his role indefinitely, Dunstan was not content to remain on the opposition benches.

He was an especially outspoken critic of the system of electoral malapportionment that led to the Playmander, and he was influential in shepherding the ALP towards the marginal seat targeting strategy that finally enabled Labor to overcome it. I do not want to give the honourable members

opposite too many pointers, but that strategy still works. Dunstan also used his influence to enshrine in legislation the important concept of one vote, one value.

From a policy perspective, Dunstan was a tireless advocate for progressive change from within. He spent many years agitating alongside Gough Whitlam to remove the White Australia ideology from Labor's national platform. Despite Labor leader Arthur Calwell infamously insisting 'it was only cranks, longhairs, academics and do-gooders' who wanted the ALP to disavow White Australia, Dunstan and his allies prevailed at Labor's national conference in 1965, where Dunstan moved the motion to remove support for the White Australia policy from Labor's platform.

As Dunstan was never shy of reminding people when later speaking about that moment, the seconder for Dunstan's successful motion that day was in fact Arthur Calwell himself, such was the potency of Dunstan's ability to create and grow momentum. He did not just ride the winds of change, he summoned them.

During the period of Dunstan's service as South Australia's Attorney-General and Minister for Aboriginal Affairs, the Aboriginal Lands Trust Act of 1966 brought about the first major recognition of land rights in this nation, more than 25 years before the Mabo decision was handed down. He also sponsored the nation's first antidiscrimination legislation through the parliament, the Prohibition of Discrimination Act 1966, which prohibited discrimination on the basis of skin colour and country of origin in hospitality venues, services, accommodation, employment and controlling land. Nearly a decade later, he did the same for discrimination on the basis of gender and marital status.

As Premier, Dunstan famously legislated to pave the way for our theatre and screen sectors to thrive. He relaxed censorship and drinking laws, enacted nation-leading environmental protections, pursued one vote one value electoral reforms, abolished the death penalty and decriminalised homosexuality. He also introduced the nation's first container deposit scheme, appointed the first disability adviser to the Premier, removed the legal consequences of illegitimate birth and made rape within marriage a criminal offence. If some of these things sound like obvious things, that is the Dunstan effect in action. The reforms he achieved are today so familiar and uncontroversial they feel like an inexorable part of who we are.

Don Dunstan was not universally loved in his lifetime. In fact, he was strongly disliked by many people, whether for reasons of political opposition, social conservatism and traditionalism, or for the reasons of everyday bigotry of the era. Within the Labor Party and the Labor caucus there were many who loved him, perhaps some who hated to love him, and no doubt a handful who disliked him, but none among his detractors would consider disputing that he changed South Australia for the better.

We are exceptionally fortunate to have had the benefit of his leadership, his vision and his extraordinary determination to make our state a better and fairer place. Dunstan said to Michael Parkinson in their well-known 1980 interview:

> I went back to South Australia intending to go into politics because I believed that it was possible in South Australia to set an example of what could be achieved in social democracy…to provide a community in which people had an effective say in their own government, and in the decisions which would affect their lives…
>
> A community which removed restrictions from people and allowed them to be themselves; which celebrated individuality; which was a tolerant and caring community; and in which we provided the necessary protections to citizens from the kind of depredations which some people seek to wreak on them at times and where we could provide the best services.
>
> I believed we could do that, and I believe we've done it.

Don Dunstan catapulted South Australia decades ahead into a future that we have now fully grown into. He saw it on the horizon and he reached out and he grasped it, and it all started 70 years ago on 7 March 1953. I commend the motion.

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

TRANSCRANIAL MAGNETIC STIMULATION

Adjourned debate on motion of Hon. T.A. Franks:

> That this council—

1. Notes that—

   (a) transcranial magnetic stimulation (TMS) is an effective treatment option for some people with major depression:

   (b) in 2018, the Royal Australian and New Zealand College of Psychiatrists recommended that 'TMS should be accessible in private and public mental health services and made available in addition to the current spectrum of treatment options';

   (c) in 2022, the Prescribed Psychiatric Treatment Panel, a part of the Office of the Chief Psychiatrist of SA Health, recommended that TMS be introduced into public mental health services as a first-line treatment ahead of the significantly more disruptive electroconvulsive therapy;

   (d) the inclusion of TMS in the range of options available under the public health system would ensure that people have access to suitable treatments that allow them to continue living their lives; and

2. Calls on the health minister to ensure that TMS is made available to South Australians by including it in our public health system.

(Continued from 8 February 2023.)

The Hon. S.L. GAME (16:43): I rise in support of this motion introducing transcranial magnetic stimulation as a local public mental health treatment option. Transcranial magnetic stimulation (TMS) has been assisting private mental health patients since 2012 at the Adelaide Clinic, a private mental health treatment facility. This method of therapy was added to the Medicare schedule in 2019 and, as the honourable member mentioned in her speech, TMS has been viewed by the Royal Australian and New Zealand College of Psychiatrists as a preferred initial option for patients with treatment-resistant major depression since 2018.

A TMS machine costs approximately $80,000 and is operated by a nurse, whereas the current public option, electroconvulsive therapy, must be conducted by a GP, a psychiatrist and an anaesthetist. This would create substantial savings in the treatment of some mental health issues. Patients undergoing TMS have zero downtime. They are better able to continue regular activities as their illness allows. By comparison, electroconvulsive therapy is hugely invasive and can lead to two months off regular duties due to the aggressive nature of deliberately inducing seizures.

Multiple international peer-reviewed studies have shown TMS can prevent an escalation of depression, suicidal ideation and death by suicide. Why is this not already amalgamated into the South Australian public health system? The Adelaide Clinic has a substantial waitlist for private patients wanting TMS therapy. Private mental health pathways are not within the reach of everyone who needs them, and this should be publicly accessible.

I understand advocates with real-life experience have written to the current and prior health ministers outlining the health benefits and cost savings of TMS. They believe this should be immediately amalgamated into the South Australian public health system, and I agree. One Nation recognises that all South Australians deserve access to the best mental health treatments currently available.

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

CHILD PROTECTION

Adjourned debate on motion of Hon. L.A. Henderson:

That this council—

1. Recognises that the child protection system in South Australia is overwhelmed;

2. Recognises that South Australia spends less than the national average on services to prevent children from entering care; and

3. Calls on the Malinauskas government to provide earlier, more intensive intervention for at-risk families before they fall into crisis.

(Continued from 8 February 2023.)

The Hon. S.L. GAME (16:46): I rise to speak in support of this commonsense and factual motion to recognise that the child protection system in South Australia is overwhelmed and to call on the Premier to better resource early intervention measures. Members may recall that I recently submitted an amendment to the Children and Young People (Safety) Act that sought to explicitly ensure the basic minimum amount of resourcing required for the Child and Young Person's Visitor to carry out their role.

This important change simply tried to provide consistency with other similar roles represented in the act and to allow for the minimum recommended number of four visits per residential facility each year. Regrettably, while the crossbench saw fit to support this amendment, neither the Liberal Party nor the Labor Party agreed. Subsequently, despite this Premier saying on multiple occasions how much he worries about vulnerable children being criminally neglected, he failed at the first test. This Premier and his child protection and recreation, sport and racing minister are all talk and no action.

This is why I have introduced the Statutes Amendment (Children in Care) Bill. It is thought that children under the care of the state have, in the main, poor educational outcomes compared with their peers. My bill will allow statistics to be tracked, trends to be identified and solutions to be discussed. We must all do what we can to level the educational outcomes and opportunities for all children.

Related to this motion is my own motion, which seeks to acknowledge parental alienating behaviours as a form of child abuse and family violence. The aims of that motion align with this one in that they seek to elevate and put the interests of children first and foremost in decision-makers' minds. Our parliament and the courts need to take this matter seriously. To ignore its existence is to perpetuate family violence and subjugate children's rights to those of an alienating parent, grandparent or guardian.

I commend this motion and hope that members will consider supporting further measures, like my bill for children in care and motion for recognising parental alienating behaviours, for the benefit of our children and young people.

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

TURKIYE-SYRIA EARTHQUAKE

The Hon. T.T. NGO (16:48): I move:

That this council—

1. Notes with concern the severe earthquake that has occurred in Turkiye and Syria, and the huge loss of life and injury suffered by people living in affected regions;
2. Notes with concern the high level of destruction that these earthquakes will have caused to people's homes and livelihoods;
3. Recognises the enormous emotional toll that will be felt by South Australians who originate from Turkiye and Syria, especially those who have relatives and friends living in affected regions;
4. Stands with our Turkish, Syrian, Kurdish, and other communities in South Australia with ties to affected regions; and
5. Calls on the federal government to provide urgent humanitarian relief through DFAT and relevant aid organisations as soon as possible.

Words are hard to find as we contemplate the devastation caused by the earthquakes that ravaged Turkiye and Syria on 6 February 2023. The full magnitude of this crisis is still unfolding, but many facts are clear. This is the deadliest earthquake in Syria since 1822, which was over 200 years ago, and records reflect that it is the deadliest earthquake in the area that is now Turkiye since the year 526, which was 1,497 years ago. More than 52,000 people have lost their lives and that number will rise as many missing people remain unaccounted for.

A UN development expert estimates that more than 1.5 million people across the two countries are now homeless. The problem of homelessness is made worse by the fact that many of the structures left standing in the affected areas are not safe to inhabit. Many people who have lost

their homes are sleeping wherever they can—in tents beside the rubble of their ruined homes, in stadiums, in public buildings, in train carriages, and worse.

The suffering of the people of Turkiye and Syria—their grief and trauma—is unthinkable. The world watched in horror as video footage emerged of cities crumbling to the ground as the first 7.8 magnitude earthquake hit and when a 7.7 magnitude tremor followed hours later. One survivor was quoted in an article in *The Australian* as saying:

> Buildings collapsed within seconds, but the tremor continued for a minute, gaining power. It was terrifying…everybody was screaming and wailing. In the centre every street is a wasteland, a cloud of concrete and dust and smoke.

Images of the affected regions show entire city blocks reduced to nothing more than piles of rubble. The cracks that formed in the ground are now visible from space. Before rescue efforts concluded, rescuers found people who had survived for as long as 11½ days trapped in collapsed buildings. Weeks on from the earthquake, the number of identified victims continues to rise, but the death toll will never tell the full story of this tragedy.

Many survivors lost every single member of their family. Among the survivors who lost their whole family, many of them are young children. Turkiye Vice-President, Fuat Oktay, confirmed that many hundreds of children pulled from collapsed buildings have been left without any surviving parents. Only a small number of these children have been returned to other family members.

There are still hundreds of children in hospitals, too young to tell their own stories, with no parents or family to be found. Many of these children, once their physical health recovers, will never have the opportunity to know the names their families gave them because they are too young to tell their rescuers who they are.

For the affected areas, the way forward is not easy. Deeply complicating the situation in Syria, the effects of 12 years of war and terrorism mean the country is not properly equipped to manage this crisis. Agencies simply do not have what they need in terms of resources and equipment to complete recovery and rebuilding operations.

This was also a massive problem for rescue efforts in Syria. Many rescue teams said they lacked advanced search equipment, leaving them forced to carefully dig through the rubble with shovels and their bare hands. Alaa Moubarak, the head of civil defence in Jableh, a city in one of the worst affected parts of north-west Syria, was quoted as saying: 'If we had this kind of equipment, we would have saved hundreds of lives, if not more.'

There have been many reports about supplies being slow to arrive, especially in Syria. As the rescue teams now focus on tackling an extreme humanitarian disaster, the European Union's health agency is warning of disease outbreaks. Syria had already reported thousands of cases of cholera back in September 2022 and, due to the earthquake, the planned vaccination campaign has been delayed. Health risks are increased as survivors move to temporary shelter with conditions of crowding and poor hygiene. In addition to all of this, survivors are suffering enormous trauma, stress and depression, and the aftershocks and tremors have made this even worse.

According to the United Nations food program, the third and most recent quake frightened aid workers, who were distributing food to hundreds of thousands of people in north-west Syria and Turkiye. It has been reported that some aid workers are sleeping in their cars in freezing winter temperatures, while trying to support survivors who have lost everything.

To all those who have left the safety of their own homes and travelled to this devastated region of our world to help, we say thank you: thank you for your courage, your empathy and for working so hard to make whatever difference you can to the lives of survivors. This motion calls on the federal government to provide urgent humanitarian aid. The Australian government did act quickly and provide an initial $10 million, as well as on-the-ground assistance with the ongoing recovery process.

In the midst of such a severe disaster, relief efforts must continue, and I call on the Australian government and governments throughout the world to maintain ongoing support and assistance. Now more than ever the division of communities must cease in the name of humanity. All funds and

humanitarian aid must go directly to the affected areas, regardless of the survivors' ethnicities and nationalities.

To the communities that have been touched by this disaster, to survivors who remain in the affected regions and to those who have been displaced, our Turkish, Syrian and Kurdish friends, on behalf of members of this parliament, as well as the people of South Australia, I offer our deepest condolences and our heartfelt sympathy. To our South Australian Turkish, Syrian, Kurdish and other communities who have lost friends and relatives in this tragedy, you are in our thoughts as we all continue to process the horror and sadness brought about by these devastating events. I commend this motion to the chamber.

The Hon. I. PNEVMATIKOS (16:58): I rise today in support of the motion of the Hon. Tung Ngo regarding the devastating earthquakes that have recently hit southern Turkiye and northern Syria. These earthquakes have been described by the World Health Organization as the gravest natural disaster to hit the region in 100 years. This will not come as a surprise to any of us in this chamber who have watched and witnessed the coverage over the past weeks of the destruction and devastation suffered by the Turkish and Syrian people.

The death toll has continued to rise, surpassing 45,000 people as of yesterday. That number is alongside the millions who will be displaced by this catastrophe. In Turkiye alone, an estimated 1.9 million people are living in tents and other temporary shelters. Up to five million people may now be homeless in Syria. Many survivors have been left homeless in near-freezing, subzero winter temperatures, without sufficient shelter, food and water or sanitation. This puts them at risk of a secondary health crisis, with outbreaks of cholera, respiratory illnesses, and physical and mental trauma and disability.

Additionally, the disaster has resulted in many disruptions to basic water, fuel, electricity and communication supplies. This is particularly overwhelming for Syrian communities, many of which had already been in critical need of humanitarian aid due to the pre-existing crisis caused by a 12-year long civil war and an ongoing cholera outbreak.

People in Turkiye and Syria have been left with nothing. They have lost their family and loved ones, they have lost homes, possessions and communities, places of worship and places of history. Our Turkish and Syrian communities in Australia, who waited to hear from loved ones, have also experienced a great emotional toll in these last few weeks. The scale of human devastation born from this tragedy is far-reaching and immense.

The recovery efforts of both our federal and state government have been commendable. The federal government has now committed $18 million to aid and assistance, as well as deploying 72 specialist search and rescue Australian Defence Force troops. Three and a half million will specifically go towards delivering health services and safe housing to the most vulnerable demographics in Syria: women and children. Additionally, our state government was the first of any state to make a donation, pledging $200,000 to UNICEF.

As part of the international community, we must stay committed to supporting Turkiye and Syria in their rescue and recovery, to ensure the wellbeing of those who survived. Our continual support, along with other contributing nations, will be vital in rebuilding these communities that have lost so much.

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

Bills

NATIONAL PARKS AND WILDLIFE (WOMBAT BURROWS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 September 2022.)

The Hon. E.S. BOURKE (17:02): I rise to speak on behalf the government and would like to thank the Hon. Tammy Franks for introducing this bill. As an iconic species in South Australia, there is value in increasing the protection of wombats and in clarifying for landholders and the

community how wombats and their habitat are protected; however, the government seeks to make some amendments in order to address a number of issues created by the proposed bill.

The bill creates an increased regulatory burden by imposing a new permit system on landholders who have a genuine need to manage wombat burrows, potentially limiting the effectiveness of the intended increased protections. A significant increase in resources will be required to implement the framework proposed. This would include the requirement for the National Parks and Wildlife Service's rangers to conduct permit assessments, site inspections and approvals, and undertake appropriate compliances.

Two species of wombat are found in South Australia: the southern hairy-nosed wombat and the common wombat, sometimes called the bare-nosed wombat. I will leave the other pronunciations to the honourable member. The latter is recognised as a rare species in South Australia under the National Parks and Wildlife Act 1972 (national parks act).

Both species are protected under the National Parks Act, which means that under section 51 and 68 the current framework provides that a person must not take a protected animal without a permit (that includes killing, injuring or capturing a wombat), or interfere, harass or molest a protected animal or undertake an activity that is, or is likely to be, detrimental to the welfare of a protected animal unless they hold a permit to do so, or satisfy an exemption criteria. There are also provisions relating to the ill-treatment of animals in the Animal Welfare Act 1985 (Animal Welfare Act).

In order to support the bill and to further the protection of wombats in South Australia, the government proposes some amendments. The first is inserting a provision that landholders are permitted to destroy a wombat burrow without a permit where it poses a risk to human safety, stock, farming crops and machinery, such as harvesters and tractors, or infrastructure such as tracks or built structures. This provision would not derogate from the requirement of a person to comply with sections 51 and 68 of the National Parks and Wildlife Act or the provisions of other legislation such as the Animal Welfare Act.

The other main amendment inserts a provision that allows the minister to declare a wombat burrow protection zone, a geographical area where a person must not, without a permit granted by the minister, destroy, damage or disturb the burrow of a wombat. These provisions are focused on protecting safety, infrastructure and industry, and are not intended to enable unreasonable damage to wombat burrows, for example, in a natural environment outside these circumstances.

Landholders may have a reasonable need to destroy burrows from time to time where wombat burrows pose risks to human safety, stock, farming crops and machinery—as I said earlier, like harvesters and tractors—or infrastructure such as tracks or built structures. The Department for Environment and Water encourages a living with wildlife approach to how people think about and interact with wildlife.

Burrow destruction is rarely effective when undertaken as the only means of managing wombat impacts. Hence, the department recommends a range of methods to landholders. Non-lethal methods of management for wombats include electric fencing, fence alterations, wombat gates and marking burrows. While the department encourages the use of non-lethal methods of wombat management, it may issue a person a permit to destroy wildlife when wombats, and indeed protected wildlife generally, are causing or likely to cause damage to the environment, crops, stock, property or environmental amenity, including built structures, or are posing a safety risk or hazard to people or industry.

Where destruction is permitted, it must be done in accordance with the relevant code of practice for humane destruction. Destroying burrows with the intent to destroy an animal is not an approved method of destruction and would likely be an offence under the National Parks and Wildlife Act and the Animal Welfare Act.

There is also an opportunity to increase compliance and education efforts to raise awareness of non-lethal methods of wombat management to reduce identified risks and impacts, inefficacy of destroying wombat burrows in isolation from other management methods to reduce risks and impacts to safety and machinery, and how to destroy a burrow in a manner that lessens the likelihood of an

offence being committed. The Department for Environment and Water is currently developing communications to this effect that will be presented on its website and promoted to landholders.

The Hon. C. BONAROS (17:07): I rise on behalf of SA-Best to speak on the National Parks and Wildlife (Wombat Burrows) Amendment Bill 2022. It is no secret that farmers and landowners view wombats as a nuisance because of the damage to property and inconvenience to crops, agricultural machinery and land their burrows cause. However, this in isolation is no justification to inhumanely bury them because it is convenient, as has already been described in detail by the Hon. Tammy Franks, especially given the existence of a code of practice and framework specifically designed to deal with humane destruction practices.

Southern hairy-nosed wombats share the dual distinction of being a protected species under the National Parks and Wildlife Act 1972 while also being adopted as SA's fauna emblem on 27 August 1970. This demonstrates the pride of this state for our iconic biologically native wildlife, and to see an emblem, a protected species, being subjected to such treatment, namely being buried alive, is something that I think concerns all of us. The Hon. Tammy Franks said it best: that the legislation needs to be introduced as a necessity is shocking.

Southern hairy-nosed wombats, while considered pests by many, also play an important role in South Australia's ecosystem. Sadly, with their population in decline as much as 70 per cent over the past 10 years according to the Wombat Awareness Organisation, wombats are being fragmented and pushed into harsh arid environments, such as the Murray-Darling Basin. They are becoming more and more exposed to the agricultural areas they have not historically been observed in before.

They are traditionally solitary animals that share a warren or burrow system, meaning one wombat can borrow up to seven or more holes in one area of land, in particular during the summer months to avoid the heat, I am told. I am told also that they are most active from midnight to early morning, making the monitoring of their behaviour difficult for farmers and landowners, which further impacts this issue as a whole.

The relocation or rehabitation of wombats from their chosen environments can be fraught with issues due to wombats being, as I understand it, fiercely territorial and dominant with the risk of harm very high. So while there is no easy solution to the matter, ensuring wombats are protected adequately within the scope of the legislation and that permitted destruction of wombats or their habitat is done humanely seems a very sensible step in the right direction.

The damage caused by wombats to property can be significant and costly and warrant controlling actions to be taken which are currently available to farmers and affected landowners. I understand steps have been taken in recent years by the government to reduce property damage and mitigate wombat cruelty with integrated management systems such as wombat gates, designed to reduce pressure on fences as wombats move between warrens and foraging sites, or warren marking to reduce risk of damage to vehicles and machinery in allowing them to clearly navigate around the clearly marked warrens.

Measures like these, I understand, have been instigated as part of a broader strategy to encourage and promote a coexistence between human agricultural activities and wildlife. But, of course, and as has been pointed out, there are circumstances which do require the destruction of wombats and their burrows, and we have a framework for this to be done humanely but there are questions around the effectiveness of that.

Through subordinate regulations, applications, I understand, can be made to the Department for Environment and Water to obtain a permit for the lawful destruction of wombats and warrens, which are then subject to existing obligations under the Animal Welfare Act and the Firearms Act. There is also a code of practice for the humane destruction of wombats by shooting, published on the department's website. This framework does not appear to go far enough in terms of protecting wombats from inhumane and illegal destruction, as has been highlighted in this place, which brings us, of course, to the bill.

The conduct of burying wombats alive is one that I think disturbs all of us, but as a matter of convenience subverts the regulatory permit system and avoids scrutiny and liability under the Animal Welfare Act, and at its core is inhumane and without regard for the animal's wellbeing as a protected

species. We are sympathetic in particular to the plight of farmers as well, and of agricultural landowners whose crop and machinery has been, and continues to be, manifestly damaged due to wombat habitation, and agree measures need to be taken to alleviate such damage through wombat controls.

I think the Hon. Emily Bourke has just spoken about the amendments that the government is proposing to try to strike a balance between the intended objective to protect wombats and their habitat from cruel and inhumane treatment or death on the one hand, while also allowing for the permitted destruction of wombat burrows where they pose a genuine risk to human safety, farming, crops and machinery or infrastructure such as tracks or built structure.

I do understand the operation of the government's amendments are not intended to derogate from the requirement of a person to comply with sections 51 and 68 of the act respectively. There is added protection built in by allowing the minister declare a wombat protection zone to establish a geographical area which requires a permit to destroy, damage or disturb the burrow of a wombat. While wombat control levers can be effective, the destruction of wombats and their habitats will not necessarily reduce the damage to farming and agricultural land, and it cannot always be determined if erosion or crop damage is solely caused by wombats, to be fair.

The amendments to the bill reinforce, as I understand, the humane treatment of wombats while also taking into consideration the prospective damage wombats and their system of warrens can inflict on agricultural land. The bill does not, as I understand it, limit any statutory rights afforded to farmers and landowners in lawfully carrying out destruction practices of wombats and burrows under the permit scheme already existing in the act.

Rather, it seeks to act as a further deterrent by issuing a strong punitive message and encouraging farmers and landowners to turn their minds to their actions when considering the necessary destruction of wombats and habitats. It makes clear that inhumane, illegal destruction practices such as life burial are not tolerated and certainly not in line with community expectations and certainly not in line with existing codes of practice that are already applicable. With those words, we look forward to the next stages of the debate and indicate our support for the second reading of the bill.

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (17:15): The National Parks and Wildlife Act was enacted in 1972 to conserve and protect native wildlife and the environment in South Australia. Protective species provisions apply in South Australia throughout the act. The Animal Welfare Act 1985 prohibits cruelty to all animals with penalties for offences, including significant fines and imprisonment terms.

If someone intends to destroy a wombat burrow, they are required to do so in a manner that does not constitute an offence under sections 51 and 68 of the National Parks and Wildlife Act, of 'taking' or 'molesting' of protected fauna, or the offence of ill-treating an animal under the Animal Welfare Act.

The Hon. Tammy Franks's bill seeks to insert a new section into the National Parks and Wildlife Act to add further protections, creating an offence for destroying, damaging, or disturbing wombat burrows without a permit, carrying a maximum penalty of $5,000 or imprisonment for 12 months. I can understand the sentiments of this bill from the honourable member. I do not think there is anyone in this chamber who would condone the ill-treatment of southern hairy-nosed wombats—indeed, the ill-treatment of any animal, particularly that of our faunal emblem.

However, it is important that legislation which passes through this chamber adds value and not more bureaucracy and red tape. We must ensure that the work we do here is effective and delivers tangible benefits to the community and all the furry—and not so furry—creatures that we share with it. In a 2006 study on burrow use and ranging behaviour of the southern hairy-nosed wombat in the Murraylands by G.R. Finlayson et. al. it was found:

> …that wombats generally used between one and five warrens (warrens being the system of burrows), preferred large warrens with a greater number of entrances and showed a preference for one or two warrens. Across the study period there was no apparent change in burrows used within warrens.

According to Matthews and Green in a study in 2012, individual southern hairy-nosed wombats use multiple burrows and up to 10 warrens, which allows them to cover different parts of their home range over a number of nights. This particular study tracked one individual wombat to 14 different burrows.

There are a number of things that landholders can do to look for signs of active burrows or warrens. Active burrows are often characterised by fresh cube-shaped droppings and scratch marks as well as freshly dug soil at the burrow entrance. Burrow activity can be confirmed by a landholder by placing sticks across an entrance and checking every day for at least a week to see if these sticks are disturbed.

My point here is that if a landowner has identified an inactive burrow, then they should be able to bulldoze that burrow. If this bill passes, it would require the landholder to obtain a permit prior to destruction of a wombat burrow, regardless of whether there are wombats present in that burrow. This increases the regulatory burden on both land managers and government agencies, without achieving any improvement in the existing protection for wombats under the National Parks and Wildlife Act and the Animal Welfare Act.

I do make the point, though, that if a landowner does bulldoze an inactive burrow, they do run the risk of the next wombat entering their property and burrowing in an even more inconvenient space. But let's be clear: that is their risk to take.

Under the current legislative framework of the National Parks and Wildlife Act, where a landholder intends to undertake destruction of wombats, the landholder must obtain a permit from the Minister for Climate and Environment and the destruction must occur in a manner which complies with the relevant code of practice to ensure humane destruction of the animal.

Under the Animal Welfare Act 1985, a person ill-treats an animal if that person: intentionally, unreasonably or recklessly causes the animal unnecessary harm; having caused the animal harm fails to take reasonable steps to mitigate the harm; kills the animal in a manner that causes the animal unnecessary pain; and unless the animal was unconscious, kills the animal by a method that does not cause death to occur as rapidly as possible. The provisions to protect wombats and enable wombats and farming operations to coexist are already enshrined in legislation.

I note that the government has recently filed an amendment to this bill that makes provision for a landowner or person authorised by the landowner to destroy or disturb wombat burrows in circumstances where the burrow is causing or likely to cause damage to crops, machinery or infrastructure or may constitute a safety risk or hazard to people. Although this amendment would appear to improve the operation of the bill for farmers and land management, this provision will only apply in circumstances where the burrows are not in a wombat protection zone.

The amendment lacks detail as to how a wombat protection zone will be determined, except to say that it will be declared by the minister through notice in the *Gazette*. This could be cold comfort to farmers and land managers if there is not sufficient rigour around the process to declare a wombat protection zone and I look forward to understanding more about the amendment during the committee stage of the bill.

I return to the contribution that was made by the mover of the bill. The honourable member stated that it is estimated that hundreds of wombats are killed by being buried alive every year as their burrows are bulldozed and nothing is being done to prevent this. In referencing a 2017 incident, where the then department, now DEW, did not take any action after the report of wombats being buried alive was raised with the department, the honourable member notes, and I quote:

> The inconsistencies and unwillingness to take action to rescue buried wombats was disappointing at best and continues to be disappointing today.

The issue is not a lack of legislative power, it is a perceived unwillingness to enforce those powers. We should not be amending legislation to, as the honourable member said, make it explicitly illegal to bury wombats alive. It is already illegal to do that and as a vet I am committed to doing what I can to improve the quality of life for all animals. I will uphold these commitments in this place; however, I do not believe this bill adds anything to existing legislation. The opposition will not be supporting this bill; however, we do intend to support the government's amendment as we consider that it assists to address some of the concerns that I have already detailed.

The Hon. T.A. FRANKS (17:22): I thank those members who have made a contribution: the Hon. Emily Bourke, the Hon. Connie Bonaros and the Hon. Nicola Centofanti. I do not think any of us would disagree in terms of compassion and care, particularly for wombats but for all animals in this state. As the Hon. Nicola Centofanti notes, it is already illegal to bury a wombat alive, yet hundreds have been without recourse and without clarity.

This bill was at the behest of the Wombat Awareness Organisation, with their frustrations over many, many incidents continuing to happen in this state, despite it being the letter of the law that to bury a wombat alive is illegal. I welcome the government's contribution and certainly will be supporting their amendments. I think their amendments find a compromise way forward, as the Hon. Connie Bonaros noted.

This is an issue of some consternation, and I note that the Law Society advice on this bill came not only from the Animal Law Committee but also the Country Practitioners' Committee, who could not agree with each other, which is no surprise. It is also no surprise that in this chamber we will not all be agreeing on the details of this particular bill or indeed what will be, yes, an added layer of bureaucracy, but I would call it an added layer of education as well and an ability to ease the enforcement. Where the law clearly has been broken, it will be made clearer by what we do today. With that, I commend the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. N.J. CENTOFANTI: I am just going to ask the honourable member a couple of questions. What stakeholders were engaged in the preparation of this bill, and has she sought any feedback from land managers, including farmers or traditional owners, about the impact this bill could have on their ability to manage a property and generate income?

The Hon. T.A. FRANKS: Thank you, the Hon. Nicola Centofanti. As I noted in my second reading contribution, this bill was at the behest of the Wombat Awareness Organisation, an organisation that I have worked with for some time, which was previously based in the Murraylands and is now in the Adelaide Hills. I commend the work of Brigitte Stevens and note also Bob Irwin's involvement in this particular matter in the early days of my time in this place, when wombats were buried alive without recourse and without consequence.

I note I have not had a conversation with any stakeholders with regard to the landholders. I am alive to the issues in terms of native title hunting, as was the Law Society's contribution, and I note that it has no impact on those native title rights for hunting.

Clause passed.

Clause 2.

The Hon. E.S. BOURKE: I move:

Amendment No 1 [Bourke–1]—

Page 2, line 11 [clause 2, inserted section 68AA(1)]—Delete 'A' and substitute:

Subject to subsection (2a), a

Amendment No 2 [Bourke–1]—

Page 2, after line 18 [clause 2, inserted section 68AA]—After subsection (2) insert:

(2a) A person does not require a permit under subsection (1) if—

(a) the burrow is outside a Wombat Burrow Protection Zone; and

(b) the person is—

(i) the owner of the land where the burrow is located; or

(ii) authorised to destroy, damage or disturb (as the case requires) the burrow by the owner of the land where the burrow is located; and

(c) the burrow is causing, or is likely to cause, damage to crops, stock, machinery or infrastructure (including tracks and built structures) or may constitute a safety risk or hazard to people.

The existing provisions in the National Parks and Wildlife Act 1972 and the Animal Welfare Act 1985 make it an offence to harm or ill-treat wildlife. For wombats, the intentional destruction of an inhabited burrow, or not taking reasonable steps to ensure that a burrow is vacant prior to destruction, could constitute an offence, as has been highlighted many times today.

The new section 68AA, as proposed by the Hon. Tammy Franks, creates a new permit system. As raised in my second reading contribution, introducing a permit system for the destruction, damage or disturbance of a burrow would increase the regulatory burden on landholders who might have a reasonable need to destroy a wombat burrow. It would also require a significant increase in resources to implement and administer the new permit system. National Parks and Wildlife Service rangers would need to conduct permit assessments, site inspections and approvals and undertake appropriate compliances for those applying to collapse burrows.

The government's proposed amendments are necessary to recognise that landholders sometimes have a reasonable need to destroy burrows where they pose a risk to human safety, stock, crops, machinery such as harvesters and infrastructure such as tracks and built structures. In these circumstances, it would not be necessary for a landholder to hold a permit, but they would still be required to comply with section 51 and section 68 of the National Parks and Wildlife Act and the Animal Welfare Act, which make it an offence to interfere with, harass or molest a protected animal.

Collapsing vacant burrows is currently an acceptable, non-lethal option for managing the impact of wombats. Other management options encouraged by the Department for Environment and Water include marking burrows and wombat-proof fences and gates, as was mentioned earlier. The other main amendments the government is proposing give power to the minister to declare wombat burrows protection zones. This would be declared by publication of a notice in the *Gazette*, which I will go into later on when I move those amendments.

The Hon. T.A. FRANKS: The Greens will be supporting these amendments and thank the Hon. Emily Bourke and also the Minister for Environment and Water and her staff for their assistance with this in terms of consultation and creating a way forward through compromise.

The Hon. N.J. CENTOFANTI: I have some questions in regard to the wombat protection zone. How will a wombat protection zone be identified by the minister?

The Hon. E.S. BOURKE: I understand that this is a common practice where a minister is given the ability to work with departments such as the Department for Environment and Water. An example of this is the powers issued to destroy wildlife delegated to wardens at locations and areas across the state. There are abilities and mechanisms within departments to work together to determine where these spaces would be.

The Hon. N.J. CENTOFANTI: Will there be any consultation with landowners and land managers who will be affected by a wombat protection zone, prior to that zone being declared through a notice in the *Gazette*?

The Hon. E.S. BOURKE: I would have to take that on notice to get further information for you, but in regard to this being a common practice that is undertaken, the Department for Environment and Water, I believe, would be the appropriate area to be looking into this. I would believe that they would do consultation with stakeholders, but again I am happy to get further information for you.

The Hon. N.J. CENTOFANTI: I have one final question in regard to the wombat protection zone: can a wombat protection zone be revoked?

The Hon. E.S. BOURKE: I will have to take that on notice. That can be discussed, I guess, between the houses.

The Hon. N.J. CENTOFANTI: I have one more question for the mover of the bill in regard to this provision. This provision provides protection for habitats for wombats rather than specific protection for the species. As has been discussed in second reading speeches, they are already protected under the National Parks and Wildlife Act 1972 by virtue of them being a rare species in South Australia. Is the member aware of any other jurisdictions that use this approach to protect habitat for specific species?

The Hon. T.A. FRANKS: To answer that particular question, I will note that legal advice from the Law Society talked about perhaps using the Planning, Development and Infrastructure Act and pointed to other jurisdictions where this might be a way forward. I did not look up whether there were protections for the habitat in a similar way for wombats in other states, but I would note that this in no way, as you have pointed out, stops the protections around the wombats themselves.

I would also say that probably what I should have done in this bill was increase the level of penalties for harming a wombat because in WA, for the same wombat that you have a penalty here of either $2½ thousand or $5,000, it is a $50,000 penalty. So I should have probably upped the penalties for the protection of the animals themselves at the same time as trying to address this situation of wombats being buried alive, where people then escape the penalty because you cannot actually tell whether the wombats are dying slowly underneath the ground.

Amendments carried.

The Hon. E.S. BOURKE: I move:

Amendment No 3 [Bourke–1]—

Page 2, line 24 [clause 2, inserted section 68AA(4)]—After 'Act' insert:

or any other Act or law

Amendment carried.

The Hon. E.S. BOURKE: I move:

Amendment No 4 [Bourke–1]—

Page 2, after line 28 [clause 2, inserted section 68AA(5)]—After the definition of *wombat* insert:

Wombat Burrow Protection Zone means an area declared by the Minister by notice in the Gazette to be a Wombat Burrow Protection Zone for the purposes of this section.

In doing so, this amendment and one of the other amendments to this that the government is proposing gives power to the minister to declare a wombat burrow protection zone, and this would be declared by publication of a notice in the *Gazette*, describing a geographical area where a person must not, without a permit granted by the minister, destroy, damage or disturb the burrow of a wombat.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. T.A. FRANKS (17:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

COURTS ADMINISTRATION (MISCELLANEOUS) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill with the amendments indicated by the following schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council:

No. 1. Clause 3, page 2, after line 14 [clause 3(1), inserted subsection (1)]—Insert:

(ca) the Judge of the Youth Court, appointed by the Governor in accordance with subsection (1aa); and

(cb) the State Coroner, appointed by the Governor in accordance with subsection (1aa); and

(cc) the Senior Judge of the Environment, Resources and Development Court, appointed by the Governor in accordance with subsection (1aa); and

No. 2. Clause 3, page 2, after line 18 [clause 3(1)]—Insert:

(1aa) A person appointed to an office referred to in subsection (1)(ca), (cb) or (cc) may only be appointed as a member of the Council—

(a) on the written request of the person; and

(b) with the concurrence of the Chief Justice of the Supreme Court.

No. 3. Clause 3, page 3, after line 14 [clause 3(1)]—Insert:

(1ca) The office of a member of the Council appointed under subsection (1)(ca),(cb) or (cc) becomes vacant if the member—

(a) ceases to be the Judge of the Youth Court, State Coroner or Senior Judge of the Environment, Resources and Development Court (as the case requires); or

(b) is removed from office by the Governor at the request of the Chief Justice; or

(c) resigns by written notice to the Governor.

No. 4. Clause 4, page 4, line 17 [clause 4(2)]—Delete 'section 7(1)(d)' and substitute 'section 7(1)(ca), (cb), (cc) or (d)'

No. 5. Clause 4, page 4, line 20 [clause 4(3)]—Delete 'section 7(1)(d)' and substitute, 'section 7(1)(ca), (cb), (cc) or (d)'

At 17:37 the council adjourned until Tuesday 21 March 2023 at 14:15.