

LEGISLATIVE COUNCIL

Tuesday, 12 September 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 Procedure

PAPERS

The following papers were laid on the table:

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

Gawler Ranges Parks Co-management Board: Report, 2022-23

Report of the Remuneration Tribunal No.5 of 2023—Review of the Common Allowance for Members of the Parliament of South Australia

Ministerial Directions to the South Australia Water Corporation dated 31 October 2022 and 30 June 2023

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

Regulations under Acts—

Planning, Development and Infrastructure Act 2016—General—Tunnel Protection Overlay

Road Traffic Act 1961—Miscellaneous—Motor Bike Helmet

Early commencement of the Tunnel Protection Overlay Code Amendment

Ministerial Statement

LOWER RIVER MURRAY LEVEES

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:18): I table a copy of a ministerial statement delivered by the Hon. Susan Close MP on the topic of Lower River Murray levees overtopped following storm event.

NORTHERN TERRITORY DEPLOYMENT, COUNTRY FIRE SERVICE

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:18): I table a copy of a ministerial statement from the Minister for Police, Emergency Services and Correctional Services in the other place regarding Northern Territory deployment, Country Fire Service.

Question Time

AMBULANCE RAMPING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:25): I seek leave to make a brief explanation before asking a question of the Attorney-General about election commitments.

Leave granted.

The Hon. N.J. CENTOFANTI: Since the 2022 state election, and despite promising to fix ramping, the Labor government has delivered the 15 worst ramping months in the history of this state, with August ramping figures nearly 900 hours worse than the worst month recorded under the four years of the Liberal government. My question to the Attorney-General is: does the Attorney-

General stand by the Premier's statement of 18 March 2022 regarding ramping when he said, 'There is only one way to fix the ramping crisis and that is to vote Labor tomorrow.'

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:26): The answer to the question is: I have in the past and I will continue to support what the Premier says and does—that is how we do it on this team.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: It is quite remarkable again that we see the lead-off question, the question designed to put pressure on and take down the government, being asked about an area that has nothing to do with someone in this chamber.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: We have seen time and again the Leader of the Opposition lead off with a question about health—a question to a minister in the another place. You can just imagine—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —some of the tactics meetings the opposition would have before question time. They would be getting together saying, 'I know what's genius, I'm not going to ask about goats today, I'm going to take down the government with something that's to do with a minister in another chamber.'

I can imagine: you would have the Hon. Michelle Lensink cautioning against this, being the only one to have ministerial experience on the other side—they wouldn't even make her deputy, the most experienced person that they have got—cautioning against doing this, wasting your first question over and over again. I can imagine they wouldn't listen to that sort of sane advice, and here we go again. I support my Premier. I know it is something quite foreign in the Liberal Party, supporting their leader, but that is what we do here.

AMBULANCE RAMPING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:27): Supplementary: when will the Attorney-General's government fix the ramping crisis so we don't have to, in the words of the Attorney-General, waste our first question?

The PRESIDENT: It is not actually a supplementary question.

Members interjecting:

The PRESIDENT: Order! He didn't mention anything about ramping in his answer.

Members interjecting:

The PRESIDENT: Order! You are wasting your own question time. The Leader of the Opposition, your second question.

LOWER RIVER MURRAY LEVEES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development regarding agricultural land water inundation.

Leave granted.

The Hon. N.J. CENTOFANTI: Seven failures occurred in agricultural levees along the Lower Murray on Friday 8 September. The water level was moderately higher due to the upstream dam

releases and rain, as well as wind gusts registering just two knots over the minimum threshold for a strong wind warning. These levees are imperative to maintain working agricultural land and the functioning of regional townships. In the words of Pompoota local, Michelle Thiele:

All the re-seeding work that was done in good faith of those levees being maintained and repaired is now all completely gone. So, we're talking over \$100,000 worth of work has gone completely out of the door again.

One farmer we are aware of has invested over a million dollars in his local levee. Many others have also invested plenty in their respective levees. Farmers have sowed crops which are now at risk of failing due to the lack of maintenance and repair on these existing levees. My questions to the minister are:

1. As the Minister for Primary Industries, has she been briefed on the failures of these levees?
2. Prior to the breach, had the minister or her department been informed about concerns from farmers and members of the public about rising floodwaters and the lack of levee management in the Lower Murray?
3. Does the minister have faith in the Minister for Climate, Environment and Water and her department and their ability to manage the levee system across South Australia?
4. Does she agree that a River Murray inquiry would help to identify issues such as levee management and repair to help avoid situations like this occurring into the future?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): I thank the honourable member for her question. Strong southerly winds of up to 72 km/h raised the water levels by almost 400 millimetres in under 24 hours last week and that resulted in the overtopping of six levees and one breached levee in the Lower Murray Reclaimed Irrigation Area since 7 September. The Department of Primary Industries and Regions (PIRSA) is committed to completing the dewatering process at all sites impacted by the December 2022 River Murray flood and also, of course, this latest incident.

PIRSA is continuing to work with the Department for Environment and Water and also with landholders and contractors to assess and stabilise the levees as soon as possible, and to maintain or reactivate pumping to minimise the period of additional inundation. There are two government-owned levees at Long Flat and Pompoota and four privately owned levees at Kilsby, Westbrook Toora and Glen Lossie. Those six were the levees that overtopped and there was a privately owned levee at Placid which was breached, according to my advice.

Work to stop overtopping was, I am advised, completed by DEW at six of the seven sites by the morning of 9 September 2023, and the work by DEW to stabilise levees reduced the level of additional flooding in these areas, according to my advice. PIRSA deployed additional pumps to two sites over the weekend to remove water as fast as possible. Further dewatering requirements are being assessed this week and additional pumps will be deployed as necessary.

I am advised that the seventh levee, Placid, breached after overtopping, resulting in significant damage and flooding. This area had recently completed the dewatering process. Repairs to this site, I am advised, are not possible at this stage but DEW and PIRSA will continue to work with landholders to assess damage and the required works. Dewatering will commence as soon as the area is disconnected from the river.

I am further advised that pumping infrastructure had been removed at two existing dewatering sites as a temporary precaution against potential flooding damage and is currently being replaced to enable dewatering to continue. At the time of the incident, dewatering had occurred at 17 of the 20 impacted areas that had been inundated from the December 2022 flood event and dewatering was still underway in three of those areas. Members will remember that I have mentioned previously in this place that there were a number of safety issues that prevented dewatering occurring immediately and that there was the need to wait until appropriate conditions enabled it to occur.

PIRSA will continue to work closely with all landholders in the LMRIA, especially those affected by this most recent incident. I might just say that I am sure that all in this place would share the concern and send our best wishes to those who are impacted by this. It is something that after

the floods—which, of course, in themselves were devastating both emotionally and in a physical sense for the environment and landholders but also then to have additional watering that has occurred through this event must be even more difficult. So I am sure all of us in here would send our best wishes to those who have been affected.

PIRSA will continue to work to provide support for those affected. Support for producers impacted by the floods remains available, which includes grants and financial assistance as well as technical assistance and mental health and wellbeing support. I am sure members are aware that information on the ongoing support is available at the PIRSA website under flood support.

LOWER RIVER MURRAY LEVEES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34): Supplementary: does the minister think a levee that overtops at two knots past minimum threshold is a suitably maintained levee?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): I thank the honourable member for her further question. I think it is fair to say that severe weather events are becoming more extreme and unpredictable, and certainly those people in the Lower Murray Reclaimed Irrigation Areas know that from recent events. There is a significant amount of work that needs to be done. That work is continuing.

LOWER RIVER MURRAY LEVEES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:34): Further supplementary: is the minister saying that wind gusts of two knots past minimum threshold is an extreme weather event?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I don't think that emerged from the original question but, be that as it may, what I am saying is that there is ongoing work required around levees and stabilisation, as well as dewatering. Privately owned levees as well as government-owned levees are involved in this and, as the minister in the other place has said, the government will continue to work with landholders with privately owned levees, and there are continuing discussions around future management of all the levees with different ownership models.

LOWER RIVER MURRAY LEVEES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Final supplementary: does the minister acknowledge that her government has a long way to go in regard to repair and maintenance of the levee system throughout South Australia?

The PRESIDENT: It was a wideranging answer you gave originally, so I will allow it.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): Levees are owned by a number of different bodies, including private landowners and other levels of government. All of us need to work together to look at the long-term management of levees.

FERAL DOGS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development regarding feral dog control.

Leave granted.

The Hon. N.J. CENTOFANTI: I have been approached by stakeholders and producers concerned about the lack of feral dog controls across the Victorian border. There are eyewitness reports that feral dogs are entering our state and breeding in the Ngarkat Conservation Park before attacking livestock and native wildlife in the surrounding area. One farmer reports losing all of his season's lambs in a single night attack. My questions to the minister are:

1. As the Minister for Primary Industries, have the concerns of producers regarding unchecked feral dogs crossing from Victoria been addressed?

2. What steps has the department taken in reaction to those concerns?
3. Can the minister update the chamber on how the Cross Border Commissioner is investigating this matter?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I thank the honourable member for her question. Any condition or, in this case, animal that is causing widespread damage to livestock is, of course, a concern. In terms of the issue that the member has mentioned, I have certainly had a briefing in regard to this. When it comes to work across the border, this is something that the Cross Border Commissioner is aware of.

I am looking forward to having my regular meeting with the Cross Border Commissioner within the next week, if I remember correctly from my diary. This will be something that we will discuss, remembering also that for a lot of issues—whether it be around invasive species, whether it be feral deer, or whether it be all sorts of other threats to our primary production, livestock and also often wildlife—we work closely with landscape boards and with the Department for Environment and Water, as well as through my department and others. This approach will continue, and we will continue to look at this question.

FERAL DOGS

The Hon. C. BONAROS (14:38): Supplementary: does the minister know whether shotgun use for animal culling in this instance is legal in other jurisdictions and, if so, can she tell us where?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38): I am happy to take the question on notice, but I can certainly say in general that where there are culling programs, which I think might be what the honourable member is referring to, we abide by the best animal welfare standards and what is considered appropriate both in terms of being effective to have a quick kill of a feral animal and also what causes the least damage to any other surrounding conditions. That is the general application that we have in this state. In terms of the specifics, I am happy to get back to the honourable member.

FERAL DOGS

The Hon. C. BONAROS (14:39): Further supplementary: does the minister know whether the current protocols and guidelines that PIRSA are using are based on best practice?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:39): Yes.

FERAL DOGS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:39): Supplementary: is the minister aware of any initial steps that have been taken by the Cross Border Commissioner to investigate and address this important issue?

The PRESIDENT: You mentioned the Cross Border Commissioner.

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

ROYAL ADELAIDE SHOW

The Hon. R.B. MARTIN (14:40): My question is to the Minister for Primary Industries and Regional Development.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Martin will be heard in silence.

The Hon. K.J. Maher interjecting:

The PRESIDENT: That includes you, Attorney-General.

The Hon. R.B. MARTIN: My question is to the Minister for Primary Industries and Regional Development. Will the minister please inform the chamber about initiatives taken by the Department

of Primary Industries and Regions at the 2023 Royal Adelaide Show to promote the importance of South Australian primary production industries?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): I thank the honourable member for his question and also his ongoing support of primary industries and the excellent work that happens at the Royal Adelaide Show in terms of bringing the regions to the city.

I might just mention that, unfortunately, due to having had COVID over the last couple of weeks, it was a big disappointment to me that I was unable to attend the Royal Show this year, because it's something that is certainly a highlight of the calendar for primary industries. I think I had—I am not quite sure—five or six different events that I was going to be attending, which I was very much looking forward to, and unfortunately I wasn't able to attend any of them. However, I am sure that's the least of what people have had concerns around when COVID has been hitting them. A lot of people have had it far worse than me.

It is a very important question the member has put, though, because primary production does form such an integral part of the South Australian economy. In the 2021-22 financial year, agriculture and agribusinesses generated revenue of \$17.3 billion for our state. These sectors now represent 51 per cent of South Australia's merchandise exports. Where better to highlight the character and quality of our primary producers than at the Royal Adelaide Show. As the new Chief Executive of the Royal Agricultural and Horticultural Society of South Australia, Will Rayner, has expressed:

Where else but the Show would you get to experience agricultural activities, animal encounters, competitions and rural skill exhibitions all sitting side by side with a vibrant carnival atmosphere.

For this year's show, PIRSA, in collaboration with the Royal Agricultural and Horticultural Society of South Australia, moved away from a static stand and instead created an interactive space. Aggie's Farm transformed a large portion of the Stirling Angas Hall into a child-sized working farm, which taught two to 10 year olds about agriculture, from crop to shop.

This free activity took children through a series of stations, including a faux chicken coop, apple orchard, beehive, and strawberry and potato patches, from which children foraged for produce that they then exchanged for farm dollars at a faux farmers' market. From there, the farm dollars were exchanged for an animal keyring, which could be painted at a nearby craft station. This innovative and interactive display allowed young children to see, touch and feel the cycle that brings food to their homes and drives our agricultural industries.

I am pleased to advise the chamber that early estimates place the number of visitors through this lively display at around 10,000 people per show day. I commend PIRSA and the Royal Agricultural and Horticultural Society of South Australia for their creative work in bringing this concept to life. I would like to point out, as I mentioned, that it was a free activity. One of the wonderful benefits of the Royal Adelaide Show is, once you have paid to get in there, there are so many free activities. Those that promote our horticultural and agricultural industries and our regional industries are certainly among them, and I commend all of those who have been involved in it.

RENTERS' RIGHTS

The Hon. R.A. SIMMS (14:44): I seek leave to make a brief explanation before addressing a question without notice to the Leader of the Government in this house on the topic of renters' rights.

Leave granted.

The Hon. R.A. SIMMS: In July, the *Adelaide Advertiser* reported that tenants in all but 15 South Australian suburbs and towns were experiencing severe rent stress, with new data from Suburbtrends showing some are spending more than 40 per cent of their income on rent. According to Suburbtrends founder, Kent Lardner, and I quote from that article:

Adelaide, long considered a sanctuary of affordability in both the rental and buying markets, seems to be undergoing a seismic shift. What was once a haven for locals seeking affordable living options is rapidly transforming, challenging the very idea of 'affordable Adelaide'. It's a significant change that could have profound implications for the city's residents.

The Advertiser went on to state that SA tenants were amongst those being hardest hit by the country's rental crisis, with data showing the state recorded the second highest rental pain index at 83.27. Last month, a *Guardian* Essential poll found that three in four Australians believe that rents should either be capped to inflation or frozen until economic conditions improve. Members will recall that last year I introduced a bill that would cap rent increases in line with inflation that was opposed by every other member of this place other than the Greens.

My question to the Attorney-General therefore is: when will the government finally listen to South Australians and take action to curb rent prices? When will they do something about rent prices?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:45): I thank the honourable member for his question. The honourable member would be aware that we had legislation in here only in recent weeks in relation to getting a better deal for renters in terms of rent bidding and a number of other areas, and there are other reforms that are being proposed. There has also been announced a dramatic release in land in South Australia to help with new home buildings, as well as initiatives in the state budget to encourage new homes to be built to ease stress on renters.

It certainly is something not just in Adelaide, as I think the honourable member has mentioned in previous contributions, as right around Australia we are facing shortages of rental properties and increasing property prices and there is a combination of things that this government is doing to try to ease the burden.

RENTERS' RIGHTS

The Hon. R.A. SIMMS (14:46): Supplementary question: as part of the series of things that the government is contemplating, has the government considered the ACT's approach to managing rent increases, which includes rent controls?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47): I thank the honourable member for his question. I know the government has considered a whole range of things and the minister responsible in the other place, the Hon. Andrea Michaels, has put forward a whole range of solutions, as has Minister Champion, in terms of releasing housing prices. The government does not have any plans or policies to introduce rent capping though.

PUBLIC SECTOR

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:47): I seek leave to make a brief explanation before asking a question of the Attorney-General about the public sector.

Leave granted.

The Hon. J.S. LEE: It was reported in *The Advertiser* on 10 September that a strategic adviser to the Premier's Delivery Unit will be paid \$60,000 for the equivalent of 13 days of work. The former Westpac executive, Peter Hanlon, was selected for the job by Premier the Hon. Peter Malinauskas. The Premier's Delivery Unit Chief Executive, Rik Morris, when asked what competitive selection process was undertaken for his appointment, replied and I quote:

That's a question for the Premier. I am not aware. It was the Premier's decision to recommend him.

Despite being paid around \$600 an hour, it has been revealed that the adviser provides often verbal advice, meaning that we may never know the details of his role. My question to the Attorney-General is: what are the recruitment guidelines and role description for this strategic adviser's position and is the role consistent with the expectations of the transparency expected of the public sector?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I thank the honourable member for her question. As she pointed out, it relates to a matter in the Premier's area and DPC. I am happy to take that on notice—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —and bring back an answer.

The PRESIDENT: I am assuming you said you are going to refer the question, Attorney, because I couldn't hear the answer.

The Hon. K.J. MAHER: Yes.

YOUTH ABORIGINAL COMMUNITY COURT

The Hon. R.P. WORTLEY (14:49): My question is to the Attorney-General. Will the minister inform the council about the recent launch he attended—

Members interjecting:

The PRESIDENT: Order! Start again, please, the Hon. Mr Wortley. I couldn't hear.

The Hon. R.P. WORTLEY: My question is to the Attorney-General. Will the minister inform the council about the recent launch he attended of the Youth Aboriginal Community Court?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:49): I will be most happy to do so. I thank the honourable member for his ongoing interest in achieving better outcomes for young Aboriginal people. As many would be aware, Aboriginal people continue to be vastly over-represented when it comes to interactions with the criminal justice system.

While First Nations people account for about 2.4 per cent of our total South Australian population, they account for nearly a quarter of the state's adult prison population and approximately half of all young people in detention. In 2022, Aboriginal children were imprisoned at 18 times the rate of non-Aboriginal children. I don't think anyone would argue that these statistics are distressing and should not be brushed aside and acted upon.

That's why I am pleased to have been able to commit just over \$700,000 in funds for a two-year trial of the Youth Aboriginal Community Court. I was pleased recently to attend the official launch of the Youth Aboriginal Community Court before the program commences in just a few weeks' time. It was great to see members of this chamber here, including the Hon. Robert Simms and the Hon. Connie Bonaros, at the launch of the youth court to mark the occasion.

The culturally responsive program will aim to disrupt escalation points in a young person's offending, addressing trauma and criminogenic needs, and implement protective factors and aim to divert younger people from further offending. Eligible Aboriginal and young people will receive support from external service providers and have regular check-ins with the Youth Aboriginal Community Court, including with Aboriginal elders at informal court sittings. Sentencing is delayed while this support and relevant treatment is provided, with their progress then being able to be considered as part of the eventual sentencing process.

The trial responds to recommendations of the final report of the Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia, which highlighted that the number of Aboriginal community courts ought to be expanded in order to increase participation of Aboriginal people in culturally responsive court diversion programs. The advisory commission has provided invaluable advice on how to best help with these initiatives in our justice system, and the advisory commission, with the development of the Youth Aboriginal Community Court, demonstrates that when we listen to Aboriginal people about matters that affect their lives, we can often get better outcomes and, in time, solutions for overcoming problems.

Working together on this initiative for the youth court within the Courts Administration Authority have been groups like the Aboriginal Legal Rights Movement, the Grannies Group, the Adelaide Men's Group and other elders and respected persons. I look forward to seeing the work of the Youth Aboriginal Community Court and what it does for Aboriginal people in this state.

AERIAL CULLING

The Hon. C. BONAROS (14:52): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question about the aerial culling of wildlife.

Leave granted.

The Hon. C. BONAROS: In recent days, I have been speaking with a young man who told me of his and a mate's harrowing account as two recreational hunters who were legally hunting on a private property near Naracoorte in the state's South-East when a helicopter appeared overhead with a gun-approved culling team on board and began shooting at deer below.

Fearing for his life, the young man told me—and he doesn't want to be named—he ran for the scrub into a clearing on the property and began waving and shouting at the helicopter while his friend flashed lights from a vehicle in pursuit of that helicopter. He is in no doubt that the people on board the helicopter saw him, despite conflicting comments at different points in time and in the media. Once they did see him, the man says they flew about 200 to 300 metres away and began shooting again for at least another 20 minutes, again despite assertions that they ceased shooting once he was spotted.

The Department of Primary Industries and Regions has confirmed the incident occurred and has undertaken an independent review of the protocols that happened and the incident itself. According to a PIRSA official, the helicopter was fitted with three cameras, including military-grade thermal imaging, none of which detected the hunters. It remains unclear if the property owner was notified prior to the incident of the planned aerial shooting over the property and whether in fact it was the correct property.

My questions to the minister are against the backdrop of concerns around PIRSA's aerial culling program and the dangers it presents both to human life and animal ethics:

1. Has that review been undertaken and completed and by whom?
2. What, if any, findings and recommendations have been made?
3. Will they be publicly disclosed?
4. Did the private property owner give permission for the culling to occur on their property?
5. How often is aerial culling undertaken and what are the normal protocols that need to be followed prior to, during and following the operation?
6. In response to the minister's earlier response today where she said that best practice is used, has she had concerns raised with her to the contrary both in terms of risks to human safety and animal ethics?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:55): I thank the honourable member for her question. I am advised that during an aerial cull on the Limestone Coast on 25 March 2023 an incident occurred that involved the culling of feral deer on a property that had been approved by a private forestry company, but a portion of the land had in fact been leased to a private entity who had not at that stage given permission.

Unknown to the helicopter crew, a recreational hunter was on the ground at the time and was reportedly frightened when deer were culled about 350 metres away from him. There was footage of the incident which was released on social media on 4 September 2023. Similarly, there was also footage available from the three cameras which are on a helicopter that is involved in an aerial culling program. I am advised that that confirms that the helicopter was several hundred metres from the recreational shooter. The footage on social media shows the hunter was understandably angry about the helicopter shooting deer on the property.

The information that I have is that, because of the distance from the recreational hunter, there was not a significant risk to him and that the issue had arisen because of that change in ownership—the lease to a private entity. The owner of the land where the incident occurred has since formally approved the helicopter culling of feral deer on his property.

I am advised that there has also been implemented a now triple-checking in terms of, I understand, three databases to ensure that all records in terms of ownership or leasing of property

are up to date. I am advised that that is done and confirmed the day before any planned culling program.

Secondly, in terms of safety, the aerial culling programs are done in South Australia in accordance with strict protocols. Those protocols are publicly available in the code of practice and standard operating procedures for aerial culling of feral deer. PIRSA is able to and does undertake audits of all helicopter operations using the footage from cameras which are within the cockpit of the helicopter to ensure that all procedures are being followed.

Aerial culling occurs over both public land and private land and is considered the most effective control tool for reducing feral deer populations. Prior to any aerial control program, government staff obtain approval from land managers where the culling will occur and aerial shooting only occurs on those properties. Obviously, in this case there was an issue with the up-to-date level of information about the ownership.

Neighbouring landholders are also advised so that no landholders are surprised or frightened. In the event that an aerial culling operation needs to fly over land which has not had approval, it will usually rise up higher to traverse across the top and then descend back to the appropriate levels for culling on the land where the permission has been granted.

Aerial shooting teams are expert, trained, accredited and professional pilots and marksmen. Team members follow strict flight procedures and risk assessments. For the aerial culling operations to occur, the helicopter needs to fly as low as 20 metres. Low flying by accredited pilots is permitted under Civil Aviation Safety Authority regulations.

In terms of the processes that the honourable member referred to, strict plans and procedures are in place to ensure feral deer are humanely culled. There is a requirement for a minimum of two shots per feral deer and a deliberate fly-back procedure to confirm death and ensure that no animals are left injured. A South Australian pest animal aerial culling steering committee has been established to oversee aerial culling activities in this state. Members of the committee include the Department of Primary Industries and Regions, the Department for Environment and Water, regional landscape boards, SA Water and ForestrySA.

The incident has been reviewed, as I have outlined. One thing that I think is really worth mentioning is how important it is to eradicate or reduce or control feral deer. They are a declared pest under the Landscape South Australia Act 2019, and it is a requirement of land managers that they remove all feral deer from their properties. South Australia's feral deer population is estimated to be about 40,000, but population models indicate there will be more than 200,000 in 10 years, even with previous control programs in mind.

A recent independent cost-benefit analysis of feral deer control found that under previous control programs—as in if they are not increased—production losses could increase from \$36 million to \$242 million over a 10-year period. In response, the commonwealth and state governments and landscape boards have invested \$4 million over four years as part of an 11-year program to eradicate feral deer from South Australia.

It's also worth mentioning that the damage from feral deer is not only to livestock and agricultural enterprises but is also very significant to environmental biodiversity and other environmental issues. I don't have the amounts in front of me, but I do recall seeing that the damage done by feral deer equates to the grazing of, I think, many hundreds of sheep. I won't want to be quoted on that because I can't remember the exact details, but it does really indicate the level of destruction that feral deer do have on the landscape as well as to agricultural enterprises.

AERIAL CULLING

The Hon. C. BONAROS (15:01): Supplementary: is it clear the hunter is, as the minister quoted, 'angry' or 'scared for his life', and who made that assessment?

The PRESIDENT: I am not sure how you can draw a conclusion to that.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I think what I said was that footage shows that the hunter

was understandably angry. I have seen the footage and I think it's a reasonable conclusion to draw. He certainly seems very angry, and being angry doesn't preclude also being frightened.

AERIAL CULLING

The Hon. C. BONAROS (15:02): Further supplementary: can the minister confirm, as per my original question, will the report that has been, or is being, finalised—its recommendations and findings—be released publicly?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I think I have already talked about the recommendations, which have also, as I understand it, already been implemented—which are around that triple amount of data being able to be accessed to ensure that ownership information is up to date prior to a culling occurring.

AERIAL CULLING

The Hon. C. BONAROS (15:03): Final supplementary question: does the minister accept that individuals involved in this particular incident are not satisfied with those outcomes and are seeking further information from the minister and the government?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:03): I am not aware that my office has had a request for further information from the individuals concerned. Certainly, I am happy to check that. I think it's also really important to be aware that the damage that's done by feral deer means that we need to be very serious about the responses. The damage to the environment and the damage to agricultural production is absolutely significant.

Obviously, any incident where somebody is in the vicinity, unaware that a culling exercise is taking place, is regrettable. I have mentioned how it came to pass in this particular instance and also the mitigations that have been put in place to ensure that it doesn't happen again.

OPERATION PARAGON

The Hon. J.M.A. LENSINK (15:04): I seek leave to make a brief explanation before directing questions to the Attorney-General and Leader of the Government in this place about Operation Paragon.

Leave granted.

The Hon. J.M.A. LENSINK: In a radio interview, the Chief Executive of the Hutt St Centre, Mr Chris Burns, raised concerns about Operation Paragon and it being—and I am paraphrasing him—a band-aid fix by moving the problem elsewhere and not a long-term solution. My questions are:

1. Given the recent enforcement actions taken in the CBD, particularly in front of Parliament House on North Terrace, can the minister clarify how the government distinguishes between individuals causing 'behavioural issues' and those who are experiencing homelessness?

2. While the site in the western Parklands has services and facilities, what additional support mechanisms is the government considering to ensure that individuals who move to this location have comprehensive supports?

3. Given the critical nature of the services provided by non-government organisations, such as meals, showers and the like, is the government considering additional support for those organisations as demand rises?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:05): I thank the honourable member for her question. In relation to the first question, the honourable member asked about distinguishing—I can't remember the exact words—it is not the government who enforces what is declared a public precinct, it is SAPOL. So it is not the government making decisions in relation to a declared public precinct, it is SAPOL who do that. In relation to the honourable member's questions about the multiagency response, I am happy to go over—and I have mentioned it briefly once—some of the areas we are

looking at. That doesn't mean that the government, in relation to I think the third question, is closed to further and more responses, but these are the responses that have been put in place to date.

For example, the honourable member mentioned the place in the Parklands that is 'a safer place to gather', which was established in Edwards Park by the Department of Human Services, and police officers who can make these decisions can refer people from the declared public precinct to this site—that will be a discretion for SAPOL—where they can then access health services, drug and alcohol support, housing and Centrelink assistance. Drug and Alcohol Services SA (DASSA) has begun providing outreach services to the safer place gathering site, starting mid-August.

In addition, there is a short-term dedicated pod comprising 10 beds within the inpatient withdrawal services at Glenside that has been established by DASSA to offer culturally appropriate alcohol and other drug treatments. I think I reported before to the chamber that in the period between 7 August and 16 August I was informed that a safer place to gather site was used by approximately 30 people within the declared public precinct itself.

DHS obviously continues to coordinate an assertive outreach service response from 7am seven days a week, involving the employment of cultural workers to ensure effective engagement and maximising the response for the mobile system patrol, which provides transport for individuals affected by alcohol and other drugs and are at risk of harm to themselves and others from inner city Adelaide to places of safety. As I say, this doesn't mean that this is all the government will ever consider doing in this area, but this is what the government has done to date and of course it will consider what further services need to be provided to support people.

OPERATION PARAGON

The Hon. J.M.A. LENSINK (15:08): Supplementary: does the minister have any data at all about returning people to country?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:08): I don't have data about return to country programs. There are many who prefer return to community rather than return to country, but I can see what data is available. I know it is a program that has been running under a number of governments, including under the previous Liberal government, to help people return to communities, often in the north of the state, when they find themselves in Adelaide and without the means to return home.

AGRIFUTURES RURAL WOMEN'S AWARD

The Hon. J.E. HANSON (15:09): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the progress of the 2023 national AgriFutures Rural Women's Award?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:09): I am delighted to be able to provide an update to the chamber, and I thank the member for his question and his interest. The AgriFutures Rural Women's Award was established in the year 2000 to raise the profile of talented and passionate women involved in primary industries and rural Australia.

Over the past 22 years, the award has provided more than 250 women with opportunities to achieve positive change in rural and regional Australia through diverse and innovative projects. I had the pleasure of attending the 2023 SA AgriFutures Rural Women's Award event in Adelaide on 9 May, where I had the chance to catch up with previous years' finalists who continue to show how valuable the AgriFutures program is across a range of industries, projects and regions.

At that event I was also able to congratulate this year's SA winner, Ali Paulett, the Managing Director of her Clare Valley family business, Paulett Wines. The initiative for which Ali was recognised is truly innovative, educative and practical. Located adjacent to the Bush DeVine Winery Restaurant in the Clare Valley, the Indigenous Australian native sensory bush food garden was the first of its kind when it opened in 2010.

Ali's passion for bush foods came from her love of foraged foods and the paddock to plate concept. Her bush food garden was planted with the dual purpose of creating a unique garden and

walking path and supplying the restaurant with fresh native produce. The garden is a tangible and sensory experience for visitors where they can smell, taste and touch the produce. The garden is also used for educational purposes and it is visited, too, by walkers at the end of the Wine and Wilderness Trail.

As part of winning the South Australian award, Ali received a \$15,000 grant from Westpac to further progress her bush garden project. Ali's plans include improving the educational signage in the garden, enhancing the website content to be more interactive and include high-quality videography, and expanding the garden to include additional plants and spaces for picnics and gatherings. Ultimately, the garden aims to become a showcase for educators, visitors and anyone who wishes to connect with the land, its history and the local First Nations Ngadjuri people.

Ali will tonight represent South Australia at the AgriFutures Rural Women's Award gala dinner and national award announcement at the Great Hall in Parliament House, Canberra. All of us, I am sure, wish Ali all the best in tonight's contest.

The AgriFutures Rural Women's Award highlights the role models who perform critical functions at the heart of their rural communities and who are inspirations to many other regional women. Applications for the 2024 award open tomorrow, and I encourage all those involved with rural and regional businesses and community organisations to think hard about the outstanding women in their networks and to encourage them to apply for this important award.

HAHNDORF BYPASS

The Hon. R.A. SIMMS (15:12): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Regional Development on the topic of the Hahndorf bypass.

Leave granted.

Members interjecting:

The CHAIR: Order!

The Hon. R.A. SIMMS: The 2021 Hahndorf Strategic Planning Study commissioned by the state and federal governments found that the lack of connectivity to and from the South Eastern Freeway is causing additional traffic and freight in the township, primarily due to there being no convenient alternative route between the east (Mount Barker) and the north (Balhannah and Woodside) without travelling through the main street of Hahndorf, and there being no convenient alternative route between the south (Echunga) the west (Adelaide) or the east (Murray Bridge) without travelling through the main street of Hahndorf.

The study also found that the current traffic on the Hahndorf main street, Mount Barker Road, is limiting the economy, function and amenity of the township. There are approximately 11,000 vehicles, including 480 heavy vehicles, per day on the main street and a very high number of pedestrians.

In response to three options released for public consultation by the department to resolve the issue, the Hahndorf community canvassed their own option to reduce the impact which involved much less property acquisition and footprint. The option put involved creating a bypass between Echunga Road and the South Eastern Freeway with a half interchange, not the full interchange, with a road running through Beerenberg Farm, put forward by the previous Marshall government.

The Malinauskas government has instead decided to completely scrap the bypass project, diverting all heavy traffic along Strathalbyn and River roads. My questions to the minister therefore are:

1. Is the Minister for Regional Development concerned about the lack of consultation with people living in the region of the Adelaide Hills regarding the government's decision to divert heavy freight traffic along River and Strathalbyn roads?
2. Why isn't the government listening to the community and proceeding with its preferred option of a half interchange?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:14): I thank the honourable member for his question. I think it is interesting that those opposite are shouting out and heckling while the member was asking his question. When you see what the difference, the flip-flopping and the changes between those opposite have been—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —in terms of what they have supported, and then what they have changed, and in terms of their support, and now they are happy to try to score political points over what they are currently doing.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: It is really quite interesting when we look at some of the history as to what the opposition has proposed in regard to this. On 29 April 2021, then transport minister Corey Wingard said:

A full interchange at River Road, a half interchange at River Road in one of the options and a full interchange at Verdun so there's three options that the community will be able to look over and see which ones they think will work best for them.

Then Vincent Tarzia—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher: I can't hear, sir.

The PRESIDENT: Yes, I can't hear.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: Then Vincent Tarzia, on 4 April this year—

Members interjecting:

The PRESIDENT: Order! Sit down. I can't hear the minister. To be fair, she is actually under some difficulty with her voice today, so I would like to be able to hear her, and I would like some silence while she is trying to answer the question.

The Hon. C.M. SCRIVEN: On 4 April this year, Vincent Tarzia, shadow transport minister, said:

The Government has just got to listen to locals because at the end of the day there's no point really doing anything unless you take those trucks that don't need to be there from the main street of Hahndorf.

Interesting, it sounds like what is actually being proposed. He continues:

We've all been there on a Sunday afternoon, David, we know what it's like, it's bedlam, it's dangerous at the moment and so we're not going to stop...

So it seems that those opposite don't actually know how to communicate with each other. They have been at odds. In terms of their solutions, those opposite don't seem to have one. However, in terms of any further information, I am happy to refer those further questions to the relevant minister in the other place.

HAHNDORF BYPASS

The Hon. R.A. SIMMS (15:17): Supplementary: the minister spoke a lot about the record of the previous government, but why isn't the Labor government listening to the community and proceeding with its preferred option of a half interchange?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:17): I have already said that I will refer those questions to the minister in the other place.

The Hon. N.J. Centofanti: Come on, Mr President.

The PRESIDENT: No, she said she is going to refer it.

APY LANDS TUBERCULOSIS OUTBREAK

The Hon. H.M. GIROLAMO (15:17): I seek leave before asking the Minister for Aboriginal Affairs a question about health on the APY lands.

Leave granted.

The Hon. H.M. GIROLAMO: Earlier this year, SA Health declared an outbreak of tuberculosis in the APY lands. The minister last updated the chamber in June this year; however, recent media reports indicate that there are currently 11 active cases of TB in the APY lands, and one person has died. My questions are:

1. When was the minister last briefed on the matter as the Minister for Aboriginal Affairs?
2. What are the latest figures of TB cases in the APY lands?
3. Is the outbreak contained in the APY lands?
4. What extra resourcing has the government put into the APY lands to contain and end this outbreak?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): I thank the honourable member for her important question. I can inform the member I was last updated towards the end of the first week of August, certainly over the winter break when I visited the TB clinic in Pukatja. I travelled to a number of communities over the winter break in the APY lands and was very fortunate to see the extraordinarily good, hard and dedicated work the SA Health team is doing in the APY lands out of the clinic at Pukatja. I was most pleased to receive an update from those who are in the communities and dealing with the outbreak in the APY lands.

I am advised that more than 700 people have now been screened as part of the efforts to fight the tuberculosis outbreak on the APY lands. When I was there in August, on the day that I visited the clinic they had just that day reached over 500 people screened, which is quite an amazing result to screen such a large number of people. But as I say, I am advised it is now more than 700 people who have been screened.

I am advised that just under \$2 million has been invested so far to fight the outbreak, delivering tailored community engagement and education, while providing education and further skills to health practitioners, most of whom, if not all of whom, have not seen an outbreak of tuberculosis in their clinical practice ever before. Certainly, the radiology people, the nurses, the doctor and the community health workers who were at the clinic when I visited in August had not dealt with tuberculosis before, because it's something that we rarely see in Australia today.

I particularly acknowledge the doctor who was in charge of the clinic, Dr Simone Barry, and her team talking about the work they are doing in the community, the further outreach work that is being done by SA Health. I particularly want to acknowledge the work of Damien Shen, a Ngarrindjeri man who worked in the SA Health team during the COVID outbreak, during the pandemic, in the APY lands, who is now continuing his work with the APY community as part of the community outreach team in collaboration with Nganampa Health and local communities.

The work is being led by the Minister for Health and Wellbeing, and I have appreciated discussions and updates from the minister. But as I said, having received an update directly from the health clinic has been very valuable in terms of my understanding of the issues.

The latest update I have in terms of known cases of diagnosed TB is at 17 August, where I am informed there were 13 confirmed active cases linked to this outbreak. I am informed that

13 includes 11 current cases, one historical case and, tragically, one historical death from tuberculosis. In addition to the results known at 17 August, SA TB Services advise that 15 cases of latent tuberculosis have been identified from the 68 contacts that have been screened. Latent tuberculosis is where the initial infection goes unnoticed but individuals remain at risk of developing active tuberculosis disease later in life.

The first tuberculosis case linked with this outbreak, I am informed, was identified in May 2022. Before the current outbreak, the last known case of tuberculosis in the APY lands, I am informed, was in 2018. I am informed the APY cluster involves cases notified in a region that has a significant population flow between South Australia, Western Australia and the Northern Territory.

When I visited the clinic in Pukatja, I was informed that early diagnosis and treatment are the most effective means to prevent the transmission of tuberculosis. The risk of transmission decreases within days of commencing the appropriate antibiotic treatment for TB, but compliance with the treatment is critical. If I am remembering correctly, the health professionals told me it is, I think, one tablet three times a day for six months that is needed as part of the treatment regime. At that stage, they had an almost 100 per cent compliance with the treatment regime, which is a remarkable effort in a place like the APY lands where there is movement with people throughout the APY lands and often health professionals have to meet and treat people in their own homes.

I am also informed that SA Tuberculosis Services and the Aboriginal public health team within SA Health have developed comprehensive plans for ongoing public health actions in the APY lands, including further community engagement, case treatment, contact tracing, active case finding and community-wide screenings.

As I said, the tuberculosis clinic I visited was the one that set up in Pukatja in the central APY lands. I know that the other main area that testing for cases has occurred in has been in Pipalyatjara, over the far west of the APY lands, next to the WA border. I am informed that the Chief Public Health Officer in SA continues to chair regular update meetings with counterparts in Western Australia, Northern Territory, Queensland and the commonwealth.

I am also informed from my visit and from briefings with the health minister that SA Tuberculosis Services continues to work very closely with Nganampa health service, the health service that I think 40 years ago this year was established on the APY lands and remains the primary health carer for Anangu in that part of Australia, to ensure that known cases of tuberculosis are receiving clinical care, including the treatment I mentioned that is extraordinarily successful at this stage, and that ongoing treatment remains the critical element of this response. People not treated for latent TB pose an ongoing public health threat because at any time they can become infectious, which is why this ongoing process continues.

Bills

CRIMINAL LAW CONSOLIDATION (CRIMINAL ORGANISATIONS - PRESCRIBED PLACES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 August 2023.)

The Hon. J.M.A. LENSINK (15:26): I seek leave to provide some comments in support of this legislation, which deals with some matters that have been ongoing I think for various governments over the years in relation to outlaw gangs and their properties. The reason for this particular piece of legislation is that regulations that were made by the previous government in 2020 to declare properties at Cowirra as prescribed places have been found through a High Court judgement to be invalid.

As the Attorney noted in his second reading explanation, the properties had been declared as prescribed places and they are places that, on the advice of SAPOL, have been at risk of being used by criminal organisations. The parliament has taken a longstanding view that community safety should be the primary consideration in relation to these matters. I also understand that this bill will

enable the updating of existing regulations for prescribed places, so that properties no longer associated with criminal organisations will be removed as prescribed places.

There have been concerns expressed by the legal fraternity, specifically in relation to procedural fairness, and we would have all received a letter addressed to the Attorney-General dated 11 September from the Law Society. We thank them for their consideration. I think it is fair to say that that organisation continues to have concerns that these amendments, or this particular policy position that the parliament has adopted, override a consideration of legal concerns that private property should not be captured by these sorts of pieces of legislation and that there is the potential that individuals will be prevented from accessing their own properties without justification.

We do thank the Law Society for those concerns. They are noted, but, given this has been an ongoing particular policy position over many years, we respectfully will not be adopting their position. With those brief remarks, I indicate support for this bill.

The Hon. J.E. HANSON (15:29): In speaking on this matter, I think that any person who is a participant in a criminal organisation, who enters or attempts to enter a prescribed place, commits an offence, is going to be the subject of what we are talking about, and that bears some consideration. Participants can include office holders, members or those seeking to be members of a criminal organisation. I think it is fair to say that this government, and I would hope any government, will pursue every option at their disposal, and indeed ours, to disrupt criminal organisations such as outlaw motorcycle gangs, and disrupt specifically their criminal activities.

In talking on this, I think you have to reflect on the High Court decision from last month—following earlier actions in what I understand to be the Court of Appeal—that held that a set of regulations were, I think the terminology is, invalidly made. It was also held in that same decision that reasonable notice needs to be given to an owner or an occupier of a proposal to declare a place a prescribed place even though those owners or occupiers are participants in criminal organisations. This creates, I think, quite the juxtaposition, really.

The application to the High Court was made on the basis that, and I quote, 'The Cowirra Regulations were made in breach of a duty to afford procedural fairness to the appellants as owners or occupiers of the land.' I think that really flavours it. I accept the premise that nobody wants the land they own to be declared a prescribed place without appropriate consultation. That seems pretty fair, given what the impacts of that are going to be. After all, no-one wants the place they call home, especially a place where they might bury cars that were used in a murder, for instance, to be declared a prescribed place.

I reject the premise that procedural fairness and the need for procedural fairness, from a moral perspective, is to be afforded in just about any regard to South Australians who live their lives as part of criminal organisations, who are involved in sinister and fairly alarming, frankly, disregard for the lives of others and for the safety and wellbeing of everyone who lives in our community. It is pretty problematic, obviously, from a few distinct perspectives to have to consult with criminals before you make it so hard that they cannot set foot on the properties they own, whether that is legitimately or not.

This bill proposes to amend the act to provide that there is no obligation to provide procedural fairness in relation to the making of a declaration by regulation that an entity is a criminal organisation, an event is a prescribed event or a place is a prescribed place for the purpose of the definitions in the act. The bill also declares a list of properties to be prescribed places, each of which has previously been a prescribed place for the purposes of the act. These properties are places that, on the advice, I understand, of SAPOL, continue to be connected with, and are at risk of being used as meeting places for, criminal organisations.

The regulations made by the former Liberal government in relation to properties at Cowirra that are linked to the Hells Angels outlaw motorcycle gang, were made, I am certain, with the best interests of the South Australian public in mind, but the court unanimously agreed that, due to problems with the drafting, the Cowirra regulations do not effect a valid declaration. The four members of the court held that the appellants should have been afforded an opportunity to be heard before the Governor made the regulations, and that would have constituted procedural fairness, and

therefore the required procedural fairness would have been afforded had they done so. I think in that regard it is pretty pertinent to quote Justice Steward, who said very sensibly in his observations that:

It is, with great respect, a remarkable proposition to require the South Australian government to consult with a criminal organisation before declaring one of that organisation's properties to be a prescribed place.

We have an obligation as a government to act in the best interests of the South Australian community. I am a strong believer in the inherent goodness of us all—of all humans—but in dealing with organisations that like to refer to themselves in certain types of colours, I think some matters are pretty black and white. If the law requires procedural fairness to be afforded to persons in matters where procedural fairness is so far from being morally deserved, then we should change the law.

The Hon. R.A. SIMMS (15:35): I rise to speak on the Criminal Law Consolidation (Criminal Organisations—Prescribed Places) Amendment Bill 2023. I want to put on record some of the concerns of the Greens in relation to this bill and the way that this has been handled, introduced as it was during the last sitting period and being brought to a vote during this sitting period without really significant time for stakeholder consultation. By that I mean sufficient consultation with the legal fraternity, but also broader contemplation of the potential implications.

I do want to put on the public record some of the concerns that have been raised with the Greens and, I understand, with all members of parliament regarding these changes. I will, for the benefit of *Hansard*, put some of those things on the record. I refer to the Law Society's submission dated 11 September when the society notes in particular that they have concerns about the short time frame and the pace with which the amendments are being pursued. They note in their submission that:

4 The Bill responds to the judgement of the High Court of Australia in *Disorganized Developments Propriety Limited & Ors v State of South Australia*. In that decision, the Court held that—

and I am quoting from the document—

- 4.1 regulations made in 2020, purportedly pursuant to section 370 of the Criminal Law Consolidation Act 1935...were invalid; and
 - 4.2 the making of regulations to make declarations as to prescribed places within the meaning of section 83GA of the Act was subject to an obligation of procedural fairness, at least in the case of the owners and occupiers of land which is proposed to be declared a prescribed place.
- 5 The bill addresses the judgement by:
- 5.1 as to paragraph 4.1 above, inserting the Criminal Law Consolidation (Criminal Organisations) Regulations 2015 the declaration of a series of properties as 'prescribed places' for the purposes of the definition...
 - 5.2 as to paragraph 4.2 above, inserting into section 83GA of the Act an explicit statement that there is no obligation to provide procedural fairness when making a declaration by Regulation that:
 - 5.2.1 an entity is a criminal organisation;
 - 5.2.2 an event is a prescribed event; and
 - 5.2.3 a place is a prescribed place.

It is the view of the Law Society that:

6 The proposed amendments are to a regime that is flawed. The regime for declarations of the kind set out in [the section]...and the offences that flow from those declarations was introduced into the Act by the Statutes Amendment (Serious and Organised Crime) Amendment Act 2015. The regime was modelled on the Queensland Vicious Lawless Association Disestablishment Act 2013. That legislation has since been repealed.

The society goes on to state in their submission:

7 When the regime was introduced in South Australia in 2015, [they] expressed [their] opposition to fundamental aspects of the regime in a submission to [the then] former Attorney-General, the Hon. John Rau MP.

They have provided a copy of that correspondence to members of parliament. In the submission at that time, they set out a series of concerns with the regime but in particular:

...the encroachment by parliament and the executive on the making of decisions which are usually and more appropriately made by a Court.

I think that is an important principle to highlight here. The Law Society goes on to say that:

...concerns expressed in 2015 remain pertinent both as to the specific declarations described in paragraph 5.1...and the general abrogation of the entitlement to procedural fairness described...

They go on to say, and again I think it is important to put these things on the public record:

9 The abrogation of any entitlement to procedural fairness in the context of a declaration of a 'prescribed place' under section 83GA...of the Act is explicitly stated so as to overcome any ambiguity. It will achieve its effect of removing uncertainty. However, that gain will be achieved by a potential increase in the risk that individuals will be prevented from accessing their property, that is, effectively confiscating their property, without justification. The amendments will bolster Parliament's ability to exclude people from property without being heard on the matter. Further, there is no suggestion that the exclusion results from the property having been unlawfully acquired. This more overarching implication, rather than the intention to resolve an isolated issue, should be [very] carefully considered by the Parliament in assessing [such a] reform.

They go on to state:

10 The practically untrammelled power of effective confiscation under Part 3B Division 2 of the Act could be compared to the assets confiscation regime that already exists under the Criminal Assets Confiscation Act...Where assets are found to be the proceeds of crime, this Act provides a robust basis for those assets to be forfeited or disposed of...effectively.

They go on to state:

11 There may be a public interest in preventing participants of a criminal organisation from attending public places, such as certain licensed establishments. Preventing a person from attending private property, which until proven otherwise should be presumed to be lawfully owned, as proposed, ought to be balanced against other considerations such as natural justice, as well as the rights of the individual to attend that property.

12 The Society queries the justification in abrogating any citizen's right to procedural fairness, including the owners of the properties that were the subject of the High Court's decision.

I do think it is important to draw out this final section of the Law Society's submission, that is, where they go through the reasons of the High Court as to why there was an abrogation of the right to procedural fairness:

The right to procedural fairness is necessary because—

and this is from their document:

- 13.1 declarations of land as prescribed places affect owners and occupiers of the land to a significant degree, and in a manner markedly different from other persons who might be adversely affected by such a declaration...; and
- 13.2 matters might be raised by an owner or occupier that might avoid the arbitrary exercise of the regulation making power...

Of course, the Greens share the concerns of all members of parliament around the need to crack down on the activities of organised crime; that is not in dispute. However, issues such as procedural fairness and natural justice are very important principles in our legal system. They have been hard won and they are important principles that this parliament should always keep first and foremost in its considerations, even when it is not necessarily politically expedient to do so.

The Greens do have some concerns about the bill that the government has put forward, and I want to put those on the public record, in particular to highlight the views of the Law Society that have been raised with us. I will, as always, be watching the committee stage with great interest.

The Hon. C. BONAROS (15:43): I rise to speak on behalf of SA-Best on the Criminal Law Consolidation (Criminal Organisations—Prescribed Places) Amendment Bill 2023. As we have heard, the bill seeks to remake the existing legislation of prescribed places for the purposes of section 83GA of the Criminal Law Consolidation Act, the object of which is to stifle the ability of members of prescribed organisations to congregate.

The practical effect is to remove 11 whole or part properties and add two newly identified premises at Mount Gambier and Wingfield in addition to the two Cowirra—more commonly referred to as Ponde—properties that were the subject of recent High Court scrutiny. The changes sought

are to the Criminal Law Consolidation (Criminal Organisations) Regulations 2015, via amendment to the act, as was the case when it was first passed. I will come back to that point in a moment.

It comes, as we have heard, in response to the recent High Court judgement in *Disorganized Developments Pty Ltd & Ors v State of South Australia*, which found that two sets of variation regulations, purported to have been made in 2020 to the regulations, were invalid.

The Ponde properties are owned by a company whose directors are known, we are advised, to be active members of the Hells Angels Motorcycle Club. As a result of the High Court decision, they are not currently listed as prescribed places, and we understand that in the facts provided two Hells Angels members continue to reside at the property from time to time.

The High Court was also asked to consider procedural fairness as a second point of appeal, and in principle I will say that I think it is well noted that I am a proponent of procedural fairness and natural justice in all its forms. What we have seen, through biker legislation and associated legislation, is there has been by this parliament certain very justifiable exceptions to that rule. The majority in that case found that it ought to be provided to owners and occupiers of the land on the current reading of the act.

The bill seeks to make crystal clear that there is no obligation to provide procedural fairness in relation to section 83GA declarations, for the reasons we have all outlined. I think it is fair to say that the Attorney, not to put words in his mouth, would probably advise us that that outcome was never intended by this parliament in the first place, nor was it the interpretation that we, as the former parliament, would ever have envisaged. In other words, it was not in the contemplation of the parliament, in effect, to ask bikies what they think before making laws to curtail their activities and as such the bill seeks to ensure that the interpretation that was intended actually applies from hereon in.

From where we sit, and I know from where all honourable members in this place sit, the need to protect the public safety is always paramount. These groups create fear within the community and risk to safety. As the Court of Appeal identified at 221:

It is the manifest purpose of s83GD to curtail rights and freedoms of participants in criminal organisations with respect to prescribed places, in pursuit of a preventative approach to law enforcement.

More broadly, Division 2 is intended to disrupt the activities of criminal organisations. Expressed at the most general level, to make it an offence for participants to meet at places in respect of which one or some of them hold proprietary interests is manifestly in furtherance of that purpose.

Participants in criminal organisations who own or occupy prescribed places are obvious targets of that regime.

One outstanding matter, which I will raise, and one of the residual concerns is the notification process to prospective purchasers or occupiers of previously prescribed places. This is an issue that has been canvassed in evidence by the Legislative Review Committee.

When those considerations were made in response to regulations, the question posed was basically: what if an ordinary member of the public was to purchase or otherwise occupy a vacated property without the knowledge that it was previously a prescribed place, and there was ongoing discussion about the length of time it took after change of ownership for that declaration to be lifted. How could you identify a previously prescribed place in the due diligence process before purchasing or signing a rental agreement before purchasing a home?

At present, there is no notification process and nothing listed on a certificate of title. I speak for myself in saying that I would like to know, if I am going to buy somewhere and it was previously a prescribed place, if there was a chance that someone with outlaw biker links might accidentally knock on my door or, worse still, someone who has a beef with one might show up at my door. There are all manner of implications that might arise as a result. This matter has been previously canvassed by that committee. They received evidence on two occasions from SAPOL in relation to changing the regulations so that they can address this issue.

At the recent briefing that I attended, I raised this issue with SAPOL again. They did confirm that, following that, they did make inquiries with relevant bodies. It is not something that falls within SAPOL's remit and responsibility and I accept and understand that that is the case, but that is not to

say that we should not be considering this favourably in the form of a change to the disclosure requirement in the form 1 that accompanies the sale of a property. There has, to my mind, not been a satisfactory resolution to this issue and I have and will be asking the Attorney to confirm an undertaking to consider this issue.

My view is that it should be considered favourably. Based on the Hon. Mr Hanson's comments and assessment, I think we would all accept that we do not want to necessarily purchase a place that was prescribed and potentially everything that comes with that, especially when it could be so easily fixed. It is a form 1 change. It is pretty black and white and, while I do not know about consultation with bikies over procedural fairness, I reckon this might be worth it.

For the sake of completeness, I will also add that this is precisely the sort of outcome that you get as a parliament, and indeed as a government, when you insist on substantive changes via regulations and when you insist on using regulatory instruments to make changes that are then otherwise interpreted by our courts in a way that either was not intended—there can be great ramifications from that.

I have said on the record in this place more times than I can count that the fact that over 95 per cent of our laws now are made by regulation with absolutely no scrutiny or oversight by this parliament—because people would not have any idea what passes via regulation—or indeed in the broader community, is an issue, a serious issue, and when we delve into making substantive changes via regulation we dig ourselves a bigger and bigger hole. It is an issue that pretty much every academic expert and legal expert has raised in submissions, in evidence, in discussions about our lawmaking processes. I think the fact that we are considering this bill is another illustration of that and one that we should all be very mindful of going forward.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:52): I thank honourable members for their contributions on this bill. From the outset, I want to reiterate that the sorts of thugs and criminals who are members of criminal organisations, particularly outlaw motorcycle gangs, bring misery on families and communities in this state. We in South Australia, and in this parliament, have been deliberately hard and unwavering in our attempts to disrupt and stamp out the effects that these organisations have on South Australia, and that has worked extraordinarily well for more than a decade in South Australia.

We have seen the effects these outlaw motorcycle gangs have on this state and on families and communities decimated by the harsh laws this parliament has introduced in the past and that have been maintained. I know a number of honourable members talked about the concept of procedural fairness and I think we would all agree that that is a concept that ought to apply in the normal course of things. This is not the normal course of things and the sorts of activities that these people seek to undertake in inflicting their criminal enterprises on South Australians means we need to take action that is extraordinary and that is what this bill when it was first introduced sought to do, and that is what this amendment bill seeks to do as well.

To a question asked by the Hon. Connie Bonaros, yes, what we intend to do with this bill is to restore the regime that this legislation has back to what was understood when we introduced it in 2015 in this parliament and how it has operated since then, that is, that in these declarations procedural fairness does not need to be afforded. That is what we understood when we introduced them to the parliament, that is how the regime has operated for the last eight years since 2015, and that is certainly how the Court of Appeal in South Australia in a unanimous decision interpreted this. That is not how the High Court interpreted this in a split majority decision and that is why we are back here in parliament restoring it to how we understood it to work before.

I thank the Hon. Robert Simms for talking a little bit about some of the views of some in the legal profession about elements of this bill. I want to make it very clear: bikies and their lawyers' complaints about the harshness of this bill fall on deaf ears with this government. We will be completely uncompromising in our efforts to stamp out the sorts of activities that they undertake, and what that does to South Australia.

I note that the Law Society talked about the consequence of this bill being an effective confiscation of property. With respect, that is just not the case at all. There is nothing that is an

effective confiscation of property in any way, shape or form. All that happens is, if a prosecution can prove, if they lay a charge, that a member of a criminal organisation—which the prosecution would have to prove beyond a reasonable doubt—sets foot on one of these properties, they are committing an offence. It has nothing at all to do with confiscating the property. In fact, it means that property is safer from criminal activity because it is an offence, because members of criminal organisations cannot step foot on there. They will have committed an offence if they attend the property.

Property owners are still free to sell or otherwise deal with properties as they see fit. They can profit from the sale of property in the way any other person can. The idea that it is an effective confiscation of property is not the case at all. A person is only impacted if they are a participant in a criminal organisation and the prosecution can prove that they are such, and that they were on the property. It does nothing to affect the rights of the property owners. The only way it could affect the right of a property owner is if they were also a member of a criminal organisation and stepped foot on the property. It does not affect the proprietary rights in any way, shape or form.

I thank honourable members who have indicated support for this bill. This is aimed at keeping South Australians safe—pure and simple. It is aimed at keeping South Australians safe. I thank honourable members for indications of support and look forward to the committee stage of the bill.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. F. PANGALLO: I want to address a comment made by the Attorney-General, and it is the second time he has actually said this in relation to this bill. While I acknowledge what he said about outlaw criminal gangs and bikies and whatever—I acknowledge the comments he passed about that—this is the second time the Attorney-General has also made inferences about the lawyers who represent them.

He is a lawyer himself. We know that out there in the community lawyers have a very challenging job where they need to defend criminals on a daily basis. To make an inference and cast aspersions on lawyers in the community just because they represent them I think is really unfair and quite unethical, and I would ask the Attorney-General to reconsider his attack on the lawyers who are representing these gangs. They are not criminals. They are not associated with them. They are doing their job, and I think as a lawyer the Attorney-General should bear that in mind.

The Hon. K.J. MAHER: I thank the honourable member for his contribution. In no way, shape or form am I casting aspersions on any lawyer who is doing their job representing their client; however, I will reiterate that the representations they make on behalf of their clients in arguing against this bill will fall on deaf ears with this government.

The Hon. C. BONAROS: There is an issue that I raised in relation to notifications on form 1—real estate changes that would notify a new purchaser about the previous ownership of a prescribed place. I think the Attorney was going to address that.

The Hon. K.J. MAHER: I thank the honourable member for her contribution. She has raised this with me personally before today's proceedings. I am happy to give that undertaking that it is something that we will look into. There will be complexities about how far does it follow through, as this bill does, when that declaration is removed. Does that mean the obligation to keep it on a form 1 is removed? Twenty-five years down the track and seven owners later, to have that on there potentially affecting the property would not be a sensible thing to do. We are happy to have a look at it. As I said, this declaration does not affect your ownership in terms of being able to deal with the property. What it does is stop members of criminal organisations from stepping foot on that property.

Clause passed.

Remaining clause (2), schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:01): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (EMISSIONS REDUCTION OBJECTIVES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 31 August 2023.)

The Hon. H.M. GIROLAMO (16:02): From the top, I indicate that I am the lead speaker for the opposition. What we have before us today is another piece of legislation from the statute book from South Australia to the nation as part of the national energy laws, this time on the emissions reduction objectives. These laws have come from the Ministerial Council on Energy, which includes federal and state energy ministers.

These reforms arise out of one of the first actions of the National Energy Transformation Partnership, which was established in 2022. This bill seeks to make changes to three pieces of legislation: the national energy law, the National Energy Retail Law and the National Gas Law. These amendments will integrate emissions reduction and energy policy into the national energy laws and provide greater clarity to Australia's energy market bodies. Currently, objectives include components such as addressing energy price, quality, reliability, security and safety.

This bill comes into this place at a time which my colleague has himself described as one of 'skyrocketing' energy bills for South Australian households and businesses. As the shadow minister for energy and mining indicated in the other place, as per convention we will not be opposing this bill.

Each of our energy laws I mentioned earlier has the objective to promote efficient investment and efficient operation for the long-term interests of consumers. At present, these objectives are in respect of price, quality, safety, reliability and security of supply. These are decided on by the energy market bodies as part of an efficient and economic efficiency framework.

Today, we seek to include into each of those energy laws an explicit objective to consider greenhouse gas emissions when it relates to targets set by participating jurisdictions. This change comes at a time of rising costs of electricity in our part of the world.

In May this year, the Australian Energy Regulator released the finalised default market offer for South Australian electricity users who are on standing offers. That default market offer had an increase of nearly 24 per cent for average household power in South Australia. That translates to an increase of between \$439 and \$512 on South Australian households' energy bills.

This increase came into South Australian energy bills as of 1 July, in the middle of a cold winter and while many South Australians were trying to keep warm. Amid a cost-of-living crisis, this is another cruel blow. It all adds to the increased cost of living for everyday South Australians.

As we all know, it is not just South Australian households that are bearing the cost of rising energy, businesses are too, especially small businesses as they are unlikely to be able to negotiate on their energy bills. We are a state built on small business. When he was opposition leader, the Premier had no plan that he brought to the 2022 election to ensure that electricity supply was offered, and we are living through that lack of policy now.

In late last year's state budget, the Malinauskas government axed the Home Battery Scheme, the Grid Scale Storage Fund and Switch for Solar—all programs that were proven to help bring electricity prices down. Months on, they still have not been able to fully explain why, except, as we would like to think on this side, that maybe no other ideas have come out from the Labor Party caucus.

At the same time, this government is going to spend at least \$593 million on an experimental idea on a new untested hydrogen power plant, which their own policy documents claim will only target electricity costs for businesses in Whyalla, and this will not be until the end of 2025, if it is actually achieved on time and on budget at all.

The help coming from the federal government is even slighter. In contrast, the federal government's election claim was to bring down electricity prices by \$275 per year in the budget handed down last year. Instead, it showed that electricity bills were forecast to increase by 56 per cent over the next two years.

Those opposite have tried to deflect blame and not take responsibility at all by saying it is an east coast problem, but yet again we find South Australia has the highest of all price rises of all states connected to the National Electricity Market in that recent default market offer in dollar terms. We look forward to a time when the government has a plan to bring down the cost of energy for all and that time cannot come soon enough. Having said that, we certainly do not oppose the bill.

The Hon. T.T. NGO (16:07): I rise to speak on this amendment to our national energy law. Australia's energy system operates under legislation that gives authority to regulations and rules. The legislation includes a set of objectives that must be followed by the three market bodies:

- the Australian Energy Market Commission, which sets the rules;
- the Australian Energy Regulator, which enforces the rules and determines the revenue that can be earned by companies operating most of the electricity networks and gas pipelines; and
- the Australian Energy Market Operator, which runs the day-to-day trading and advises governments, industry and the public on energy market developments.

The legislative frameworks that govern the national electricity, gas and related retail markets include three national energy objectives. The electricity, gas and energy retail rules each have their own separate objectives; however, all three have objectives that focus on promoting the long-term interests of consumers through efficient investment, operation and use of energy services.

This bill introduces a new emissions reduction objective to these existing objectives. The amendment is an important and essential reform that has unanimous support from jurisdictions around the nation and certainly marks the closing of the door on years and years of denial and delay from the federal Coalition parties. This reform is a measured and progressive change in response to the clear and continued demand from the public, as well as from industry, for Australia to commit to sensible action on climate change.

The emissions reduction will rank alongside, not higher or lower than, the other set of objectives. As we navigate a pathway to achieve positive outcomes in emissions reduction and capture opportunities for energy transition, we want to maintain community support rather than alienate the public.

Addressing the many factors that contribute to climate change depends on the implementation of sustainable practices and policies that balance economic interests with environmental goals as we work towards mitigating climate change. Opportunities will flourish as the world moves to decarbonise. Already, trade barriers are being established, such as Europe's Carbon Border Adjustment Mechanism. Australian producers and manufacturers will have a competitive advantage from cleaner energy.

This nation's Labor governments know that Australia will be hugely disadvantaged if we fail to transition to cleaner energy. The failure of former Coalition governments to provide the foundations of a comprehensive energy policy has been disastrous. Instead, our Coalition governments held an unfounded hope of coal power continuing indefinitely.

Although South Australia does not burn coal for electricity, we are connected to the supply and pricing of the National Electricity Market. Unfortunately, our vulnerability was made worse by the complacency of the former Marshall government which placed greater reliance on building a transmission connector to New South Wales. That energy supply is dominated by coal, which, as we know, is becoming less reliable and more expensive. We can call this the legacy of the climate

change deniers, who oppose investment in renewable generation. By not acting soon enough, we became a nation left exposed to the price shocks of fossil fuels.

In determining price rises of more than 20 per cent in the default market offer for electricity this financial year, the Australian Energy Regulator said the main factors driving the increase include higher coal and gas prices compared with previous years, and reliability issues with ageing coal-fired generation assets which created higher expectations of higher future wholesale energy costs.

We need to put these dark days behind us, and this bill creates a framework for us to do just that. This reform will offer a clear signal to the wider industry market participants, investors and the public of this government's commitment to achieve a decarbonised, modern and reliable grid. It is a change welcomed by industry, and the consultation phase included extensive input and feedback from major industry players. I will share some of the comments made by these important industry players. Energy Consumers Australia, which is the national voice of residential and small business energy consumers, stated:

Consumers tell us that emissions reduction in the Australian energy system is important to them. In our December 2022 Consumer Sentiment Survey, 26% of households see a rapid transition to renewable energy sources as one of the most important challenges ahead, while 30% see replacing old coal and old gas plants with new, more efficient technology as a priority issue...

The Australian Academy of Technological Sciences and Engineering welcomes these proposed legislative changes and made the following comment:

By placing an emissions reduction objective within the current framework, it provides the potential to develop long-term planning and investment in renewable energy generation, storage, and transmission. This will ensure that energy is accessible and affordable for consumers in the future.

Australia's largest natural gas infrastructure APA Group stated, and I quote:

Industry faces many hurdles in its efforts to decarbonise. The regulatory regime that covers electricity and gas infrastructure should incentivise decarbonisation efforts through the most efficient means possible.

For this reason, we support legislative reform that allows the benefits of decarbonisation projects, including reduced carbon emissions, to be recognised. The introduction of an emissions objective in the national energy objectives should be a positive first step in allowing this to happen.

In preparation of this bill, the Australian Energy Regulator (AER) has contributed significantly and issued a draft guidance on how it will apply the new objective for the long-term benefit of consumers. The AER has stated that:

By including a value of emission reductions as an input into the cost benefit analysis framework, it allows the monitoring of all costs and benefits to identify and promote efficient investment that is consistent with the national electricity objectives, including the new emission reduction objective.

If emission reduction is a material source of costs or benefits associated with an investment, the calculation of emission reductions, associated with a proposed project or program should take account of the change in energy market emissions, with and without the investment.

The AER goes on to say that an emissions reduction objective will assist them in supporting network investments which enable consumers to get maximum value out of their own investments in assets such as rooftop solar or batteries.

It is time for progress to be made in this space. In short, for far too long out-of-touch climate change deniers became a handbrake on forward thinking about our energy system. Consequently, Australia has a rundown fleet of ageing thermal generators. The cost of doing nothing is the cost that consumers are now paying in higher electricity prices. This reform brings the change our country needs and I am proud that South Australia, once again, takes national leadership in the transition to a cleaner, affordable, reliable energy system.

The Hon. R.A. SIMMS (16:18): I rise on behalf of the Greens in support of this bill. I think it is important to reflect, in talking on this bill, on the impact of the climate crisis on our state and, indeed, our planet. This is a crisis that is already negatively impacting all aspects of modern life, contributing to the destruction of ecosystems, biodiversity and human societies through sea level rises, extreme weather events, changing weather patterns and posing a significant threat to food

security, water, the economy, social cohesion and the wellbeing of humans and all other things on this planet, and these impacts will only get worse in the months and years ahead.

We often reflect on the huge disruption that we have seen in our society as a result of COVID, between 2020 and 2022 in particular, but that was really the curtain-raiser for the climate crisis. That really is the tip of the iceberg when one considers the huge disruption that will flow to our economies and to our societies if we do not address the climate crisis. We need to transform Australia into a greenhouse powerhouse, a greenhouse-gas-negative powerhouse, that creates new jobs and a cleaner planet.

Australia and South Australia's climate policy must be consistent with our commitment under the Paris Agreement to pursue efforts to limit the temperature increase to 1.5° Celsius above pre-industrial levels. Multiple independent analyses show that the Earth's average surface temperature has already warmed by about 1.1° Celsius since the start of the Industrial Revolution in 1850. That is a significant amount. A nationwide systemic response is required to drastically reduce emissions from all sectors, including the energy sector, draw down greenhouse gases and be greenhouse gas neutral or negative by 2035.

Australia has the capacity to ensure that all our energy needs can be provided by renewable sources. I know that the emissions reduction targets in South Australia, as set by the Malinauskas government, are 50 per cent by 2030, from 2005 levels, and net zero emissions by 2050. This is a start but it just is not enough. We know we need to cut our emissions by 75 per cent by 2030, based on 2005 levels, and reach net zero by 2035, and that is what the Greens have been pushing for in Canberra and, of course, here in this place.

I will say, though, it is a relief to me, and I am sure to many Australians who care about the future of our planet, that we are finally seeing some movement on the climate crisis after the years of the Morrison, Abbott and Turnbull governments—the failed governments in Canberra. It is appropriate, I think, for me to reference the Morrison government's climate record, and I want to refer in particular to a report from the Climate Council on a catastrophic failure, 'The Lost Years: Counting the costs of climate inaction in Australia'. This report from the Climate Council, issued in 2022, found that the federal Liberal-National government has overwhelmingly failed on climate action over its three terms of government.

The report contained a national poll of 1,299 Australians, conducted by the Climate Council, and it showed that, on average, Australians rated the Morrison government's performance on climate change and its response to worsening extreme weather events as three out of 10. I think that is actually generous, based on what they did—the complete failure of leadership we saw from that government. One in four (26 per cent) surveyed rated the Morrison government as zero for doing absolutely nothing at all. Among 18 to 25 year olds, the average score was 1.5. Of the 1,299 surveyed, no segment (by age, voting preference or location) rated the government as more than 4.8 out of 10. How pathetic.

That is because the Australian people figured out the Morrison government. They got them right, they dispatched them at the ballot box and they recognised that this was a party being dominated by fossil fuels and by fossil fools: people who were not watching the climate science, people who were completely out of touch with mainstream opinion and the need to address the climate crisis. So whilst it is disappointing that we are not going far enough in our response to this climate catastrophe, at least we are finally seeing some movement, and I certainly welcome that.

I do want to express some alarm, though, at the Labor Party's obsession with gas in South Australia. I am not surprised: some in the Labor Party do love their hot air—they do enjoy a bit of hot air. Their obsession with gas is disappointing, because what we need to do is end gas connections for new homes by 2025, as the Greens have been calling for.

They are talking a lot about green hydrogen, and I am interested in learning more about that, interested in learning more about their plans, but the reality is that we simply cannot have an approach to tackling the climate crisis in our state that is based on natural gas being propped up and propping up the natural gas industry. The Labor Party does need to do better. That said, I welcome this legislation as some movement in the right direction. The Greens will continue to push for

75 per cent reductions. That is what the people of our state want, that is what is necessary for getting this climate crisis under control.

The Hon. S.L. GAME (16:25): I will speak only briefly on this bill, but I will mention that it comes into this place at a time of skyrocketing energy bills for both South Australian households and businesses. The substantial increases in household electricity bills have been a crippling shock for families, and especially our most vulnerable. It has been a winter of discontent, with many South Australians having to choose between food and heating. Exorbitant energy bills are adding to a crisis compounded by interest rate rises, rental increases and cost-of-living pressures.

Of course, households are not the only ones feeling the pain, as small businesses struggle with increased costs and fewer customers. With the cost of business going up, there is only so much a small business can cut back to reduce its costs. South Australians need a Malinauskas Labor government that can ensure that electricity supply is affordable and reliable. Instead, we have a Premier and an energy minister with no plan, and now South Australian families and businesses are paying for it. Instead of focusing on emissions reduction objectives that do not ensure baseload power and continue to put upward pressure on energy prices, there should be a total focus on how to bring down household and business electricity bills.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:26): I thank the Hon. Ms Girolamo, the Hon. Mr Ngo, the Hon. Mr Simms and the Hon. Ms Game for their contributions to the debate. As mentioned, introducing an emissions reduction component to the national energy objectives was one of the first actions agreed to by governments under the new National Energy Transformation Partnership, and that occurred on 12 August last year. This is an important bill, and I commend it to the chamber.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.A. SIMMS: I have a question for the minister. I do genuinely understand if she is not in a position to answer, as I recognise this is not her area. I want to get a sense of what is the process if a state wanted to increase its emissions reduction targets. How does that fit within the national agreement and what is the process around that?

The Hon. C.M. SCRIVEN: I thank the honourable member for his question. I am advised that in the event an individual state policy was to change the minister has the discretion to nominate a changed target and that would be submitted to the AEMC for the market bodies to consider.

The Hon. R.A. SIMMS: So there is nothing to prevent the target from being ramped up over time?

The Hon. C.M. SCRIVEN: I am advised that each jurisdiction—so one state could make a change, and then the Australian Energy Market Commission would then consider that change, but it certainly would not, for example, change the overall targets of other jurisdictions.

Clause passed.

Remaining clauses (2 to 18) and title passed.

Bill reported without amendment.

Third Reading

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

That this bill be now read a third time.

Bill read a third time and passed.

VETERINARY SERVICES BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 31 August 2023.)

The Hon. F. PANGALLO (16:34): I rise to speak in support of the Veterinary Services Bill; however, SA-Best does have several amendments that I hope will be supported and which I will outline shortly.

This bill, and the legislative changes contained in it, come as a result of extensive consultation with the profession and other relevant stakeholders. Change is needed to catch up with the times and demands of the profession, and the industries that they serve. These changes have been designed to modernise veterinary practices with the needs of the profession, the interests and expectations of the communities which rely on their expertise, and to reform regulatory practices. Animal welfare is also a prime consideration here.

Many South Australians own pets, while there are numerous others who work with them, either in primary production and livestock industries or in recreational and sporting areas. Australians spend \$33 billion annually on their pets. Thirty-four per cent spend about \$2,000 a year on their pets. When these animals require medical attention and treatment, we place strong faith and confidence in the professional capabilities of veterinarians, just as we do with doctors and clinicians when it comes to our own health. We need to be assured these professionals are skilled, properly resourced, and meet the required standards for animal care and welfare.

There are about 900 registered veterinarians in South Australia and, according to the minister, that number continues to grow, but it is not a trend being repeated in other states. In Queensland, a recent report revealed vets were dropping out at an alarming rate and abandoning regional parts of that state due to excessive workloads, long distances that need to be travelled and also empathy fatigue. I do not think any of us appreciate nor understand just what a mentally and physically demanding job this is, with long and irregular hours, having to contend with disrespectful and demanding customers, or the unpredictability of the behaviours of the animals they must care for.

I admire the work that they do and the compassion they show, particularly when pet owners must make difficult choices about their ailing or terminally ill pets. Those of us who have had to decide whether to terminate the life of a suffering animal we love, which had been part of the family, know just what a gut-wrenching decision it is for not only the owner but also the vet who must administer the end treatment. Just like doctors dealing with humans, this is about dealing daily with life and death situations and all the emotions of suffering and dealing with unexpected outcomes that come with it.

There are two vets in this chamber: the Hon. Nicola Centofanti and the Hon. Sarah Game. I extend my expression of thanks for the work that you have done. Where would we be without those skills?

Vet burnout is universal. Studies in Australia, the UK, Europe and the United States have made some alarming findings about the mental health and wellbeing of vets caused by a variety of factors. Disturbingly, one vet will die by suicide every 12 weeks in Australia alone, according to the Australian Veterinary Association. Vets are four times more likely to take their own lives than the general population, and twice as likely as healthcare workers.

The Australian Veterinary Association and other associated professional bodies are implementing mental health support, mentoring, and motivational programs to ease their workload and stress, as well as educating animal owners about the roles of vet teams and understanding the costs that are involved in treatments. Vets are not high-income earners as many like to think. Most receive a modest salary despite their workloads and working environment.

Garry Putland, the father of New South Wales vet Sophie Putland, who took her life in 2021, recently told a New South Wales parliamentary inquiry looking at the workforce shortages in the profession that people were ignorant of the high costs involved in owning and caring for a pet, and

that they needed to be educated that the service provided was not free or subsidised like Medicare is with humans. Mr Putland has started Sophie's Legacy, an organisation which works to make the industry safer and reduce customer abuse arising from bill shock. Let us hope the changes in this legislation before us today will also help address the black dog crisis in the profession.

The essence of this bill deals with regulation to improve services to users and providers through changes to the regulating authority, which will now become the Veterinary Services Regulatory Board of South Australia. The composition of the board will have members with the appropriate knowledge, corporate governing skills and experience and will be presided by a vet or another member who may be considered more suitable in that role. The board will also be required to collaborate with veterinary authorities in other states to achieve consistency in national regulation.

One of my amendments deals with prescribing that the board meets at least six times a year, but I note that in the past the board has actually met on more occasions. This measure would ensure more timely resolutions of any complaints or disciplinary procedures the board must deal with, although more serious matters will be referred to SACAT.

The Australian Veterinary Association has expressed its concerns to me about the length of time some matters take to resolve, in some cases years, causing more harm than good. Regular meetings will be conducive to help reduce the length of proceedings and also give the board opportunities to make up-to-date assessments about the industry and implement strategies to support it. Other measures include changes to encourage vets to accept jobs in regional areas and support returning non-practising professionals, and an updated register of vets who may be called upon in emergency situations like wildfires or dealing with outbreaks of animal diseases.

There is also a provision for limited registration involving practitioners from overseas or interstate. I note here the concerns of the Law Society in its submissions on the bill, that persons who may not have the appropriate level of qualifications or have the experience required to achieve a desired standard of care may not fit into the definition of a fit and proper person.

One of my amendments deals with this by defining the scope of being a fit and proper person to be registered. It is based on the model adopted successfully in Western Australia. It covers a person's history of compliance with various animal welfare laws but also the Controlled Substances Act and any criminal history and behaviours that show a person is not of good repute. Again, it is part of the Western Australian model. It also covers unprofessional conduct and a failure to pay fees, fines and costs that are required under this act.

Other amendments I am proposing are to strike out the clauses dealing with mandatory reporting by a medical practitioner, and where an employer other than a vet provides a service if a vet is considered medically unfit to provide services. As it stands, the clause requires a person to submit a report to the board stating the reasons. Failure to do so could incur a fine of \$10,000. I consider this to be an unnecessary burden placed on the reporter, but it could also lead to other consequences, with vets reluctant to seek medical treatments from the professionals they are seeking assistance from and for fear of losing their livelihood and further damaging their health and wellbeing.

The removal of this clause has the support of the Australian Veterinary Association. I seek leave to table a letter my office received from Mr Graham Pratt, the AVA's national manager for advocacy and campaigns.

Leave granted.

The Hon. F. PANGALLO: It is also an invasion of a person's privacy. I would like the minister to explain the need for this, if there is any evidence to support it, and how many other professions make this demand. I propose also striking out the following clause, which is consequential, where restrictions and suspensions can be placed on a vet by order of the executive officer or the minister or by the board where a board member who is a legal practitioner is present. I indicate that SA-Best will be supporting the opposition amendments.

Debate adjourned on motion of Hon. I.K. Hunter.

WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL*Second Reading*

Adjourned debate on second reading.

(Continued from 31 August 2023.)

The Hon. R.P. WORTLEY (16:46): It should not even need to be said that the one certainty of going to work is the expectation that you will return home safely after the shift, yet here I am making this speech. Workplace safety continues to be a matter of grave importance. It is something we have just not been able to get right.

It is a tragic fact that too many people are not coming home from work due to workplace accidents. This is completely unacceptable. We are not a Third World country with outdated safety measures, nor are we a ruthless, oppressive regime where workers' safety and wellbeing are not deemed worth protecting, yet somehow we still cannot create standards that ensure the basic safety of any business's most important asset: the employee.

If you look at a Safe Work Australia chart in the 20 years to 2019, you will see a steady decrease in workplace fatalities, but it gives us nothing to celebrate. The 310 deaths in 2007 steadily declined to 146 in 2018, but then rose dramatically to 183 the following year. But even the lower number of 146 deaths gives us nothing to celebrate. What comfort can be gained in knowing that 146 people died doing their job in what statistics would suggest was a good year? Excuse me for using cold statistics, but they do present a picture of what is happening out there in factories, in warehouses, on building sites, on the roads and even in offices.

By August this year, with just seven months completed, there were already 95 deaths. That indicates that fatalities are on the rise again and things are not getting better. A good year, of course, is when nobody dies. We know that that is unlikely because, unforeseeably, accidents will occasionally happen in life and in the workplace, but we can make sure that all possible measures are taken to make the workplace safer and minimise the chances of accidents and particularly fatalities eventuating.

In South Australia, the number of deaths is masked by our population. While we had 21 deaths in 2016, and this has dropped to 11 by 2020, the rate of fatalities was recorded as 1.6 deaths for every 100,000 workers. I do not like that statistic, as there is no such thing as 1.6 people.

In real terms, it means that, for every million people who went to work in a year, 16 people died on the job. In South Australia, we have a million workers, so, in what is a more sobering and real way of recording deaths, 16 people did not return home after work last year. That is worse than the national average. In fact, it is equally the highest with Queensland of all the states. We are behind only the Northern Territory, which has other contributing factors, most significantly more dangerous working conditions in a harsher landscape. We have nothing to be proud of.

In 2022, SafeWork SA found that four deaths and multiple life-changing injuries, including amputations and serious burns, came as a result of workplace negligence. The companies were punished with more than \$2 million in fines. Fines hardly seem a suitable punishment or deterrent for companies doing the wrong thing either through lack of care or putting profits ahead of their workers.

Without that law, we will continue to lose people like Jeffrey Wright, Lee Ravlich, Jack Hallett and Robbie Westover. The courts found that these men lost their lives through a series of causes, including a lack of training before being put into potentially life and death positions. In these four instances, it belies belief that their workplace was not identified as unsafe before these tragedies occurred.

Mr Hallett was crushed by a hydraulic door on a 30-year-old machine that had somehow not been identified as hazardous in previous risk assessments. Mr Ravlich was also crushed, this time between a sliding tray and the cabin of a truck. He had been working for the company for eight days. The mechanism producer and employer were found guilty of breaching work health and safety laws.

Mr Westover was killed when his head was pierced by a dislodged weight as he tried to unblock a drain. The cause of his death was a simple lack of training. Mr Wright died when he fell 6.5 metres through a worksite roof while replacing roof sheets. He had had neither formal training in working at heights nor was he given a safety harness.

The deaths of these four men, the courts found, were all preventable. Prevent them, and these four men would still be alive. Bear in mind I am referring to only four cases that hit the courts recently. To get a real understanding of the importance of workplace safety, you need to multiply the number by four just to get the number of people who die at work every year. When you multiply those numbers, remember that each statistic was a real person who had their own family, people who loved them and plans for their future.

Without these laws, we will continue to have cases where a worker loses both their lower limbs in a workplace accident, and the company deemed negligent is out of pocket by a paltry \$31,000. In this particular case, the courts found a 'systemic failure to engage in safety responsibilities' had left the worker's feet charred with full thickness burns to the lower torso and legs. The 2018 incident occurred on a metal elevated platform found to be in a poor state of repair. It came into contact with live powerlines. While that worker escaped death, I am sure none of us would consider him fortunate.

The new law being introduced under the Work Health and Safety (Industrial Manslaughter) Amendment Bill does not impose new duties on the employers; they are already in place. The bill is being introduced so that unscrupulous employers cannot get away with life-threatening breaches of their duty, whether it is a lack of training or preparation, cutting corners on costs or demanding a worker carry out a job they should not be doing.

Instead of handing out frivolous fines that will not hold companies accountable, this bill is designed to make sure the penalty reflects the severity of the crime. Instead of fines that may amount to a few weeks' pay for bosses, those bosses can face a maximum penalty of 20 years' imprisonment. The company can be fined \$18 million.

These are the penalties that individuals and companies may face if they are reckless or grossly negligent in conduct to the point that it results in the death of another person. The gravest health and safety breaches carry a penalty that sends a message loud and clear to employers who place workers' lives at risk in the carrying out of their regular work. You will be held to account. You will face the most severe penalties and you may lose your freedom—in extreme cases, for many years.

I mentioned the names of four workers who lost their lives recently in workplace accidents that could have and should have been avoided. These workplace penalties are not just for the people who have lost their lives. They are for the families and loved ones they leave behind, and they are for every future worker who can go to work confident that their employer will be forced to do the right thing, or they will face their own life-changing penalties.

The state Labor government made an election commitment to bring South Australia into line with other states and jurisdictions that have made industrial manslaughter a crime. Victoria, Queensland, Western Australia and the Australian Capital Territory have already done so.

We are not introducing this industrial manslaughter law lightly and it is not a case of playing politics. We have undertaken extensive consultation with people in all areas of the workforce, including business groups, unions, and work health and safety professionals. After doing our due diligence, the overriding view was that companies and employers whose breach of standards and cutting corners to save a few dollars caused the death of a worker have committed a crime.

The vast overwhelming majority of employers care about their workers and they put in place safety measures and ensure that their workplace is safe, but there are a significant number of unscrupulous employers who continue to have unsafe workplaces. Very often these are reflected in statistics where they consistently have a high number of injuries and it is only a matter of time before somebody is killed.

These are the people who we are after. These are the people who need to be held accountable. We need to make sure that workers in this state can feel confident that everything is being done to ensure that their workplaces are safe. I ask the council to endorse the bill.

Debate adjourned on motion of Hon. I.K. Hunter.

ADVANCE CARE DIRECTIVES (REVIEW) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 16:57 the council adjourned until Wednesday 13 September 2023 at 14:15.