

LEGISLATIVE COUNCIL**Thursday, 2 November 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 and Reconciliation (Hon. K.J. Maher)—

Reports, 2022-23—

Child Development Council

Electricity Industry Superannuation Scheme

Health and Community Services Complaints Commissioner

Police Superannuation Board

South Australian Parliamentary Superannuation Board

Preliminary Report to the Inquiry into the Application of the Aboriginal and Torres Strait Islander Child Placement Principle in the Removal and Placement of Aboriginal Children in South Australia dated October 2023

Government Response to the Preliminary Report to the Inquiry into the Application of the Aboriginal and Torres Strait Islander Child Placement Principle in the Removal and Placement of Aboriginal Children in South Australia dated October 2023

Response to Aboriginal Lands Parliamentary Standing Committee's Final Report of the Inquiry into Aboriginal Heritage

By the Attorney-General (Hon. K.J. Maher)—

Office of the Director of Public Prosecutions—Report, 2022-23

By the Minister for Industrial Relations and Public Sector (Hon. K.J. Maher)—

State of the Sector—Report, 2022-23

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

Reports, 2022-23—

Child and Young Person Visitor

Department for Child Protection

Department for Infrastructure and Transport

National Heavy Vehicle Regulator

Safe and well: supporting families, protection children

Training Centre Visitor

Regulations under Acts—

Fire and Emergency Services Act 2005—Permits

Response to recommendation 5 of the Aboriginal Lands Parliamentary Standing Committee's Final Report of the Inquiry into Aboriginal Heritage

*Question Time***BLACK FROST**

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries and Regional Development regarding black frost in the Clare Valley.

Leave granted.

The Hon. N.J. CENTOFANTI: On the morning of Thursday 26 October, the Clare Valley experienced an unprecedented frost event. Frost conditions began at midnight and continued to approximately 7.30am. Low-lying vineyards were particularly hit hard, and the most severely affected areas were the southern part of the valley, including Watervale, Leasingham and Auburn. The damage of this event is still being assessed by growers, but there will be significant crop losses for the 2024 wine grape vintage in the district.

Growers have advised that there is limited time in the growing season for vines to push new buds and ripen fruit from secondary new shoots. My questions to the minister are:

1. Has the minister or her office reached out to community leaders and industry stakeholders in the affected region to hear directly from them on the impact of the damage?
2. If needed, will the minister consider support for these individuals and businesses affected by the black frost event, similar to support given with previous hail, flood and fire events?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:21): I thank the honourable member for her question. I note that this topic was covered in the *Stock Journal* today, which is always useful as well. My department, the Department of Primary Industries and Regions, is of course aware of the significant frost event on 26 October, and it has had severe impacts on grapegrowers in the region, particularly around the townships of Auburn, Leasingham and Watervale.

PIRSA is working with the Clare Valley Grape and Wine Association to investigate intelligence and technology available to assist the CVGWA to undertake an impact assessment to better understand the quantum of damage. The CVGWA has also distributed a recently published SA assistance guide for grapegrowers and winemakers to all members, and they will also be hosting a community meeting in Clare today, at which PIRSA will be represented.

The Wine Grape Council of South Australia has also indicated that it has received reports of the frost impacts in parts of the Barossa and Langhorne Creek, and PIRSA is continuing to work around seeking information on those instances.

BLACK FROST

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): Supplementary: if needed by the industry, will the minister consider support for those individuals and businesses?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:23): We are always keen to provide support where possible and appropriate.

VIRTUAL FENCING INVESTIGATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:23): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries and Regional Development regarding virtual fencing.

Leave granted.

The Hon. N.J. CENTOFANTI: It was recently reported in the *Stock Journal* that South Australia's first virtual fencing trial in the pastoral area on Wintinna Station has proved to be successful. According to SARDI senior research officer Megan Willis, the trial was a success, with very good interaction between the cattle and the virtual fence and no negative impact on the temperament or production of the cattle.

Owner of Wintinna Station, Francesca Fennell, where the trial took place, stated that she only sees an upside if virtual fencing becomes commercially available and says it would be really beneficial on the western side of their station, which has dense trees. She says, 'Hopefully, once it becomes legal in South Australia, there will be more suppliers and customers and cost per unit will come down, just as it has with water telemetry.'

A commonwealth animal welfare task subgroup has been examining regulatory issues associated with virtual fencing technology for quite some time now, and I note that PIRSA has a representative on this subcommittee, I believe, in Nathan Rhodes. A communiqué published in July of this year noted on the matter of virtual fencing that the virtual fencing harmonisation project had been paused for prioritisation of urgent projects and that the virtual fencing subgroup would be reconvened soon to progress next steps.

The last communiqué, published in September of this year, noted that the literature review would be released publicly pending final approval from technology developers. My questions to the minister are:

1. Has the minister received a copy of the literature review prior to its public release?
2. Is the animal welfare task subgroup still functioning and, by virtue of the PIRSA representative, will the trial results of Wintinna Station be communicated to this subgroup, and has or will it be considered in the literature review?
3. Will the minister commit her support to see virtual fencing made legal in South Australia within this parliamentary term and, if so, has the minister communicated that support to the minister in charge of the Animal Welfare Act in the other place?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:25): I thank the honourable member for her question. I think I have also spoken about virtual fencing in this place previously in regard to the work being done at the Struan Research Centre, and that is work between PIRSA and SARDI together.

For those who perhaps may not be so familiar with the issue, virtual fencing provides an opportunity to better manage grazing pressures on pastures, improve natural resource management on farms and reduce labour and costs associated with installing and maintaining traditional fencing internally on farms.

Virtual fencing is an agtech solution that manages animal movement via GPS-enabled virtual boundaries. The boundaries are enforced by neckbands worn by each animal, and the neckbands administer audio tones and electric pulses in response to the animal's location and behaviour. Over time, the animals learn to avoid that particular pulse by responding to the audio tone alone.

There have been four research trials undertaken to date at Struan Research Centre, in the Far North and on Eyre Peninsula. The aims of the research are to assess any animal wellbeing impacts of virtual fencing, to investigate the commercial applications of virtual fencing, to quantify the demand for virtual fencing and identify barriers to adoption, and to inform options to allow the use of virtual fencing in sheep and cattle in South Australia.

The advice that I have here is that, whilst there are commercial products available for use in cattle based on previous research, at the time of this information being provided to me there was no virtual fencing product ready for large-scale commercialisation in sheep in Australia. I will be keen to know whether there has been anything updated in the last little while on that. PIRSA's and SARDI's research was expanding on previous cattle research and trialling an automatic virtual fencing system in sheep.

The organisations that have been involved with the project include the University of Adelaide, the ARC Centre of Excellence for Nanoscale BioPhotonics at the Adelaide University Medical School, Gallagher e-shepherd Events Corporation, Livestock SA and the CSIRO. In terms of the subgroup that the honourable member mentioned, I am happy to take that on notice and bring back a response to the chamber. In terms of my support, that will of course be informed by the outcomes of the research and the scientific evidence that is available.

VIRTUAL FENCING INVESTIGATION

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): Supplementary: can the minister confirm whether she has received a copy of the literature review?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:28): I haven't had any update on this particular issue in the past couple of months.

KEEPING FARMERS FARMING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): I seek leave to make a brief explanation prior to addressing a question to the Minister for Primary Industries and Regional Development regarding the security of farming in South Australia.

Leave granted.

The Hon. N.J. CENTOFANTI: The National Farmers' Federation recently launched their campaign entitled Keeping Farmers Farming. At their recent national conference, the National Farmers' Federation Chief Executive, Tony Maher, called on all parliamentarians to stand up against policies which threaten to slash billions from farm production. He said:

Farmers have always put food on the table for Australians and clothes on our back, but decisions are being made in Canberra that will make it harder to do so. They're taking away the water, land and workers needed to grow food. That means fewer farmers doing what they do and when farmers grow less, everyone pays more.

My question to the Minister for Primary Industries is: has she written to or communicated with her federal colleagues, seeking a reversal of policies which are having a significant adverse effect on farmers and producers in South Australia and, if not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29): I am frequently in contact with my federal counterpart on matters of interest to South Australia.

KEEPING FARMERS FARMING

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:29): Supplementary: in those communications, has the minister sought a reversal of policies which are having a significant adverse effect on farmers and producers here in South Australia?

The PRESIDENT: Minister, you mentioned communications, so I'm going to have to allow it.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30): Certainly, and I suggest that the honourable member might like to be a bit more specific in terms of her questions.

LUCINDALE HISTORICAL SOCIETY

The Hon. T.T. NGO (14:30): My question is to the Minister for Aboriginal Affairs. Minister, you recently visited the Lucindale Historical Society during your country cabinet visit. Can you tell the chamber more about your visit to the Lucindale Historical Society?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:30): I thank the honourable member for his question and his interest in the Lucindale Historical Society. It was, as my colleague the Hon. Clare Scriven has talked about already this week, a distinct pleasure to be down in the Mid South-East for our country cabinet and to meet with the great people of the South-East throughout areas like Naracoorte, Bordertown and surrounds. As well as gathering as a whole cabinet during the country cabinet, each minister took the time to undertake relevant visits in their portfolio areas.

One of the visits that I was delighted to attend was to look at the work of the Lucindale Historical Society, whose volunteers dedicate so much time to preserving relics and information about Lucindale's history, particularly the history during wartime. It was great to be welcomed by John McLean and Shirley Goodman at their space just outside Lucindale, which included what I found to be quite a remarkable feature: the Tim Hughes Room.

The Tim Hughes Room is dedicated to Corporal Timothy Hughes MBE MM, a Narungga man who was born at the Point Pearce Aboriginal community in 1919. Tim served in World War II from 1939 to 1945. He was a Rat of Tobruk, serving in Libya as well as New Guinea and Borneo.

During an advance in New Guinea, Tim's platoon was met with unexpected heavy machine-gun fire. Instead of retreating, Tim climbed atop a post to engage by throwing two grenades and then providing cover for his comrades with a machine gun to allow them to take cover, saving many lives in the process. For these actions, he was awarded a military medal for his exceptional bravery and 'total disregard for his own safety'.

Upon returning to Australia after being wounded elsewhere in New Guinea, Tim returned to his community of Point Pearce and continued with his labouring job. Two years after his return, Tim was interviewed by a national newspaper, *Smith's Weekly*, and rightly criticised the discrimination he and other Aboriginal returned soldiers experienced on their return to Australia.

Despite being treated as equals whilst serving and having had to sacrifice everything for his country, he continued to be subject to the racist bounds of the Aborigines Act and unable to access the benefits that his white comrades, who he served in war with, could. Whilst Tim eventually was granted an exemption from that act, he remained critical of its operation and its ability to negatively impact on the lives of Aboriginal people.

Tim was one of the few Aboriginal people to be granted a soldier settler block on land near Lucindale—as I said, a rarity for an Aboriginal returned soldier—and he went on to farm that land at Lucindale for over 20 years. He was also appointed as the inaugural chairperson of the Aboriginal Lands Trust upon its establishment by Don Dunstan in the 1960s. Being entrusted to be at the helm of such a monumental reform is testament to how well Tim Hughes was regarded. The Aboriginal Lands Trust was the very first piece of Aboriginal land rights legislation in the country and one of the most significant moments in the advancement of Aboriginal people in our state's history.

The Tim Hughes Room at the historical society in Lucindale has quite a number of photographs and clippings of Tim's life and is a brief reflection on his immeasurable impact. It is also worth noting that Tim's son, Paul, went on to have a very significant contribution throughout his life in the field of education. Paul Hughes received his teaching degree before returning to Lucindale to teach at the Lucindale Area School.

I met with a family friend of mine and a local journalist for the *Naracoorte Community News*, Chris Oldfield, when I visited the society last week. Chris Oldfield fondly remembers being taught by Tim's son, Paul Hughes, and the significant impact that Paul had on life in the community. Paul Hughes went on to become what we think is the first Aboriginal professor in any university in South Australia. He previously chaired the National Aboriginal Education Committee and the South Australian Aboriginal Education Advisory Committee. For these contributions, among many others, Paul was awarded the South Australian NAIDOC Award for lifetime achievement in the education category in 2015.

When I met with John and Shirley in Lucindale, they were eager to share their plans to extend the Tim Hughes Room to incorporate the outstanding work of his son, and I look forward to helping with that project and doing what I can to make sure it is a success. It is no surprise that both Tim Hughes and his son, Paul, have had such significant impacts on the advancement of Aboriginal people in this state. Their influence and work in this space is one that has passed through generations, given that Tim Hughes was the son of someone who will be very familiar to some in this chamber, Gladys Elphick.

Aunty Glad was a monumental Aboriginal community leader who, too, was raised at Point Pearce. She was trained as a midwife before moving to Adelaide and being a long-time member of the Aborigines Advancement League of South Australia. She was then the founding president of the Council of Aboriginal Women of South Australia, using this position to assist Aboriginal women in developing skills such as public speaking so they could have a voice in the community and on affairs that mattered to them.

The council established a women's shelter and health service in Adelaide and built the foundations for a dedicated legal aid service and kindergarten. This is just a brief summary of the

work of Aunty Glad. It is no wonder, with these credentials, that she has inspired a family legacy of service to the South Australian Aboriginal community that is very happily commemorated by the Lucindale Historical Society.

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. F. PANGALLO (14:36): I seek leave to make a brief explanation before asking a question of the Attorney-General about legal proceedings involving ICAC.

Leave granted.

The Hon. F. PANGALLO: It is my understanding that lawyers acting for former Renewal SA chief executive John Hanlon have now launched a significant multimillion dollar claim for damages against former ICAC officers, including the former commissioner, Bruce Lander, and two former investigators involved in the bungled investigation and subsequent failed court action: Andrew Baker, the former director of investigations; his assistant, Amanda Bridge; and another former legal officer. This action will place taxpayers at ongoing risk of even more costs, whether or not it is successful. My question to the Attorney-General is:

1. Is he aware of the claim, and is it the government's intention to defend the claim?
2. Will the government have to cover the legal costs of Mr Lander and the others named by the plaintiff in the claim, all of whom are no longer employed by the government?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:37): I thank the honourable member for his questions. I am sure it won't surprise the honourable member that as Attorney-General I won't comment on either legal proceedings or any pre-action that would come before legal proceedings. What I can tell the honourable member is some general comments.

Generally, when there are civil claims made against the government, the government receives advice from their lawyers in the Crown Solicitor's Office. There is an entire civil litigation section of the Crown Solicitor's Office and I expect that would be the usual course of action for anything that is either proceedings before a court or those actions that come before such proceedings.

INDEPENDENT COMMISSION AGAINST CORRUPTION

The Hon. F. PANGALLO (14:38): Supplementary: the question I asked was whether he was aware that the claim has been covered. I don't want the Attorney to make any comment in relation to that, but is he aware of the claim, and will the government have to cover the legal costs of those involved?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38): I thank the honourable member for his supplementary question. As I said, I am not going to talk about any specific either claim that is before the courts or any pre-action before things come to the court. For very significant claims, I think it has been the general practice within government at some stage of the proceedings to make the government, through the Attorney-General, aware of them.

ABORIGINAL AFFAIRS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:38): I seek leave to make a brief explanation before directing a question to the Minister for Aboriginal Affairs about Aboriginal affairs.

Leave granted.

The Hon. J.S. LEE: On Wednesday 4 October 2023, it was reported by *ABC News* that coroners around Australia are frustrated that their potentially life-saving recommendations to prevent Indigenous suicide are being routinely ignored by governments. The Centre of Best Practice in Aboriginal and Torres Strait Islander Suicide Prevention report, entitled 'Coronial responses to suicides of Aboriginal and Torres Strait Islander people', found some coroners typically receive less access to cultural training compared with other magistrates and judges, while their need for this was

potentially greater because of the over-representation of Indigenous deaths in the coronial system and the personal and cultural sensitivities around a passing.

Further, coroners told researchers that there is insufficient emphasis on applying inquest recommendations and administrative findings systematically in Indigenous suicide prevention. One coroner said they felt they could not in good conscience make further recommendations about hanging points in prisons in the face of so little action. My questions to the minister are:

1. Has the minister been briefed on the recent report published by the Centre of Best Practice in Aboriginal and Torres Strait Islander Suicide Prevention?
2. From the list of recommendations, will the Labor government implement measures to address the problems for Aboriginal and Torres Strait Islanders who are in contact with the coronial system?
3. How will the Labor government support South Australian coroners across the state to feel supported to properly navigate the personal and cultural sensitivities around the passing of Aboriginal and Torres Strait Islander people, and how will their recommendations be considered?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:41): I thank the honourable member for her question. I am aware of the report and I have seen the report that the honourable member refers to. In relation to implementing not just coronial recommendations but also recommendations that arose out of the Aboriginal deaths in custody report from the 1990s, I know that it is something that the Department for Correctional Services has done and continues to do significant work on, and it is something that I speak to my counterpart the Minister for Correctional Services not irregularly about.

It has been some years since an Aboriginal death in custody, fortunately, in South Australia. I think the last one, from memory, was the tragic circumstances that led to the death of Wayne Fella Morrison. I am very pleased that this parliament responded to the circumstances of those deaths with a legislative ban on spit hoods that I have encouraged counterparts in other states to look at to perhaps follow.

In relation to other things that governments in South Australia have done to address Aboriginal deaths in custody, I am very pleased we now have a custody notification service in South Australia. I have certainly been working very closely with the Aboriginal Legal Rights Movement to make the South Australian custody notification service as robust as it can be when compared with other jurisdictions, particularly like Western Australia, to try to do everything that we can in relation to preventing Aboriginal deaths in custody at that early stage of Aboriginal people coming into custody and their interactions with the justice system. I am happy to continue working with my colleagues to see what more can be done.

ABORIGINAL AFFAIRS

The Hon. T.A. FRANKS (14:42): Supplementary: what improvements were required to the custody notification service in this past year?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:43): I will be more than happy to take that on notice because with the comprehensive review done of how the custody notification service looked, we looked particularly at how it operates in other jurisdictions. I mentioned Western Australia and have had a lot of discussions with the ALRM, so I will be more than happy to take that on notice and bring back a comprehensive answer for the honourable member.

DISTILLERS SOUTH AUSTRALIA INDUSTRY FORUM

The Hon. J.E. HANSON (14:43): My question is to the Minister for Primary Industries and Regional Development. Can the minister inform the chamber about the Distillers South Australia industry forum held last week?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43): I thank the honourable member for his question and acknowledge his ongoing interest in this important emerging sector for our state. Last week, Distillers

South Australia hosted their annual conference at the Adelaide Convention Centre, with over a hundred attendees. The conference provided a great way for distillers, suppliers, education and training sector and government agencies to connect, network and learn.

Unfortunately, I was not able to attend myself, owing to being in Naracoorte and surrounds for country cabinet, and I am most grateful that the Hon. Justin Hanson MLC was able to officially open the Distillers South Australia industry forum on my behalf. The spirits sector in South Australia has undergone a period of rapid growth—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —which has been driven by—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —investment in high-quality spirits production by our local distillers. Again, it's very disappointing to hear that those opposite are criticising the fact that we had country cabinet in the South-East—that is where we were, and that is where I was. But I guess that is typical of their disdain for country cabinet and the regional people who enjoy it so much.

As I said, the spirits sector in South Australia has undergone a period of rapid growth, which has been driven by investment in high-quality spirits production by our local distillers. The popular SpiritFest, which was held over the weekend, showcased this high quality, with more than 40 distillers having displays.

The South Australian government was last year pleased to commit \$200,000 over four years to support an executive officer position for the association. This position has been pivotal in leading the activities of the SA Spirit Producers Association and supporting the delivery of the priorities of the industry blueprint, which includes collaboration through innovation and co-investment, development through education and training, and growing domestic and international markets through the development of a spirits export plan.

I am pleased to update the council that PIRSA has recently worked with the SA Spirit Producers Association to create and produce a spirits industry toolkit video to show how the spirits industry is crafting new opportunities by injecting life into our urban and regional economies. The video also demonstrates how spirits are forging a new chapter in our state and receiving prestigious global acclaim.

I am told that my colleague the Hon. Justin Hanson MLC was very pleased to be able to open the Distillers SA industry forum and that in his travels, be it locally or interstate, he is always proud to see South Australian spirits served in hotels and restaurants. Indeed, this is testament to the talent and dedicated investment by local distillers, who are deeply committed to their craft. I am very pleased that the honourable member is a big supporter of the industry and that he enjoyed having the opportunity to meet some of these talented distillers and learn more about their industry, just as I did when I attended the equivalent event last year.

I would like to acknowledge the continuing work of George Georgiadis, the president; Jon Durdin, the vice-president; Ali Lockwood, the executive officer; and also Paul McLeay from Australian Distillers. Well done on putting together this important forum. We look forward to this industry continuing to expand and grow into the future.

YOUTH TREATMENT ORDERS

The Hon. R.A. SIMMS (14:47): I seek leave to make a brief explanation before addressing a question without notice to the Attorney-General on the topic of youth treatment orders.

Leave granted.

The Hon. R.A. SIMMS: On Tuesday, the Youth Treatment Order Visitor's annual report was tabled in parliament. The report states that, and I quote:

Australian research indicates that mandated drug treatment is ineffective for most young people.

In the conclusion of the report it is stated that it is entirely foreseeable and a likely reality that young people affected by this scheme will feel alone, unheard and traumatised. The report makes three clear recommendations:

1. To repeal part 7A of the Controlled Substances Act 1984.
2. To develop and resource adequate trauma-responsive, child-centred community and evidence-based drug and alcohol initiatives.
3. That the Kurlana Tapa Youth Justice Centre not be used as a secure holding facility for children and young people who primarily have therapeutic needs, for which it does not have a real and resourced capacity to address those needs.

My question to the Attorney-General is: has the Attorney-General read the report, and will the government commit to implementing all three recommendations from the youth treatment order report?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48): I thank the honourable member for his questions. I will answer the last one first: yes, I have read the report. From memory, it's a 17 or 18-page report that has been completed. In relation to the three recommendations, the second two recommendations, if my memory serves me correctly, are made to the minister for the Department of Human Services in relation to Kurlana Tapa and the therapeutic programs. I certainly will be having discussions with my colleague the Hon. Nat Cook, the minister responsible.

In relation to the first one—the repeal of part 7A of the Controlled Substances Act—that rests with myself as Attorney-General. I think I outlined that, when the honourable member asked a question earlier this week about media reports particularly on that same report, pursuant to the legislation that passed there was a review to be conducted on the third anniversary of the commencement of the section.

That third anniversary comes up next year. I think November 2024 is the third anniversary. I am not going to pre-empt a review, but certainly what the honourable member asks can absolutely be a part of that review, and I would be very surprised if the honourable member doesn't actually make that suggestion when that review is being conducted.

YOUTH TREATMENT ORDERS

The Hon. R.A. SIMMS (14:49): Supplementary: given the severity of the claims made in the report, will the Attorney-General commit to fast-tracking that review and taking immediate action?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50): I thank the honourable member for his question. I think the review will be conducted as it is legislatively required to be conducted. I do note also that, I think as I referred to yesterday, since part 7A came into operation there has not been one of these orders made.

It would probably be even more pressing, if these orders were being made regularly, to look at the review, but given that since this had passed, if my memory serves me correctly, there has been one application for an order to be made but that was withdrawn before any order was actually made. I completely appreciate the honourable member's views on this, but there hasn't been an order made under this regime and there is a legislative requirement for a review of its operation coming up next year.

YOUTH TREATMENT ORDERS

The Hon. R.A. SIMMS (14:50): Supplementary: does anything in the legislative review requirement preclude the government from conducting its own review at an earlier date and fast-tracking action on this element?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:51): This house does as it pleases in terms of we are

sovereign in what we do in our parliament, regardless of when departments and other things are required to conduct reviews, but we intend to conduct the review as per the legislation at this stage.

SUPER SA CYBERSECURITY INCIDENT

The Hon. H.M. GIROLAMO (14:51): I seek leave to give a brief explanation before asking a question of the Minister for Industrial Relations and Public Sector on cybersecurity.

Leave granted.

The Hon. H.M. GIROLAMO: On 12 October, 14,000 Super SA members were notified that their personal, private data had been hacked some two months prior. Further on this, the Budget and Finance Committee was advised on Monday 23 October that this data had in fact ended up on the dark web. My questions to the minister are:

1. When was the minister advised of the Super SA cybersecurity breach?
2. What course of action did the minister take?
3. As the minister responsible for the public sector and servants, what has he done to ensure public servants' data is protected?
4. What new initiatives or support has been provided to protect the hundreds of thousands of South Australian public servants' data?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52): I thank the honourable member for her questions. I am pleased to be able to report, for the honourable member and for the benefit of the council, that on 18 August 2023 the cybersecurity directorate, the CSD within the Department of the Premier and Cabinet, identified that a third-party call centre provider had been impacted by a potential cyber attack.

The Treasurer, the Hon. Stephen Mullighan, in another place has made public statements about the impact on Super SA data, for which he is responsible—that is, Super SA—and I am advised that Super SA has made information available, including through its website. The cybersecurity directorate within the Department of the Premier and Cabinet is managing the breach response on behalf of other impacted SA government agencies. The cybersecurity directorate, I am informed, notified the Privacy Committee of South Australia on 25 September 2023 in accordance with the government's personal information data breaches guideline.

If there are any further questions, given that Super SA—the impacted agency—resides within the responsibility of the Treasurer and the cybersecurity directorate is within the Department of the Premier and Cabinet, I can certainly get further and better particulars for the honourable member, but I am pleased to be able to bring that information to her.

SUPER SA CYBERSECURITY INCIDENT

The Hon. H.M. GIROLAMO (14:53): Supplementary: in the minister's capacity as the Minister for Industrial Relations and Public Sector, what involvement has he had and what concerns has he raised in regard to potential cybersecurity attacks in the future?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:54): I thank the honourable member for the supplementary question. I think all of us are concerned about any potential breaches of people's privacy. I know the government does all it can and works with, as I have said, the Department of the Premier and Cabinet's cybersecurity directorate, as the lead part within government, to provide these sorts of services and I know the Treasurer, who has responsibility for Super SA, has made a number of public comments on the issue.

COUNTRY CABINET

The Hon. T.T. NGO (14:54): My question is to the Attorney-General. Can the minister tell the council about his recent visit to the South-East as part of the government's country cabinet?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55): I am most pleased to be able to talk more about our recent country cabinet that was held in the South-East of South Australia. There is much to talk about, going to country cabinet. It's something that people in regional South Australia very much appreciate. I know my colleague the Hon. Clare Scriven has shared with the council a number of times already this week the many meetings that she has held as an exceptionally hardworking member and a minister who is so often out in the country areas.

Members interjecting:

The PRESIDENT: Order! The Hon. Ben Hood!

The Hon. K.J. MAHER: There were a number of very important forums as part of the country cabinet. Probably the ones that I think many of us get the most out of and are often the most important to the community are the public forums that are hosted, where any member of the public can come along and ask a question of the ministers and the chief executives who are there on the night.

There were hundreds of people who packed the Naracoorte High School gymnasium to hear from the cabinet. Before that, there were many hundreds who packed the high school gymnasium at Mount Barker for that country cabinet. There will have been thousands of South Australians already in the first less than two years of this new Labor government who have come along to community country cabinet forums. That compares with a total number of zero people who came along to Liberal Party country cabinet forums, where they did not hold a single one in the whole time that they were in government.

Perhaps if the opposition didn't take this so much for granted, they wouldn't have found themselves in opposition for 16 of the last 22 years if they simply took the opportunities to give a voice to people from regional South Australia.

I might reflect on something we have talked about in months gone by in this chamber—a secret report into the Liberal Party's performance at the last state election. It is a secret report done by a former President of the Liberal Party nonetheless, where it talked about country cabinets. It specifically talked about country cabinets and their importance. It said:

In 2000, the Olsen government began a process of taking country cabinet to the regions. This involved holding country cabinet at site visits, town hall gatherings and regional community consultations. In opposition the Liberal Party continued these. Disappointingly, the practice ceased under the Marshall Liberal government.

Members interjecting:

The PRESIDENT: I am watching the clock.

The Hon. K.J. MAHER: I will have more to say about this in the next sitting week, but we are committed to country cabinets and listening to regional people in South Australia.

COUNTRY CABINET

The Hon. F. PANGALLO (14:58): Supplementary: can the Attorney-General tell us, when it did cease under the Marshall Liberal government, did that happen to coincide with the pandemic?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58): I am happy to say it ceased straightaway—from day one, from the very start. As soon as the Premier got in, that's it, kaput, finished—'We don't care about regions.' Thank you very much for the supplementary, the Hon. Frank Pangallo.

ARTIFICIAL INTELLIGENCE

The Hon. F. PANGALLO (14:58): My question is again to the Attorney-General. I seek leave to make a brief explanation before asking a question of the Attorney-General about something he should be familiar with—artificial intelligence.

Leave granted.

The Hon. F. PANGALLO: Britain's Prime Minister, Rishi Sunak, this week hosted an international summit on the dangers posed to the world and, in a somewhat hysterical, apocalyptic prediction, humanity. Nonetheless, there are real threats which governments must face, including

from terrorists, criminal gangs and anarchist actors exploiting the ever-evolving technology for nefarious means. There is a real concern that AI technology could soon be used, if it is not already, to infiltrate sensitive government and defence IT and communications systems. Fears are also mounting for job losses, privacy security and consumer rights.

My question to the Attorney-General is: what are you and the Malinauskas government going to do about regulating or having some oversight over artificial intelligence in this state, or will you just be waiting for the federal government to eventually come up with a plan when something goes wrong?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00): I thank the honourable member for his question and his interest in all forms of intelligence. I do note that we wouldn't want a situation where artificial intelligence, for instance, took over the roles that we do and we were delivering speeches that were artificial intelligence-generated in this place.

But it is a serious question, and I have listened with interest to media reports on developments from what is happening in the UK and leaders, particularly in the tech world, talking about the future direction of artificial intelligence—where it is headed, some of the things that policymakers like governments and us in this chamber will need to be contemplating in the future.

I am pleased that there is a select committee that has been set up and established in the other chamber. I think Michael Brown, the member for Florey, chairs that committee and is taking submissions and is looking very deeply into issues of artificial intelligence and how it affects society today. I certainly will be keenly reading the report from that committee and looking at how it might influence the policy direction in this state.

ARTIFICIAL INTELLIGENCE

The Hon. F. PANGALLO (15:01): Supplementary: will the Attorney-General be having talks with other attorneys-general and also the federal Attorney-General before this committee actually reports, considering that this technology is very fast evolving?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:01): I thank the honourable member for his question. A number of times a year all the attorneys-general from every state and territory, including the federal Attorney-General, meet to discuss a whole range of issues. I am sure at some stage issues that touch upon what the honourable member is talking about will come up.

BORDERTOWN WATER SUPPLY

The Hon. B.R. HOOD (15:02): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development regarding Bordertown's water supply.

Leave granted.

The Hon. B.R. HOOD: As the minister would be aware, SA Water has advised that Bordertown's mains water supply is at capacity. Locals say that this is contributing to the housing shortage and rental supply, as new homes as well as the new industrial estate aren't able to be serviced. At Labor's country cabinet last week, the government announced up to 60 new homes will be built in Bordertown. My question to the regional development minister is: what is her government doing to ensure adequate mains water is supplied to the town?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:02): I thank the honourable member for his question. It is quite accurate that last week we were able to announce a new housing project in conjunction with the Tatiara District Council and there will be up to 60 houses being built there, which will go some way towards alleviating the chronic housing shortage that we have in Bordertown, which is acting as a handbrake on development in terms of economic development and also the sorts of programs and new opportunities that exist there but rely on housing.

I am very pleased that that was something that we were able to announce. Of course, the Premier was there as well as the Minister for Housing in the other place. In terms of the specifics of the question, I am happy to refer that to the relevant minister in the other place and bring back an answer.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order! Right! The Hon. Mr Hunter, the honourable Leader of the Opposition, that is enough. The Hon. Ben Hood has a supplementary question.

MURRAY RIVER WATER PIPELINE

The Hon. B.R. HOOD (15:04): Will the government commit to extending the Murray River pipeline from Keith, as briefed by SA Water at Labor's previous country cabinet in June last year, and if not, why not?

The PRESIDENT: I think it relates to the water issue. I would like you to answer it, as you feel that you can.

Members interjecting:

The PRESIDENT: Order! We have an important task to undertake after question time. I am sure you would like to be part of it, the Hon. Mr Hunter, but the way you are going you won't be.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): As I mentioned, there is appropriate information that can come back from the minister responsible for water. In terms of proposals that have been put forward, I am sure they are being considered, but what those opposite need to remember is how governments work. We have ministers for specific portfolios. We don't go down the Scott Morrison path of having one minister responsible for everything. There is a reason for that. We do have the Hon. Ms Lensink opposite, who has been a minister, so potentially understands something of what—

Members interjecting:

The PRESIDENT: Order! Right! The Leader of the Opposition, the Hon. Ben Hood, the government benches! Conclude your remarks so we can move on.

The Hon. C.M. SCRIVEN: As I mentioned, we don't go for the Scott Morrison 'have one minister for everything'; happy to bring back a response.

LIMESTONE COAST EMERGING LEADERS PROGRAM

The Hon. J.E. HANSON (15:06): My question is to the Minister for Primary Industries and Regional Development. Can the minister inform the chamber about the recent RDA Limestone Coast Emerging Leaders Program graduation?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:06): I thank the honourable member for his question.

Members interjecting:

The PRESIDENT: Attorney, and the Hon. Ms Girolamo!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Attorney, stop!

The Hon. C.M. SCRIVEN: I was incredibly pleased to be able to attend the RDA Limestone Coast Emerging Leaders Program graduation at Naracoorte Town Hall last Wednesday evening. It was a real celebration of Limestone Coast locals, who started the year mostly as strangers to each other but with a common interest in developing their leadership skills. They ended the year as friends and colleagues, with the ability to fill much-needed local leadership positions, whether they be in schools, sporting clubs, businesses, charities and so on, right across the region.

One of the best things about these events was the real sense of excitement there was in the room and the sense of well-deserved accomplishment, and that was certainly the case last Wednesday, with 23 program participants graduating. They had varying levels of leadership experience prior to entering the program, and they also covered a wide cross-section of the Limestone Coast community and included an accountant, a local government employee, a school principal, a TAFE educator, primary producers and a range of other professions and occupations. They were all coming together to develop local leadership.

In hearing from the program facilitators, Matt Cesaro and Tanya Lehmann, we got a sense of the kinds of things the graduates can now bring to roles within their communities. Topics covered included emotional intelligence, self-awareness and skills in working and leading others, just to name a few. On hearing from three of the graduates as they addressed the audience and recounted their experiences of the program, we could see some of those skills come to the fore already.

I was particularly impressed by young Nicola Bowditch, who works in aged care. Nicola was articulate in describing the challenges she has faced throughout her life, and why taking on a program such as this one was so important to her. She described herself as previously lacking confidence, but after having undertaken the program she gave a really brave, great speech. For a lot of people that is extremely difficult to do. I think sometimes those of us here in this chamber giving speeches so often forget how hard that can be, so real congratulations to her. She now has the skills, she said, to find her path as she contemplates what comes next.

I congratulate all the graduates: Alison Boomsma, Nicola Bowditch, Steve Carli-Seebohm, Shaun Dunford, Ally Finnis, Simon Gallasch, Renee Henke, Evie Higgins, Wayne Lawson, Jane Lucas, Erin McWaters, Rebekah Millowick, Ali Mort, Kyle Thomas, Kirsty Tweed, Chris Tzioutziouklaris, Thomas Vanderhorst, Jaime Virgin, Lisa Bawden, Aidan Curtis, Will Goodes, Roslyn Snaauw and Jake Turner. Well done on all of your achievements so far, and I look forward to what comes next for all of you. Indeed, I hope to work with many of you into the future in further developing the Limestone Coast region.

I also want to thank the CEO of RDALC, David Wheaton; project coordinator of RDALC, Jess Carolane—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —program facilitators, Matt Cesaro and Tanya Lehman; and also the program sponsors: the District Council of Grant, City of Mount Gambier, Tatiara District Council, the Department for Education, the Lucindale Community Economic Development Board, OneFortyOne and Buckley Innovative Farming.

PIRSA was also part of the funding, with my department providing \$1 million over two years for this very important program. Without all of those contributions, programs like this are very difficult to get off the ground, so it's fantastic to see the value of these programs being widely recognised across government agencies, local government, local businesses and local communities. Well done to you all.

PROHIBITION OF NAZI SYMBOLS

The Hon. T.A. FRANKS (15:10): I seek leave to make a brief explanation before addressing a question to the Attorney-General on the topic of the prohibition of Nazi symbols.

Leave granted.

The Hon. T.A. FRANKS: All other states in Australia and the ACT have now enacted bans outlawing the display of Nazi symbols, with the salute covered in some jurisdictions. These bans make exceptions, including for Hindus, Buddhists and other groups for whom the swastika is an important symbol predating its appropriation by Nazis.

In Victoria—they were the first state—they enacted a ban on 29 December 2022. There it is a criminal offence to display the Nazi symbols in public and it carries a maximum penalty of almost \$22,000, 12 months' imprisonment, or both. There the government is also moving on the Nazi salute

as well. New South Wales carries penalties of up to a year in prison and a fine of up to \$11,000. Queensland, Tasmania and WA all similarly have significant penalties and jail time applied. Laws, of course, have also been introduced into the ACT, and there you can look at 12 months in jail for these crimes.

In June this year, the federal ALP Attorney-General progressed work in the federal parliament, noting that any federal laws need to be complemented by state and territory actions. As you are well aware, the Labor Party supported the Hon. Sarah Game to chair an inquiry in September 2022 to look at the prohibition of Nazi symbols in South Australia. That inquiry has now been going for over a year. It had submissions that closed in January 2023. It has not had a public hearing for over four months.

My question to the Attorney-General is: will the Malinauskas government wait for the One Nation-Labor alliance Select Committee on Prohibition of Neo-Nazi Symbols to report, or will it act to ban Nazi symbols in South Australia as every other state has now done?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for her question. Certainly, this was an issue that—and I can't remember the exact date, but a few months ago when all the attorneys-general got together to meet—was discussed. At that stage, a few months ago—and I just can't remember the numbers—there were three states which had bans come into force. There were a couple of other jurisdictions, or at least one other, which had bans that had passed parliament, and other ones which had them in various stages of development, whether it be papers out or in parliament.

I think most jurisdictions would have had similar advice, that when there is a law that could be seen as curtailing the implied freedom of speech that is read into the constitution, it needs to be adapted to that jurisdiction—the response that occurs to that. I know that jurisdictions have had their own processes in terms of it, and a lot have had committees that have looked at this issue. I will certainly look at where it is up to in other jurisdictions and talk to the Chair of the committee in South Australia to look at what the next steps forward are in South Australia.

TRAINING CENTRE VISITOR

The Hon. J.M.A. LENSINK (15:14): I seek leave to make a brief explanation before addressing questions to the Minister for Aboriginal Affairs regarding a Training Centre Visitor's report.

Leave granted.

The Hon. J.M.A. LENSINK: In relation to the proportion of Aboriginal young people dual-involved with both child protection and youth justice, the data provided in Ms Reid's report states that in the years 2020-21 and 2021-22 the proportion of dual-involved children and young people was 43.3 per cent of the total, but in 2022-23 that has become 57.7 per cent. My questions for the minister are:

1. Has he read the Training Centre Visitor's report?
2. Has he met with the Training Centre Visitor in relation to these issues?
3. To what does he attribute these changes?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:15): I thank the honourable member for her question. Of course, issues with the Kurlana Tapa training centre are the direct portfolio responsibility of the Minister for Human Services, but it is something that the Minister for Human Services and I discuss on a regular basis. Certainly, I have talked to the Minister for Human Services about a range of issues just this week and particularly, in recent weeks, about issues to which the honourable member refers. I have regular meetings with officials, those who have oversight of systems, to talk about their views on what can be done and what can be improved.

As the honourable member knows—having firsthand experience of having held the portfolio responsibilities in this area—it is disturbing, the correlation we see between those who are involved in the child protection system and those who find their way into the criminal justice system. That is

certainly one reason why we are still doing such in-depth work about the minimum age of criminal responsibility as well because, again, those intersections run deep, and we need to look at what we can do to see if there are better ways to handle these sorts of issues.

TRAINING CENTRE VISITOR

The Hon. J.M.A. LENSINK (15:16): Supplementary: in relation to the specific data question that I asked, will the minister undertake to seek a response and bring it back to the chamber?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:16): In relation to the difference between the 43 per cent and the 57 per cent that the honourable member referred to, I'm very happy to take that away and bring back a response. I'm not sure if there are underlying reasons or whether, in these subsets of data, you see big jumps between years with a relatively small dataset. I'm not sure what the answer is, but I am certainly happy to take that away and talk to my colleague the Minister for Human Services and bring back a reply.

TRAINING CENTRE VISITOR

The Hon. R.A. SIMMS (15:16): Supplementary: in light of news that the ACT is raising the age of criminal responsibility to 14, will the minister provide an update on the government's work on raising the age?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): I can provide an update. I commend the honourable member; I know this is something that he is very interested in, as is his colleague in the ACT the Hon. Shane Rattenbury, who is a member of the Greens political party and is the ACT Attorney-General, with whom I have had very constructive discussions about what they are doing in the ACT.

If my memory serves me correctly, in the ACT the age is being raised to 12, with a view or a review to look to raise it to 14. I think that is what is happening in the Northern Territory as well, that step to 12. Victoria has announced an intention, I think, also to look at going to 12. Tasmania has announced a policy not to raise the minimum age of criminal responsibility but to raise the minimum age of detention—which in some respects will have a similar result, but in others it won't stop those very young children having that initial interaction with the criminal justice system that raising the age seeks to do.

I can assure the honourable member it is an issue that we are continuing to progress in this government. One thing that has become very apparent as we have done work on this that I think other jurisdictions have found is simply changing the number in legislation from 10 to 14—or from 10 to 12, as I think all other jurisdictions are starting with around Australia—wouldn't resolve or solve many problems. It is what is put in place of that interaction with the criminal justice system, and often they are the supports, the family supports, the therapeutic interventions—it is work on which there has been a massive effort already, and that is continuing.

AUGUSTA ZADOW AWARDS

The Hon. T.T. NGO (15:18): My question is to the Minister for Industrial Relations and Public Sector. Can the minister tell the council about the winners of this year's Augusta Zadow Awards?

Members interjecting:

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:19): I thank the honourable member for his question. It was a great pleasure to outline the important role that Augusta Zadow played in the industrial history of South Australia yesterday, and I am pleased to build on that question today—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —pleased to build on that question by informing people of the winners. I am sure—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —members of this chamber would be extraordinarily disappointed if I had left it just as outlining the importance of Augusta Zadow and not outlining who the actual winners were—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —and who the actual winners were today. I am sure people would have been quite rightly horrified if I had left them hanging at just what the awards were about—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —without outlining the winners. As I talked about yesterday, and if people have forgotten, I can talk about Augusta Zadow. But I won't; what I will do today instead is outline the winners of this important award rather than just talk about the importance of the award, which I know riveted people yesterday. Everyone remembers me talking about the award yesterday, so I am very pleased they were so interested in this topic yesterday that they remembered me talking about the award.

Members interjecting:

The PRESIDENT: The minister yesterday talked about the award; today he is going to give you the winners of the award, so calm down. Can you just give your answer, Attorney, please, and we can move on.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I am very pleased that there were three projects that were ultimately awarded a total of \$40,000 in grants. As I informed the chamber yesterday, over the life of these awards, in excess of \$300,000 has been awarded in grants. This year, sharing the \$40,000 in grants were a number of winners. Belle Baker from Adelaide Hills and Fleurieu Farm Services established the Tractoring for Women program. It aims to empower women in agriculture with practical training in tractor operation and on-farm safety. The award provided approximately \$10,000 for the tractor safety program, and I will be more than pleased, given the time, to inform the chamber of other winners in the future.

Members

MEMBER, NEW

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): By leave of the council, I move:

That this council welcomes the Hon. Mira El Dannawi, elected by an Assembly of Members of both houses on 17 October 2023 to replace the Hon. Irene Pnevmatikos, resigned.

Leave granted.

The PRESIDENT: I am going to call on the Hon. Ms El Dannawi, but I remind members that we should show the same courtesy to the member's maiden speech as was afforded to us. I call the Hon. Ms El Dannawi.

The Hon. M. EL DANNAWI (15:22): I would like to start by acknowledging the traditional owners of the land on which I speak today. I pay my respects to the Kaurna people, the traditional custodians of the Adelaide Plains. I acknowledge that this is an especially difficult time for many Aboriginal people following the devastating result of the referendum. I would like to affirm my commitment to working with Aboriginal people to improve the lives and conditions of Aboriginal communities in this state. This always was and always will be Aboriginal land.

Before I go any further, I would like to recognise the selfless work of the Hon. Irene Pnevmatikos, who served in my place for more than five years. I wish her all the best in her retirement, as I am sure all other members present do as well. Her achievements in this place are a testament to her values and what she stands for. I feel honoured and proud to follow in her footsteps.

It is my great honour to stand here today as South Australia's newest member of parliament and as the state's first Muslim MP. This is a mark of the wonderful, tolerant state that I am lucky enough to call home.

In 2007, I arrived in Australia as a 23-year-old migrant woman with limited English. I had little knowledge about what my life would look like in a completely new country. There was no way I could have anticipated that I would be standing here just 16 years later.

I was born and raised in the city of Tripoli in the north of Lebanon, a country that is known for its natural wealth and beauty, its history, the friendly people and, not to forget, the delicious cuisine. I come from a family of six: my mother, my father, my two sisters and a brother. My second youngest sister is a mum to beautiful twins, Mira and Adam. They inspire me every day and make me want to be a better person. I hope that I have inspired them to reach their full potential, no matter what the challenges may be. To them, I would like to say: 'Visez la lune meme si vous la manquez vous atterrirez parmi les etoiles.'

My father was a shoemaker and worked in our family business alongside my grandfather and other family members. In fact, he designed all my shoes when I was young to match my outfits. Unfortunately, due to the economic problems, political instability and the civil war in Lebanon, the business could not be sustained and my father became unemployed. For many years, he was in and out of jobs and my family endured financial instability. However, he continued to work hard to provide for the family and sought every employment opportunity available. This taught me how to be strong and resilient in the face of adversity.

My mother was a stay-at-home mum, but she had the position of treasurer of the household. She knew exactly how to stretch a small family income to cover the many bills, food and school fees. She taught me how to push beyond gender norms and how from struggle comes inner strength. To both my parents, I would like to say, 'Merci. La kelchi amaltouli yeh!'

Despite all the challenges, whether they were issues of safety or economic security, my parents had one thing in mind when we were growing up, and that was our education. They invested everything they could to get us the best education possible in the hope that this would give us a better future. I was French educated and after finishing high school I went on to study French literature at the Lebanese University. I was aiming to become a French teacher, but opportunity came and I was able to leave Lebanon and make my way to Australia in 2007. I have called Australia home since.

As I stop to reflect on my life journey, and given the recent events in the Middle East, I draw on my own experience as a child. Having witnessed and survived war and conflict, I strongly believe all nations must work actively to end the ongoing conflict around the world. A safe, fair and just world is not only a wish or a goal, it is a right, and we are lucky to live in a country where these rights are a priority, especially when so many people in the world are still fighting and dying for those rights. That is why I made the decision to start again in Australia, but the journey was not easy.

As a migrant woman with no family support in Australia, I can relate to the struggles that migrants face when they first arrive, the feeling of isolation, the dreams you have for the future and the untapped potential you have inside. I understand how the language barrier becomes a confidence barrier that some people never break free from. I understand the vulnerability and I also understand the incredible strength that many hold within.

Migrants have a lot to offer to this country. In return, we must make sure they have the opportunity to reach their full potential and that language barriers and discrimination never stand in the way of this. The Lebanese-American writer Kahlil Gibran said:

Your living is determined not so much by what life brings to you as by the attitude you bring to life; not so much by what happens to you as by the way your mind looks at what happens.

This is the sentiment that guided me through my transition from Lebanon to Australia. Soon after arriving, I began investigating career opportunities open to me as a new migrant. Early childhood education and care was exactly where I found myself thriving. I completed a certificate II in English language, followed by a Certificate III in Early Childhood Education and Care. My strong passion for education and care saw me completing my diploma soon after and working in the ECEC sector for nearly 15 years.

After completing my certificate III, I began working at the Modbury Community Children's Centre. Over the years, I aspired to reach new and higher goals by working hard and seeking every opportunity to learn and grow as a professional. I eventually became the acting director of the centre in 2022, leading a team of 23 staff members and supporting more than 100 families from the north and north-eastern suburbs of Adelaide.

The families I engaged with came from all walks of life: teachers, nurses, labourers, public servants, factory workers, migrant workers, and families from different cultural backgrounds, including families from a background of migration and trauma. Each brought with them a story of opportunity and struggle.

I must say, working in early childhood education and care was a rewarding experience, but it also came at a cost. Many early childhood educators, including myself, struggled to make ends meet. I have seen firsthand educators leaving the sector simply because they cannot afford to live off the sector wage. The sector continues to struggle with staffing and burnout.

Early childhood is a life stage of great importance. It is a time of great advances in physical, cognitive, social and emotional development. As early childhood educators, we know that children vary in their success in achieving developmental outcomes and goals, depending in part on the environment and on the socialisation provided by the adults in their life. This is not just in reference to parents, relatives or educators but also to decision-makers when it comes to policies that affect their life successes.

Providing a safe and secure environment, combined with a curriculum delivered by a group of passionate and competent educators, can see children thrive in the first five years of their life—which, by the way, is the period when 90 per cent of their brain develops. The critical importance of this sector and the struggles that it is facing is why I joined my union and started actively campaigning alongside many fellow educators.

One of the first things I learnt when I began work in this country was the importance of solidarity. For nearly my entire career I represented my team of educators as their union delegate and as a campaign leader. I represented them at a state and federal level in the fight for better recognition, pay and conditions, and this is a fight that continues to this day.

I will continue to represent their interests in this place because a strong early childcare sector has a ripple effect that reaches all corners of society. But the struggle does not belong only to the early childcare sector. Many other workers across the nation have fought hard for their respective industries, whether it is in relation to pay and conditions, work health and safety, or job security.

I strongly believe in social and economic justice and a fair go for all, and I am honoured to join this parliament as a member of the Labor Party. The Labor Party, at its core, represents the aspirations of all Australians for a life of economic security and dignity for themselves and for their families. The fight of any worker struggling against exploitation and for better working conditions is my fight too.

Having grown out of the union movement, the Labor Party's values of liberty, equality, democracy and social justice remain strong, and I am proud to be a part of this South Australian Labor government. To my union comrades, I echo Irene's words in her farewell speech and I pledge that I will stand for what is fair, even when it is hard.

My journey in Australia has been fuelled by my courage and determination to make a life for myself, no matter what the obstacles are. In this place, in this role, I will use that same determination and courage to represent the voices of the vulnerable, the workers, the children, the elderly, the migrants, and the many other groups within our community who are not often heard.

Finally, I would like to thank some of those who have not only supported me on this journey but also believed in me and empowered me. I was lucky to have a positive experience with my workplace of love and acceptance, where I established strong relationships with colleagues who became my family. I was lucky to find another family in the union movement, who embraced me and played such a huge role in shaping who I am today. To my family, my partner, Adrian, my wonderful work family at Modbury, my UWU comrades, the Labor Party and, most importantly, Irene, thank you so much.

I am looking forward to working with everyone in this chamber to achieve better life outcomes for South Australians, starting with early childhood as the first step towards a healthy and prosperous future for our state.

Honourable members: Hear, hear!

Motion carried.

Bills

HYDROGEN AND RENEWABLE ENERGY BILL

Second Reading

Adjourned debate on second reading.

(Continued from 19 October 2023.)

The Hon. S.L. GAME (15:38): The Hydrogen and Renewable Energy Bill 2023 enables the government to roll out the next phase of its renewable energy plan. We know that by 2030, the Malinauskas government intends to make the state reliant on renewable energy as a net 100 per cent renewable energy generator. The Grattan Institute recently cast doubt on the government's predictions that the hydrogen plant would allow for 8 per cent savings on the wholesale price of energy, describing this as optimistic.

The government cannot claim it is going to achieve a real reduction in electricity prices if it has not costed in the \$600 million worth of investment into its hydrogen plant. The government is effectively spending taxpayer funds on an experiment and has failed to provide clarity on what it will deliver for South Australian taxpayers. There is speculation that South Australians have been sold a \$600 million white elephant that will not achieve the promised savings on electricity bills. What is the evidence that this project is good use of taxpayer money?

I am also concerned that this bill may impinge on the land rights of our pastoralists. This bill does not address issues of biosecurity in terms of a proponent accessing land. All relevant biosecurity requirements need to be complied with, including any reasonable conditions set by pastoral landowners and lessees. I understand the Liberal opposition is moving amendments to ensure this happens, and I will be happy to support those amendments. I will also be supporting amendments more broadly that extend the rights of pastoralists and freehold landowners.

Historically, this is a large amount of public money to be spending on a project involving emerging technologies and one reliant on costings prepared in early 2021 before inflation smashed the cost of living for all South Australians. South Australians need immediate relief from cost-of-living pressures that are being further fuelled by soaring energy prices.

Renewables are not the answer. They are inconsistent, expensive, harmful to wildlife and inefficient. They are not fit for purpose as they cannot guarantee base load power. The Malinauskas government is overinvesting in wind and solar-based electricity, and now we can add hydrogen to the list.

The Hon. E.S. BOURKE (15:40): I am very happy to speak in support of this bill that continues to build on the state's leadership in renewable energy generation and decarbonisation. It is clear that large-scale hydrogen generation looms on the horizon as an emerging sector of significance in the global transition to renewable energy. It is an area that will enjoy significant demand both in our region and across the world.

There will be so much opportunity in this growing industry, opportunity that is ours to seize. We in South Australia are in a uniquely advantageous position in terms of our climate's natural suitability to producing hydrogen, with our abundance of sunshine and wind as well as the widespread reputation that we are already enjoying for leadership in the renewable energy sector.

The goal of this bill is to simply clarify and facilitate investments in this important industry. Providing a single, consistent framework that applies across the state and offers certainty to investors, enables efficient development and facilitates economies of scale.

While this bill introduces necessary regulation, it does not impose a burden of red tape that will strangle investment. The intent is quite deliberately the opposite. The regulatory framework the bill seeks to implement will facilitate new investments in this promising emerging industry. We are confident of global demand and we are confident that the opportunity ahead for our state is abundant.

I doubt that any member here remains unclear on what the Malinauskas Labor government is planning to achieve through the implementation of a regulatory framework. It has been well covered in contributions from members in the other place, particularly from the fulsome contributions made by the Premier and the Minister for Energy and Mining, who are the driving force behind this change of having a new clean industry made available in South Australia.

This legislation supports the market to determine what is more commercially viable in hydrogen project developments, including green hydrogen and what is called blue hydrogen, which is created from methane, combined with carbon capture and storage.

It is a piece of legislation that puts in place an investment framework that is not about the political identity of this government but the long-term interests of our state and our community. The framework proposed by this bill positions South Australia to take full advantage of this shifting demand in global energy supply, and that should be recognised as an economic imperative that transcends politics.

A good government seeks to put in place a framework for investment and operation that will outlast its own administration, one that is resilient to the movement of the political pendulum and focuses on sustainable industry development that provides the best possible outcomes for communities, respects native title, respects the interests of our landowners and delivers a net benefit for the environment. That is what this legislation aims to achieve.

We have implemented our hydrogen plan in a way that considers all facets of our community. We have worked with stakeholders to ensure that reserves and wilderness protection areas have been excluded from the definition of 'designated land' in this bill. We also acknowledge and confirm that in no way does this bill override the requirements or protections afforded under the Native Vegetation Act 1991.

Heritage agreements under the act already enjoy legislative certainty. Native vegetation on land subject to a heritage agreement will not be able to be cleared for the purpose of undertaking operations authorised under the Hydrogen and Renewable Energy Act unless clearance is authorised by both the Native Vegetation Council and the minister administering the Native Vegetation Act. In short, anyone who receives a licence under the Hydrogen and Renewable Energy Act will need to comply with the Native Vegetation Act.

A crucial component of the bill is that it protects the rights of pastoral landholders and of landowners. On freehold land project proponents will be required to secure access to land through direct agreement with those who own it. This framework also ensures that in exchange for the ability to access Crown land for hydrogen production activities the state government maintains the right to charge appropriate rent for the use of the land.

The Hydrogen Jobs Plan delivers a significant component of our power generation asset back into the hands of the South Australian public through the construction of a 250-megawatt electrolyser and hydrogen storage for 3,600 tonnes of hydrogen. In partnership with the Australian government, South Australia has finalised a grant agreement to develop the Port Bonython hydrogen hub. This export facility will enable us to ship our renewable energy to the world as liquid or as hydrogen carriers, creating regional jobs in the process.

Together, both governments are investing \$100 million to develop this infrastructure at Port Bonython and prepare it to become South Australia's first large-scale export terminal for hydrogen. Along with private sector funding, it is projected that the redeveloped Port Bonython will host projects worth up to \$13 billion and generate as much as 1.8 million tonnes of hydrogen by 2030.

The world is watching our work in this space. As project proponents get serious about where they decide to invest, when they come to South Australia they will find a jurisdiction that welcomes the investment, that is prepared for it and that is a simple and straightforward place to conduct business. I congratulate and thank the Premier, the Minister for Energy and Mining in the other place and all the numerous people whose time, effort and expertise have gone into developing this bill.

Debate adjourned on motion of Hon. B.R. Hood.

Motions

PNEVMATIKOS, HON. I.

Adjourned debate on motion of Hon. K.J. Maher:

That this council acknowledges the meritorious service to the parliament of the Hon. Irene Pnevmatikos since March 2018.

(Continued from 28 September 2023.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:47): I speak today not as a member of an opposing political party but as a colleague who recognises hard work, unshakeable principles and a will to serve the people of South Australia. It is an honour to pay tribute to the Hon. Irene Pnevmatikos, whose dedication and professional career have left a true impression upon this chamber.

The Hon. Irene Pnevmatikos has spent a professional lifetime working for the South Australian public, both through her prior career as a solicitor, as an advocate and finally as a member of the Legislative Council. She has consistently advocated for the values close to her heart, and while we may have found ourselves on opposite sides of the aisle, both physically and sometimes metaphorically, I must acknowledge the strength of her character and the sense of duty that Irene has demonstrated in every role she has undertaken.

I applaud the honourable member for her work on the Free Menstrual Hygiene Products Pilot Program and more recently for her advocacy for ensuring safety and fair remuneration for gig economy workers. I fully understand and appreciate the hours and hours that go into chairing the Legislative Review Committee. To do this whilst harbouring an illness is no easy feat. As mentioned, the honourable member and I did not always see eye to eye, but that is exactly why this parliament exists. We should be able to offer different points of view on issues; we represent different voices of the community, and those voices deserve to be heard in this place.

One of the core tenets of democracy is the respectful exchange of ideas. Irene has been a staunch advocate for this ideal, always engaging in debates fiercely but without resorting to personal attacks or divisive rhetoric. In an era where political discourse has become increasingly polarised, the Hon. Irene Pnevmatikos has shown us that it is possible to maintain one's principles, whilst working towards compromise and common ground.

Throughout her tenure, the Hon. Irene Pnevmatikos has never ceased in her advocacy, pushing for policies that she believes build a better future for workers, for migrants and for women. She chaired the select committee looking into wage theft, in particular assessing the impact of wage theft on workers' families, law-abiding businesses, the economy and the community. She also chaired the recent South Australian Gender Pay Gap Taskforce, a body aimed at eliminating the state's 7.4 per cent gender pay gap. These roles highlight her staunch advocacy on behalf of her constituents.

In addition to her remarkable career, the Hon. Irene Pnevmatikos now faces a personal battle against cancer, a battle that requires the same strength, determination and resilience that she has shown throughout her career. Her courage in sharing this diagnosis with the public serves as an inspiration to all of us, reminding us that life's challenges can strike anyone at any time. As the

honourable member moves from public office to take on this new profoundly personal challenge, let us take a moment to express our gratitude for her years of service.

We may have been political adversaries at moments, but today I stand in acknowledging the personal sacrifices the honourable member made for our state. On behalf of the opposition, I extend our warmest wishes to Irene and her family. A cancer diagnosis is always an incredible shock and absolutely, utterly distressing. Please know that you are in our thoughts and prayers. Thank you to the honourable member for her service to South Australia and to this chamber since 2018. May her retirement be as rewarding as her career has been impactful.

The Hon. T.A. FRANKS (15:52): I rise today with some sadness to reflect on the contribution of the Hon. Irene Pnevmatikos. It is a departure not of her own timing. Certainly, she has been a member of this place who has truly made her mark. Every time we lose a member, I reflect that it does change the dynamic in this place, but with the loss of Irene Pnevmatikos from this council it is a larger shift than we normally see.

I still well remember her first speech in this place, which, if I reflect, I did not think was as long as five years ago—it seems much shorter than that—but I remember being delighted about almost everything she had to say. Unlike the Hon. Nicola Centofanti, I thought, 'I have found somebody who is possibly more left wing and feminist than me in this place.' I remember pointing to her and saying, 'See, I'm not that left wing and feminist.' Anyway, more power to her.

I enjoyed being on the same side of many debates in this place as the Hon. Irene Pnevmatikos, because I have to say that I would not have liked to have been on the opposite side. I am pretty sure that cancer has a real battle coming its way if the way that Irene embraced her work life is anything to go by.

I was privileged to work with Irene on many issues, and the wage theft committee was one she chaired. We heard evidence from some of the most vulnerable and marginalised people in our state. The Hon. Irene Pnevmatikos championed those issues and she did so in a way that saw the Labor Party shift and strengthen its election, and now government, platform and our understanding as a parliament on these issues. I know that the legacy there will be that we all have real change around the way wage theft is, hopefully, eliminated in this state—hopefully, one day.

I particularly wanted to reflect—and it will come as no surprise to members of this place—on the pleasure I had working with the Hon. Irene Pnevmatikos on issues of conscience. Irene certainly was very staunch in all of her beliefs, but on issues of conscience she was what we call in politics 'brave'.

I worked alongside Irene on the decriminalisation of sex work and the decriminalisation of abortion in this state. I could not help but note that she reflected upon those in her final words in this place. I know that she will be beside us in the streets and in the gallery as those issues continue to either need to be defended or progressed in terms of decriminalisation and the control of women's bodies that we see as a legacy of a patriarchal institution and society.

My favourite memory of Irene is one that I thought I would share with this place. It was after the decriminalisation of abortion legislation went through. At the time we had big letters that spelt decriminalise. Each of us held a letter: D-E-C-R-I-M-I-N-A-L-I-S-E. Then, when we achieved it, another 'D' came out because we had had it decriminalised. As we did that, someone from the SA Abortion Action Coalition had quite beautifully organised a bit of music to celebrate the achievement. It was Lesley Gore's *You Don't Own Me*. We held our letters a little higher, and as I stood with Irene she sang very loudly and proudly, *You Don't Own Me*.

I know that it was in celebration of the great feminist achievement, the work of that health and human rights effort, but it was also a little reflective of Irene's attitude to the most tribal of political parties, the Labor Party, and the irony was certainly not lost on me. It was one of my favourite and most treasured memories of Irene. I think it sums her up, it sums up her particular impact, not just on this council but on me as a politician and a person.

I pay absolute tribute to Irene. I wish her and her family all the best in this battle. As I say, I think cancer should be scared because if you have Irene Pnevmatikos staring you down, I would be running, and let's hope that it does. It is a battle, however, that she has to put all of her time and

effort into and put herself first for once, so I urge her to do that. I congratulate her on a fine contribution to the causes of her political party, of the progressive politics of this state, of feminist achievement. Indeed, the legacy that Irene carries with her will no doubt see us mention her many more times in this place.

The Hon. R.A. SIMMS (15:58): I also rise to put on record my appreciation of the work of our remarkable trailblazing and fearless colleague the Hon. Irene Pnevmatikos, who has really made a big contribution to politics in this state and a big contribution to this chamber.

Reflecting a little bit before speaking on this, I was reminded that I have known Irene for many years. I was a friend of her daughter, Demi, at university and so I first met Irene when I was in my 20s. Demi was always really rightly proud of her mother's achievements. I remember meeting her as a young person. She was someone who made a huge impression then.

I saw her many times over the years. Demi and I actually lived together in share housing and one of my funniest memories of Irene was that Demi and I used to run a competition over who had the best decorated bedroom in the share house. We decided that we would need to bring in an objective judge. Who best to choose than the Hon. Irene Pnevmatikos, who came in, took one look at the two rooms and said, 'Well, clearly Robert's is better.'

I did think it was an unfair contest for Demi to be facing off against a gay man like myself with amazing interior design skills, but it was Irene who called it and did it in 30 seconds. She is always straight to the point, and I have always appreciated that directness about Irene. She is someone who, in her political career, has demonstrated the capacity to cut through to an issue and to say what needs to be said, and to say it without the BS. I think that is something that we are really going to miss.

I might briefly reflect a little bit on Irene's career and her story. She is the daughter of working-class migrants who came to Australia seeking democracy and economic fairness. She was educated at Mitchell Park Primary, Para Hills West Primary, Salisbury East High School and the University of Adelaide. She has qualifications in a Bachelor of Arts with Honours, a Bachelor of Laws and a Graduate Diploma of Legal Practice.

She has spent her working life dedicated to advocating for people who are often denied political power. She was a caseworker for the Adelaide Women's Community Health Centre. She worked as a migrant workers' rights officer in the FMWU. She was a trade union training authority review officer for WorkCover. She was a conciliation and arbitration officer for the Workers Compensation Tribunal and a solicitor for Equity Partners. She was a community representative on the Australian federal government delegation to the United Nations Fourth World Conference on Women in Beijing in 1995.

Irene is someone who has always believed that the luck of circumstances someone is born into should not be a barrier to access to education, health care and employment. Other members have remarked on Irene's significant contribution here in the parliament. She co-sponsored the free menstrual hygiene products pilot program. She has been an advocate for abortion law reform and the decriminalisation of sex work, and I know she worked very closely with my colleague the Hon. Tammy Franks, and has been chair of committees inquiring into wage theft and the gig economy. I think it is fair to say that Irene has been a powerhouse advocate for working people.

I will conclude with a story about Irene in the context of the recent anti-protest laws. I really admired the fact that she came out and stood with protestors on the steps of this parliament in the days before that vote, and also joined union leaders at the protest in Festival Plaza. When she was asked by journalists why she was there, she said, 'I've come to hear the views of the community,' and I think: good on her. Irene has always been someone who has been willing to stand up to power, to stand up to vested interests and fight for what is right, even if that has meant ruffling feathers in the Labor Party, and I respect her for that.

Might I say, as other members have done, my thoughts are with Irene in her health battle. I understand this will be a challenging time for her and her family but, as my colleague the Hon. Tammy Franks said, she is going to really take on this health battle, and if cancer thinks it is going to get the better of Irene Pnevmatikos, it has another think coming. I wish her all the best. We will miss her

from this parliament, but we know that this will not be the end of Irene's activism. She will continue to be there, standing along with all of us, fighting for progressive values.

The Hon. J.E. HANSON (16:03): I rise to reflect on our comrade's surprisingly brief time in this place. To know Irene was to think she was here a lot longer than five years, frankly. I have to say, I have been here for a surprising number of farewell speeches for people from this place and it is quite amazing, in reflecting on that, how many people have an Irene story. By that, I mean everybody who got to know Irene got to know her in a way that has left a mark on them.

In thinking about that, I think back to the first time that I really got to know Irene, which is when she was sitting next to me. She has always shared a bench next to me in this place. It was the first day that she came in and we did the usual thing where we sign in to the book. She was then brought over to her seat and she sat down. I sort of turned around and had a look around the pole as I have to, because these poles get in the way of being able to talk to people from time to time. I looked around at Irene and she said, 'Right, so what do I do now?' I said, 'Well, you sit here. We are going to do this question time thing.'

We got about three minutes in and she said, 'This is cow manure.' I said, 'What do you mean?' She said, 'Well, they're not answering the bloody question.' I said, 'That's not the point.' She said, 'What do you mean?' I said, 'It's question time not answer time, Irene.' She frowned at me and I have come to realise that that frown was a mark of endearment not one of scorn because I thought the joke was funny.

That was not the end of the bench relationship that I had with Irene over the years. The reality is Irene always had a comment as the bill was going through or the debate was being had. She did not enjoy question time but she sure did enjoy commentary time. I cannot share many of those comments made by Irene, but I can tell you they were very funny, and a couple of them made it into my speeches with her okay. Irene may have been tough but God she was funny. That is not something you immediately get off Irene but I tell you, she had a great sense of humour and a cutting one too. I just wish she had used it more on interjections. It would have been a much more amusing question time.

I would say this as well about Irene the person: in so many ways, Irene represents what is so very great about this place, our parliament, our state, our country. As has been put by other members, Irene looks like so many other people. She is one of the people of South Australia and this nation. She is the daughter of migrants. She did do it tough to get to where she did in life and she worked hard. I think, in a totally bipartisan way, outside of the party, that is what this nation and this state would aspire to be, and in her time here and in what she brought here she achieved that.

It is so very much not just about the fact that Irene is about history, though. It would be easy to say that Irene stood for things, she stood for values, she stood up for things and traditions, and she did. The union movement is just one of her great loves in which she did that, and everything the union movement stands for. That stands out in so many of the things that have been read by so many other members here: the committees that she went on, the marginalised she stood up for, and the people who I think benefitted from her cutting wit and steadfast belief.

But the truth is also that Irene is another great innovation of, I would like to believe, the Labor Party but also Australia, and that is change, that is innovation—her capacity to look forward, to see the things that are confronting our society, our culture, who we are as it changes. That is, as has been put by the Hon. Mr Simms I think far better than me, difficult. It puts you on the frontline. It puts you in harm's way in so many ways. Irene, sometimes to the displeasure of her own party, was always keen to do that, always willing to do that because to her that is what this place was, that is what being here was.

To go back to her very first comment to me, 'What do I do now?' Well, she did it, didn't she? She stood up for the past, and she saw the things that were confronting us in the future, and you really cannot ask for too much more than that from a member of this place. I think that South Australia as a state got a bargain in the Hon. Irene Pnevmatikos. The only problem is it was only for five years—too short a time.

I would say, in so many ways, she would hate it, but I have come to always try to read a poem for those I choose to speak on as they go. Irene's departure reminds me of Tennyson, in particular Ulysses—I know, Ulysses: the irony. Anyhow, she would hate Tennyson as well I think. Nonetheless, I am going to do it, and that is this:

We are not now that strength which in old days
Moved earth and heaven, that which we are, we are;
One equal temper of heroic hearts,
Made weak by time and fate, but strong in will
To strive, to seek, to find, and not to yield.

That is Irene Pnevmatikos.

The Hon. E.S. BOURKE (16:10): It is with great pleasure that I speak to this motion today. We all know in this place that the office location is high stakes. There is hot demand for the office with the best location, the size, and of course having the right office neighbour. My first office in this place was not in a great location. For starters, it was on level 2—no offence to those opposite—but worse, it was behind the infamous rat screen, and my neighbour was someone who I had not worked with much prior to parliament; I was next to the one and only Irene.

I will be honest, I was not sure how this relationship would work out. My new neighbour was loud, had constant foot traffic and was insistent on her neighbours participating in a regular coffee break—Greek coffee, of course, made by Irene. But it turned out that Irene's loudness and love of bringing people together to participate in sharing her experiences and other experiences and challenges over brewed coffee is what made Irene the best neighbour to have, especially in my first few years.

After rereading her first speech, this quality of bringing people together to express their views and talk about issues and listen to arguments from others was not only commonplace but encouraged by her parents at their family table. It is clear that this quality of bringing people together, to give people space to express their values and their struggles, enabled Irene to move from the family debates around her kitchen table to the tables of many who needed a trusted person who would listen, who would hear them and who would fight for them.

Irene became a trusted voice for some of the most vulnerable in our community, from her role at the Adelaide women's community health centre, to the Federated Miscellaneous Workers' Union, to the Workers Compensation Tribunal. She sat behind these tables in this chamber and in parliament committee rooms to be a loud voice for workers and to fight for their rights for a safer work environment. She fought for change and for the rights of young women to have access to free pads and tampons in our schools. She took this fight time and time again into this chamber to give voice to the voiceless.

Irene, I know you will take on your next fight, as you have taken on the fight for others, loud and determined and with true Irene tenacity. As Irene mentioned in her first speech, having a voice is one thing but being heard is far more important. Irene, you were certainly heard. Thank you for always being you: the loud and passionate coffee barista who also had the best paperclip collection.

Thank you for staying true to the values you learnt around your family table: to bring people together, to listen and to hear from others. I could not have asked for a better first office neighbour. Thank you for leaving this place better than you found it. I look forward to working with Mira. Her speech today was incredible for her new role in this place.

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

Bills

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (OTHER GASES) BILL

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:15): I move:

That this bill be now read a second time.

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

Leave granted.

The Government is amending the national energy legislation to include hydrogen, biomethane and other gases within the national gas regulatory framework.

On 22 November 2019, Energy Ministers endorsed the National Hydrogen Strategy which sets out government actions to support the development of Australia's hydrogen industry, including to review the application of gas regulatory arrangements to hydrogen. Acting on that review, Energy Ministers agreed on 20 August 2021 that the national gas regulatory framework should be amended to apply to hydrogen and renewable gases.

Following two rounds of public consultation and advice received from the Australian Energy Market Commission (AEMC) and the Australian Energy Regulator (AER), proposed law amendments were agreed by Energy Ministers on 28 October 2022.

The *Statutes Amendment (National Energy Laws) (Other Gases) Bill 2023* extends the application of the National Gas Law (NGL) and the National Energy Retail Law (NERL) to hydrogen, biomethane and other gases.

These reforms are intended to address any regulatory barriers and ambiguities in relation to the treatment of hydrogen and other gases in the national gas regulatory framework.

The reforms may support the development of a competitive and cost-efficient domestic hydrogen and renewable gas industry that promotes economic efficiency in the long-term interests of consumers by:

- encouraging competition in contestable parts of the industry
- encouraging innovation and investment
- facilitating informed and efficient decision making by industry participants, market bodies and governments
- allowing existing facilitated and regulated retail markets to function as intended
- ensuring that consumers in those jurisdictions that have adopted the NERL continue to benefit from the consumer protection measures they enjoy as users of natural gas.

The Bill does not change how natural gas is regulated under the national regulatory framework. Rather, the Bill provides for the national gas regulatory regime to apply to other gas types, in addition to natural gas. The Bill refers to these gases collectively as 'covered gases'. The term 'covered gas' will replace most references to 'natural gas' throughout the NGL. Key concepts in the NGL, such as natural gas industry, and natural gas service, are redefined to operate in respect of covered gas. These changes will have the effect of applying the NGL to those gases falling within the scope of the new terms.

Covered gas is defined to mean a 'primary gas' or a 'gas blend'. The Bill defines 'primary gas' to mean natural gas, hydrogen, biomethane and synthetic methane. Provision is made for other gases to be brought within the definition in the future, by prescribing in the National Gas Regulations, or by local regulation of a participating jurisdiction. Primary gases that have been blended together constitute a 'gas blend'.

A new term to be introduced into the NGL by the Bill is 'blend processing facility'. The Bill defines a blend processing facility as a type of facility for either one or both:

- blending of one or more primary gases, with or without other substances, for injection into a pipeline; or
- separation of a gas blend withdrawn from a pipeline into constituent gases before re-injection into a pipeline as a primary gas or a gas blend.

Blend processing facilities are recognised as a potentially contestable activity and will be subject to a new, lighter-handed third-party access regime. The Bill establishes a new third-party access regime for non-pipeline facilities, including blend processing facilities. New provisions in the NGL will require service providers and prospective users to negotiate in good faith, and service providers will be prohibited from preventing or hindering access to blend processing facilities. The National Gas Rules (NGR) will require blend processing service providers to publish standing terms and information on the prices paid by users. Vertically integrated service providers will also be prohibited from discriminating in favour of their own operations. This approach broadly follows the existing lighter-handed model that applies for third party access to natural gas pipelines.

If competition does not emerge and it becomes clear that such facilities are natural monopolies, the NGL will allow the NGR to implement a formal negotiation framework, an access dispute mechanism and equivalent ring fencing and associate contract arrangements to those that apply to pipelines.

The Bill will replace the term 'natural gas industry facility' with the term 'covered gas industry facility.' A covered gas industry facility is defined as including blend processing facilities, compression service facilities, gas

processing plants, liquefied natural gas facilities, pipelines, storage facilities, and user facilities. A covered gas industry facility may also be another facility of a type specified by the Regulations.

The existing natural gas pipeline access regime will now apply to all transmission and distribution pipelines transporting a covered gas. Participating jurisdictions will have the power to exempt a pipeline transporting covered gases, other than those relating to natural gas or a natural gas equivalent, from the access regime if it satisfies the remote pipeline criteria.

The NGL's ring-fencing provisions will apply to covered gases. Minimum ring-fencing requirements will prohibit pipeline service providers from providing blend processing services; producing primary gases, processable gases or biogas; and purchasing or selling covered gas, processable gas or biogas, unless necessary for the safe and reliable operation of a pipeline, or to provide balancing services. Associates of the pipeline service provider will not have this prohibition. In line with current restrictions, pipeline service providers that want to test or trial these activities or want to carry out these activities on a permanent basis, will need to set up or utilise a separate entity to do so. If they do this, then any contract the associate entity enters into with the service provider to use the pipeline will need to comply with the associate contract provisions in the NGL. These provisions are designed to prevent the pipeline service provider from foreclosing or otherwise impeding competition by favouring their associate. The regulator will be able to consider applications for exemptions to ring-fencing requirements, subject to certain conditions being met.

The regulatory sandbox provisions of the NGL will apply where a proposed trial project involves any covered gas.

Market bodies will be empowered to exercise their functions and powers in relation to the covered gas industry and covered gas services and related facilities.

The Bill will also make consequential changes to Australian Energy Market Operator's (AEMO) recently gained east coast gas system reliability and supply adequacy functions, ensuring both reforms function as intended.

Transitional arrangements will allow certain covered gas pipelines (other than natural gas pipelines) to apply under the new greenfields incentives regime established by the recent gas pipelines access reforms. These transitional arrangements are available only to pipelines commissioned in the specified transition period of 1 November 2022 to the day on which these amendments commence, and the application must be made within 90 days of commencement. This arrangement recognises that the *Statutes Amendment (National Energy Laws) (Gas Pipelines) Act 2022* had not yet commenced when Energy Ministers approved the amendments contained in this Bill. This meant there was a regulatory gap preventing new or recent pipelines for gases other than natural gas from being able to lodge applications under the greenfield incentive framework until it had commenced.

The approach to extending the NERL differs from the approach for the NGL because the customer protection framework in the NERL assumes a relatively mature retail market, which may not be the case for all types of covered gas. The Bill amends the NERL to recognise covered gas, as defined in the NGL, and to provide for the application of the NERL and Rules to natural gas, natural gas equivalents (NGEs) and prescribed covered gases (PCGs).

The consumer protection, retailer authorisations and exemptions and retailer of last resort (RoLR) elements of the NERL will apply to natural gas and NGEs (as one group) and, separately, to any PCGs.

An NGE is a covered gas that is suitable for use as natural gas and is supplied through an existing natural gas distribution pipeline (or an extension of an existing pipeline) or is prescribed by a local instrument. For instance, a gas blend that consists predominantly of natural gas, but contains a small volume of hydrogen, is suitable for use as natural gas and would be an NGE automatically where the existing distribution system is authorised to haul a covered gas after the commencement of these amendments. Alternatively, where the same blend is to be supplied through a new distribution system, that blend would need to be prescribed by a local instrument to be brought within scope of the NERL.

A PCG is a covered gas, other than natural gas, that is brought within scope of the NERL, where it is appropriate to do so, by the National Energy Retail Regulations. This arrangement allows for the NERL, the National Energy Retail Rules (NERR) and Procedures to be tailored to apply to the retail supply of the PCG in a fit-for-purpose manner. Participating jurisdictions will be able to exclude a PCG from the application of the NERL in their jurisdiction, should they wish.

The AEMC will also be accorded a new power to make Rules relating to the transition of supply from natural gas to an NGE or a PCG. Transitional arrangements will extend existing natural gas retailer authorisations, exemptions and default RoLRs to operate also in respect of NGEs.

Market bodies, including the AER and the AEMO, will be able to exercise their functions and powers in relation to covered gases, NGEs and PCGs, and the NGR and NERR will also be able to regulate these gases.

The extension of the national gas regulatory framework will not change the allocation of responsibilities between the national laws and those of participating jurisdictions. Jurisdictions will retain responsibility for licensing, safety and technical regulation and product certification. In those jurisdictions that have not adopted the NERL for natural gas, those jurisdictions will also remain responsible for consumer protections.

Under the amended framework, participating jurisdictions will be responsible for deciding whether to:

prescribe any additional gases to be primary gases for the purposes of the NGL in that jurisdiction.

exempt a 'remote pipeline' transporting a covered gas (other than natural gas or an NGE) from the NGL, if the remote pipeline criteria are met.

exclude a prescribed covered gas from the application of the NERL in that jurisdiction.

Upon commencement, the South Australian Minister will be empowered to make initial Rules necessary to support these amendments. The initial Rules were developed and recommended to Energy Ministers by the AEMC after several rounds of public consultation. Once initial Rules have been made by the Minister, no further rules will be capable of being made pursuant to relevant authority afforded by the Bill.

In addition to these amendments to the NGL and the NERL, the Bill contains a small number of amendments to the Acts establishing those national energy laws.

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of National Gas (South Australia) Act 2008

4—Amendment of section 9—Interpretation of some expressions in National Gas (South Australia) Law and National Gas (South Australia) Regulations

This clause updates an obsolete reference.

5—Amendment of section 17—Exemption from taxes

This amendment is consequential.

Part 3—Amendment of *National Gas Law*

6—Amendment of section 2—Definitions

Various amendments are made to the definitions section for the purposes of the measure.

7—Insertion of section 2A

New section 2A is proposed to be inserted:

2A—Additives and impurities

The nature of a substance as a primary gas or a gas blend is not changed by the presence of an additive required for safety or an impurity.

8—Amendment of section 8A—Nominated distributors

9—Amendment of section 10—Things done by 1 service provider to be treated as being done by all of service provider group

10—Amendment of section 12—Commissioning of a pipeline

These amendments are consequential.

11—Insertion of section 14

New section 14 is proposed to be inserted:

14—Local regulations may exempt pipeline

A pipeline or a proposed pipeline can be declared to be a remote pipeline by local regulation in specified circumstances. Other provisions relate to the effect of declaring a pipeline or a proposed pipeline to be a remote pipeline.

12—Amendment of section 16—Form of regulation factors

13—Amendment of section 23—National gas objective

These amendments are consequential.

14—Amendment of section 24A—Innovative trial principles

This clause inserts an additional principle into the innovative trial principles set out in section 24A.

15—Amendment of section 27—Functions and powers of the AER

16—Amendment of section 28—Manner in which AER must perform or exercise AER economic regulatory functions or powers

17—Amendment of section 30I—Consumer reference group

These amendments are consequential.

18—Amendment of section 30U—Definitions

This amendment is technical.

19—Amendment of section 30W—Trial waiver

This amendment clarifies that section 30W does not prevent the granting of an exemption in accordance with a rule made under section 148A.

20—Amendment of section 54—Further provision about the information that may be described in a regulatory information instrument

This amendment is consequential.

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

These amendments are consequential or technical.

22—Repeal of sections 83A and 83AA

Sections 83A and 83AA are deleted.

23—Amendment of section 83B—Standard market timetable

24—Amendment of section 83D—False or misleading statements

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

26—Amendment of section 91AD—AEMO's east coast gas system reliability and supply adequacy functions

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

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

29—Amendment of section 91BC—AEMO's power of direction

30—Amendment of section 91BF—Interconnection with facilities

These amendments are consequential.

31—Amendment of section 91BI—Market participation

This clause amends section 91BI to include producers or blend processing service providers who inject covered gas into a declared transmission system or a declared distribution system as a class of person who participates in a declared wholesale gas market in a registrable capacity.

32—Amendment of section 91BP—Title to gas

This amendment extends the operation of section 91BP to cover declared distribution systems in addition to declared transmission systems.

33—Amendment of section 91BQ—Immunity

This clause amends section 91BQ to extend the grant of immunity from civil monetary liability to AEMO for a failure to accept gas for injection into, or to make gas available for withdrawal from, a declared distribution system.

34—Amendment of section 91BRB—AEMO's STTM functions

35—Amendment of section 91BRC—Market participation

36—Amendment of section 91BRF—Title to gas

37—Amendment of section 91BRG—Gas supplied to STTM hub must meet quality specifications specified in the Rules

38—Amendment of section 91BRK—AEMO's gas trading exchange functions

These amendments are consequential.

39—Amendment of section 91D—Object and content of gas statement of opportunities

This clause makes a consequential amendment and substitutes the outline of the information that the gas statement of opportunities must contain.

40—Amendment of section 91DA—AEMO's obligation in regard to gas statement of opportunities

41—Amendment of section 91DB—Information for the gas statement of opportunities

42—Amendment of section 91FEA—Obligation to give information to AEMO

These amendments are consequential.

43—Insertion of Chapter 2 Part 6 Division 6 Subdivision 5

New Subdivision 5 is proposed to be inserted into Chapter 2 Part 6 Division 6:

Subdivision 5—Declared wholesale gas market information

91FEJ—Information required to be given to AEMO

Provision is made in relation to persons giving AEMO information that relates to the operation and administration of the covered gas industry.

91FEK—Person cannot rely on duty of confidence to avoid compliance with obligation

This section provides that a person must not refuse to comply with the requirement in section 91FEJ on the ground of any duty of confidence.

91FEL—Giving AEMO false or misleading information

This section provides that a person must not give information to AEMO under this Subdivision that the person knows is false or misleading in a material particular.

91FEM—Immunity of persons giving information to AEMO

Provision is made in relation to immunity of persons giving information to AEMO under this Subdivision.

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

45—Amendment of section 91KA—Supply interruption or disconnection in compliance with AEMO's direction

46—Amendment of section 91KD—Disclosure of information for purpose of market trials

47—Amendment of section 91L—Retail gas markets

48—Amendment of section 91LA—Retail market participation

These amendments are consequential.

49—Amendment of section 137—Definitions

This amendment deletes and substitutes the definition of *related business* specific to Chapter 4 Part 2.

50—Amendment of section 147—Service provider must not enter into or give effect to associate contracts that have anti-competitive effect

This amendment is consequential.

51—Substitution of section 148A

Section 148A is substituted by sections 148AA and 148A:

148AA—Exemptions from section 147(c)

This section provides a list of circumstances in which an associate contract for an associate pipeline service is exempt from section 147(c).

148A—Exemptions from particular requirements

This section provides for the making of Rules to provide for exemptions from the requirements made by some sections of the *National Gas Law*. Other provisions relate to the imposition of conditions on such exemptions.

52—Insertion of Chapter 5A

New Chapter 5A is proposed to be inserted:

Chapter 5A—Third-party access obligations for non-pipeline facilities

Part 1—Information transparency

197—Definitions

Definitions are provided for the purposes of the Part.

198—Information and transparency requirements relating to facilities

This section enables the Rules to make provisions in respect of the collection, disclosure, verification, management, publication and provision of information relating to facilities.

199—Publication of information relating to facilities

A person required to publish information relating to a facility must do so in accordance with the Rules.

Part 2—Access to certain facilities

200—Definitions

This section provides a definition of *relevant facility* for the purposes of the Part.

201—Preventing or hindering access to relevant facilities

The owner, operator or controller of a relevant facility, or an associate of such a person, is prohibited from engaging in conduct for the purpose of preventing or hindering the access of a person to a service provided by the facility. Other provisions clarify when a person will be taken to have engaged in conduct for a particular purpose.

202—Terms and conditions must not discriminate

The owner, operator or controller of a relevant facility is prohibited from setting discriminatory terms and conditions for the use of a service provided by means of the facility.

203—Duty to negotiate in good faith

This section requires good faith negotiations by users or prospective users and persons who own, operate or control a relevant facility when access to a service provided by means of the facility is sought. Other provisions relate to the making, and effect, of Rules in respect of such access requests and negotiations.

204—Rules about ring fencing

This section empowers the Rules to make provisions for matters relating to ring fencing the activities of a blend processing service provider or a person who owns, operates or controls a facility of a class prescribed by the Regulations.

53—Amendment of heading to Chapter 7

54—Amendment of section 217—AEMO to be Bulletin Board operator

55—Amendment of section 218—AEMO's obligation to maintain Bulletin Board

56—Amendment of section 219—AEMO's other functions as operator of Natural Gas Services Bulletin Board

57—Amendment of section 222—Fees for services provided

58—Amendment of section 223—Obligation to give information to AEMO

59—Amendment of section 226A—Provision of certain information to AER

60—Amendment of section 228—Nature of BB Procedures

61—Amendment of section 228I—Service requirements may be specified in the Rules

These amendments are consequential.

62—Insertion of section 294FD

New section 294FD is proposed to be inserted:

294FD—South Australian Minister to make initial Rules relating to other gases

The South Australian Minister is empowered to make initial Rules relating to implementing the other gas amendments. Certain requirements relating to the making of such Rules are imposed, including publication requirements.

63—Amendment of section 294G—South Australian Minister may make Rules on recommendation of MCE and Energy Security Board

64—Amendment of section 314A—Extension of trial Rule

These amendments are consequential.

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

This clause makes consequential amendments and expands the list of subject matters for the National Gas Rules in Schedule 1 for the purposes of the measure.

66—Amendment of Schedule 3—Savings and transitionals

Savings and transitional provisions are inserted into Schedule 3 for the purposes of the measure.

Part 4—Amendment of National Energy Retail Law (South Australia) Act 2011

67—Amendment of section 2—Commencement

This clause updates an obsolete reference to the repealed *Acts Interpretation Act 1915*, replacing it with the equivalent reference under the *Legislation Interpretation Act 2021*.

68—Amendment of section 7—Exclusion of legislation of this jurisdiction

69—Amendment of section 14—Exclusion of legislation of this jurisdiction

These clauses update obsolete references.

70—Amendment of section 41—Transitional regulation-making power

This clause amends section 41 to provide power to make regulations relating to the operation or effect of the *National Energy Retail Law (South Australia)* on account of, or in connection with, the commencement of the measure.

Part 5—Amendment of National Energy Retail Law

71—Amendment of section 2—Interpretation

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

72—Insertion of section 2A

New section 2A is proposed to be inserted:

2A—Natural gas equivalent

This section provides a definition of *natural gas equivalent*.

73—Insertion of section 3A

New section 3A is proposed to be inserted:

3A—Application to prescribed covered gas

This section provides that the National Regulations may modify the way that the *National Energy Retail Law*, the National Regulations and the Rules apply to a prescribed covered gas.

74—Amendment of section 10—Ministers of participating jurisdictions

This amendment is consequential.

75—Amendment of section 11—Local area retailers

This amendment sets out that a nomination of a retailer as a local area retailer may relate to electricity, natural gas and natural gas equivalents, or 1 or more types of prescribed covered gas.

76—Amendment of section 13A—Innovative trial principles

This clause inserts an additional principle into the innovative trial principles set out in section 13A.

77—Amendment of section 16—Application of Law and Rules to energy

This amendment applies the *National Energy Retail Law* and the Rules to the sale and supply of electricity, natural gas, natural gas equivalents and prescribed covered gas, to retailers (to the extent that they sell electricity, natural gas, natural gas equivalents or prescribed covered gas) and to distributors (to the extent that they supply electricity, natural gas, natural gas equivalents or prescribed covered gas).

78—Amendment of section 88—Requirement for authorisation or exemption

This amendment is consequential.

79—Amendment of section 94—Notice of decision to grant application

This amendment requires the AER to give a successful applicant for a retailer authorisation a notice stating that they are authorised to sell electricity or gas and, if the applicant is authorised to sell gas, stating the types of gas they are authorised to sell.

80—Amendment of section 99—Variation of retailer authorisation

This amendment clarifies that the AER may not amend a retailer authorisation to change the type or types of gas a retailer is authorised to sell except on application by the retailer.

81—Amendment of section 137—RoLR notice—direction for gas

This clause amends section 137 to enable the AER to, in specified circumstances, include in a RoLR notice a direction requiring a blend processing service provider to make available to a designated RoLR the capacity in its blend processing facility that, immediately before the transfer date, was available to the failed retailer. Other amendments relate to the terms and conditions for access to the blend processing facility by the designated RoLR.

82—Amendment of section 144—RoLR Procedures

This amendment provides that procedures made by AEMO under section 144 may apply separately to electricity, natural gas and natural gas equivalents, or 1 or more types of prescribed covered gas.

83—Amendment of section 237—Subject matters of Rules

This amendment allows the Rules to make provision for or in relation to the transition from the sale or supply of natural gas to the sale or supply of a natural gas equivalent or a prescribed covered gas.

84—Amendment of section 238—South Australian Minister to make initial National Energy Retail Rules

85—Amendment of section 238AA—South Australian Minister to make initial Rules relating to regulatory sandboxing

86—Amendment of section 238A—South Australian Minister may make initial Rules related to consumer protections and smart meters

87—Amendment of section 238AB—South Australian Minister may make initial Rules relating to stand-alone power systems

These amendments are consequential.

88—Insertion of section 238AD

New section 238AD is proposed to be inserted:

238AD—South Australian Minister to make initial Rules relating to other gases

The South Australian Minister is empowered to make initial Rules relating to implementing the other gas amendments. Certain requirements relating to the making of such Rules are imposed, including publication requirements.

89—Amendment of section 238B—South Australian Minister may make Rules on recommendation of MCE and Energy Security Board

This amendment is consequential.

90—Amendment of Schedule 1—Savings and transitionals

Savings and transitional provisions are inserted into Schedule 1 for the purposes of the measure.

Debate adjourned on motion of Hon. B.R. Hood.

GAS (OTHER GASES) AMENDMENT BILL*Second Reading*

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

That this bill be now read a second time.

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

Leave granted.

The Government is amending South Australia's gas legislation to include hydrogen and other gases, consistent with changes that are proposed for the national gas regulatory framework [via the *Statutes Amendment (National Energy Laws) (Other Gases) Bill 2023*].

On 22 November 2019, Energy Ministers endorsed the National Hydrogen Strategy, which sets out government actions to support the development of Australia's hydrogen industry, including to review the application of gas regulatory arrangements to hydrogen.

At the national level, Energy Ministers have agreed that the national regulatory framework should be amended to apply to hydrogen and renewable gases, in addition to natural gas. The proposed amendments specify that the national framework would now apply to 'covered gas', which initially includes natural gas, hydrogen, biomethane, synthetic methane and blends of these gases.

As part of the same Strategy, governments agreed jurisdictions would review their existing legislation to determine whether their respective legal frameworks can support the hydrogen industry.

Upstream activities, such as production and transmission of hydrogen, are or will be able to be regulated in South Australia by the *Petroleum and Geothermal Energy Act 2000* and the proposed Hydrogen and Renewable Energy Act.

Together with those arrangements and the proposed national amendments, this *Gas (Other Gases) Amendment Bill 2023* will help to ensure that gas regulatory arrangements can apply across the hydrogen industry supply chain in South Australia.

Downstream activities, such as distribution and end use by consumers in their installations and appliances, are regulated by the *Gas Act 1997*. The Bill would extend the application of the *Gas Act 1997* to the same gases that would be regulated by the national energy laws, once amended.

Currently, the Act is limited to regulating gas that consists of hydrocarbons or predominantly of hydrocarbons, such as natural gas and other forms of methane. While the current definition of 'gas' allows the Act to apply to some gas blends that contain a small component of hydrogen, it does not apply to hydrogen on its own or to gas blends composed of a high proportion of hydrogen. This precludes the application of the regulatory regime established by the Act, including the functions and powers of the Technical Regulator and the Essential Services Commission, to hydrogen and 'high level' hydrogen blends used in distribution and retail operations, infrastructure, installations, and appliances.

By referring to 'covered gas' as defined in the National Gas Law (NGL), the Bill enables coverage of the same group of gases that are to be regulated by the national energy laws, including if a new gas type is added to the national laws at a later date.

The Bill inserts a specific definition of 'gas' for the purposes of Part 5A, which regulates retailers operating in South Australia under the National Energy Retail Law (NERL). This is because, while the NERL will be able to apply to all 'covered gases' as defined in the NGL, some types of covered gas, including hydrogen, would only come in scope if prescribed in the National Energy Retail Regulations.

These definition changes will ensure the range of gases to which the *Gas Act 1997* applies is consistent and contemporaneous with those regulated by the national framework as the gas industry evolves for the energy transition.

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Gas Act 1997*

3—Amendment of section 4—Interpretation

The amendment to the definition of *gas* is consequential to proposed amendments to the *National Gas Law*.

4—Insertion of section 59AA

New section 59AA is proposed to be inserted:

59AA—Interpretation

This section inserts a definition of *gas* required in connection with proposed amendments to the *National Energy Retail Law*.

Debate adjourned on motion of Hon. B.R. Hood.

PETROLEUM AND GEOTHERMAL ENERGY (ENERGY RESOURCES) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:17): I move:

That this bill be now read a second time.

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

Leave granted.

The *Petroleum and Geothermal Energy Act 2000* (the Act), which regulates onshore petroleum and other energy resource exploration and production activities in South Australia, continues to well serve the State and the industry since its promulgation back in September 2000. This legislation continues to be widely recognised as a best practice regulatory framework. Maintaining best practice requires continuous review and improvement. Subsequent to the last review of this legislation back in 2009, the Department for Energy and Mining embarked on another review to further refine this Act through the release of an Issues Paper with proposed amendments earlier this year followed by the release of a draft Bill in June.

The majority of changes proposed to amend the Act are administrative in nature and were subject to public consultation on an Issues Paper in February 2021 and on a draft Bill in June 2021 under the previous government; followed by four weeks public consultation on a draft Bill in November 2022 under the current government. These proposed administrative amendments are very much in accord with the Government's commitment to streamlined and effective regulation.

The Bill proposes to introduce a rent for the use of the State's natural reservoirs to store regulated substances, however an exemption will apply to carbon dioxide that has been produced or sourced within Australia and is not imported. The exemption will ensure the rental does not disincentivise the storage of Australia's direct carbon dioxide emissions – like that from the Moomba gas processing plant, which will be stored at the Moomba Carbon Capture and Storage facility currently in construction by Santos and joint venture partner Beach. Calculation of the rent for the use of natural reservoirs in the State to store regulated substances is to be prescribed in the Regulations and will be subject to further consultation.

The Government is keen to future proof this best practice regulatory framework for the energy resources sector in South Australia; therefore, the Act will now be called the 'Energy Resources Act' to reflect the broader scope of the Act, which covers, in addition to strictly 'petroleum' based resources – geothermal, natural hydrogen, underground coal gasification, carbon dioxide and carbon capture and storage.

Changing dynamics in both Australian and global energy markets has called for regulatory frameworks to be more adaptive and responsive to such changes to ensure we can expedite energy supply and security as required. One such change has called for an amendment to the definition of transmission pipeline under the existing Act to allow for imported gas to be transported unhindered via licensed transmission pipelines under the Act to access such markets as required. The need for this has arisen from expressions of interest seeking to import liquefied natural gas into South Australia and other States to address anticipated Eastern Australia gas market opportunities.

Improving stakeholder participation and engagement in the regulatory process is always a topic of priority in any such review. To that end, amendments are being introduced that will explicitly require stakeholder engagement by the licensee in preparing their Environmental Impact Reports and Statements of Environmental Objectives. An amendment is also being introduced to mandate a 30-day public consultation period for these environmental assessments as part of the Department for Energy and Mining's approval process.

A key principle under this Act when it was first developed was to ensure that any environmental liabilities always remained with the licensee. This principle continues to be delivered through smart policy when it comes to determining the amount of security that the government needs to hold against each licence. As additional back up to this policy in the unlikely event of bankruptcy, it is considered prudent to introduce a Statutory Security to ensure that the Crown has first priority over a Licensee's property in such an event.

Furthermore, a new provision is being introduced for a Ministerial approval before a change in controlling interest in the holder of a licence. The purpose of this new provision is to ensure there is regard for the technical and financial resources of a person who proposes to begin control of the holder of a licence, such that they are sufficient to conduct operations under the licence. This provision will be in line with a similar approval regime that was recently inserted into the *Commonwealth's Offshore Petroleum and Greenhouse Gas Storage Act 2006*.

To strengthen the Act's regulatory enforcement provisions, a number of maximum penalties have been reviewed, benchmarked against the reformed Mining Act, and modified accordingly.

In keeping with the Government's stance on efficient and effective regulation, the concept of Ministerial determinations as provided for under the recent Mining Act review is also being introduced to allow for greater flexibility and effectiveness in clarifying and guiding regulatory requirements, particularly for reporting provisions.

To further enhance the environmental protection provisions under the Act, the definition for 'environment' will be revised to better capture and regulate social and economic impacts in keeping with the principles of sustainable development. Principles, may I add, under which administration of this Act continues to be complied with.

The amendments proposed to the *Petroleum and Geothermal Energy Regulations 2013* will be drafted post the Bill being passed in Parliament and will be subject to further consultation.

We look forward to working cooperatively with all members of Parliament to secure passage for this important Bill.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Petroleum and Geothermal Energy Act 2000*

3—Amendment of long title

The long title of the Bill is amended to update and include references to production, transmission, storage and management of certain energy resources as a result of other amendments proposed in the measure.

4—Amendment of section 1—Short title

This amendment proposes that the short title of the Act be the *Energy Resources Act 2000*.

5—Substitution of section 3

This clause substitutes the objects section of the Act as follows:

3—Objects

The proposed section updates the current objects of the Act to include references to energy resources and other matters as a result of proposed amendments in the measure.

6—Amendment of section 4—Interpretation

This clause amends and updates several existing definitions and inserts additional definitions consequential on amendments in the measure.

7—Amendment of section 5—Rights of the Crown

The amendments in this clause are consequential on the proposed change to the short title of the Act.

8—Substitution of section 8

This clause substitutes section 8 as follows:

8—Authorised officers

The proposed section provides that inspectors appointed under the *Work Health and Safety Act 2012* will be taken to have been appointed as authorised officers under the proposed section. These authorised officers are in addition to those authorised officers currently able to be appointed by the Minister.

9—Amendment of section 9—Identity cards

This clause allows for inspectors under the *Work Health and Safety Act 2012* who are taken to have been appointed under proposed section 8 to use, for the purposes of this Act, the identity cards issued to them under that Act.

10—Insertion of Part 2 Division 3

This section inserts a new Part 2 Division 3 as follows:

Division 3—Power to conduct geological investigations etc

9A—Power to conduct geological investigations etc

The proposed section allows for a process by which a person authorised by the Minister by notice in the Gazette may enter and remain on land for the purposes of undertaking an investigation or survey (including taking and removing specimens and samples). The proposed section further sets out the parameters of the authorisation, including requirements for notification of entry on land, and that results of an investigation or survey must be provided to the Minister and may be published by the Minister.

11—Amendment of section 10—Regulated activities

The proposed amendments update the definition of regulated activities for the purposes of the Act to reflect other amendments in the measure, and expands the defined activity of construction of a transmission pipeline to include constructing, operating, maintaining, modifying or decommissioning a transmission pipeline.

12—Amendment of section 13—Licence classes

This clause makes amendments consequential on the proposed addition of a new class of licence: the regulated substance licence.

13—Amendment of section 16—Competitive tender regions

This clause makes amendments consequential on the inclusion of the term *energy resources* in the Act.

14—Amendment of section 21—Exploration licences

The amendments in this clause provide for a proposed new category of licence—a regulated substance exploration licence and make other amendments consequential on the use of the term *energy resources* in the Act.

15—Amendment of section 22—Call for tenders

This clause substitutes subsection (1) to provide that if an exploration licence is to be granted for an area within a competitive tender region, the Minister must call for tenders for an exploration licence of the relevant category (taking into account the regulated resources with respect to which the region has been declared).

16—Amendment of section 24—Areas for which licence may be granted

The amendment in this clause is consequential on the proposed regulated substance exploration licence.

17—Amendment of section 26—Term and renewal of exploration licence

This amendment allows the Minister to determine that the term of an exploration licence may be less than 5 years.

18—Amendment of section 27—Production of regulated resource under exploration licence

The amendments in this clause are consequential on the proposed regulated substance exploration licence and on updating references to regulated substances in the Act.

19—Amendment of section 28—Retention licences

The amendments in this clause are consequential on the proposed regulated substance exploration licence and on updating references to regulated substances in the Act.

20—Amendment of section 30—Grant of retention licence

The amendments in this clause are consequential on the proposed regulated substance retention licence and on updating references to regulated substances in the Act.

21—Amendment of section 31—Area of retention licence

This amendment extends the area over which a petroleum retention licence (and the proposed regulated substance retention licence) may be granted to either—

- twice the area under which (according to a reasonable estimate at the time when the licence was granted or last renewed) the discovery is likely to extend; or
- 10,000 km²,

whichever is the lesser.

22—Amendment of section 32—Term of retention licence

This amendment allows the Minister to determine that the term of a retention licence may be less than 5 years.

23—Amendment of section 34—Production licences

The amendments in subclauses (1) and (2) relate to the addition of the proposed regulated substance production licence. Subclause (3) substitutes subsection (4) to amend the scope of a gas storage licence to include operations for the withdrawal of a regulated substance from a natural reservoir in which the substance has been stored.

Subclause (3) also inserts proposed subsection (4a) which provides that a regulated substance production licence authorises, subject to its terms, operations of a kind prescribed by the regulations associated with the production of a regulated substance.

24—Amendment of section 35—Grant of production licence

Subclauses (1) and (2) update an obsolete reference to mining tenements to mineral tenements under the *Mining Act 1971*. Subclause (3) inserts proposed subsection (3a) providing that the process of tender for grant of a production licence does not apply if the Minister has entered into a safety net agreement under section 94 in relation to a production licence in respect of a regulated resource in that area.

Subclause (4) inserts a new subsection (5) which provides for the notification of the holder of a production licence on receiving and application for a gas storage licence within the area of the existing production licence.

25—Amendment of section 37—Area of production licence

The amendment in this clause is consequential on the proposed regulated substance production licence.

26—Amendment of section 43—Royalty on regulated resources

Subclause (1) amends the day on which a royalty return is to be provided to the Minister from within 30 days after the end of each month to the last day of the month following each month in which a regulated substance or geothermal energy is produced.

Subclause (2) inserts a new subsection (13) providing that the Treasurer may, after consultation with the Minister, reduce or waive royalty—

- in respect of a regulated substance or a regulated resource prescribed by the regulations; or
- in prescribed circumstances.

27—Insertion of Part 7A

This clause inserts a new Part as follows:

Part 7—Rental

45A—Rental payable for utilising natural reservoir for storage

The proposed section provides that the holder of a licence who utilises a natural reservoir to store a regulated substance must pay a prescribed amount by way of rental. The proposed section provides for exemptions from the liability to pay rental and for rental to be reduced or waived by the Minister as provided in the proposed section, as well as for the review of the exemption provisions in the proposed section.

45B—Rental return

The proposed section requires the holder of a licence to whom proposed section 45A applies to provide the Minister with a return at the end of each prescribed period setting out matters set out in the proposed section. An administrative penalty applies for a failure to comply with this requirement. The proposed section further provides that the return must be accompanied by the rental payable by the holder of the licence. The Minister may determine that a requirement under the proposed section does not apply to a particular licensee or class of licensee, or impose requirements on the licensee in a manner set out in the proposed section.

45C—Penalty for late payment

The proposed section provides for penalties to apply to a licensee who fails to pay rental as and when required under the proposed part.

45D—Recovery of rental

The proposed section provides that rental payable, and any penalty interest or fine imposed by the Minister under the proposed Part, may be recovered as a debt due to the Crown.

28—Amendment of section 48—Alteration of pipeline

This amendment increases the maximum penalty for altering or modifying a pipeline other than in accordance with section 48 from \$120,000 to \$250,000.

29—Amendment of section 59—Relationship with other licences

These amendments provide that the Minister need not consult with an existing licensee in respect of area of land proposed to be covered under an associated activities licence if the existing licensee is the person applying for the associated activities licence.

30—Repeal of section 59A

This amendment removes the requirement for a special facilities licence to be located within an area declared by the Minister by notice in the Gazette.

31—Amendment of section 59B—Special facilities licence

Subclause (1) makes an amendment related to the removal of the declared areas in clause 29. It allows the area of a special facilities licence to be specified in the licence and limited to an area not exceeding 5 km². Subclause

(2) adds a provision that a special facilities licence may licence a direct air capture and storage facility for the purposes of capturing carbon dioxide and storing it in a natural reservoir.

32—Repeal of section 59C

The repeal of this section is consequential on the amendments in clauses 29 and 30.

33—Amendment of section 59D—Term of special facilities licence

This clause amends subsection (2)(a) to allow for the Minister to renew a special facilities licence for a term to be determined by the Minister and notified to the licensee.

34—Amendment of section 59E—Relationship with other licences

These amendments provide that the Minister need not consult with an existing licensee in respect of area of land proposed to be covered under a special facilities licence if the existing licensee is the person applying for the special facilities licence.

35—Amendment of section 65—Application for licence

The amendments to this section are technical in nature and allow for fees to be prescribed by notice in accordance with the *Legislation (Fees) Act 2019* and clarify that the Minister may determine the manner and form of licence applications.

36—Amendment of section 69—Grant of compatible licence to area already under licence

These amendments provide that the Minister need not consult with an existing licensee in respect of area of land under a licence that is deemed compatible in accordance with this section if the existing licensee—

- is the person who is applying for the compatible licence; or
- is a licensee whose licence has been offered, but not yet granted to them by the Minister in accordance with section 66.

37—Insertion of section 73A

This section inserts a new section as follows:

73A—Mandatory condition as to management system

The proposed section makes it a mandatory condition of every licence that the licensee must establish and maintain a management system that complies with any requirements prescribed by the regulations in relation to the regulated activities to be carried out under the licence.

38—Amendment of section 77—Non-compliance with licence conditions

This amendment increases the maximum penalty applying for the offence of a licensee failing to comply with a licence condition from \$120,000 to \$250,000.

39—Amendment of section 84—Records to be kept by the licensee

This amendment inserts a requirement for the licensee to keep a record of their approved statement of environmental objectives.

40—Substitution of section 85

This clause substitutes section 85 as follows:

85—Reporting of certain incidents

The proposed section sets out the manner and circumstances in which immediately reportable incidents and reportable incidents are to be reported to the Minister.

An *immediately reportable incident* is an incident arising from activities conducted under a licence specified in the relevant statement of environmental objectives to be an immediately reportable incident.

A *reportable incident* is an incident (not being an immediately reportable incident) arising from activities conducted under a licence specified in the statement of environmental objectives to be a reportable incident. The regulations may provide for other matters to be brought within the ambit of these definitions.

41—Amendment of section 86—Information to be provided by licensee

Subsection (1) is recast to provide that the licensee must provide information or material relevant to carrying out regulated activities under the Act as requested by the Minister. Subclause (2) inserts a new subsection (5a) requiring any costs associated with complying with a requirement to provide information under the section to be borne by the licensee.

42—Insertion of Part 11 Division 9A

This clause inserts a new division into Part 11 as follows:

Division 9A—Change in control of holder of licence

86AA—Interpretation

Proposed subsection (1) defines key terms for the purposes of the proposed Division, such as what constitutes *control* and a *change in control* of the holder of a licence.

Proposed subsection (2) provides that is the intention of the Parliament that the proposed Division will apply within the State and outside the State to the full extent of the extraterritorial legislative capacity of the Parliament.

86AAB—Approval of change in control of holder of licence

The proposed section sets out the process by which a person may apply to the Minister for approval of a change in control of the holder of a licence.

86AAC—Offences

The proposed section sets out a number of offence provisions that apply to a person who begins or ceases to control the holder of a licence. Maximum penalties of \$250,000 apply in relation to offences under the proposed section.

The proposed section also allows the Minister to cancel a licence in respect of which a change in control has been effected if an offence is committed by a person other than the licensee.

43—Amendment of section 86A—Fitness-for-purpose assessment

The amendments in this clause update the requirements for a fitness for purpose assessment required to be carried out by the licensee. Currently, only certain licensees are under an obligation to undertake a fitness for purpose assessment under the Act. These amendments extend the requirements to all licensees but limit the ambit of the assessment to be carried out to prescribed facilities (as defined in the measure).

44—Amendment of section 87—Activities to be carried out with due care and in accordance with good industry practice

This amendment increases the maximum penalty for failure to carry out regulated activities with due care and in accordance with good industry practice from \$120,000 to \$250,000.

45—Amendment of section 88—Ministerial direction

Subclause (1) expands the ambit of the matters in respect of which the Minister may direct the licensee under section 88(1) to include a direction to take specified action required to ensure obligations under the Act or a licence are met. Subclause (2) inserts a requirement for a notice of direction under section 88 to include the Minister's reasons for giving the direction and to allow a reasonable time for compliance with the direction. Subclause (3) increases the maximum penalty for a failure to comply with a direction under the section from \$120,000 to \$250,000.

46—Insertion of section 91A

This clause inserts a new section as follows:

91A—Assignment of liability or obligation of licensee on surrender or cancellation of licence

The proposed section allows the Minister, on application by a licensee before a licence is surrendered or cancelled under Part 11 Division 12 of the Act, to agree to the assignment of a liability or obligation of the licensee under the Act to a third party on terms and conditions determined by the Minister.

47—Insertion of Part 11 Division 12A

This clause inserts a new Part 11 Division 12A as follows:

Division 12A—Extension of term or reinstatement of licence

91B—Extension of term of licence

The proposed section allows the Minister to extend the term of a licence to which the proposed section applies in a manner, and in circumstances, set out in the proposed section. The proposed section is expressed to apply in relation to an exploration licence, a retention licence, a production licence, a pipeline licence, an associated activities licence or a special facilities licence.

91C—Reinstatement of licence

The proposed section allows the Minister to reinstate a licence to which the section applies that has expired in a manner and in circumstances set out in the proposed section. The proposed section is expressed to apply in relation to an exploration licence, a retention licence, a production licence, a pipeline licence, an associated activities licence or a special facilities licence.

48—Amendment of section 93—Obligation not to interfere with regulated activities

This clause increases the maximum penalty for the offence of interfering with regulated activities lawfully conducted under a licence from \$60,000 to \$150,000.

49—Amendment of section 96—Pre-conditions of regulated activities

This clause increases the maximum penalty for the offence of carrying out regulated activities without a statement of environmental objectives in force for the relevant activities from \$120,000 to \$250,000.

50—Insertion of Part 12 Division 2A

This clause inserts a new Part 12 Division 2A as follows:

Division 2A—Environmental impact assessment criteria

96A—Environmental impact assessment criteria

The proposed section enables the Minister to determine criteria (the *environmental impact assessment criteria*) against which the environmental impact of regulated activities is to be assessed for the purposes of Part 12. The environmental impact assessment criteria, and any variation or revocation of the criteria, are to be notified by the Minister in the Gazette. The environmental impact assessment criteria are to be reviewed in accordance with the requirements of the regulations.

51—Amendment of heading to Part 12 Division 3

This clause amends the heading to Part 12 Division 3 consequential on other amendments in the measure.

52—Amendment of section 97—Environmental impact report

This clause adds the following requirements for inclusion in an environmental impact report:

- an assessment against the environmental impact assessment criteria (made under proposed section 96A) in a manner determined by the Minister or prescribed by the regulations;
- a requirement for the licensee to undertake consultation on the environmental impact report in accordance with the requirements of the regulations.

53—Repeal of section 98

This clause repeals a section mandating the classification of regulated activities.

54—Substitution of section 99

This clause substitutes the current section 99 to update it as follows:

99—Statement of environmental objectives

This proposed section revises and updates the current section regarding the requirements for preparing a statement of environmental objectives. A statement of environmental objectives must be prepared in accordance with the requirements of the regulations and submitted to the Minister for approval.

If the Minister determines that an approved statement of environmental objectives should be revised, a revised statement must be prepared in accordance with the requirements of the regulations and approved by the Minister. The licensee must also undertake consultation on the proposed statement in accordance with the requirements of the regulations.

55—Amendment of section 100—Content of statement of environmental objectives

In addition to the content currently specified in section 100, this clause makes amendments requiring a statement of environmental objectives to set out—

- leading performance criteria (as defined in amendments to section 4 of the Act); and
- immediately reportable incidents and reportable incidents (as defined in proposed section 85 of the Act); and
- such other information as prescribed by the regulations.

56—Substitution of sections 101 to 103

This clause deletes sections 101 to 103 (inclusive) that refer to the approval of statements of environmental impacts as being in respect of low, medium or high impact activities. Statements of environmental objectives are no longer to be classified in this manner. The proposed sections set out the requirements for the approval and review of all statements of environmental objectives as follows:

101—Approval of statement of environmental objectives

The proposed section sets out the manner in which the Minister may approve a statement or revised statement of environmental objectives, and the notice and other requirements once the statement or revised statement is approved.

102—Review of statement of environmental objectives

The proposed section provides for the circumstances in which a statement of environmental objectives must be reviewed, and how a review must be conducted and how such a revised statement is to be approved.

57—Amendment of section 105—Enforcement of requirements etc of statement of environmental objectives

This clause makes amendments consequential on other changes to the requirements around statements of environmental objectives in this measure.

58—Insertion of Part 12 Division 4A

This clause inserts a new Part 12 Division 4A as follows:

Division 4A—Consultation by Minister

105A—Consultation by Minister on environmental impact report and statement of environmental objectives

The proposed section sets out the manner in which the Minister must undertake public consultation on environmental impact reports and statements of environmental objectives.

59—Amendment of section 106—Environmental register

This clause amends section 106 to make changes to the contents of the environmental register consequent on other amendments in the measure, and inserts a requirement that the register must contain any other document prescribed by the regulations.

60—Substitution of sections 108 and 109

This clause substitutes the current provisions regarding the power of the Minister to direct persons to take action to prevent or minimise environmental harm and rehabilitation of land as follows:

108—Environmental directions

The proposed section gives the Minister power to issue an environmental direction if, in the Minister's opinion, regulated activities are being conducted in a way that results in, or is reasonably likely to result in—

- undue damage to the environment; or
- a breach of a statement of environmental objectives; or
- any other breach of the Act.

The proposed section sets out the manner in which a direction may be given and reviewed, the nature of the directions that may be given and imposes a maximum penalty of \$250,000 for a person who fails to comply with a direction. Owners of land are required to be notified of a direction given under the proposed section.

109—Rehabilitation directions

The proposed section gives the Minister power to issue a rehabilitation direction to require action to be taken—

- to rehabilitate land in accordance with the requirements of a statement of environmental objectives (including land outside the area of the licence); or
- to rehabilitate land to a standard required to secure compliance with a condition of the relevant licence (including land outside the area of the licence); or
- to remove abandoned equipment and facilities.

The proposed section further sets out the requirements for issuing a direction and imposes an offence with a maximum penalty of \$250,000 for a person who fails to comply with a direction.

61—Amendment of section 110—Application for review of environmental direction

This clause makes an amendment consequential on the amendments in clause 60.

62—Amendment of section 111—Liability for damage caused by authorised activities

This clause inserts a requirement that a report under subsection (2) is to be made in a manner, and comply with requirements, determined by the Minister.

63—Amendment of section 120—Powers of entry and inspection

Subclause (1) increases the maximum penalty for obstructing, without reasonable excuse, an authorised officer in the exercise of powers under the section from \$4,000 to \$10,000. Subclause (2) inserts an offence with a maximum penalty of \$10,000 or imprisonment for 6 months for a person failing to give an authorised officer such assistance as is reasonably required for the effective exercise of a power conferred by the section.

64—Amendment of section 121—Power to gather information

This clause increases the maximum penalty provisions in subsections 121(2) and (3) from \$4,000 to \$10,000.

65—Amendment of section 122—Production of records

Subclause (1) makes amendments consequential on those in clause 27. Subclause (2) increases the maximum penalty provision in subsection (2) from \$4,000 to \$10,000.

66—Amendment of section 124—Decisions etc subject to review

These amendments are consequential on the amendments in clauses 27 and 42.

67—Substitution of sections 129 and 130

This clause deletes section 129 which deals with the service of notices, as the general service provision in the *Legislation Interpretation Act 2021* will apply. Section 130 which deals with verification of information is substituted by an offence regarding the giving of false or misleading information. The clause also adds a provision dealing with self-incrimination:

129—False or misleading information

The proposed section makes it an offence with a maximum penalty of \$150,000 for a person who gives information to the Minister, an authorised officer or any other person involved in the administration of the Act that is false or misleading in a material particular.

130—Self-incrimination

The proposed section addresses the refusal of a person to provide information required by or under a direction under the Act on the grounds of self-incrimination.

68—Insertion of section 132

This clause inserts a new section as follows:

132—Charge on property if debt due to Crown

The proposed section allows for a charge on property to apply to the owner of property who is liable to pay a debt due to the Crown under the Act.

69—Substitution of section 135

This section deletes section 135 and updates it as follows:

135—Disclosure of information

The proposed section outlines the limitations on the disclosure of information obtained by an authorised officer or other person who carries out or has carried out duties related to the administration of the Act. A person who discloses information other than as provided for in the proposed section is guilty of an offence with a maximum penalty of \$20,000 applying.

70—Amendment of section 136—Administrative penalties

This clause increases the maximum amount that is able to be set as an administrative penalty in the regulations from \$10,000 to \$15,000.

71—Substitution of section 138

This clause substitutes the current section allowing the Governor to make regulations as follows:

138—Regulations and fee notice

The proposed section recasts and updates the power of the Governor to make regulations as are contemplated by, or necessary or expedient for, the purposes of, the Act. Several of the amendments are consequential on other proposed amendments in the measure.

The proposed section also allows regulations of a saving or transitional nature to be made consequent on the amendment of the Act by another Act, and allows for the Minister to prescribe fees for the purposes of the Act by fee notice under the *Legislation (Fees) Act 2019*.

Schedule 1—Transitional and saving etc provisions

The Schedule contains transitional and saving provisions consequent on the amendments contained in the measure.

Debate adjourned on motion of Hon. B.R. Hood.

At 16:17 the council adjourned until Tuesday 14 November 2023 at 14:15.