HOUSE OF ASSEMBLY

Wednesday, 16 October 2024

The SPEAKER (Hon. L.W.K. Bignell) took the chair at 10:30.

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

The SPEAKER read prayers.

Members

MEMBER FOR BLACK, RESIGNATION

The SPEAKER (10:31): I have received a letter from the Hon. David Speirs resigning his seat in the house. I inform members that, following the resignation from the House of Assembly by the Hon. David Speirs, I have conferred with the Electoral Commissioner as to a suitable date for a by-election in the district of Black. I will today issue a writ to effect a by-election in the electoral district of Black for Saturday 16 November 2024. I make this statement having regard to sections 47 and 130A of the Electoral Act 1985 (South Australia).

In the letter that I received from Mr Speirs he said that it had been the greatest privilege of his life to serve his community as a representative in the House of Assembly and, 'I wish all members success as they seek to do their very best for the state of South Australia.' I would like to put on the record thanks to David Speirs for the work he did as a local MP for 10 years and as a minister in the Marshall government for four years. It is not always an easy job and it is a job that comes with many pressures, and we wish Mr Speirs all the very best in his future.

I would also like to thank the Electoral Commissioner, Mick Sherry. Mick and I have had a fair few discussions over the past few days as we worked through what the process might look like, and it has been very good to deal with the Electoral Commissioner. We have some key dates that I might go through. Speaking to the Electoral Commissioner this morning, he said that he would have this information online as soon as possible.

The writ obviously will be issued today, the closing of the rolls will be at 5pm on Monday 28 October 2024, the closing of nominations will be on Friday 1 November 2024, the poll obviously will be held on Saturday 16 November 2024 and the writ will be returned on or before Thursday 28 November. The 28th will give the Electoral Commission every possible moment that they might need, given that they have to allow seven days for postal votes to come back in.

We do envisage that it might actually be on the Tuesday or even the Monday that we might get that writ back, but we will just have to wait and see how the election and the counting of votes plays out. I think it is important for those constituents of Black that they have a member of parliament in here before we get up for the Christmas break. That's that, and I will be seeing the Electoral Commissioner in about an hour and a half.

Bills

CONSTRUCTION INDUSTRY COMMISSIONER BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 August 2024.)

Mr ODENWALDER (Elizabeth) (10:38): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 21
Noes.....13
Majority 8

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Fulbrook, J.P.	Hildyard, K.A.
Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K. (teller)	O'Hanlon, C.C.	Pearce, R.K.
Savvas, O.M.	Thompson, E.L.	Wortley, D.J.

NOES

Batty, J.A.	Brock, G.G.	Cregan, D.R.
Ellis, F.J.	Gardner, J.A.W.	McBride, P.N.
Patterson, S.J.R.	Pederick, A.S.	Pisoni, D.G. (teller)
Pratt, P.K.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Cook, N.F.	Basham, D.K.B.	Stinson, J.M.
Hurn, A.M.	Piccolo, A.	Tarzia, V.A.
Szakacs, J.K.	Cowdrey, M.J.	

Motion thus carried; order of the day postponed.

Parliamentary Procedure

VISITORS

The SPEAKER: I would like to take this opportunity to welcome students from Glencoe Central Primary School into the parliament today, my favourite ever group of students, even if you are from the member for MacKillop's electorate and you are his guests in here today. It was terrific to have you in the Speaker's office, where I have that photo of me from 1972 in the first intake of the Glencoe school when we merged Glencoe West and Glencoe East primary schools to come together as one school.

You have been fantastic in the way you have gone around parliament today, very polite and respectful, as we expect from all the mighty Murphys down in Glencoe. To my cousin, Frazer Scanlon, the principal: you should be very proud of your students and the way they are going about things today. I hope you have a really enjoyable day. The member for MacKillop is a great friend of Glencoe and he will always look after you.

Motions

PREGNANCY AND INFANT LOSS REMEMBRANCE DAY

Ms SAVVAS (Newland) (10:49): I move:

That this house—

(a) notes that 15 October 2024 is Pregnancy and Infant Loss Remembrance Day;

(b) acknowledges this is a special day where families and their supporters remember the little ones gone too soon; and

(c) thanks all the health workers and support services that provide care and support to the families impacted by infant loss.

Today I would like to speak to the house about pregnancy and infant loss awareness, a topic on which we can never, ever discount the value of speaking. October each year is Pregnancy and Infant Loss Awareness Month with a specific focus on 15 October, a day to recognise the babies held only in our hearts. In October, we encourage families to break their silence and speak up, sharing their stories of pregnancy and infant loss, no matter how stigmatised and how difficult.

Every year, 110,000 Australians have a miscarriage and over 2,000 babies are born still. Another 600 lose their baby in the first 28 days after birth. I believe that in this place it is of critical importance to speak up and speak proud about the babies lost and loved. For me, this is incredibly personal, as 24 years have gone by but my family still mourns the loss of my baby brother Benjamin, who was born awake at 24 weeks' gestation but passed soon after. Our entire lives have very much been shaped by the gravity of this loss. The impact that someone so small has had on my life can never be discounted. I continue to say his name in this place because I feel that I have to and because I owe it to him, as his big sister, to continually acknowledge the footprints that he left in our lives.

We owe it collectively to all the babies who should have learned to ride a bike, who should have learned to read, who should have gone to school, who should have celebrated Christmases and 21st birthdays and who may have had the chance later to have babies of their own. The figure is too high. Too many parents and sisters and brothers and grandparents and friends continue to grieve those babies every Christmas, every birthday, every Mother's Day and every Father's Day for the rest of time.

There is no sadder nor more quiet place than the baby cemetery that I visit each year on Mother's Day, and there is nothing that breaks my heart more than seeing year upon year, in a very Adelaide fashion, more names of families I know in that cemetery mourning babies, often in silence. I went through life loving and knowing my baby brother, as I know so many older brothers and sisters have, and I will always do what I can to break that silence for him and for the parents who I know often are not able to.

I would like to acknowledge the work of some wonderful people in the fight to not only speak up about these babies but to educate expecting parents about risks during pregnancy. Red Nose Australia, as many would know, is Australia's leading authority on safer pregnancy advice and bereavement support to those affected by infant loss. Here in South Australia, we have the incredible Red Tree Foundation, the South Australian arm raising funds and providing support to families impacted by that loss as well.

In Australia, we have seen an 80 per cent reduction in SIDS since 1989, which is huge. That research has done so much for so many families. In 2020, only 25 babies died from SIDS across the country—which, although still absolutely devastating, is significantly less than in years gone by. I would also like to acknowledge the passing of my older cousin, who died from SIDS some years ago.

I would also like to acknowledge in the federal space the fierce, tireless work of former Senator and Premier of New South Wales, Kristina Keneally, in this space. Kristina has been tireless in her fight for better outcomes after losing her own daughter to stillbirth in 1999. Because of her, the Senate established the Select Committee on Stillbirth Research and Education to inquire and report on the future of research and education here in Australia. We know that there is more to do in that space, particularly in the states, and I will continue to fight for better outcomes at a state government level.

I would also, at the South Australian level, like to acknowledge the wonderful work of Still Aware, Australia's first stillbirth awareness charity. Still Aware, too, was created in response to a lost baby, Alfie. Alfie was born to term and born still without reason, like so many other stillbirths. Alfie's parents got together to form Still Aware in her memory to change the conversation about stillbirth, and they continue to raise awareness and provide education to expectant parents.

I am so incredibly warmed by the amazing work of Still Aware in South Australia and would like to call out the team at Still Aware who are currently preparing for their 10-year anniversary gala next week, which I will be attending and speaking at alongside former Senator Kristina Keneally. That is an incredible opportunity to raise funds for much-needed stillbirth awareness and education here in South Australia.

I would also like to acknowledge Tracey Clark, an individual from Still Aware, who just yesterday received the Westfield Local Hero award, again acknowledging her work in this incredible space. Still Aware have put together these brilliant booklets called Your Pregnancy, educating expectant mothers about baby's movements, including frequency of those movements and sleep patterns. They also do something that is incredibly important and discuss culturally specific pregnancy advice as well. We know, unfortunately, Aboriginal and Torres Strait Islander mums have much higher rates of stillbirth and infant mortality than other Australians, and Still Aware are actively seeking to educate in a culturally safe and accessible way for those mums and, of course, the broader communities that help bring babies into the world.

Last night, as I always do, I joined in the Wave of Light, which is a moment to light a candle at home with other bereaved families and friends all over the world in memory of babies lost and loved. Today in this place I acknowledge them again, as I always will. To parents and families and loved ones of lost babies, I say this: I see you, my family continues to grieve with you, and I value the lives of your babies lost.

Ms PRATT (Frome) (10:55): I want to send my heartfelt recognition across the chamber to the member who has brought this motion. I thank her very much for bringing awareness to the chamber today about this important day that we must recognise. She gave very personal reflections that are difficult not only to deliver but I think sometimes also to hear, but certainly we want to recognise those babies that were loved and lost.

I am not the only speaker for the opposition today, and I am pleased to hear that. The opposition supports this motion, where we recognise that 15 October is Pregnancy and Infant Loss Remembrance Day. It is a day to support the thousands of families who are affected by the loss of a baby and to help them honour and celebrate the babies that they have lost. Remembrance events are held in each state, and that ensures that every family has an opportunity to choose to participate where they feel they can.

On 15 October, families worldwide commemorate Pregnancy and Infant Loss Remembrance Day, a day that honours the lives lost and helps to raise awareness about pregnancy loss. It is a subject that is difficult to discuss and often overlooked. This day acknowledges the pain, the trauma, the distress, the anxiety, the grief of those affected and promotes hope and understanding and, hopefully, an opportunity and platform for discourse so that more mothers, fathers and families feel that they can have these conversations.

In Australia an estimated one in four pregnancies end in miscarriage every year, and approximately 3,000 babies die from causes such as stillbirth and sudden infant death syndrome (SIDS). According to federal government data, up to 110,000 Australian women will experience a miscarriage each year. It is stating the obvious to say that this leaves not just a traumatic and lasting toll on their physical body but a mental toll as well, especially for the 1 to 2 per cent of women who tragically have three or more miscarriages. According to recent reports, 53 per cent of expectant and new mothers have experienced a loss. This just emphasises how all parents, including those who suffer from miscarriages, stillbirth or neonatal death, do need easily accessible support.

I would like to make mention at this point of a very special lady called Karen O'Brien, who made the trek all the way to Burra to meet with me as the new member for Frome. She was representing The Compassionate Friends of South Australia. I cannot capture better than they do the purpose of their organisation. I will just read briefly from their own website:

> When a son or daughter dies, no matter what their age or the cause of death, grief lasts for longer than society in general recognises. The death of your child is an unacceptable tragedy, and it can take a long time before you regain any sense of normality in your life.

Karen is an extraordinary person who represents one of many organisations dedicated to supporting mums and dads, expectant parents and individuals through this traumatic time. Women who experience miscarriage commonly report a lack of information, poor access to follow-up care and limited referral to counselling or other services. It is worth noting that there has been federal funding of $9½ million dollars recently allocated to bereavement support for women and families who suffer miscarriage and to address some of those data gaps.

Red Nose Australia is Australia's leading authority on safe sleep and safer pregnancy advice, as well as bereavement support for anyone affected by the loss of pregnancy, stillbirth or the death of a baby or child. In 2020, Red Nose merged operations with Sands Australia to create Australia's leading organisation dedicated to saving little lives through research, education and support services for families who are impacted by the death of a baby or a child during pregnancy, birth, infancy or early childhood. The Red Nose Back to Sleep campaign, which has resulted in an 80 per cent reduction in SIDS in Australia, is one of Australia's most successful public health programs.

I, too, thank all those health and support workers and services that provide care and support to families impacted by infant loss. Let us keep in mind that every loss matters on this Pregnancy and Infant Loss Remembrance Day. Increasing awareness about miscarriage not only pays tribute to those we have lost but also aids grieving parents on their road to recovery.

May we turn sorrow into optimism by creating a compassionate and understanding atmosphere, an environment where people can speak about this freely and get the support they need. By working together, we can give voice to personal stories and create a supportive network for those dealing with the intense difficulties associated with pregnancy and child loss. I support the motion.

The Hon. D.G. PISONI (Unley) (11:02): I thank the member for Newland for bringing this motion to the house. I felt that I should speak about my mother's experience. She is a mother of five boys but her firstborn, Nicholas, born in March 1961, died after 32 days. He was born with spina bifida. I know that she still thinks about him to this very day. He would have obviously been my eldest brother had he survived. In those days, of course, the advice that my mother received was, 'That's it. You have had one with spina bifida, you won't have anymore,' and we know that the evidence now is that if you have a child born with spina bifida, it is likely that more will be born with it, so we are very lucky that the four of us were born without that ailment.

Even though he was only 32 days old, I know from conversations I have had with my mother how much she loved him and how much she still misses him today. I think we cannot underestimate the impact that a loss of an infant has on a family. I can remember when I first learnt about it, when I first started school, and my mother explained to me that I did have an older brother who was no longer with us, how upset I was to learn that that had happened in our family.

We are talking about 65 years ago when my mother, as a 21 year old, had this experience. There simply was not the empathy and the support that there is now. I know that those workers in the support services provide enormous support. I am sure that if they were there when my mother went through this experience all those years ago that it may very well have been a slightly easier process for her to manage through her life.

You learn so much about colleagues in this place during private members' motions because people do reflect very much on personal experiences during their private member's speeches. We are, of course, a sample size, if you like, of the general population and the fact that we know there are two people in this parliament who would have had an additional sibling if it was not for the death of an infant soon after birth shows how prevalent that would be in the community. I know the member for Frome has gone through some of those statistics and figures. It is a sombre motion and a time to think of not just those directly involved but family members who were there to support that mother and direct family at the time as well. We should also acknowledge them. On that basis, I commend the motion to the house.

Ms SAVVAS (Newland) (11:05): I do not have a need to speak further but I would like to thank both the member for Frome and the member for Unley for their contributions. Again, it is not the sort of thing that is often talked about, but I do have a firm belief that the more individuals like ourselves talk about events like that in our own lives in a place like this one of such significance, it hopefully does at least a small bit to open up that conversation for people in the broader public.

I do know that having those conversations and speaking out, particularly as individuals grieve and process the somewhat traumatic experiences of the loss of their little ones, can actually make a really huge difference in terms of accessing supports. I do want to thank the other two members for their contributions and, of course, acknowledge again the loss and the contributions of those little lives that have been lost by so many here, particularly in South Australia.

Motion carried.

CFMEU

Mr TEAGUE (Heysen) (11:07): With leave, I move the motion on behalf of the member for Colton:

That this house–

(a) notes the takeover of the South Australian CFMEU by Victorian union officials;

(b) notes the threats to South Australia's building and construction industry that have been made by union officials;

(c) notes the attempt to replace a South Australian workers entitlement scheme with the Victorian alternative;

(d) notes the specific threats to the AFL mad by John Setka on behalf of the CFMEU; and

(e) condemns the Albanese Labor government for its abolition of the Australian Building and Construction Commission.

In doing so, I note that the motion—as is the process now and a welcome one—is timely as opposed to having been put on the *Notice Paper* many months in advance, and yet even sitting on the *Notice Paper* for the time that it has sat there, it serves almost as a sort of sentimental reminder of what might have been a source of some angst and controversy right in that moment but now on its face looks like a plain statement of the obvious.

I note paragraph (d) in particular. There might be a minor typo, but how mad indeed was the now former head of the CFMEU, John Setka, to have gone after, of all people, a senior official at the AFL—uncontroversially madness. I note the minor typo. The form of the motion is in the following five paragraphs:

That this house—

and it should—

(a) notes the takeover of the South Australian CFMEU by Victorian union officials;

(b) notes the threats to South Australia's building and construction industry that have been made by union officials;

(c) notes the attempt to replace a South Australian workers entitlement scheme with the Victorian alternative;

(d) notes the specific threats to the AFL made by John Setka on behalf of the CFMEU; and

(e) condemns the Albanese Labor Government for its abolition of the Australian Building and Construction Commission.

So there it is. Clearly, paragraph (e) is a statement of intent and the balance speaks to the sorry history that occurred in this state over the better part of 2½ years, following the election in March 2022.

It is a salutary reminder for all South Australians. Of course, it is particularly a lesson to be learned by the Premier and the government that when we talk about the threat of militant and belligerent union behaviour on politics, on public life and in terms of the potential for it to cause great harm in the particular sector in which such bad union behaviour occurs, it is not just so much rhetoric. This sounds in terms of real consequences to the lives of ordinary Australians.

We know, because we say it with every breath, that we have an ongoing inflation problem in the country. In particular, in South Australia we have an ongoing housing crisis, we have a broader cost-of-living crisis, which is a challenge for governments both state and federal, and in the midst of all this we have a union that operates in an area that is so immediately consequential to all of those important issues in daily life that has gone so dramatically off the rails. So much is clear.

By way of illustration today, I want to take the opportunity to pay particular tribute to the prescience and leadership of Will Frogley as the chief executive responsible for the Master Builders Association. Do not hear it from some sort of partisan position in politics in this place, but listen to the words of one who speaks on behalf of members of the Master Builders Association in this state;

someone who engages very effectively with all sides of politics and whose day-to-day business relies on ensuring that the environment in which he advocates is as healthy as it can possibly be. First, a bit of context, and I talk about the March 2022 state election.

It was not until the August of 2022 that the Premier was moved to deal with what had been a donation, let alone the activity of the union in the election—and I will deal with that in a minute. He had been moved, but not until the August, finally to be dragged to a position where it was just untenable for the Labor Party to retain what had been a $125,000 donation from the CFMEU to the Labor Party to help it prosecute the election campaign. Leave aside the complete inadequacy of the hypocrisy of applying that donation in the interests of achieving the outcome and then saying, 'Well, rather than provide that to some good cause or really make amends, make proper restitution'—if such a thing could ever happen—'we won't do that, we will re-empower the union by giving the money straight back to them.' Never mind the inadequacy of that whole situation.

We saw writ large through 2022 that this is an issue for Labor. It is an issue for Labor politics in this state; it is not just an issue of making sure that unions behave themselves. In 2022, the story was that the Master Builders Association was saying that there was a looming threat of the CFMEU coming in and taking over in South Australia, imposing on South Australia an 'our way or the highway' approach, including violently, and yet you see for the balance of 2022 Labor being happy to associate with the CFMEU, happy to take their money, and only then dragged to a position where they have to front up and move to return. *The Advertiser* newspaper wrote on 8 August 2022 that:

> The John Setka-led Victorian branch of the CFMEU has formally taken control of the SA branch after union members unanimously endorsed the controversial proposal.

We then see some credit given to Premier Malinauskas, and I quote:

> Premier Peter Malinauskas' move to stand up to the CFMEU by handing back a controversial $125,000 donation has sparked fierce backlash from union bosses, who have accused him of betraying members and lashed his comments as 'irresponsible'.

Here is the kicker:

> Just hours after the Labor Party state executive endorsed Mr Malinauskas' request to relinquish the money, the union issued a scathing statement that likened his decision to 'calling for reinforcements and then shooting them in the back when the battle is won'.

That piece is there for all to see. Tellingly, at that point, in August 2022, *The Advertiser* concludes its reporting—and again I quote:

> Legislation to ban political donations—a Labor election commitment—will be introduced 'well before the next election'.

We are seeing that sort of starting to pan out in the debate just finally now in these last months of 2024. I might say that in that regard you have a situation where Labor accepted $125,000 from the CFMEU ahead of 2022, and we then heard much from the Premier in particular about this kind of high moral ground of wanting to see donations out of politics, and yet all we have seen from the government in relation to its now very far down the track production of a proposal to do away with donations, gives more or less the framework for the rolling out of the red carpet to the CFMEU and others to participate just as freely as ever with many hundreds of thousands of dollars of participation in election campaigns going into the future. Labor is showing no sign of changing its tune really when it comes to the substance of reforms that the Premier would like to take some sort of high moral ground credit for.

I want to then reflect on what was about the best encapsulation of the circumstances as they arrived in the middle of this year, 2024. In the words of Will Frogley, and reported in the press on 15 July 2024, I quote:

> 'God forgives, the CFMEU does not.'
>
> The voice on the other end of the line was different from the previous calls I'd received from private numbers, but the words were the same.
>
> There's an irony about someone trying to intimidate you when they don't have the balls to identify themselves.
>
> But the menacing tone of the calls I received on a Wednesday morning in late June were unnerving.

The previous day I'd gone harder in my criticisms on John Setka and the CFMEU than at any time before.

Did I go too hard, or were they just trying to scare me into shutting up?

For a moment, the image of Setka openly posing with patched senior bikies, who he'd hired as CFMEU organisers and delegates, flashed through my head.

In Melbourne, the dissenting voices shut up years ago. You play by the CFMEU rules over there, or you don't play.

Here it was always different.

The union was robust. They never took a backward step on safety or worker conditions, and nor should they have.

Unions have an important role to play in our industry.

The work can be tough and dangerous. Our workers deserve to be well paid and kept safe.

But back then we could generally sit around a table with the union and nut out our differences and come to a fair agreement.

That changed in August, 2022, when Setka's Victorian branch took over the SA CFMEU.

Within 24 hours my car had been vandalised, as had other MBA SA vehicles.

But it's what has been happening to people with skin in the game—business owners trying to deliver our infrastructure projects in already challenging economic conditions—that really worries me.

I've seen evidence of at least one SA CFMEU representative brazenly standing over a local business recently.

The message was simple: If the business didn't ensure his workers joined the union they wouldn't be allowed on work sites. The business would also miss out on future contracts.

That's where we're at now in SA.

SA apprentices being told they can't work unless they join a Victorian union which stands over their bosses and has open ties with bikies. Businesses being told to toe the line or miss work.

Would I want my son or daughter working in an industry like that?

It's heartened me over the weekend to see federal Industrial Relations Minister Tony Burke say that nothing is off the table—even deregistration of the construction arm of the CFMEU.

And now the national office of the CFMEU has taken control of the SA, Victorian and Tasmanian branches.

Premier Peter Malinauskas and Infrastructure Minister Tom Koutsantonis also deserve credit for asking SA Police to investigate whether any local links to the CFMEU and organised crime groups exist in SA.

But others have looked at me as if I'm union-bashing when I've warned them about the dangers of the CFMEU, and the takeover of long-running SA workers entitlements fund BIRST, being attempted by the Victorian CFMEU-backed Incolink.

A few weeks ago the CFMEU went on a blitz, shutting down sites of businesses across the nation who were holding out on signing Enterprise Bargaining Agreements that mandated workers entitlements be paid into Incolink.

Incolink's board of directors still included Setka at the time of writing this, as well as other CFMEU figures.

Mr Speaker, the balance of the article, which I do not have time to read into *Hansard*, I seek leave to incorporate, and I otherwise move for the motion to be supported.

The SPEAKER: Member for Heysen, I think only tables can be inserted into *Hansard*.

Mr FULBROOK (Playford) (11:22): I move to amend the motion by the member for Colton/Heysen as follows:

Delete (a) to (e) and replace with the following:

(a) notes the serious allegations of misconduct against the Construction and General Division of the CFMEU;

(b) affirms that there is no place for corruption or criminal activity, including threats of violence or intimidation, in South Australia's building and construction industry;

(c) congratulates the Albanese Labor government for taking strong and decisive action by placing the Construction and General Division of the CFMEU into administration; and

(d) affirms its support for the South Australian branch of the Construction and General Division of the CFMEU to return to responsible, local leadership as soon as possible.

Mr TEAGUE: Point of order: it goes to the quality of amendment as opposed to the complete removal and substitution of a new motion. I move that this goes beyond the ordinary bounds of amendment; it is out of order.

The SPEAKER: The amendment seems to be in order and germane to the original motion.

Mr FULBROOK: As members of the house would be well aware, there have been significant developments in relation to the Construction and General Division of the CFMEU over recent months. The amendment I move to this motion seeks to reflect those developments.

I am quite sure every member of the house would be disturbed by the allegations of misconduct, including corruption and infiltration by outlaw motorcycle gangs, that have arisen particularly in relation to the Victorian branch of the Construction and General Division. That conduct has led to widespread condemnation not only from the government and opposition but also from the mainstream trade union movement, including figures like the ACTU Secretary, Sally McManus.

In relation to the Construction and General Division of the CFMEU, the government has been absolutely clear about these matters. First, building and construction is a dangerous industry and workers in the industry deserve to have strong union representation looking out for their wages and conditions as well as their health and safety, just like any other worker in our society.

Secondly, there is zero tolerance in South Australia for outlaw motorcycle gangs or the use of violence or intimidation tactics in our building and construction industry. South Australia has historically had a relatively harmonious industrial environment and it is essential to our state's future prosperity that we keep it this way.

If any person has information about unlawful activity in the building and construction industry then that should be reported to the appropriate authorities—whether that be South Australia Police, SafeWork SA or the Fair Work Ombudsman—for investigation. Those involved in any unlawful conduct in the South Australian building and construction industry should face the full force of the law.

Finally, the involvement of the Victorian branch of the CFMEU in the affairs of the South Australian branch has been a failed experiment. South Australian construction workers have been badly let down by the influences of figures like John Setka, who are a long way from the kind of responsible and thoughtful union leadership that these workers deserve.

The government has made its view clear: it wants to see the South Australian branch of the CFMEU detached from the Victorian influence and returned to local responsible leadership. CFMEU National Secretary, Zach Smith, has also told media that is his intention and he hopes it will be facilitated by the administration of Mark Irving KC as soon as possible.

In response to the serious allegations of misconduct by the Construction and General Division of the CFMEU, the federal Labor government has taken decisive action, quickly passing legislation to place the union into administration. This is a strong response aimed at cleaning up the union from the top down, and it is one that has been supported by the Malinauskas government.

The strong response of the federal government contrasts with the calls of the federal opposition to simply deregister the CFMEU, an action which would place the union outside the reach of industrial law and allow elements to continue operating unregulated. It is no surprise that not even the Master Builders Association supports such a policy.

Nor does the answer lie in the opposition's call to re-establish the Australian Building and Construction Commission (ABCC). Many of the most serious allegations against the CFMEU relate to the period where the ABCC was still in existence. The ABCC did nothing to combat this kind of serious corruption or misbehaviour now in issue. Indeed, the ABCC was so ineffective in its role that industrial disputation actually decreased after the organisation was abolished and its powers were remitted to the Fair Work Ombudsman.

We therefore do not support the Liberals' policy of spending significant taxpayer resources to re-establish an organisation that did nothing to combat corruption or criminality, drove up industrial

disputation in the industry and exercised extraordinary powers for political purposes like trying to ban flags on construction sites.

The house should stand united to see a building and construction industry free from corruption and criminal behaviour and to see the South Australian branch of the CFMEU detached from Victorian influence and returned to local leadership as soon as possible. On this side of the chamber, we therefore feel this house should also congratulate the federal Labor government on its strong and decisive response to those allegations. With all these points in mind, I commend the amended motion to the house.

Mr TELFER (Flinders) (11:28): I rise to speak in support of the original motion as put by the member for Heysen and look with interest at the change of the motion that the member for Playford has put. I am surprised, but also not surprised probably, at their trying to manipulate the narrative around this significant, serious issue that South Australia's construction industry is facing at the moment, and I look with interest at the motion which has been moved by the member for Heysen, noticing the nuance that we are now facing in the last couple of years because of the takeover of the South Australian CFMEU by the Victorian union officials.

Indeed, we have already heard in this place, and I will continue the remarks, of some of the threats, the intimidation and the bullying tactics which have been used against people participating in the building and construction industry here in South Australia that have been made by union officials, especially in those two or so years since the Victorian union has taken over the South Australian arm. These stories cannot be disputed, and they are horrendous really when you look at it from an individual perspective. The people, as individuals, are having to deal with this level of vitriol, abuse and intimidation just for trying to go about their job.

As the motion puts in the original form, we note the attempt to replace the South Australian workers' entitlement scheme with the Victorian alternative, and the threats that have been made to individuals; they are becoming more brazen. We saw that with some of the narrative and the commentary around the threats that were made to the AFL. We should not be in a society where that sort of bullyboy tactic, intimidation, threats and abuse should be tolerated. That is why I said I am surprised to see that this change is being made, but also not surprised.

The point that the member for Heysen had started to make from the article that was written by Will Frogley, the man in charge of Master Builders SA who has copped the main brunt of this CFMEU vitriol—and the headline for that article is 'Union bashing was never my reason for warning SA about the CFMEU'—is exactly the same for those of us on this side of the house. We recognise the role that unions play in making sure they are representing workers to get their fair entitlements and making sure that they have a voice within their industry, whatever it might be. It is not about union bashing. It is about highlighting that the actions of certain union officials go over and above that representation, that joined voice.

As the member for Heysen started, and as I will continue to read in some of the remarks from the head of the MBA, Will Frogley, which he wrote back in July, I understand that nothing has changed. Indeed, aspects have become worse. He writes:

> A few weeks ago the CFMEU went on a blitz, shutting down sites of businesses across the nation who were holding out on signing Enterprise Bargaining Agreements that mandated workers entitlements be paid into Incolink.
>
> Incolink's board of directors still included Setka at the time of writing this, as well as other CFMEU figures.
>
> At the end of last financial year, Incolink paid the CFMEU a $20 million dividend to help fund its operations.
>
> The CFMEU model has contributed to disastrously high building and construction business insolvency rates in Victoria.
>
> It’s a model we must avoid in SA if we're to deliver on our state government's ambitious policy and infrastructure agenda over the next few years, without budgets blowing out.
>
> But the CFMEU represents more than just an economic threat to SA.
>
> It poses a question about our values, regardless of which side of politics you sit.
>
> If we're serious about making building and construction an attractive industry for our young men and women, and overcoming SA's skills shortage, we must take a stand against the CFMEU.

It remains to be seen whether Burke and Prime Minister Anthony Albanese have the courage to do as the late Bob Hawke did, when he deregistered CFMEU forerunner the Builders Labourers Federation in the 1980s.

But we do have levers we can pull from North Tce.

It starts by mandating that workers entitlements on state government jobs be paid into a South Australian workers entitlements fund.

We must also explore avenues to help legitimate trade unions like the AWU move into the SA construction space.

These words that Will Frogley, as the CEO of Master Builders South Australia, spoke really do ring true when it looks at some of the cost of construction here in South Australia. It is at a time when there has never been more pressure on the housing market. There has never been more pressure on people who are trying to get into buying their own homes, who are looking at the housing crisis in a very personal way because of the way that they are impacted.

That should be front of mind for this state Labor government, but it is also at a time when the cost of public infrastructure build should be absolutely front of mind for this state government, because the amount of extra cost, regulation and risk that can be put onto public infrastructure jobs should not be underestimated, with the influence that this union in particular can have here in South Australia.

It is at a time when we as a state are staring down the barrel of record debt levels. If you look at the forward estimates, we have got to $44 billion in debt—$44 billion in debt. This government should be looking seriously at every opportunity they have to try to minimise that. Why are we getting to a situation where construction infrastructure works are going up and up and up? From my observation, the correlation between the Victorian arm of the CFMEU taking charge of the South Australian arm and these jobs going up and up and up with this Labor government is pretty clear.

We look across the border at our Victorian colleagues, who are facing the incredible debt to revenue ratios. Unfortunately, South Australia is going down the same path. Unfortunately, now we are second only to Victoria. For me, as a South Australian who wants to see our state thrive, we should be looking at trying to do all we can as decision-makers to minimise that cost to us as taxpayers and not just open the door for these sorts of negotiations to inflate the costs of infrastructure, to inflate the obligation of the taxpayer and to inflate the obligation on future taxpayers. With a $44 billion debt, our current taxpayers are not going to be able to pay that. We are asking our future taxpayers—our children and our children's children—to pay for infrastructure at these inflated levels because of what is happening within this state Labor government.

I commend the original motion that has been put by the member for Heysen. I think it really does speak truth to this place about the situation that is being faced at the moment. I will be voting against the amendments that are being put by the member for Playford, because I think it completely changes the direction of what this original motion is. I speak a word of warning to this state government that if they continue down this path they are doing South Australians a disservice.

The Hon. D.G. PISONI (Unley) (11:38): I stand to support the original motion and condemn the government, through the member for Playford, for removing every single word from that motion and replacing it with a series of points that can only be seen as being a suck to the CFMEU. They do not want to upset them. They know that they have been a very important part of the Labor Party for a very long time.

Before that, they were the painters and dockers and, of course, we saw what happened with that union as it was deregistered under a pyramid of corruption, kickbacks, brown paper bags exchanged and houses being built for union officials by intimidated employers and intimidated businesses. We are seeing evidence of that again in this new union, the union that was created to deal with the painters and dockers union that was deregistered in the 1990s. You cannot change the stripes, unfortunately, on a zebra or the CFMEU.

It is extraordinary that the Labor Party must be the only people who believe that these are only allegations. It has been well known for a very long period of time how the CFMEU does business. The Mining and Energy Union entered a marriage not that long ago, when they were known as the CFMMEU. Well, they had enough of it, and by 1 December 2023 they said, 'That's it. There's a

divorce. We're out on our own.' They could see it, but those on the other side could not see the corruption and the mafia/bikie-run CFMEU that this government is defending through this amended motion by the member for Playford.

There is no condemnation of the CFMEU in Labor's amendment. As a matter of fact, it affirms support for the South Australian branch of the Construction and General Division of the CFMEU to return to responsible local leadership. It is in administration for five years and the aim of the administrators is to bust the union up. This is in conflict with what the federal government is in the process of doing.

It goes to show that they are still indebted to the CFMEU for the work that the CFMEU did in campaigning against the Marshall government and the poster work that it did, in particular, that was extremely offensive to many people at polling booths. I witnessed Labor candidates denying any liability—'We don't agree with it either, but it's the union that's done it, we don't agree with it'—but they were happy to take the votes that they may have been generating from that very ugly campaign of the CFMEU.

When else was the government silent? On the Adelaide Market Square development. On 21 June, we learned through a media release put out by Incolink that it now has a $15 million stake in that project. Why does it have a $15 million stake in that project? Because the project has blown out because of the CFMEU enterprise bargaining agreement. The major developers were getting very nervous about the cost rising, the increased costs and the diminishing of their return, because their costs were increasing because of the behaviour of the CFMEU. So what did the CFMEU do? They used Incolink money—the fund that they have foisted on employers here in South Australia to compulsorily contribute to through their new enterprise bargaining agreement—to prop up that project.

Where was the government saying, 'We don't want CFMEU money in projects in South Australia because then they're here for good'? They are here for good. We cannot manage them; they are here for good. What were the circumstances? Why was it the CFMEU? Who invited the CFMEU to invest in that project? Why did the CFMEU invest in that project? What do they get in return? What outcome will that have for investors? What message does it send to other investors who want to invest in construction projects here in South Australia? That it is best if they are in partnership with Incolink, the CFMEU's insurance arm.

It is an extraordinary situation that, within a very short period of time of the takeover by the Victorian branch here in South Australia, we now have a major capital project that has financial interests contributed by the CFMEU for a share in the ownership of the project. It is an extremely concerning development. We did not hear anything from any minister—nothing from the Premier, nothing from any other minister—about that very big leap into the South Australian construction industry by the CFMEU through Incolink.

Every single member of the government and their backbench is a union member. That is a condition of being a member of the Labor Party. The Labor Party is the political wing of the union movement. It is extraordinary; can you imagine if you had that sort of interest in any other business or any other organisation? You would have to declare it and not vote on issues that affected it, but for some reason the union movement is completely exempt from having a conflict of interest for members of the Labor Party. They are happy to vote on anything that protects their interests through protecting the union movement. It is an extraordinary situation.

It is a bit like how picket lines are exempt from police action. They stop people from going to work, they stop people from conducting their business, they rob people of their own liberties and their own choices, yet they are exempt from police action when it comes to allowing people to walk through those picket lines to get to work to earn their day.

Everyone has a right to withdraw their labour, but no-one has a right to stop other people from working. Nobody has that right, but the unions think and the Labor Party thinks that it is their right to stop people from working if they are not working under the terms and conditions that they would like to see them working under or they do not even agree with them. We saw how the CFMEU, through John Setka, treated that umpire at the AFL because he was a commissioner at the Building and Construction Commission prior.

It is just an extraordinary situation that that could be tolerated and could be seen by any organisation as a reasonable and fair thing to do in a democracy, where we argue our points, we have decisions made by a majority decision, whether it be at elections or in the parliament. That has given us the standard of living, the quality of life, the rule of law, and the safety and certainty we all have in our lives. It is that Westminster system that is not just in this place: it is how we run our society and how we run our economy. All of that is ignored by the CFMEU, and this government has ignored those concerns by insisting on putting these amendments forward today. That is why we do not support them.

Mr TEAGUE (Heysen) (11:48): I rise to close the debate. I thank members for their contribution, which I might say, in its own way, was really quite telling. We saw the government move what was more or less a comprehensive recasting of the motion that I moved. In doing so, it is telling the government's attitude, because of course we did not hear very much more than that from the government in terms of contribution to the debate. But this comprehensive recasting, an attempt to put it in terms that might be moving away from the pointy end of some of the truth-telling that is there at the core of the original motion, is really, rather, saying, 'Let's talk about something that is just about marginally connected to what is at the core of the original motion.' I thank the member for Playford for his contribution otherwise, and I thank the members for Flinders, Frome and Unley for their thoughtful contributions.

One thing that stands out about the government's response to the motion really is quite telling because what you see from the government in the context of this debate is a sort of sheepishness about the whole topic. Again, I stress that this comes against the background of the fellow John Setka, who is referred to in paragraph (d) of the original motion, having been kind of at large—as literally as at large on the side of public transport in this state—over a period of more than a couple of years, during which this government had very little if anything to say about that sort of consequence and in circumstances where it took this government the better part of a year in 2022 to be embarrassed into returning a donation, a very significant donation from the CFMEU of $125,000, but even then not having a whole lot to say about Mr Setka kind of having free rein, throwing his weight around in South Australia over that period of time.

But now we see, 16 October 2024, the government in its sort of sheepish way this morning saying at least by paragraph (d) of this amendment that the government wants to affirm its support for the return to local leadership as soon as possible. We hear the government saying, 'Yes, okay, we have got it, finally. We are against the Victorian takeover.' So I would ask the members who might be contemplating the government's amendment: what is wrong with supporting paragraph (a) of the original amendment, of course, the circumstances in paragraph (b), paragraph (c) and absolutely obviously paragraph (d)?

As I said in moving the motion, really, you have room for a difference of view politically, and I think the member for Playford has articulated it to some extent about paragraph (e) of the original motion. But in its own sort of sheepish way, the government is saying in its amended paragraph (d), 'Yes, Vics out. Alright, we get it. Alright, we will give the $125,000 back.' They were slow to do that. Leave it another couple of years, and then, 'Alright, we are wanting to signal that we are kind of ready to recognise the need to heed those wise words of Will Frogley and call for local leadership.' Well, let's see that done actively. Let's see the leadership of the Premier and the government now come out and stand up against what has been a very poor chapter in the history of South Australia over these last couple of years. I affirm my support for the motion in its original form.

The house divided on the amendment:

Ayes 22
Noes.....11
Majority 11

AYES

Andrews, S.E.	Bettison, Z.L.	Boyer, B.I.
Brown, M.E.	Champion, N.D.	Clancy, N.P.
Close, S.E.	Fulbrook, J.P.	Hildyard, K.A.

Hood, L.P.	Hughes, E.J.	Hutchesson, C.L.
Koutsantonis, A.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K. (teller)	O'Hanlon, C.C.	Pearce, R.K.
Picton, C.J.	Savvas, O.M.	Thompson, E.L.
Wortley, D.J.		

NOES

Basham, D.K.B.	Batty, J.A.	Bell, T.S.
Ellis, F.J.	Gardner, J.A.W.	Patterson, S.J.R.
Pederick, A.S.	Pratt, P.K.	Teague, J.B. (teller)
Telfer, S.J.	Whetstone, T.J.	

PAIRS

Piccolo, A.	Pisoni, D.G.	Szakacs, J.K.
Cowdrey, M.J.	Cook, N.F.	Tarzia, V.A.
Stinson, J.M.	Hurn, A.M.	

Amendment thus carried; motion as amended carried.

WORLD SIGHT DAY

Ms WORTLEY (Torrens) (11:58): I move:

That this house—

(a) recognises that 10 October 2024 is World Sight Day;

(b) acknowledges the opportunity World Sight Day provides in raising awareness of blindness and vision impairment for many South Australians; and

(c) recognises the advocacy and contribution of Vision 2020 and the See Differently with Royal Society for the Blind in South Australia through assisting people living with blindness or vision impairment.

Today I want to move a motion regarding World Sight Day. It was on 10 October this year but, of course, World Sight Day and the impact of it is something that should be ongoing. The importance of eye care in young people and inspiring children everywhere to love their eyes with a vision of creating a world where every child has eye health care that is accessible, available and affordable was a focus for this year.

To achieve this, the aim is to create a generation of children who have all the information they need to protect their eyes and take the steps needed to look after their vision, from reducing screen time and placing importance on being outside through to seeking help for any ailments and discomforts. This includes addressing social stigma associated with wearing glasses and other corrective treatments, recognising that early intervention and regular eye health is critical to unlocking education opportunities and future economic potential.

Around the world, every day young people miss out on learning and social opportunities because of a vision issue that could be treated, corrected or even cured. There are 450 million children with a sight condition that requires treatment, with many unable to access affordable available eye care, and millions of people are forced to leave the workforce early with billions of dollars lost on productivity each year.

Healthy vision and the prevention of blindness is crucial for independence, learning, working and for overall wellbeing. Around 90 per cent of all blindness and vision impairment in Australia is preventable or treatable if detected early, so regular eye examinations are crucial. Simple measures, like wearing sunglasses, maintaining a healthy diet rich in nutrients like vitamin A, managing chronic conditions like diabetes and avoiding smoking can also protect eye health.

The work of various stakeholders in the prevention of blindness and the promotion of eye health is invaluable. Organisations like See Differently with the RSB, and Guide Dogs SA, provide essential services enhancing the mobility and independence of individuals with vision impairment.

Optometrists, of course, play a critical role in early detection and management of eye conditions, offering preventative care and treatments that safeguard long-term vision.

Researchers continually advance our understanding of eye diseases, contributing to breakthroughs in treatment and prevention strategies. Their collective efforts are crucial in improving the quality of life for those at risk of or living with vision impairment. See Differently with the Royal Society for the Blind have offices and training facilities for their puppies, and provide employment for members of our community who have vision impairment. They are situated in Gilles Plains in my electorate of Torrens.

The work of Damian Papps and the See Differently team are game changers for members of the community with low vision or who are blind through the services that they deliver. These include the breeding, care and education of guide and assistance dogs, and I want to acknowledge here the amazing work of many locals who care for these dogs and assist in providing the training for them. They all do this on a voluntary basis. I can often see them in Oakden where they perform part of their training in the park.

In addition, See Differently offer assistance and technology, occupational therapy, counselling, orientation, mobility, optometry and employment support, along with Braille instruction. Earlier this year, I had the opportunity to attend the very first Braille competition called the Braille Challenge. It is something that occurs on an annual basis in the US, and I know See Differently with the RSB is hoping to take that across to the US, and making it a national challenge in the next 12 months before they embark upon that path. Primary and secondary children can be involved in this. The work of Damian and the RSB team is absolutely fantastic.

I want to also acknowledge that, while in the federal parliament, I had the honour of co-chairing the Parliamentary Friends for Eye Health and Vision Care, and I acknowledge the wonderful work of Vision 2020 towards eliminating avoidable blindness. In South Australia the Health and Wellbeing Strategy 2020-2025 highlights the importance of early prevention and intervention, particularly in community settings to reduce unnecessary hospital visits and manage chronic conditions, including eye diseases.

The strategy aims to enhance community services, integrate technology and ensure the growing population receives equitable health care supporting those with visual impairments. The plan highlights our government's commitment to addressing eye health issues and promoting inclusivity for individuals with vision impairment through accessible services and long-term health system improvements. I commend the motion.

Ms PRATT (Frome) (12:05): I rise to support the motion that has been brought by the member for Torrens, and I thank her for doing so. The motion recognises that 10 October, just past, was World Sight Day; acknowledges the opportunity World Sight Day provides in raising awareness of blindness and vision impairment for many South Australians; and recognises the advocacy and contribution of Vision 2020 and See Differently in conjunction with the Royal Society for the Blind in South Australia, through assisting people living with blindness or vision impairment.

I repeat that I rise to support and thank the member for Torrens for bringing this motion in recognition of the importance of raising awareness of blindness and vision impairment. World Sight Day is 10 October and is a day to promote eye and vision care, to raise awareness of vision impairment, and to ensure accessible, affordable services for all children. The World Health Organization emphasises that it is important for accessibility, affordability and quality of product in terms of spectacles, glasses, for children.

At the national level, we saw the former Coalition government invest $3 million in awareness, support and management of macular disease. It commissioned a national strategic action plan for macular disease focusing on prevention, early detection, treatment, support and improved data collection. The funding assisted early detection and management of the condition which affects one in seven Australians over the age of 50. I note that macular degeneration is often recognised as aged macular because it tends to be diagnosed in the older cohort of those aged 60 and above.

The package that I mentioned included $1.5 million over four years to increase awareness of macular disease risk factors, with $1 million going directly to the Macular Disease Foundation

Australia. I have been reflecting on the member's motion about a lovely lady I worked with, a school librarian, who had been diagnosed with macular degeneration. I reflected on how many times—I think for some it is monthly, but the treatment that she had to undergo for macular was, in fact, to undergo injections into the eye. The idea that treatment of this particular disease includes injections of angiogenesis inhibitors into the eye fills me with dread. I think it signifies the bravery of sufferers who are living with macular degeneration that they are prepared to undergo that treatment to preserve their sight, which is such an essential sense that we have.

The World Health Organization SPECS 2030 initiative envisions a world where everyone who needs refractive error intervention has access to quality and affordable people-centred error services. It also aims to reduce the social stigma that some perhaps still associate with wearing spectacles, glasses or corrective interventions for eyes and vision, although I think that that is well past us. I am someone who also requires glasses for seeing the fabulous face in detail of the member for Torrens, which would be a blur otherwise. We are so lucky in Australia to have access to fantastic optometrists, ophthalmologists and allied health professionals who guide us with our poor sight.

I note that earlier this year the member for Schubert invited in and hosted Vision 2020 to make themselves available to parliamentarians so that we could not only have our eyes tested but understand the services that they provide more broadly to the community, whether that was through See Differently or the Royal Society for the Blind.

These are brief comments today, but I commend the member for staying close to these social health issues. It is important for us to debate them and, certainly as the shadow minister for preventive health, I pay close attention to those messages that we need to echo back into our communities. With those brief comments, I commend the motion.

Ms WORTLEY (Torrens) (12:10): Thank you to the member for Frome. To elaborate slightly on what you were talking about with the person that you knew, I have some words that I would like to read that many Australians—in fact, many around the world—would be in a position to say they understand. These words were provided to me in 2007 when I was co-chair of that federal parliamentary committee. It was by a constituent here in South Australia, and she said:

> When the sky is overcast my world turns dark. To be legally blind is to feel isolation, a loss of independence and grief. I wake in fear, fear of falling, of being sent on to a nursing home.

Dramatic words they might be. It is so important that people get assistance and support early on. At the time, it was estimated that two out of three Australians who live until 90 will lose their sight before they die. These statistics really are alarming. However, it is estimated that 75 per cent of vision loss can be avoided or treated if diagnosed early. I think that is the message that we need to take with us today. On that note, I thank the member for Frome for her contribution and I commend the motion.

Motion carried.

KING'S BIRTHDAY HONOURS

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (12:12): I move:

> That this house expresses its appreciation to South Australian recipients of King's Birthday Honours for their services to our communities, state and nation.

The honours system, with the honours awarded at the King's Birthday and at Australia Day, I think is a significant opportunity for all of us to reflect on those good works that are being done in our communities, across our state and our nation by individuals who do not necessarily seek recognition for the honours, but by their recognition we can all be inspired to do better. Today I will take the opportunity to highlight a few of those examples of service from those who were awarded King's Birthday Honours so that we may all take a moment to think about those in our electorates and our communities—and, for those of us in portfolio areas, those in our portfolios—and thank them for their work.

The first notable one was in the Officer of the Order of Australia, the AO division, which was awarded to the late Sir James Gilbert Hardy. I was in attendance at his state funeral where his extraordinary service to our nation was recorded. In reflecting again, this was a person who was the

skipper of *Gretel II* in 1970 at the America's Cup challenge, the skipper of *Southern Cross* in 1974 and the skipper of *Australia I* in 1980. At his funeral, John Bertrand noted that, without his important role as a senior adviser and relief skipper for *Australia II*, that famous day, which was so important in Australia's sporting history—and, even more than that, our cultural history—would not have been able to take place.

Sir James Hardy was somebody whose work in business was recognised significantly through Hardys Wines and also more broadly throughout the wine sector and he constantly looked for an opportunity to give back to the community. In South Australia we particularly recognise and remember his service through the *One and All* foundation, Landcare Australia, the Australian National Maritime Museum and the Royal Society for the Blind. All of these roles were significant and justify the honour, and it is only a shame that it was not able to be awarded during his lifetime.

I indicate I am not proposing to go through and give a summary of all of the awardees who were recognised, but I just want to touch on some with whom I either had a personal connection or, indeed, there are special portfolio reasons for me. I am sure other members will make contributions.

Dr Colin Croft Twelftree OAM was promoted, I suppose is the word, to AM, a Member of the Order of Australia, this year for his service to orthodontics and to education. I particularly appreciate the role he has played over more than three decades at Adelaide University in that very important work.

Recognised also in the Member of the Order of Australia division was Mr Alexander James Ward, now AM. His recognition was for significant service to the legal profession and to the arts. It is some time since Alex Ward was President of the Law Society of South Australia—nearly 20 years, I think—but I think it is also fair to say that his role modelling of that for subsequent Law Society presidents is still reflected on positively. He has obviously also served as President of the Law Council of Australia and the Commonwealth Lawyers Association.

I thought that his service to the legal profession was worthy of the honour for which he has been identified, but I was really interested that they included his service to the arts. I was reflecting on this. I knew he served in the Australian Defence Force and I am aware of him being a significant patron of the arts. It was good to learn of his work in the Fringe Festival, through comedy in particular.

I think many South Australians would be familiar with Alex's work as a commentator on morning radio on FIVEaa and ABC over the years. I think, too, he has turned legal commentary on morning radio into an art form of its own. I commend him for that. I was really pleased to see the significant role he plays in the South Australian community recognised in this way.

We have recently commemorated National Police Remembrance Day. While there are a range of different public service-related awards that are particular to their fields of endeavour, and I recognise all of those recipients, given that it has just been Police Remembrance Day I highlight the three awardees of the Australian Police Medal from within SAPOL. I commend Chief Superintendent Scott Allison, Senior Sergeant Heidi Baldwin, and Senior Sergeant First Class Richard Errington for their significant service.

In the range of different and varied ways that we recognise people with Medals of the Order of Australia (OAM), I highlight a couple of examples of that service. I have known Mal and Val Hansen for an extended period of time through the Rotary Club of Campbelltown, which is a significant community organisation providing service and support and enriching the community in the areas served by myself and the member for Hartley, in particular, and the broader north-east.

Mal and Val's special elevating role within the club has been, I think, particularly their contribution to the Campbelltown Rotary Outback Experience—10 trips around regional, rural and remote Australia with convoys of cars doing works in different areas and raising significant funds for charity in the Royal Flying Doctor Service: hundreds of thousands of dollars over the last two decades. It was great to see them recognised.

I was pleased to see Sally Neville recognised with the OAM for her service to the hospitality industry and to business, particularly her lengthy service in food, wine, tourism and hospitality, Restaurant and Catering Australia, and more broadly to the community now through AmCham.

I highlight the work of Alan Kimber Field. Obviously, in my role as shadow education minister and former education minister I am always pleased when people's service to education is recognised. Alan's recognition was for music, serving the Country Choral Association and the South Coast Choral and Arts Society for many years. He is a life member of both organisations.

He was also a former principal of Victor Harbor High School, Murray Bridge High School, Glengowrie High School and, indeed, Alice Springs High School between 1968 and 1990. This is no small service. He was also a secondary school teacher for 12 years prior to that.

I think when you are in that order of 30 years-plus in the education department, serving particularly regional and rural students—and many of those years as a principal where you carry the weight of the school not just during school hours but around the clock—that is worthy of significant recognition. I am pleased to see that potentially many years after he could have been awarded, he was given that recognition.

In the arts portfolio, I am also cognisant of the work of Rosemary Liston Johnston, awarded an OAM for a range of services to arts, but particularly the Adelaide Festival Centre Trust, the State Theatre Company, Guildhouse, Brink Productions and others.

I thank Dr Pauline Margaret Morgan OAM for her service to the Catholic Church and, more broadly, to education in South Australia. The Sisters of Saint Joseph of the Sacred Heart are currently benefiting from her efforts. She has been around Australia at different times, but in the South Australian education network her roles as a teacher and counsellor at Mary MacKillop College in Kensington, and as Principal of Caritas College, Port Augusta, stuck out to me.

Two other recipients I will highlight are a bit closer to home for me geographically. I want to commend Reginald Ernest Palmer, who lives very close to my electorate office actually. His recognition for service to primary and secondary education includes being a teacher in the South Australian Department for Education for 40 years, from 1951 to 1991, and since then working as a private tutor and also Principal of Adelaide Hills and Murraylands Education Centres.

Finally, Mr Maxwell Arthur Slee. Maxwell Slee has made services to community history. He was a police officer from 1963 to 1985 and has since that time maintained a significant role in the South Australian Police Historical Society. He has worked researching there, he has worked learning about information that has been able to be passed on to members of the society over many years. His publications across a range of topics have been appreciated, as has his service as a justice of the peace through Apex, and a range of other community activities.

To those recipients, and to all others in our community, I offer my commendation, and I am sure that all members of the house will join in that commendation to our King's Birthday Honours recipients this year.

Ms THOMPSON (Davenport) (12:22): I also stand in support of this motion. The King's Birthday Honours are awarded each year to outstanding Australians who have made a significant impact in their respective fields, so it is very important that today we acknowledge those people, and ensure they are celebrated as they deserve. In 2024, 737 Australians were recognised, including 493 Australians across community service, science and research, industry, sport and the arts, and more fields were recognised in the General Division of the Order of Australia.

The Order of Australia is the nation's recognition for outstanding achievement and service. People from all backgrounds and parts of Australia are honoured and celebrated through the Order. The Order of Australia is an Australian honour that recognises Australian citizens and other persons for outstanding achievement and service. For that reason, I am very keen today to make sure we acknowledge every single one of them listed, to make sure that their service is honoured and it goes down in *Hansard* today and acknowledged in our history books forever.

Congratulations to the late Sir James Gilbert Hardy for distinguished service to yachting, to the business sector, to charitable organisations and to the community. He has received an Order of Australia. For a Member of the Order of Australia, I congratulate Mr Peter John Blunden for significant service to journalism, particularly through print media, and to the community; Professor Katina D'Onise for significant service to public health through translational research, and policy and legislative reform; and the late Dr Arnold Gillespie for his significant service to medicine, particularly

as an advocate for voluntary assisted dying. Congratulations also to Dr Geoffrey David Higgins for significant service to medicine through clinical virology testing technology and to microbiology.

Congratulations to Mr Ted Walter Huber for significant service to defence through science and technology development, Mr Mark Hayden Turra for significant service to community health through pathology, particularly microbiology and infectious diseases, and Dr Colin Croft Twelftree OAM for significant service to orthodontics, to education, and to professional associations.

Congratulations to Mr Alexander James Ward for significant service to the legal profession and to the arts, Mr David John Bryant for service to the community through a range of organisations, Mr Alan James Coulter for service to community sport and Mr David Cunningham for service to the beef cattle industry and to the central Australian community.

Congratulations to Mrs Laurel May Danzo for service to the community through St John Ambulance, Mr Alan Kimber Field for service to the community through music and to education, Mr Malcolm Ronald Hansen for service to the community through varying voluntary roles and Mrs Valerie Mary Hansen for service to her community through voluntary roles.

Congratulations to Mr Richard John Harry for service to the community through a range of organisations, Mrs Judith Margaret Hunter for service to the community of the Lefevre Peninsula, Mr Donald Ross Hurley for service to model railways and to rail history, and Dr Richard David Johnson for service to medicine and to hospital administration.

Congratulations to Mrs Rosemary Liston Johnston for service to the arts and to her community, Mr Douglas Herbert Kaesler for service to cycling, Dr Pauline Margaret Morgan for service to the Catholic Church of Australia and to education, and Ms Sally Denene Neville for service to the hospitality industry and to business.

Congratulations to Mrs Joy Nugent for service to nursing, particularly to palliative care; Mr Reginald Ernest Palmer for service to primary and secondary education; Mr Sandy Roberts for service to media as a sports commentator; Dr Jonathan Percy Rogers for service to dentistry in a range of roles; Ms Rona Evelyn Sakko PSM for service to science education; and Mr Trevor Robert Sharp for service to the community of McLaren Vale. I know him well and he does a lot for the car clubs down that way.

Congratulations to Mrs Nanette Gwendoline Sharp for service to the community of southern Adelaide; Mrs Sandra Rae Sharp for service to the community of McLaren Vale; Mr Maxwell Arthur Slee for service to the community, particularly history preservation organisations; Mr Peter Snowdon for service to the community and to Australian Rules football; Mr Phillip Wasley Styles for service to tourism in South Australia and to the community; and Mr John William Thorpe for service to the community of Gawler.

For the Public Service Medal, congratulations to Mrs Sandra Bridgland for outstanding public service in paediatric nursing, specifically in eating disorder care; Mr Samuel James Crafter for outstanding public service in leading energy project delivery within the South Australian government, significantly reforming the South Australian energy sector; Mr Andrew Robert MacDonald for outstanding public service in local government, providing strategic leadership during the COVID-19 pandemic; and Mrs Caroline Mary Mealor for outstanding public service in providing strategic leadership and reforms in the Attorney-General's Department.

For the Australian Police Medal, congratulations to Chief Superintendent Scott Antony Allison, Senior Sergeant Heidi Maria Baldwin and Senior Sergeant First Class Richard James Errington. For the Australian Fire Service Medal, congratulations to Mr James Ernest Keatch and Mr Phillip John McDonough.

For the Ambulance Service Medal, congratulations to Mr Anthony Cuzzocrea and Mrs Naomi Suzanne Stidiford. The Emergency Services Medal went to Dr Sara Lesley Pulford. Finally, the Australian Corrections Medal went to Mr Daniel Richard Colson.

Congratulations to all of those who have been awarded and thank you so much for your service. I commend the motion.

Mr BATTY (Bragg) (12:28): I rise to speak in support of the member for Morialta's motion expressing this house's appreciation to all the South Australian recipients of King's Birthday Honours for all of their various services to our communities, our state and our nation. I join with all members of this house in marking our acknowledgement and our appreciation for all those who have been honoured with King's Birthday Honours. Some of them are famous names and are well known to us all. Others are perhaps unsung heroes. All of them have contributed to our community and our state in really important ways, and it is right that this house today acknowledges them.

I want to make a very brief contribution to particularly acknowledge two of my constituents who were recipients of King's Birthday Honours, including Sally Neville OAM, who was recognised for service to the hospitality industry and to business. Sally, who is well known to me, has close to four decades' experience in the hospitality sector. Over 20 years, she ran restaurants and cafes such as Boltz and Unley's Cafe 48. During her time with Restaurant and Catering SA, Ms Neville helped pave the way for OzHarvest Australia to make a noticeable impact in South Australia. I particularly acknowledge my constituent Sally Neville and wish her a very big congratulations for her King's Birthday Honours.

I also acknowledge Alexander Ward AM, another constituent who was recognised this year, this time for significant service to the legal profession and also to the arts. Mr Ward is a past president of the Commonwealth Lawyers Association, the Law Council of Australia and the Law Society of South Australia. He has also made a very significant contribution to the arts, the Royal Australian Naval Reserves and the Administrative Appeals Tribunal, so I congratulate Alexander Ward as well. To Sally and to Alexander, I wish them a very big congratulations for being recognised in this way.

As the shadow police minister, I would also like to particularly acknowledge those recipients of the Australian Police Medal this year, including Chief Superintendent Scott Antony Allison, Senior Sergeant Heidi Maria Baldwin and Senior Sergeant First Class Richard James Errington, as well as the winner of the Australian Corrections Medal, Mr Daniel Richard Colson. I pass on my congratulations to all the very worthy recipients of King's Birthday Honours.

Mr WHETSTONE (Chaffey) (12:31): I, too, would like to make a contribution to a worthy motion that has been brought to this place by the member for Morialta. It is with great pleasure that I acknowledge Alan Coulter from Renmark. Alan is a great community man. He is also well known for his contribution to sporting clubs, particularly for the fitness programs and rehabilitation programs that he has brought into our country centres. The majority of that has been in Renmark because he is a Renmark man—all 79 years of Alan.

Alan Coulter OAM has been a great community person. The Renmark recreation centre has been named after him, and for very good reason. He was there in the very early days running that rec centre and making sure that the programs were all relevant to getting our sports men and women up and running, or getting them back up and running, for their chosen sports. It really was a great sight to see when Alan was given that recognition.

In some of the portfolio areas, I would like to acknowledge those who have received medals. The Ambulance Service Medal was awarded to Anthony Cuzzocrea, which is great to see, and also Laurel Danzo from the SA Ambulance Service has been given recognition. Doug Kaesler has also been given recognition for service to cycling, and I think he has been a longstanding contributor to the cycling world.

As the member for Bragg has just stated, the Australian Police Medal was awarded to Chief Superintendent Scott Allison, Senior Sergeant Heidi Baldwin and Senior Sergeant First Class Richard Errington. The Australian Fire Service Medal was awarded to James Keatch, as well as Phillip McDonough, in honour of their service to the frontline. The Ambulance Service Medal, as well as being awarded to Anthony Cuzzocrea, was awarded to Naomi Stidiford. The Emergency Services Medal was awarded to Dr Sara Pulford for her contribution as a frontline provider within the emergency services sector.

I will finish by acknowledging Sir James Hardy AO. What a great South Australian he has been. Affectionately known as 'Gentleman Jim', he has made his way around South Australia and made his mark globally as a world-renowned winemaker and businessman. I met Jim and his lovely wife, Joan, on a number of occasions. My vineyard property was across the road from Banrock

Station, and obviously the Hardys name is quite synonymous to Banrock. Jim was regularly there when Banrock was being developed and built as not only a large vineyard but also an environmentally credentialed centre in the heart of the Riverland on the banks of the mighty River Murray.

The other two notes of Sir James Hardy were that he was a two-times Olympian and also a three-times America's Cup captain. I think he was well credentialled here in South Australia as being a great South Australian. Without further ado, that is my contribution on some of the great South Australians who have made a contribution to everyday life.

Mr PATTERSON (Morphett) (12:36): I also take the opportunity to support the member for Morialta's motion that expresses our appreciation in this house to South Australian recipients of the King's Birthday Honours for their services to our communities, state and nation. As others have mentioned, it is a significant award for those who win these King's Birthday Honours awards. A lot of it is the culmination of many years of hard work without ever an intention of being recognised in this way through the King's Birthday Honours List. However, their work, because it makes such a difference to everyone's lives here in South Australia, is rightfully recognised at this time.

First of all, I will talk about some of the South Australians who won OAMs at a statewide level and who have some association to my electorate and my background as well. Obviously, one of those is Sandy Roberts. Most people would know Sandy as a commentator of VFL/AFL games. However, before that, he did his grounding in sports commentary here in SA, commentating on the South Australian National Football League. He was a Norwood supporter, of course, and commentated games at the renaissance and peak of the SANFL, those late seventies, early eighties. He then moved to Melbourne in the eighties and basically got to commentate many a football match and saw the progress of the VFL competition as it transitioned across to the AFL.

I myself went over to Melbourne to play AFL for Collingwood. There was many a game that Sandy commentated. Of course, watching the highlights reel to do the review of the game, interspersed would be Sandy, and he really brought many a game to life. He and Bruce McAvaney are probably two of the best AFL football commentators, both hailing from South Australia. Bruce McAvaney is a resident of Morphett, living in Glenelg. I still see Bruce once or twice a fortnight walking along. Certainly, Sandy Roberts deserves his Order of Australia medal.

Another one in a sporting vein, Sir James Hardy was also awarded, posthumously, his Order of Australia. He passed away earlier, in June. He was born in Seacliff, on the coast there. He grew up around the yacht club but made his name of course in winemaking. Certainly, he is synonymous with winemaking but many people would recognise him for his yachting skills.

He was the commodore of Brighton and Seacliff Yacht Club as one of his roles, but of course he was very notable for his efforts in the America's Cup and yachting there. He was the skipper on a number of occasions, but also, importantly, was adviser to the *Australia II* skipper, John Bertrand. Finally, after a century of attempts to wrest the America's Cup away from the New York Yacht Club, to have it come to Australia was massive back in 1983 when it happened. Sir James Hardy, while not actually onboard the yacht, certainly played a significant role.

Another award winner who has an association with my role as shadow minister for space and defence industries is Ted Huber. He was awarded the honour for his contributions to defence through science and technology. He set up his business, Acacia Systems, I think in 1992 and that has gone from strength to strength and, again, plays a substantial role in progressing defence industries here in South Australia. We always aspire to be the defence state here and to have a company that has been able to be established here and then, 30 years later, still remain successful, is worthy of recognition.

Many of these award winners were recognised at Government House not long ago, I think back in August, alongside some other award winners. One of those award winners I would really like to highlight was Andrew John Underwood from Glengowrie. He was awarded the Royal Humane Society Australasia Bravery Certificate of Merit for his heroic act in rescuing his neighbour from her burning house in 2015.

I think it was about 9 o'clock at night when he saw smoke coming from his neighbour's house. Andrew immediately acted and went to the rescue of his neighbour, first of all having to bash down

the door to gain access to the burning house, which, by that stage, was heavily filled with smoke; in fact, the smoke was so intense that it caused Andrew to have to leave the house because he could not see, at first search, any sign of his neighbour. However, that did not dispel his concern that his neighbour could well have been in there, so he returned for a second time with a torch this time, and battled his way through the fire and smoke where he was able to see his neighbour face-down on the floor. Again, on attempting to rescue her and take her out, he was beaten back by the flames and smoke.

Fortunately, by that time, on leaving the neighbour's house, the emergency services had arrived and he was able to tell them exactly where the neighbour was and with their equipment they were able to go in and retrieve the neighbour. Sadly, she was overwhelmed and unfortunately died because of the fire and the smoke inhalation, but the sheer act of bravery performed by Andrew really speaks volumes, with him putting his neighbour and his community ahead of himself.

The award itself was certainly a testament to Andrew's bravery and his selflessness in the face of danger. We are very fortunate, I think all of us here in South Australia but certainly people living in Glengowrie, to have individuals like Andrew who are really willing to step up and help others in their time of need.

Of course, it is not every day that we witness such courage, so Andrew's actions undoubtedly are worthy of being recognised with a bravery award for his heroic act. I am so pleased to be supporting this motion which recognises South Australians who are going above and beyond and contributing to their community, and certainly Andrew Underwood is top amongst that list.

Motion carried.

NATIONAL SKILLS AGREEMENT

Mrs PEARCE (King) (12:45): I move:

That this house—

(a) welcomes the 12-month anniversary since the Malinauskas and Albanese Labor governments signed a new five-year National Skills Agreement on 17 October 2023;

(b) acknowledges the landmark investment in the agreement as the largest uplift in South Australia's training and skills history; and recognises the strong commitment the Malinauskas and Labor governments have made to TAFE SA and VET providers to deliver the skilled workforce to meet South Australia's future workforce needs.

As we experience a serious skills and labour shortage across just about all sectors in our nation, there are strong predictions in regard to a growth in demand for vocational education and training qualifications to be able to build the workforce we will need for tomorrow.

Since the Malinauskas government came into government, we have been working in close collaboration with the Albanese government to address these serious challenges, and this week now marks the 12 month mark since we signed the new five-year National Skills Agreement on 17 October 2023.

We on this side of the house value greatly the work that is undertaken by TAFE SA as our state's leading vocational education training provider, providing the skills and training to equip workers with the skills they need to undertake critically important and valuable work across our community, whether it be teaching the next generation of early childhood educators who are going to play an important role as we begin to roll out the recommendations of the Royal Commission into Early Childhood Education and Care to ensure children in South Australia are given the absolute best possible opportunities to thrive in life, or whether it be turning to TAFE to get the skills and training needed to work in aged care—workers who are there by our side as we grow older and undertake really valuable work with professionalism and utmost care to ensure that we can grow old with dignity.

Even when it comes to growing demand for skilled workers, such as those in disability support work, which we will be increasingly in need of as the years go by, it is TAFE who will be there for many to train them up and provide them with the skills they need and the experience to be able to undertake their invaluable role in our workforce, because disability support workers play a crucial

role in elevating the quality of life for so many South Australians. These are just three areas that are examples of the amazing areas covered by TAFE SA that provide an overview of the work being undertaken on our campuses.

On that note, I would also like to remind the house that it was only because of the Malinauskas government overturning the decision made under the former Liberal government that we saw the return of these critically important courses to metropolitan campuses, which has now given more than 1,000 students access to TAFE SA courses that they otherwise would not have had access to.

We on this side of the house acknowledge that the work of TAFE is so important. It provides the workforce that our state requires to be able to operate, from the service industry through to technical trades, health care, IT and the arts. Acknowledging this, it was great to see that South Australia, under the Malinauskas Labor government, was first in line to ensure that we were signed up to the interim National Skills Agreement that would see the delivery of 12,500 fee-free VET places to South Australia, with 10,500 going to TAFE SA, with estimates that this would inject about $65 million into South Australia's skills and training sector.

This would see fee-free places open for courses in everything from agriculture, horticulture, health, community and youth services, aged care and disability support, construction, creative industries, early childhood education, hospitality, tourism and event management, and even cybersecurity. This initiative would then go to see a swathe of support and interest, with an increase in enrolments at TAFE SA in semester 1 compared with the previous year, up by 22 per cent.

Of course, this would not have been achieved without the backing and partnership with our colleagues in the Albanese government, who are seeing eye to eye with us on the importance of TAFE. Around the nation, we have seen fee-free places roaring with success, with 180,000 places filled within the six months since they opened and enrolments hitting over 214,300 six months earlier than expected.

We are now continuing negotiations with the commonwealth for a five-year National Skills Agreement to provide even more opportunities to grow and strengthen our state's vocational education and training system, with TAFE SA at its centre. This government is committed to rebuilding and strengthening TAFE SA, which is why it was good to see the extra 13,500 fee-free places from January 2024 until December 2026 as part of the National Skills Agreement.

When we have governments who are willing to listen, bring stakeholders from all sides together and work out solutions to shared problems and then act on that, we can see that we get positive change that benefits everybody. The Albanese government exemplified this with the National Skills Summit, which was held following their election, and I am proud that the Malinauskas government was straight there to sign up to a deal, leading the nation and ensuring that South Australians got the benefit of this collaboration.

Recent state budgets have continued our commitment to addressing the skills and labour challenge, such as through the investment of $10 million in a Regional Skills Development Fund to ensure that TAFE SA can offer more courses in rural and regional South Australia. TAFE SA has an essential role to play in our regional communities but, for a long time, the thin markets that exist across much of regional SA have often been used as the reason that courses have had to be cancelled or not offered at all.

This initiative demonstrates our commitment to the regions and our commitment to increasing access to quality vocational education and training for regional communities. It makes it clear that we have an expectation that TAFE SA, as the public provider, has a unique role in supporting regions to meet their workforce needs and regional communities to have access to skills training where they live so that more regionally based South Australians can get a job, have choices about which job and contribute to regional economies.

We are there to take this energy and build on it. That is why just the other month the Minister for Education, Training and Skills announced that we would be doing just that, with the biggest reforms to TAFE SA in over a decade. A common theme following our election to state government:

we wasted no time in getting to work because we knew of the big challenges ahead of us. Rebuilding TAFE SA to be an even better institution was one of these challenges.

Having commissioned the Roadmap for the Future of TAFE SA and engaged with stakeholders from across industry, unions, government, staff and students of TAFE SA, feedback was sought on how we can best place TAFE SA for success into the future and deliver the workforce and skills that are needed. As we look to place TAFE SA back where it belongs, at the centre of our state's training system, the road map signals a renewed commitment to TAFE SA, and establishes clear goals and ambitions for TAFE SA over the next decade. It acknowledges the critical role TAFE SA plays and must continue to play in transforming our economy.

Capturing the moment, we find TAFE right now experiencing an energy pushed forward by both the Malinauskas government with the Albanese government's support for it, ensuring a modern TAFE continues to succeed well into the future.

TAFE is an amazing place, with opportunities for everyone who is willing to take them on. For some, it is a foot in the door to a lifelong career path equipped with the skills they need to take on any challenge in their line of work. For others, it is an opportunity to reskill throughout their career, for whatever reason that may be, and to provide them with a new and engaging career pathway. For some who may have missed out on following a dream to uni, TAFE can still be a part of their pathway to access their dream degree and career.

For many people throughout South Australia, TAFE has been a cornerstone in their life. They may have gone there, a family member may have attended, and for some they may have found their passion in teaching the skills they have accrued throughout their life. It is that passion to teach something they love doing and want others to succeed in that students can appreciate and learn from.

South Australians who are feeling the excitement of some of the major projects we have coming—whether it be getting involved in world-leading projects, such as our exciting Hydrogen Jobs Plan set to deliver jobs in our regions, or those who are looking to find employment in the historic AUKUS development—can begin that journey by taking their first steps by doing so at TAFE SA.

I am particularly excited to see that TAFE SA is experiencing this moment of energy, and I know that if we can capture what is happening now we are going to be set for the future. We have acted quickly in response to the skills and labour shortages facing our state with a clear plan to strengthen and rebuild TAFE SA. We are encouraging more students to benefit from the high quality vocational education and training that our state needs through the delivery of quality public vocational education and training delivered through TAFE SA. I commend this motion to the house.

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (12:54): This is a good opportunity to speak on this motion, but I note that with five minutes left, when I resume my remarks should I get leave to do so at a future date, we will be seeking to move an amendment to the motion. I indicate from the first part of the motion it is indeed 12 months since the skills agreement was signed. The fact of the matter is that the second part of the motion, which is to do with the volume of the investment, and the third part of the motion, which talks about the Malinauskas and Labor governments having a commitment to TAFE SA, is all rather self-congratulatory and does not get us anywhere in advancing the case that we are seeking to develop.

To my mind that revolves around three things: what do our young people need, our students, our people who are in jobs that they want to improve, where they want to get new skills? What do our jobseekers and career improvers need out of our training system and our training sector? That is the first cohort of people who we are interested in.

The second cohort of people we are interested in are the businesses and the industries that need a skilled workforce in order to deliver their products to South Australians and all around the world, to deliver their services, if they be service providers, anything from nursing and personal care through to child care or any other early education, a range of other industries that are supported through training. Those employers need a skilled workforce and many of them, the majority probably in many sectors, have a shortage.

The third cohort of people who we need to deal with in this area is the entire state, because South Australia has enormous opportunities going forward. In business and industry, in defence through our AUKUS opportunities, in the opportunities that are created through agtech and cybersecurity, and AI, and these things that we can grasp hold of should we be able to deliver a future workforce profile that meets those opportunities.

The alternative is that we have tens of billions of dollars of defence contracts which will provide great job pathways and opportunities for South Australian students, if they take them, but if they do not then that will need to be met through more people coming in and a greater share of our migrant take in South Australia to fill those jobs that could be done by South Australians should we only train for them.

So, meeting those needs, has not been addressed by the member for King in any of her speech. Her speech struck me as a paean to a brand, a government department. Many, many good people work at TAFE SA and many, many good people have been serving TAFE SA, and many good people have been trained by TAFE SA. But it is a service provider, a delivery of training, indeed as are hundreds of other providers in South Australia. It is the largest, it is publicly funded, the conditions for its staff are significantly beneficial to those staff compared to any other provider, but everything that the member for King said seemed to be about how good the Malinauskas Labor government has been for TAFE SA.

I would be far more interested in this motion if it focused on the three groups of people I talked about before: our students and young people and jobseekers; how do we best meet their needs? The government's process of shifting money out of the private sector and into TAFE SA, the government department delivery, has made that delivery more expensive, and in some areas it is very, very questionable whether the quality has improved or deteriorated, in some areas it is arguable the other way. But are we getting more people in through training?

The member for King cites lots of statistics about how TAFE SA has more students but across the training sector the NCVER figures that came out just last week show a 13 per cent decline in apprenticeship and traineeships being trained in South Australia. In training and in commencements, those numbers are well down on last year and even more down on March 2022 when this government came to office. So, while TAFE SA may be benefiting from the member for King's motion, the people of South Australia, those young people seeking apprenticeships, the businesses seeking a skilled workforce, and our state that has future workforce needs, I would argue are suffering under this Labor government.

The numbers going up in TAFE SA are not in addition to the overall pool. The NCVER figures, the benchmark which everyone uses, suggests a 13 per cent decline in the last year on apprentices and trainees in training—indeed, a bigger drop since March 2022. Commencement is down 29 per cent compared to last year, from 13,000 to 9,200. Even more pronounced is a 48 per cent drop since Labor came to office. In our key AUKUS skills requirements, that drop has been from 785 commencements in 2022 to 395 in March 2023, and 240 this year.

Debate adjourned.

Sitting suspended from 13:00 to 14:00.

Bills

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Message from Governor

Her Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Climate, Environment and Water (Hon. S.E. Close)—

Annual Reports 2023-24—
Co-Management Boards—
Gawler Ranges Parks
Ikara-Flinders Ranges National Park
Ngaut Ngaut Conservation Park
Environment Protection Authority
Green Industries SA
Koala Life—International Koala Centre of Excellence
Parks and Wilderness Council

Ministerial Statement

TAILORED LEARNING PROVISION

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (14:04): I seek leave to make a ministerial statement.

Leave granted.

The Hon. B.I. BOYER: There is rarely a situation in which one size truly fits all, and this is no less true for students in our education system. That is why, yesterday, I was proud to announce a major reform to public high schools right around the state, which will support students with a range of complex challenges to continue their studies. We know that those challenges can be broad, they can be complicated and they are often out of the control of our schools. They can include issues like homelessness, mental health decline, family breakdown, pregnancy and addiction.

This announcement came off the back of the Inquiry into Suspension, Exclusion and Expulsion Processes in South Australian Government Schools conducted in 2020 by Professor Linda Graham and tabled in this place in March 2021. The $48 million investment, in what will be known as Tailored Learning Provision, or TLP, will start next year and will support secondary students up to the age of 21 who have disengaged from school. It follows a successful trial in 12 public high schools this year, which provided additional in-school support to help students overcome these changes and get back to school.

During the trial, schools reported improvements in attendance as a direct result of the extra youth workers and supports provided, and this resulted in stronger engagement with the students and their families. Make no mistake about the magnitude and the importance of this work. There are currently about 4,360 students enrolled in the existing program, Flexible Learning Options, or FLO, across 85 schools in the public system. But, currently, that program is not offered at all high schools. I am pleased to inform the house today that TLP, Tailored Learning Provision, will be available at all public high schools starting next year.

So often in this place and in the media, too, we discuss issues around violence, bad behaviour and poor attendance in our schools. I have always said that our response to these issues must be as varied as the things that cause them. Keeping young people engaged with their learning and feeling connected to their classmates is a very big part of that puzzle. We know that kids who feel their challenges are acknowledged, and that they are supported to overcome them, are much less likely to lash out. Importantly, the redesigned model puts more individualised supports in place through a tool to help schools identify a student's personal barriers and measure their engagement with learning. It then helps determine the most appropriate support for that student.

Tailored learning is changing lives for the better already. Yesterday, at Parafield Gardens High School I was joined by the member for Playford, where I met Jade, Tyler and Sharna, who showed great courage to speak about their own personal circumstances and the challenges that had threatened their school attendance and how the TLP trial helped them get back on track.

I would like to offer my thanks to Pam Kent, from the Department for Education, and her team for the years of work they have put in to get us to this point and also to the schools that were part of the trial: Craigmore High School, Mannum High School, Mount Barker High School, Parafield Gardens High School, Playford International College, Seaton High School, Seaview High School,

Victor Harbor High School, Mark Oliphant College, North Adelaide Senior College and Murray Bridge High School.

Parliamentary Procedure

VISITORS

The SPEAKER: I would like to welcome guests to parliament today, beginning with representatives from the Shop, Distributive and Allied Employees Association, the SDA, who are the guests of the member for Unley—no, they are not really.

Members interjecting:

The SPEAKER: They are indeed the guests of the member for Newland. It is great to have your guests here today. We also have students from Glenunga International High School, who are guests of the member for Bragg. It is good to have you here. Those who missed the big visit early this morning, Glencoe Primary School kids were in, the best behaved kids we have had all year—very, very good—from a great school.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Elizabeth) (14:09): I bring up the 51st report of the committee.

Report received.

Mr ODENWALDER: I bring up the 52nd report of the committee.

Report received and read.

Question Time

POWER PRICES

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:11): My question is to the Premier. What action, if any, is the Premier taking to bring down power prices for South Australians in Sheidow Park? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: The annual report from the South Australian Energy and Water Ombudsman has shown a 50 per cent increase in payment difficulty complaints from residents in our southern suburbs.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:11): The opposition leader rises to complain about the increase in power prices—

Members interjecting:

The Hon. A. KOUTSANTONIS: To complain; 'simple' is the right word.

Members interjecting:

The SPEAKER: Members on my left will listen to the answer in silence. We have been going less than a minute and the noise is already intolerable.

The Hon. A. KOUTSANTONIS: One job.

The Hon. V.A. Tarzia: I have missed you.

The Hon. A. KOUTSANTONIS: I know you have missed me, and I am concerned about how much you do miss me.

The Hon. S.C. Mullighan: He completes you.

The Hon. A. KOUTSANTONIS: Yes, I feel that I do complete him and I feel that often I am his only supporter. It is true to say that power prices are coming down in South Australia, but they are not coming down by enough. The truth of the reason that they are not coming down by enough,

even though residential customers are getting a nearly $50 per year decrease in their power bills, is that the cost of firming electricity from very cheap power bills that are provided by renewables is, of course, through the cost of fossil fuels. Gas and coal, which are used to firm renewables through either the interconnector or our generators, are relatively expensive.

Of course, the government's plan is ultimately to roll out more renewables and have more storage, to try to do everything we can to try to lower power prices. But the Premier has said this and I have said this: beware politicians who turn up and say, 'Vote for me, I can lower your power prices.' Members opposite promised to lower power prices and they weren't able to even get close to what they promised.

Despite having spent nearly half a billion dollars on an interconnector that they promised would be operational in their first term of government, it is still not operational and no level of interjection will change any of that. The truth is that power prices are not something that members of parliament have control over, and the reason—

Members interjecting:

The Hon. A. KOUTSANTONIS: Sir, the interjections have been continuous since the moment they asked a question which is really about their panic about the by-election that they have caused in the seat of Black. It wasn't anyone on this side—

Members interjecting:

The SPEAKER: Members on my left!

The Hon. A. KOUTSANTONIS: —that was arrested for using illegal drugs.

Members interjecting:

The SPEAKER: Members on my left, you are all warned.

The Hon. A. KOUTSANTONIS: It was the former leader of the Liberal Party.

Members interjecting:

The SPEAKER: Especially the member for Finniss, who is very rowdy.

The Hon. A. KOUTSANTONIS: Don't blame us for causing this by-election. The panic from members opposite, through their constant interjections, is to try to find some level—

Members interjecting:

The Hon. A. KOUTSANTONIS: You are saying it is a fake video?

The SPEAKER: The deputy leader, do you want to be kicked out again today?

The Hon. J.A.W. Gardner: Not really, no.

The SPEAKER: I am sick of the interjections. A question has been asked of the minister. The minister is answering the questions. You shouldn't be firing more questions. If you want a question to the minister, when he has finished the answer step up and ask one.

The Hon. A. KOUTSANTONIS: Thank you very much, sir. The truth is small businesses are getting a cut. The Treasury and the federal Treasury have put money in, dramatic amounts of money, to try to deal with this. Ultimately, we are at the mercy of markets, markets that were imposed on us by members opposite. When market forces push power prices up, despite them imposing those markets on us, members opposite complain.

CHEFFY CHELBY'S

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:15): My question is to the Minister for Small and Family Business. What action, if any, is the minister taking to support small businesses in Hallett Cove? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: Earlier this year, Hallett Cove business Cheffy Chelby's was forced to close its doors because of the rising costs of doing business in our state. The owner said:

> My rent has gone up, the cost of food has gone up, wages and energy are up.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:16): As members on this side know who are accustomed to dealing with people in that local area, the actual issue was around a lease and a concern with the landlord, and it has been some time that the Small Business Commissioner has been assisting Cheffy Chelby's. I think throughout 2023 the Small Business Commissioner has attempted to assist Ms Lowe. It was a commercial tenancy dispute in relation to her premises at Port Noarlunga, centred around repairs and maintenance that allegedly had not been undertaken in a timely manner.

Of course, the Small Business Commissioner is still currently attempting to assist the entity. Cheffy Chelby's Pty Ltd has gone into liquidation, and the Small Business Commissioner has continued to reach out to the liquidator to see if there is any ability to facilitate that, but that can only happen with the liquidator's consent and so for a year and a half the Small Business Commissioner has been trying to assist in every way possible.

Of course, the ability to assist will be aided by proposed changes to the Small Business Commissioner Act and the Retail and Commercial Leases Act. That is a bill that is currently before the house. The Small Business Commissioner has been working with Ms Lowe for quite some time to assist in that tenancy dispute, and those local to the area would be well aware of that issue.

POWER PRICES

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:18): My question is to the Minister for Recreation, Sport and Racing. What action, if any, has the minister taken to support sports clubs struggling with their power bills? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: The opposition has been contacted by a club in the electorate of Black that is facing power bills of up to $26,000. The club is struggling to stay afloat and has had to increase the cost of fees for its junior players, hitting the hip pocket of local families in the middle of a cost-of-living crisis.

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (14:18): Thank you very much to the Leader of the Opposition for the question. It is a question to which I can provide plenty of information in terms of how this government supports sport and how it supports any cost-of-living pressures for families. I know that in his question he spoke about what we are doing around the issue of members, parents of children, not being able to deal with the cost of fees, etc.

I will come back to power prices as well, because we are doing a whole lot in that space as well, you will be very pleased to know. What I will say first of all, though, is that in the last 2½ years, following the extraordinary advocacy of Alex Dighton and local clubs in the electorate of Black, this government has invested $3.5 million into local sporting clubs. One of those clubs, one of the precincts, was recently in August very proudly opened by the Premier himself. I can tell you that those clubs are absolutely ecstatic with the advocacy of the Labor candidate for Black—

Members interjecting:

The SPEAKER: The Minister for Transport will come to order. Leader, you can stop the discussion across the chamber.

The Hon. K.A. HILDYARD: —and the investment that we have made into their clubs. If you would like a little bit of a reminder about some of those investments, $2.5 million has gone into the redevelopment of the Cove Sports and Community Club. That place hosts The Cove footy club, the Cove Cricket Club, the Hallett Cove Netball Club and the Cove Tigers Netball Club and they have all expressed their extreme happiness about those upgrades, telling us that they will enable them to

include even more local people to be active in the sport that they love. I look forward, as I often do, to visiting them again to talk about that redevelopment, a redevelopment that the Premier very proudly opened just at the beginning of August, from memory. Again, I am sure he could attest as well that people are very happy about that redevelopment.

But that's not all. In addition to that, $200,000 has been provided for the resurfacing of two tennis courts at the Kingston House reserve. Also, there has been an additional $874,000 provided to a range of other clubs around the electorate of Black. The Cove FC—who, incidentally, were recently crowned State League 2 champions and welcome hundreds and hundreds of men and women, boys and girls to their club every year—received $498,322 to complete the Southern Soccer Facility through the construction of a fourth pitch.

And there's more. The Brighton and Seacliff Yacht Club were recently awarded $328,500 to help with change room refurbishments and, really importantly, more accessible facilities. What I can also tell you is that a number of clubs have received grants through the Active Club Program: the O'Halloran Hill Tennis Club, the Seacliff Hockey Club, the Hallett Cove Beach Tennis Club, the Cove BMX Club, the Seacliff surf club, the International Optimist Dinghy Association, the South Australian Laser Association and the Cove netball club. In addition to the funds I spoke about previously, the Sheidow Park Cricket—

The SPEAKER: Time has expired, minister.

The Hon. K.A. HILDYARD: I am so sorry. The list is quite long, but I will save it for later.

HEALTH SYSTEM

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:22): My question is to the Minister for Health. Has the—

The Hon. A. Koutsantonis: Is cocaine dangerous?

The Hon. V.A. TARZIA: I will start my question again. I think the member for West Torrens is talking to himself again. My question is to the Minister for Health. Has the $956 million SA Health budget blowout fixed ramping?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:23): I thank the Leader of the Opposition for the opportunity he has given us to talk about our record expenditure in the health system here in South Australia, because this is a government which is prioritising investing in health, prioritising hiring more doctors and nurses—

Members interjecting:

The SPEAKER: Members on my left!

The Hon. C.J. PICTON: —and prioritising opening more hospital beds for patients who need them. That stands in stark contrast to when those opposite were in government. What did they do? They brought in corporate liquidators KordaMentha—fly-in fly-out every week, paid a gazillion dollars through taxpayers—who were put in charge of actually running hospitals, putting these consultants in charge of running hospitals, and then they came up with plans for cuts, cuts and more cuts. They made redundancies of frontline nurses in the hundreds during a global pandemic. All around the world, governments were hiring more doctors and nurses. Here, we had a Liberal government in power that was making cuts that were making nurses redundant on the frontline. We are not pursuing that policy. We have banned the redundancy of frontline doctors and nurses—

The Hon. J.A.W. Gardner interjecting:

The SPEAKER: The deputy leader!

The Hon. C.J. PICTON: —and we are hiring more doctors and nurses. So two out of three dollars that are spent in Health go to our staff, frontline people working day in, day out to provide health care for the people of South Australia. If the Leader of the Opposition is suggesting his proposal for the health system is cutting funding, is reducing expenditure, then he should outline—

The Hon. D.G. Pisoni interjecting:

The SPEAKER: The member for Unley will come to order.

The Hon. C.J. PICTON: —which doctors are going to be cut, which nurses are going to be cut, which beds are going to be closed, because we have seen this story before in South Australia. We are turning this around, we are opening additional capacity in our healthcare system to make sure that patients can get the care that they need, and if we return to the past, if we return to the cuts, the sacking of frontline nurses, that is going to be detrimental to patients who need that care. So we make no apologies for the fact that we are investing more. We have an ambitious agenda: we are prioritising the healthcare system; we are building a bigger healthcare system with more capacity; we are opening more beds, not closing them; and we are hiring more nurses and doctors not making them redundant.

Members interjecting:

The SPEAKER: The member for Unley, the member for Chaffey, the member for Hammond and the member for Colton are on final warnings. It is just too rowdy in here today. I don't think the Glenunga International High School students will be very impressed.

ROAD TRANSPORT REQUIREMENTS

The Hon. G.G. BROCK (Stuart) (14:26): My question is to the Minister for Transport and Infrastructure. Can the minister advise the house if the commonwealth government has changed the design rules to allow for wider trucks on Australian roads in line with overseas markets and removing the width limits on our trucks to accommodate a shift to electric road vehicle freight transport? Mr Speaker, with your leave, I will elaborate a bit further.

Leave granted.

The Hon. G.G. BROCK: I have had correspondence from some constituents that the commonwealth government changed the rules in November 2023 to allow the width to be increased from 2.5 metres to 2.55 metres, plus the weight limit on the front axle from 6.5 tonnes to 7.5 tonnes. Has this actually happened and, if so, what impact will these changes have on our transport industry with the current road conditions not only on state roads but also local government roads?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:26): Finally a decent question. I can inform the house—

The Hon. D.G. Pisoni: You should rehearse in front of the mirror first, Tom.

The Hon. A. KOUTSANTONIS: When I stand in front of a mirror, it doesn't crack, and I can actually see my reflection.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Yes, that's right. Yes, I can confirm that in August, that change was made and it has had a dramatic impact. The increase by 50 millimetres might not sound like much but it actually does have an impact, and these amendments were finalised in August 2024 and are now operating as the Heavy Vehicle National Law in participating jurisdictions like South Australia. This is good for regional communities, it is good for freight, it is good for farmers, it is good for manufacturers.

The additional width limit is now to new trucks fitted with a number of specific safety features such as lane departure warning and blind spot information systems. It is not being done carte blanche. We have got to make sure that there are requirements in place and these eligible vehicles have the right to access the road network and they are known as Safer Freight Vehicles.

Most importantly, the impact of allowing greater width prime movers was assessed by my department, the Department for Infrastructure and Transport, and I have been advised that for South Australia's roads, no significant risks or impacts of this change have been identified. So this has been a long overdue change, it has been a good change, and it means we can have a greater amount of choice of vehicles that can operate on South Australian roads. It applies not only to prime movers to allow the accommodation of improved emissions technologies, it does not increase the allowable width for trailers.

I am advised that the primary driver for national reform was the Euro 6 emissions standard, which will become the mandated standard in the near future, which is set at a national level. South Australia is a small market, so having a maximum vehicle width smaller than in much larger markets like Europe makes it difficult for OEMs, like Volvo, to justify servicing the Australian market with new technology solutions like low-emission trucks and EV trucks. These changes allow us to have a broader reach to global markets which allow a greater selection of these vehicles to be here in South Australia.

If this change had not been made, larger OEMs would need to manufacture a whole separate line of vehicles just to service Australia. A more likely scenario is we would be stuck with old generation, old-tech prime movers. In terms of the weight, which is an important change that the member raised—he is a keen advocate for regional South Australia—the Australian weight limit on the front axle from 6.5 tonnes to 7.5 tonnes for electric trucks referred to in the article is an industry proposal. DIT is not aware of this being actively considered by the Australian government at this time.

If an increased weight limit for general access were to be proposed, we would need to assess the potential impact and be consulted in the national process. I am up for that consultation because we can sweat our infrastructure harder because we can get fewer vehicles with larger loads on our roads, which means less traffic and greater productivity. So we are up for this discussion. The question is whether or not the commonwealth government are. I am actively encouraging them to do so.

BLACK ELECTORATE

Ms THOMPSON (Davenport) (14:30): My question is to the Premier. How is the Malinauskas government delivering improvements to transport and infrastructure for the electorate of Black?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:31): I thank the member for Davenport for her question. As the member for Davenport probably understands better than most, there is a massive investment in state government infrastructure around transport in the state of South Australia: public transport but also, critically, road transport and road infrastructure in metropolitan Adelaide. Of course, the signature piece of that policy—and it's difficult just to point to one—is the north-south corridor where the state government is investing north of $13 billion into the largest infrastructure project this state has ever seen by completing the two tunnels between the Torrens and Darlington.

That north-south corridor project will completely re-augment the way that traffic moves in our city, provided you can get access to it. What the member for Davenport I think rather skilfully has advocated for, and what is now being seen delivered, is a range of people in parts of southern Adelaide being able to access the Southern Expressway, which was famously fixed and duplicated after being a one-way expressway. The architects of the one-way expressway policy we won't mention, but it wasn't us. Now that it has been fixed, we need to see as many people getting access to it as possible.

For residents in suburbs such as Happy Valley, Aberfoyle Park, Flagstaff Hill, O'Halloran Hill, it isn't particularly easy to get on the Southern Expressway unless, of course, we ensure that Majors Road has an interchange where you can get on and off the Southern Expressway. The member for Davenport has been advocating for this for some time, and I know she is very pleased to see that project progressively being delivered. I was down there recently and saw that work in train.

We took that policy to the election. It was a commitment and we are delivering upon it. You could have knocked me over with a feather, though, given that the former member for Black—and he is now the former member for Black—was such a strident advocate of getting this done before they got into government. Then they got into government and they dropped the policy like a gun and started arguing against it. So now we've got a piece of infrastructure that is being delivered that doesn't enjoy bipartisan support. The tunnels, I understand, enjoy bipartisan support but not the Majors Perry—not the Majors Road project, sorry. So—

Members interjecting:

The Hon. P.B. MALINAUSKAS: You're putting it *On My Mind*.

Mr Telfer: *Hot N Cold*.

The Hon. P.B. MALINAUSKAS: That's right. So Majors Road is being delivered and, of course, what the Leader of the Opposition will not be telling—

Members interjecting:

The SPEAKER: Members on my left!

The Hon. P.B. MALINAUSKAS: —constituents in the seat of Black over the course of the next four weeks is that he opposes that project. The Coalition, those opposite, oppose the project. What are they in favour of? They want the state government to spend more money as part of their campaign for Black.

Today, the Leader of the Opposition was in the media championing the cause for Jetty Road, Glenelg. They want to see the state government subsidise the project. So the Liberal Party today called on the state government to invest in Jetty Road, Glenelg, presumably on the back of the advocacy of their candidate for the seat of Black—and I understand her fascination with Jetty Road, Glenelg, given the fact that she is the mayor from Glenelg and lives in Glenelg—but let me tell you, the contrast is stark because, just like the member for Davenport, the Labor candidate for Black wants to see Majors Road delivered so that the constituents in the seat of Black can get access to the north-south corridor. They are for Jetty Road; we are for Majors Road.

GFG ALLIANCE

Mr TELFER (Flinders) (14:35): My question is to the Treasurer. Have GFG Alliance resumed paying royalties to the state government and, if so, when?

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:35): There was a Ron Burgundy-like inflection at the end of that question. I thought there might have been something else coming. My previous advice to the house stands. We have been speaking with GFG in an effort to bring them into compliance with their obligations to the state government and those discussions continue.

GFG ALLIANCE

Mr TELFER (Flinders) (14:36): Supplementary on that: what is the total amount of the arrears of the obligation of GFG Alliance currently with the state government?

The SPEAKER: That's a separate question. Treasurer.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:36): I thank the member for Flinders for his question but, as the member for Flinders would remember from my previous answer during a previous question time, the provisions of the Mining Act prevent the government from disclosing individual arrangements for individual companies that are regulated under that act, so I am not able, or not in a position to disclose that information. I can confirm that we are continuing to work with GFG. We want them to come into compliance with their obligations, not just to the state government but more generally as well.

GFG ALLIANCE

Mr TELFER (Flinders) (14:36): My question is to the Treasurer. Has the Treasurer made any inquiries about how many South Australian businesses are creditors of GFG Alliance and, if so, how many creditors are there and what is the value of the debt?

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:36): As we have previously updated the house, we are being advised by the state government's Steel Task Force. That has representatives from both the Minister for Energy and Mining's department on it, as well as external consultants, who are providing advice to us. As to what level of detail I am able to provide publicly, I am happy to take that on notice and see what information I can provide to the member for Flinders.

PORT HUGHES HOUSING DEVELOPMENT

Mr ELLIS (Narungga) (14:37): My question is to the Minister for Housing Infrastructure. Why won't SA Water assist in ensuring that a housing development at Port Hughes goes ahead? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr ELLIS: Developers Metacap are attempting to develop a block at Port Hughes to provide significant housing in our region but are not getting sufficient support from SA Water. They have offered generous interim solutions to allow the project to get started while SA Water come up with a more long-term plan, but have not as yet reached an agreement despite significant support from the local council.

The Hon. N.D. CHAMPION (Taylor—Minister for Housing and Urban Development, Minister for Housing Infrastructure, Minister for Planning) (14:37): I thank the member for Narungga for his advocacy for his community. We do have issues with housing out in the regions. We all understand that. That is why the government has invested a significant amount of money through the Office for Regional Housing and also we have SA Water negotiating with a number of developers right across from Mount Gambier. I have had representations for the rest of the South-East right the way through to the Eyre Peninsula and we understand that this infrastructure is very expensive. Often we are requiring developers to make significant contributions for that, to bring blocks online, and sometimes that affects feasibilities. For those general reasons, these negotiations are always hard fought.

As I understand it, SA Water met most recently on 1 October. They also continue to meet with the Copper Coast Council. The Mayor of the Copper Coast Council wrote to me in August and I was waiting for the negotiations between SA Water and the council and the developer to conclude before I replied. Obviously, we will do what we can and what is reasonable to facilitate housing development across the state. This government has invested an enormous amount of money in water infrastructure in the southern suburbs in places like Hackham and in the northern suburbs obviously on our broad growth front.

I don't know what was going on in the previous government, under the previous water minister. I don't know what was preoccupying his time. I don't quite know what was going on. Maybe the focus was not 100 per cent on the state's interests given the enormous infrastructure backlog from one end of the state to the other. This government is investing in water infrastructure, and everybody knows it. The first pipe went in the ground 100 days after the road map was announced. One hundred days after, we put in the first pipe: 18 metres a day, 3,000 metres of pipe, a huge infrastructure contribution. The reason for that is we want to unlock housing in the state and we want SA Water to be part of that.

Mr ELLIS: Supplementary, sir.

The SPEAKER: Let's see if it is a supplementary, member for Narungga.

PORT HUGHES HOUSING DEVELOPMENT

Mr ELLIS (Narungga) (14:40): Thank you; I will cross my fingers. The minister mentioned correspondence received from the mayor in his answer. Will he now respond to that correspondence and accept the meeting as requested in the letter?

The SPEAKER: That is a supplementary question. The minister.

The Hon. N.D. CHAMPION (Taylor—Minister for Housing and Urban Development, Minister for Housing Infrastructure, Minister for Planning) (14:40): I am always happy to meet with regional councils, and we do it pretty regularly. Obviously, though, it is for SA Water to negotiate with the developer. We encourage SA Water to have good relationships with the development community, to engage with them, to give them a comprehensive understanding of what the infrastructure requirements are and why they are required to be put in.

It is important for the developers to understand why we are doing things to a certain standard in a certain place in order to maintain water pressure, supply and capacity. It is important for the

corporation to do those negotiations. I am happy to meet with councils, but we need those negotiations to conclude before we engage, if you like, at a ministerial level.

JETTY ROAD UPGRADE

Mr ODENWALDER (Elizabeth) (14:41): My question is to the Treasurer. Can the Treasurer advise the house if the government has any plans to invest in the upgrade of Jetty Road, Glenelg?

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:41): I am grateful to the member for Elizabeth for his question because today we have the remarkable situation where the fledgling Leader of the Opposition is calling on the state government to use taxpayers' funds to bail out the City of Holdfast Bay for their unaffordable project that only weeks ago the South Australian Liberals were calling to be put on hold. Only weeks ago, those opposite, including the member for Morphett, were saying that this was too much, too expensive and needed to be stopped.

Now, pedal to the metal, according to the state Liberals. Pedal to the metal, and not only should ratepayers in the City of Holdfast Bay be making tens of millions of dollars worth of contributions towards it but so should the member for Elizabeth's constituents, so should every South Australian across metropolitan Adelaide or regional South Australia. Apparently, this is now such a good project that every single South Australian should be paying for it, according to the Leader of the Opposition. What a farce.

The Hon. V.A. Tarzia interjecting:

The SPEAKER: The leader is on his final warning.

The Hon. S.C. MULLIGHAN: Weeks ago, they were calling on Amanda Wilson, Glenelg's mayor, to stop this project, to stop this expenditure and to pull her head in. Now, not only have they got her to put her hand up but they are calling on every other South Australian to bail out the City of Holdfast Bay for their unaffordable project.

The Hon. V.A. Tarzia interjecting:

The SPEAKER: The leader will leave the chamber until the end of question time.

The Hon. S.C. MULLIGHAN: This is the first priority—

The Hon. V.A. TARZIA: Sir, point of order.

The Hon. S.C. MULLIGHAN: No, you're out. You have missed your chance.

The SPEAKER: You have been asked to leave the chamber.

The Hon. V.A. TARZIA: A point of order, sir: the Leader of the Opposition is usually afforded extra courtesy in these matters. I am happy to leave, but—

The SPEAKER: Not on my watch.

The honourable member for Hartley having withdrawn from the chamber:

The Hon. S.C. MULLIGHAN: Thank you for your protection, Mr Speaker. So now we see those opposite walking both sides of the street. Only weeks ago, this was an unaffordable bad project. Now, not only have they stopped criticising Glenelg's mayor, Amanda Wilson, for this project but they have endorsed her as their own candidate. They have embraced her as a Liberal as of Friday. They've got her into the party, they've got her to be a candidate—

Members interjecting:

The SPEAKER: The member for Hammond will leave the chamber until the end of question time.

The honourable member for Hammond having withdrawn from the chamber:

The Hon. J.A.W. GARDNER: Point of order: standing order 98. I think the Treasurer has now descended into debate.

The SPEAKER: Well, the question did ask for some sort of explanation. I will listen carefully but make sure you don't stray too far, Treasurer.

The Hon. S.C. MULLIGHAN: Now the state Liberals are asking the state government and the taxpayers of South Australia to bail out the newest Liberal in South Australia and get all taxpayers to make a contribution towards this unaffordable project. A few weeks ago, when Amanda Wilson was presumably still a Green and nothing to them, they thought that this was a bad idea, and now that she's a Liberal this is a great idea: this is the best idea the member for Morphett has ever heard of and South Australian taxpayers should be making a contribution.

You cannot believe anything those opposite say. You cannot believe what they said several weeks ago; you can't believe what they are saying today. If they believe that Amanda Wilson and her council were being incompetent back then, then you have to ask why they would endorse her as a Liberal candidate and run her to represent the constituents of Black in this electorate.

The Hon. J.A.W. GARDNER: Point of order: standing order 98. The Treasurer is straying far from the question now.

The SPEAKER: I think there has been a fair bit of yelling across the chamber from your side and perhaps there's some responding to that as well. I have repeatedly asked people on my left to stop with the interjections. I will listen carefully to the Treasurer.

The Hon. S.C. MULLIGHAN: Thank you, Mr Speaker. To conclude, you might have picked up, Mr Speaker, that our appetite for this project is cool and we won't be making a contribution towards what the member for Morphett described as a project that should be stopped, a project that was unaffordable and a project which is stinging the ratepayers of the City of Holdfast Bay an extra $126 this year, next year and the year after.

WHYALLA STEELWORKS

Mr TELFER (Flinders) (14:46): My question is to the Treasurer. Is the Treasurer concerned about the ongoing viability of GFG Alliance and what potential impact this may have on the Whyalla Steelworks? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TELFER: The *Financial Review* reported on 15 October that ratings agency Moody's had downgraded the credit rating of one of GFG's two major Australian subsidiaries, InfraBuild, describing it as 'unsustainable' given its materially high debt cost which we expect will result in negative free cashflow over the next 12 to 18 months.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:47): Of course we want the steelworks to succeed. We want the steelworks to be invested in. We want the large number of South Australians employed at the steelworks to have a secure, productive and well-paid future working at those steelworks, producing steel products which are not produced anywhere else in our country.

We need this sovereign steelmaking capability for the benefit of our nation and where better to have it than in the state of South Australia, not only making a substantial contribution towards our state's economy but employing many, many hundreds of South Australians both directly and also in many other businesses that provide contract labour for the operation of the steelworks, as well as the much more significant wider economic benefit of having such a large industrial operation in Upper Spencer Gulf as the steelworks.

Are we concerned? Of course, as we are with the fortunes of every major employer in South Australia. We want them to grow, we want them to employ more South Australians and we want to see their contribution to the state's economy continue to increase. In many other areas of the economy over the last 2½ years, I am pleased to report to the house that that has occurred. But what we would really like to see in the context of the member for Flinders' question is that that also happens at the steelworks.

As members would be aware, there have been commitments made by GFG about investing in the steelworks. We want to see those investments happen because we want to see not only the

productivity and the output of those steelworks continue and continue to increase into the future, we want to see the workers be gainfully employed into the future, but we also want to make sure that South Australia is the home to this sovereign steelmaking capability for the benefit of the rest of our nation and to those many other countries that buy these products from Australia.

GFG ALLIANCE

Mr TELFER (Flinders) (14:49): My question is to the Treasurer. Has the government received any advice about whether any financial instability of GFG may delay the installation of the electric arc furnace and associated infrastructure beyond 2027?

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:49): It's not necessarily just a matter of us receiving advice. Of course, as we all know, in recent times GFG has had to go through a significant financial restructuring after the collapse of its Greensill financing arrangements, and they have had to find alternative financing in a relatively short period of time to make sure that not only could they continue to operate this part of its operations here in South Australia but presumably do so in other parts of their global operations. So we are absolutely aware of that and, of course, we have all seen the reports, and the member for Flinders quoted a recent one in yesterday's *Financial Review* to that effect.

We are very, very keen and very focused on making sure that the steelworks succeeds into the future. That is our priority. It is for the steelworks' operations, its productivity, its capacity to continue producing these steel products, which the rest of our country and other countries rely on, and that the workers can be gainfully employed. That's our focus and we will continue pursuing that aim. The federal government has made funding commitments for GFG to invest in that. We have maintained, as I have previously explained to the house, a $50 million commitment that was initially made during the term of the previous Weatherill government by the member for West Torrens that is available to be deployed to invest in new capital equipment and improvement at the steelworks.

The electric arc furnace, I think that the member for Flinders mentioned, of course has been delayed, and that is a concern not only to the state government but to the people of South Australia. We want the steelworks to succeed and we are working hard to make sure that we understand what opportunities the state government has got to best ensure the steelworks can survive into the future.

WHYALLA STEELWORKS

Mr TELFER (Flinders) (14:52): My question is to the Treasurer. Will the Treasurer announce a financial support package for the town of Whyalla at his visit next week and, if so, what will that announcement entail?

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:52): As I have just outlined in my previous answer, there is already financial support available for the steelworks, that $50 million. We are looking forward to our cabinet meeting on Monday. It is important, I think, for all ministers to again travel up to the Upper Spencer Gulf, as we have done on a number of occasions, to continue to engage with the local community, to continue to engage with local businesses, with workers at the steelworks and with GFG. This is in all of the state's interests, that we have got a viable, productive steelworks that's in operation, and we are looking forward to those discussions on Monday.

DROUGHT ASSISTANCE

Mr McBRIDE (MacKillop) (14:53): My question is to the Treasurer representing the Minister for Primary Industries in this house. Will the government consider providing exceptional circumstance payments and/or interest rate subsidies to regional areas? With your leave, Mr Speaker, and the leave of the house, I will explain.

Leave granted.

Mr McBRIDE: Primary producers are currently experiencing their second failed spring, with record low rainfalls and drought conditions. Farmers want to know what the government is doing to assist them.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:53): I thank the member for MacKillop for his question. Yesterday, when I was talking about the drought conditions and some of the other unseasonal conditions, I made reference to the frost impacts that the member for Chaffey previously raised with the house. Also, I am very grateful for the advice and the contact I have had from the member for Stuart about the conditions being experienced by his constituents because it's clear that these conditions are impacting regions across the breadth of South Australia.

While I have previously made reference to the immediate supports that the state government is making available to farmers, I can also advise that the commonwealth is providing support through its Farm Household Allowance, its Farm Management Deposits Scheme, its income tax averaging and other primary producer concessions.

But I should also point out that this is something that is being closely monitored and being worked on by the Minister for Primary Industries in the other place and her department, the Department of Primary Industries and Regions South Australia. They are taking into direct account those representations that have been made to them directly by farmers and also by their representatives, including members in this place, who are providing the benefit of their direct experience as to the conditions that are being felt out on the land.

We are acutely concerned that these particular conditions in some respects are exacerbated because they are coming off the absolute opposite conditions that we have had with a number of very productive seasons in recent years. That of course means that these very significantly changed conditions can be felt all the more acutely, and that that can be even more impactful for farmers, their families and affected communities.

I am not in a position on behalf of the minister to articulate what she and her department are doing, but I am happy to bring back information to the house—except to say that we are already starting to roll out those additional supports and we are continuing to speak with those members but also with farmers and the regional communities directly, including understanding what further the state government could be doing to assist our primary producers through these very difficult times.

Mr TELFER: I have a supplementary on that, sir.

The SPEAKER: We will see if it's a supplementary.

DROUGHT ASSISTANCE

Mr TELFER (Flinders) (14:56): Thank you, sir, and from my perspective it is. Has the state government committed any additional funds themselves to communities affected by drought?

The SPEAKER: I think that is a separate question.

SCHOOL INFRASTRUCTURE PROJECTS, BLACK ELECTORATE

S.E. ANDREWS (Gibson) (14:56): My question is to the Minister for Education, Training and Skills. Can the minister update the house about school infrastructure projects supporting high-quality education in the electorate of Black?

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (14:56): I thank the member for Gibson for her question. It was wonderful to join her this morning at Warradale Primary School where she is the local member, where we officially opened the $8.5 million of brand-new school infrastructure. I know this was really well received. The community there has waited quite some time, of course, because that was a project initially announced by the former Labor government and former Minister for Education, now Deputy Premier.

I had the opportunity there to make a short address to the gathered parents and students and governing council members who had done so much work on that project, to talk about why I think it is more important now than perhaps it has ever been to be investing in schools and upgrading infrastructure, including those in the seat of Black.

The example I gave was through the lens of my own schooling, having grown up in a very small country area and attending a public primary school that had 38 kids when I started there in about 1987. When my own father started there in 1954 it had 38 kids and when my grandfather

started there in 1915 it had 38 kids. We all started in the exact same classroom: it had the same blackboards and seats, and I think the only thing that changed between 1915 and 1987 was the Gestetner machine, the precursor to the photocopier that some people in here might remember—and the teachers, of course, as well.

Members interjecting:

The Hon. B.I. BOYER: That's right, the wheel-in televisions, I remember them very well, with the VHS machines. As people in this place know very well and as the member for Gibson knows very well, the world has changed a lot since 1987. The kinds of technology that young people are expected to have a sound understanding of, to use safely, and the kinds of skills that they need when they leave primary school to go high school, and high school to go into their working careers, include things like artificial intelligence, virtual reality, smart devices and all the things you can access through the internet, none of which were really a consideration so much when I was at school and certainly not when my father or grandfather were at school.

The investments that we have made in the seat of Black, which I am happy to update the house on, I think are always important, setting aside the fact that our staff are our biggest asset. That has always been true. Our teachers and SSOs and principals are the biggest asset that any education system has had and will ever have. But still, making these upgrades is really, really important.

I want to make special mention of a few, including Woodend Primary School, which again was a project announced back in 2017 by the now Deputy Premier. A total of $5 million has been spent there for new covered outdoor learning areas; refurbishment of the library, the home economics and the toilets; refurbishment of the foyer, general learning areas and two new STEAM rooms and a general learning area; and refurbishment of the existing gym. This has all occurred at Woodend Primary School.

We have also made significant upgrades at Hallett Cove School, $10 million worth there. That was also a project that was originally announced by the former Labor government back in 2017, by the now Deputy Premier. Those upgrades have included, for the $10 million that we have put in there, a full refurbishment and expansion of the middle school building, two food technology labs, two visual art studios and general learning areas as well, all really significant kinds of works that are important to make sure that the students at those schools get a really world-class experience and it is consistent no matter where people go to school.

I also want to make mention of a couple of projects that were supported by both sides of this house, which include Seaview High School and Seaview Downs Primary School. We have completed major refurbishments to both those schools, including the general learning areas and sports equipment and libraries as well, all really important stuff.

The pressure is certainly going to be on me as the Minister for Education should Alex Dighton be successful at the by-election. He is a teacher, of course. I have heard him speak very passionately around the kinds of things he believes in, and I know that if he finds his place in this house he will be putting the pressure on me to make sure that we keep up the kinds of investments that we have been doing in Black for many years.

The SPEAKER: Minister, your time has expired. The member for Frome.

REGIONAL MENTAL HEALTH SERVICES

Ms PRATT (Frome) (15:01): My question is to the Minister for Health and Wellbeing. What additional rural mental health support is the government offering primary producers who are facing tough drought and frost conditions?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (15:01): I thank the member for Frome for this important question. As the Treasurer has outlined in relation to a number of questions that were asked this week in relation to drought response, this is something that obviously the state government is taking seriously, continuing to monitor the situation. Certainly, in terms of our healthcare services, we obviously have healthcare services and mental healthcare services right across the state that provide care for people who need it, day in, day out.

I certainly haven't been advised that we have seen any increase in demand to date in terms of drought responses, but that is certainly something that is and will be monitored both by our local health networks across the state and our six, in particular, regional healthcare networks and also by the Office of the Chief Psychiatrist. I will certainly be seeking and monitoring advice from the Chief Psychiatrist, Dr John Brayley, if there is a need for particular focused programs in addition to the mental health services that we have across the state that can provide responses.

There is a number of mental health services already being expanded in regional areas. I note, for instance, that expansion we have already undertaken in Port Pirie in terms of a walk-in centre, and it is about to be added to by a federal Head to Health centre there. Similarly, there is a centre in Mount Gambier as well, providing those services for people who otherwise might not have been able to access those services locally.

All of our healthcare networks are also implementing and working through with the Office of the Chief Psychiatrist the recommendations that we had from the independent review in terms of regional mental health care services. I understand that there has been significant progress made against a number of those recommendations as well.

This is something that we will continue to monitor. I would say, particularly in relation to issues such as a drought response, that these are always long-term responses that are needed as well. There is not an immediate short and quick and over response. We need to think about these things in terms of years. It is something I know you, sir, yourself know in terms of bushfire responses on Kangaroo Island. It is certainly something we have seen in terms of flood responses as well. It is certainly something that we will be considering in terms of any drought responses, that there would be the long term that we would need to consider.

I would note as well that the member for Elder, in her role as the Premier's Advocate for Suicide Prevention and the Chair of the Suicide Prevention Council, is obviously taking a keen interest in terms of these matters, in terms of regional suicide prevention and working with our suicide prevention networks across the state and also across the government in relation to the world-leading Suicide Prevention Act that we have.

In relation to our world-leading Suicide Prevention Act that we have in this state that mandates that all government departments need to have suicide prevention strategies in place, I thank the member for Elder for the work that she is doing, together with the council. She has been very much on the front foot in terms of engaging with, connecting with and visiting regional areas as part of the work of the Suicide Prevention Council, and that will certainly continue.

FLOOD RECOVERY FUNDING

Mr WHETSTONE (Chaffey) (15:04): My question is to the Treasurer. Have all successful applicants for the River Murray flood recovery package received their funding, and if not, when will they? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr WHETSTONE: In January 2023, the Premier announced the River Murray flood recovery package, which included $65.2 million worth of funding for affected small businesses, primary producers and service reconnections. Recent documents retrieved under FOI show that despite all grants being closed, less than 20 per cent of the funding has been allocated.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (15:05): In terms of all recipients or beneficiaries of the announced funding receiving their funds, I would have to take that on notice, but I would say that in the context that there are often circumstances where it has taken either businesses or households some time to work with the government agencies, which have often been led by the Department of State Development, to make sure that we had enough information and grounds to pay those amounts.

I am aware of the information, or some of the information, that the member for Chaffey refers to, but I should also be at pains to say that even when there were certain parts of that flood recovery package—the $194 million of financial support that was announced by the state government—which

may not have been spent for that particular purpose, quite often that money was then repurposed to another area of flood recovery.

So I would be at pains to reinforce that there is not a situation where there has been an underspend and that has been an opportunity to claw this money back for the benefit of the Consolidated Account. We have sought, where possible, to redeploy moneys which have not been used up entirely on one particular stream of that flood recovery effort to bolster up other areas of flood recovery effort.

In fact, only in the last couple of weeks, I think, I have signed correspondence to a couple of the councils in the flood-affected areas where we have said yes to their requests and rather than fund the regular 75 per cent of flood recovery costs for a particular issue that they were entitled to funding for, we have changed that 75 per cent and given them 100 per cent of the costs. So that's an example of where we have taken the opportunity to dial up, in some areas, an amount of money that we had previously committed because we had some money left over from another area of flood recovery.

What I can do for the member for Chaffey—given, of course, that he and many of his constituents were directly affected by the flood event—is try to bring back some further information for him, and maybe for the member for Hammond and for other affected local members, setting out how all of that has worked.

DROUGHT ASSISTANCE

Mr TELFER (Flinders) (15:08): My question is to the Treasurer. Has the state government committed any additional funding to drought-affected sectors and communities? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr TELFER: The Victorian government has recently announced a $13.5 million drought relief package for the sector.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (15:08): As I have made reference to in a number of my responses to these questions, yes, the government has committed additional funding to regional communities in order to assist their members in those communities to try to deal with the really significant impacts of these drought conditions. I have been at pains to describe that initial amount of funding as an initial response, trying to deploy additional funding in an immediate way which we thought was the most relevant and targeted benefit that we could provide to people suffering from the circumstances of these drought conditions.

What I am referring to is the $4.4 million that we committed only several weeks ago to the Family and Business Support program to make sure that we had Family and Business Support mentors and the Rural Financial Counselling Service so that particularly primary producers, but not just primary producers, could access one-to-one direct advice and support when they are concerned about all the various impacts that these drought conditions are having on them, whether it is impacts on their farm business and their ability to operate as a primary producer, or the impact it is having on them and their families, or them and their personal relationships and so on, that has been an immediate response on getting that support out to the community.

As I said, we are still working both through the Department of Primary Industries and Regional Development and also with the commonwealth government as well as local representatives to understand what the needs are and how best we can respond to those needs. I don't want to give the house the impression that, yes, we have committed $4.4 million and that's it and that's all.

I think as we have demonstrated in the answer to the previous question from the member for Chaffey, we have not hesitated to respond very substantially to regional communities when they are put at significant risk from circumstances beyond their control. We did that with the flood and we are continuing to consider how best to do that in response to these drought conditions. I thank the member for Flinders again for raising this important question for the benefit of the house.

Grievance Debate

BACKPACKS 4 SA KIDS

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:11): I am really pleased to have the opportunity today to talk about the important work of Backpacks 4 SA Kids, who have recently packed their 100,000th bag. Before I get onto that, I do want to pay particular note to the fact that it is National Carers Week, and in parliament today we have dozens and dozens of guests who are representatives of carers associations and organisations, people who are and have been carers in South Australia doing tremendously important work for not just, in many cases, their loved ones but, in many cases, people who they had not had a prior connection with—terrifically important for our whole state and our nation.

There are 2.7 million carers across Australia and the role that they play cannot be understated in terms of how important it is. I am very pleased that during this National Carers Week, the Parliamentary Friends of Carers here in South Australia are giving recognition of this event with an event here in Parliament House. I acknowledge particularly from our side the Hon. Heidi Girolamo, who is the Liberal Party's co-chair of the Parliamentary Friends of Carers. From memory, I think the member for Adelaide is the other co-chair.

After grievances, I understand that our guests will be going to the Balcony Room. I encourage them all to look forward to that. The Balcony Room is my favourite room in this building. It is the government party room and being in the balcony room is a sign of better things to come from our side as we hope to be there again in two years for our party room meetings. It is one of the only rooms in this building where we can gather in large numbers and enjoy the natural light. So I think you will have a lovely time, and I am certain that the hospitality of the member for Adelaide and the Hon. Heidi Girolamo will be outstanding.

I imagine also that a number of the people in the gallery representing carer organisations would also have had a lot to do with Backpacks 4 SA Kids because, of course, Backpacks 4 SA Kids is an organisation that serves a lot of vulnerable people in our community. Some of those vulnerable people, at different points, will have ultimately had the support of carers as well.

I remember in my electorate of Morialta when we had those Hills communities that were so devastatingly impacted by the 2019-20 bushfires, all of the children in those primary schools in difficult circumstances—many of whose houses had burnt down, and indeed many of whom even if their houses had not burnt down were not able to be home for days or even weeks at a time—received backpacks from Backpacks 4 SA Kids. I remember the Hon. Michelle Lensink joining Rachael Zaltron OAM, the founder of Backpacks 4 SA Kids, in Lobethal—in what was then my electorate—to distribute a number of those backpacks, which was so gratefully appreciated.

One of the key things about the backpacks provided by Backpacks 4 SA Kids is not just the provision of useful materials—whether that be clothing, toys for the little ones, nappies, bathroom products or whatever else—it is the sense that each one of those backpacks has been packed by a volunteer and given love, and that love is transferred to the recipients of it. A lot of the time, government programs can pay for the provision of supplies or services to individuals in need, and they do and they must and that happens, but when you add on what the non-government organisations like Backpacks 4 SA Kids can provide it is that love, and often it is one of the deficits in the recipient of it.

It was not a celebration on Sunday when we gathered in the warehouse, it was a recognition of 100,000 backpacks. Eighty-six thousand children in South Australia, and obviously 14,000 people in connected situations—there is the Anchor Pack program, the Home Starter Pack program and the Christmas drive—have received a backpack. It is an indication of what more we need to do as a community, as a society, as a government/parliament and in our streets to help those who are in a vulnerable situation. It means there are 86,000 children who have been in a situation where a backpack has been needed.

The efforts of someone like Rachael—who was the founder in 2013, was awarded an OAM in 2020 and has been operating the work with the support of just a couple of staff and an army of volunteers—have been so commendable.

I really want to place on the record my congratulations. I am looking forward to the reception for those volunteers at Government House this afternoon recognising the work of Backpacks 4 SA Kids. To all the Morialta residents—who every single month donate goods, donate knitted products, donate all the things that come into our office that are then able to go into those backpacks with love—I thank all of them and remind everybody else that our office is a collection point, and we make big deliveries every month, so get on board.

NATIONAL CARERS WEEK

Ms HOOD (Adelaide) (15:16): Imagine being a carer so young that you learn how to do CPR to the tune of *Row, Row, Row Your Boat*. That is how Joshua Patrick learnt the skill to be able to save the life of his baby sister, Charlotte, should she need it.

Row, Row, Row Your Boat was Joshua's favourite nursery rhyme. Why? Because Joshua was just six years old when he became a carer. His little sister Charlotte was born with a rare genetic condition that meant in her short life she has endured countless operations, is continuously tube fed and has many other physical anomalies which result in her requiring round-the-clock intensive medical care, much of which Joshua provides alongside his beautiful mum, Laura.

Last week, I had the honour of attending the Young Carers SA breakfast by Carer and Community SA, and listening to Joshua's story. He juggles his young caring responsibilities with school, advocacy work and public speaking, to spread the message of young carers across Australia. Joshua does this with a maturity beyond his years, quiet confidence and a positive attitude that is simply inspirational. There are up to three young carers like Joshua in every Australian classroom. There are more than three million carers like Joshua across Australia. During National Carers Week, we recognise, acknowledge and raise awareness of carers like Joshua across our country.

I would like to acknowledge the special guests in the gallery today: Carers SA and other caring organisations, including Siblings Australia, Family Drug Support, Centacare, Carers and Disability Link, Carer Council, Connecting Foster and Kinship Carers, Grandcarers SA, The Carer Project, many other organisations and individual carers in the room. On behalf of the Parliamentary Friends of Carers group, co-founded by myself and the Hon. Heidi Girolamo MLC in the other place, we welcome you and we thank you.

The call to action for this year's National Carers Week is 'Show them you care'. So how can we do that? One, by acknowledging and appreciating carers. Let's recognise the exceptional role that carers play in the lives of those who they care for. You can do this by expressing gratitude with a simple personalised note or message on social media, you can do this by being a compassionate and empathetic listener and you can do this by verbally recognising their efforts as we are doing in the parliament today.

Two, by encouraging self-care. I know how hard that must be, but remind carers to take care of themselves and prioritise their own physical and mental health. You can do this by sharing helpful resources, such as health and wellbeing apps and support groups. Simply go for a walk with them. And if you are an employer, then you can provide carers with flexible work arrangements.

Three, by offering them a break. Offer to provide carers with a break and time for themselves to recharge. You can do this by maybe running errands for them, helping with household chores, maybe planning a social activity together.

Four, by checking in regularly. Show your support for carers by checking in on them. You can do this by encouraging them to talk, if this is helpful for them, and validating their feelings without judgement.

Five, by initiating support. Carers often prioritise the wellbeing of the person they care for over their own. They might struggle to seek assistance due to a sense of guilt or fear of being judged, so ask them how you can help them. Listen to what they need and do not assume that you know.

Thank you so much to all of the carers in our community, in our state and in our country for the incredible work that you do, and a shout-out to the many young carers just like Joshua. In closing I wanted to share some words from Joshua that he sent me this morning.

I hope that my story on a broader scale raises the awareness of carers like myself—the unseen and the unsung people—who daily sacrifice so much out of the selfless love for their family members.

Thank you again and happy National Carers Week.

WILLIAM KIBBY VC VETERANS SHED

Mr PATTERSON (Morphett) (15:21): During National Carers Week I also want to acknowledge all the carers who are here today in parliament. I want to speak about an organisation that, in a way, is certainly related to caring for people, and so I do want to take the opportunity in parliament to thank everyone involved with the William Kibby VC Veterans Shed and congratulate them on the official opening of the workshop extension that was held in October.

The extension of the veterans shed is a major milestone in its history. In early 2022 I secured $40,000 of funding from the former state Liberal government for the workshop extension, which was only possible because of the tireless efforts of all the volunteers in supporting veterans. The William Kibby VC Veterans Shed is for veterans from all wars and has the motto 'Those who served supporting those who served.'

The veterans shed is located in Glenelg North and is named after William Kibby who lived in Glenelg. He served in World War II and was killed by machine-gun fire after single-handedly attacking the enemy in the Battle of El Alamein. William Kibby was awarded the Victoria Cross posthumously. Kibby's leadership lives on through the William Kibby VC Veterans Shed, which was founded by Vietnam veteran Barry Heffernan. Barry is dedicated to supporting veterans and, in fact, my first meeting as an elected member in 2010 was with Barry where he outlined his vision of the veterans shed and for it to be based in Glenelg North. It was, therefore, an honour to support the planning and the building of the veterans shed and then to be able to officially open the veterans shed in 2015 when I was Mayor of Holdfast Bay.

From there the veterans shed has become a vital support service for veterans in the community through the hard work of volunteers who have a military service background. I have continued to work with everyone at the veterans shed since becoming the state member of parliament for Morphett in 2018 and it is wonderful to see the benefits that the veterans shed provides to our veterans community. The shed has an area set aside where veterans could come together over a tea or coffee, or, as they like to say, 'a brew', to discuss health and welfare issues with other veterans who have shared similar experiences.

The majority of the shed area is set aside for hands-on woodworking activities, where the veterans build products such as firewood, planter boxes and cutting boards to help raise funds to then fund support services for other veterans. As the woodworking activities became more successful and grew, the original shed needed to be expanded via enclosing the front section. I worked closely with the board of the veterans shed and in February 2022 this resulted in $40,000 of funding from the former state Liberal government to enable the shed expansion to occur. Work began in 2022 and was completed by early 2023 and on completion the result was an almost doubling of the enclosed footprint of the shed, enabling the woodworking stations to be more permanently placed and organised.

Additionally, ventilation systems have been added and electrical outlets have been set up to remove trip hazards and look after the health and safety of the veterans working in the shed, which is a terrific result for all involved. Importantly, the shed extension has seen the wood-making activities grow, which ultimately means that more much-needed funds are being raised to support veterans.

While the extension had been finished for 18 months, it was certainly very important and a worthy recognition of everyone involved to have the workshop extension officially opened last week by the Minister for Veterans Affairs. Along with other MPs, I attended the opening ceremony, which was held in the picturesque and peaceful Michael Herbert Memorial Garden, which is adjacent to the shed and has been curated into a beautiful and peaceful memorial garden. It includes flowerbeds and a memorial wall. At this time of year, of course, it is spring, and the flowers are in bloom. Appropriately, with Remembrance Day approaching, the flowers include poppies to remember the fallen.

Congratulations to William Kibby VC Veterans Shed Chair Graham Matthews, Treasurer Malcolm Schlein and Jim Mavromatis on hosting the official opening and to everyone involved with the veterans shed. Thank you. The work of all the William Kibby VC Veterans Shed volunteers truly makes a major difference to the lives of our veterans. This work keeps fresh in our minds the sacrifices made by the men and women who have served our nation, and that is why, as the entrance arch to the Michael Herbert Memorial Garden states: we will remember them.

NATIONAL CARERS WEEK

The Hon. N.F. COOK (Hurtle Vale—Minister for Human Services, Minister for Seniors and Ageing Well) (15:26): Marni naa pudni to all here in the gallery today, all carers, carer representatives and organisations who have come along today to celebrate with the Parliamentary Friends of SA Carers this year after the launch last year. I know my parliamentary colleagues Lucy Hood, the member for Adelaide, and the Hon. Heidi Girolamo from the other place have enjoyed their roles as advocates for carers in this place along with all of us.

Every October, we celebrate National Carers Week. We recognise, celebrate and raise awareness of the three million Australians who provide unpaid care and support to a family member, loved one or friend. On Sunday, parliament was lit up in blue to mark the start of Carers Week. A range of events are happening also to mark that occasion. I was really thrilled and moved to meet some really excellent, inspiring young carers last week, each with their own unique stories and journeys about being a carer for a parent, a sibling or another loved one.

Lucy Hood, member for Adelaide, has talked about Joshua Patrick, who is a young carer from Western Australia. His experience of caring for his sister Charlotte is really one to pay attention to and one to learn from. I look forward to learning more from Joshua as time goes by. I have committed to speak to him again. He describes those challenges navigating systems and how difficult it is attending school, completing schoolwork and actually being a kid with all those challenges that are more for an adult. Other young carers at the event, like Angus, Aaliyah, Evie, Ashlee and Reagan, all shared similar experiences. The youngest was 11 years old.

In my own electorate, my good friend, young carer and community advocate Callum Barrott-Walsh has his own experiences caring for his brother and his father. Although carers—young or ageing well, child or parent, sibling or parent—share the same role, caring and every experience within that and every responsibility is absolutely different. Sometimes it is looking after an ageing parent who needs help moving around. Other times it is being there for a family member with mental ill health. In lots of cases, it is helping someone with intellectual disability or an acquired brain injury to manage the complex world around us.

Even when people have access to funded systems like the NDIS—and trust me, yesterday at the foundational supports round table, carers and the challenges and the need for more help were absolutely at the centre of that conversation. NDIS or My Aged Care: these funded systems rarely match the level of knowledge, commitment, flexibility and responsiveness that comes from someone who knows and loves the caree.

Our government is committed to recognising carers, and we are currently reviewing the Carers Recognition Act. I thank everybody who has participated in that engagement, and I want you to know that the work is underway and we want to get that piece of work right. We want to ensure that it acknowledges the unique role of being a carer and reflects the needs of South Australia's carers. The commonwealth government is completing their own review and so we want these two to match up and make sure that they work together well.

This financial year we have also provided over $1.5 million in funding to support carers through advocacy, carer break services and youth carer support services. These services ensure there is a representation and a voice for carers in policy that carers receive funded breaks and respite from caring duties. Again, while we acknowledge there can never be enough, we want to make sure that it is fair and equitable and everybody has a chance at a break.

We support young carers with great focus on their needs, their wellbeing, social connections and participation in education and employment. The role of carers cannot be understated, understood—in fact understood most of the time, right?—or underestimated. It is often thrust upon

them and sometimes the circumstances are absolutely unfavourable, but they never shirk that responsibility. The support they provide to loved ones is absolutely invaluable.

I deeply thank all carers for what you all do every day, supporting your loved ones, supporting your friends, supporting your community while contributing to the development and growth of our community more broadly. I look forward to continuing to work with you and to make caring an easier thing to do.

SAND DREDGING

Mr COWDREY (Colton) (15:31): I rise today to provide an update in relation to a significant issue in my local area, but before doing that, as other members have done to this point, I would like to recognise the significant work and contribution of the many carers in South Australia. This National Carers Week we, as a house, and I am sure as you have become very quickly aware across the whole of this parliament, both sides of the aisle recognise your contributions. Although varied and diverse and often very personal, your experiences are all very different and we thank you for your significant contributions both to those you care for and our broader community.

I provide an update today in regard to an important issue: the ongoing battle to save our beaches and secure a solution to address longshore drift and the associated erosion issues at West Beach and Henley Beach South. To provide a short recount of the events to this point, shortly after the Labor government were elected, they tore up the contract for a long-term solution that had been put in place and instead opted to pursue a desktop review and standup panel to provide recommendations to the government.

That review, unfortunately, was significantly delayed, with the recommendations released more than two years after Labor came to power. The key recommendation of the panel was to, and I quote, 'recycle sand between northern beaches and West Beach' with the panel outlining dredging or recycling pipeline options to do this.

On 24 May this year, the Hon. Kyam Maher, the minister responsible for the dredging trial, due to conflict of interest issues raised by the Deputy Premier, said, and I quote:

> The two-month dredging program will collect sand from a nearshore zone between Taperoo and North Haven and deliver it by barge to West Beach where it will be pumped near the shoreline to wash onto the beach.

However, just a couple of weeks ago, on 27 September, the Labor government announced their intention to dredge only 10,000 cubic metres from North Haven and instead dredge 80,000 cubic metres of sand from nearshore sites at West Beach.

Understandably, my local community groups and beach advocates, many of whom have taken part in the ongoing consultation process around the dredging trial were blindsided and shocked by this announcement. The West Beach Surf Life Saving Club, the Adelaide Sailing Club, the Henley Sailing Club, the Henley Surf Life Saving Club, as well as sand and dune advocacy groups and individuals, penned an open letter to the Premier outlining their concerns with this plan. Concerns outlined in that letter and subsequent communications include:

- that dredging sand near shore of West Beach was not a recommendation of the Labor government's own review or the coastal engineer;
- that West Beach is acknowledged as highly eroded and that dredging could further disrupt and compromise the fragile beach profile;
- that no long-term offshore sand source for recycling sand from the northern beaches has been identified to this point, so why risk further damage at West Beach; and finally
- that there has been no environmental impact statement or consultation with the community on the sudden change to the trial nor was dredging at West Beach ever considered by previous reports or the panel.

It is clear that my community are rightfully angry about the nature of how this trial has been significantly changed at short notice. They feel blindsided by that decision and question why, when recommendations of the government's own panel have been presented, the option chosen has flown in the face of that. I am encouraging everybody that has an interest in ensuring that West Beach,

Henley Beach South and the beaches within my electorate are in the best shape possible, to contact the Premier, to provide your thoughts on this trial and the nature of the consultation that has led us to this point.

This issue has gone on for far too long. I will always and have always advocated for a sensible solution and I will always back my local community. Please, if you have the opportunity, contact the Premier on this issue and ensure that he knows the views of our local community. It is very rare that so many of our local community groups and clubs would have this level of concern and that the government would proceed without listening to those voices. I encourage all those in this house to consider that as well.

NATIONAL CARERS WEEK

Ms THOMPSON (Davenport) (15:36): This National Carers Week I, too, would like to contribute to this important conversation and recognise remarkable individuals who dedicate their time, energy and love to care for others. As others have mentioned, it is so great to see so many of you here in our gallery today. I do not think we have ever seen such a kind, selfless group of people in our gallery, like a big warm hug over there. I am looking forward to meeting some of you at the afternoon tea.

National Carers Week is a time to recognise, celebrate and raise awareness for the over three million Australians who provide unpaid carers support to a family member or friend. These carers step up for those living with disabilities, mental health, chronic illness, terminal illness, issues related to alcohol or drug use or for the frail and aged. In South Australia alone, we have 245,000 carers. They are not just statistics. They are parents, grandparents, partners, siblings, friends, neighbours and, as we have heard from the member for Adelaide, often very young children. Some carers gradually take on more responsibilities, while others are thrust into the role overnight due to accidents or sudden illness that can change their lives in an instant.

Those of you in the gallery today would know better than anybody that caring for a loved one can be deeply rewarding but it also comes with immense challenges. Carers often sacrifice their own wellbeing, setting aside their needs to care for others. Without the right support, the demands for caregiving can become overwhelming, impacting not just a carer's physical and mental health but also their ability to work, to participate in family life and to engage in social and community activities. It is a truly selfless task, but research shows that carers are more likely to experience a range of health and socio-economic difficulties compared to others. Despite those challenges, most carers will tell you that they are doing okay, even when they are struggling. There is often a sense of guilt or shame in expressing their own needs.

That is why today I encourage everyone to reach out to the carers in your lives, show them your appreciation as you ask how you can support them. Even small gestures, many of which we heard listed by the member for Adelaide, like offering to help with errands, taking people for a walk or simply listening can make a huge difference.

I would like to take a moment to personally acknowledge a few of the carers in my own community. These individuals go above and beyond for their loved ones, often without the recognition that they deserve. Peter and Elizabeth from Aberfoyle Park are tireless carers for Peter's brother Gordon. Although Gordon does not live with them, Peter and Elizabeth never stop advocating for him. They do this work quietly, without fanfare, and they exemplify what it means to be unwavering in your love and dedication. Meredith, also from Aberfoyle Park, cares for her husband full-time despite facing health challenges of her own. She has often had to put his needs before hers, embodying strength and resilience in the face of adversity.

Sandy from Flagstaff Hill cares for her husband and also has great interest in her local community. Her time for herself is limited as she cannot leave him for long periods of time. She balances her responsibilities with grace, but I know that her sacrifices prevent her from being involved in other community activities that she would love to take part in.

Finally, I would like to acknowledge Thomas from Aberfoyle Park, who has been caring for his wife who is currently in hospital. Though fortunate to have a supportive family, he still shoulders

the full-time responsibility of care at a time in life that many would consider their well-earned retirement.

These are just a few of the thousands of carers in our communities, each with their own unique stories. To all carers, I want you to know that I see you, I see your strength and I see the love and dedication that you show every day, even when it feels like no-one is watching.

This conversation is also deeply personal for me. In 2020 I lost my mother to motor neurone disease. Throughout her illness my stepfather, Phil, was her primary carer. He was there every day ensuring her comfort and dignity during such a challenging time, putting on a brave face and I know at times pretending he and mum were both fine just so the rest of us would not be burdened. His selflessness, patience and devotion will stay with me forever. Like so many carers, Phil never sought recognition for his role, but I want to take this opportunity to honour his immense contribution as well as the millions of others who quietly provide the same unwavering support across Australia.

This week I hope that every carer feels the love and gratitude that flows to them from all corners of our communities. You are seen, you are appreciated, you are not alone. There are support services available like Carers Gateway, Carers SA, DHS and Carer and Community SA, along with all of those groups that the member for Adelaide mentioned that I know are here today. Thank you so much for everything you do. I look forward to chatting at the afternoon tea.

Private Members' Statements

PRIVATE MEMBERS' STATEMENTS

Ms PRATT (Frome) (15:41): I rise to join in the contributions that have been given today. I thank the member for Adelaide, Lucy Hood, and my colleague the Hon. Heidi Girolamo in the other place for forming the Parliamentary Friends of Carers. We welcome you here today. It is lovely to see so many people fill the gallery and share our workplace alongside us.

In recognising National Carers Week, I also want to make mention that October is national Mental Health Month. I think there is a correlation between the role that carers often play, perhaps not in a formal role with a membership organisation or as a volunteer but actually walking alongside those we love who are experiencing mental distress. That mental distress might be as a result of some other things that are happening in someone's life.

To personalise my reflections on the role of carers and Mental Health Month, I draw the house's attention to my electorate of Frome, which is a farming community. I worry very much at the moment about farmers and primary producers who are experiencing that distress, whether they are tomato growers, grapegrowers, broadacre farmers or farmers with livestock. This is an opportunity to reflect on the support that they are going to need from all of us. Thank you for coming in. We hope you enjoy your afternoon tea.

Mr ELLIS (Narungga) (15:43): I rise to bring to the house's attention a problem that I identified in question time, that being the shortage of water that we have to service a number of housing developments on Yorke Peninsula. Gosh knows we need the housing—there are that many people who live locally who are struggling to find a permanent rental or a place to buy. There are even difficulties for organisations like our local health network, which has put out a plea for houses to house medical professionals who they hope will live in our region. But thus far, we are finding that SA Water are unwilling to help developers who are trying to alleviate that problem.

The best example that I can provide to this house is the Metacap development at Port Hughes, the second stage of The Dunes development, which after much work with the developer and trying to find an agreeable solution with SA Water has not yet reached a conclusion. We have a letter from the former minister, Ian Hunter who still sits in the other place, from September 2016 that identified that there were $26 million worth of augmentation works that needed to be done and that they would be budgeted for. Those works never happened. Between 2004 and 2016, the government collected significant augmentation charges from our local community, which were then spent on maintenance.

I got the dictionary out: 'augmentation' is not maintenance. Maintenance is the preservation of something. Augmentation is the enlargement of it. We would like to know where that money was

spent and we would like SA Water to come to the party and accept one of the generous offers from the developer about ways to move this project forward, so that we can have the housing that we need to house the population that wants to live on the Copper Coast and satisfy its significant growth.

Mr WHETSTONE (Chaffey) (15:45): I would like to rise and acknowledge carers in the gallery today for the great work that they do to make our world a better place, so thank you. I am going to acknowledge the South Australian Business and Export Awards, which I attended last Friday night. Some great South Australian businesses and exporters were recognised, putting South Australia's premium goods and services on a global stage.

There were 26 winners: 14 exporters and 12 businesses. My portfolio responsibility is, of course, the export award winners. Fivecast won the Advanced Technologies Award, The Yoghurt Shop the Agribusiness Food and Beverages Award, Rising Sun Pictures the Creative Industries Award, SKDA Moto Creative the E-Commerce Award, MAXM the Emerging Exporter Award, Flinders University the International Education and Training Award, Avance Clinical the International Health Award, REDARC Electronics the Manufacturing and Advanced Materials Award, RDI Partners the Professional Services Award, Balco Australia the Regional Exporter Award, Green and Gold Energy the Resources and Energy Award, Wilco Technologies the Small Business Award, Balco Australia the Sustainability and Green Economy Award, and Treasury Wine Estates the South Australian Wine Exporter Award.

A big shout-out to Byrne Vineyards in my electorate of Chaffey, a finalist in the export awards. It is a family business. Rob Byrne, his daughter Petria and grandson Will run that business. They do an outstanding job. Congratulations to all 26 winners and finalists. It was a great night and they did South Australia proud.

Mr ELLIS (Narungga) (15:46): Thank you very much. Deja vu, Mr Speaker; there we go. I would like to bring to the house's attention a busy long weekend we had in Narungga just a couple of weeks ago. It started with the opening of a new civic square in Port Broughton, and compliments to the council for organising and delivering that project. It was a $1.5 million project which was at least partially funded by the state government. Thank you very much to the appropriate ministers for contributing to that, including a significant amount from the planning fund.

That was wonderful. It features a new and reinvigorated war memorial, some Narungga Aboriginal artwork and totems and, to the great delight of my 18-month-old son, a water splash play feature. He took great delight in playing around in that. It will be a wonderful addition to the foreshore at Port Broughton for many years to come for locals and tourists alike.

After that, on Sunday we had the great privilege of being invited to the Maitland Pistol Club. They once again hosted the state championships and did a tremendous job. Congratulations to Dave Porter and the team, boasting almost 50 shooters over the course of the three-day event on the long weekend. They have a wonderful facility out there, with campsites for people who are visiting and power for people to plug in to. It really was a tremendously well-run event and it was wonderful to be there to help present the awards to the winners, to ensure that they were properly recognised. It was an excellent event to be a part of.

The Maitland Rifle Club has its prize shoot this weekend. I am hoping to get there on Sunday for a similar sort of treatment. Thank you for all that our gun clubs do in our region to provide good safe clean fun for everyone to partake in. I look forward to getting around to more.

Bills

NATIVE VEGETATION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Climate, Environment and Water, Minister for Workforce and Population Strategy) (15:48): Obtained leave and introduced a bill for an act to amend the Native Vegetation Act. Read a first time.

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Deputy Premier, Minister for Industry, Innovation and Science, Minister for Climate, Environment and Water, Minister for Workforce and Population Strategy) (15:49): I move:

That this bill be now read a second time.

In commending the bill to the house, I will introduce its intent and purpose. Native vegetation comprises the native flora of our state, including trees, shrubs, sedges, herbs and grasses, and incorporates simpler life forms, such as mosses, lichens and fungi. The extent of vegetation coverage varies across the state, with 26 per cent of native vegetation cover remaining across the agricultural districts.

Native vegetation provides essential ecosystem services and is a crucial component of our state's biodiversity. It also provides ecological benefits, such as stabilising stream banks and improving water quality, as well as addressing climate change through absorbing carbon dioxide and, therefore, acting as carbon sinks. These carbon sinks are of significant and growing financial value to farming communities. Native vegetation can also be used to control and reverse forms of land degradation such as erosion and salinity, potentially saving the agricultural sector millions of dollars.

Common and threatened species rely on our state's native vegetation, which provides them with habitat and, in many cases, a source of food. Native vegetation also underpins our state's tourism economy by providing opportunities for individuals and communities to engage with nature and attract visitors. Not only does it contribute to wellbeing, it also underpins local economies and the productivity of regional communities. Our state's native vegetation is also integral to our First Nations Peoples' relationship with country.

The Native Vegetation Act 1991 (the act) and the Native Vegetation Regulations 2017 are the legislative basis for the management and protection of native vegetation in the state. The act applies to the majority of the state, with only the main area of metropolitan Adelaide excluded. The act provides incentives and assistance to landowners in relation to the preservation and enhancement of native vegetation, and controls the clearance of native vegetation in the state.

The act was a significant reform when first introduced and has prevented mass vegetation clearance. Parts of the act, however, are outdated, confusing and administratively burdensome to implement. Noting this, the government has proactively sought to identify ways that the act can be improved to administratively support stakeholders, including landowners, agencies and organisations.

The Native Vegetation (Miscellaneous) Amendment Bill 2024 seeks to improve administrative processes and respond to the issues encountered by the Native Vegetation Council, the Department for Environment and Water and other stakeholders. Specifically, this bill clarifies, streamlines and improves assessment and compliance processes; provides consistent and fit-for-purpose clearance requirements; aligns assessment provisions for Planning, Development and Infrastructure Act 2016 referrals; expands the use of the Native Vegetation Fund for additional conservation purposes; expands the range of compliance actions for unauthorised clearance of native vegetation; and increases fees and penalty provisions.

The bill will fulfil the government's election commitment to increase the legislative protection, monitoring and compliance of the act, whilst ruling out any reduction in the legislative protection for native vegetation. Of note, the 2024-25 budget provides $6.5 million in 2024-25 and $7.9 million per annum by 2027-28 to strengthen South Australia's green economic credentials. A portion of the 2024-25 budget funding will be used to protect native vegetation through increased compliance efforts.

The bill does not weaken any protections for native vegetation, nor does it impose any new barriers to obtaining approval for clearance. The government is currently developing the state's first biodiversity act, which seeks to prioritise the protection of biodiversity. The bill aligns to this objective and will support the development of the biodiversity act.

Early consultation occurred in August and September 2023 with stakeholders including government agencies, the Nature Foundation, the Environmental Defenders Office, the Australian

Land Conservation Alliance, the Conservation Council, the Local Government Association of South Australia, Livestock South Australia, Primary Producers South Australia, and the South Australian Chamber of Mines and Energy. The stakeholders provided feedback on the policy intent of the changes, which helped to refine and improve the proposed amendments prior to public consultation.

Public consultation on the bill occurred through YourSAy from 17 April 2024 to 29 May 2024. There were 1,856 visits to the dedicated YourSAy webpage and a total of 35 survey responses. Eleven information sessions were also held with key stakeholders such as the Native Vegetation Council, the South Australian Nature Alliance, the Conservation Council of South Australia, Primary Producers South Australia, landscape boards and government departments and agencies. The bill also attracted interest from a range of organisations, peak bodies and agencies, who submitted 40 written submissions.

Stakeholders were largely supportive of most of the proposed changes. I acknowledge and appreciate all of the feedback and contributions provided by stakeholders. The bill will support the Native Vegetation Council and the Department for Environment and Water to administer the act more effectively. The proposed changes will also address administrative challenges encountered by the Native Vegetation Council, the department, development proponents and government agencies. The proposed amendments will also aid informed decision-making.

The proposed compliance provisions will support more effective and efficient compliance and enforcement of the act. Other changes will clarify and streamline assessment processes while ensuring positive native vegetation conservation outcomes. Expanding the use of the Native Vegetation Fund will allow for funds to be used for a greater range of conservation-related activities. I commend the bill to members and seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Native Vegetation Act 1991*

3—Amendment of section 3—Interpretation

This clause inserts various definitions that are consequential on the amendments being made by this measure. It also moves the definition of *plant community* from Schedule 1 of the Act as this term is used in provisions of the Act other than Schedule 1. This clause also deletes the definition of *isolated plant* (and also deletes subsections (2) to (6) which relate to this definition) as this term will no longer be used in the Act as a consequence of amendments proposed to section 29 of the Act.

4—Insertion of sections 3B to 3D

This clause inserts sections 3B, 3C and 3D.

3B—Mitigation hierarchy

Proposed section 3B sets out the mitigation hierarchy for the purposes of the Act and replicates the current provision in the *Native Vegetation Regulations 2017*. Its inclusion in the Act is consequential on the proposed amendments to section 29 which sets out the matters the Native Vegetation Council must consider when determining an application for consent to clear native vegetation.

3C—Significant environmental benefit

Proposed section 3C sets out the matters that are relevant to the determination of whether a significant environmental benefit required under the Act has been achieved. It provides that a significant environmental benefit means an environmental benefit that is achieved by measures to establish, restore, regenerate, enhance, manage or protect native vegetation that the Native Vegetation Council is satisfied is of significant value. To be of significant value, the Council must be satisfied that, allowing for the loss of vegetation cleared or to be cleared, the environmental benefit outweighs the adverse impacts of the clearance.

Subsection (4) sets out the matters of which the Council must be satisfied in making this determination. This includes being satisfied that the environmental benefit will continue for a period as long as, or longer than, the effects of any adverse impacts of the clearance, that any measures required to be undertaken are in addition to any other measures that may already be required, and that the environmental benefit would not have been achieved but for the measures required to be undertaken. The Council must also be satisfied that measures by which an environmental benefit is to be achieved will address the impacts on particular vegetation and animal habitat that constitutes or forms part of the vegetation to be cleared unless the Council is satisfied that alternative measures will have a higher conservation value in accordance with Council guidelines. Furthermore, measures should be undertaken in an area or region that is proximate to the land that is to be cleared unless the Council is satisfied that undertaking measures in a different area or region would achieve a benefit that is of higher conservation value in accordance with Council guidelines. The Council must also be satisfied that the measures undertaken will address both the direct and indirect impacts that have resulted or will result from the clearance of the vegetation.

Section 3C provides that a significant environmental benefit may be achieved by measures undertaken by the person proposing to clear the native vegetation, the application of the value of an environmental benefit credited to the person under section 25A or assigned to the person under section 25B, or by measures undertaken by an accredited third party provider in accordance with section 25C.

Where measures for the establishment, restoration, regeneration, enhancement, management and protection of specified native vegetation are required to be undertaken in relation to the achievement of a significant environmental benefit, these must be set out in a native vegetation plan approved by the Council.

If the requirement for a significant environmental benefit relates to clearance of native vegetation required for the purposes of erecting a prescribed building or ancillary facility (within the meaning of proposed Schedule 1A which is being inserted by this measure), the loss of vegetation to be taken into account in assessing the required environmental benefit must include any loss of native vegetation that would result from clearance that would be permitted in relation to the building or facility under a regulation made under section 27(1)(b).

3D—Native vegetation management plans

Proposed section 3D sets out requirements and other matters in relation to native vegetation plans that may be required in relation to the management of native vegetation under the Act. A native vegetation management plan must be in the manner and form determined by the Native Vegetation Council and may contain such provisions as the Council thinks fit. These provisions may include requirements for the planting and nurturing of specified species of native plants or class of plants, the management, control and destruction of introduced animal species and plants of non-endemic species, requirements for the management and control of native animal species, requirements for the erection and maintenance of fencing and the exclusion of livestock and other animals from access to native vegetation, requirements for the monitoring and auditing of native vegetation and the reporting of specified information and requirements relating to the review or variation of the plan. The native vegetation plan may specify the period for or within which measures are to be undertaken or carried out.

5—Amendment of section 11—Procedures at meetings of the Council

This clause amends section 11 of the Act to update the language to be non-gender specific.

6—Insertion of section 14B

This clause inserts a new section.

14B—Committees

Proposed section 14B provides that the Native Vegetation Council may establish such committees at the Council thinks fit to advise or assist it. A committee may, but need not, include a member of the Council. The procedures of a committee may be prescribed by regulation, or to the extent they are not prescribed, may be determined by the Council. A committee may determine its procedures to the extent they are not prescribed or determined by the Council.

7—Amendment of section 21—The Fund

Section 21 sets out provisions relating to the establishment and operation of the Native Vegetation Fund. This clause amends section 21 to make amendments to streamline the operation of the Fund and as a consequence of other amendments proposed by the measure.

Section 21(3) sets out the amounts paid under the Act that constitute the Fund. The proposed amendments to this subsection update cross references to some of these payments, consequential of other amendments made by this measure. The amendments also provide for additional payments to be made into the Fund as a consequence of other amendments proposed by this measure. These include amounts paid into the Fund in accordance with the requirements of a standard operating procedure under section 27(1) (as amended by this measure), amounts paid into the Fund in accordance with proposed new compliance orders and reparation orders, and amounts paid into the Fund in accordance with a condition of consent to clear as contemplated by the proposed section 30(2)(ea) and (eb).

Reference to payments into the Fund in accordance with a substituted direction under section 31EA has also been removed as a consequence of the proposed deletion of these directions and insertion of provisions providing for compliance orders and reparation orders.

Section 21(5) provides that payments may be made out of the Native Vegetation Fund to make payments in accordance with the Act. As a consequence of other amendments made by this measure, subsection (5) is amended to provide that payments may be made out of the Fund in relation to money paid into the Fund in accordance with conditions imposed on consent to clear native vegetation to ensure that certain benchmarks are achieved by the person, or an accredited third provider, in relation to the requirement to achieve an environmental benefit in relation to the clearance, or for the purposes of supporting the administration, monitoring and compliance of the achievement of a significant environmental benefit required to be achieved in relation to the clearance.

Similar to the current provisions of section 21(6) to (7), the proposed substituted subsections (6), (7), (8) and (9) set out requirements that apply to money that has been paid into the Fund in particular circumstances. Where money has been paid into the Fund in relation to a requirement to achieve a significant environmental benefit that relates to the clearance of particular native vegetation (including under the regulations), or the terms of a reparation order, the money must be applied in accordance with the requirements set out in section 3C to achieve such a benefit in relation to that clearance. The same applies to money that is paid into the Fund from expiation fees or penalties, or under a Court order, compliance order or reparation order. Such money should be applied in accordance with section 3C in order to address the adverse impact of the loss of native vegetation cleared or damaged as a result of the offence, breach or contravention in relation to which the money was required to be paid into the Fund. Subsection (9) provides that money paid into the Fund for the purposes of administering, monitoring or ensuring compliance with a requirement to achieve a significant environmental benefit must be paid out of the fund for those purposes.

8—Amendment of section 23A—Effect of heritage agreement

Section 23A(2) sets out the various things that a heritage agreement may provide for. This clause amends subsection (2) to include that a heritage agreement may provide for the period for or within which specified measures, actions or requirements that may be set out in the agreement are to be undertaken or carried out. This clause also makes amendments to update the language of section 23A to be non-gender specific and to improve consistency.

9—Amendment of section 23B—Registration of heritage agreements

The amendment proposed to this section updates subsection (2) to provide that the Native Vegetation Council must ensure that the register of heritage agreements is publicly available for inspection without fee on a website, and during ordinary office hours at a public office, determined by the Minister.

10—Amendment of section 23I—Noting of Council's approval against the title to the land

This clause updates the language of section 23I to be non-gender specific.

11—Amendment of section 24—Assistance to landowners

This clause amends the heading of section 24 to reflect the fact that assistance may be provided under that section, as amended by this clause, for the purchase of land. Financial assistance may be provided to purchase land to be used for conserving, protecting or enhancing existing native vegetation, or establishing or restoring native vegetation on the land. The amendments also provide that the land in relation to which financial assistance is granted must be subject to a heritage agreement.

The clause also makes amendments to update the language of the section to be non-gender specific.

12—Amendment and relocation of section 25—Guidelines for the application of assistance and the management of native vegetation

This clause amends the heading to section 25 and relocates this section from Part 4 Division 3 (which relates to financial assistance) to Part 3 Division 1 as section 14A (which sets out other provisions relating to the Native Vegetation Council generally). This is to reflect the broader range of matters that may be the subject of Native Vegetation Council guidelines, as a consequence of the amendments made by this measure to insert proposed section 3C and amendments proposed to section 27 by this measure.

Section 25(1) sets out the matters for which the Council must develop guidelines. This clause inserts an additional matter to provide for guidelines relating to the operation of proposed section 3C(4)(d) and (e) regarding the achievement of an environmental benefit that is of a higher conservation value.

The clause also deletes subsection (1)(d) which provides for guidelines in relation to clearance of native vegetation by the process of cold burn. This is consequential on the amendment proposed by this measure to delete section 27(4a)(a).

This clause makes other consequential amendments and makes amendments to update the manner in which consultation on proposed guidelines is to be advertised and copies of draft guidelines may be purchased or inspected. Publication by notice in the Gazette is retained, however, the reference to newspapers is removed and the ability for notice to be published on a website determined by the Minister and any other method determined by the Council is added.

13—Amendment of section 25A—Credit for environmental benefits

This clause amends section 25A of the Act to require the land on which the native vegetation that is the subject of a credit is situated be subject to a heritage agreement. A person credited under section 25A may be required to enter into a heritage agreement as a condition of the grant of that credit.

The clause also amends section 25A of the Act to allow the Council to impose other conditions on the granting of the credit. Any conditions imposed under that section must be noted on the title of the land to which the credit relates.

It also amends the cross-reference to money paid into the Native Vegetation Fund as an alternative to achieving a significant environmental benefit, which is consequential on the amendments to section 29 of the Act proposed by this measure.

14—Amendment of section 25B—Assignment of credit

This clause amends section 25B of the Act to specify that an assignment of credit under that section may be subject to a requirement that the land on which the native vegetation that is the subject of that credit be subject to a heritage agreement or a management agreement.

15—Amendment of section 25C—Achievement of environmental benefit by accredited third party provider

This clause amends section 25C of the Act to provide that a third party provider must enter into a heritage agreement or a management agreement as a condition of their approval.

The clause also makes amendments consequential on the addition of further conditions that may be attached to a consent to clear native vegetation under section 30 proposed by this measure.

16—Amendment of section 25E—Register

The effect of the amendments to section 25E of the Act are to update the means by which the register kept for the purposes of Part 4A is to be available for inspection (without fee) so that it is available on a website, and at a public office during ordinary office hours, determined by the Minister.

17—Amendment of section 26—Offence of clearing native vegetation contrary to this Part

This clause amends section 26 of the Act to increase the penalties for unauthorised clearance of native vegetation and breaches of conditions of consent to clear native vegetation. The clause also makes amendments consequential on the inclusion of compliance orders and reparation orders proposed by this measure.

18—Amendment of section 27—Clearance of native vegetation

This clause amends section 27 of the Act to include authorisation of clearance of vegetation undertaken in accordance with a standard operating procedure where the clearance is in circumstances, or for the purposes of activities of a kind, specified in the proposed new Schedule 1A. A standard operating procedure must be approved by the Council and provide for a significant environmental benefit to be achieved in relation to the clearance (including by way of payment of money into the Native Vegetation Fund). It may not provide for clearance that could not otherwise be authorised under the Act. The amendments also provide that if the clearance to be undertaken pursuant to a standard operating procedure for the purposes of erecting a prescribed building or ancillary facility (within the meaning of proposed Schedule 1A), the loss of vegetation to be taken into account in assessing the environmental benefit must take into account any loss of native vegetation that would result from clearance that would be permitted in relation to the building or facility under a regulation made under section 27(1)(b).

The clause also amends the section to repeal subsection (4a)(a), which authorised without restriction clearance undertaken as a cold burn and makes additional amendments consequential on its removal.

In addition to the current provisions of section 27(3) regarding harvesting, substituted subsection (3) provides that the Council may consent to clearance of intact stratum of vegetation if the clearance is in circumstances, or for the purposes of activities of a kind, specified in the proposed new Schedule 1A.

The clause also makes amendments to update the language of the section to be non-gender specific.

19—Amendment of section 28—Application for consent

This clause amends section 28 of the Act to standardise the requirements for an application to clear native vegetation under section 29 regardless of the way in which the applicant proposes to achieve a significant environmental benefit. An applicant for consent to clear may also provide in their application that they are unable to achieve a significant environmental benefit, and propose to pay an amount into the Native Vegetation Fund instead. The clause also amends the section to allow a person other than the owner of land to make an application if they have a legal or equitable right to enter the land and the clearance is in circumstances, or for the purposes of activities of a kind, specified in the proposed new Schedule 1A.

The clause also amends the section to update the means by which prescribed reports are to be available for inspection (without fee) to being via a website, and at a public office during ordinary office hours, determined by the Minister.

20—Amendment of section 29—Provisions relating to consent

This clause amends section 29 of the Act to require the Council to apply the mitigation hierarchy and consider the potential cumulative impacts of clearance when assessing an application to clear native vegetation.

The clause also amends the section to consolidate the circumstances in which the Council may give its consent to clearance that is seriously at variance with the principles of clearance. Such clearance may only occur if it is undertaken in accordance with Council guidelines or is in circumstances, or for the purposes of activities of a kind, specified in proposed new Schedule 1A, a significant environmental benefit will be achieved (or, in the case of Schedule 1A, payment into the Native Vegetation Fund will occur), and the particular circumstances justify the giving of consent.

The clause also makes amendments to the conditions that must be attached to a consent to clear native vegetation. A consent to clear will require either a significant environmental benefit to be achieved and a management plan and a heritage agreement to apply to the land on which the benefit is achieved, or a payment to be made into the Native Vegetation Fund.

The clause also amends section 29(17) to specify the particular matters the Council must take into account when considering an application referred to it under the *Planning, Development and Infrastructure Act 2016*.

21—Amendment of section 29A—Avoidance of duplication of procedures etc

This clause makes an amendment to section 29A of the Act consequential on the amendments to section 28 proposed by this measure. It also updates the language of the section to be non-gender specific.

22—Amendment of section 30—Conditions of consent

This clause amends section 30 of the Act to give the Council more options as to the conditions it can attach to a consent to clear native vegetation. The additional conditions are a condition that the applicant pay an amount into the Native Vegetation Fund that is to be paid (or repaid) to a third party provider or to the applicant themselves on the achievement of certain milestones set out in a management plan related to the achievement of a significant environmental benefit, and a condition requiring the applicant to pay an amount into the Fund for the purpose of supporting the administration, monitoring and enforcement of measures, actions or requirements that relate to the satisfaction of a requirement to achieve a significant environmental benefit in relation to the proposed clearance of native vegetation.

23—Amendment of heading to Part 5 Division 2

This clause amends the heading to Part 5 Division 2 and is consequential on the proposed insertion of sections 31E to 31EE.

24—Amendment of section 31A—Application to ERD Court for enforcement

This clause amends this section to update the language to be non-gender specific.

25—Amendment of section 31B—Order where native vegetation has been cleared

This clause amends section 31B of the Act to provide that an order may be made by the ERD Court where a person has contravened a condition imposed under section 29(11) of the Act, in addition to those imposed under section 30. The clause also amends the section to allow the ERD Court to order a respondent to establish vegetation on any land specified by the court.

The clause also updates the language of section 31B to be non-gender specific.

26—Amendment of section 31D—Enforcement of orders

The amendments to section 31D by this clause are to clarify that the orders referred to in this section are ERD Court orders and are consequential on the proposed inclusion of compliance orders and reparation orders by this measure.

27—Substitution of sections 31E and 31EA

This clause substitutes sections 31E and 31EA and inserts new sections.

31E—Compliance orders issued by Council or authorised officer

Proposed section 31E provides for compliance orders which may be issued by the Council or an authorised officer to secure a person's compliance with certain obligations imposed under the Act. The section sets out the requirements for a compliance order and the kinds of actions an order may require a person to take. It also creates offences for failing to comply with a compliance order and hindering or obstructing a person who is complying with a compliance order.

31EA—Action on non-compliance with compliance order

Proposed section 31EA provides the Council with the power to take any action required by a compliance order imposed under proposed section 31E if the requirements of that order are not complied

with. The section also allows the Council to recover reasonable costs and expenses from the person to whom the order was issued for any action taken in accordance with the section.

31EB—Reparation orders issued by Council or authorised officer

Proposed section 31EB provides for reparation orders which may be issued by the Council or an authorised officer to a person who has caused harm to native vegetation by a contravention of certain obligations imposed under the Act. The section sets out the requirements for a reparation order and the kinds of actions an order may require a person to take. It also creates an offence for failing to comply with a reparation order.

31EC—Action on non-compliance with reparation order

Proposed section 31EC provides the Council with the power to take any action required by a reparation order imposed under proposed section 31EB if the requirements of that order are not complied with. The section also allows the Council to recover reasonable costs and expenses from the person to whom the order was issued for any action taken in accordance with the section.

31ED—Registration of orders by Registrar-General

Proposed section 31ED provides that the Council may apply to the Registrar-General for the registration of a compliance order under proposed section 31E or a reparation order under proposed section 31EB on the title of the land to which the order relates.

31EE—Appeal to ERD Court

Proposed section 31EE allows a person who has been issued with a compliance order under proposed section 31E or a reparation order under proposed section 31EB to appeal to the ERD Court against the order within 21 days, or a longer period if the ERD Court is satisfied that it is just or reasonable to do so. The section provides that the ERD Court may, on hearing such an appeal, confirm, vary or revoke the order, remit the subject matter of the appeal for further consideration, or order or direct a person or body to take any such action the Court thinks fit.

28—Amendment of section 31F—Miscellaneous provisions

The amendment to this section is consequential on the removal of enforcement notices under section 31E and the proposed inclusion of compliance orders and restitution orders by this measure.

29—Amendment of section 32—Appeals

This amendment clarifies that an appeal under this section is to the Supreme Court. This is consequential on the proposed inclusion of compliance orders and reparation orders by this measure (as those provisions provide for appeals to the ERD Court in relation to the orders).

30—Amendment of section 33A—Appointment of authorised officers

This clause updates the language of section 33A to be non-gender specific.

31—Amendment of section 33B—Powers of authorised officers

Section 33B sets out the powers of authorised officers under the Act. Subsection (1)(b) provides that an authorised officer may give directions with respect to the stopping or movement of a vehicle that has been used in or is suspected of having been used in the clearance of native vegetation. The amendment to subsection (1)(b) by this clause extends this power to securing such a vehicle and also extends its operation to plant, equipment or other thing (not just vehicles).

Subsection (1)(i) currently provides that an authorised office may seize and retain anything that the authorised officer reasonably suspects may constitute evidence of a breach of the Act. The amendment to this paragraph extends this provision to seizing and retaining anything that the authorised officer reasonably suspects has been used in a breach of the Act.

This clause also updates the language of section 33B to be non-gender specific.

32—Amendment of section 33C—Issue of warrants

This clause updates the language of section 33C to be non-gender specific.

33—Amendment of section 33E—Offence to hinder etc authorised officers

This clause updates the language of section 33E to be non-gender specific.

34—Amendment of section 33H—Interest

The amendment to this section is consequential on the removal of enforcement notices under section 31E and the proposed inclusion of compliance orders and restitution orders by this measure.

35—Amendment of section 33I—Sale of land for non-payment

This clause updates the language of section 33I to be non-gender specific and updates the provision to provide for advertisement of an auction under this section to include advertisement on a website determined by the Minister.

36—Amendment of section 35—Proceedings for an offence

This clause deletes subsection (5) to remove the requirement that an authorised officer may only issue an expiation notice under the Act with the authorisation of the Native Vegetation Council.

37—Insertion of section 35A

This clause inserts a new section.

35A—Service of notices and other documents

Proposed section 35A sets out the methods by which a notice or other documents required or authorised to be given to a person may be served.

38—Insertion of section 37

This clause inserts a new section.

37—False and misleading information

Proposed section 37 provides that it is an offence to make a false or misleading statement in any information provided under the Act. This offence is currently in the regulations and has been moved to provide for a higher penalty of $20,000 as the penalty for an offence against the regulations is capped at $10,000.

39—Insertion of section 39A

This clause inserts a new section.

39A—Recovery from related bodies corporate

Proposed section 39A provides that if an amount is payable by a body corporate under this Act, or by a court order made under this Act, and at the time of the contravention giving rise to the liability the body is a related body corporate with another body (within the meaning of the *Corporations Act 2001* of the Commonwealth) the related bodies are jointly and severally liable to make the payment.

40—Amendment of section 40A—Register of applications

Section 40A provides that there must be a register of applications for consent to clear native vegetation maintained by the Native Vegetation Council. This clause amends section 40A to update the means by which the register is to be available for inspection (without fee) to being via a website, and at a public office during ordinary office hours, determined by the Minister. It also provides the Council with the discretion to withhold certain details from public inspection for safety or security reasons.

41—Amendment of section 41—Regulations

Section 41 is amended by this clause to expand the regulation making power relating to the payment of fees under the Act to provide for the ability of the Council to also refund, reduce and remit fees payable under the Act.

42—Amendment of Schedule 1—Principles of native vegetation clearance

This clause amends Schedule 1 to delete the definition of *plant community* which is being moved to the general interpretation provision of the Act in section 3 as it is used in other provisions of the Act.

43—Insertion of Schedule 1A

This clause inserts a new Schedule.

Schedule 1A—Specified circumstances and activities

Proposed Schedule 1A sets out the specified circumstances and activities that are relevant to the clearance of native vegetation as referred to in sections 27, 28 and 29, as amended by this measure. The circumstances and activities are based on some of those currently set out in Part 6 of Schedule 1 of the *Native Vegetation Regulations 2017* (and in relation to which clearance may be undertaken in accordance with the regulations).

The circumstances and activities set out in the Schedule include clearance of native vegetation incidental to work being undertaken by or on behalf of the Commissioner of Highways, clearance of native vegetation required in relation to the erection of a new dwelling or building, clearance of native vegetation required in connection with the provision of infrastructure or the subdivision of land for use for residential purposes and clearance of native vegetation for the purposes of establishing or maintaining a track for recreational activity (other than such an activity involving the use of a motorised vehicle).

44—Amendment of Schedule 2—Transitional provisions

This clause inserts a new clause in Schedule 2 to provide for the making of provisions of a savings or transitional nature consequent on the enactment of this measure by regulation.

Schedule 1—Transitional provisions

1—Interpretation

This clause inserts definitions for terms used in the transitional provisions.

2—Applications for consent to clear native vegetation

This clause provides that a pending application to clear native vegetation made prior to the commencement of the proposed amendments to the Act is to be determined according to the requirements of the Act as amended. However, if an application previously did not require an application fee or a prescribed report, no fee is payable and no report is required.

3—Enforcement notices and substituted directions

This clause provides that an enforcement notice or substituted direction issued under section 31E or 31EA of the Act, which are proposed to be repealed by this measure, continue to operate and have effect according to their terms following that repeal. This includes the continuation of the rights of a person who has been issued with such a notice to apply for a substituted direction.

Debate adjourned on motion of Hon. D.G. Pisoni.

CHILDREN AND YOUNG PEOPLE (SAFETY AND SUPPORT) BILL

Introduction and First Reading

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (15:56): Obtained leave and introduced a bill for an act to protect children and young people and keep them safe from harm and preferably with their families, to support and strengthen families and communities to improve outcomes for children and young people, to support children and young people who are in care, to promote working in partnership with families and carers, to support children and young people leaving care, to make related amendments to other acts, to repeal the Children and Young People (Safety) Act 2017, and for other purposes. Read a first time.

Second Reading

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (15:57): I move:

That this bill be now read a second time.

I am so pleased, hopeful and honoured to introduce the Children and Young People (Safety and Support) Bill 2024, a transformative piece of legislation in our government's journey, and indeed our community's journey, to fundamentally reform and improve the child protection and family support system in ways that improve the lives of children, young people and their families. The bill repeals and replaces the Children and Young People (Safety) Act 2017.

This legislation is significant and speaks to our shared determination to progress improvements that give children and young people in our state the best opportunity to be loved, safe, well and enabled to thrive, and it sets a foundation and framework for transformational change to do so. It has been a long, careful and essential journey to get to this point. At the heart of our journey has been the deep consideration of the needs and aspirations of children and young people themselves. They are at this bill's centre.

As we legislate the conditions under which children and young people are considered and the enormous decisions that sometimes have to be made, we must always unfailingly hold in our hearts the interests of young people: those who may currently be in some form of care, those who have or have had some contact with the child protection and family support system, and those who might be affected by the laws we make into the future. We must listen and respond to their stories and consider their lives as they move through the system privileging their connection to family, culture and country, working where possible for reunification with family or kin and constantly striving to

ensure that they are supported and empowered to emerge as young adults who are well equipped to navigate their way through the world.

It is absolutely clear to me that the child protection and family support system must be reimagined. This is a system that was built decades ago to respond to single incidents of physical or sexual abuse. It must, of course, continue to do so. The reality is also that many families now face complex, interwoven and intergenerational circumstances and patterns of neglect, sometimes resulting in cumulative harm. Responses to single incidents, whilst always needed, do not also always address the breadth of challenges families meet.

Our system is underpinned by hardworking dedicated professionals, but we cannot rely on their enduring good intentions alone. This analysis of our system does not attribute blame to any person, department, agency or anyone else but, rather, urges that together we recognise that structures built over time are not equipped to respond to the overwhelming need we confront, and that different collective responses are required.

The current act was part of the state government's response to the child protection system's royal commission and key coronial recommendations. It provided a new legislative framework for the child protection and family support system, with a greater emphasis on safety. The act itself required that it be reviewed five years post commencement. This gave us a critical opportunity to rigorously examine its operation and, alongside the system reform we are making in other ways, to look for opportunities to strengthen and improve the legislative framework guiding how we improve the lives of children and young people and how we support families.

Nearly 1,000 people engaged in the review via public forums in metro and regional locations, online surveys, written submissions and targeted discussions to generously share their expertise, experience, wisdom and insights into what was working and what could be improved. An extraordinary amount of feedback came from stakeholders: children and young people with experience of the system and their families, foster and kinship carers, government and non-government partners who work with and in the child protection or family support system, as well as the legal profession, peak organisations and crucial oversight bodies, such as the Guardian for Children and Young People, the Commissioner for Children and Young People and the Commissioner for Aboriginal Children and Young People.

The review included targeted consultation with Aboriginal community members, leaders and representatives from Aboriginal organisations. In line with the commitment in the South Australian Closing the Gap Implementation Plan, the review team also held a series of workshops with the South Australian Aboriginal Community Controlled Organisation Network focused on amendments related to the Aboriginal and Torres Strait Islander Child Placement Principle. The bill was publicly released in August via YourSAy, and public briefings with some stakeholders provided further written feedback which led to additional refinement to the bill I introduce today.

I wholeheartedly thank everyone who took the time and gave so much of their hearts and minds to engage with the process and to talk with me, my team and the department. It is important that we acknowledge the extraordinary breadth, depth and nuance of perspectives and proposals raised in both the extensive original review, which formed the core part of our consultation process, and through recent feedback on the draft bill itself. The bill reconciles as far as possible this diversity of views. Where this is not possible, it embeds broad policy settings and directions which reflect the themes called for and provides an important opportunity to continue our process of reform together through the bill's implementation, which we will again carefully engage with stakeholders on.

This bill is an opportunity to lay foundations for, and bring to life, a way forward that gives us the best chance of improving children's lives. The bill creates a legislative foundation and framework for profound system change for the better with a focus on safety and support as the core part of our fundamental transformation of the child protection and family support system, while retaining those parts of the act that are working well. It includes a focus on getting the settings right by establishing guiding principles which underpin the legislation through clear statements of parliamentary recognition, including for children and young people, through providing renewed thresholds for intervention and through supporting our partners.

The bill creates a responsive, cohesive and practical child protection and family support framework, providing direction and shared accountability for mobilising our sector, government and community around our families most needing support, where everyone can both articulate and be accountable for their role in providing that support and keeping children safe. The bill helps us to focus on children and young people and on out-of-home care being a decision of last resort.

It provides a pathway for transition to a sector for Aboriginal children and their families where Aboriginal people lead decision-making and service delivery, because we know that Aboriginal children and young people will do better when decisions and services are led by Aboriginal people and that connection to family, culture, community and country is both a right and a protective factor. We know that our efforts and our response must always be informed by the voices of children and young people and their birth and carer families. The bill ensures that children and young people are at the centre of decision-making. This bill is for them.

It is really special to have present today a number of people who have strongly inputted into this bill. This bill is shaped by the many conversations I have had with you, and rightly so, because it is so important that you are all listened to, that you are heard and that your voices are privileged and acted upon.

I particularly thank the young people—young people who are often described as vulnerable, but who I know are also the strongest, wisest and most innovative people I know. It was a remarkable privilege to directly hear from young people currently in care about this legislation and to be able to bring to life, through these laws, what they were clear would have a positive impact on their lives.

I thank the courageous members of our Direct Experience Group. From speaking with them, and others, I really hear that having a child removed is devastating. Working to maintain connection, to reunify, to keep doing the very best for your child in that circumstance is so incredibly brave. To speak up about your experiences, to be part of the group and to be willing to be part of building a better system for your children and for others is absolutely remarkable. It is inspiring and it speaks to your deep strength and courage. Thank you.

I also thank the huge-hearted carers here today, carers who stay the course, providing love and care in the times of absolute sheer joy and in the hardest, most challenging moments. I salute your strength, your care and your willingness to share your views about what can be improved. Young people, birth and carer families, I see you and I hear you. Know that as we continue our long-term process of transformation of this system, there will be ups and downs and times of achievement and frustration, but what will constantly continue to bring us together is the love and the care for the children who are at the centre of our every effort. It gives me a lot of happiness to see you all together here today and this conversation between birth and carer families continuing to grow and strengthen.

As I have said, those parts of the existing act that are working well are replicated in this bill. I will not focus on those provisions but rather on what is new. The addition of the words 'and support' to the title of this bill is meaningful. The current act guides child protection and family support responses from the point of a notification that a child is at risk of harm. It provides for investigations and assessments and focuses on looking after our children in care. The clear focus is on safety of this cohort of children and young people, a crucial focus we maintain.

However, whilst there are some broad functions relating to intervention and support for children and young people at risk of harm, the current act does not sufficiently acknowledge the responsibility of government to address this. The change in title recognises that keeping children safe requires a legislative framework that values and enables proactive support for children, young people and their families.

Part 2 of the bill includes a revised and amended set of guiding principles and related matters. Every person or body engaged in the administration, operation or enforcement of the act is required to consistently give effect to the guiding principles, with the paramount principle of ensuring that children and young people are safe and protected from harm. In the case of Aboriginal or Torres Strait Islander children and young people, this includes additional guiding principles contained in part 4, division 3 of the bill, to which I will shortly return.

The concept of safety as the paramount consideration in child protection legislation was introduced into the Children's Protection Act 1993 in 2015 as a direct response to a recommendation of the Coroner arising from the inquest into the tragic death of precious Chloe Valentine and continued as the paramount principle when the current act was introduced the following year. While safety rightly remains paramount, the bill introduces best interests as a guiding principle to be upheld in all decision-making, setting out a non-exhaustive list of the factors to potentially give regard to in determining what is indeed in the best interests of a child.

I have consistently and rightly advocated that all children and young people should expect those responsible for their care to have a focus on their best interests. We want children to be safe and supported. We also want them empowered to thrive and experience equality of opportunity to participate in every aspect of community life. Stakeholders have confirmed overwhelming support for the inclusion and elevation of best interests in the bill.

Complementing this, the bill also introduces the principle of effective intervention, emphasising timely action that is direct and targeted to the individual circumstances of the young person. This part of the bill includes parliamentary recognition of the duty every person in our state has to safeguard and promote the best outcomes for children and young people and that the provision of services addressing underlying risk factors contributing to child abuse and neglect is critical in helping children and young people to be safe and well.

Crucially, and absolutely rightly, the bill includes parliamentary recognition of the impact of past laws and policies that led to the stolen generation and recognises the state's responsibility to safeguard and promote the cultural identity of Aboriginal and Torres Strait Islander children and young people and enable self-determination.

Part 2 of the bill also recognises our commitment to privileging the voices of children and young people by introducing a new division requiring reasonable steps to be taken to ensure that their voices are heard in prescribed decisions which impact them, including in family group conferencing, case planning, placement decisions, contact decisions, annual reviews, leaving care plans and internal reviews. This part of the bill also enshrines the statement of commitment to foster and kinship carers in legislation and provides, as directly advocated for, a new statement of commitment to parents and families.

The United Nations Convention on the Rights of the Child and the United Nations Declaration on the Rights of Indigenous Peoples are formally recognised as documents informing the administration and operation of the legislation. Through part 4 of the bill, we proudly introduce some profoundly important and fundamentally transformative provisions relating to Aboriginal and Torres Strait Islander children and young people. It includes additional legislative objects relating to Aboriginal children and young people and delivers on national and state level commitments to embed all five elements of the Aboriginal and Torres Strait Islander Child Placement Principle: prevention, partnership, placement, participation and connection to the standard of active efforts.

Active efforts require that steps taken must be timely, practicable, thorough and purposeful, consistent with the explanation provided by SNAICC in its guide to embedding the principal in legislation, policy, programs and practice. Active efforts require practitioners to help families overcome barriers to participation in the services which could help them stay together or be reunified, including services to assist with family-led decision-making.

The bill recognises that identification is the precursor to the placement principle and requires active efforts from the earliest point of contact to identify Aboriginal children and young people to connect them with culture, country and kin and to then maintain that connection. Importantly, the bill stipulates that without limiting any other provisions or any other power the court may have, the court must, before making an order, be satisfied that the Aboriginal and Torres Strait Islander Placement Principle has been, so far as is reasonably practicable, implemented to the standard of active efforts before making an order other than an assessment order or an interim order in relation to an Aboriginal or Torres Strait Islander child or young person.

This operates as an accountability mechanism, ensuring that the principal is truly embedded into decision-making practices and will operate as a framework guiding actions and decisions involving Aboriginal young people. Some people have asked why the bill includes a clause providing

that a failure to comply with some of the requirements does not of itself affect the validity of the decision or order—for example, in relation to a failure to comply with the placement principle to meet the standard of active efforts or for the court to be satisfied that the placement principle has been implied to the standard of active efforts before it can make an order.

There is understandably some concern that this was intended to remove the very accountability that had been built into the bill. I say on record that this is absolutely not the case and respond to this very important question. I am deeply committed, and our government is deeply committed, to ensuring that the Aboriginal and Torres Strait Islander Child Placement Principle is implemented to the standard of active efforts from the earliest possible point of decision-making involving an Aboriginal or Torres Strait Islander child or young person.

We know that this is the key mechanism by which the best interests of Aboriginal and Torres Strait Islander children and young people and their families will be realised. As a government, we take this seriously and we welcome this accountability. We expect that the court will consider whether, so far as practicable, the placement principle has been implemented to the standard of active efforts before making orders.

I am confident that we will be held to account on this. However, it is so important that we do not let form override substance when we are talking about the most precious community members. It is important to note that the clause provides that failure to comply does not of itself invalidate the decision made. That means we do not want a decision or order to be automatically invalidated or precluded if it has not been implemented completely or as thoroughly as intended or where there are arguments that it has not been.

This is really important because sometimes it might be that a decision or order has been made that is still the best decision, ensuring that the safety and best interests of the child or young person are met even when, for example, an aspect of the placement principle could have been implemented more thoroughly than it was. If it turns out that an order was invalid because of noncompliance, this could potentially mean a child needs to be returned to an unsafe environment because of that invalidity. It may be in a number of cases that the exact same decision or order would have been made if the placement principle had been perfectly complied with.

These provisions mean that we will crucially have to explain what we have done to comply with the placement principle. We will have to be accountable as to how we have applied the standard of active efforts to each element, but if we do not always get that right it will not mean that good decisions that have been made are automatically invalidated. It does not mean that decisions can just be made without implementing the placement principle to the standard of active efforts with impunity or that we expect the court to go ahead and make orders if this has not been done.

We expect there will be occasions where the court does refuse to make an order because it is not satisfied that enough was done to implement the placement principle to the standard of active efforts. We intend to do our absolute best to implement the placement principle so that what I have just outlined is a very rare occurrence. But we know there will be some cases where this happens and that goes to the very accountability that we have intentionally built into this bill. Through this, the court will not have its hands tied by being automatically precluded from making an order that is necessary to ensure the safety of a child.

The bill facilitates a scheme for the involvement of respected persons in court to support Aboriginal children and to assist the court in relation to the practices and culture of Aboriginal people and communities. The bill includes new objects which provide guiding principles to inform our efforts to deliver transformative change. Part 4 of the bill requires active efforts to explore reunification. It embeds the principle of Aboriginal and Torres Strait Islander family-led decision-making. It requires regard to be given to Aboriginal and Torres Strait Islander child rearing practices when considering the best interests, and it enables the progressive delegation of authority to Aboriginal entities which will be critical to our shared goal of an Aboriginal-led sector.

Finally, the bill requires that family group conferences are offered to Aboriginal families, to embed accountability around ensuring the requirement to offer a family group conference is implemented. The Youth Court must not make a final custody, guardianship or specified guardianship order unless a family group conference has been offered. Family group conferencing provides

children and young people, families and community members an opportunity to make decisions that are family and community led and build on the strengths of the family to secure safe care arrangements for their child or young person.

The program is based on the New Zealand model, which is acknowledged as the best practice approach. It is culturally inclusive and has a strong focus on enabling Aboriginal family and community members to identify strategies to keep children and young people safe with family and kin. We know family group conferences work, we know the success rate is currently 90 per cent and we know the community is asking for more. When family is consulted, involved, supported, listened to and empowered to lead, we get results that are better for children.

In response to the success of this process, the 2023-24 state budget allocated an additional $13.4 million over five years to expand the program to more families, with a focus on supporting Aboriginal families. Aboriginal Family Support Services and Relationships Australia SA convene these crucial processes.

This part of the bill also explicitly recognises Aboriginal people's right to self-determination and enables the progressive delegation of authority to Aboriginal entities. These measures have been designed to progress our shared commitment to advance an Aboriginal-led child protection and family support sector where the cultural authority of Aboriginal people to lead decision-making and service delivery for Aboriginal children is privileged and the right to self-determination enlivened.

As a government, we have made this commitment to system transformation with Aboriginal leaders at both the state and national levels. We have done so, strong in the knowledge that Aboriginal-led services are key to reducing over-representation and genuinely improving outcomes with and for Aboriginal children, young people, families and communities.

The bill introduces a requirement for a whole-of-state strategy for the safety and support of children and young people. We have repeatedly heard the need for government to take this opportunity to get the settings in place across government, and indeed across community, that best facilitate a system where collective responsibility for the wellbeing of children and families is held.

The bill includes a framework for implementing a public health approach to child protection and family support, widely recognised as the preferred approach, that expands the focus away from a narrow cohort of children requiring statutory intervention toward a framework through which we address the needs of all families in our community.

Establishing the state strategy will promote collaboration and coordination across relevant government agencies and other entities in the provision of supports and services to children and their families in ways that have them at the centre and provide an organising framework for the whole of government, whole of community and whole of sector, through which we can individually and collectively deliver on our responsibility for children's safety and wellbeing.

Accountability measures will require us to lay reports about the state strategy before parliament. Part 7 clarifies that mandatory reporting requirements are in addition to the duty of every person to help ensure the safety and wellbeing of young people. It amends our threshold for mandatory notifications, which is currently arguably the lowest in Australia, to be 'significant harm', which is also aligned with the threshold for the removal of a child.

The bill provides an exemption to mandatory reporting where there is no material change in risk and the circumstances of a matter are already the subject of a notification. This means that when a mandated notifier is working with a family on an ongoing basis and they have already made a mandatory notification about risk of harm to children, notwithstanding that they are actively working with the family to address those risk factors, the bill makes clear that the notifier is not required to continue to make repeated notifications where the circumstances have not changed to a substantial extent. The notifier is, of course, not prevented from making a further notification if they have ongoing concerns about the safety or wellbeing of the child. Further, if the circumstances change to a substantial extent, they are again required to make a notification.

Getting the threshold right for reporting and responding to children at risk is a critical part of keeping children safe while also recognising the need to meet community expectations about when statutory intervention is required and when other responses might be more appropriate. In a situation

where one in three children in South Australia is notified to our system, where families are contemplating deeply complex challenges and our system is overwhelmed with notifications, we want to ensure that we have the settings right to help identify and respond to children at risk. This change better aligns South Australia to interstate legislation regarding notifications.

The definition of harm now explicitly and rightly includes exposure to domestic violence as a factor which may cause harm. Approximately 80 per cent of child protection cases have a domestic violence element. This important change acknowledges the horrific prevalence of violence and the long-lasting impact this has on children and young people.

This bill broadens the circumstances in which the chief executive can direct drug and alcohol testing to take place and amends the Criminal Law Consolidation Act to rightly toughen penalties when offences are committed against children and young people in care. This bill deals with Youth Court proceedings. It makes some improvements and provides important clarification on particular matters. Changes include including prospective custodians or guardians as parties to proceedings, to support timely decision-making and better support long-term guardians.

Parts 11 and 12 of the bill deal with case planning and placement and contact arrangements. Substantive amendments include considering the need for a child or young person to maintain connection with their family and culture and giving weight to the importance of sibling contact when making contact arrangements and strengthening provisions relating to the Contact Arrangements Review Panel.

Again, I have had the absolute privilege of engaging with extraordinary young people in care about this bill. They have emphasised the importance to them of staying connected to their siblings for their wellbeing, sense of identity and ability to cope with significant changes in their lives. Sibling relationships, they tell me—and as I know—provide a source of comfort and support both while in care and into adulthood, and for some children their relationships with their siblings may be the only ongoing connection they have with their family. This bill includes new provisions that explicitly acknowledge this.

Amendments have been made to the provisions relating to internal reviews and reviews of decisions by the South Australian Civil and Administrative Tribunal (SACAT) in part 17. The bill clarifies the internal review provisions specifying who is entitled to apply for an internal review, which decisions are reviewable and what actions may be taken by the chief executive following an internal review.

It clarifies the jurisdiction of SACAT to review internal decisions and makes provisions about requirements for the establishment of two panels of assessors, comprising Aboriginal people and persons with social work qualifications or relevant child protection experience respectively, from which appropriate assessors will be drawn when performing functions under the bill. This amendment balances the rights of carers as a crucial part of the child protection and family support system with timely decision-making in relation to placements in the child's best interests.

Feedback received through the most recent engagement on the draft bill indicated that some stakeholders were not supportive of the proposed additional complaints pathway; this has been removed. Further efforts and resources to support carers in accessing the pathway to the impartial ombudsman's services about their complaints will be explored in consultation with carers. Increased training and information to more effectively manage complaints at the earliest possible opportunity will also be progressed.

Finally, again, this bill strives to put children at the centre of everything we do. It strengthens participation provisions, ensuring that children have a voice in the decisions and actions that impact them. It requires the provision of a charter of rights prepared and maintained by the Guardian for Children and Young People to every child in care who can understand it. It formally extends the eligibility for supports to be provided to carers to look after children in their care until they reach 25 years of age, and it strengthens confidentiality provisions to protect children and young people's privacy.

I thank the pivotal people at the Department for Child Protection who have worked to bring this bill before parliament: Jackie Bray, Elizabeth Boxall, Alex Boardman, Katy Burns, Tom Rich and Kris Swaffer. Your commitment to the system shines through every day.

I thank all the children and young people, carer families and birth parents, aunts, uncles, brothers and sisters with direct, sometimes really hard experience who have sat down with me over the last year with such courage, openness and, above all else, love for the children and young people in your lives. You have helped shape this bill and can be incredibly proud of how your courage and your voices make a difference for our state's children and families experiencing the most difficult of times.

As this legislation hopefully passes through this place and the other, I look forward to working deeply alongside all stakeholders in this system to ensure implementation is collaborative and robust and works in the best possible way for the children and young people at its centre—the children and young people for whom we are all here and for whom we will stay the course. I commend the bill to the house and I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

Key terms and phrases are defined for the purposes of the measure.

4—Meaning of *harm* and *significant harm*

Harm and *significant harm* are defined for the purposes of the measure.

5—Meaning of *at risk of harm* and *at risk of significant harm*

At risk of harm and *at risk of significant harm* are defined for the purposes of the measure.

6—Act to bind, and impose criminal liability on, the Crown

The Crown is bound by, and is liable for offences against, the measure.

7—Interaction with other Acts

The measure is in addition to, and does not derogate from, any other Act or law, and is to work in conjunction with all the laws of the State to further the principles set out in Part 2 of the measure.

Part 2—Guiding principles and related matters

Division 1—Preliminary

8—Requirement to give effect to give effect to this Part and Part 4 Division 3

Certain persons are required to give effect this proposed Part of the measure, along with Part 4 Division 3 in the case where an Aboriginal or Torres Strait Islander child is involved, however a failure to do so will not, of itself, affect the validity of an act or omission under the measure.

Division 2—Parliamentary recognition of children and young people

9—Parliamentary recognition of children and young people

The Parliament of South Australia recognises the importance certain matters in respect of children and young people.

Division 3—Guiding principles

10—Paramount principle—safety of children and young people

The paramount principle in the administration, operation and enforcement of the measure is to ensure that children and young people are safe and protected from harm. The paramount principle cannot be displaced by any other principle or requirement of the measure.

11—Best interests principle

It is a principle of the measure that the best interests of each child and young person are to be upheld and effected in decision making under the measure. In considering what is in the best interests of a particular child or young person, regard should be given to the matters specified.

12—Principle of effective intervention

It is a principle of the measure that decisions made, actions taken and support offered in relation to a particular child or young person should be timely, direct and fit for purpose given the circumstances of the child or young person.

Division 4—Voices of children and young people to be heard

13—Voices of children and young people to be heard

Certain persons and bodies must take reasonable steps to ensure that the voice of each child or young person is heard in the course of making particular decisions and that the child or young person is provided with particular information or documents. However, a person or body need not comply with this obligation in certain circumstances.

Division 5—Charter of Rights for Children and Young People in Care

14—Charter of Rights for Children and Young People in Care

The Guardian for Children and Young People must prepare and maintain a Charter of Rights for Children and Young People In Care. Each person or body engaged in the administration, operation or enforcement of the measure, and other laws as defined, must perform their functions so as to give effect to the Charter.

15—Chief Executive must provide copy of Charter to certain children and young people

The Chief Executive must, except in certain circumstances, provide a copy of the Charter, and information in respect of the Guardian for Children and Young People, to a child or young person as soon as is reasonably practicable after the child or young person is placed in the custody, or under the guardianship, of the Chief Executive.

Division 6—Statement of Commitment to Parents and Families

16—Statement of Commitment to Parents and Families

The Minister must prepare and maintain a Statement of Commitment to Parents and Families. Each person or body engaged in the administration, operation or enforcement of the measure must perform their functions so as to give effect to the Statement. Procedural matters relating to the Statement are set out.

Division 7—Statement of Commitment to Foster and Kinship Carers

17—Statement of Commitment to Foster and Kinship Carers

The Minister must prepare and maintain a Statement of Commitment to Foster and Kinship Carers. Each person or body engaged in the administration, operation or enforcement of the measure must perform their functions so as to give effect to the Statement. Procedural matters relating to the Statement are set out.

Part 3—Administration

Division 1—Minister

18—Functions of Minister

The functions of the Minister are set out.

19—Minister may direct Chief Executives of certain State authorities to meet to discuss interagency approach

The Minister may, in the specified circumstances, direct that 2 or more Chief Executives of certain State authorities meet to discuss an interagency response to prevent harm being caused to a child or young person, or a specified class of children and young people.

20—Minister may enter agreements for provision of services to children and young people and their families

The Minister may enter into agreements with specified persons or bodies for the provision or promotion of services to children and young people and their families.

21—Minister may establish programs for children and young people and their families

The Minister may, in accordance with any prescribed requirements, establish specified programs for children and young people and their families.

22—Powers of delegation

A standard power of delegation is set out in respect of the Minister.

23—Minister's annual report

The Minister must prepare an annual report setting out the matters specified.

Division 2—Chief Executive

24—Functions of Chief Executive

The functions of the Chief Executive are set out.

25—Powers of delegation

A standard power of delegation is set out in respect of the Chief Executive.

26—Chief Executive's annual report

The Chief Executive must prepare and submit to the Minister an annual report setting out the matters specified.

Division 3—Quality of Care Report Guidelines

27—Quality of Care Report Guidelines

Chief Executive must publish guidelines relating to the reporting of harm, or risks or suspicions of harm, caused to children and young people in care by certain carers.

Division 4—Child protection officers

28—Child protection officers

Certain persons are specified to be child protection officers for the purposes of the measure. If a person is authorised under this clause as a child protection officer, the person must be issued with an identity card and their authorisation may be made subject to conditions or limitations.

29—Powers of child protection officers

The powers of child protection officers are set out.

30—Child protection officer may require information etc

A child protection officer may, by notice in writing, require a specified person or body to provide particular information and documents, and to answer questions or provide written reports. A refusal or failure to comply with a notice constitutes an offence.

Division 5—Child and Young Person's Visitor scheme

31—Interpretation

Prescribed facility is defined for the purposes of this proposed Division.

32—Child and Young Person's Visitor

The Minister may establish a Child and Young Person's Visitor.

33—Functions of Child and Young Person's Visitor

The functions of the Child and Young Person's Visitor are set out.

34—Reporting obligations

The Child and Young Person's Visitor must provide an annual report to the Minister on the Visitor's work, and may prepare a special report to the Minister on any matter arising out of the Visitor's functions.

Division 6—Networks and services for children and young people and their families

35—Networks and services for children and young people and their families

The Minister may establish certain networks or services in respect of children and young people and their families. Such a network or service will consist of such persons or bodies specified by the Minister and has the functions assigned to it by the Minister or by the measure.

Division 7—Information gathering and sharing

36—Chief Executive may require State authority to provide report

The Chief Executive may, in certain circumstances, require a State authority to prepare and provide a report on certain matters. Noncompliance with such a requirement may result in the Chief Executive requesting from the State Authority a report setting out reasons for the noncompliance. This report may be submitted to the Minister who must then prepare a report to Parliament on the matter.

37—Sharing of information between certain persons and bodies

Circumstances in which the sharing of information and documents may occur between the specified persons and bodies are outlined.

38—Interaction with *Public Sector (Data Sharing) Act 2016*

Nothing in proposed Part 3 Division 7 affects the operation of the *Public Sector (Data Sharing) Act 2016*.

Part 4—Additional provisions relating to Aboriginal and Torres Strait Islander children and young people

Division 1—Preliminary

39—Primary purpose of Part

The primary purpose of this proposed Part is set out, namely to ensure that the Aboriginal and Torres Strait Islander Child Placement Principle is implemented throughout all stages of the administration, operation and enforcement of this Act to the standard of active efforts.

40—Objects of Act relating to Aboriginal and Torres Strait Islander children and young people

The objects of the measure in respect of Aboriginal and Torres Strait Islander children and young people are set out.

41—Application of Part

The application of this proposed Part is set out.

Division 2—Identifying Aboriginal and Torres Strait Islander children and young people

42—Identifying Aboriginal and Torres Strait Islander children and young people

As soon as reasonably practicable after a child or young person comes into contact with the child protection and family support system, certain persons and bodies must make active efforts to ascertain whether the child or young person is an Aboriginal or Torres Strait Islander child or young person.

43—Presumption as to acceptance by Aboriginal or Torres Strait Islander community

A presumption as to the acceptance of a child or young person as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community is set out.

Division 3—Additional guiding principles in respect of Aboriginal and Torres Strait Islander children and young people

44—Aboriginal and Torres Strait Islander Child Placement Principle

The Aboriginal and Torres Strait Islander Child Placement Principle is set out. Certain persons and bodies must give effect to the Aboriginal and Torres Strait Islander Child Placement Principle to the standard of active efforts in respect of certain decisions.

45—Standard of active efforts

The standard of active efforts is set out.

46—Additional considerations relating to reunification of certain Aboriginal and Torres Strait Islander children and young people and their parents

The Chief Executive must, if an Aboriginal or Torres Strait Islander child or young person is removed from their parents under this Act, make active efforts to explore how the family can be reunified. If the Chief Executive is of the opinion that reunification is unlikely, the Chief Executive must make active efforts to identify members of the child or young person's family with whom they can be placed.

47—Principle of Aboriginal and Torres Strait Islander family-led decision making

The principle of Aboriginal and Torres Strait Islander family-led decision making is set out, which is to be observed by certain persons and bodies when making decisions in respect of Aboriginal and Torres Strait Islander children and young people.

48—Additional considerations relating to best interests of Aboriginal and Torres Strait Islander children and young people

Additional matters which must be given regard when considering what is in the best interests of a particular Aboriginal or Torres Strait Islander child or young person are set out.

Division 4—Recognised Aboriginal or Torres Strait Islander entities

49—Minister may recognise certain Aboriginal or Torres Strait Islander entities for purposes of Act

The Minister may recognise specified entities as recognised Aboriginal or Torres Strait Islander entities for the purposes of the measure.

Division 5—Delegation of functions in respect of Aboriginal and Torres Strait Islander children and young people

50—Delegation of certain functions to recognised Aboriginal or Torres Strait Islander entities

The Chief Executive may delegate certain functions under the measure to a recognised Aboriginal or Torres Strait Islander entity or a member of such an entity. Before delegating a function, the Chief Executive must take certain steps, with an exception applying in respect of one particular step specified. The Chief Executive may provide certain information and documents to a delegated decision maker and the Chief Executive may require a delegated decision maker to provide certain information or documents to the Chief Executive.

51—Costs of recognised Aboriginal or Torres Strait Islander entity performing delegated functions to be borne by Crown

The Crown is to bear costs and expenses reasonably incurred by a delegated decision making performing functions under the measure.

Division 6—Family group conferencing for Aboriginal and Torres Strait Islander children and young people

52—Additional purposes of family group conferences for Aboriginal and Torres Strait Islander children and young people

Additional purposes of a family group conference convened in respect of an Aboriginal or Torres Strait Islander child or young person are set out. A coordinator of a family group conference convened in respect of an Aboriginal or Torres Strait Islander child or young person may determine conference procedures the coordinator thinks necessary to further the additional purposes.

53—Chief Executive to offer and convene family group conference in certain circumstances

The Chief Executive must offer to convene a family group conference in the circumstances specified and, if the offer is accepted, take reasonable steps to convene it.

54—Coordinator of family group conference to be Aboriginal or Torres Strait Islander person

The coordinator of a family group conference convened in respect of an Aboriginal or Torres Strait Islander child or young person must, unless it is not reasonably practicable or prescribed circumstances apply, be an Aboriginal or Torres Strait Islander person.

Division 7—Court proceedings under Act involving Aboriginal and Torres Strait Islander children and young people

55—Regulations etc to establish scheme for Respected Persons to participate in Court proceedings involving Aboriginal and Torres Strait Islander children and young people

Regulations may establish a scheme for the use of Respected Persons in Court proceedings for certain purposes.

56—Court to be satisfied that Aboriginal and Torres Strait Islander Child Placement Principle implemented before making certain orders

The Court must be satisfied that the Aboriginal and Torres Strait Islander Child Placement Principle has been implemented to the standard of active efforts, so far as is practicable in the circumstances, before making certain orders or decisions in relation to Aboriginal and Torres Strait Islander children and young people, and makes related procedural provisions.

57—Court not to make certain orders in relation to Aboriginal and Torres Strait Islander children and young people unless family group conference offered

The Court may only make orders of the specified kind in relation to Aboriginal and Torres Strait Islander children and young people if a family group conference has been offered or held.

Division 8—Case planning for Aboriginal or Torres Strait Islander children and young people

58—Additional requirements relating to case planning for Aboriginal or Torres Strait Islander children and young people

Additional requirements for case planning in respect of Aboriginal and Torres Strait Islander children and young people are set out.

Division 9—Placement of Aboriginal or Torres Strait Islander children and young people by Chief Executive

59—Chief Executive must consult with recognised Aboriginal or Torres Strait Islander entity before placing Aboriginal or Torres Strait Islander child or young person

The Chief Executive must, if it is reasonably practicable to do so, consult with and have regard to any submissions of, a recognised Aboriginal or Torres Strait Islander entity prior to placing an Aboriginal or Torres Strait Islander child or young person under the measure. This requirement does not extend to a delegated decision maker performing functions relating to the placement of a child or young person under the measure.

Division 10—Reviews of contact arrangements and reviews of circumstances for Aboriginal and Torres Strait Islander children and young people in care

60—Additional requirements relating to reviews by the Contact Arrangements Review Panel in respect of Aboriginal and Torres Strait Islander children and young people

Certain additional requirements that attach to a panel convened by the Contact Arrangements Review Panel to review contact arrangements in respect of an Aboriginal or Torres Strait Islander child or young person are set out.

61—Ongoing review of circumstances of certain Aboriginal or Torres Strait Islander child or young person

Certain additional requirements that apply to a panel conducting a review of circumstances of an Aboriginal or Torres Strait Islander child or young person are set out.

Part 5—State Strategy for the Safety and Support of Children and Young People

Division 1—State Strategy for the Safety and Support of Children and Young People

62—State Strategy for the Safety and Support of Children and Young People

There is to be a State Strategy for the Safety and Support of Children and Young People which must include the parts specified. A prescribed person or body must have regard to, and seek to give effect to, the State Strategy.

63—Preparation of State Strategy

The State Strategy is to be prepared by the Minister in consultation with specified persons and bodies.

64—Annual report on State Strategy

The Chief Executive must provide an annual report to the Minister on the operation of the State Strategy.

65—Review of State Strategy

The Minister must cause the State Strategy to be reviewed at least once in each 5 year period.

Division 2—Children and Young People Safety and Support Plans

66—Application of Division

The proposed Division applies to prescribed State authorities and any other person or body prescribed by the regulations.

67—Children and Young People Safety and Support Plans

Each person or body to whom the proposed Division applies must have a Children and Young People Safety and Support Plan, which must set out certain matters.

68—Annual report on operation of Children and Young People Safety and Support Plans

Each prescribed State authority must provide an annual report to the Chief Executive on the operation of its Children and Young People Safety and Support Plan. Any other person or body to whom the Division applies (not being a prescribed State authority) may provide such a report.

69—Review of Children and Young People Safety and Support Plans

A prescribed State authority must cause a review of its Children and Young People Safety and Support Plan to be undertaken at least once in each 5 year period.

Part 6—Providing safe environments for children and young people

70—Certain organisations must have policies and procedures to ensure safe environments provided

Certain organisations must adopt specified policies and procedures to ensure that child safe environments are established and maintained. Such organisations must comply with various other specified requirements in respect of policies and procedures prepared or adopted under this clause. A refusal or failure to comply with a requirement under this clause constitutes an offence.

Part 7—Protecting children and young people at risk of harm or significant harm

Division 1—Reporting suspicion that child or young person at risk of significant harm

71—Application of Division

The requirement imposed by proposed Part 7 Division 1 for certain persons to report that a child or young person may be at risk of significant harm is in addition to any duty that a person may have to promote and ensure the safety and wellbeing of children and young people.

72—Certain persons must report suspicion that child or young person may be at risk of significant harm

Certain persons must report a suspicion, formed in the course of their employment and on reasonable grounds, that a child or young person may be at risk of significant harm, unless specified circumstances apply.

Division 2—Responding to reports indicating children and young people at risk of harm

73—Assessment of reports indicating child or young person at risk of harm

The Chief Executive must cause an assessment of each report made under proposed section 72 and any other report made to the Department that a child or young person may be at risk of harm.

74—Chief Executive must take certain actions following assessment if child or young person at risk of harm

The Chief Executive must cause certain specified actions to be taken if, after completing an assessment under proposed section 73, the Chief Executive suspects that a child or young person is at risk of harm.

75—Chief Executive may assess circumstances of a child or young person

The Chief Executive may cause an assessment of the circumstances of a child or young person to be carried out in the circumstances specified.

76—Referral of matter to other State authority

The Chief Executive may refer a matter evaluated under proposed section 73 to another State authority and may give directions or guidance to the State authority in respect of the matter.

77—Direction that child or young person be examined, assessed or treated

The Chief Executive may, in certain circumstances, direct that a certain child or young person be examined or assessed. A person who examines or assesses a child or young person under the proposed section may treat the child or young person if the person considers it necessary to alleviate any injury or suffering of the child or young person. A person who examines, assesses or treats a child or young person under the proposed section must provide a written report to the Chief Executive. Failure to do so constitutes an offence.

78—Direction that person undergo certain assessments

The Chief Executive may, in certain circumstances, direct a certain person to undergo an assessment relating to drug and alcohol use, parenting capacity or mental health. A refusal or failure to comply with a such a direction constitutes an offence.

79—Random drug and alcohol testing

The Chief Executive may require a certain person to take part in random drug and alcohol testing. Regulations made for the purposes of the proposed section must include certain specified matters. A refusal or failure to comply with a requirement of the Chief Executive without reasonable excuse constitutes an offence. The privilege against self-incrimination is displaced.

80—Direction that person undertake rehabilitation program

The Chief Executive may direct that a person undertake a drug and alcohol rehabilitation program. A refusal or failure to comply with such a direction without reasonable excuse constitutes an offence.

81—Forensic materials not to be used for other purposes and test results not admissible in other proceedings

Forensic material obtained during an approved drug and alcohol assessment, a random drug and alcohol test or an approved drug and alcohol rehabilitation program must not be used except as contemplated by the measure. The results of such assessments, tests and programs are not to be relied on as grounds for the exercise of any search power or the obtaining of any search warrant and are not admissible in evidence, except in proceedings for an order of the Court under the measure.

82—Destruction of forensic material

Any person or body who possesses forensic material obtained during an approved drug and alcohol assessment, a random drug and alcohol test or an approved drug and alcohol rehabilitation program must ensure that the material is destroyed.

Division 3—Removal of children and young people

83—Removal of child or young person

A child protection officer may remove a child or young person from a particular premises or place if the officer believes on reasonable grounds that the child or young person is at risk of significant harm, that it is necessary to remove them in order to protect them and that there is no reasonably practicable alternative to removing the child. If such a child or young person is in hospital for medical treatment or residing at some other specified premises and the officer does not consider it to be in the best interests of the child or young person to remove them from their location, the officer may (instead of removing them) issue a custody notice placing the child or young person in the custody of the Chief Executive.

A child protection officer may, by notice, place a child or young person in the custody of the Chief Executive if the officer believes on reasonable grounds that the child or young person would, if they resided with a certain person, be at risk of significant harm, that the child is residing with a person other than certain person and the officer does not consider it to be in the best interests to remove the child from their location. A custody notice must be served on certain persons. A similar scheme is provided where a child or young person is in hospital etc for treatment.

84—Action following removal etc of child or young person

A child or young person removed under proposed section 83, or in relation to whom a custody notice is issued under that section, is in the custody of the Chief Executive until such time as is specified.

Division 4—Intervention if parent of child or young person found guilty of certain offences

85—Interpretation

Key terms are defined for the purposes of this proposed Division.

86—Chief Executive to be notified if person found guilty of qualifying offence

The Courts Administration Authority must, as soon as it is reasonably practicable to do so, notify the Chief Executive if a person is found guilty of a qualifying offence.

87—Temporary instruments of guardianship

The Chief Executive must issue an instrument of guardianship in respect of a child or young person if the Chief Executive becomes aware that the child or young person is residing with a parent who has been found guilty of a qualifying offence. Procedural matters in relation to such instruments are set out.

88—Restraining notices

The Chief Executive must issue a restraining notice to a person if the Chief Executive becomes aware that a child or young person is residing, or is about to reside, with the person (not being a parent of the child or young person) and the person has been found guilty of a qualifying offence. Contravening a restraining notice constitutes an offence. Procedural matters in relation to such notices are set out.

89—Extension of periods for instruments and notices

The Court may, on the application of the Chief Executive, extend an instrument period or restraining notice period if satisfied that it is appropriate to do so.

90—Application for Court orders to be made if instrument of guardianship or restraining notice issued

The Chief Executive must apply for an order or orders of an appropriate kind under proposed Part 10 in relation to a child or young person as soon as is reasonably practicable after an instrument of guardianship or a restraining notice has been issued in relation to the child or young person.

Part 8—Family group conferences

91—Application of Part

This proposed Part applies in relation to children and young people whether or not they are, or are to be, in care.

92—Purpose of family group conferences

The purpose of family group conferences is specified.

93—Family Group Conference Guidelines

The Chief Executive must publish guidelines relating to the conduct of family group conferences. The guidelines must set out and provide for certain matters.

94—Chief Executive may convene family group conference

The Chief Executive may convene a family group conference in the specified circumstances. A family group conference is to be conducted by a coordinator nominated by the Chief Executive.

95—Procedures and attendees at family group conferences

A family group conference is to be conducted by a coordinator in accordance with the Family Group Conference Guidelines. The coordinator may, subject to the measure and the Family Group Conference Guidelines, determine the procedures of the conference. A coordinator may, after consulting with the child or young person and any other persons specified in the Family Group Conference Guidelines, exclude certain persons from a family group conference if satisfied of certain matters. The coordinator must ensure that certain procedural requirements are satisfied.

96—Chief Executive etc to give effect to decisions of family group conferences

The Chief Executive and State authorities should give effect to valid decisions made at family group conferences, subject to certain exceptions.

97—Statements made at family group conferences not admissible

Evidence of any statement made at a family group conference is not admissible in legal proceedings, except in the circumstance specified.

Part 9—Voluntary custody agreements

98—Voluntary custody agreements

The parents or guardians of a child or young person may enter a short term voluntary custody agreement in respect of the child or young person with the Chief Executive, placing the child or young person in the custody of the Chief Executive. This clause makes procedural provision with respect to such agreements.

Part 10—Proceedings before the Youth Court of South Australia

Division 1—Parties and procedures etc in relation to Court orders

99—Application for Court orders

An application made under this proposed Part may be made by specified persons and in certain circumstances. The Chief Executive must assess the likelihood of reunification occurring, and other related matters, before applying to the Court for certain orders in respect of a child or young person removed under the measure.

100—Parties to proceedings

The persons who are parties to certain applications under this proposed Part are specified.

101—Copy of application to be served on parties

A copy of an application made for an order under this proposed Part must be served on the parties to the application. The other provisions are procedural.

102—Approved carers to be provided opportunity to be heard

The Court must provide an approved carer of a child or young person a reasonable opportunity to make representations to the Court in any proceedings relating to the child or young person, unless the Court is of the opinion that to do so would not be in the best interests of the child or young person.

103—Other interested persons may be heard

The Court may, on application, hear submissions from a specified person who is not a party to proceedings under this proposed Part.

104—Court not bound by rules of evidence

The Court is not bound by the rules of evidence, but must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal form.

105—Standard of proof

The standard of proof in proceedings under the measure is on the balance of probabilities, unless the proceedings are for an offence.

106—Duties of legal practitioners when representing child or young person

The requirements with which a legal practitioner must comply when acting for a child or young person under the measure are set out.

107—Views of child or young person to be heard

A child or young person to whom proceedings under the measure relate must be given a reasonable opportunity to be heard in such proceedings, subject to certain exceptions.

Division 2—Case management

108—Expeditious hearings and adjournments

Proceedings under the measure must be dealt with expeditiously. The Court may adjourn proceedings for the purposes of referring a matter to a family group conference. The Court may, on adjournment, make such orders under this proposed Part as it thinks appropriate.

109—Conferences of parties

The Court may require parties to proceedings under the measure to attend a conference for the purpose of determining what matters are in dispute, or resolving any matters in dispute. Certain procedural matters are set out.

Division 3—Court may convene family group conference

110—Court may convene family group conference

The Court may convene a family group conference in respect of a child or young person. Such a family group conference is to be conducted by a coordinator nominated by the Judge of the Court. The other provisions of the measure under proposed Part 8 (and certain modifications made under proposed Part 4 in respect of Aboriginal or Torres Strait Islander children and young people) apply to family group conferences convened by the Court.

Division 4—Court orders

111—Assessment orders

The Court may make an order granting custody of a child or young person to the Chief Executive for a period not exceeding 8 weeks to enable an assessment of the child or young person's circumstances to be carried out. Such an order is not subject to appeal.

112—Other orders that may be made by Court

The Court may make other orders of the kinds, and in the circumstances, specified. If the Court places a child or young person under the guardianship of a person or persons, the person or persons is or are the legal guardian or guardians of the child or young person to the exclusion of all others.

113—Interim orders

The Court may make interim orders relating to an application under this proposed Part. However, interim orders relating to an assessment order under proposed section 111 must be consistent with that section.

114—Limitations on orders that may be made by Court

The Court is not to make orders in relation to the placement of a child or young person who is in the custody, or under the guardianship, of the Chief Executive or in respect of contact arrangements for a child or young person. The Court is not, except with the agreement of the Chief Executive, to place a child or young person in the custody, or under the guardianship, of a person other than the person specified in the application.

115—Limitations on orders that may be made if child or young person unrepresented

The Court must not hear an application for orders under the measure unless the child or young person to whom the application relates is represented, or if the Court is satisfied that the child or young person has made an informed decision not to be represented. If the hearing of the application is urgent, the Court may proceed without such circumstances applying, in which case the Court is to make interim orders.

116—Consent orders

Without limiting proposed sections 114 or 115, the Court may make orders under this proposed Part with the consent of the parties to the proceedings who participate in the proceedings, and in doing so, need not consider the matters that would otherwise need to be considered by the Court.

117—Court may make declaration as to name of child or young person

The Court may, if satisfied it is in the best interests of the child or young person and only if certain orders have been made, make a declaration of the name by which a child or young person is to be known.

118—Variation, revocation or discharge of orders

The Court may, on application, vary, revoke or discharge an order made under this proposed Part.

119—Orders for costs

The Court may make orders for costs against the Crown where an application for an order under proposed section 112 of the measure is dismissed.

120—Noncompliance with orders

If a person has been personally served with an order made by the Court under the measure, it is an offence for the person to contravene the order (unless the person is the child or young person to whom the order relates)

Division 5—Specified person guardianship orders

121—Certain approved carers may apply to Chief Executive to seek specified person guardianship order

An approved carer in whose care a child or young person has been for at least 2 years (or such shorter period as the Chief Executive may determine) may apply to the Chief Executive for an application to be made to the Court for a specified person guardianship order placing the child or young person under the approved carer's guardianship until they attain 18 years of age. The Chief Executive must, as soon as is reasonably practicable after receiving an application under this clause, assess and determine whether a proposed guardian is suitable to be the guardian of the relevant child or young person.

122—Guardianship care plan to be prepared

If the Chief Executive determines under clause 121 of the measure that a person is a suitable guardian for a child or young person, the Chief Executive must cause a guardianship care plan to be prepared in respect of the child or young person.

123—Chief Executive to apply to Court for specified person guardianship order

The Chief Executive must, after a guardianship care plan is prepared under clause 122 of the measure, apply to the Court, without undue delay, for an order placing the relevant child or young person under the guardianship of the proposed guardian until they attain 18 years of age and any other orders under this proposed Part as the Chief Executive considers necessary and appropriate. However, the Chief Executive need not apply to the Court if certain circumstances exist.

124—Court may make specified person guardianship order

If the Court is satisfied that it is in the best interests of a child or young person, the Court may, on application, make a specified person guardianship order.

125—Onus on objector to prove order should not be made

If a person objects to the making of a specified person guardianship order, the onus is on that person to prove to the Court why the order should not be made. This does not apply if the person is the Chief Executive or the child or young person (so long as the Court is satisfied that the child or young person is not being unduly influenced).

126—Variation or revocation of specified person guardianship orders

A party to proceedings may apply for the variation or revocation of a specified person guardianship order. If such an order is revoked, the child or young person to whom the order relates will be taken to be under the guardianship of the Chief Executive, unless the Court orders otherwise.

If all persons under whose guardianship a child or young person is placed under a specified person guardianship order die, the child or young person to whom the order relates will, unless the Court orders otherwise, be taken to be under the guardianship of the Chief Executive until they attain 18 years of age

Division 6—Court may issue warrant for apprehension and return of certain children and young people

127—Court may issue warrant for apprehension and return of certain children or young people

The Court may, in specified circumstances and on application by a specified person, issue a warrant for the apprehension of a child or young person who has been placed in the custody, or under the guardianship, of the Chief Executive or another person or persons under the measure or a repealed Act.

128—Care of children and young people apprehended on interstate warrants

If a child or young person has been apprehended in this State on an interstate child protection warrant, the Chief Executive may arrange for the safe and appropriate care of the child or young person until it is practicable to take them before a magistrate or court and may, for that purpose, exercise any power the Chief Executive may have under the measure in relation to the child or young person.

Part 11—Case planning for children and young people in care

129—Chief Executive must prepare case plan in respect of certain children and young people

The Chief Executive must cause a case plan to be prepared in respect of each child and young person to whom the proposed section applies. The Chief Executive must, in causing a case plan to be prepared, ascertain the views of any person who has relevant information in respect of the child or young person. A case plan must include certain matters.

130—Case plans must be given effect

Each person and body engaged in the administration, operation or enforcement of the measure must perform their functions so as to give effect to a child or young person's case plan.

Part 12—Placement and contact arrangements etc of children and young people in care

Division 1—Placement etc of children and young people in care

131—Chief Executive's powers in relation to children and young people in care

The Chief Executive may exercise certain powers in relation to a child or young person who is in the custody, or under the guardianship, of the Chief Executive. The Chief Executive must keep each parent or guardian of the child or young person informed of decisions made under the proposed section with respect to the child or young person.

132—Temporary placement of children and young people

It is a requirement of the measure, under proposed section 146, that a child or young person only be placed by the Chief Executive in the care of a person if that person is an approved carer. This clause provides, however, that the Chief Executive may place a child or young person who is in the custody or under the guardianship of the Chief Executive in the care of a person despite that person not being an approved carer if the Chief Executive is satisfied that the child or young person requires placement urgently, that it is not reasonably practicable to place the child or young person with an approved carer and that the risk of harm being caused to the child or young person if they are not placed with a person under this clause exceeds the risk that the person will cause harm to the child or young person.

However, the Chief Executive may still place a child or young person under this clause despite it being reasonably practicable to place the child or young person with an approved carer, if the Chief Executive is satisfied that placing this child or young person under this clause is preferable to placing them with an approved carer. Additionally, the Chief Executive may place a child or young person under this clause with a member of their family or another person known to the child or young person without being satisfied that the placement is urgent or that it is not reasonably practicable to place the child or young person with an approved carer. Placements made under this clause must be temporary and must be brought to an end as soon as it is reasonably practicable to do so. A person with whom a child or young person is placed under this clause is to be construed as an approved carer for the purposes of certain proposed sections of the measure.

Division 2—Provision of information regarding placements and involvement of approved carers in decision making

133—Children and young people to be provided with certain information prior to placement

A placement agency must, if considering placing a child or young person with an approved carer, provide to the child or young person the prescribed information in relation to the approved carer.

134—Approved carers to be provided with certain information prior to placement

A placement agency must provide prospective approved carers with whom the placement agency is considering placing a child or young person with information that enables the approved carer to make a fully informed decision as to whether to accept the placement. The placement agency must have regard to any wishes expressed by the child or young person as to the disclosure of information.

135—Approved carers to be provided with certain information once child or young person placed

A placement agency that has placed a child or young person with an approved carer must provide certain information to the approved carer. An approved carer who has been given information under this clause, and any other person who is aware of the information, must not disclose the information except in certain circumstances. Contravention is an offence.

136—Approved carers entitled to participate in certain decision making processes

An approved carer in whose care a child or young person is placed is entitled to participate in any decision making process relating to the certain matters in respect of the child or young person, unless the relevant decision maker is of the view that it would not be in the best interests of the child or young person for that approved carer to so participate.

137—Noncompliance with Division not to invalidate placement

A refusal or failure to comply with a requirement under this proposed Division does not, of itself, affect the validity of a placement of a child or young person with an approved carer or a decision referred to in proposed section 136.

Division 3—Contact arrangements

138—Application of Division

The children and young people to whom this proposed Division applies is specified.

139—Contact arrangements to be determined by Chief Executive

The Chief Executive is to determine contact arrangements in respect of children and young people to whom this proposed Division applies. If the Chief Executive is of certain opinions, there is no requirement that contact arrangement decisions be made in favour of a particular person. In making a determination under this clause, the Chief Executive must have regard to certain matters and a determination must set out the matters specified.

140—Minister to establish Contact Arrangements Review Panel

The Minister must establish a Contact Arrangements Review Panel to review contact arrangements made under this proposed Division. The regulations are to set out the functions of the Panel and may make other further provisions.

141—Review by Contact Arrangements Review Panel

Certain persons may apply to the Contact Arrangements Review Panel for a review of contact arrangements. Procedural matters in respect of applications to, and determinations made by, the Panel are set out.

Division 4—Ongoing reviews of circumstances of certain children and young people

142—Ongoing reviews of circumstances of certain children and young people

The Chief Executive must cause a review of the circumstances of each child or young person to whom the proposed section applies to be carried out at the request of certain persons or, in any case, at least once in each 12 month period. Procedural matters in respect of such reviews are set out.

Division 5—Miscellaneous

143—Chief Executive may provide assistance to persons caring for children and young people

The Chief Executive may grant financial or other assistance to certain persons in relation to the care and maintenance of a child or young person.

144—Facilitating agreements for funeral arrangements of certain children and young people

The Chief Executive may assist specified parties to reach an agreement about funeral arrangements for children and young people who were in care at the time of their death.

Part 13—Approved carers, licensed foster care agencies and licensed children's residential facilities

Division 1—Approved carers

145—Chief Executive may establish categories of approved carers

The Chief Executive may establish different categories of approved carers for the purposes of the measure.

146—Out of home care to be provided by approved carers

It is an offence for a person to provide out of home care unless they are an approved carer, subject to any other provisions of the measure (in particular proposed section 132).

147—Approval of carers

The process by which the Chief Executive is to approve a person as an approved carer under the measure is set out.

148—Ongoing reviews of approved carers

The Chief Executive must ensure that approved carers are the subject of regular assessment, and that training and other support is provided to them.

149—Cancellation of approval

The Chief Executive must cancel the approval of an approved carer if the Chief Executive reasonably suspects that a person is a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*. The Chief Executive may cancel such an approval in other specified circumstances.

150—Certain information to be provided to Chief Executive

An approved carer must provide the information specified to the Chief Executive. Contravention is an offence.

151—Delegation of certain powers to approved carers

The Chief Executive may delegate certain powers to an approved carer in respect of a child or young person who is under the guardianship of the Chief Executive.

Division 2—Licensed foster care agencies

152—Interpretation

The term *business of a foster care agency* is defined for the purposes of this proposed Division.

153—Foster care agencies to be licensed

It is an offence for a person to carry on the business of a foster care agency unless the person holds a licence under this proposed Division.

154—Licence to carry on business as foster care agency

The Chief Executive may, on application, grant a licence to carry on the business of a foster care agency under the measure. The Chief Executive must not grant such a licence unless satisfied of certain matters. A refusal or failure to comply with a licence condition constitutes an offence.

155—Cancellation of licence

The Chief Executive may cancel a person's licence to carry on the business of a foster care agency in certain circumstances.

156—Record keeping

The holder of a licence to carry on the business of a foster care agency must make prescribed records and keep the records in the prescribed manner. Contravention of either requirement is an offence.

157—Ongoing reviews of approved carers by agency

The holder of a licence to carry on the business of a foster care agency must regularly assess the provision of care by each approved carer with whom the agency places children or young people and must assess any requirement of the approved carer for financial or other assistance. Contravention of either requirement constitutes an offence.

Division 3—Licenced children's residential facilities

158—Interpretation

The term *children's residential facility* is defined for the purposes of this proposed Division.

159—Children's residential facilities to be licensed

It is an offence for a person to operate a children's residential facility unless they hold a licence to do so in respect of the facility under this proposed Division.

160—Licence to operate children's residential facility

The Chief Executive may grant a licence to a person to operate a children's residential facility. Each licence granted by the Chief Executive must impose a condition setting out the maximum number of children or young people that may reside at the relevant facility. The Chief Executive must not grant such a licence unless satisfied of certain matters. A refusal or failure to comply with a licence condition constitutes an offence.

161—Cancellation of licence

The Chief Executive may cancel a person's licence to operate a children's residential facility in certain circumstances.

162—Record keeping

The holder of a licence to operate a children's residential facility must make prescribed records and keep the records in the prescribed manner. Contravention of either requirement is an offence.

Division 4—State residential care facilities

163—Minister may establish State residential care facilities

The Minister may establish residential care facilities.

Division 5—Miscellaneous

164—Persons not to be employed in certain residential facilities unless they have been assessed

A person must not be employed in a licensed children's residential facility or a State residential care facility unless the person has undergone certain psychological or psychometric assessments. It is an offence for a person to be employed in contravention of such a requirement and for a person to employ, or continue to employ, a person in contravention of such a requirement.

165—Chief Executive to hear complaints regarding certain residential and other facilities

Certain persons may make complaints to the Chief Executive with respect to the care that a child or young person is receiving in a prescribed facility. The Chief Executive must cause a complaint to be investigated in accordance with the regulations.

Part 14—Offences relating to certain children and young people in care

166—Direction not to communicate etc with certain child or young person

The Chief Executive may give certain directions if the Chief Executive believes it is reasonably necessary to prevent harm to a child or young person, or to prevent them from engaging in, or being exposed to, conduct of a criminal nature. A person who refuses or fails to comply with such a direction commits an offence. The offence does not apply to the child or young person to whom the direction relates.

167—Harbouring, concealing etc certain absent child or young person

It is an offence for a person to harbour or conceal, or prevent the return of, a child or young person who is absent from a State care placement or to assist another person to do so. The offence does not apply to the child or young person who is so absent.

168—Unlawful taking etc of certain child or young person

It is an offence for a person to induce or encourage a child or young person to leave a place in which they were placed under the measure, or to take a child or young person from such a place, or to harbour or conceal a child or young person who has left or been taken from such a place. The offence does not apply to the child or young person to so taken, harboured or concealed.

Part 15—Assistance to certain children and young people leaving care

169—Leaving care plans to be prepared for certain children and young people leaving care

The Chief Executive must, in relation to a child or young person placed under the Chief Executive's guardianship until they attain 18 years of age who is lawfully leaving that care, in consultation with the child or young person, prepare a plan setting out steps to assist the child or young person in making their transition from care. Such a plan must include certain matters.

170—Chief Executive to assist eligible care leavers

The Chief Executive must cause certain assistance to be offered (and, where accepted, to be provided) to certain care leavers for the purposes of making their transition from care as easy as is reasonably practicable.

171—Certain persons to be provided with documents and information held by Department

Certain persons may apply to the Chief Executive to be provided with documents and information of a specified kind relating to a person formerly in care. Procedural matters in respect of such applications are set out.

172—Internal review of decision to refuse to provide document or information etc

A person who applied, and was eligible to do so, for a document or information under proposed section 171 is provided a right of review by the Chief Executive of a decision to refuse to provide the relevant documents or information.

Part 16—Transfer of certain orders and proceedings between South Australia and other jurisdictions

Division 1—Preliminary

173—Purpose of Part

174—Interpretation

Division 2—Administrative transfer of child protection order

175—When Chief Executive may transfer order

176—Persons whose consent is required

177—Chief Executive to have regard to certain matters

178—Notification to child, parents and guardians

179—Review of decision may be sought

Division 3—Judicial transfer of child protection order

180—When Court may make order under this Division

181—Type of order

182—Court to have regard to certain matters

183—Duty of Chief Executive to inform the Court of certain matters

Division 4—Transfer of child protection proceedings

184—When Court may make order under this Division

185—Court to have regard to certain matters

186—Interim order

Division 5—Registration of interstate orders and proceedings

187—Filing and registration of interstate documents

188—Notification by Registrar

189—Effect of registration

190—Revocation of registration

Division 6—Miscellaneous

191—Appeals

192—Effect of registration of transferred order

193—Transfer of Court file

194—Hearing and determination of transferred proceeding

195—Disclosure of information

196—Discretion of Chief Executive to consent to transfer

197—Evidence of consent of relevant interstate officer

This Part is the current scheme relating to the transfer of orders and proceedings between the State and other jurisdictions, relocated from the *Children and Young People (Safety) Act 2017* which is proposed to be repealed by the measure.

Part 17—Review of certain decisions under Act

Division 1—Internal review of certain decisions under Act

198—Internal review

Certain persons may apply for an internal review of certain decisions made under the measure.

Division 2—Review by SACAT of decisions made under section 198

199—Review by SACAT of decisions made under section 198 etc

SACAT is conferred with jurisdiction to review a decision of the Chief Executive under proposed section 198, or other decisions prescribed by the regulations.

200—Views of child or young person to be heard

A child or young person to whom proceedings under this proposed Part relate must be given a reasonable opportunity to present their views to SACAT, subject to the certain exceptions.

Part 18—Interagency practice review panels

201—Interpretation

The term *adverse incident* is defined for the purposes of this proposed Part.

202—Purpose of reviews under Part

The purpose of a review of an adverse incident is set out.

203—Interagency practice review panels

The Chief Executive may appoint an interagency practice review panel for the purpose of reviewing and reporting on an adverse incident.

204—Review of adverse incident by interagency practice review panel

The Chief Executive must, in accordance with any prescribed requirements, develop terms of reference in respect of the review of an adverse incident by an interagency practice review panel. An interagency practice review panel may, subject to the measure and any directions of the Chief Executive, determine its own procedures.

205—Reports

An interagency practice review panel must prepare 2 reports, containing the matters specified, following the completion of a review of an adverse incident. The 2 reports attract different provisions relating to their disclosure.

206—Protection of information

The manner in which information obtained by or in relation to an interagency practice review panel must be dealt with is set out. Contravention of certain requirements relating to such information is an offence.

207—Application of *Freedom of Information Act 1991*

An interagency practice review panel is taken to be an exempt agency under the *Freedom of Information Act 1991* and a report prepared by an interagency practice review panel is to be taken to be an exempt document under that Act.

Part 19—Miscellaneous

208—Hindering or obstructing person in execution of duty

It is an offence for a person to hinder or obstruct the Chief Executive, a child protection officer or any other person in the performance of a function under the measure.

209—Impersonating child protection officer

It is an offence for a person to falsely represent that they are a child protection officer or that they are performing a function under the measure.

210—Protection of identity of persons who report to or notify Department

It is an offence for a person who receives a report or notification that a child or young person may be at risk of harm under the measure, or who otherwise becomes aware of the identity of a person who has made such a report or notification, to disclose the identity of the person, except in the circumstances specified.

211—Restrictions on publication of certain information relating to family group conferences and other proceedings

It is an offence for a person to, except in prescribed circumstances, publish a report of a family group conference, or of any statement made or thing done at a family group conference, if the report is of a specified nature or contains specified information. It is also an offence for a person to publish prescribed information in relation to certain proceedings if certain circumstances apply.

212—Restrictions on publication of certain names and identifying information

It is an offence for a person to publish or broadcast information that expressly states or implies that a person is, or that directly or indirectly identifies a person as, a protected person, except in the circumstances specified.

213—Payment of money to Chief Executive on behalf of child or young person

The Chief Executive may receive money on behalf of a child and young person who is under the guardianship of the Chief Executive. Procedural matters relating to such money are set out.

214—Confidentiality

It is an offence for a person engaged or formerly engaged in the administration of the measure to disclose personal information obtained, whether by that person or otherwise, in the course of performing functions under the measure, except in the circumstances specified.

215—Victimisation

It is an offence for a person to victimise another because that other person provides, or intends to provide, information under the measure.

216—Protections, privileges and immunities

Certain privileges and immunities are not affected by the measure. Certain protections from liability are conferred on persons who answer questions, produce information or otherwise do things in accordance with the measure.

217—Limitation on tortious liability for acts of certain children and young people

No tortious liability attaches to the Crown, the Minister, the Chief Executive or any employee of the Department, or a recognised Aboriginal or Torres Strait Islander entity or member of such an entity, for an act or omission of a child or young person who is in the custody, or under the guardianship, of the Chief Executive, unless the act or omission occurs while the child or young person is acting as specified.

218—Evidentiary provision

Evidentiary provisions are set out for the purposes of the measure.

219—Regulations and fee notices

Regulation-making and fee notice powers are set out.

220—Review of Act

The Minister must review the operation of the measure after 5 years.

Schedule 1—Persons who may apply for internal review of decisions under Act

Persons who are entitled to apply for internal review of prescribed decisions under proposed section 198 are specified.

Schedule 2—Related amendments and repeal

This Schedule makes related amendments to other Acts to reflect the enactment of the measure by replacing references to the *Children and Young People (Safety) Act 2017* (which is repealed by this Schedule).

Debate adjourned on motion of Hon. D.G. Pisoni.

HIGHWAYS (WORKS FOR RESIDENTIAL DEVELOPMENTS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 15 October 2024.)

Clause 1.

The Hon. D.G. PISONI: I have a question on the title. Can the minister clarify the stakeholder engagement process it undertook prior to drafting the bill, particularly with local councils, developers and the Local Government Association?

The Hon. A. KOUTSANTONIS: We did not consult with councils. We attempted to arrange a bilateral agreement with Marion council; Marion council refused. There was no assistance by any other council or agency to assist the government in attempting to repair damage done by Felmeri to that group of residents, so the government has prepared this legislation and consulted on it internally.

The Hon. D.G. PISONI: Just to clarify, this bill is not about Felmeri. That has been dealt with. This bill is for posterity. So what you are saying is that there has been no consultation outside of the government. Is that what you are saying? The minister nods his head. Okay. Has the government conducted any risk assessment or cost-benefit analysis of the bill's potential impact on local councils and smaller regional governments?

The Hon. A. KOUTSANTONIS: That is not usual practice for legislation and it certainly was not the practice of the former government either. The way legislation is drafted is that the actions of the City of Marion and the Felmeri developers left the taxpayer with great expense and left a series of householders without their homes. This was a unique situation. This is a situation we want to avoid. This is a measure attempting to make sure that we do not have this occur again. I am not sure if the member was here during my concluding remarks yesterday when I undertook to consult with the opposition between the houses on potential amendments and the LGA.

I accept that there are some concerns about how blame is assigned or fault is deemed and I understand the opposition have some concerns about this legislation potentially being used to have the government conduct infrastructure and then force that cost onto councils. That is not the intent of the legislation. I am happy to clarify that between the houses because that is not what we want to do. What we want to do is to make sure that there is an orderly order to developments that local councils oversee and regulate.

In this case, there is a Commissioner of Highways road that abuts a private road. Before the developer should have been allowed to sell any allotments, that work should have been completed. Then a private road should have been completed allowing services to be laid out and access put in to build those houses. The council chose to skip that step and allow the developer, before all those steps were done, to sell the allotments, take money and deposits and payment, and then fall over, and we are in this situation. So I am not interested in a piece of legislation that would allow the government to say, 'It would be nice if we upgraded this intersection in a regional community or a local council area. I will deem negligence, do the work myself and then charge the council for it.' That is not what we are interested in.

I spoke to the LGA yesterday and to the shadow treasurer, so I undertake that this bill will not be brought to the upper house for debate until we have had a series of amendments considered, so it could mean a longer period for it to pass. I am actually attempting to try to futureproof the taxpayer to make sure that we do not have this situation occur again. I think there is general acceptance that we cannot have developers and councils allowing an ad hoc approach to development in different council areas that lead to these types of outcomes. We want to see some sort of order. We also do not want to see any adverse impacts.

I am happy to consult between the houses with the LGA and the opposition on some potential amendments, but just to reassure the opposition, this is not an attempt by the government to force councils to pay for infrastructure that they normally would not pay for because we just want them to do it. This is about making sure that there is an orderly process of development, and if the councils facilitate or a developer facilitates a skip in that step which leads to this type of outcome, and if the

government has to step in and use taxpayers' money to remedy the situation, then we can recover that money of behalf of the taxpayer. That is all we are asking. If there is another way for us to do that, I am open to suggestions. I am not coming in here saying, 'It's my way or the highway'. I am open to suggestions from the opposition, and I have undertaken with the shadow treasurer to do so between the houses.

Mr TELFER: Thank you, minister, for putting that on the record during this committee stage, which is important in the lower house and, as you said, a unique situation. It is one which we would never want to see repeated and one you are trying to dissipate the risk of being repeated through this legislation. I certainly thank you for the communication with me, and I note your commitment, too, with the LGA as well.

Is there consideration being put, presuming we get to a point of agreement within the detail of this bill, around support or guidelines for councils in trying to navigate what this means? Would there be a body of work that your department would do perhaps in conjunction with the LGA that would more readily clarify exactly the circumstances and the arrangements as we have spoken about privately. This is obviously going into different aspects of planning law as well, and the process that is followed.

Is it the mind of the minister to go about putting together that body of work for the information of local government to try to make sure they do not get to the point of the example that you have given around the Marion council arrangements? Is that body of work something which the department and you as minister are considering?

The Hon. A. KOUTSANTONIS: I think this is really work that we have to do with the Office of Local Government, the LGA, the opposition, infrastructure and transport—and, most importantly, planning because PLUS are going to be integral to this. I think we can all agree we do not want to burden developers with additional costs they will pass on to householders who are attempting to build a brand-new home, but we also want to make sure that these things are done in an orderly way. That should not really add any extra cost.

Ultimately, the connection to a major road needs to be built. Whether it is a council road or a Commissioner of Highways road, that connection from a private road to a road—that intersection, that driveway—needs to be built at a stage, so that money needs to be expended. The question is when: should it be first or should it be last? In my view, this work has already been done by the State Planning Commission and we can simply make a referral to that, if there is a suggestion that potentially we can have this legislation set in place yet allow an independent third party to decide who is at fault, because ultimately there might be a case where there is no-one at fault. It is tricky.

What I am attempting to do, as I spoke of yesterday: there is a perverse incentive on councils to incentivise more development and more properties because the one thing that they cannot grow is their boundaries. What they can grow is the number of residents within their boundaries, and they are perversely incentivised to grow those numbers of properties because it increases their revenue base exponentially, larger than rate increases. What we want to make sure they do is that when they do allow these allotments to be sold, they do so in an orderly way and that the infrastructure is put in place.

So I am up for a mechanism that recognises good governance. If good governance has been followed, then we can come to an alternative solution. The question for me right now is that right now we have nothing. The City of Marion can do what they did with Felmeri again tomorrow, and there is nothing to prohibit them—nothing. There is no stick at the end of this. Consider this for a moment, and I know the shadow minister agrees with me on this, the City of Marion—after they allowed those allotments to be sold through a change of condition on application of the developer—was unrepentant at what they had done when that developer fell over.

Now the taxpayers of Eyre Peninsula and the taxpayers of Yorke Peninsula, the taxpayers of the Adelaide Hills and the taxpayers of Unley had to bail out the City of Marion because of a decision they took unilaterally, which they should not have taken. That is why we have this legislation in place. My view about this legislation is hopefully it is never used and it is there simply as a measure to stop councils, give them a moment of pause, before they allow developers to sell allotments before the appropriate infrastructure is in place, because there should be a consensual order.

I am open for this discussion. I know that the LGA will have their views but state planning will have theirs. I think it is fair to say I will err on the caution of state planning for what we think is an appropriate level of infrastructure to be built before allotments can be sold or what the appropriate order is and we can reference that in the act. There are ways of us doing this.

Again, like I have said, for me, I do want bipartisan support on this because ultimately one day members opposite will be in government and hopefully this can stop councils from behaving irresponsibly, because it puts all taxpayers at risk. So if we can have a good bipartisan outcome here I think it's good for the state. But, ultimately, there needs to be a measure that allows the state to recover its costs from developers and/or councils that act negligently. And in this case they did and the state has no mechanism to recover its costs—none.

Mr TELFER: I appreciate that and the context that that provides. Obviously we are looking at considering a legislative solution to an issue which is unique, but there is the potential for it to happen again. It could happen tomorrow, like you say. Did the minister consider other options for trying to get to the same end result? For instance, amending consumer protection laws, building insurance arrangements, indemnities, bonds, guarantees, amendment of the Community Titles Act, the Building Work Contractors Act? For example, the Community Titles Act could be amended to provide the provision by the developer of a bond or a financial guarantee in favour of the community corporation which it could call upon to undertake or complete works contemplated by the development contract in the event of that default by the developer.

Consideration could be given, indeed, to amending the Building Work Contractors Act to require the developer of a community-titled division where a development contract requires work to be undertaken in the common property to take out building indemnity insurance in favour of the community corporation which could be called upon to complete works in the event of default by the developer. There are other mechanisms that could be contemplated. I am interested if the department and the minister considered a few of these arrangements, as opposed to the legislative change which we are seeing at the moment.

The Hon. A. KOUTSANTONIS: My initial instinct was special purpose legislation just to target the Marion council and to force them to pay. So just special purpose legislation that would have been retrospective, aimed at them. But I thought that would be unfair and it would be an unfair burden on the ratepayers of Marion. It is not their fault their council was negligent in its duty. It is not the ratepayers' fault, it is the council's fault, and that is why the legislation has the mechanisms in it not to allow councils to pass it on.

Currently CBS is out to consultation on a number of measures and state planning has issued also a series of guidelines that they are consulting on now as well, so there are many other considerations. I am looking at a prophylactic measure. I am looking at a measure that we can say, collectively, to councils and developers, 'Follow a sequential order or we can use this legislation.'

I think there are three arguments that are going to occur during this committee stage: the potential merits of whether or not the government should have this power to do this on a council that acts negligently and then there are the unintended consequences of whether this could be used in other scenarios inadvertently and whether it can evolve over time with different governments and different ministers forgetting the true aim of this and then expanding its scope. And then there is whether we should do this at all.

I think the one that we agree on is that something needs to happen, and the question, from what I undertook from the shadow treasurer's contribution in the second reading debate, was your concern of scope creep and this legislation being used in other scenarios. I am happy to address that. I think that is a legitimate concern, and I am happy to address that. I think that is what we can work out.

If the opposition's concern is whether we should have this at all, then the government and the opposition are at odds, because I believe we do need to have a mechanism where if we are forced to conduct infrastructure works—for example, a developer is allowed development approval to build a series of shops on a shopping centre strip, and they begin construction without building the appropriate intersection or access to a Commissioner of Highways road or a council road. They go bankrupt, and there is a series of tenants who already have tenancies in place.

The council are refusing to build this, and the tenants cannot begin, and the small businesses cannot start trading and they cannot do the work. What do we do? There is no insurance. There is a liquidation, and these businesses have mortgages that they are paying. The government ultimately would more than likely be forced to step in through public pressure and political pressure. The question then is: who gave the developer the approval to build those buildings before they built the appropriate exit and entry into the property? That is what we are attempting to deal with.

I accept your point that if the government believes there should be a roundabout in a local government area and the council just have not built it, then we go away and build it and use this and say, 'You should have built this roundabout five years ago and you have not, therefore we are going to build it and then charge you using our powers under this legislation,' then I agree: that is not the intent of this legislation. It is simply about development. That is why I am up for—

Mr Teague: But that is what it says at the moment.

The Hon. A. KOUTSANTONIS: I know you are just trying to be combative, but what I am saying is that I am open to the opposition coming up with a solution. I know you have walked in late to the debate and you are interested in having a fight; that is fine. I want to have a constructive outcome with the opposition. If the shadow attorney-general wants to blow that up, go your hardest.

Mr TELFER: Following on from the previous answer the minister gave, he spoke a bit about when a potential road development is abutting a highway, but—and we will probably unpack it a little bit further as we go into the clauses—it is not just road infrastructure that is being considered. What is the mechanism, and is it purely—maybe it is; I will seek the guidance of the minister—the decision of the minister or the CEO of the department, as to what level of infrastructure will be decided upon for a development coming in?

I will give you an example. Within the scope of the later clauses, which we will explore, it talks about stormwater, it talks about power, it talks about telecommunications. A development can happen with overhead powerlines, it can happen with underground powerlines. It can happen with a rolled-gold wastewater system in place or it can happen, depending on where the area is, with a lesser degree of infrastructure.

What is envisioned by the minister as to who is going to make the determination of what level of infrastructure is going to be invested into? A lot of the time within a development planning approval, that specificity is not actually there within the sequential arrangements that would have to be in place for these powers to be used. Is this going to be something that is on the shoulders of the minister at the time or the CEO of the department? What is the minister envisioning for this process for the decision around infrastructure?

The Hon. A. KOUTSANTONIS: In my experience, in all government infrastructure, it is minimum viable product. We do not attempt to gold plate anything and never have, and that has been the history of infrastructure in this country. We put in minimum viable product to ensure that we can have the cheapest piece of infrastructure possible because we are a massive landmass with a small population, so we do not gold plate anything.

Overhead powerlines versus underground powerlines: there are policies in place where I think new developments have undergrounding. I am assuming, but I am not quite sure. It is whatever the existing policies are. There is no incentive on any agency here to gold plate, but again, that is why I agree. If we want to put some criteria in here, I am open for that, as I said to you and for which I gave you my undertaking yesterday.

Mr TEAGUE: I take the opportunity at the outset to indicate I am here as a participant in the committee and I hope I can add some small value to it by raising questions about what is on the face of the bill. In light of what the minister has just said, I just highlight there are limits as to what can be done in terms of statutory interpretation based on expressions of intent. What we have on the face of the bill is what we have on the face of the bill. We can only just read it. The fact is that it does not provide for any sort of triggering mechanism for the undertaking of works.

The question might be asked: why is it not something that we are seeing as an amendment to the planning process? I just refer back to my brief contribution in the second reading: are we not going to see circumstances where there is no direct link between some sort of breach on behalf of

the assessment body or the oversight body, which might or might not be a council? It might be the minister We can happily workshop the bill in the course of the committee. Maybe if the minister is truly intending to alter the way that this works, we might up stumps now, adjourn debate, and go away and work on it all together.

We actually need to understand the structure as it is set out on the face of the bill. So I foreshadowed that at the moment, because it is so open ended on the face of it, whether a council likes it or not, the question is whether a council is going to have to take audit advice to provision for a decision of this kind being made, with or without fault. I understand the Marion council is the villain in the piece here and I understand the minister is saying his first instinct was to come in and legislate to deal with the Marion council.

In the event that we are providing for general purpose legislation to respond to those circumstances using that as the example, then at the outset I just raise the question as to whether or not it is prudent to include a pretty precise set of criteria that would operate to trigger these powers because at the moment it is the minister determining that the commissioner can get on with just about anything with or without fault.

I am completely delighted to hear the minister say that nothing about what is described in the bill is what is intended by the government in terms of its operation. If the operation of the bill, the exercise of state power, is intended to operate in circumstances where there has been a breach, then why not say so? If it is intended to operate in circumstances where it is a source of funding of last resort, then why not say so? And if it is intended to work in circumstances where the planning process has failed, then ought not it be appropriate to articulate the various ways in which the approval has been made and the various steps that are supposed to occur have failed.

I hear the minister talk about the negligence, in this case, of the council and there certainly appears to be frustration on the side of the government finding itself as the only one that is left to fund the works. Just to cite the example—again, I am curious; the minister might answer with a positive or negative view of this. The problem of Heysen Boulevard at Mount Barker is enormously frustrating.

Many might argue that that is the result of a planning failure by a government a couple of governments ago, so does the council then have a role, and do the various developers involved, in terms of their covenants to, at the appropriate stage, build their bit of Heysen Boulevard? At what point does that become sufficiently cause of political pressure for a government just to say, 'Do you know what? We're going to step in. We think it's justified. We've got the power to do so under this act.' It may well be something the minister says, 'Oh well, yes, at some stage that may be what this is about.' So we can only read the face of the bill. At present, it is open-ended.

A question to the minister at the outset is: if these changes, these amendments that are foreshadowed, are really that substantial, then ought we not have the opportunity to debate what they are in this place and then send up to the other place something that resembles what might finally emerge?

The Hon. A. KOUTSANTONIS: I point out that Heysen Boulevard is a cooperative piece of infrastructure being built by the Mount Barker council and the state government, a $2½ million apiece piece of infrastructure, so I am not quite sure that the example works.

Mr Teague interjecting:

The Hon. A. KOUTSANTONIS: I didn't interrupt you. The State Planning Commission is out to consultation on practice direction 12. I just have a series of procedures and practices and how things can operate, and I have undertaken to the opposition that I am prepared to negotiate with this between the houses. That offer stands. I am not in any way attempting to force this through the upper house. This is something that I am trying to remedy, so we cannot allow lax councils to simply attempt to have as many developments as possible occur in areas. No piece of legislation is perfect. If the shadow minister has found flaws, congratulations; big tickets for you. I undertake to work with the opposition between the houses. That offer stands. If you want to frustrate it, frustrate it; I do not care.

Clause passed.

Clause 2.

Mr TELFER: Clause 2 is around the commencement and the words about the day to be fixed by proclamation; that will be worked out. The interesting part for me around the commencement is that obviously there are developments at different stages of construction or otherwise throughout the state. Is this going to be something which at a point in time the legislation is in and then with anything that is happening the government then has powers to be able to come in and do this, or is it from that point of commencement, then for any developments which start from there onwards that powers can be used?

I ask this because the point that I made in my second reading contribution is that I worry that, with something like this in place, there is going to be extra obligation, perhaps, on a council to try to work out whether a builder is legit, is this the sort of thing that they need to be considering as part of the process? A lot of the time, as someone who has experience in local government, trying to work through those processes with developers or potential developers as applications come in is a challenge with resources that are often limited. The question stands by itself. The commencement date will be fixed. Will projects that have already commenced be encapsulated within that legislation or is it only for projects that will follow from that time?

The Hon. A. KOUTSANTONIS: The legislation will apply from the moment of proclamation. So if a project has commenced and a council has been negligent and that work cannot be completed and the government is the last resort, then we can apply the act. I go back to my original point.

Councils follow a sequential order. It will allow us to ensure, as a measure that will give councils a moment of pause, that gas infrastructure is in place if gas infrastructure is being offered, footpath access off a Commissioner of Highways road or a council road that has been built, workforces can come in and out, stormwater has been appropriately done, and that the sequencing of the development is done in an appropriate way to allow allotments to be sold. The development should occur in a sequential order that protects the householder without adding cost.

I suspect what occurred in the Felmeri situation is that the developers had a number of projects that were occurring around the state and they were attempting to finish a project somewhere else and were short on cash. They went to the Marion council and said, 'Look, we want to sell allotments now,' to either assist with cashflow or whatever other excuse they gave. The council for whatever reason agreed; they sold allotments without having the appropriate infrastructure in place and took that money and spent it somewhere else. When it came time to move on to the Felmeri development, the pyramid scheme had ended and Felmeri had no money to complete the works.

Building and indemnity insurance was unable to complete the works because it covered homes—not the private road infrastructure, not the stormwater, not the electricity infrastructure. The stormwater had to be redone completely; there was very little compliance checking by council. Stormwater is the responsibility of local government. It is clear as night and day. I can see the LGA representative in the gallery and I make that point very, very clear. They are responsible for stormwater.

The government had to step in and remedy all of that, at great expense to the taxpayer, for I think 16—Erin, was it 16 households?

Ms Thompson: Twenty.

The Hon. A. KOUTSANTONIS: Twenty households' worth of public money was spent on a private road because council did not do its job. I do not want to labour the point, but if that occurs again and the act is in place and we have to step in, once the legislation is in place, then yes. That does not mean we can go retrospectively, in my opinion. I could be wrong. It is not the intent of the bill to be able to have retrospective powers. But if a development is underway and we have to step in, then yes, it will apply.

It will not be about developments that commence after the commencement of the act. If a development is underway and there is something that occurs and we have to step in, then yes, we can step in. But as I said to the shadow minister, I undertake between the houses to come up with a working model with the LGA and the opposition that can actually work and function, because this legislation has to stand the test of time.

We cannot have developers and councils allowing this to continue to occur, because a lot more developments are occurring where we have very large residential blocks of 800 to 1,200 square metres, sometimes 1,400 square metres, being carved up with one large private road in the middle with services being rolled out for a series of homes, and developers selling allotments without putting any of the infrastructure in place and then falling over.

Building indemnity insurance is not enough to cover the private infrastructure that is required to finish those developments. Householders are being required to put more and more of their own money in, and if they cannot they are in serious financial trouble. This gives us the ability to make sure that councils do not allow that to occur.

The Hon. D.G. PISONI: I pick up on your reference to gas infrastructure, minister. Can you clarify whether through this bill the commissioner could actually insist that there be gas infrastructure, NBN or any other infrastructure put in place in a development when there are other choices or other options for providing these same services? I understand electricity, sewerage and water would all be essential, but gas is an option.

There may very well be some developers that as part of their marketing plan are not offering gas—I do not know why, but they might. It may very well be that NBN is not there if the developers believe that 5G is a much better option. Is there anything in this bill that will enable the commissioner to override those business decisions that those developers have made not to include those services in the development?

The Hon. A. KOUTSANTONIS: No, that is not the intent of the bill, but if the opposition believe that is what can occur, I am happy to look at that. I will give the example in this scenario. If people are being sold a home that has gas hot water services and the developer has done the development in a way that sequentially means we have to dig up footpaths again, or they have not laid down the infrastructure before being given the approval to sell allotments, it means that they have not done the work in a sequential way.

It is not about us deciding, 'Well, this development was built with no gas. Dig it all up and charge the council to put gas in the ground.' That is a matter for AGIG and a matter for the developer. That is not the intent of the bill. This is simply about a sequential rollout of infrastructure, where the government, as the last resort, has to step in and use taxpayers' money to see the developments completed and, if there is negligence on the council or developer, give the taxpayer a recourse to recollect that money.

It is not about ensuring that the infrastructure meets an ideological standard where you must have gas or not have gas. It is simply about making sure the infrastructure is in place sequentially to allow the development to proceed. Of course, all infrastructure, we believe, should be a minimal viable product. If a development on a site is not going to have gas, why would you lay a gas line?

If a development is, though, required to have stormwater—as it should—and the developer goes broke having not put in stormwater, having not put in the connections to the commissioner's road or the council road, having not built the basic infrastructure to allow works to commence, how are they allowed to sell these allotments? I see the point that the member is making, and it is a good one. That is not the intent of the bill.

The Hon. D.G. PISONI: Just to be clear, if people bought into that development knowing that there was not gas, then they got a petition signed by everybody saying they want gas and they go and see their local member of parliament—

The Hon. A. KOUTSANTONIS: They have to pay for it then.

The Hon. D.G. PISONI: So the act will not be used to force gas to be fitted? Okay. Thanks for clarifying that.

The ACTING CHAIR (Mr Odenwalder): Are there any questions on the commencement? Clause 2, the member for Heysen?

Mr TEAGUE: Yes. We are all clear. Marion is the villain of the piece, and the minister's first instinct was to have special purpose legislation against Marion, so why does the legislation not apply

retrospectively, at least in respect of the one egregious case that we all say this is driven by and that is a rare event that is hardly ever going to occur again? That is a question.

If we are applying this in circumstances where it is not driven by an articulated process of breach but it is just left open on the face of it, why not—and I just ask this question—just make provision for a great big whacking fine to apply to a council that takes advantage in that way? I think that cascading of the pyramid example is a good one.

If you are the softest council in the group and you say, 'Alright, we want our rate money and you don't have to do that infrastructure development that you are supposed to do,' then your disincentive might be, if it is to be applied generally, the prospect of a great big whacking fine and the prospect of the government going ahead and seeking an order for exemplary damages on top, based on the facts of the particular case.

The question at the outset is: this bill certainly contains a substantial chunk of retrospectivity in that it applies to developments that have been approved prior to the enactment of the bill. Why not go back and say, 'Thanks very much. We will claw back the $4 million, or whatever it was, that had to be expended'?

The ACTING CHAIR (Mr Odenwalder): Before you answer, minister, I am happy to be flexible, but clause 2 is specifically about the commencement of the act. You started off well, but I will be guided by the minister's answer. I am happy to support the minister if he thinks the question is out of order, but I will be flexible about it.

The Hon. A. KOUTSANTONIS: I do not think that special purpose legislation would have remedied the issue ongoing. I think it just would have been a one-off sugar hit. It would not have fixed the problem and it would not have stopped it from occurring again, so it would not have solved the problem. What we are attempting to do is solve the problem holistically. But, as I said, no legislation is perfect. I am open to suggestions and options to alter it between the houses.

What we are attempting to do here is the right thing. There is no doubt that councils will not like this because it will caution them and put them at risk of making errors, and errors do occur. That is the part that concerns me the most: councils can inadvertently make errors where developers are able to get the upper hand and do things that they should not be allowed to do, or should not do, or their rights and obligations are not being met to the people who have bought properties from them and councils are not enforcing their development approvals appropriately. That can also include the state, so I want to make sure we get this right.

As I said, if there are errors, if I had just brought in special purpose legislation, it would not have solved the problem. As for making this retrospective, I do not think it is retrospective legislation. It does not go after completed developments, it goes after developments that are underway, and I think that makes sense. You have to draw a line somewhere and we have chosen that line, and the government is entitled to make those decisions.

Clause passed.

Clause 3.

The Hon. D.G. PISONI: My understanding is that the commissioner has some extraordinary powers to bypass the usual planning process and local government authority. Can you confirm whether that is the case and why it is necessary?

The Hon. A. KOUTSANTONIS: The Commissioner of Highways already has extraordinary powers to do things without development approval, but these are developments that already have approval, so to seek approval again would be a time-wasting exercise.

The Hon. G.G. BROCK: The end of subclause (2)(b) provides 'if the Minister thinks fit, to any owner of the land.' In actual fact, I would have thought it would go, if a developer was negligent, back to the council to actually claim the money, but this one here says either go back to the council or 'if the Minister thinks fit, to any owner of the land.' Can you explain the difference there?

The Hon. A. KOUTSANTONIS: What clause are you referring to?

The Hon. G.G. BROCK: Clause 3 (2)(b).

The Hon. A. KOUTSANTONIS: That is just a statutory notice to let people know that we are coming onto their land.

Mr TELFER: Obviously, this is the clause that has the majority of the detail which I unpacked a little bit in my second reading speech, and also the main bulk of what this bill delivers. For the prescribed works as defined within this clause, the commissioner can come in and undertake those prescribed works on private land. Does the relevant council receive any benefit or service from that work? What I am trying to get at is: is this trying to make it so that a council is paying a fee for service?

What I am referring to is the well-meaning aspect about councils not being able to recover expenses incurred by way of a rate, a charge, a levy or fee, or another amount imposed on ratepayers, and then without limiting the cost imposes a separate rate. As I said in my second reading speech, I worry about foreseeing a circumstance where we could have a council which may not be able to afford to be able to incur this level of debt and cost without those. Upon my reading of it, I feel that there is the opportunity for works to be undertaken even if there is no obvious fault from the process of a council.

So, as a former mayor of a regional council with a small budget who has dealt with their fair share of shonky, shifty developers, to put a potential financial risk on a council without the ability for them to be able to afford the prescribed interest rate 5 per cent above the cash rate which is probably higher than what the rest of their borrowings would be through the Local Government Finance Authority and the like. I would like some reassurances to the motivation behind the levy, the rate which is disallowed, and the motivation of the minister and the intention of the minister within this legislation.

The Hon. A. KOUTSANTONIS: Tumby Bay is a good example. There will be residents in Tumby Bay, there will be businesses in Tumby Bay that have a higher turnover and a larger net worth than the council, and there would be some farmers who would have a lot more money than the council who might seek development approval from the council, and the council grants it, and then those developments lead to massive losses for those involved because a development approved by the council was negligent.

Now do we let Tumby Bay off? This is the point. If Tumby Bay or any smaller council, or any council, follow the appropriate development approval process to make sure that they eliminate their risk of fault, and developments are done in a sequential way—we are not talking about a developer who goes broke and therefore the council is liable for that developer not being able to complete a development, but if a development goes broke because of negligent development approvals being given not in a sequential way, which means a development cannot be completed through an insurance program because things were not done sequentially and there is a gap, well the council is at fault.

The problem you raise is that a small regional council does not have the ability to fund this which is why they should be very careful about the way they do developments. I just remind the member, this could happen now. It could happen right now. The council in Tumby Bay, where there are some beautiful parts of our coastline, can approve relatively large developments, and if they allow developers to get away with doing things that do not allow a sequential development that ultimately see other investors lose money and go bankrupt, and a development cannot be completed because the development was not done in a sequential way that allows the insurance to cover the remaining cost of the development because of council negligence, well who do we blame?

We are not talking about recovering the cost of the entire development, are we? We are talking about the appropriate infrastructure. So if it is an access road off a Commissioner of Highways road or it is the appropriate level of stormwater, that is what we are interested in here. So what we are trying to do is just because councils cannot afford to pay, does not give them the right to behave badly simply in an aim to grow their rates base. Like I said, it is a difficult egg to crack here so I am open to suggestions.

Look at Wirrina Cove, look at marinas across South Australia. There are large developments that small councils have approved that have left legacy issues where investors, because of council decisions—poor decisions—have been left high and dry. What we are saying is that there should be no impact from a decision of government or council that should impact the viability of a development.

If you want to build a development, this is the sequential order you should follow. If you do this, you are fine. How can you sell tenancies, how can you sell plots, how can you sell options and the like before you have the appropriate infrastructure in place because you could fall over and then that burden then falls on the taxpayer, which is entirely unfair. It is unfair on the taxpayer, it is unfair on the investors and it lets the developer get away with it.

What if the developer does have the ability to pay? This legislation gives the commissioner the ability to recover money from them. Currently, with Felmeri there are two entities. We cannot recover any of the money. This legislation will allow us to recover the money.

Mr TELFER: The question I am asking is reflecting on the bill in the current form, already noting that the minister is open to undertaking to put other measures in place to try to clarify some of the concerns. Within what we have been provided here—the sections in this clause at the moment—there is no commentary or description around fault or blame on a council.

On my reading of it, the commissioner can come in and make whatever decision. With this aspect around the ability for councils to be able to pay or not, I think there is some clarification to seek. Maybe that clarification is, as the commitment has already been made by the minister between the houses, to pay the obligation under section 26. If a council cannot raise the money by way of rates, charges, levies, fees, how can they then raise the funds?

There is the example of bigger councils, and I made this point earlier, that may be able to absorb it within current operating budgets but obviously there are some that cannot. Does the minister envision with this legislation that councils will go into debt to comply with section 26, and even then how can councils service or even repay the debt if there is not the ability for them to be able to raise moneys by additional rates, charges or fees?

I worry about setting up a circumstance where a council cannot lawfully by the letter of the law repay a debt over and above what their capacity currently is at the moment. You talked about the opportunity to recover it from a developer, but the vast majority of the time we are in this circumstance because the developer has gone belly up and they have declared they are bankrupt, or whatever the circumstance may be. So there are potential circumstances with this legislation that there is no lawful way for a council to raise money to service a debt or to repay a debt. What is the minister's perspective on that?

The Hon. A. KOUTSANTONIS: That is a good question. I think we are conflating two issues here. Developers go broke often. We are not attempting to be the insurer where we just step in and start finishing everything on their behalf. There is building indemnity insurance to deal with that and other insurance to deal with it. We are talking about critical government infrastructure that needs to be built before developments are done. Basically, it is roads, gutters, footpaths, stormwater, access and egress. That is what we are looking at. Let's not make this legislation look like it is doing more than it is intended to do.

A developer can go broke in any development, but there are insurance policies and statutory insurances that should cover a lot of that. I have a number of constituents who are currently building right now, who have been subject to a developer who has gone bankrupt, but the development has been done in a sequential way and the council has no fault, the government has no fault, and the building indemnity insurance that remains is adequate to complete those properties. They do not have to build access and egress into a private road, they do not have to put down footpaths, they do not have to do the other infrastructure because the development was done sequentially, so I do not think your concern is valid.

However, this is also about a government and another form of government. The government is not going to bankrupt the community to recover its costs for a footpath.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: Well, no, it's not, because the councils are our creation and ultimately they are our constituents as well. What we are attempting to do here is to stop negligence. That does not mean they get a blank cheque to do as they please. There is also common sense and goodwill that has to operate in any piece of legislation. You can take any piece of legislation to its extent and you can catastrophise it in any way you like. Of course, we operate within guardrails in

our Westminster system and in a democracy, so there are consequences for overreach. I think we are catastrophising here slightly.

However, I will give you an undertaking. I am not interested in bankrupting Tumby Bay; I think you did a fine job of that yourself. You do not need my assistance. Small regional councils are probably less likely to be subjected to this than metropolitan councils, in my opinion, because they are more cautious and there is a lot more community concern that occurs on local government councils in regional areas than there is with metropolitan councils. Metropolitan councils have very large big bureaucracies and in big bureaucracies, in my experience, councils are given advice by the agency and councillors generally follow that advice.

What occurred with Felmeri was an officer within Marion council, with delegated authority, gave approval for X, Y and Z to occur, which led to the consequence that we are in. The elected councillors were not at fault. Ultimately there was an oversight issue, ultimately it could have been remedied, ultimately if there was goodwill with the council to work with the government and there was a general acceptance that this could have been avoided, we would not need to be here today. I think the actions of Marion council show what can occur if a council digs in and, despite their negligence, despite being the root cause of the problem, they refuse to assist.

The contribution the South Australian government asked of Marion council was half a million dollars, capped, and they said no. Why is it that the taxpayers of Tumby Bay have to bail out the Marion council? Do you see my point? I accept your concerns. That is why I have agreed and made an undertaking between the houses. I can assure members that this legislation merely being in the house is enough to focus the attention of the LGA and its membership to make sure that they are doing things appropriately.

I am not in a rush to pass this legislation. We will pass it through the house tonight. I will not reintroduce it in the upper house until we have an agreement. I am up for that, no problem at all, unless, of course, the agreement is completely unfair. I am up to working reasonably with the shadow treasurer about an outcome here that is fair and reasonable, as well as with the LGA. But the very fact that we are debating this, the very fact that this is here and the government has shown a resolve to do this, will focus the attentions of councils to make sure that their development agencies are working appropriately to make sure that a Felmeri never occurs again.

The details we can work out. We can have an argument, if you like, philosophically about why it was not perfect before it came here, but the truth is that councils, as I said earlier, have a perverse incentive, because they want to grow their rates base because escalation is causing them and their budgets harm as well. We have seen what rate increases can do to councils; 8.9 per cent I think in Burnside, 7.1 per cent in Holdfast Bay, well above inflation. These are high numbers in a cost-of-living crisis.

The way they are incentivised is to have more development, which means more rate base over the same landmass. Of course, what councils are also doing is pushing a lot of that infrastructure cost that traditionally councils built—like roads, like stormwater, like footpaths—onto developers and that is being handed over to them afterwards to maintain.

My point is that if that is not being done, that should be a liability of the council, because the council have control about whether these things are done sequentially and in an order that is of good cause for building and making sure that development is done properly. So I think we are on the same path. We are not interested in bankrupting small councils. We are not interested in debt burdening small communities. What we are interested in is councils doing their job and doing it properly because they are remunerated exceptionally well.

They have the resources to do this. They are not overwhelmed. You walk into any metropolitan council and there is a very large infrastructure bureaucracy in place with very highly paid staff who do exceptional work. Human error is human error, but this was a deliberate choice by a council that led to consequences that have cost the taxpayer millions of dollars. The taxpayer has no recourse, and that is unacceptable for a government agency.

Mr TELFER: Just one more question, and it probably flows on. The responsibility and obligation on councils as far as the planning process is significant. The challenge for a lot of councils

is ensuring there is appropriate resourcing of different departments, and a lot of councils around South Australia are challenged when it comes to development and planning staff in particular.

Does the minister envision that there may be a discussion or even a negotiation, perhaps, with the planning minister potentially on advice, direction and guidelines for councils around the ramifications of this legislation? Minister, you spoke about how it was a deliberate decision by a staff member. It often comes down to a single staff member or a cohort within a council bureaucracy to make decisions around planning and development. A lot of councils have to outsource that to planning professionals.

I envision a worry that there could be potential extra costs that could come with this because the councils that are more conservative or more reticent to make decisions around planning are more likely to go to an external planning consultant that comes with a price tag when considering the ramifications of a piece of legislation such as this. Minister, do you see a role for the planning department to play over and above what they currently do with the extra obligation involved with this legislation, which they may have to understand and understand the ramifications of?

The Hon. A. KOUTSANTONIS: We are working with the State Planning Commission. The truth is there are two measures that could solve all of this: security being taken and the common infrastructure being put in place at the appropriate time of the development. None of this is necessary. As I said, I am more than happy to work out a way of us articulating that in the act to ensure that councils are protected if they have done the right thing. I am not interested in going after councils that have done the right thing. But we are working with planning agencies, absolutely.

Mr Telfer interjecting:

The Hon. A. KOUTSANTONIS: Yes.

Mr TEAGUE: To get back to a question I foreshadowed in the course of my second reading contribution, just as it stands, I am hearing the minister say that this might be transformed by the time it passes the parliament. We are obliged to consider it as it is at the moment. Has the government taken any advice, does the minister have any indication for the committee, as to whether or not the presence of these provisions will require a properly overseen council, via audit and provisioning, to have to provision for the risk of this being imposed?

Given it applies in the general, and it is a ministerial discretion to go ahead and do works and then sheet home the cost to the council, is there a financial consequence that council, prudently provisioning, would have to apply as the result of this passing?

The Hon. A. KOUTSANTONIS: No, and I cannot imagine any council getting that past their elected members, that they would provision for errors and negligence. Who does that? Who says, 'We are such a hopeless council that we are going to provision X amount because we are going to be found to have not done works appropriately'? In any way, the legislation does not allow them to provision for this because the legislation specifically prohibits them from increasing rates and charges to pay for it. So, no, I do not think they would.

Again, the prudent thing for a council to do is to take security or put conditions on developments that need to be met which are common infrastructure needs to be put in place before allotments can be sold, which is common practice and is what most councils do just through the normal course of events, but there is no consequence for a council not doing that—none.

The shadow attorney said, 'What about a fine or a penalty?' That is no different from recovering the costs. A fine or a penalty, how would they pay for that? They would want the ability to raise those rates. What we are saying here is we want to provision infrastructure. The appropriate thing to do is if a developer is a bad actor, and despite the appropriate provisions being put in place by the council, the council would not be liable here.

If the council did the right thing and gave development approval on the basis of common infrastructure being put in place or took security, none of this would be an issue. It is when they do not do that and are attempting to stimulate activity in their communities to increase their rate base that we are interested in. There are ways between the houses that I think we can come up with an amendment that would cover that.

I accept the member's point, the legislation is as it stands now, as it passes the house, but we have a bicameral system. It has to pass both houses. I am up for change between the houses. I have said that now I think 10 times. I have told the LGA that as well. But I think the very fact that it is here has focused our attention and that is a good thing.

Mr TEAGUE: On that and then to cover the broad concept, the point about taking security is maybe a central example of an obligation that might be imposed by another form of legislation that might say, 'Right, henceforth the granting body is required to take relevant security sufficient to cover the defined work that needs to be done, and failure to do that is a breach causing the imposition of a fine.'

The legislation does not, with respect, apply in circumstances of breach. It applies in circumstances where the minister determines that it is appropriate to get on with prescribed works, having designated a particular area the subject of development approval. It is actually not couched in terms of breach and consequence. It is not imposing some fresh obligation upon the body that is going to suffer the consequences.

Again, I do not mean to just freewheelingly come up with ideas, but one approach might be a breach in consequence approach, coupled with a new stipulation that security needs to be obtained, and even the failure to obtain the security might lead to the breach, regardless of the consequences. Do an audit of all the council approvals and say, 'Hang on, have you got adequate security in advance? If not, hang on, there is a first substantial fine that might apply just for doing that.' That could contribute to a fund; then the point about there being anyway a necessary wrongdoing that stipulates the consequence of bearing the cost.

The Hon. A. KOUTSANTONIS: Yes, you could do all that, but either way someone has to determine there has been a breach. The way I would envisage determining if there has been a breach is that a developer, on the advice of the State Planning Commission, on advice of the planning minister, allowed a disorderly development without common infrastructure, took no security, the government has to step in, and when we step in it is usually the infrastructure agency that steps in, and we have no ability to collect that money.

You can design this all series of ways. You can have consequential amendments and other pieces of legislation that will lead us to the same path. This is just a standalone piece of legislation that gives the Commissioner of Highways, if we have to do it—because, just to reassure members, I am basically talking about the issue that I am concerned about most, which is access and intersections from either council roads or Commissioner of Highways roads, which is the largest common user expanse a developer will undertake generally in rolling out infrastructure to a development. That is what they usually do first. Here, they did it last, and we had to do it.

This act should not really ever have to apply if councils are doing their jobs. I accept what you are saying. We could do it another way through another path, but they all lead back to the same thing, which is someone in my agency is going to have to commission and do the work. This is the path we have taken, right or wrong. I think it is a good measure.

Again, I have said I am up for discussion and debate about the alternatives. I will schedule meetings with the LGA next week and meet with the opposition, and I am sure we will go off to parliamentary counsel. I want to go through all the second reading speeches to try to find ways to remedy some of the concerns you have and come back to the opposition and consult with them about whether or not they are happy with it. I think this legislation has to stand the test of time. We cannot allow councils to continue to behave this way because the way they are incentivised will lead to more of this, especially in a housing crisis.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill reported without amendment.

Third Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (17:52): I move:

That this bill be now read a third time.

Bill read a third time and passed.

GREYHOUND INDUSTRY REFORM INSPECTOR BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 September 2024.)

Mr BASHAM: Mr Acting Speaker, I draw your attention to the state of the house.

A quorum having been formed:

The ACTING SPEAKER (Mr Odenwalder): I sincerely hope that the member for Chaffey is seeking the call.

Mr WHETSTONE (Chaffey) (17:55): Thank you, sir, I am indeed. I rise to speak and indicate that I will be the lead speaker for the opposition on this very important bill, the Greyhound Industry Reform Inspector Bill. As some would know, in about June of last year three dog trainers were handed lifetime bans for live baiting, and then in July there was leaked footage of greyhound abuse, which is absolutely unacceptable and illegal behaviour. It was clear that there were concerns within the industry and questions that needed to be answered.

An independent inquiry into the governance of the greyhound racing industry has been carried out to investigate industry operations, culture, governance and practices. That was led by Graham Ashton AM APM and Review Director Zoe Thomas. The inquiry uncovered some major issues within the industry and highlighted the urgent need for reform.

That investigation made 86 recommendations. Some examples were animal welfare, the integrity and the administration reform that was needed, better tracking of greyhounds from birth, on-track vet folders, hair testing as a regular feature of drug testing, better track safety initiatives, and improvements to the Greyhounds As Pets program.

This program has been an outstanding success over time for many people who either did not understand or wanted to better understand that greyhounds make very good pets. The nature of the dog, their temperament and the way that they become a companion very quickly cannot be overstated. I know of a number of people who have greyhounds as pets and I just want to reassure people that when these beautiful animals are relocated for a life after racing or if they do not make the cut, they are given homes. There was a survey done just recently where people were asked whether they would give up their pet for a million dollars, and it was a resounding no. This really does demonstrate the bond and the tie between a pet dog and their owner, which cannot be overstated.

Recommendation 57 was to establish an inspector for greyhound racing reform who would have unfettered access to the Greyhound Racing South Australia (GRSA) system and its data, entirely independent of the industry and the review. The inspector would receive welfare reports from GRSA and receive professional advice from an advisory group, and would provide a final report after two years as to the inspector's level of satisfaction.

There are a few questions that I will raise with the minister with regard to that. I feel as though there is some level of a grey area there with the level of satisfaction and understanding. What does that mean? Who will be the go-to? That will be, obviously, a recommendation that I would like to see upheld, that there will be a point of contact within the industry body that the inspector can go to. That will, I think, streamline and make the process much easier.

On 30 November 2023 the report was finalised, and on 14 December 2023 the government made the report public. I must say that the Premier has said an inspector would be appointed by Easter of 2024, and that gave GRSA two years to adopt the recommendation. Easter 2024 came and went. Maybe the Premier was a little busy at Gather Round.

Sitting suspended from 18:00 to 19:30.

Mr WHETSTONE: I will continue my remarks. The Greyhound Industry Reform Inspector Bill is obviously a very important bill. If I pick up where I left off, on 8 May 2024, two months late, finally the government announced Sal Perna AM as the Greyhound Industry Reform Inspector. Obviously, Sal has had a decorated career, and I will talk a little bit about him later.

However, I want to touch on my concern about the tardiness of how the government has taken quite a slow approach to implementing the inspector, getting governance into this role. On 8 July, two months after Sal Perna's appointment was announced, Sal officially commenced his role but no legislative mechanism was there to help him do his job. On 11 September 2024, another two months later, a bill was introduced—four months later, after the greyhound industry inspector was announced, and it is almost a year since the report was finalised.

It is of concern because I, too, am looking to go down the track—pardon the pun—of making sure that the industry has good governance. I am very supportive of the mechanism of having an inspector to implement the 86 recommendations because we do want to see greyhound racing continue into the future and we want to make sure that there is governance. We want to make sure that the industry is adhering to public expectations, and we want to make sure we weed out those who are doing the wrong thing within the industry.

My criticism of the whole process is that it has not been dealt with with the urgency that is expected of the government. When these perpetrators did what they did within the industry, it was reported, 'We will fix this up as quickly as possible,' but what we are now seeing is that it has been very slow on the uptake.

Sal Perna AM, the current inspector, is highly respected within the community of the greyhound industry, but he is much more than that. He has a wealth of knowledge, integrity and experience. He is a former police officer, was the Victorian Racing Integrity Commissioner from 2010 to 2021, and he conducted Victoria's inquiry into live baiting in 2015.

Currently, he is serving as an independent director of the International Tennis Integrity Agency and he is a panel member of the National Sports Tribunal. He is also a board member on the World Anti-Doping Agency Independent Ethics Board and he is on the National Basketball League Advisory Board. He has a wealth of experience and he also has a wealth of understanding of how governance should be undertaken within a sector, particularly in the greyhound racing sector.

What we are seeing now is that he has started to work closely with GRSA. I know that he has met with the minister and he has met with the Leader of the Opposition. He has hit the ground running and I think that is quite noble. But what we now need—and why we are here tonight—is to put some governance, some structure, into his role and give him the powers that he needs to uphold and adhere to the 86 recommendations in the report.

What we need to do now is establish a good working relationship with him and the industry, and make sure that within the time period allocated we can actually pick up the pieces of the industry, which is currently working as a very strong, buoyant industry, I must say. I was recently at the national long course and short track championships and the industry has grasped the notion that they need to be better behaved and they need to have better governance. I think that, by and large, with the way we are going to move forward now, we are going to see that occur. It has taken time to reach out, but what we are seeing now is that with all the formalities being put behind us, it is great to see that he now has a working relationship with industry and he has a working relationship, obviously, with the minister.

I think we need to better understand what this bill will mean. The Greyhound Industry Reform Inspector Bill introduces important powers for the industry and it sets out offences and penalties for the controlling authority. As an opposition, we want to see the recommendations enacted as efficiently and quickly as possible and supported by the industry body in principle. I have met with Brenton Scott, the CEO of GRSA, and Grantley Stevens, the Chair. They are both passionate advocates not only for their industry but for the governance of greyhound racing here in South Australia.

Some of the conversations that we have had with the greyhound industry, particularly with the chair and the CEO and the inspector, have been they would like to see a little bit more work done.

They would like to see a liaison officer established to ensure that the recommendations can be implemented as efficiently as possible. I think that is common practice for companies to appoint a lead contact to work alongside government agencies, so I would urge the minister and her department to give serious consideration to having a lead so that Sal can actually go to a contact point.

I do not want to see a scattergun approach. I do not want to see us not knowing who is where, whether it is contacting the CE, the chair, a volunteer or officials. We have to have a point of contact to streamline what is going to be done and give the inspector the powers that he needs to make it stick and make sure that the industry is held to account, but in a respectful way.

The powers are necessary, but they also need to be quite carefully scrutinised and questioned. I also want to put on the record that they are far-reaching powers that will give the industry extensive access to Greyhound Racing SA's systems, documents and information. It even lets the industry inspectors speak to staff. I do not like the words that they have the capacity to break into premises with the authority of a warrant, and heavy fines of up to $10,000 for a noncompliant employee.

It is also worrying how far the definition of 'employees' reaches. How far? Are we talking about employees on a gate? Are we talking about employees working in the stalls? Is it employees working in training facilities? Is it talking about volunteers? I think there needs to be some level of clarity there. Does it extend to contractors who have previously worked within the industry?

I think we need to be very careful that we have people who have the industry at heart rather than the industry that has some baggage, because no matter what sport it is, no matter what industry it is, we have to make sure that the inspector is given the information that he needs by credible authorities or by credible employees, so I think it is vital that the process is carried out very carefully. Also the liaison would definitely help to ease concerns particularly with volunteers within the greyhound community.

I have talked to a number of volunteers within the sector and they are quite scared that they will be approached, they will be forcibly asked to provide information when it does not need to go that far. I think we need to make sure that industry are prepared to hand over information, calmly, concisely, and that could be done via the liaison to the inspector. At the end of the day this is about implementing all of the recommendations of the report.

I do not want to see excessive force used, I do not want to see intimidation used, but, most of all, I do not want to see the volunteers within that industry be turned away or be turned off doing the great work that they do. One thing that I picked up very early coming into this portfolio is that the majority of the industry is buoyed by passionate people who are there for the good of the industry. They are not there to support bad behaviour, they are not there to support the wrongdoing that has brought this report to the front. I think it is really important that the industry be a thriving sport.

I think it needs to have a bright future but it will not be without its challenges. Establishing an independent inspector or the greyhound industry racing inspector is very important. I have already noted a number of times that the inspector has credibility but I want to make sure that the government, the inspector, and the industry are working together in quite a cordial fashion. What we have seen over a long period of time has been that the bad within the industry are getting the headlines rather than the people who are good for the industry, and they are putting a slur on an industry that has been around for many decades and I think it should continue to be.

It is about ensuring the industry is clean and safe, it is about giving greyhound racing the opportunity to be an honourable and respected sport in our state, promoting an industry that can continue to be enjoyed by all South Australians. I urge anyone, whether you are a racegoer or you have some level of inquisitiveness, to go along and have a look at what greyhound racing is about. I think you should just to evaluate what a great industry it is.

So Sal now has the task ahead of implementing the remaining 85 recommendations and I am committed to working with him, working with the government and working with the industry to see greyhound racing continue as a valued sport here in South Australia. The industry has been there

with very good animal welfare, very good governance of an industry but it has been slurred by a minority within the industry. That is why we are where we are today.

So the inspector has a role to play. It is about reforming the sector, it is about reforming the industry and making sure that it has credibility when they go to government looking for a level of funding or a level of support. When people go to those race meetings, they know that it is an industry, it is a sport that has credibility and very good governance.

Without further ado, I look forward to progressing this bill and making sure that the Greyhound Industry Reform Inspector Bill is passed with good governance and with careful consideration by the government, making sure that the industry is not intimidated at every step of the way.

Ms O'HANLON (Dunstan) (19:45): I, too, rise to speak on the Greyhound Industry Reform Inspector Bill 2024. As has been well canvassed in the speeches by other members thus far, this bill was created, in effect, as part of the government's response to the outrageous and highly disturbing treatment of greyhounds revealed in footage which emerged last year. This followed earlier cases of greyhound trainers being found guilty of live baiting and subsequently receiving life bans.

As someone who has owned dogs all my life, both as pets and working dogs on my farm, I cannot fathom the need, let alone the want, to treat dogs in this way. Dogs by their very nature want to please their owners and will do their best to do what they think it is you want them to do. I think you can attest to that, Mr Speaker, with your beautiful kelpie.

I also had several rehomed greyhounds in my life a few years ago when my eldest son adopted the beautiful Evie who loved nothing more than curling up in a ball on the sofa like a giant cat and sleeping for hours on end. When Evie did decide to unfurl herself, she loved to be taken to the park or the beach to stretch those beautiful long legs and to play with other dogs—gentle, no matter how their size compared to her. After Evie was the equally delightful, though shy, Scout. We always wondered whether Scout had been mistreated because she was such a timid and unsure though no less delightful dog.

In addition to this, there are many people in my electorate who have adopted these beautiful creatures and who even pop into my office from time to time to say hello, like Marg and Fred, who have brought in the delightful Baily to say hello on many an occasion.

In my mind, it is always a blight on an industry that involves animals that they require a gamekeeper or an overseer to ensure they behave in an ethical and humane manner, but here we are. This bill establishes a greyhound industry reform inspector to oversee the implementation of the recommendations from the Independent Inquiry into the Governance of the Greyhound Racing Industry in South Australia.

The report recommended significant animal welfare and integrity reforms, including the inspector, which will be established as a result of this bill. Minister Hildyard has already announced Mr Sal Perna AM has been appointed to that role, and it certainly seems as though it was a coup that South Australia was able to secure Mr Perna and all the recent relevant expertise he brings to the role, not to mention his other sporting integrity roles that add to the breadth of his knowledge.

This bill is time-limited and will expire at the end of the reform period. The minister has already pointed out that Greyhound Racing SA have been cooperative during this process, and I have no doubt that will be relieving news to the many people in my community who know and love these sleek and graceful animals, who love to run but deserve the very best treatment and care for their troubles.

Mr PEDERICK (Hammond) (19:48): I rise to make a contribution to the Greyhound Industry Reform Inspector Bill 2024. Certainly, I have had a bit to do with greyhounds, not that I am much of a betting man as was proven Friday night, but we have a reasonably new greyhound track in Murray Bridge which I believe is world-class. Well over $8 million has been invested, not just in the oval-shaped track but in the straight track, which is certainly another form of racing that alleviates the stress on the dogs as well.

Certainly that has been my experience with attending events in Murray Bridge, and I note that there are tracks at Mount Gambier and Gawler, and also obviously at Angle Park where the big races are held. I have gone to many a race there. We only had the cup there the other night. On Friday night the minister and I were there and we were involved in the presentations. The cup event has always been quite a bipartisan event at Angle Park, the greyhound cup, whether I have been in opposition or government, which is a good thing.

I think generally there is a lot of support for the greyhound industry. Grantley Stevens at the top does a great job, and there has been some great entertainment. It supports a lot of punters and people involved in greyhound racing who do not have the wherewithal to get into the thoroughbred horses. You can see when you talk to them they get a real buzz about looking after their dogs and training them up to see their success.

But, as has been highlighted, there have been some indiscretions and this has led to where we are now. Certainly a couple of years ago there was some live baiting. We had the place where a trainer—actually, in my electorate—was filmed by a drone and someone on that property was caught abusing a dog. That sort of treatment of any animal should not be tolerated. My understanding is the trainer involved in that was fined around a quarter of a million dollars, and so they should have been.

What I am saying is, in the light of all these disciplinary matters that have had to happen—and a few trainers have had life bans, and this person got a life ban because of these quite distinct indiscretions, and so they should have. But Greyhound Racing SA knows they are on notice. They are keen to follow all these recommendations and to get on with the job to make sure that this sport can stay alive and well in South Australia. They know they have got a lot of work to do and they have committed to do it and they have gone through a distinct process so far, but whether or not any more of this legislative framework came into play? I know from talking to the board, talking to the Chair of Greyhound Racing SA, they are committed to making sure they keep the industry in the right frame of mind and the right management of dogs.

Certainly when you look at the welfare of greyhounds, and greyhounds at the end of their sporting life and the greyhound rehoming program, they have taken some quite novel ways to do that. The members of the public can rehome a greyhound and many, many people do that. I think in the last year they said there were 500 that had been rehomed. Certainly it is something that is also conducted through the prison system; used therapeutically for the prisoners. I have been in Mobilong at times to see what is going on for various meetings—I always got out voluntarily, of course. They can hold about 16 greyhounds at a time. They are allotted to prisoners and they go through a program for a certain amount of time and look after these greyhounds. I think it is good for both the prisoners and the dogs. There are a lot of ways that the greyhound industry looks at looking after their dogs that are not racing any more. This legislation was introduced on 11 September by the minister, Minister Hildyard.

On 30 November 2023, the report of the Independent Inquiry into the Governance of the Greyhound Racing Industry was released. That was conducted by the former Victorian police commissioner, Mr Graham Ashton AM APM, and Review Director Ms Zoe Thomas. Certainly, at some of these events that I have attended I have met Graham Ashton.

The inquiry made a total of 86 recommendations, all of which are to be implemented by Greyhound Racing South Australia within two years following the appointment of a greyhound industry reform inspector. That certainly has happened. Mr Sal Perna AM was announced as the Greyhound Industry Reform Inspector in May and officially commenced his role on 8 July. Mr Perna has a wealth of integrity and experience within both the racing industry and international sporting organisations, including serving as Victoria's Racing Integrity Commissioner from 2010 to 2021 and conducting an inquiry into live baiting in Victorian greyhound racing in 2015.

As others have mentioned today in the debate, Greyhound Racing South Australia have been fully cooperative throughout the inquiry and the appointment of the inspector. Previous to now there has not been a legislative requirement, even though Greyhound Racing South Australia are keen to go through the recommendations that compel the greyhound industry to cooperate with the Greyhound Industry Reform Inspector.

The main purpose of this bill is to establish a greyhound industry reform inspector to oversee Greyhound Racing South Australia's implementation of the recommendations of the inquiry. The bill also manages and governs the inspector's functions and powers, the assignment of staff and the inspector's final report and the expiry of the act.

The bill requires that the inspector be independent of Greyhound Racing South Australia and not involved in the greyhound racing industry, not involved in the inquiry and not accept any office or role relating to greyhound racing within or outside South Australia.

The inspector's main functions are to oversee the implementation of the inquiry's recommendations, receive reports from Greyhound Racing South Australia regarding integrity and welfare, facilitate collaboration between Greyhound Racing South Australia and the minister, gather information relating to greyhound racing and Greyhound Racing South Australia and provide progress reports to the minister.

The inspector, or an authorised officer who has been appointed to the inspector, has the powers to:

- require Greyhound Racing South Australia to provide information or documents or to attend meetings;
- enter a premises or vehicle owned or operated by Greyhound Racing South Australia (and this is a bit contentious) or break into a premises or vehicle on the authority of a warrant.

I think we will have some questions about that during the committee stage because it sounds like the powers that are related to licensing matters with the commercial fishing industry. The inspector also has power to:

- inspect and search the place and copy and retain documents; and
- require any person in the place to answer any questions and to produce any documents that are in the person's custody or control.

Certainly, there is a range of offences that the bill sets out with the appropriate penalties:

- failure to provide documentation or information or attend a meeting without reasonable excuse: $10,000;
- hindrance or obstruction of the inspector or an authorised officer without reasonable excuse: $10,000;
- failure to answer questions put by the inspector or authorised officer to the best of a person's knowledge or belief: $10,000;
- failure to comply with any lawful requirement or direction of the inspector or authorised officer: $10,000;
- use of abusive, threatening or insulting language towards the inspector or an authorised officer or a person assisting either: $10,000;
- impersonating an authorised officer by word or conduct: $5,000;
- divulgence, communication or use of confidential information: $10,000; and
- providing false or misleading statements or information: $10,000 or imprisonment for two years.

The inspector is required to submit a final report to the minister on Greyhound Racing South Australia's implementation of the inquiry recommendations within the two-year reform period or at a later date that could be allowed by the minister. I am sure that would be through consultation with both the inspector and the industry as to where everyone is at, and I would like to think that there is a bit of free play there in case there are a couple of things that need ironing out but the industry is well on the way to getting these in place.

Once the final report has been tabled, the minister may set a date for the act to expire. As I said, hopefully if we need that extension it can be put in place so that Greyhound Racing South Australia can do a few things they may need to do if that extension of time is needed.

Greyhound Racing South Australia have made their own submission to the Office for Recreation, Sport and Racing, noting their support in principle for the bill in establishing a Greyhound Racing South Australia liaison officer to facilitate the supply of information and documents between Greyhound Racing South Australia and the inspector and amending section 11 of the bill to extend to civil proceedings.

Section 11 lends to protecting a person who is required to produce a document or answer questions that may be self-incriminating from having the fact of producing said documents or providing answers to questions used as evidence in proceedings for an offence or imposition of a penalty, with the exception of proceedings regarding false or misleading statements. We understand that section 11 already extends to all proceedings, including civil.

As I have indicated, I have a lot to do with Grantley Stevens, the Chairman of Greyhound Racing South Australia. He has noted his support for the bill but obviously wants time for the industry to get used to the regulation and make sure they keep the greyhound industry on track.

In regard to their new chief executive officer, Brenton Scott, he has 30 years' experience in the greyhound industry throughout Queensland and New South Wales. He is a top operator in the field of managing the greyhound industry wherever he operates, and I really commend his appointment within the greyhound industry in South Australia. Between Brenton Scott, Grantley Stevens and the board I believe they will keep the commitments to put these recommendations in place.

One of those reasons is that Brenton Scott was involved in the issue in New South Wales where greyhound racing was banned for quite a while. He went through the process of getting the industry back on track. There was a huge political backlash in New South Wales in regard to the ban on greyhound racing in New South Wales, and it has certainly had a ripple effect through that state and caused quite the political upheaval.

I acknowledge the bill and I acknowledge its intent, but I hope things can be worked through in a workable manner and that we have great work between the inspector and the industry through the liaison officer. I would like to think that we will not get to the stage where we have to have people's homes broken into, even though it may be legislated if this bill goes through unamended, but we will see how that goes.

I went to a couple of functions recently when South Australia and the greyhound industry hosted the greyhound nationals with people involved in the industry from right across the nation. It was great to catch up with everyone at both of those events here in Adelaide. Certainly, Adelaide knows how to put on a show. I think everyone was impressed at the professional way greyhound racing is conducting itself, the professional way they conducted that national get-together.

I believe that they have the true professionalism to work through all the inquiry's recommendations and get the job right, because they know there is a high price to pay if they do not. They know there is a very high price to pay if they do not get this right, and so they know that they must comply with these recommendations and work through the process.

We just cannot have rogue operators in the business, because that will destroy the industry in South Australia. I take my hat off to what the greyhound racing industry already has done, with lifetime bans on trainers who have done the wrong thing. Apart from lifetime bans, there are very, very sizable penalties—and so they should have.

Greyhound Racing South Australia are deadly serious. They want to keep this industry flourishing in South Australia. I know from talking to the board, talking to Grantley, talking to Brenton and others, that they will be doing their utmost to make sure that the greyhounds can be running around these tracks for many years to come.

I look forward to the debate. I know we will be going into the committee stage and we will work through some of these issues, just to get an insight to how far-reaching some of these powers

will be, under warrants especially. I think this can be implemented in the right way. The greyhound industry has certainly acknowledged they have had some issues in the past, but they will do their absolute utmost to make sure that the industry flourishes into the future.

Ms HOOD (Adelaide) (20:07): I rise in support of the Greyhound Industry Reform Inspector Bill 2024. I echo the comments of the member for Dunstan, having also grown up on a farm, where we had our beloved working dogs, border collies and kelpies, Jam and Meg and Perkins. They were not just colleagues; they were friends and they were family members. I strongly believe that racing dogs, just like working dogs, deserve respect, care and compassion.

That is what this bill does, by providing the required powers to ensure the recommendations of the Independent Inquiry into the Governance of the Greyhound Racing Industry can be effectively overseen and to ensure government is able to determine if the industry is sufficiently reformed over this two-year period.

The independent inquiry, led by former Victorian police commissioner Graham Ashton, was a necessary response to concerning footage that appeared to show the mistreatment of greyhounds on a South Australian property. The ABC story resulted in two trainers being suspended and investigations launched by the RSPCA and Greyhound Racing South Australia. Mr Ashton was tasked with undertaking a comprehensive review of the industry's operations, culture and governance; the nature and efficacy of the current model of regulation; and the relationship, if any, between that model and the operation, culture, governance and practices of the industry.

Mr Ashton's independent system-level assessment led to the release of the inquiry report in December last year, with 57 recommendations. An additional 29 recommendations were included from Greyhound Racing SA, the RSPCA and the Animal Justice Party, which the Malinauskas government accepted in principle, recognising the importance of these reforms.

The recommendations included better tracking of greyhounds from birth, the implementation of an on-track vet folder, hair testing as a more regular feature of drug testing, better track safety initiatives like increased straight track racing, and improvements to the Greyhounds As Pets program.

After two years, that inspector will make a recommendation to the government about whether the industry should continue. Among the critical recommendations was the important establishment of the Greyhound Industry Reform Inspector (GIRI), a role that will be instrumental in the implementation of these reforms. The inspector's role involves developing and maintaining relationships with the relevant parties, convening a greyhound racing reform advisory group for professional guidance and regularly reporting to the Minister for Recreation, Sport and Racing on the progress of the reform implementation. This role is vital as we evolve the industry in line with community expectations.

Importantly, this work is already underway, with Mr Sal Perna formally starting in his position on 8 July 2024. Mr Perna brings a wealth of experience and a deep commitment to integrity in sport, having served as Victoria's inaugural Racing Integrity Commissioner, whose previous inquiry into live baiting in greyhound racing in Victoria demonstrates his dedication to industry reform. The former police officer is also a member of the National Sports Tribunal and World Anti-Doping Agency's Independent Ethics Board.

Mr Perna will regularly report to the Minister for Recreation, Sport and Racing, with the final report due two years from his appointment. While Mr Perna started in the role almost three months ago, it is important to note that until now there had been no legislative mechanism to compel Greyhound Racing South Australia to cooperate with the role. This bill seeks to address this gap, granting the inspector the necessary powers to ensure effective oversight of the industry as it seeks to address the inquiry's recommendations.

The provisions outlined in this bill will define the independence and functions of the inspector, allowing for the gathering of information, inspection of premises and penalties for noncompliance. This will enable a collaborative environment, where the inspector can work alongside Greyhound Racing SA and industry stakeholders to enhance the welfare of greyhounds and rebuild public trust. As we move forward, it is also important to recognise that Greyhound Racing SA has been cooperative throughout this process.

In conclusion, this bill ensures the inspector has the tools they need to undertake the necessary oversight of Greyhound Racing South Australia and greyhound racing industry stakeholders, as they work to address identified issues, improve the welfare of greyhounds and generate public confidence in their efforts, the sport and its future. In a nutshell, the industry has two years to clean itself up. In closing, I wholeheartedly agree with Mr Perna and echo his statement that it 'goes without saying that the welfare of greyhounds must be a priority, not just their racing ability'. With those comments, I commend the bill to the house.

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (20:12): Can I firstly say thank you very much to everybody who has spoken in this debate. First of all, to my friends and colleagues on this side of the house, the member for Dunstan and the member for Adelaide, thank you for your very thoughtful and considered contributions. Thank you very much to the member for Chaffey, the shadow spokesperson for racing, and also of course the member for Hammond, the assistant shadow spokesperson for racing.

I was listening to all of your collective remarks and I think there were a number of points that were made that speak to an alliance of thought, first of all about the acknowledgement of the awful things that we all witnessed and the absolute need for this inquiry that the government acted swiftly to establish. That was conducted by Mr Graham Ashton, assisted by Ms Zoe Thomas, both of whom, as I said in my second reading speech, did an extraordinary and very thorough job to set out the 86 recommendations and to look very closely at what needed to change.

As I said, we were very happy with the work of Mr Ashton and Ms Thomas, and I am also very pleased that we have found a person of the calibre of Mr Sal Perna to now perform the role of Greyhound Industry Reform Inspector. Again, I was very pleased to hear alignment of thought across the chamber about Mr Perna's calibre, appropriateness and the experience that he will bring to this role, so I am very glad there is agreement about that.

I note that I think there is a collective desire to make sure that the inquiry progresses well and fulsomely and in an effective and efficient manner, so I am glad that there is a shared desire for that to happen. I note that there are some questions that have been broadly flagged by the member for Chaffey and I look forward to responding to those questions and then continuing with the work ahead.

Again, thank you very much to all the speakers and thank you so much to the incredible staff who are here from the Office for Recreation, Sport and Racing. Kylie Taylor, the CEO, is very well known to people in this place and just last year, Mr Speaker, you would be aware, marked 30 years of dedication in the Public Service to the Office for Recreation, Sport and Racing. That is extraordinary service and I know that everybody in this place absolutely agrees that she is an outstanding CEO and an incredible supporter of sport, rec and racing in this state. So thank you to the team from ORSR and thank you to the team from my office as well. I can more formally introduce everybody when we get started on committee.

The SPEAKER: Thank you, minister. I would like to add my support, too, having been the Minister for Sport and having worked with Kylie Taylor, who is a fantastic person to work with. I am sure members on both sides have had a good experience working with Kylie Taylor over the years. It is good to see you in here.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr WHETSTONE: Clause 4, (3)(a) provides that:

(3) The Inspector—

(a) must be independent of the controlling authority and not involved in the greyhound racing industry;

What does 'involved' mean within the industry?

The Hon. K.A. HILDYARD: As I said, I think we all agree about the calibre of Sal Perna. I am sure that you would have seen his record and I know the member for Hammond spoke about that in his contribution. He is an extraordinary person, so I will not go back into that record and previous roles held, etc., but what is really important to note—and this goes to the substance of your question—is that we wanted to make sure that the Greyhound Industry Reform Inspector was completely not involved and completely independent of the greyhound racing industry. Certainly, as you would see from the roles, including the role inquiring into the Victorian industry, he has upheld that independence, lack of involvement and lack of connection in that way to the industry throughout all the roles that he has undertaken. So we are very confident that in appointing Mr Perna, he certainly fulfils in spades that desire to not be involved, to be independent of the industry.

Mr WHETSTONE: The reason for the question is that obviously subclause (3)(a) says 'must be independent of the controlling authority and not involved in the greyhound racing industry' and yet Mr Perna has been involved in the greyhound racing industry as an inspector in Victoria, so I am just wanting clarity. Subclause (3)(a) says 'not involved' with the greyhound industry at all and yet he has been involved with the sector within Victoria.

The Hon. K.A. HILDYARD: Just to clarify, he is not currently involved in any way in the industry and, again, I do not think I need to go into the qualifications or the roles that he has held that clearly demonstrate his ability to display and operate with independence and integrity, so he is certainly not currently involved.

Mr WHETSTONE: Clause 4(3)(c) states 'must not accept any office or role relating to greyhound racing in this or another jurisdiction'. Is the role of Greyhound Industry Reform Inspector not regarded as a role relating to greyhound racing in this jurisdiction? I am just looking for some clarity because (3)(c) of 'must not accept any office or role relating', having been involved in the greyhound industry previously. So for clarity, (3)(c) says 'must not accept any office or role relating' to the industry.

The Hon. K.A. HILDYARD: If I am understanding the question correctly, what (3)(c) seeks to do is to make sure that once a person is the inspector that they do not accept any office or role relating to greyhound racing in either our or any other jurisdiction, and we can all be abundantly confident and clear that as the Greyhound Industry Reform Inspector, Mr Perna has not and nor will there be any intention whatsoever to accept any such role in this jurisdiction or another jurisdiction. I am absolutely confident that that will not be an issue that will need to be dealt with. I am very confident that on accepting the role as inspector he will not be taking on any other role or office.

Mr WHETSTONE: I accept that and I am on that page but I am looking at the legislation and what it states there, and I think it really does contradict the current situation. I am not here to obstruct but I just want to make sure that we are clear, the industry is clear, and Mr Perna has a clear set of guidelines that the role he is undertaking will not be compromised by his former role in Victoria or his former role as being part of the industry.

The Hon. K.A. HILDYARD: Just to be really clear, clause 4(3)(c) or clause 4(3) in its entirety refers to what the inspector can or cannot do. Obviously as per our media release on 8 May, Mr Perna was appointed as the inspector, and as I think you or the member for Hammond pointed out he commenced formally on 8 July as the inspector. On taking on that role as inspector, it is the expectation that he will not take on any other role or office as set out in 4(3)(c). If this helps, member for Chaffey, obviously as the inspector he has a role. Obviously, he has been appointed as the inspector so, to be really clear, there is an expectation: while he is the inspector, he will not take on another role or office in this jurisdiction, or another role relating to greyhound racing.

Clause passed.

Clause 5.

Mr WHETSTONE: Referring to clause 5(1)(a), how will the inspector assess the implementation of the recommendations? Will there be a metric? Will there be KPIs? What will the dynamic be for how these recommendations are implemented?

The Hon. K.A. HILDYARD: As the member is aware, recommendation 57 sets up the Greyhound Industry Reform Inspector to oversee progress on the 86 recommendations from the Graham Ashton inquiry. As I am sure the member is aware, amongst the 86 recommendations are a number of recommendations that make it abundantly clear that either something is done or not, something is progressed or not, something is changed in a policy or not. So there are a number of things that anybody will be able to very quickly ascertain whether or not a particular recommendation is complete. Of course, Mr Perna's role is to look at those recommendations.

Also, he has been appointed under recommendation 57 as the inspector to oversee the progress on all the recommendations. We have appointed him with his significant expertise in sports integrity, in policing and in a range of other matters because we trust that he will apply his judgement and experience to ascertain whether or not sufficient progress has been made on other recommendations that are not simply a yes or no 'this has been done', to satisfy him as the inspector and to satisfy, of course, our community through his judgement that a particular recommendation has progressed as it should.

Mr WHETSTONE: Just touching on that, if Mr Perna is satisfied that a recommendation is complete and you are not, will you override Mr Perna?

The Hon. K.A. HILDYARD: Can I just check which clause you are talking about?

The ACTING CHAIR (Mr Odenwalder): We are on clause 5.

Mr WHETSTONE: That is the same clause, clause 5(1)(a).

The Hon. K.A. HILDYARD: As per the Ashton inquiry and the recommendations pertaining to that inquiry, as I said, recommendation 57 requires that a greyhound industry reform inspector is established. That has happened and inherent in that role is an independence to assess whether or not particular recommendations are fulfilled, completed, etc. That is not a process that I can—nor should I, nor would I—override. It is up to him to deliberate and to assess whether recommendations are completed as they should be.

I refer to a comment from the member for Hammond. Once the period of two years is complete and the Greyhound Industry Reform Inspector has made all of those judgements and assessed the progress of particular recommendations, then of course it is up to the government to hear about that progress and consider that progress and think about community expectations in terms of the progress that has been made.

I think the member for Hammond articulated well that the industry is aware of the need to progress particular recommendations, to look at how they are working to make sure that they are meeting their obligations and progressing those recommendations as they should and then there will be particular judgements made about that progress. It is, though, the Greyhound Industry Reform Inspector who has that power independently to assess whether or not particular recommendations are progressing as they should. That is his remit. Once that is complete, obviously judgements will be made.

Mr PEDERICK: Following up on that and just having a bit more of a discussion around the two-year period, I think it would be beneficial if there was perhaps a report brought to the parliament at the two-year timeframe so we could all have a bit of a look at the stage it is up to, because obviously it is a very sensitive matter we are dealing with here. If there needs to be an extension of time—we are going to have an election in between; you are the minister now and I think perhaps we would need a commitment wherever we are with this stage of compliance, and I know, as I said in my speech, the greyhound industry will do their best—will there be a report brought back to the parliament at the two-year stage for an update?

The Hon. K.A. HILDYARD: I think that the concerns that you raise, member for Hammond, are right. We do not want anybody to be surprised. There needs to be some fulsome communication about how things are progressing. What I can tell you is that actually I believe that Mr Perna will more

regularly provide particular reports about progress—I think much more regularly than waiting for that two years. I understand that he is working through what form that will take, but I can tell you that I understand there is an intention to produce reports on a more regular basis, for exactly the reasons that you just spoke about. We do not want anybody to be surprised. We want to be continually looking and thinking about that progress. We want the industry to be continually looking at their progress, or not, and we want the community to understand how particular recommendations are progressing. Can I add something that might be helpful?

Mr PEDERICK: That was helpful. I am just going to seek a bit more clarity, though. So those reports that he lodges will be entirely public?

The Hon. K.A. HILDYARD: That is my understanding, and the reason—if it sounds like there is any hesitation—is, again, he is independent. I understand that he will be publishing reports. I am not sure if he will make decisions about particular content, etc., and about how or in what form that is published, but there is an intention to publish progress reports in the form that he chooses.

The thing that I was going to add that may be helpful, is I am very happy to provide to yourself and to the member for Chaffey information when it is completely clarified with me about how that will happen.

Clause passed.

Clause 6.

Mr WHETSTONE: I move on to clause 6, under 'staff'. Minister, can you give me or the chamber an understanding of how many staff will be assigned to the inspector?

The Hon. K.A. HILDYARD: There are two staff currently from the Office for Recreation, Sport and Racing who have been assigned to work alongside Mr Perna. I just checked with the chief executive and they may be a little less than full-time each. I can certainly again clarify exactly how many hours, but two staff.

The other important point to note, of course, is that Ms Taylor as the Chief Executive Officer of the Office for Recreation, Sport and Racing, as would any chief executive obviously, through those staff will provide any appropriate support, resource, etc. So that is another resource, if you like, as well as those two staff.

Clause passed.

Clause 7.

Mr WHETSTONE: Moving on to clause 7(1), for what reasons might the minister or the inspector have to delegate functions?

The Hon. K.A. HILDYARD: For very, very practical reasons is the short answer. For instance, if there were a circumstance where he needed to inspect two particular premises on a particular day because that is when the owners of those premises were available and it was literally impossible for him, for instance, to be in two places at once, he may delegate to one of those staff members to go and provide a document, if that was what was required, or to inspect in some other way, if that was what was required. So for very, very practical reasons to ensure that he can continue to fulfill his role and to work with the industry to do so.

Mr WHETSTONE: Would any delegate have the power to further delegate a function, or in what case would the functions need to be further delegated?

The Hon. K.A. HILDYARD: No is the short answer. A delegate could not delegate. Of course, the inspector may delegate to both of those staff members at any given time but a delegate cannot further delegate a particular function or power.

Clause passed.

Clause 8.

Mr WHETSTONE: Moving on to clause 8(1), will the government consider working with GRSA to appoint a designated internal liaison officer as a first point of contact for this section?

The Hon. K.A. HILDYARD: I will try to keep this short. The first point of contact, as you would understand, is the chief executive officer. I know that Mr Perna is speaking with the chief executive officer to gain particular access to information: records, minutes of meetings, etc. Also, we want to ensure that the inspector has unfettered access to information, so from time to time there would also be an expectation that there will be an ability for the inspector to also speak with other particular personnel in the organisation so that we never have a situation where one person alone is a gatekeeper in terms of providing particular information.

Mr WHETSTONE: Minister, that was not really what the question was asking. It was about a first point of contact—so having a delegate who can be a first point of contact for Mr Perna who then can either delegate or refer the inquiry on.

The Hon. K.A. HILDYARD: We do not want, and it is my understanding that the inspector does not want, to create a situation where there is a filtering of information through one person. I am not suggesting that is for any purpose that is untoward, but when you have only one source of information of course other sources could be inadvertently missed.

What the report does say, as I said, is the chief executive is a key point of contact for the inspector. There will be other points of contact also so that that situation does not arise where there is not that unfettered access to information. What the report also says is that there needs to be a line of reporting to the integrity and welfare officer as well, so there is also in place that point of contact and, again, the other points of contact that sit around or underneath those particular points of contact. I hope that answers your question.

Mr WHETSTONE: Thank you, minister. Just one small point of clarity there on a 'further point of contact'. You have your lead point of contact, potentially the CEO, and there might be others who will be called upon. How do you categorise a volunteer within the industry? Would that be a point of contact?

The Hon. K.A. HILDYARD: Again, it is a really important point. There are circumstances where a volunteer in the industry will have really important information, potentially. For instance, what comes to mind for me is a volunteer in the GAP program operating in a particular environment. They may have really important information that would be of interest to the GIRI.

I acknowledge that; however, I would also say that a volunteer would not be that primary or first point of contact. That does not mean that there would not be a need after that first point of contact to request to see—or whichever way Mr Perna chooses to interact with—a volunteer. There is certainly an acknowledgement that there may be a need to do that, but not as the first point of contact.

Clause passed.

Clause 9.

Mr WHETSTONE: Clause 9, if I may, subclause (1)(a): in what event would the inspector or his staff need to personally break into a GRSA premise or vehicle?

The Hon. K.A. HILDYARD: As you can see, the first part of clause 9(1)(a) speaks about having a warrant ordered by a magistrate to be able to, as you said, break into premises, etc. I cannot predict every circumstance, of course—none of us can. What I would imagine may come into play in that particular situation is where, for instance, the inspector has gone out to a particular premises, there is no-one there, it is all locked up and there is clearly a dog at risk inside a building.

That is a circumstance that I can think of. There may be others that we cannot contemplate, because they are not yet known, but again only the inspector, that person of character and integrity with that experience, only with a warrant issued by a magistrate, would ever be able to be in that situation where they may have to exercise that judgement.

Mr WHETSTONE: Just to clarify that: will there be any requirement for SAPOL or any other authority to be present should a magistrate issue a warrant for a seizure of information?

The Hon. K.A. HILDYARD: We did consult with SAPOL, and it is their expectation that in that particular circumstance, or other similar circumstances that we have not yet predicted, they would attend with the inspector for that particular purpose.

Mr PEDERICK: Just further on that, there is similar legislation involving the commercial fishing industry. Does this action to entry, obviously under the use of a warrant, mimic that power of entry that is involved in the commercial fishing industry?

The Hon. K.A. HILDYARD: Member for Hammond, I am not quite sure exactly. I trust what you are saying. I just do not have that particular clause in that particular act in front of me to provide deeper commentary, but I can say that this particular set of circumstances was modelled on the Animal Welfare Act. That does not mean that the act to which you are referring is not the original place from which both of those provisions were modelled. I am not sure.

Clause passed.

Clause 10.

Mr WHETSTONE: Clause 10, paragraph (b) says 'fails to answer a question to the best of the person's belief'. How will a person's belief be determined?

The Hon. K.A. HILDYARD: That particular provision is modelled on the Animal Welfare Act, the Dog and Cat Management Act and also—I would not say similar—on legislation about similar topics in other jurisdictions. I am very happy to get more information about how that particular clause has been interpreted in those contexts if that is helpful.

Clause passed.

Clause 11.

Mr WHETSTONE: I refer to clause 11(2). As a company, GRSA, its board of directors and employees can be subject to civil proceedings. Does that section extend to civil proceedings? Can it be subject to civil proceedings? Does it extend to civil proceedings, so a prosecution?

The Hon. K.A. HILDYARD: Member for Chaffey, I am just trying to be helpful. I know you are asking the questions, but I just want to clarify what sort of civil proceedings you had in mind that will enable me to more fulsomely answer the question.

Mr WHETSTONE: It does say in clause 11(2), 'If compliance by an individual with a requirement under this Act...' Its board of directors and employees can be subject to civil proceedings, but if there is a 'subject to civil proceedings' does that extend to implementing civil proceedings on an individual or the body?

The Hon. K.A. HILDYARD: I am not being difficult; I am just making sure I am understanding. That particular clause is in relation to compliance by an individual with a requirement under this act. I know, as you would know very well, boards of directors also, as well as being aware of their particular obligations under this act, have a whole series of other obligations.

Mr WHETSTONE: If there are civil proceedings against an individual—

The Hon. K.A. Hildyard interjecting:

Mr WHETSTONE: No, but an individual within the organisation—can those civil proceedings extend to the organisation? You have an individual having civil proceedings against him or her. Can that extend and roll in to the organisation also having civil proceedings taken against the body or the entity?

The Hon. K.A. HILDYARD: Again, I am really hoping I am getting to the right point. As you would be aware, directors of companies have particular insurance in relation to their decisions, etc. If they are acting within their duties—for instance, as a director of GRSA—then of course they are covered, I imagine, in terms of the decision as long as it is within their particular role as an individual. If that individual were to do something, provide something, etc., that was outside of those duties relating to, for instance, GRSA, I think that is an entirely different matter. Are you asking: if a director, for instance, is held accountable for a particular action, as well as the director having particular responsibility, does the whole entity also take responsibility?

Mr WHETSTONE: Yes.

The Hon. K.A. HILDYARD: The short answer is that I think it depends on what they do. Company law says: are they operating as an individual solely making decisions with their own processes to come up with a particular decision or are they operating collectively as a board? So I think those same principles would apply.

Mr WHETSTONE: Just for clarity, it is about: does one person's action drag the whole organisation into civil proceedings? I am happy with that.

Clause passed.

Clauses 12 to 17 passed.

Clause 18.

Mr WHETSTONE: Minister, as I understand it, GRSA has two years to implement the recommendations, or Mr Perna has two years to implement the recommendations. Does that time period begin when the act commences, or has it already begun?

The Hon. K.A. HILDYARD: It is from when the Greyhound Industry Reform Inspector, Mr Perna, formally commenced in his role, which was 8 July this year. So the two years commences from that time.

Mr WHETSTONE: How much later would the minister allow that final report to be submitted, should the 86 recommendations not be fully implemented? Is there some wriggle room, or is there a hard line on the implementation?

The Hon. K.A. HILDYARD: The short answer is that the expectation is that this process is two years. However, I go back to the answer to your very first question about Mr Perna making particular judgements, etc., and reporting on those judgements as to progress in relation to particular recommendations. We do have that provision that there may be a later date as the minister may allow but, again, I say two years.

However, if I have a report—and, again, hypothetically—on 7 July 2026 that says 85 of the 86 recommendations (this is hypothetical) are complete but the rehoming facility is in its final stage of construction and we anticipate that that is in two months, well, of course, there is a reasonableness. However, if we got to 7 July and the report says, 'Actually there are a whole lot of things that have not progressed,' that would be a very different story.

So two years—we are firm about that. I would anticipate, with a great deal of trust in the judgement of Mr Perna, two years. If the report is saying everything is progressing and it is very far progressed, as it should be, but there is one thing that is just about to finish, of course there is a reasonableness, but two years is where we want to be.

Mr PEDERICK: Just on that—and I did talk about this before, and certainly everyone wants the best animal welfare outcomes here, including the greyhound racing industry, and I know it is hard because things may move before the two years is up—I would like to think that there could be some sort of bipartisan discussion around something that is even slightly contentious at the two-year mark. I acknowledge what you have said. If some rehoming facility looks like it is on track to be finished in two months, I think that is a very sensible proposal.

Certainly from my discussions with Grantley Stevens, they are committed to making sure that this is right. I would like to think that there could be some sort of reasonable bipartisan approach where there could be, if there had to be—I have no doubt when it comes to Mr Perna's ability, but politics is politics and we are the ones who have to sit in here and take the heat—a reasonable amount of collaboration to make sure that we get the right outcome for everyone.

The Hon. K.A. HILDYARD: I will go back to what I said when I made my remarks to sum up. I was really pleased just from hearing from the four speakers aside from myself that clearly there are some really strong ways in which we all agree. We all agree that the inquiry was absolutely needed, we all agree that Graham Ashton did an excellent job. I think we all agree that Sal Perna is a very good person to be the inspector. We all absolutely agree that we want the very best for these dogs, these beautiful dogs, and we want the industry to fulsomely, comprehensively apply itself to

progressing the recommendations in the way that the report sets out, in the way that they should, in the way that our community expects them to.

We want them to do that. We want them to respond to the community by doing the right thing and progressing the recommendations in the most fulsome, positive way that they possibly can. I think we all agree on that. We all agree that if they do not, there are consequences. We know what those consequences are. We want them to apply themselves and do this.

I hope that just through the debate we have had this evening, and the points that I have made about information, about progress, etc., being public, I would hope that that can continue as this process continues over the next two years. What that looks like I do not know, but I am hoping that you hear that there is an openness and that shared desire for the industry to get on and do what they need to and respond to community expectations, and a shared understanding about consequences if they do not.

It is my hope, also, that we can continue dialogue in this way as things proceed. I will say again, and I know I have said it quite a bit this evening, that I think you have had a briefing with Mr Perna.

Mr WHETSTONE: The Leader of the Opposition.

The Hon. K.A. HILDYARD: The Leader of the Opposition had a briefing with Mr Perna. I have not talked to the Leader of the Opposition about this at length, but I would be very surprised if he did not also agree that Mr Perna is an exemplary person. I have absolute confidence in him, and I think that also helps in terms of that shared faith that we have in him to oversee things in a thorough, fair, efficient and effective way. I think we can all share confidence in him and the way that he will approach things.

Clause passed.

Clause 19 passed.

Clause 20.

Mr WHETSTONE: How will the date be determined for the act to expire?

The Hon. K.A. HILDYARD: This is all about the role and the powers of the Greyhound Industry Reform Inspector. So the day that we do not need the Greyhound Industry Reform Inspector any longer would be the day on which we continue that progress to deal with this act, because this is all about the power of the inspector. Once the inspector's role is no longer there for obvious reasons, this act is no longer required.

Mr WHETSTONE: Just for clarification, the act will expire by notice of *Gazette*, as written in the legislation?

The Hon. K.A. HILDYARD: Yes.

Clause passed.

Title passed.

Bill reported without amendment.

Third Reading

The Hon. K.A. HILDYARD (Reynell—Minister for Child Protection, Minister for Women and the Prevention of Domestic, Family and Sexual Violence, Minister for Recreation, Sport and Racing) (21:07): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (PERSONAL MOBILITY DEVICES) BILL

Final Stages

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

No. 1. Clause 3, page 3, lines 3 to 8—Delete clause 3 and substitute:

3—Amendment of section 5—Interpretation

(1) Section 5(1)—after the definition of *drug driving offence* insert:

electric personal transporter means an electric personal transporter (within the meaning of the *Road Traffic (Miscellaneous) Regulations 2014*) that may be driven on or over a road in accordance with an approval of the Minister under section 161A of the *Road Traffic Act 1961*;

(2) Section 5(1), definition of *motor vehicle*—after 'part of the vehicle' insert:

but does not include an electric personal transporter

Note—

Section 116 however treats electric personal transporters as if they were uninsured motor vehicles for the purposes of claims against the nominal defendant.

3A—Amendment of section 116—Claim against nominal defendant where vehicle uninsured

Section 116(1), definition of *uninsured motor vehicle*—after 'is in force' first occurring insert:

or an electric personal transporter

No. 2. Clause 4, page 3, lines 11 to 18—Delete clause 4 and substitute:

4—Amendment of section 5—Interpretation

(1) Section 5(1), definition of *electric personal transporter*—delete the definition

(2) Section 5(1), definition of *motor vehicle*—delete 'but does not include an electric personal transporter' and substitute:

but does not include a personal mobility device or a device or vehicle of a kind excluded from this definition by the regulations

(3) Section 5(1), definition of *motor vehicle*, note—delete 'electric personal transporters' and substitute:

personal mobility devices

(4) Section 5(1)—after the definition of *P2 licence* insert:

personal mobility device has the same meaning as in the Road Traffic Act 1961;

No. 3. Clause 5, page 3, after line 20—Insert (before the present contents which will now be redesignated as subclause (2)):

(1) Section 116(1), definition of *uninsured motor vehicle*—delete 'an electric personal transporter' and substitute:

a personal mobility device

Consideration in committee.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (21:09): I move:

That the Legislative Council's amendments Nos 1 to 3 be disagreed to.

Motion carried.

At 21:10 the house adjourned until Thursday 17 October 2024 at 11:00.