HOUSE OF ASSEMBLY

Wednesday, 13 November 2024

The SPEAKER (Hon. L.W.K. Bignell) took the chair at 10:31.

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.

Bills

SUMMARY OFFENCES (UNLAWFUL SELLING OF KNIVES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 30 October 2024.)

The Hon. D.G. PISONI (Unley) (10:32): I stand to support the bill that the member for Bragg has brought to this place. We know that we have seen a number of knife attacks happening in metropolitan Adelaide in particular over recent months involving youths. The bill itself will actually put an age limit, with exceptions of course for those who require knives for their employment or for other purposes so they can still participate in the legal and productive use of knives.

It is currently an offence to sell a knife to a minor who is under the age of 16, and the bill will amend the Summary Offences Act 1953 to also prohibit the sale of a knife to anyone aged 16 or 17. I think it is also fair to say that we are seeing increases in age. The Premier and the Prime Minister are now saying that social media is unfit for anyone under the age of 16. That is an increase in the age that people were talking about access to social media for minors just a couple of years ago. We believe, on this side of the house, that it is time to raise the age for someone to legally buy a knife without reason.

The bill follows a disturbing spate of alleged knife crimes committed by minors in recent weeks, including two separate incidents on the same day at the same shopping centre involving children aged 16 and 17, who could have bought their knives legally under the current law.

There are some who are saying that knives are available in the house and available elsewhere, but I think when knives are taken from a house, or knives might be taken from elsewhere where people are aware of those knives, there is a chance that it will be noted that that person is taking a knife or that a knife is missing and families can act. Whereas with a young person going secretly to buy a knife at the age of 16 or 17, using pocket money for example, the parents do not know about it and siblings might not know about it.

This bill itself will actually be an additional mechanism, if you like, for restricting access through that pathway. That is probably the most anonymous way in which a young person can get hold of a knife. As I said earlier, there are ways in which knives can be obtained in a work situation or in a household, but often it will involve witnesses or other people being aware of a missing knife, or seeing the person actually taking that knife and they could take action as a family member, or a friend, or a work colleague, or an employer, to ask questions as to what was the purpose of that knife being taken.

The proposal is canvassed in the commonwealth's own discussion, in a paper titled, 'Tackling knife crime in South Australia', which was recently out for consultation, the government opening consultation on 21 July 2024 and closing consultation on 25 August the same year. The government has not released the outcome of that consultation or plans for any legislative reform.

We think it is urgent now. We think the incidents of knife crime amongst youth is increasing exponentially and so we believe that the bill is urgent. That is why the member for Bragg has brought this bill to the House of Assembly at this time, so that the assembly can deal with the bill and ensure that we can provide another barrier, if you like, to young people having access to knives. Even if this saves one life, or avoids one permanent disability, it is worth supporting. We are not saying it is the cure. We are not saying it is going to stop all youth knife crime, but it is a barrier to put in place that is not currently there.

The bill itself mirrors other states, territories and other jurisdictions. In the United Kingdom, for example, it is an offence to sell to a person under the age of 18 years any knife, knife blade, razor blade, axe or other article which has a blade or which is sharply pointed, and which is made to adapt for use for causing injury to a person. The knife is not identified and it could also include kitchen cutlery knives and disposable knives. So you can see in the UK they have got to a point where they have had to ramp up the category and be very specific about the process, because they have a much more serious situation there. Maybe, if it had been dealt with earlier with legislation like the member for Bragg has brought into this place it may not have got to the serious level that it has got to in the UK. Hardly a week goes by where you do not see something on the BBC or international news about knife crime in London in particular. It is a worldwide phenomenon.

Again, some may argue the influence of streaming and social media, where young people and kids see these types of things—knife use, violence in movies and so forth, and videos of real-life incidents happening—not being fully aware of the serious consequences and serious damage that a knife can do to somebody. It is all very glamorous in a movie; it is nowhere near as graphic in a video that you may see of somebody recording a knife attack in the street.

Consequently, we see that it appears, certainly from my observation, that young people are accessing this information through social media and feeling that it is an option for them if they want to settle a dispute or if they feel that they want to 'protect themselves', not knowing that it could change not just the victim's life forever but their life forever as well with the use of that knife in a heated situation.

This is a brake, if you like, a mechanism as a brake or an obstacle to the ability for young people to obtain knives for spurious purposes. It certainly does not stop—and I must emphasise this because when this was being debated on the radio, the Attorney-General deliberately, in my view, misrepresented the bill when he said that this would affect butcher apprentices. It will not affect butcher apprentices. The member for Bragg has been very clear about the intent of the bill. There are exemptions that will allow those who use knives as part of their employment and other specific purposes to still have access. This is about the illegal use of knives, not the legal use of knives. I support the bill and encourage the parliament to support this bill in the chamber today.

Ms HOOD (Adelaide) (10:42): I move:

That the debate be adjourned.

The house divided on the motion:

Ayes 18
Noes................10
Majority 8

AYES

Andrews, S.E.	Bettison, Z.L.	Champion, N.D.
Clancy, N.P.	Cook, N.F.	Fulbrook, J.P.
Hildyard, K.A.	Hood, L.P. (teller)	Hutchesson, C.L.
Koutsantonis, A.	Michaels, A.	O'Hanlon, C.C.
Pearce, R.K.	Piccolo, A.	Savvas, O.M.
Szakacs, J.K.	Thompson, E.L.	Wortley, D.J.

NOES

Basham, D.K.B.	Batty, J.A. (teller)	Brock, G.G.
Ellis, F.J.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Teague, J.B.	Telfer, S.J.
Whetstone, T.J.		

PAIRS

Malinauskas, P.B.	Tarzia, V.A.	Odenwalder, L.K.
Hurn, A.M.	Brown, M.E.	Cowdrey, M.J.
Boyer, B.I.	Pratt, P.K.	

Motion thus carried; debate adjourned.

CONSTRUCTION INDUSTRY COMMISSIONER BILL

Second Reading

Adjourned debate on second reading.

(Continued from 28 August 2024.)

Ms HOOD (Adelaide) (10:51): I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes 18
Noes.................11
Majority 7

AYES

Andrews, S.E.	Bettison, Z.L.	Champion, N.D.
Clancy, N.P.	Cook, N.F.	Fulbrook, J.P.
Hildyard, K.A.	Hood, L.P. (teller)	Hutchesson, C.L.
Koutsantonis, A.	Michaels, A.	O'Hanlon, C.C.
Pearce, R.K.	Piccolo, A.	Savvas, O.M.
Szakacs, J.K.	Thompson, E.L.	Wortley, D.J.

NOES

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

PAIRS

Malinauskas, P.B.	Tarzia, V.A.	Odenwalder, L.K.
Hurn, A.M.	Brown, M.E.	Cowdrey, M.J.
Boyer, B.I.	Pratt, P.K.	

Motion thus carried; order of the day postponed.

Motions

REMEMBRANCE DAY

Ms HUTCHESSON (Waite) (11:01): I move:

That this house—

(a) recognises that on 11 November we commemorate Remembrance Day;

(b) acknowledges the significance of Remembrance Day in marking the end of fighting on the Western Front;

(c) expresses its profound gratitude to all South Australian men and women who have served in the Australian Defence Force;

(d) recognises the sacrifices made, and support provided by, the families of our veterans; and

(e) acknowledges the important role of the RSL and other organisations who support veterans and their families.

On the 11th hour of the 11th day of the 11th month, on Monday just gone, we paused to commemorate Remembrance Day. This solemn occasion marks the end of hostilities on the Western Front in 1918, when guns finally fell silent after more than four years of brutal conflict.

The First World War, known in the early 20th century as 'the war to end all wars', began in 1914. Australia's first significant involvement was in taking possession of German New Guinea and neighbouring islands in spring of that year, but the far better known is the unsuccessful campaign of the allied forces of Britain, Australia and New Zealand to take the Gallipoli Peninsula, which began in April 1915. Over months of intense fighting against the well-defended Turks, Australian forces alone sustained over 26,000 casualties, including 8,141 deaths.

As news of this horrendous toll filtered home, the nation went into shock. Then, during July and August 1916, the Australian infantry forces suffered more than 23,000 casualties in the Pozieres-Mouquet Farm battles in France. More than 7,000 of these deaths were through enemy fire. Australian troops also saw action in the Middle East.

In our community, the war memorials of Blackwood and Coromandel Valley list the names of men and women who were killed or died as a result of their involvement in World War I. Within our community there are many stories of the men and women who went to war. Some never returned, and some are honoured throughout the district by way of roads and streets being named after them, many from large legacy families within the area, such as the Winns, Magareys, Downers, Fergusons, Watchmans—there are many. Many soldiers were settled in Blackwood after the war.

I want to take the opportunity to speak about a few of our service people who made the ultimate sacrifice and never returned home from the front. I would like to thank locals Geoff Lock and Judith Liddemore for their ongoing research and will to ensure our service men and women are not forgotten.

Harrold (Jim) Sullivan was one of 10 children born to William Adams Sullivan and Harriet nee Woodings of Coromandel Valley and later Blackwood. He and his brother Herbert both enlisted, Harrold with the 9th Light Horse. Sergeant Sullivan and a small group were captured by the Turks in August 1916. Another solider Private McKay was spared as he lay wounded and could not be carried off. The others were made to dump their gear and were marched away to prisoner camp. While being marched through snow without enough warm clothing, the men became ill and often died at various locations along the road in Angora. Their remains were never recovered. Sergeant Sullivan never returned home.

Soon after ANZAC Day in 2019, the Coromandel Valley & Districts Branch of the National Trust was delighted to receive an email via their website from the Australian embassy in Baghdad. The message came from a serving officer in the Australian Defence Force and concerned Sergeant Sullivan, as well as another local and honoured serviceman Percy Scroop. In fact, my sister used to live next to Scroop Avenue.

The officer, who had a strong interest in Australian military history, took the opportunity afforded by this posting to do some research, including visiting the memorials to the fallen and the cemeteries. Having found Percy's and Harrold's headstones, he went online to see if he could learn a bit more about these brave South Australians from my community, a search that led him to the 'Our Fallen' section of the National Trust's website.

Geoff Lock, who is a Coromandel Valley National Trust committee member, responded to the international inquiry and as the discussion proceeded received the following poignant information. Percy and Harrold were both unfortunate enough to be captured at the same time on 9 August 1916 in the Romani campaign. They were assisting a group of machine gunners when they were ordered to return to their lines. They were too far from their horses and were overrun and captured. Both died of disease working on the Berlin-Baghdad railway.

Percy died on 28 December 1916 of dysentery and Harrold on 11 February 1917 of enteritis. As they were not buried in the Angora cemetery, their graves were not marked. They were stripped naked before being buried, effectively eliminating any chance of identification when the war commission decided to consolidate various cemeteries into the Baghdad Cemetery in the 1920s.

At that time, all of the next of kin of the various soldiers were sent a letter explaining what was going on and were told whether or not their loved ones had been identified and moved, not identified but moved with a group of other unidentified soldiers and therefore buried near the spot, or not found at all. All soldiers, whether identified or not, would receive a headstone with the details on it and families were given the chance to have an inscription on the headstone.

The Kipling and Angora memorials spoken of were just a section of the cemetery that all headstones of the people they could not find were grouped into, so both Percy and Harrold have an actual headstone but their bodies are still in Turkey somewhere.

John Larnach Downer is another son of Coromandel Valley, born on 2 May 1898. He was the youngest son of Charles and Mary Downer of Coromandel Valley. Jack attended the Coromandel Valley Public School and then later Adelaide High School until mid-1913. On 5 January 1916, Jack enlisted, standing five foot six, or 168 centimetres tall, and weighing only 70 kilos. He had brown eyes and dark hair. Jack's enlistment details also stated that he had three years' military training in the cadet service. He was only 17½ at the time he enlisted. He was underage, but he was allowed to go through.

Assigned to D company of the 50th Battalion as Private 1669, Jack embarked for overseas service on 11 April 1916. Jack's battalion joined the ongoing battle in mid-August 1916, taking part in an attack on Mouquet Farm, called Moo-Cow farm by veterans. Jack was killed in heavy fighting on 16 August 1916 and his body was never recovered. Jack's name is listed amongst the missing of the 50th Battalion on Australia's War Memorial at Villers-Bretonneux in France. Barely 18 years old, Jack is the youngest local man to have died in World War I.

Remembrance Day holds profound significance as we reflect on the immense sacrifices made by those like Sergeant Sullivan, Private Percy Scroop and Jack Downer who have served our nation. It is also a time to honour those who have fought since, who have represented us since in conflicts and peacekeeping operations throughout our history.

Two years ago, I attended the ANZAC Day service in Coromandel Valley. It is a really special service and it is held after the dawn service. Whilst the community were laying their tributes, I noticed a young woman with her family visibly upset, grieving a loss that seemed very recent. I introduced myself and offered my sympathies. A year later, I met this family again when they joined our volunteer group for our parkrun; however, it was out of context so I did not put the two together. I had not made the connection until the following ANZAC Day when I saw her and her beautiful daughters again at the Coromandel Valley service. Yesterday I spoke to Charlotte and asked her if I could share the story of the person who her family mourn, and she has provided the following, and I quote her words:

Rifleman Stuart Winston Nash

1 Rifles

19/04/1987—17/12/2008

My brother passed fighting a war to keep us all as safe as he knew how. He was 21, had 6 months of training and was in the field for 6 weeks and fell at the age of 21.

These are the stories I was used to from my history lessons about the world wars, not the story I was expecting when my brother embarked on a journey to the 'mother land' to join the UK army and fight a war he maybe did not completely understand in Afghanistan. The war on drugs, the war against Terror.

I was told he would be fine.

I was told, 'War is not what it used to be, wars are fought with joy sticks and drones, not like the 'real wars' back in my day.'

Those that had regaled me with these tales, were silent when the news broke.

He was felled in the desert providing cover for his mates, trying to get them away from the sniper that took his life on that day. It may have been a different war, it may have been a different Allied Force—but you can take the Aussie away from his land, but an Aussie he was to his core, A Digger to the last.

He was known as 'Oz' by his fellow Riflemen on base, and he thrived in the military life—having been an air cadet in Sydney since he was 13, we knew the military was a path would one day follow.

Stuart brought both the larrikin nature we are known for, combined professionalism and sense of duty.

He aspired to progress through the ranks and had a knack for reconnaissance and sniper work. He was respected and his leaders knew he would go far. No one expected the outcome of that day.

16 years have passed since his death, but there are a few days that go past where a thought, or a 'what if' will cross my mind.

He would be 37, would he have children? Would my kids be catching up with him this Christmas?

I am sure he would never have expected me to be living in Adelaide and calling this great Southern state home—but it is here that I have felt his absence sometimes the most, as my daughter fights cancer again—I know he would have fought this battle by her side.

Most days I let the feelings wash over and pass, maybe a heartache, maybe a tear. However it is the days we set aside to commemorate our fallen that break my vault and the emotions spill.

It is here in South Australia that I feel his achievements have been most recognized, for it is a different scenario when an Australian fights for our Allied Team but under a different flag.

Here, we have been asked to join the celebration of achievements of all who fought, and we have commemorated those who fought, but left war upon their shield, not carrying it.

Here, we have felt most welcome at our Coromandel Valley ANZAC Ceremony, we have walked as a family in the parade in the city and he is commemorated at the war memorial in Two Wells for those who passed in the Middle East.

This recognition ties us and gives us a sense of stability when we are struggling to understand the why behind what happened. Time may pass, but the grief does not falter—we just learn how to sit with it and remember.

The Nash family have been battling and continue to battle. Their loss is shared by many who are family to service persons who pay the ultimate price, and their families pay the ultimate price of growing up without them.

So, to all our South Australian service men and women, past and present, we express our deepest gratitude. Your courage, dedication and selflessness in defending our nation and its values are beyond measure. We recognise that your service often came at great personal cost and we are forever indebted to you. We acknowledge your families. Those who support and sacrifice are often unseen but are no less significant.

The strength and resilience of these families, like the Nash family, form the backbone of our defence community. Organisations like the Returned and Services League play a vital role in supporting our veterans and their families. Their tireless efforts ensure that those who have served are not forgotten and receive the care and recognition they deserve.

As we know, Monday was Remembrance Day and it was a day for us to reaffirm our commitment to honouring the memory of the fallen and supporting those who continue to serve. I attended the Remembrance Day service at the Mitcham RSL, a touching service guided by President Kym Just and Padre David Covington-Groth from St Michael's church in Mitcham. It was lovely to spend time with their members afterwards. I then quickly headed up the hill to the Blackwood RSL where I joined members for their morning tea. As the patron of the Blackwood RSL, the members and staff are very special to me and it was lovely to spend the morning with them. I also got to meet two assistance dogs, who help their owners when they need a bit of extra care.

Our fallen are on the honour boards at the Blackwood and Mitchell RSL, the Blackwood War Memorial Hall and the Upper Sturt Soldiers Memorial Hall. I have the privilege of being on both those hall committees, and I see firsthand their commitment to their community and their commitment to keeping the story of our soldiers alive.

I am fortunate to know many returned service men and women—some I would consider very close friends, if not family—and I understand that whilst their watch is over the memories never leave them; within an instant they can be back on duty, in their minds. Many of our service men and women struggle to regain a normal life. Some have been in the defence force their whole lives, and it can be difficult for them to return to a normal life as a civilian without the strict control they experienced during their service.

Often these men and women are drawn to other opportunities to serve, and I proudly serve with them at the Upper Sturt CFS. I know that many of our brigades create a family around these men and women, and that can help them. At a time when there is much uncertainty in our world with the terror of Ukraine and the Middle East, we must remember the toll that war takes on families, communities and society. It should never be the answer.

I visited Canberra last year and took a tour of Parliament House and the War Memorial. On the tour of Parliament House the very knowledgeable guide told us that if you opened all the doors from the Prime Minister's Courtyard towards the War Memorial you can see all the way through. This serves as a reminder to those making decisions about the ultimate cost of war to our country, an emotional cost that no-one should have to bear, and the loss of lives that is the result.

This motion is incredibly important, and I look forward to hearing other member's contributions. I say 'thank you', thank you to those who have fallen and thank you to those who continue to serve.

Mr PEDERICK (Hammond) (11:16): I rise to support the motion:

That this house—

(a) recognises that on 11 November we commemorate Remembrance Day;

(b) acknowledges the significance of Remembrance Day in marking the end of fighting on the Western Front;

(c) expresses its profound gratitude to all South Australian men and women who have served in the Australian Defence Force;

(d) recognises the sacrifices made, and support provided by, the families of our veterans; and

(e) acknowledges the important role of the RSL and other organisations who support veterans and their families.

After four years of warfare and the deaths of millions of civilians and military, the guns on the Western Front finally fell silent at 11am on 11 November 1918. This marked the end of the First World War, and since then countries including Australia, New Zealand, Canada and the United States have been using November 11 as the annual day to commemorate those who lost their lives in battle.

The day was originally called Armistice Day due to the Germans calling for an armistice in order to secure a peace settlement. It remained as Armistice Day until the end of World War II, when the United Kingdom proposed to change the name to Remembrance Day. This was done so the day could be used to honour those killed in both wars.

There have been numerous other wars since the two world wars, and in Australia we have used 11 November to commemorate lives lost in all conflicts since 1918. Whilst the day has been around since 1918, it was not until 1997 that Governor-General Sir William Deane formally declared 11 November to be Remembrance Day and urged all Australians to observe one minute's silence at 11am on 11 November each year.

Giving some of the history and background to the armistice and the ending of World War I, at 5am on 11 November, in a railway carriage in France, representatives of the governments of France, Britain and Germany signed the document to end hostilities in the First World War. Six hours later, at 11am, the guns officially fell silent. The First World War was the first conflict that engaged people across so many countries.

At the time, recent advances in weapon development led to the most terrible conditions for those fighting. It was the first conflict utilising tanks and aircraft and the first with widespread use of the machine gun. Gas was regularly used. The fighting was often fought across open fields, where the only cover from fire were the shell holes that were made by the deadly artillery bombardments.

There was widespread loss of life and many service personnel left with debilitating physical and mental injuries.

The first signs of the war ending were in October 1918 when an armistice between the Ottoman Empire and the Allies put a stop to the fighting in the Middle East. This was shortly followed by an armistice being signed between the Austro-Hungarian Empire and Italy.

Meanwhile, over in the west the German army was quickly collapsing and on 10 November the Germans on the battlefront were instructed by the government to sign the armistice with the Allies. This followed news that Kaiser Wilhelm II, the last German reigning monarch, had abdicated. At 5am on 11 November the armistice was agreed on and word was sent to the allied commanders that hostilities would be stopped on the entire front beginning at 11 o'clock on 11 November.

The signing of the armistice resulted in the complete demilitarisation of the German army, the evacuation of German soldiers out of France and Belgium and the immediate release of allied prisoners of war and returned civilians. Numerous armistices were signed in 1918; however, it was the armistice of 11 November that left a lasting global legacy as it symbolised the war on the Western Front ending after four long years.

Over one and a half million Australian men and women have served in eight major wars or conflicts since the start of the First World War in 1914. Over 100,000 have died, paying the ultimate sacrifice during battle since that time, and many others have died as a result of injuries sustained from battle. There were 416,809 Australians who enlisted in the First World War out of a population of less than 5 million. Of that number, 34,959 were South Australians. Sadly, 61,665 died during World War I, with more than 156,000 personnel wounded, gassed or taken prisoner.

The number of Australians who served in World War II was 993,000, more than double the number involved in World War I, and the number of South Australians who served was 54,660. Fortunately, to a degree, the number of casualties from World War II was considerably less, totalling 39,656. During the course of the Second World War over 30,000 Australians were taken prisoner.

Each Remembrance Day we take the opportunity to reflect on the wars that have shaped the world and commemorate those who have tragically lost their lives protecting our nation. Serving in Australia's armed forces is a serious commitment, and we thank those South Australians who are current members or who have served in the past.

We must also acknowledge the important work of the many ex-service organisations that provide support to our veterans and their families. Transitioning from military to civilian life can be a difficult period for veterans and their families, so it is crucial that they have access to quality support services to help them through this phase. In particular, we express our gratitude to the Returned and Services League (RSL) for the work they do year-round for our veterans and for their dedication to conducting Remembrance Day services.

I want to acknowledge a couple of the services I attended on Remembrance Day this past Monday. Military and Emergency Services Health Australia had a breakfast at the Convention Centre that was very well attended. Then Adelaide Cemeteries had a service, which I have not participated in before. It is a very moving service amongst at least 4,000 graves of military servicemen and servicewomen in the West Terrace Cemetery. It was a very moving service at which quite a few schools were present.

Just on another reflection, back at the end of 2010 I was privileged to have a battlefield tour through France and Belgium, and I would urge anyone who has not done this to do it because it is just shocking, really, to note that there are at least three and a half thousand war cemeteries in the area. One thing I did learn was that under the Versailles agreement the commonwealth got to have white headstones and the Germans got to have black headstones. This was something I only learned at that stage. It just shows the depth of what people negotiated during the armistice.

I want to acknowledge all those who have served or are serving. My family have served in various conflicts, including World War I and as recently as in Iraq. I take my hat off to all those people who have signed up for the defence of this great nation because they are all prepared to pay the ultimate sacrifice. No greater gift can anyone give their country. Lest we forget.

The Hon. G.G. BROCK (Stuart) (11:26): It is a great privilege to be able to speak on this well-deserved and well-written motion by the member for Waite and, in particular, to speak of the horrors that this war would have had not only on the people of Australia but across all parts of the world. It is my information that there were nearly 40 million military and civilian casualties, ranging from around 15 million to 22 million deaths and about 23 million military personnel, ranking it among the deadliest conflicts in human history. In addition to the human casualties, approximately eight million horses, mules and donkeys died during World War I alone.

We cannot imagine the trauma and the grief that would have been experienced across the world, especially as at this time there were not the instant communication opportunities that we have today. The not knowing and the worrying from families—mothers, fathers, brothers—and loved ones would have been absolutely terrifying.

Australia had just become a federated nation. Our population was around four million; however, we had over 416,809 who enlisted for service, with this being around 38.7 per cent of the total male population aged between 18 and 44. Of these, an estimated 58,961 died, 166,811 were wounded, 4,098 went missing or were made prisoners of war, and 87,865 suffered sickness. To my indication, that would represent around 76 per cent of the total of those volunteering. Of the 416,809 who enlisted or volunteered, there were 34,959 South Australians who were joined by 300 South Australian women in the Australian Army Nursing Service.

We must always remember that two failed referenda on the issue of conscription meant that war service in the Australian Imperial Force depended on volunteers. Prime Minister W.M. Hughes favoured conscription, but South Australia joined New South Wales, Victoria and Queensland in voting no to the proposal in the referenda held in 1916 and 1917. These votes produced the necessary majority for enlistment to remain voluntary. Recruitment drives following the failure of the second referendum produced a temporary increase in recruits, but the referenda themselves proved divisive and counterproductive. In 1918, enlistments were well below target.

One of the forgotten stories is how Port Pirie helped the war journey with a sizeable contribution during World War I, not just by the way individual men and women enlisted but, very importantly, through its industrial capability and social support for the cause among non-combat residents, and also through the fact that 53 per cent of all the allied lead for the munitions expended in the war came from Port Pirie. By 1917 the Port Pirie Smelter formed the one main source of supply of lead for all the Allies in Europe. Output had been increased from 74,000 tonnes in 1914 to more than 156,000 tonnes at that date.

Union delegates in Port Pirie and Broken Hill demanded better pay and conditions for workers, with the company capitalists reaping big benefits during the war. This was regarded in some circles as an insult to patriotism. At that time, the continuity of supply of lead for the Allies was of paramount importance. Threatening strike developments in Port Pirie were feared, for the Barrier—the Broken Hill men—were out on strike and making desperate efforts to get the Port Pirie workers out on strike with them.

On 21 August 1917 William Robertson, General Manager of Port Pirie Smelters, made an impassioned appeal to the unionists on the front page of the local newspaper, the Port Pirie *Recorder*, and also the *North Western Mail*. I quote:

> Should we, in Port Pirie, fail to supply the lead, history may declare that the greatest war of all times was lost, not on the blood-stained fields of Europe, but in Port Pirie, where well paid, well-conditioned workman failed to see the path of duty.

An 'immunity from strikes' ballot on whether or not workers favoured an agreement that would give Port Pirie Smelter immunity from participation in any strike during the war was favourably passed by members of the Australian Workers' Union—the largest union concerned—in a vote of four to one against striking. The workers had refused to cease work, considering such action would have been detrimental to the best interests of the empire at such a critical period of the war.

The various unions at the smelter made their wartime collaboration official by attending a conference at BHP's headquarters in Melbourne where they signed a pledge not to take any strike action for the duration of the war. The Prime Minister of the day, Billy Hughes, stated that he was 'proud of the actions of the Port Pirie men'.

It should be stated for the record that at the height of the crisis the Broken Hill Associated Smelters Pty Ltd management had received many offers from women who wished to work and keep the munitions supply going. Many women also asserted themselves in demonstrations, having relatives at the front whose lives depended upon the continuous supply of the necessary munitions to beat down the attacks of the enemy.

By war's end the smelter men of Port Pirie had supplied more than 53 per cent of the total Allied war effort in lead, which I consider a remarkable achievement. My community is very proud of the sacrifices that not only volunteers from Port Pirie and their families but all people across our great nation and their families made to enable us today to enjoy our great freedom and lifestyle.

To remember those who made the great sacrifice, our community has a very well presented RSL. We also have great memories from all the various conflicts, plus our Memorial Drive where commemorations have been established for all conflicts from the Boer War right up to current activities for all services. The recent Remembrance Day was a great indication of the commitment from our community, where the schools, both private and public, came to represent and lay wreaths. The community itself was very supportive of that. The member for Hammond indicated he went to some of the services. I went to the Port Pirie one. The distance involved prevented me from going to Port Augusta, but I made an apology for that.

My family has had my late uncle, my dad, my late brother, and my younger brother all serve in the defence forces. Even though I was not in the defence force as such, I am a veteran and served in the army reserve for nearly 10 years. I am very proud of my family's history in volunteering or being conscripted for services to protect our nation.

I had the great privilege of seeing my granddaughter, Shae, speak at the Anzac Day service last year. This year my grandson, Jax, officiated at his Risdon Park Primary School service, where he facilitated and MC'd the program. He also had the great opportunity to lay a wreath at the Remembrance Day service at Port Pirie just last Monday.

Again, I want to acknowledge all the RSL clubs across all of South Australia. I want to acknowledge Legacy also and how they have looked after the widows and the families. I do not think we need to have any wars; however, I am very proud.

This is where Australians got their name, their great fighting strength and things like that. As with other members of this house, I am very proud of our returned services organisations out there. I pay tribute to those who have served in our defence forces, no matter whether they be the Navy, the Air Force or the Army, and also allied engineering services and so forth. At the end of the day, I pay tribute to them and to the current serving people across all of our nation. I look forward to attending more commemorative services in the future. Lest we forget.

Mr COWDREY (Colton) (11:35): I rise today to make a contribution on the motion brought to this house by the member for Waite:

That this house—

(a) recognises that on 11 November we commemorate Remembrance Day;

(b) acknowledges the significance of Remembrance Day in marking the end of fighting on the Western Front;

(c) expresses its profound gratitude to all South Australian men and women who have served in the Australian Defence Force;

(d) recognises the sacrifices made, and support provided by, the families of our veterans; and

(e) acknowledges the important role of the RSL and other organisations who support veterans and their families.

Other members have to this point provided some context to Remembrance Day and the reasons why on the 11th hour of the 11th day of the 11th month we collectively, as a country, fall silent to recognise the contributions of those who have served us in active duty and sacrificed their lives for our country. Each and every year, the Henley and Grange RSL conduct a Remembrance Day ceremony.

In previous years, the ceremony has largely been held outside in the car park of the RSL but, due to a range of reasons, including the construction of the new Henley library that is occurring

in the precinct just opposite the RSL clubrooms, for the last couple of years the service has been held inside. That has not taken away from the significance of that service and the attendance of the service, to be completely honest.

This year, I just wanted to run through and thank those members of our community who have contributed to the service as it was held over the last couple of years. The service has been expertly MC'd by Geoff Pierson, who has been involved through a number of community organisations and he does that job very well. Reverend Christa Megaw from the Henley Fulham Uniting Church that sits just opposite the RSL clubrooms as well, provides her services through the Lord's Prayer and the remembrance prayer as well.

One of my favourite parts of the shift that we have seen, in particular over the last 10 to 20 years, is a concerted effort to involve young people and school-age students in both ANZAC Day services and Remembrance Day services to ensure that those younger people within our society, who perhaps have not been exposed to the same level of history in regard to how our nation ended up with the freedoms and democracy that we enjoy today, have the opportunity to, as best as possible, familiarise themselves with the history of our country and to also be provided with an opportunity to recognise those contributions that we have discussed.

The main speech for the ceremony was provided by Lieutenant Colonel Nicholas Barletta. He did a tremendous job outlining both his service but also the service of others to our country. Malcolm Whitford, the President of the RSL at Henley and Grange, then recited the Last Post before of course we had the minute's silence at 11 o'clock.

One of my favourite parts of the Henley and Grange service every year is that from time to time the RSL organises to have a guest speaker after everybody has enjoyed a couple of minutes to grab themselves a beverage and perhaps partake in having a little bit of a light refreshment. This year the address was provided by Greg Stanford whose father Ross was one of the original Dambusters. In telling that story, he had quite a collection of memorabilia that had been entrusted to a local down at Brighton, I believe, who had shifted all the memorabilia from his father into the club for the day. It was quite a sight to see.

He began by providing the back story of his father's service, not in the military at first, but his dedication to his first love which was cricket. He told a fantastic story about his dad making his first-class debut. He had been quite a gun cricketer in the Fulham Gardens area as he was growing up and had played for the West Torrens District Cricket Club, and certainly Greg himself and his father, Ross, shared that passion for that club.

On his first-class debut versus Tasmania, he came in a couple of wickets down and happened to walk into the centre of Adelaide Oval to join none other than Sir Donald Bradman. He told the story that Sir Don nudged a couple of balls around to keep him off strike to perhaps try and ease some of the nerves of the debutante at the other end. He faced his first ball and was so excited, he nudged it just a couple of metres down the pitch and ran himself out for a duck in his first game. He has this fantastic photo of the old scoreboard at Adelaide Oval with Sir Donald Bradman, I think, who made his highest ever first-class innings of 369, but the surname Stanford sits above that with a golden duck next to it.

He was very proud of his father, both in what he achieved through his sporting career but also through his service as one of the original Dambusters. To tell the story of the service that was required by the pilots as part of that group, the requirement was essentially 20 service flights to go and drop the bombs. Each time that they returned from a mission they would come and sit at tables in the mess hall, and they may have left with 20 tables of flight squadrons but usually it was not 20 who returned. Despite that, and despite knowing actively the risk he was taking on, his father continued to amass more than 20 or so flights above what was required of his service.

One of the things that struck me more than anything was just how proud Greg was of his father. Obviously understanding that legacy and the work that had been done, he was recognised—and rightfully so—with a level of award both through the military award system and also through the Order of Australia medal which was something that he held personally in very high regard—so to see the log book, the flight uniform, the other bits of memorabilia and the photos that came along with his dad's service.

One of the other little anecdotes was that there were two pictures side-by-side and, of course, the uniform itself sitting on the table. Greg mentioned that his dad had a photo when he left for war at 20 or so years old fitting into that uniform, and then a photo at 80 wearing the same uniform. It is a pretty impressive feat for anybody to be still fitting into the same uniform at that stage too.

It was a fantastic job by the Henley and Grange RSL, one of the most popular RSLs in suburban Adelaide. They are just nudging over 400 active paid-up members at the moment so to the whole board and to Malcolm the president, thank you for the job that you are doing in providing opportunities for those who have served, or those who have connections through family who have served to both come down to the RSL on regular occasion to perhaps have a beverage, but on those more important times, to provide the significant recognition and service that justifies the dedication and commitment and sacrifice that was made by those in our local area.

I also this year thank Indy Rose's florists, who were kind enough to provide the wreath that I placed on behalf of the community during the service. Again, like all members in this place, I recognise those who have served our country. They do a fantastic job. Lest we forget.

The Hon. A. PICCOLO (Light) (11:44): The community and schools across the region hosted Remembrance Day ceremonies on Monday, honouring the sacrifices made by those who have served and died in wars, conflicts and peacekeeping operations.

I was able to attend a touching ceremony at Gawler & District College, while my electorate staff members also paid their respects at ceremonies at Mark Oliphant and Trinity colleges, with other schools in Gawler hosting events including Evanston Gardens and Gawler East primary schools. I was heartened to witness the respect and reverence shown by young people as they honoured those who have served our country. Seeing our young people taking an active role in these ceremonies gives me hope that this legacy will continue to be passed down through the generations. In her address, Gawler & District College principal, Angie Michael, remarked that:

> Remembrance Day is not just a date on the calendar; it is a symbol of the resilience of the human spirit in the face of adversity.

She went on to say:

> It is through education that we learn not only about the battles fought on foreign lands, but also about the enduring human spirit that strives for a better, more harmonious world.

She went on then to say:

> Let's not only remember those who have lost their lives, but also think about the responsibility we have to protect the freedoms they fought so hard for.

Student leaders Sable and Jai outlined the history behind Remembrance Day and read *For The Fallen* by Laurence Binyon and junior school students and I laid wreaths at the service. Special guest, former corporal in the Australian Infantry from the 7th Battalion, Royal Australian Regiment, Stephen Lockwood, also addressed the students on how his time serving taught him how we need to come together and help each other at times of need. Mr Lockwood said:

> You see the bravery and resilience of the people who are in the middle of the conflict, and it reminded me that courage isn't just about fighting, it's standing up for what you believe is right and doing what's required.

Mr Lockwood has served in a number of conflicts overseas, including peacekeeping conflicts. He went on to say:

> While the big war may be over, we still need to strive for peace every day.

That is a message I hear over and over again on Remembrance Day and at ANZAC Day services. He then told his students:

> You are the future and the ones who will make decisions on how the world works—even if you're not soldiers.

The Gawler RSL sub-branch also held their own Remembrance Day service at Pioneer Park, where I laid a wreath alongside other special guests and students from Gawler & District College, Xavier College and Immanuel Lutheran School. President of the Legacy Club of South Australia & Broken Hill Incorporated, Legatee Robert Eley, and Gawler RSL President, Major (retired) Colin Wardrop, ran the proceedings with fellow past and present service men and women in attendance alongside

Gawler Riverside Church leader, Darren Dwyer, who conducted a prayer. The message for the day was that:

> We stand united as a community to honour and remember those who have served.

The Gawler RSL service is a powerful reminder of the importance of remembering our history and those who have shaped it, including those right here in our region who have served and continue to do so.

Mr TELFER (Flinders) (11:48): I rise today in support of this motion to acknowledge Remembrance Day, a very solemn and important day on our calendar. One hundred and six years ago at 11am on the 11th day of the 11th month, the guns fell silent on the Western Front after more than four years of continuous bloodshed. World War I came to an end after the signing of an armistice and from that day forward what is now known as Remembrance Day was referred to as Armistice Day.

Following the horrors of World War II, 11 November became the day to remember all those who made the supreme sacrifice, serving their country, and from that day on it has been known as Remembrance Day. In 1997, Governor-General Sir William Deane issued a proclamation formally declaring 11 November Remembrance Day, urging all Australians to observe one minute's silence at 11am on 11 November each year to remember those who fought and died for our nation in all conflicts.

Remembrance Day can sometimes be overshadowed by ANZAC Day but it is an important day in its own right, and I am pleased that this motion provides the opportunity in parliament to be able to acknowledge the significance of that day.

The Australian contribution to war has been considerable. More than 1½ million Australian men and women have served in eight major wars and conflicts since the start of World War I in 1914. Some of this service has been here at home, but as we know a lot of it has been overseas. Over 100,000 have died during battle since that time and many others have died as a result of injuries sustained from battle.

Each Remembrance Day we take the opportunity to reflect on wars that have shaped the world and commemorate those who tragically lost their lives protecting our nation. Serving in Australia's armed forces is a serious commitment and we thank those South Australians who are current members and those who have served in the past. We must also acknowledge the important work of the many ex-service organisations that provide support to our veterans and their families—the hardworking volunteers who also provide the means for us as communities to maintain connection with the important heritage these places represent.

I want to acknowledge the RSLs in my electorate where there are seven sub-branches: Ceduna, Streaky Bay, Cummins Yeelanna, Tumby Bay, Kimba, Cowell and Port Lincoln. These RSLs hosted services on Monday to commemorate this significant day to honour these men and women who left these regional communities in service for our country and many who did not return, leaving these small communities decimated for decades with a dearth of fit and often strong young men, and frequently families with multiple siblings either all lost to war or some returning having left their siblings behind on foreign soil.

I had the privilege to attend this year's service in Port Lincoln. I was honoured to lay a wreath on behalf of my constituents. I want to give my personal thanks to the Port Lincoln RSL and President Gary Clough, Secretary Lee Clayton and the many veterans and volunteers for a moving and poignant service on Monday morning, with the participation of many of our local veterans as well as the wider community. As has already been mentioned, it is so encouraging and a real privilege to be able to see the schools from around our state participating in these services on this very special day, and they were there to remember and commemorate the service and sacrifice.

The community of Port Lincoln had also come together in what began as a heartfelt concept by a small group of local artists and has blossomed into the deeply meaningful community-driven Poppy Project—a tribute and expression of respect to the service men and women of Eyre Peninsula. The tradition of wearing poppies on Remembrance Day originated from a poem by Lieutenant

Colonel John McCrae about the thousands of poppies growing across the battlefields of the Western Front, specifically Flanders Fields.

Over the past several months local community members have been coming together to create beautiful ceramic poppies representing the enduring legacy of those who have served. Led by local artist Julie Aldridge, these ceramic poppies have been meticulously crafted by artists, community members, alongside students from Navigator College and St Joseph's School.

The project saw the involvement of the Textile and Quilters Group, under the guidance of Nola Samuel, who have created stunning textile poppies in a beautiful expression of community unity. These handmade poppies were installed at the Eyre Park War Memorial in Port Lincoln for the Remembrance Day service this week. They had the assistance of the local Port Lincoln High School Clontarf Foundation to have this very visible poignant reminder of the sacrifice that has been made. Those who have seen the display or the photos of it would all agree that the installation served as a powerful visual tribute to the deep respect and admiration our community holds for our veterans and the Port Lincoln RSL.

The Poppy Project was made possible with the support of the City of Port Lincoln—and I thank and acknowledge the CEO Eric Brown as well as Mayor Diana Mislov, who spoke a few words on Monday as well about her connection and her deep respect for the sacrifices that have been made—as well as Country Arts SA, Julie Aldridge and Nola Samuel, as I said, and the enthusiastic contributions of the local schools, artists and community members.

The community's passion for the project is a testament to the ongoing support of the RSL. As I said, specifically in Port Lincoln, with this project, they continue in their tireless efforts in support of returned service men and women, supporting them, the men and women who made it back, but also honouring the fallen. A heartfelt thank you goes to all those who have contributed their time, talent and energy to this meaningful tribute.

We stopped on Monday at 11am. We paused to remember these men and these women who made the ultimate sacrifice for the things we value as a society here in South Australia and in Australia as a whole. We should never forget that sacrifice. Lest we forget.

Mr BELL (Mount Gambier) (11:56): I rise to support the motion from the member for Waite and thank her for bringing it to this place. It is essential we take time to pause, acknowledge and remember the brave men and women who risked their lives to defend our freedoms and uphold the values we hold dear. Remembrance Day provides us with an opportunity to honour the sacrifices, reflect on the service, and ensure that the lessons of war remain forever present.

This is where the role of the RSL and other organisations that support veterans and their families becomes crucial. Since its founding in 1916, the RSL has been committed to veterans' physical, mental and social wellbeing. It has evolved into so much more, playing a central role in preserving the memory of those who served through commemorative events like Remembrance Day, Vietnam Veterans Day and ANZAC Day, while also championing veterans' rights and welfare. The RSL fosters support among veterans and their families, providing a network of understanding, connection and support.

Our Mount Gambier branch of the RSL, South Australia's oldest, recently celebrated 107 years of service. Leading this branch is President Bob Sandow, whose dedication was officially recognised with life membership earlier this year. Bob joined the RSL management committee in 2011, served as vice president from 2013 to 2014, and has held the role of president ever since. As a former member of the state RSL committee, editor of the monthly sub-branch newsletter, and a recognised military historian in Mount Gambier, he has made a significant contribution to the organisation and to our community.

In addition to his RSL work, Bob is a committed volunteer in numerous community organisations and was awarded the Premier's Certificate of Recognition for Outstanding Volunteer Service in 2022. He currently serves as secretary for the South-East Legacy group, supporting veterans' spouses and children, and is an active member of the Royal South Australian Regiment Association, where he has served as president of the South-East branch for three years and secretary for eight.

Bob's community spirit extends beyond the RSL. In 2007 he walked the Kokoda Track to raise funds for cystic fibrosis, and he participated in the Sandakan Death March in 2000. His other roles include serving as patron of the Mount Gambier BMX club for eight years, being a board member of Heritage Industries for 15 years, including two as chairman, CEO of the Western Border Soccer Association for four years, and past president and patron of the Mount Gambier Make-A-Wish Foundation.

Bob is a passionate advocate for community involvement in the RSL, particularly focusing on engaging the next generation to ensure the preservation of memories, traditions and, most importantly, lessons. Through school visits and tours of the local museum—guided by dedicated volunteers Ian Summers and Peter Bruhn—students gain a deep appreciation of our history.

This year marked the 20th anniversary of RSL members visiting McDonald Park Primary School for a Remembrance Day service, a tradition that has now evolved to see students leading this service, from planning the wreath presentation to reciting the Ode of Remembrance. Bob also advocates for Remembrance Day to honour not only veterans but also all first responders, who risk their lives to protect and serve others. A poignant reminder of this is the upcoming anniversary of the death of Brevet Sergeant Jason Doig, a Lucindale police officer killed in the line of duty last year in the state's South-East.

This year's Remembrance Day service in Mount Gambier was once again strongly supported by our community, a reflection of the local spirit of remembrance and respect. Pastor Dave Sigley led the ceremony, with school students and 612 Squadron Air Force Cadet Christopher Mossford-MacGregor performing the last post, and teacher Graham Roulstone reciting the ode. The formal proceedings concluded with a flyover of the Royal Australian Air Force Boeing P-8A Poseidon aircraft and the presentation of the Tony Casadio medal awarded to Tenison Woods college students. The day closed with a lunch hosted by the Mount Gambier RSL Women's Auxiliary.

Remembrance Day is not just about the past but about promoting unity and respect within our community today. Through our shared remembrance, we express gratitude, support those who continue to serve, and inspire future generations to carry forward the spirit of courage, sacrifice and dedication embodied by our veterans and first responders. May we continue to uphold these values, honouring their legacies with pride and respect. Lest we forget.

Ms O'HANLON (Dunstan) (12:01): I rise in support of this important motion moved here today to mark Remembrance Day. I speak with young people at the forefront of my mind. On Remembrance Day we remember all the brave men and women many years ago, and still today, who stood up to protect our country and the people we love. These are soldiers, sailors, aviators, nurses and other helpers who worked hard and sometimes gave their lives to keep us safe and free.

Some people, maybe some younger people, might wonder why we wear red poppies. After the First World War over 100 years ago, red poppies started to grow on the fields where the battles had been. They became a symbol, something we can look at and remember the people who were in those battles. When we wear a poppy, it is like saying, 'We remember you and thank you.'

Rather than try to remember everyone, it is sometimes better to think about an individual who is no longer with us. Today I would like to ask us to remember a 21-year-old South Australian soldier, Sapper Jamie Larcombe, who was killed by enemy fire in Afghanistan in 2011. Jamie was doing his job clearing the path for other Australian soldiers to make sure they were not killed or injured by enemy mines as they moved through rugged terrain. Jamie is survived by his parents, three younger sisters and his girlfriend at the time.

I also reflect on the experience of finding my husband's great-uncle's grave in 2016 in Bray-sur-Somme in north-eastern France—the Western Front, as it is known. We drove around the countryside for several hours, taking in the site of the many, many small but beautifully attended gravesites dotted about the countryside. As the member for Hammond said, there are quite literally thousands of gravesites across this part of France and Belgium. It gave me such a profound sense of the scale of the loss of life and the bravery and importance of the Australian and allied soldiers who died there.

We found his grave and stood taking in the poignance of the moment. His name was Lieutenant Alfred Gordon Farleigh MC. He was in the 33rd battalion, 1st AIF, and killed in action on 22 August 1918. My husband shed a tear, perhaps reminded of the loss of the war he had most recently returned from in Afghanistan, and laid his own unit shoulder patch from 7RAR and a cigar at the base of the cross marking the grave. The day was icy cold, but that somehow seemed appropriate to the sights we saw that day.

We also visited the Australian War Memorial at Villers-Bretonneux and the Newfoundland Memorial at Beaumont Hamel, extraordinary in their intact state and the fact that in some places the trenches of each side were only about 10 metres apart. I never forget how I felt that day and the sense of history it gave me, and the enduring respect I have for those soldiers—those thousands of young men and women—who made the ultimate sacrifice protecting our values and our way of life.

At the 11th hour of the 11th day of the 11th month people all around Australia, and in other countries too, pause and are silent for one minute. This minute of silence is a way to honour those who have sacrificed for us and to think about peace. Even if it is just for a short time, it is a moment to reflect on how important it is to look out for one another and work together to make the world a better, kinder place.

I was reminded of this as I laid a wreath at both the Remembrance Day service at the Cross of Sacrifice in Klemzig conducted by the Payneham RSL, and later at the St Peters Soldiers' Memorial where a plaque was unveiled in recognition of the local men and women of the former town of St Peter's who fought and died in the Second World War. I commend both the Payneham RSL and the staff of the City of Norwood Payneham and St Peter's and the St Peter's Residents Association for giving both these events the gravity they deserve.

Remembrance Day is not just about history. It is also about learning how to be brave and kind like Jamie Larcombe. Those who served and fell showed us how important it is to care for each other and to stand up for what is right. We can honour their memory by doing the same in our own lives, by helping others, being good friends and standing up for what is fair. So as we wear our poppies and stay silent for a minute, let's think about those who have helped make our world safer and more peaceful and let's remember that we, too, can make a difference every day by being kind and looking out for one another. Lest we forget.

Mr PATTERSON (Morphett) (12:06): I also take the opportunity to speak about Remembrance Day here in parliament. Of course, it recognises Armistice Day which happened on 11 November back in 2018 to mark the end of World War I. That was a war where many countries fought, including those soldiers from Australia—in fact, over 450,000 Australians served or enlisted in World War I, which represents about 10 per cent of the population.

The war itself was horrific, the first industrial war that occurred with over 60,000 Australians being killed and 150,000 being wounded or gassed. Armistice Day was a cause for people to reflect and, at the time, to make the point that this should be the war to end all wars. Unfortunately we know that is not the case and we have since had continuing conflicts, being World War II, then Korea, Vietnam and, more recently, in Afghanistan. Each year we hold Remembrance Day it gives us a time to reflect on the sacrifice of those who served defending our nation.

We are finding now many of the World War II veterans who served are reaching 100 years, even some beyond, so there are not too many of them left. Just this year, we had Chook Fowler, who lived in Somerton Park, die. He was, I think, 102 and he served this country well. It just tells the story of that phase of our history going, but Remembrance Day gives us the opportunity to not forget their service.

My grandfather served in World War II. He has since died. He served in the Royal Australian Navy. Initially he was stationed over in England, defending between the English Channel and the Irish Sea, and then he came back to Australia after the Japanese threatened Australia through the fall of Singapore. My grandfather Len Parsons survived the war, thankfully. It is also a time to reflect on how history can affect the heirs of these soldiers, and that they were able to come back alive and start a family and a life here. Of course, World War II veterans will be handing over the baton to Korea and Vietnam veterans, and we see more and more ceremonies conducted by those service personnel.

In Morphett, there are two ceremonies conducted. The Plympton Glenelg RSL conduct their ceremony at Moseley Square which means quite a number of people are able to attend, it being in such a prominent place. I attended that ceremony last year. This year, I attended the ceremony held by veterans at the William Kibby VC Veterans Shed; they conduct a ceremony at the Michael Herbert Memorial Garden.

The William Kibby VC Veterans Shed is on Kibby Avenue and is named after William Kibby VC, who lived in Glenelg and served in World War II in the Army. He fought in the Battle of El Alamein in northern Africa, fighting against the Italian and German Afrika Korps led by their general, Erwin Rommel. At that stage, the Axis forces were dominant and had not suffered defeat in battle. Fortuitously for the Allies, the Battle of El Alamein—basically a tank and army battle fought in deserts—was able to turn the tide, defeat the Germans and give light at the end of the tunnel for those serving against the Germans.

William Kibby himself was killed in action during that battle, charging and single-handedly capturing a machine gun nest. He was shot after that and was awarded the Victoria Cross posthumously. The William Kibby VC Veterans Shed is, of course, named after him. Glenelg North itself is steeped in military history, with a lot of the street names in that area being named after either Victoria Cross recipients or Military Cross recipients. Examples include Shannon Avenue, named after David Shannon who was in the Air Force in World War II; Mattner Avenue, named after Edward Mattner who served in World War I; and McCann Avenue, named after William McCann who also served in the AIF in World War I.

As I said, the ceremony was conducted at the Michael Herbert Memorial Garden in Glenelg North. The memorial garden is named after another serviceman, Flying Officer Michael Herbert, who was also from Glenelg and who served in the Air Force. While flying in Vietnam on his 199th mission, his plane went down. It went off the radar and was lost, and he was presumed killed along with the crew. It was not until April 2009 that his plane was found, which led to his remains being recovered and brought back here to Adelaide. Subsequent to that, this beautiful garden was named after him.

Remembrance Day itself was a very sunny day held in the garden, which has a beautiful tree that provides shade for everyone in the crowd. It started off with year 5 and year 6 students from St Leonards Primary walking from the nearby school down to the ceremony. They lined up either side of the entrance to the garden to form a guard of honour. The entrance to that garden has an arch with the inscription 'We will remember them', which is so apt, of course, and fitting for Remembrance Day.

All the guests assembled in the garden, including all the students from the nearby Baden Pattinson kindy who came along to learn about our history. The ceremony then commenced. We had two St Leonards Primary School leaders walk through the guard of honour with an Australian flag, and following behind them was a catafalque party made up of cadets who were students between year 7 and year 11 from Immanuel College. Each cadet held a lance topped with a yellow and blue flag, which are the school colours. The catafalque party walked through and stood vigil around the William Kibby VC Memorial Garden. The garden is in the shape of a cross with a garden bed that is planted with poppies that were in bloom for Remembrance Day, which was very fitting.

We had Patricia from the Millie Dorsch Sisterhood Group give an ode. We also had President Graham Matthews from the William Kibby VC Veterans Shed conduct proceedings, which included a speech from two of the cadets from Immanuel College. Georgia Thompson, who is in year 9, and Archie Zeb, who is in year 7, really spoke beyond their years and talked about what Remembrance Day meant to them. They acknowledged their families' service in the armed services and how that had influenced them to recognise this with their own service. Speaking to them after the service, they are certainly wise beyond their years and are a credit to the school and to their families.

After their speeches, we had the wreath-laying ceremony where I lay a wreath on behalf of a grateful Morphett community. This was followed by a performance by Guitars for Vets, which is a program that has been initiated by Veterans Shed member Jim Mavromatis. He played *I Was Only 19* by Redgum and even managed to swallow a fly midway through the performance and still carry on without anyone noticing. We then of course had the *Last Post* and a minute's silence to finish the service.

I thank Graham Matthews and everyone at the Veterans Shed for putting on the service. I thank all the students from St Leonards Primary School and Immanuel College for their efforts on the day to make sure that we will remember them.

Ms HOOD (Adelaide) (12:16): I, too, rise to speak on this important motion. On Monday I was incredibly proud to see our local Walkerville RSL President, Norm Coleman OAM, a Vietnam veteran, on the front page of *The Advertiser* newspaper poignantly sharing his story. As Norm said, he has seen many friends die—in war, of old age, and from suicide.

Norm spent 12 months in Vietnam before returning home to a restaurant job, where he would drop whatever plates he was carrying whenever a car went past and backfired. As he told *The Advertiser*, 'It's like I was ready to stand to attention and get into action, and that went on for a long time.'

For Norm, his friend Charlie Mifsud, and many others in our local community, Remembrance Day is a chance to remember that although the locations of war may change—from Gallipoli to Normandy, Hanoi or Kabul—the battles, both during and after, remain the same. As Norm also said in the newspaper:

> For me, it's about the fact we shared this part of our lives, and we want to honour that—and honour those who didn't come back or left us since...I don't look at it from the point of view of which war you were in…All of us who come in are the continuation of a common cause—to look after our service people wherever they come from.

I want to thank Norm, the Walkerville RSL, and the town of Walkerville for its incredibly moving service on Monday led, as always, very ably by RSL Vice President Richard Trotman-Dickenson AM. As part of the service Walkerville Mayor, Melissa Jones, shared the story of a local who lost their life in the war. I want to share some of that story with the house today. The following is taken from the Virtual War Memorial of Australia, contributed by Evan Evans:

> Today, it is with the deepest gratitude and with the utmost respect that I would like to honour the memory of one of these young men, of one of my boys of the Somme who gave his today for our tomorrow. I would like to pay a very respectful tribute to Private number 2786 Charles James Honway who fought in the 12th Australian Infantry Battalion, 3rd Brigade, 1st Australian Division of the Australian Imperial Force, and who died of his wounds 107 years ago, on July 24, 1916 at the age of 25 during the Battle of the Somme.
>
> Charles James Honway was born on December 4, 1890 in Adelaide, South Australia, and was the son of Michael and Catherine Honway, of Church Terrace, Walkerville, South Australia, and worked as a labourer at the salt works, Kangaroo Island until the outbreak of the war.
>
> Charles enlisted on July 1, 1915 in Keswick, South Australia, in the 12th Australian Infantry Battalion, 9th Reinforcement under the command of Lieutenant Colonel Lancelot Clarke and after a training period of just over two months, he embarked with his unit from Adelaide, on board HMAT A15 Star Of England on September 21, 1915 and sailed for Greece.
>
> In the fighting around Pozieres the 1st Australian Division lost 7700 men, the 2nd Australian Division had 8100 casualties and the 4th Australian Division lost 7100 men. Joe Maxwell's platoon, as an example, went from 60 men to four. In his book, he described witnessing the bombardment from behind the lines:
>
> 'Rolling, brownish-black smoke-clouds eddied and swirled around us. The acrid tang of explosive hung heavy in the air. It was ripped again and again by the quick yellow and red flash of bursting shrapnel. Higher and higher rose the thunder of the guns, the plumes of yellow multiplied, the smoke swirled faster, and the reek of explosives fell like the stench of death. Could anyone survive in this vast open-air slaughterhouse? Into the flailing wind of steel we stumbled. Men flopped into holes and dropped on the slopes of ridges merging with the grey-brown of the soil.'

Unfortunately, it was during the second day of the battle of Pozieres that Charles met his fate and was seriously wounded, then was immediately evacuated and admitted to the 3rd Casualty Clearing Station in Puchevillers where, despite the care he received, he died a few hours later at the age of 25.

On 31 August 1916, his mother, Mrs Honway of Walkerville, now a widow, received the heartbreaking telegram that she had lost her son at 25 years old. Today, Charles James Honway rests in peace alongside his friends, comrades and brothers in arms at the Puchevillers British Cemetery, Somme, and his grave bears the following inscription: 'Father, unto thee do we commend his spirit.'

Thank you so much, Charles, for all that you and all your comrades have done for us and for my country and whose gratitude, respect, admiration and love will always be yours. At the going down of the sun and in the morning we will remember them.

Once again, I would like to thank the town of Walkerville and the Walkerville RSL for their moving service. I also thank local florist Poppies Flowers for providing the wreath that I laid in tribute, and acknowledge local students and staff from St Andrew's, Walkerville Primary, St Monica's, and Wilderness for also attending the service and for laying tributes. Lest we forget.

Mr WHETSTONE (Chaffey) (12:22): I, too, would like to rise and make a contribution to what is a very important day and a very important motion brought here by the member for Waite. On the 11th day of the 11th hour, I stood in silence and reflected on Remembrance Day, as did much of the world. I, like many of the members, attended a local RSL Cross of Sacrifice in honour of the day, and, for me, it was Waikerie's turn.

The service in our region contributed to a better Riverland and I applaud all of those involved. I want to make note of the ever-increasing attendance by our young citizens. I think it is a sign of respect and something that I am very proud of: that those young schoolchildren who attend the services of remembrance do it with pride and they do it not only to capture the imagination of what conflict meant but to understand the freedoms that we enjoy today.

In Chaffey, I have a number of RSLs. Those that had services included Swan Reach, led by their President, Bob Deidre; in Loxton, by Jim West; in Waikerie, by Paul Croft, where I attended; in Morgan, by John Forrester; in Barmera, by Jim Rolfe; in Berri, by Chris Ware; and in Renmark, by Peter Higgs.

Just as a point of note, Australia's largest contingent of Vietnam veterans come from Renmark per head of population, so I am surrounded by many returned servicemen, particularly with the returned servicemen properties that were handed to them on returning after service. Of course, at the Blanchetown RSL, Kim Parry is the president. All the RSLs do a magnificent job of not only promoting and reminding us of the sacrifice soldiers have made for our country and ultimately giving us the freedom that we enjoy today, but also providing a level of support for the community and for the veterans in our very small communities in the Riverland.

Many of these clubs have built and maintained memorial rooms and special collections of a range of Australian military books, DVDs, magazines and memorabilia. I want to pay tribute to one particular museum, which is carefully maintained and collected by Lorraine Masters at Loxton. She does a remarkable job, as do all of my RSLs, but that is one that is truly inspirational when I visit. As I have said, they also play a vital role in not only maintaining this important part of our history but reminding us how lucky we are. It gives us a very clear understanding of the hardship and, in some way, shape or form, the ultimate sacrifice that those people made to give us the lifestyle we enjoy today.

This year, we commemorate 103 years and the anniversary of armistice that ended the First World War hostilities. More than 60,000 Australians died fighting for our freedom, including more than 5,500 South Australians. I will just share a story that I listened to at the Waikerie service and it goes something like this: Flight Lieutenant Douglas Howie was born in Renmark on 5 June 1915. He enlisted on 4 March 1940 and was posted to the No. 1 Squadron RAAF by December 1941. No. 1 Squadron was equipped with Lockheed Hudson patrol bombers based in Malaya. While stationed at RAF Kota Bharu near the Malaya-Thailand border and two days before the Japanese attack on Malaya, the RAAF Hudsons spotted the Japanese invasion fleet, but given the uncertainty about their destination they were instructed to avoid offensive operations until attacks were made against friendly territory.

Shortly after midnight local time, on the night of 7 and 8 December 1941, the Japanese force started landing on the beaches at Kota Bharu close to the airfield. From about 2am, No. 1 Squadron launched a series of assaults on the Japanese forces, becoming the first aircraft to make an attack in the Pacific War. The Hudsons sank a Japanese transport ship and damaged two others for the loss of two planes. This action took place an hour before the Japanese attack on the American fleet at Pearl Harbor.

Several of the squadron, including Flight Lieutenant Howie, were taken as prisoners of war by the Japanese and were imprisoned in Changi in Singapore and later put to work on the Burma Railway. For those younger people here today, if you are not aware of what that means, then my challenge is to google it. Look it up on the internet.

Doug survived that horror and returned to Waikerie where, as I mentioned, he helped start up the rowing club. He was discharged from the RAAF on 19 March 1946 and sadly passed away at Goodwood on 5 July 2009, age 94—not a bad innings—and is buried at the Waikerie Cemetery. He is listed on the Ballarat Australian Ex-Prisoners of War Memorial and the Renmark District Roll of Honour for World War II veterans. The Ode of Remembrance was first published on 21 September 1940 by Laurence Binyon:

> They shall grow not old, as we that are left grow old;
>
> Age shall not weary them, nor the years condemn.
>
> At the going down of the sun and in the morning
>
> We will remember them.

Ms HUTCHESSON (Waite) (12:29): I would like to thank all of the members for their contributions this morning. Remembrance Day serves as it should to remind us of those who have served whilst it also marks the end of World War I. We give thanks to all of our service personnel who have served in the past and continue to serve today. Whilst many women and men lost their lives in war, those who are left behind to carry on without them also deserve to be recognised. They carry the sadness and the hopes and dreams they had for that person with them.

In conclusion, I urge all members to support this motion, which they have, which is fabulous, and let us stand united in our gratitude for remembrance. Lest we forget.

Motion carried.

THE HEADSTONE PROJECT

Mr PEDERICK (Hammond) (12:30): I move:

That this house—

(a) acknowledges the importance of providing due recognition to those who served in World War I and that The Headstone Project gives that recognition, respect and a sense of closure to World War I veterans' families;

(b) calls on the Malinauskas Labor government to support our fallen soldiers and provide funding to The Headstone Project at the requested amount of $75,000 guaranteed for three years; and

(c) calls on the Malinauskas Labor government to petition the Albanese federal government to reverse its previous decision and agree to grant The Headstone Project S.A. 'Deductible Gift Recipient' status.

I note that, if we are elected in 2026, we will commit to funding The Headstone Project South Australia at a cost of $75,000 per year for three years. As background in regard to this vital project, in 2010 John Trethewey, a Tasmanian historian researching World War I veterans, discovered that some were in unmarked graves. That led to families and friends of the First AIF in Tasmania starting The Headstone Project.

After eight years of effort, led by Andrea and Ron Gerrard researching, finding families, planning, fundraising and erecting headstones, the group dedicated the last of 316 previously unmarked veterans' graves in Hobart's Cornelian Bay Cemetery in December 2018.

Inspired by the Tasmanian program, John Brownlie and Neil Rossiter developed The Headstone Project South Australia to mark the graves of World War I veterans with a prescribed military headstone to acknowledge their service to our nation. This program has been successful in providing due recognition to those who served and providing comfort and closure to their families. It is speculated that there could be as many as 2½ thousand World War I diggers buried across South Australia in unmarked graves. John Brownlie has written to the Leader of the Opposition and noted the following:

> Between 2018 and 2024, The Headstone Project received recurrent annual funding committed over two separate three-year funding agreements. This financial support has now ceased as it was not renewed at the recent state Budget.

Recently, the Hon. Tim Whetstone MP, the member for Chaffey, mentioned the value and benefits of The Headstone Project South Australia in the House of Assembly on Wednesday 1 May, noting

that there are still 680 unmarked graves across South Australia. On 5 June 2024, the Hon. Frank Pangallo noted in the other place that:

> It was extremely disappointing to learn this week that the veterans affairs minister, Joe Szakacs, told the project they were unlikely to get the funding they are seeking to identify around 50 graves each year over the next four years. It costs about $1,500 per grave, which includes a headstone and a plaque. We are talking about a paltry $75,000 a year, yet the government can find millions of dollars for their pet bread and circuses projects.

As Mr Brownlie mentions, the project received funding from the Marshall Liberal South Australian government in two three-year funding arrangements between 2018 and 2024. As an additional blow, the Albanese government has recently refused a request to grant the group deductible gift recipient status, further compromising the likelihood of the group attracting funding for this admirable cause.

I want to also note that I have witnessed on one of my visits to Mobilong Prison that some of these headstones are manufactured there, so that is good work by the prisoners in contributing to this project. I think we owe due recognition to all those who we can identify where they lay in unmarked graves so that we can give them the respect they deserve.

I mentioned earlier today about visiting the battlefields of France and Belgium, and I visited the battlefield of Fromelles which was one of those sites. Apart from being a terrible place, just flat country where they were charging into machine guns, the enemy had a water tower so that they could see everyone coming which resulted in a terrible massacre where a lot of allied soldiers were buried in mass graves. I take my hat off and salute the people working with the new Fromelles cemetery, which is a beautiful spot to commemorate the soldiers, where they have done a huge amount of work at that site in identifying the remains of soldiers who fell in that terrible battle, which was just one of the terrible battles of World War I.

Certainly, when you visit some of those cemeteries, especially those for World War I, too many times you see the grave marked with the unknown soldier, 'Known unto God'. That shows the devastation that happened in war, especially with identifying people who have paid the supreme sacrifice. I think what we should be doing here in this state is all we can to support this project to make sure that we give those who have not only been prepared to lay down their life but did lay down their life for this great country. Lest we forget.

Ms HUTCHESSON (Waite) (12:38): I move an amendment to the member for Hammond's motion, as follows:

> Remove paragraph (b) and insert new paragraph:
>
> (b) supports our fallen soldiers and recognises that the Malinauskas Labor government has committed to provide $60,000 in funding to The Headstone Project over three years; and
>
> Remove paragraph (c) and insert new paragraph:
>
> (c) supports The Headstone Project's efforts to apply to the commonwealth government for 'Deductible Gift Recipient' status.

I would like to take a few moments to reflect on a remarkable initiative that underscores the deep respect and gratitude we owe to the men and women of our armed forces. As Australians we all share an enormous debt of gratitude to those who have valiantly served our nation, dedicating their time, spirit and labour to the vital mission of defending our values and our freedom.

On days of national remembrance such as Remembrance Day, which we just spoke about, and ANZAC Day, we come together as a collective community to honour those who have served and to reflect on sacrifices they have made. However, we must acknowledge the personal moments of commemoration that occur throughout the year at the gravesides of loved ones when families—grandparents, parents, siblings and community members—come together to mourn. Regrettably, in so many instances we find these graves are unmarked or lacking in proper identification that honours the service of those resting within. This is precisely why the work of The Headstone Project in South Australia is so vital.

The Headstone Project South Australia was initiated in 2017 as a not-for-profit organisation dedicated to recognising and honouring World War I veterans who have been laid to rest in unmarked graves across Australia. A small but dedicated group of local volunteers engages in extensive

research to locate the veterans, track down their descendants and, ultimately, replace unmarked graves with formal headstones.

The work is not merely a task but a heartfelt mission, and it was inspired by the courageous efforts of The Headstone Project in Tasmania. In Tasmania in 2010 historian John Threthewey uncovered the existence of unmarked graves of World War I veterans. This discovery propelled the families and friends of the First Australian Imperial Force in Tasmania to start a movement that culminated in the dedication of 316 previously unmarked veterans' graves in Hobart's Cornelian Bay Cemetery in December 2018—a feat led by the tireless efforts of Andrea and Ron Gerrard.

Building on this inspiring model, The Headstone Project SA was developed by John Brownlie and Neil Rossiter, with backing from the community. Their motto, 'They served, they deserve to be remembered' encapsulates the essence of their mission.

I was fortunate to attend the Mitcham Cemetery to witness The Headstone Project firsthand in June 2022, when there was a tribute to four servicemen from the area. Gilbert Gray, who died on 26.11.1972 aged 82, was cremated at Centennial Park. His ashes were then interred in the grave of his parents, Gilbert and Mary, at Mitcham. James William Gilham was born in approximately 1875 in Essex, England, to Sarah and William Gilham, and was said to be one of 15 children. James Gilham joined the AIF on 11.12.1916 and was allocated service number 18921. He was nearly 42 years of age at his time of enlistment. After the war he returned with his family and opened a grocery store on Princes Road, Mitcham, named J.W. Gilham & Sons, after his wife and his sons.

Norman Victor Mengersen was also honoured. He was born in Palmer, South Australia. Of the eight children in his family, four enlisted. Norman joined the AIF on 1.12.1915 at the age of 19 and served with the 10th Reinforcements of the 27th Battalion. David Clarence Vernon was also honoured. He joined the Australian Army in Victoria in 1915, and is also buried in the Mitcham Anglican Cemetery. These service people now have the recognition they deserve, and I commend the work of The Headstone Project.

In the past seven years the project has received over $114,000 in grants from the South Australian government, spanning both Liberal and Labor administrations. It is important to note that the support for this project transcends political boundaries. During the 2019-21 financial years the project received $10,000 annually from the last Liberal government. In contrast, the Malinauskas Labor government has doubled that support, committing $20,000 per year in state grants for the 2022-24 financial years and providing an additional $11,102 from the ANZAC Day Commemoration Fund to support The Headstone Project in Renmark.

Moreover, our government has entered into a further three-year funding agreement with The Headstone Project at a rate of $20,000 per annum going forward. This government also remains committed to advocating for the resumption of the commonwealth funding, which previously totalled more than $40,000 during the 2021 and 2022 financial years.

Despite the important work The Headstone Project does, they face challenges in obtaining Deductible Gift Recipient (DGR) status from the commonwealth. Thus far their efforts, including three applications since June 2023, have been unsuccessful. Achieving DGR status would be instrumental in enabling the project to receive public donations, thereby enhancing its ability to honour these veterans properly. Our minister has taken a proactive stance, advocating for a review of this application on behalf of The Headstone Project in South Australia.

Today we seek to amend the motion in its current form to better reflect the ongoing work of The Headstone Project in South Australia and the support it receives from parliament. These amendments recognise not just the financial backing from the South Australian government but also the continuing advocacy that is necessary for meaningful initiative.

In conclusion, it is our responsibility individually and collectively to ensure that we commemorate those who have served our community, to keep their memories alive and to provide them with the dignified recognition they so rightly deserve.

Mr WHETSTONE (Chaffey) (12:44): I rise to support the member for Hammond's original motion:

That this house—

(a) acknowledges the importance of providing due recognition to those who served in World War I and that The Headstone Project gives that recognition, respect and a sense of closure to World War I veterans' families;

(b) calls on the Malinauskas Labor government to support our fallen soldiers and provide funding to The Headstone Project at the requested amount of $75,000 guaranteed for three years; and

(c) calls on the Malinauskas Labor government to petition the Albanese federal government to reverse its previous decision and agrees to grant The Headstone Project SA 'Deductible Gift Recipient' status.

It is an initiative carried out by The Headstone Project, the voluntary organisation identifying unmarked graves and placing prescribed military headstones at their sites. The Headstone Project began in Tasmania in 2010. The SA branch, started by John Brownlie and Neil Rossiter in 2016, unveiled the first headstone in 2017, and today it has over 30 members. I have met most of those members in my travels around the electorate.

The Riverland does have an over-representation of unmarked headstones. Sadly, that is the reality of what we find ourselves in, particularly in some of the small regional cemeteries around the Riverland. In Chaffey, we have a proud history of returned service settlers. As I said in my former contribution, Renmark has some of the highest numbers, per head of population, of returned servicemen who served in Vietnam. That is all too reflective of all of the conflicts that the Riverland community has been a part of for a very long time.

The allocated land, farming fertile soils aided by the River Murray, was a great anchor point for those returned servicemen. Most of those returned soldier settlement blocks were divvied up into 20-acre lots. What it did was give them a sense of purpose. It gave them a sense of reward for the service they gave for our freedoms. We have seen over time that it was a great opportunity for those returned servicemen, particularly to help them deal with their mental health after the trauma that they had encountered in conflict.

They were given the opportunity to work hard, come home and be a part of a community that by and large accepted them and also welcomed them back into the community in most instances, I must say. There was certainly some discussion around returned servicemen, particularly after some of the conflicts where we saw a level of adjustment not only from the servicemen but from community members.

In March this year, I was privileged to speak at the dedication of Private George Stodart's headstone at the Berri cemetery. Private Stodart was a World War I veteran in the 10th Infantry Battalion and the 3rd Light Trench Mortar Battery. He served in Egypt and on the Western Front, and sadly he passed away around 17 April 1923.

I spoke with Private Stodart's family, who were in attendance. It was great to reflect on giving that family closure and a sense of pride that one of their family members had been recognised for their service in the appropriate manner. It was no longer an invisible burial site. It now had recognition and some level of closure for their family.

I was also pleased to meet The Headstone Project's South Australian president, John Brownlie, and in June I was invited by The Headstone Project and did attend at the Renmark Cemetery to honour and acknowledge 16 service personnel who served in World War I. It is a great project. It is a project that needs due recognition and it does need that level of funding. Some of those decorated returned servicemen are given an extra recognition on those gravesites where they have a significantly elaborate headstone, aided by a flagpole.

That support and recognition does come with I think deserved support from both state and federal governments, because those service personnel did make the ultimate sacrifice and they deserve that recognition. The Headstone Project has been successfully providing that recognition for almost a decade now and providing comfort and closure, as I said, to those families here in South Australia.

But there is still much more important work to be done for the estimated two and a half thousand World War I diggers buried across South Australia. The former Liberal government funded

two three-year agreements for The Headstone Project, between 2018 and 2024. At first that funding was not continued by the current Labor government, but now, with pressure from the community and the opposition, the government has committed $20,000 per year to the project.

That is simply not enough. It does not give the recognition, it does not give the work needed to locate the headstones and research who those returned service personnel are. It is a labour of love. It is a labour for many dedicated volunteers who are doing great work to carry on the legacy that we now expect, enjoy and should show respect for, as should both the state and federal governments.

I must say that while the funding is part of it, it is the work that this Headstone Project group does that is an outstanding contribution in the modern day for what we saw in yesteryear. What it is going to take is a continuation of that support of $75,000 a year. That is why I am a part of a Liberal government that will continue that work in 2026, should we be elected, and commit the $75,000 each year for three years to ensure The Headstone Project can keep this vital service alive.

The future support is also apparent and needed and the Albanese Labor government has also refused a request to grant the project deductible gift recipient status. That is just a very, very small contribution by the federal government that they have refused. The project is already underfunded by the government and now they will not even make it easier for The Headstone Project to receive support from the community. The community members, I am sure, would be more than happy to contribute and to be a part of what we would expect to be the recognition for those returned service personnel.

It is clear that veterans and those who fought for our country are being neglected by a stingy government, both state and federal Labor. I am calling on the Premier that he must call on his Labor mates in Canberra. He must reverse the decision on the tax-deductible status. It is a status that I think is notable and worthy.

For different reasons we in this place, as representatives of our community, can stand up here and have that debate, make a contribution via a speech to making sure that we can and should continue to fund a vital program that continues a legacy for our young ones to better understand the freedoms that we have today and better understand that the life that they live today was from a sacrifice that was given in yesteryear.

Mr PEDERICK (Hammond) (12:54): I rise to close the debate about this important project. I want to make a correction to the *Hansard*. In my previous contribution I made a comment about an earlier contribution in May from the member for Chaffey and stated that there were 680 graves that still needed to be identified by The Headstone Project. That is the number that have been identified by The Headstone Project and acknowledged.

I acknowledge the Labor government coming late to the table with a funding contribution. Even though it pales in comparison to our contribution of $75,000 a year, $20,000 a year is a start, but it took our policy announcement for that money to come, and I think our veterans and our long-lost World War I veterans deserve better. It should not get to the stage where one party puts up an excellent policy on supporting The Headstone Project for another party to come in, albeit with a much lesser amount than our $75,000 a year—which we will put into a fund for supporting The Headstone Project if we are fortunate to be given the privilege of winning government in 2026.

As I indicated earlier, right across South Australia, and certainly right across the world, in fact, if you look at it on a broader scale, there are so many unmarked graves of those who have served. I mentioned before about the work that has been done at various sites. Fromelles is one that has been in the media multiple times regarding the magnificent work done by people to recover bodies. The work they go through in identifying remains of soldiers from that fierce battle does bring some closure to families, in the sense that they know where their loved one fell. Now it gives them the opportunity, if they ever visit those battlefields in France and Belgium, to go to a marked location and visit their loved one.

When I was there at the end of 2010, I was privileged to find the grave of my brother-in-law's great-uncle. It was in a small military cemetery attached to a civilian cemetery. I was privileged to put a little wooden cross there and get some photos. I know that my brother-in-law and my sister have

been there since to visit that grave. That is one of the ones that have been marked for many years but, as I said, there are thousands of these locations right across Europe.

Obviously, there are many graves here in South Australia. As I indicated, I was at a service on Monday at West Terrace, where there are at least 4,000 servicemen and servicewomen buried at the West Terrace Cemetery. I think the more we can do to recognise the sacrifice that people have made, right across well over a century of looking after us and being prepared to make the ultimate sacrifice for us, the better. It is vital in making sure that history is preserved so that people can recognise what servicemen and servicewomen have done for this great country.

If we do not learn from history we are doomed to repeat it, and we do not want things to repeat. Sadly, we have seen too many conflicts over time and there are plenty of conflicts at the moment around the world. Sadly, they do not seem to stop; there is something going on in the world somewhere wherever we are. I commend the people from The Headstone Project. I would certainly like the state Malinauskas Labor government to commit to $75,000 a year and I would certainly like, as we have asked, the Albanese Labor government to make The Headstone Project eligible for deductible gift recipient status.

Debate adjourned.

Sitting suspended from 13:00 to 14:00.

Bills

ELECTORAL (ACCOUNTABILITY AND INTEGRITY) 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.

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (ORDERLY EXIT MANAGEMENT FRAMEWORK) 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

VISITORS

The SPEAKER: It is a fairly quiet day. We are almost into question time, but before we get there I would like to welcome students from Pulteney Grammar School who are guests of the member for Adelaide. Welcome to parliament. It is great to have you in here. I hope you enjoy the next hour or so of question time, and I am really hoping that everyone is as well behaved in here as you are up there in the gallery. We will see how we go.

Mr Cowdrey: It's starting to get old.

The SPEAKER: It's new for them. We get a new crowd in every day. You are the only one who hears it every day. We are going to kick off question time now with the Leader of the Opposition.

Question Time

WHYALLA STEELWORKS

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:02): My question is to the Premier. What practical outcomes resulted from the Steel Task Force in-depth meeting last Friday?

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:03): I thank the Leader of the Opposition for his question because this is obviously a very important matter for the state and, indeed, it is an important matter for the country. As I foreshadowed publicly mid last week and have spoken about in the media since then, on Friday representatives of the Steel Task Force met with

myself and the Minister for Energy and Mining just to get the latest update in regard to the progress of the steelworks.

As I enunciated at a press conference yesterday to a question I received from Rory McClaren, I think it was, the update we received on Friday regarding the steelworks' operations is largely consistent with those that we had received prior to that. We are obviously aware that GFG have entered into payment plans with a range of creditors in South Australia, particularly the larger creditors that are particularly important to the operations at the mine site. That work is in progress and in train, but we want to see evidence that that heads in the right direction. There are still very serious questions for GFG to answer in that regard.

The real focus, from the state government's perspective, is on the matters that we reasonably can control. If we controlled it, we would obviously prefer that people on the ground in Whyalla were getting paid on time. We would prefer it if the state government was being paid on time in terms of the debts owed to the state, but what we have to focus on are the most immediate issues that we can really control as state government, and top of mind of course is preparing and planning for any circumstances that might emerge.

Our hope is that GFG can get things back on track. Since the Friday meeting, I received a report yesterday that work is still in train and there are signs of improvement in terms of the operations of the blast furnace and getting it back up and running, but maybe the Minister for Energy and Mining can provide more detailed feedback on that. What we are focusing on is all eventualities.

We hope GFG is able to recalibrate its position, if I put it mildly, in terms of its position with various creditors around the state, but what we've got to do is prepare for every possibility. That includes engaging with the federal government, which has happened at the highest levels. I have spoken to the Prime Minister about it, the Minister for Energy and Mining is dealing with his equivalent counterpart in Minister Husic from the commonwealth, and this is something we remain committed to.

The other element, of course, that occupies a lot of the government's mind in regard to this area is what we are doing in and around the State Prosperity Project in a way that will have a particular benefit for the Upper Spencer Gulf more broadly, not just in Whyalla but also in Pirie and Port Augusta, which I know that both the member for Giles and the member for Stuart are actively engaged on. That also includes the government's Hydrogen Jobs Plan, which is obviously a very substantial undertaking and an exceptionally complex one as well. Of course, there are challenges—there were always going to be—but we remain committed to the project and it is something we are really quite excited about, particularly as milestones get met as we get closer towards major construction starting on that plant, which we hope will be next year.

WHYALLA STEELWORKS

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:06): My question is to the Premier. Has the Premier met with the new managing director of LIBERTY Primary Steel?

Members interjecting:

The Hon. V.A. Tarzia: Answer the question. We asked the question.

The SPEAKER: The leader, I ask people to answer the question, not you. The Premier was just seeking some clarification. The Premier, you have the call.

Members interjecting:

The SPEAKER: The leader, you won't last long in here today if you keep interjecting. You asked a question. Sit silently and listen to the answer, thanks.

The Hon. P.B. MALINAUSKAS (Croydon—Premier) (14:07): It's clear that the Leader of the Opposition doesn't know the name of the very position that he refers to, which sort of raises question marks over his information or the sincerity of his interest in the subject matter. The government has met with senior representatives of GFG at all levels, whether it be Sanjeev Gupta.

Mr Gupta presented to the entirety of the cabinet only a couple of weeks ago, or thereabouts, when we were there in Whyalla, along with Theuns Victor, who I think is the person that the Leader

of the Opposition was referring to. Whether it be Sandip, who is quite senior in the operations as CFO of the operation of the steelworks—so, yes, we are meeting with Mark Scholem, who represents the major engagement arm of GFG with governments at both state and federal level. We are in contact with everybody and anybody who is important to the operations of the steelworks.

AURIZON RAIL SERVICES

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:08): My question is to the Premier. Can the Premier provide an update on the rail services that transport iron ore from GFG Alliance's mining operations at the Middleback Ranges to the Whyalla Steelworks and to the town's port for export? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: In October, the ABC reported that the rail freight operator Aurizon has suspended some of their rail services provided to GFG.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:09): I think it's no surprise that for a number of major operators with GFG—given the blast furnace is not fully operational yet, although the latest advice we have is that billet will begin to be poured next week—because the blast furnace is not operating, work is down.

So, yes, whether it's Aurizon or Golding or any other contractor that is doing major parts of works that are linked to the operation of the blast furnace that have issues with payments, these are questions for GFG, not the South Australian government. The South Australian government is committed to the operations at Whyalla, committed to the Middleback Ranges, committed to making sure that steelmaking continues in this state.

We are the government that's investing in hydrogen in the Upper Spencer Gulf, we are the government that are investing in GFG, we are the government that put $50 million up to reinvest into the steelworks, we are the government that got Arrium out of administration, and no level of screaming and interjection or complaints or whining or whingeing will change any of that. It is this government that stands by steelmaking in the Upper Spencer Gulf, it is this government that stands by the people of Whyalla—

Members interjecting:

The SPEAKER: The member for Chaffey! The member for Flinders!

The Hon. A. KOUTSANTONIS: —it is this government that supports the mining operations of the Middleback Ranges and wants to see green iron develop, not members opposite who have derided every single opportunity for us to try to decarbonise steelmaking or reinvest in Whyalla. When the Leader of the Opposition can't even name the operations manager he is talking about, it speaks volumes about what their commitment is.

No matter what members opposite say, we are committed to Whyalla. If they listen to our public remarks about Whyalla they would know that. Instead, what they are attempting to do is to politicise a town that is doing it tough. Real people—

Members interjecting:

The Hon. A. KOUTSANTONIS: A business? No, Whyalla is a city, and Whyalla is linked to the rest of the country. Whyalla is one of the most important cities anywhere in Australia. Why? It is our last structural manufacturer of steel in this country. If we want to make rail line in this country, Whyalla is critical.

Members interjecting:

The SPEAKER: The member for Flinders, you are on your final warning.

The Hon. A. KOUTSANTONIS: The people of Whyalla deserve more than being treated like a business. Whyalla is more than a business; it is the arteries of the Australian economy. Without rail line, we can't move freight, we can't move logistics, we can't move commodities across our

country. Whyalla is critical, and I won't have members opposite just screaming platitudes into the parliament without an alternative point of view. The truth is this—

Members interjecting:

The SPEAKER: The member for Chaffey and the member for Morphett will come to order. You are on your final warnings.

The Hon. A. KOUTSANTONIS: —Whyalla is critical to this country's future prosperity. This government and every person on this side of the parliament and the crossbench stands with the people of Whyalla and we will do everything we can to maintain their prosperity.

GOVERNMENT ADVERTISING EXPENDITURE

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:12): My question is to the Premier. How will the Premier's expenditure on government advertising help South Australians in a cost-of-living crisis? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: According to Government Communications Advisory Committee reports, this government is tracking to spend more than $100 million on government advertising that includes $1.9 million to promote the VAILO 500, nearly $1.2 million on a campaign to promote its Housing Roadmap, and over $420,000 on a campaign regarding Torrens to Darlington.

The Hon. S.C. MULLIGHAN (Lee—Treasurer, Minister for Defence and Space Industries) (14:13): It's funny, isn't it, being lectured by those opposite when it comes to government advertising expenditure, those opposite who spent nearly $150 million on advertising when they were in government. They were wrapping the government-owned trams in their propaganda, talking about 'building what matters', and the funny thing was they weren't building anything.

Members interjecting:

The SPEAKER: The member for Flinders can leave the chamber until the end of question time, and the member for Chaffey can join him, until the end of question time. I want silence on my left.

The honourable members for Flinders and Chaffey having withdrawn from the chamber:

The Hon. S.C. MULLIGHAN: They did not build a thing when they were in government but they tried to tell everybody that they were. The difference between their time in government and our time in government is we actually do things. We are actually getting things done: expanding the hospitals and adding more beds, providing the financial supports and cost-of-living relief, Majors Road upgrades to the Southern Expressway, so people of the southern suburbs get better access to the metropolitan area. We actually do things, and we provide programs and opportunities for South Australians to get more from their government and it's worth telling the community about it. That's the difference between them spending $150 million advertising nothing and us getting on with the job of improving our state, expanding our hospitals, building more roads, improving our schools, expanding education, providing $800 million worth of cost-of-living relief when they did nothing.

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

The Hon. S.C. MULLIGHAN: Here we go: the former minister for education so proud of that new high school he built in his own electorate, lecturing us about education expenditure that the member for West Torrens put in the state's finances.

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

The SPEAKER: The deputy leader will come to order.

The Hon. S.C. MULLIGHAN: What an amateur. What an amateur. You have no credibility to come into this place, no credibility to come into this place and criticise this government for getting on with the job of actually doing something in government. It might be worth actually looking in the mirror and instead of practising the question time performance like you all do, looking in the mirror and wondering why—

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

The SPEAKER: The member for Morialta is on his final warning.

The Hon. S.C. MULLIGHAN: —you only lasted four years out of the last 20. It's because you did nothing, you did nothing—$150 million parroting about nothing. That was your record and that is why you have barely got enough for a twelfth man. That is why.

FERAL DEER

Mr McBRIDE (MacKillop) (14:16): My question is to the Deputy Premier. Will the government consider introducing a deer bounty to complement the ongoing strategies for deer eradication in South Australia? With your leave, Mr Speaker, and that of the house, I will explain.

Leave granted.

Mr McBRIDE: Funding for South Australia's Feral Deer Eradication Program is due to run out in mid-2025. In a recent ABC article, stakeholders were warned the recent culling figures don't account for ongoing breeding and ultimately will amount to little more than sustainable harvesting.

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) (14:16): I am very pleased to be asked a question about the state of feral deer in South Australia. They are an absolute catastrophe not just for the environment, but very acutely and financially for farmers, for primary producers. They wreck the landscape. We have at last estimate some 40,000 head of feral deer in South Australia and recently we were able to announce as part of the eradication program that we have managed to get rid of 20,000.

Now, of course, 20,000 is good but they have been breeding in the meantime, so we have to try to keep ahead, and the member is absolutely right to point out that at present the funding that has been established for that ends at the beginning of the next financial year. We are already actively involved in trying to get some more funding from the federal government. One of my staff members very kindly agreed to be the person to go on a very small plane with people from the commonwealth, to go over and have a look at some more of the properties that were affected by feral deer, alongside the landscape board that has been significantly championing this approach.

There are, however, continuing challenges and I am glad that the member has proposed the idea of a bounty because it suggests that the member is indeed also committed to the idea of eradicating feral deer. Bounties do have some challenges, though, as a policy instrument and they tend not to be used in an eradication program; they are used more when management is the goal rather than eradication. The reasons are manifold: one is that it does tend to encourage people who want to make a living out of the bounty to continue to have some animals for next year, so they tend not to go after the animals that are likely to breed again, and it creates sort of an ongoing industry for them, so that's why it's one that's not often used.

But there is also a perversity with this particular species where bounties could be a problem because there are landholders—let's say it in the plural although there is one in particular, of course—who have essentially feral deer, so untagged deer, on property and inadequate fencing. Whether, hypothetically, the landholder might choose to get people to pay to come on to do hunting for recreational purposes or maybe do that for free for some people, people come in, they enjoy doing the recreational hunting, and then having done all of that and having inadequately managed the fencing of their property which means that a whole lot of deer go across the boundary and into landholders' neighbouring properties, they might then try to collect a bounty on each of those heads.

That is not making any difference to the management of feral deer, so we need to be very careful in how we use incentives like that in a way that might be effective in actually driving down the numbers. As I say, we are chasing federal money, because federal money is the best money, and we are also looking at our own priorities to see how far we have gone and whether we need to reallocate some landscape money to this.

But make no mistake: feral deer are a menace. They need to be got rid of. You either have farmed deer, in which case you have excellent deer-proof fencing all around your property and you eartag your deer so they are identifiable, or you have feral deer on your property and you need to

get rid of them. We are happy to come and do it. So get on board for the landholders who have got these problems as soon as possible. Let's see if we can get on top of this. It is not a species that we want to keep around for recreational hunting. This is a species, as a feral species, that needs to go from South Australia.

MARINO RAILWAY STATION

S.E. ANDREWS (Gibson) (14:20): My question is to the Minister for Infrastructure and Transport. Can the minister update the house on the government's commitment to improving safety and amenity at the Marino Railway Station?

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:20): It was the member for Gibson who first brought to the government's attention the impacts of safety at the Marino Railway Station. I was called to a meeting with the head of the local Neighbourhood Watch committee, Darren Bailhache, at the Marino Railway Station. The member for Gibson, who does not represent that area, took an interest because the local MP had not been as concerned about safety at this railway station as the local Neighbourhood Watch would have liked.

I went to this meeting, and the local Neighbourhood Watch area was quite concerned about the level of lighting, the level of safety and amenity at the railway station, and felt that there could be a greater capacity for an increase in patronage at that railway station if we improved safety. I want to thank the member for Gibson for, one, taking an interest in the community that is adjacent to her own but not in her community, which is I think a credit to her as a local member of parliament, and a credit also to Alex Dighton, who has done an exceptional job at highlighting the problems with the amenity and safety at this area.

He made representations to the government about this. Unfortunately, the advocacy raised the attention of the local MP, who made a complaint to South Australia Police about Neighbourhood Watch going to the Minister for Transport about safety and amenity at a train station because they didn't dare go through him first. Can you actually believe a member of parliament was making a complaint to South Australia Police about Neighbourhood Watch going to the minister about the safety of a railway station? Interestingly, there had been other complaints to the police about this member of parliament but in a different way.

It is important to note that Mr Speirs was very upset that the government was looking at new tactile pavement markers to improve accessibility, CCTV camera technology throughout the station, a 24-hour emergency phone and upgrades to the platform's shelter. Who could possibly make a complaint to police about a government looking at improving safety and amenity in the local community? Only David Speirs and the Liberal Party. Only them, only they, the leader of the opposition, the person who led members opposite, would make such a complaint.

The Hon. J.A.W. GARDNER: Point of order.

The SPEAKER: The deputy leader.

The Hon. A. Koutsantonis: I've not gone the way you wanted?

The Hon. J.A.W. GARDNER: It was your question. Standing order 98, sir: the minister is now moving into debate.

The SPEAKER: I think the member asked about a piece of infrastructure, and I think the minister is giving an answer about—

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

The SPEAKER: He is talking about who called on that infrastructure to be upgraded.

The Hon. V.A. Tarzia: He's kicking a man while he is down, sir.

The Hon. A. KOUTSANTONIS: Kicking a man while he is down is having your candidate go on radio and call for compulsory drug testing. That is kicking a man when he is down. I am happy to be drug tested anytime you want.

Members interjecting:

The Hon. A. KOUTSANTONIS: You too? It's amazing. Talk about kicking a man while he is down. Anyway, this is an example of a Labor government working with the community to get a good outcome for that local community. Because of the work of Alex Dighton and the member for Gibson what we are going to see here is a coordination with the local Neighbourhood Watch community. They are seeing a good outcome at their railway station. They are seeing improvements. They are seeing better amenity.

What do we get out of that? We get out of that more people on public transport. When more people catch public transport, what we do see, of course, are benefits for carbon emissions, people save money on car parking and fuel, insurance costs for their motor vehicles. We are able to decongest and spend less money, of course, on infrastructure upgrades because it allows us to do more.

Unfortunately, another little gem in all this is that the outsourcing of our rail projects by the previous government also meant that the upkeep of all our railway stations was outsourced to Keolis Downer, which meant that the state government had to actually invest in these railway stations at a cost to the taxpayer, rather than from the transport budget. I have to say: what kind of political party outsources these types of investments?

The SPEAKER: Time's up, minister. The member for Frome.

ILLEGAL TOBACCO STORES

Ms PRATT (Frome) (14:25): My question is to the Minister for Arts. Has the minister made any closure orders with respect to illegal tobacco shops and, if so, how many?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:25): I thank the member for the question. It is probably in my capacity as Minister for Consumer and Business Affairs, but as the member may or may not be aware, the legislation that provides for closure orders was only recently passed by parliament with an expected start time in mid-December and has not actually received royal assent yet.

ILLEGAL TOBACCO STORES

Ms PRATT (Frome) (14:26): My question is to the Minister for Arts. Have CBS officers conducted any raids in regional areas and, if so, how many?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:26): I can inform the member that a substantial number of raids have been done in regional areas. Of course, it is operational in terms of identifying which stores have been raided, and we won't go there, but about 17 per cent of all raids that CBS have conducted have been in regional South Australia. A substantial amount of product has been taken off the streets in regional South Australia.

In fact, I think about a week ago when I did some press on it it was over $1 million of product that had been taken off the streets just from regional South Australia. SAPOL are also undertaking work in regional South Australia, but it is certainly a priority of CBS, and a significant amount of work has been done in regional South Australia right throughout, but particularly in the Mid North.

Ms PRATT: Supplementary.

The SPEAKER: We will see if it is a supplementary.

ILLEGAL TOBACCO STORES

Ms PRATT (Frome) (14:26): Of the percentage of regional raids that have been undertaken, according to the minister, have any of those facilities been closed down?

The SPEAKER: I will allow that as a supplementary.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:27): As I said previously, the legislation allowing me to shut down stores has not actually received royal assent yet.

Members interjecting:

The SPEAKER: Member for Frome, you will come to order because I am about to give your side an extra question for allowing your supplementary. It might be just good to refrain from yelling out or I will give the call to the indies up the back.

CIBO FRANCHISE

Mr PATTERSON (Morphett) (14:28): My question is to the Minister for Small Business. Is the minister taking any action to save Cibo and, if so, what action? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PATTERSON: Mr Tony Beatrice, owner of a Cibo Espresso franchise is in my electorate—

Members interjecting:

The SPEAKER: Members on my right, could you please be quiet, I can't hear the question. Can you start again member for Morphett?

Mr PATTERSON: Absolutely. Is the minister taking any action to save Cibo and, if so, what action? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr PATTERSON: Mr Tony Beatrice, owner of a Cibo Espresso franchise in my electorate, only recently signed another seven-year franchise agreement and undertook $150,000 of refurbishments.

The Hon. P.B. Malinauskas interjecting:

The SPEAKER: The Premier will come to order and stop the interjections.

Mr PATTERSON: He learned last week Cibo had been sold and may be rebranded.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:28): What I have not done—

Members interjecting:

The SPEAKER: Members on my right will come to order. I can't hear the minister.

The Hon. A. MICHAELS: What I haven't done is sign up to a data-harvesting scam, but what I have done—

Members interjecting:

The Hon. A. MICHAELS: What I have done about an hour or so ago is met with Tony and a number of other Cibo franchisees, with our Small Business Commissioner, to offer them our support and our assistance. So, yes, we have, thanks to the member for Adelaide, the member for Light and the member for Dunstan who brought their local Cibo owners to us only an hour or so ago. What we have done is offered that support, provided that advice and made those connections with the Small Business Commissioner.

I do find it extraordinary that the Liberal Party, as the Liberal Party, are suggesting that we might interfere in a free market. I think that is quite extraordinary. Of course we want the Cibo brand to survive. I personally love the Cibo brand. We have offered our support. I have met with them and I have asked them to come back to me after they have their initial meeting—they haven't even had their initial meeting with the proposed owner; that will be next week—but I have had those conversations and opened that line of communication.

YORKETOWN HOSPITAL

Mr ELLIS (Narungga) (14:30): My question is to the Minister for Health. Were nurses involved in a scary knife attack at Yorketown Hospital recently prevented or delayed—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: Sorry, member for Narungga. The Minister for Infrastructure and Transport, you are on your final warning. Member for Narungga, please start the question again.

Mr ELLIS: With great pleasure. My question is to the Minister for Health. Were nurses who were involved in a scary knife attack at Yorketown Hospital recently prevented or delayed from making statements to police and, if so, is that an appropriate course of action? With your leave, sir, and that of the house, I will explain.

Leave granted.

Mr ELLIS: Local media report claims from the ANMF that nurses who were involved were delayed from making statements to police pending bureaucratic approval.

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:31): I thank the member for Narungga for raising this very serious matter before the house and note his interest in terms of health services in his electorate and raising two questions about Yorketown Hospital this week.

This was a very concerning attack on our healthcare workers at this hospital site. Certainly, the government absolutely condemns anybody who would take action to attack one of our healthcare workers. That is why we have taken this very seriously in terms of the actions that we have taken across the board, partnering with the ANMF in terms of a 10-point plan to increase and improve security arrangements and protection for our staff, but also, of course, the parliament has passed greater penalty provisions for anybody who attacks healthcare workers.

I understand, following this attack that occurred at Yorketown Hospital, that those staff members have spoken to police, and we certainly would encourage the police to take whatever action they can under the law to make sure that the people who did this attack face the full consequences of the law. I understand as well—clearly, as the member has raised them—that the ANMF have raised concerns in terms of whether there had to be approval from the CEO of the Yorke and Northern Local Health Network. Can I make it absolutely clear that it is the government's position that any healthcare worker across the state should be able to speak to the police, particularly in relation to a matter such as this.

In an abundance of caution to make sure that these matters are clarified following the concerns raised by the ANMF, I have spoken to the Chief Executive of SA Health, Dr Robyn Lawrence, and asked her to make it clear to all chief executive officers across the state that all of our 49,000 staff are able to speak to SA Police when they need to, and particularly in a matter such as this when we want SA Police to be able to take as strong action as they possibly can against some really awful behaviour from, sadly, a member of our community who I think should face the full consequences of the law.

I hope that will clarify the concerns that have been raised by the ANMF, but I certainly am assured that the staff members have spoken and provided statements to the police, and we hope that appropriate action will be able to be taken.

APPRENTICESHIPS

Mrs PEARCE (King) (14:33): My question is to the Minister for Education, Training and Skills. Can the minister update the house on apprenticeships in South Australia, and is he aware of any recent updates on commencements?

The Hon. B.I. BOYER (Wright—Minister for Education, Training and Skills) (14:33): I am very pleased to have this question from the member for King. In fact, just this morning, I joined the member for Gibson in Seacombe Gardens, where I was also joined by my federal colleague the Minister for Skills and Training, Andrew Giles, as well as Scott Salisbury, who of course is a builder of very strong repute in South Australia over a number of years, and Stephen Knight from the Housing Industry Association.

Minister Giles announced an additional 1,340 fee-free TAFE places for construction, which we know is incredibly important at this time with the government's commitment around building new

homes. These 1,340 fee-free TAFE places in construction will make sure that the training is there for those who want to enter the industry as perhaps a bricklayer or a carpenter or a plumber or an electrician to make sure we have that pipeline of workers there to build all those new homes that South Australia needs.

But it also provides us today with a very important opportunity to have a look at the commitment that was made by the former Liberal government before the 2018 election. I know that some people in this place will remember a very specific election commitment that was made by the then Liberal opposition before they won the 2018 state election, which was for 20,815 new additional apprenticeships and traineeships—a very specific number. We have the opportunity now that time has passed to actually look at how many of those 20,815 were actually delivered.

The data we have managed to put together this week using the National Centre for Vocational Education Research, which is independent data, shows that, of the 20,815 that those opposite not only committed to deliver before the 2018 election but said in the lead-up to the 2022 election that they had delivered to the South Australian people, they fell almost 6,000 places short. That did not stop them telling South Australians that they had met their target of 20,815, but that is not all.

We need to look to where the growth was because we know that this commitment was not tracking well in the early days of the then Marshall Liberal government. In fact, at one stage, just 1,000 of those 20,815 had actually been created. Then COVID hit and the federal government stepped in with a time-limited wage subsidy program. There is nothing wrong with that, but it was time limited. In some cases, it offered to pay up to 50 per cent of the subsidy of the wage of an apprentice or a trainee. Of course, as you would expect, employees responded in kind and those numbers started to grow towards the target of 20,815.

But where did we see the growth? That is what we need to analyse today, especially given that we are at such an important time in our state's history with all of these big projects in front of us, whether it is AUKUS or a new Women's and Children's Hospital or a north-south corridor or a second year of preschool.

Where do we need the growth? Well, I will tell you where we got it: Certificate III in Fitness grew by 4,000 per cent, Diploma of Leadership and Management grew by 12,000 per cent and Certificate in Retail Management grew by 667 per cent. That is how we got to the figure finally of about 15,000, but still 6,000 short. What this government is focused on is making sure that, yes, we get growth in commencements and we improve completions but we have to get it where the state needs it. That is why things like fee-free TAFE are important, it is why our tech colleges are important, it is why the National Skills Agreement that we signed with an extra almost $700 million is important—to make sure we get growth in the areas where this state actually needs it.

VAILO COMPANY

The Hon. V.A. TARZIA (Hartley—Leader of the Opposition) (14:37): My question is to the Minister for Small Business. What support, if any, is the minister providing to small businesses who are alleged creditors of VAILO? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. V.A. TARZIA: I wrote to the minister over the weekend to raise concerns of Mr Matt Kowald, who raised concerns with me regarding allegedly unpaid invoices to his business.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:38): Yes, the Leader of the Opposition was busy. I think it might have been something like a 10.30pm letter on a Sunday night. Two creditors have been raised. One is a gentleman who made initial inquiries with the Small Business Commissioner. Information was provided to him. He has not returned for that assistance from the Small Business Commissioner, but that is obviously available to him.

With respect to the Leader of the Opposition's letter on Sunday, it has been given to the Small Business Commissioner. Obviously, the Small Business Commissioner does provide advice to small businesses that are having these sorts of issues with free—

The Hon. D.G. Pisoni: Did she say, 'Don't do business with VAILO who never pays?' Was that the advice?

The SPEAKER: The member for Unley can leave the chamber until the end of question time.

The honourable member for Unley having withdrawn from the chamber:

The Hon. A. MICHAELS: If small businesses are having issues receiving payment from any party, the Small Business Commissioner provides free advice and provides mediation services. Your particular constituent has been referred to the Small Business Commissioner to provide that advice. Anyone who has those concerns can obviously go to the Small Business Commissioner.

It is an excellent service that is provided by the state government, and we have seen significant improvements in the last little while from the Small Business Commissioner with these services. We are investing in small business in South Australia and, from your constituent's point of view, I encourage you to point him or her in the right direction towards the Small Business Commissioner to provide that advice.

APY ART CENTRE COLLECTIVE

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:40): My question is to the Minister for Arts. Will the minister restore annual funding and the capacity to have project funding for the APY Art Collective, and will she backdate that funding to when she removed it?

The SPEAKER: Sorry; I might ask the deputy leader to rephrase the final bit of that question.

The Hon. J.A.W. GARDNER: Okay, sir. My question is to the Minister for Arts. Will the minister or the government restore funding to the APY Art Collective and will that funding be backdated to the period on which they last received funding? With your leave, sir, and that of the house, I will explain.

The SPEAKER: Excellent work, deputy leader. Leave granted.

The Hon. J.A.W. GARDNER: As the minister is aware, in the middle of last year she authorised the removal of annual funding to the APY Art Collective, and since then they have not been funded that annual funding and they have not been able to receive project funding for their artists.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:41): As I have previously said publicly, and as the member is aware, we undertook a review of certain matters that related to the APY Art Centre Collective. The independent panel referred certain matters to ORIC, as I understand it, and I have not received anything to suggest otherwise.

ORIC is still investigating those matters and, as I have said publicly before, until those matters are resolved with ORIC the situation stands. The previous funding agreement was terminated. Once those matters are resolved they will be more than welcome to apply for more funding.

APY ART CENTRE COLLECTIVE

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:41): A supplementary, sir: the minister has just advised the house that she has not received any information otherwise. Has the minister received correspondence from the APY Art Collective addressed to the Premier and cc'd to the minister at the beginning of last week identifying that not only had the ACCC concluded their inquiry clearing the APY Art Collective of wrongdoing, but also that the matters relating to ORIC remaining were technical relating to the size of the organisation?

The SPEAKER: I am going to treat that as a separate question because, despite that phrase at the start, it sounded like its own standalone question, even though you did not read from a piece of paper. You have done a very good job, though—you almost had me.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:42): I am happy to answer the question, Mr Speaker. Yes, I have seen that correspondence and request for a meeting, and that is being organised. I have not received any advice, as I said, from ORIC on the status of their investigation.

APY ART CENTRE COLLECTIVE

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:42): My question is to the Minister for Arts. Has any budget allocation been retained to enable the restoration of annual funding to the APY Art Collective in the future, or has the APY now been removed from the list of key arts groups that get annual funding support?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:43): That funding remains in the art budget, and some of that money has actually been provided for certain projects that support First Nations artists in recent times. That funding is still there and available at some future point.

PRIMARY PRODUCERS

Mr McBRIDE (MacKillop) (14:43): My question is to the Treasurer, representing the Minister for Primary Industries in the other house. Will the government consider providing council rate reductions and/or interest-free fodder loans to regional areas? With your leave, sir, and that 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) (14:43): I thank the member for MacKillop for his question, and I also extend my thanks to him and to the member for Stuart, in particular, for their ongoing advocacy in this chamber but also for questions to me representing the minister in the other place, the Minister for Primary Industries, on this matter. As those two have made clear to me and also others in the chamber, it is very difficult for primary producers who have been impacted by a range of issues—not just the unseasonably dry conditions but, as we have heard as well, there have been other impacts like frost that have impacted primary producers across the state.

I can advise the house that the minister and her department are engaging with primary producers and their representatives on what measures may assist. As you can imagine, it is not necessarily a matter for the state government to provide council rate relief—the councils have that well within their bailiwick—but we are considering what other financial supports we can provide.

Last sitting week in response to a question from the member for Stuart regarding freight subsidies for donations of feed, I did undertake to take that away to the minister and her department to see what might be able to be supported. That work is continuing, in particular in consultation with those charitable organisations that have previously organised those sorts of arrangements in the past, as well as with primary industry representatives as well as what other programs the government might be able to assist primary producers in.

I'm sorry I don't have a definitive answer for the member for MacKillop, but I can advise him and the rest of the house that this is under active consideration so that we can provide a meaningful way as a state government to try to support primary producers who are experiencing these very challenging conditions.

SPORTS VOUCHERS PROGRAM

Ms THOMPSON (Davenport) (14:46): My question is to the Minister for Recreation, Sport and Racing. How is the government's Sports Vouchers program helping community members in the electorate of Black?

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) (14:46): I wholeheartedly thank the member for her question and acknowledge her strong belief in the importance of sport and recreation for people in our southern community and the role it has in keeping people healthy and active.

Mr Speaker, as you are very well aware, back in 2015 the Sports Vouchers program began here in South Australia. The program was most recently expanded at the start of 2024 to include Scouts and Girl Guides, and most recently the Malinauskas Labor government announced that from 1 January 2025 the amount for sports vouchers available per year per child will be $200—and expanded to include music lessons.

What an announcement that was in the heart of the electorate of Black! I had the pleasure of being at the Cove Sports Precinct, which has benefited from a $2.5 million investment from this government following excellent advocacy from outstanding local candidate Alex Dighton and local clubs, to make this announcement.

I was at this announcement with the excellent Assistant Minister for Junior Sport Participation, the Mayor of Marion, and some very happy young people from clubs including the Cove and Happy Valley BMX clubs; Sheidow Park Cricket Club; Seacliff Hockey Club; Hallett Cove Netball Club; Cove Tigers Netball Club; Cove Football Club Cobras; Victoria, a local rhythmic gymnast; and Serena, a super talented cellist. They were all really happy, as are the people at Kingston House Reserve where we have also invested $200,000 to upgrade and resurface two tennis courts at the reserve and provide fencing and a drinking fountain.

It is fair to say that the huge crowd of local community members in attendance at the Sports Vouchers announcement, the assistant minister, the mayor and I had a brilliant time, with so many parents sharing with us what a difference this doubling of the sports voucher amount will make to them.

So far this year 2,254 sports vouchers have been redeemed by people in the electorate of Black. The top five activities in Black for this year are football, swimming, gymnastics, soccer and netball—with a special mention to basketball, which is a very close sixth, and a shout-out to the two people who used it for tenpin bowling. So far this calendar year, 746 people in Hallett Cove and another 520 in Sheidow Park have utilised the voucher. Overall, the local community in Black have so far saved more than $224,000 this calendar year alone. This is more than the amount in 2022 and on par with the 2023 figure, bringing the total amount the local families in Black have saved to more than $640,000 since the start of 2022.

Should these numbers continue on the same path or, more likely, trend upwards next year, with this government's decision to double the amount of vouchers available to every eligible child, it will mean people in Black will be saving nearly half a million dollars a year toward the costs associated with participating in the sport and recreation they love.

We know this means our children and young people will embed themselves in their local community and benefit from the physical, mental and emotional wellbeing benefits that come with being active and part of a club. Being a local and being part of the local community is what Alex Dighton is passionate about. As a father and a teacher in the community, he understands the importance of ensuring the young people of Black are participating in the sport or recreation they love.

LITTLE AMAL

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:50): My question is to the Minister for Arts. How much did Little Amal cost to bring to the Adelaide Festival this year?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:50): That would be commercial-in-confidence, to be able to provide that. I think I might have taken a question on notice during the Auditor-General's, potentially, on where that major event funding was from, but I don't have a figure in front of me. I will take it on notice as to what response I can give, but I suspect the answer will be that it's commercial-in-confidence.

The Hon. J.A.W. GARDNER: Supplementary, sir.

The SPEAKER: The deputy leader. We'll see.

LITTLE AMAL

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:51): If the minister is saying it's commercial-in-confidence, is she able to tell the people of South Australia whether it was less than $200,000, less than $500,000 or, indeed, more than $500,000?

The Hon. V.A. Tarzia: Good question.

The SPEAKER: It was a good supplementary question. The Minister for Arts.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:51): I think that might be a hypothetical, and I am not able to answer that question.

ADELAIDE FESTIVAL ARTISTIC DIRECTOR

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:51): My question is to the Minister for Arts. For what period of time has the former artistic director of the Adelaide Festival been contracted in her new role at DPC? Does that timeframe correspond exactly to what it would have been had she continued at the Adelaide Festival?

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:52): I will have to take that question on notice and come back to the member.

ART GALLERY OF SOUTH AUSTRALIA DIRECTOR

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (14:52): My question is to the Minister for Arts. Can the minister update the house as to when the government will appoint a new director of the Art Gallery? With your leave, sir, and that of the house, I will explain.

Leave granted.

The Hon. J.A.W. GARDNER: The previous director, Rhana Devenport, announced her departure in March.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (14:52): Yes, DPC is currently undertaking that recruitment process, and I understand that's well progressed and an announcement should be made shortly.

LIMESTONE COAST ROADSIDE BUSHFIRE MAINTENANCE

Mr McBRIDE (MacKillop) (14:52): My question is to the Minister for Infrastructure and Transport. Can the minister inform the house how the state roadside spraying and slashing works? With your leave, Mr Speaker, and that of the house, I will explain.

Leave granted.

Mr McBRIDE: As we approach the dry, bushfire and tourism season, I note the roadside grass is higher than the white posts on the Limestone Coast.

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (14:53): That's part of the outsourced road maintenance contract that the member for MacKillop's former friends were very kind to outsource to a company, thinking they would make huge savings, when they did not. In the usual financial mismanagement of the road maintenance budget that our friends opposite encountered they have outsourced our road maintenance contracts, which includes vegetation clearance on the verges.

The Hon. V.A. Tarzia: What about buses?

The Hon. A. KOUTSANTONIS: No, buses are a separate contract. I am happy to walk through my young friend the difference in contracting styles.

Members interjecting:

The Hon. A. KOUTSANTONIS: Hey, real power cannot be given; it must be taken.

An honourable member interjecting:

The Hon. A. KOUTSANTONIS: That's right, and what a photograph it is. I have it in my office. I am very concerned also about the level of trimming going on for bushfire risk throughout our regional roads, and that is something of major concern for our road maintenance contracts. As I have said previously, I am very unhappy with the contract the former government signed on our road maintenance, locking us in for a long period of time, hoping to bank in those savings. Of course, it's cost us more and more because of the mismanagement and maladministration of the outsourcing of those contracts.

I of course am doing everything I can to make sure that we can actually manage those verges. I am glad that the member is paying keen attention as he drives through his constituency. I have to say it's also reassuring to know that there is a least one or two or three regional MPs joining us on the crossbench who actually care about what's going on in regional South Australia. I get very few questions from the opposition about what's going on in regional South Australia, probably because they have lost touch with regional South Australia and are more interested in what's going on in the inner suburban streets of Adelaide as they pay attention to the culture wars rather than what's going on in regional South Australia.

I will do my very best to get a detailed answer for the member. He has a lot of concerns he has raised with me about road maintenance. Obviously, it's the quality of the repairs being done to the pavement. It is of course the cleanliness of our road verge. In the Limestone Coast, which is a very important tourist destination for South Australia, making sure that the verges are not only fire safe but also pleasing to look at is very important.

When you do have rainfall that can cause grasses to grow quite high on the verges, it is not only a bushfire risk but it's also not very pleasant to look at. Of course, it makes litter that is not being collected by the contractors even worse. So I do think it's important that we get on top of this. I am concerned that we are not getting on top of this because of the handcuffs put on us by the previous government through the contracts that they have signed with us.

But of course that is a consequence of privatisation and outsourcing. We see that whether it's through Marino Railway Station or whether it's through our road maintenance programs throughout South Australia. These programs, in the end, do not save us money; they end up costing us more.

Of course, when you want to find out who the guilty party here is, all you have to do is look to the members opposite. The member for Hammond: member of the guilty party. The member for Hartley: member of the guilty party. The guilty party: the members opposite, and, quite frankly, the mastermind of it all, the member for Chaffey, who is no longer in here, pulling all the strings from behind the scenes—he is the one who is guilty of it all.

PUBLIC HEALTH SYSTEM

Ms WORTLEY (Torrens) (14:57): My question is to the Minister for Health and Wellbeing. How will blockages in commonwealth programs impact the public health system and what is the Malinauskas government undertaking in response?

The Hon. C.J. PICTON (Kaurna—Minister for Health and Wellbeing) (14:57): I thank the member for Torrens for her very important question. Just earlier today, the Premier and I were at Hampstead Rehabilitation Centre for a very important announcement in terms of the fact that we are adding even more additional beds to our healthcare system to make sure that South Australians can get the capacity and the care that they need.

This really is addressing what is a fundamental issue that has been emerging over the past year, which has been the number of patients in our healthcare system who have been stuck waiting for aged-care placements in the community. That figure has basically doubled in the past year and is now sitting at over 240 patients who are in our acute hospital system who are waiting to get into aged care.

That means that that bed is then not available for the next patient who needs it and it ultimately flows right the way through to our emergency departments. That's the equivalent of about a Modbury Hospital of beds taken out of the system because of the issues in the federal aged-care system. This is not just happening in South Australia; right across the country, health systems are grappling with this increasing problem of aged care.

It is certainly something that we are raising at the national level with ministers Butler and Wells to address. They have a bill before the federal parliament at the moment, which we are hopeful will go some way in terms of assisting. They have also provided some funding in terms of helping us to provide some outreach to aged care. We think that there is a lot more that needs to be done and this is certainly a key topic of discussion as part of federal health reform negotiations at the moment.

However, while this is occurring, while this problem is becoming exacerbated, we are having to take action into our own hands. Members may be aware that the Hampstead site was slated to be sold off. It was in the budget set up to be sold. When the new QEH clinical services building was opened, the idea was going to be that Hampstead would be emptied out and then that site sold off and no longer be part of the healthcare system. This government has had a different opinion to that; we have changed that proposition.

In the Mid-Year Budget Review last year, the Treasurer took that out of the budget and we have now committed to keeping Hampstead in public hands as part of the healthcare system ongoing. This means that we are now able to open up additional beds. Whereas before the previous plan had been no net increase in beds when those QEH beds came online, we are now able to expand the capacity and add 55 additional beds focused on this cohort of those aged-care patients who are stuck in our system, freeing up other beds in hospitals like the RAH, The QEH, Lyell McEwin and Flinders Medical Centre for other patients who need them.

Today we were able to inspect where we now have 25 of those beds open at Hampstead providing care and, importantly, making those connections for aged care to help people get to the next step, and then allowing the next patient to come through.

The good news is that with some renovations underway to fix up the next areas of that site, it will enable us to then open an additional 30 beds on that site so that we can provide more care for people and try to reduce that number of aged-care blockage that we face in the system. This comes at the same time, and we can see the connection of that all the way through the system to people calling 000 and needing an ambulance. We were able to release the ambulance response times today, which show that in the month of October, more people got an ambulance response for those lights and sirens emergencies on time than in any month in the past four years. So it is very welcome news for South Australians needing an ambulance.

SOUTH AUSTRALIAN MUSEUM

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:01): My question is to the Minister for Arts. Has the minister read the evidence given by Chris Daniels to the Statutory Authorities Review Committee last month and does she have a response to claims made? With your leave, and that of the house, sir, I will explain.

Leave granted.

The Hon. J.A.W. GARDNER: The *Hansard* of evidence given by Professor Daniels identifies that the Research Collections Review which he had been chairing was taken over in his absence during a trip to Canada and presented to the board without his awareness in a different form.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (15:02): What I can say to the member is that he is aware that the Premier's review panel has given their report and recommendations to the Premier and I. We have taken all of those recommendations on board. We have a new chair of the Museum, Professor Rob Saint, who is doing a very good job, and they are now undertaking all of those recommendations including starting with some strategic planning work. An additional $4.1 million is being provided to the Museum. A substantial amount of work is going to be happening over the next year or so to put the Museum in a much better position, and I am very pleased with the

work that the board, including Chris Daniels, has undertaken in recent months. I am very pleased to see that the Museum has a very exciting future ahead.

Grievance Debate

TOMATO BROWN RUGOSE FRUIT VIRUS

Ms PRATT (Frome) (15:03): Tomatoes are being left to rot in greenhouses on the Adelaide Plains. Just this week, I visited yet another farm. I was delighted to be welcomed to Da'Salvatore Farms by Tony Sacca, his son, Salvatore, mum, Kim, and, of course, sister, Kiara, who are growing delicious, juicy and safe tomatoes. However, these tomatoes, like those of many other growers across the Adelaide Plains, are being left to rot on the vine.

As a country MP, I understand full well the importance of biosecurity. It is essential to our growers, and there is no question that we need a government agency that is focused on making sure that our primary producers are protected from pests and viruses. It is of great concern that it is not in Mother Nature that is threatening the growers at the moment but bureaucracy. Bureaucracy is in the way when it comes to the test results that are still delayed for many growers.

This is an opportunity to raise a profile for the many growers that I have visited across the Adelaide Plains, at Gawler River, Two Wells, Lewiston and extending into Virginia. They are hardworking people. They deserve their story to be told. We are talking about a workforce of over 500 people who have been made redundant. The pick and pack teams to harvest that fruit, box them up and get them to market are stood down at the moment.

What we are relying on is the Minister for Primary Industries in the other place, PIRSA and our lab in SARDI to make sure that their priority is the turning around of those testing results. We know we are close to eradication. I want to thank everyone in PIRSA who has dedicated themselves to working towards that outcome.

It has not been easy to wrangle the other states as part of a national accord, but we have been at the mercy of those other states. When the rugose virus was first discovered, self-reported from a Two Wells business, the largest in the Southern Hemisphere, it took PIRSA well over a week to even come out to that property and test. When those leaf samples were taken, we had no lab to stand up. We had no accredited workforce. Our samples were sent interstate to Victoria. Of course, Victorians naturally wanted to test their own samples first, and we went to the bottom of the pack.

That delay, from 1 August through to November, has close to crippled the tomato industry in South Australia. We have proud growers out on the Adelaide Plains, and they have certainly expected government to be there for them. The Liberal Party, the opposition, country MPs and the shadow minister in the other place have been there for them. We have been there for them every step of the way.

I want to make sure that I take this opportunity to thank those growers who have been so generous to welcome the leader and myself to their properties, investigating and inspecting their practice, learning from them, tasting the fruit, and sitting down with them and listening to them to find out exactly what were the factors. Not once did they say that environmental factors or Mother Nature had been unkind. This is a virus that has been present in the United States and Europe for many years now, and those countries and continents have practices in place. We knew it was likely to come and it was no surprise when it arrived in this country, but how our state has responded has been a disappointment.

On a lighter note, I want to recognise a fabulous innovation that is taking place in the Clare Valley in the space of robotics in allied health services. Tim Siv, who has pharmacies in Clare, Burra, Kapunda, Eudunda and Angaston, in the last month has launched a nation-leading innovation that allows for 24/7 robotic dispensing services. So if you are on a tractor late at night getting that crop off and you have forgotten your wife's anniversary, you can go online and order some perfume, but more importantly, when it matters most in the middle of the night and you need health care, you can go online and order prescriptions or other services like that, so I want to commend that innovation in the Clare Valley.

HERVEY, MS R.

The Hon. A. MICHAELS (Enfield—Minister for Small and Family Business, Minister for Consumer and Business Affairs, Minister for Arts) (15:08): I rise today with great sadness to honour the passing of one of the shining lights of the Australian arts community, Roz Hervey. Roz has made an indelible mark on the South Australian arts sector, particularly through her extraordinary contribution to Restless Dance Theatre. I want to acknowledge Julie Moralee and Michelle Ryan, who are in the gallery this afternoon.

In her career, Roz seamlessly swapped between roles as a dancer, producer, director, dramaturge and teacher. She enjoyed a remarkable career as a dancer, performing for numerous dance, dance theatre and theatre companies, including One Extra Company, Sydney Front, Dancenorth Australia, Theatre of Image, Sue Healey, Meryl Tankard, DV8 and Force Majeure. Her work in these companies allowed her to tour extensively through Australia, Europe and South-East Asia, bringing her artistry to an international audience. As a choreographer Roz lent her creative vision to renowned theatre companies like Brink Productions, Slingsby, and Patch Theatre, helping to shape the landscape of Australian performing arts.

From 2001 to 2012 Roz was associate artist with Sydney's dance theatre company Force Majeure, working closely with Kate Champion and, of course, her beloved partner Geoff Cobham. Her performance in *Same, Same but Different* with Force Majeure earned her a 2002 Ausdance Award for Outstanding Performance by a Female Dancer—a testament to her skill and presence on stage.

In addition to performing, Roz has been pivotal in directing and co-directing acclaimed works. She co-directed the award-winning *Me and My Shadow* and *Zooom* for Patch Theatre and served as associate director on Force Majeure's *Never Did Me Any Harm* with Sydney Theatre Company.

From 2000 to 2016 Roz also took on leadership roles as coordinator and director/producer for numerous festivals and events, including Adelaide Festival and DreamBIG Festival and she directed the Adelaide Fringe parade from 2013 to 2016.

Roz's contribution and impact on Restless Dance Theatre is particularly noteworthy. As the creative producer for over nine years she displayed a crucial role in shaping the company's artistic vision, supporting emerging artists and amplifying the voices of artists with disability. Her dedication to Restless Dance Theatre will continue to be felt by generations of up-and-coming performers in the organisation and in the wider arts community.

In her own words Roz said, 'I'm a huge believer in the power of the arts to change perspectives. I have always used my art to challenge and ignite audience discussion. I have now seen how the arts has changed people.' I wholeheartedly agree with that sentiment. I want to send my condolences to all of the organisations that Roz worked closely with, but particularly I want to send my condolences to her partner, Geoff, and to her children Tilda and Huey. Vale Roz Hervey.

It is also with some great sadness that I want to say a few words about my friend and Enfield Labor sub-branch member, Arie Reiman. Arie passed away peacefully on 25 October at the age of 83. He migrated to Australia from the Netherlands as a skilled tradesman. He was a master craftsman and a highly skilled French polisher. Arie spent his working life making beautiful furniture for South Australian homes.

Outside of his working life, Arie was a champion ballroom dancer. He was very passionate about his skills, both as a craftsman but in particular as a dancer and demonstrated that to me at various sub-branch meetings. Arie has displayed photos, ribbons and trophies throughout his home as a tribute to his beloved ballroom dancing. I certainly will miss Arie at our sub-branch meetings and I want to send my condolences to his friends and his family. Vale Arie Reiman.

MORIALTA COMMUNITY AWARDS

The Hon. J.A.W. GARDNER (Morialta—Deputy Leader of the Opposition) (15:12): I thank the Minister for Arts for the comments she made about Roz Hervey just then. Roz Hervey was a really significant contributor to South Australia's arts scene, not just to the arts scene but to the life of many South Australians. I recall when I was the Minister for Education the engagement through

Patch Theatre, through Roz's husband, Geoff, obviously, and also having the opportunity to meet and speak with Roz on a couple of occasions. I was struck, not just with her significant artistic capability and the extraordinary career that she had and what she was able to contribute to and produce but also her perspective on the impact of the arts on young people in particular, which obviously through Patch—for which I used to have responsibility—had an incredible impact on many young lives, whether they were to become artists or whether their lives were just going to be enhanced by arts.

The thing that struck me, as the Minister for Arts was speaking and obviously when I saw the news that Roz had left us a few days ago, was her extraordinary kindness. She was just lovely, so incredibly friendly. She struck me as an extraordinarily lovely person, with a big impact on South Australia. I endorse everything the Minister for Arts said and add my and the opposition's condolences to Geoff and, of course, to Tilda and Huey.

One of the things I really enjoy in my job as the member for Morialta is being able to honour and celebrate and tell people about the work of great volunteers, great contributors, in our local community. One of the ways in which I have done that over the last couple of years has been through the Morialta Community Award. Every month, we receive nominations for people who make a difference in our community.

The people who live in Morialta and who are fortunate enough to spend time in Morialta and work in Morialta know that it is the best part of the best state on earth to live. We are blessed with extraordinary natural beauty, and the environmental surroundings in the Morialta electorate are the best. There is no question of that; that is objective fact. We are also blessed with significant opportunities to have great schools and great businesses to appreciate, but our community is not just made up of the natural environment or buildings and bricks and mortar, it is the people who make it so. Celebrating those people every month is a real pleasure.

Last night, I was really privileged to be able to welcome Morialta Community Award winners for 2024 into Parliament House for what is becoming an annual dinner, where we were able to introduce them. Some of them had met one another on many occasions, as people who are engaged in the community are often wont to do, and some of them met for the first time. For the parliamentary record, I want to acknowledge their contribution to our community.

The winner for January this year was Sabapathy Kanagasabai, better known as Babu, former president of the Campbelltown Rotary Club and former president of the Adelaide Tamil Association, both significant contributions to our local community and our state of South Australia. February's winner was Paul Haylock of the Morialta Rotary Club, nominated in particular for the new event on Australia Day that a lot of people come to—nearly a thousand last year—the Thorndon Park Duck Race, raising money for Rotary charities. The winner in March was Raelene Churchett, nominated by staff at the Athelstone Preschool in acknowledgement of two decades of voluntary service supporting our littlest learners in Athelstone.

April's winner was Vickie Gagliardi, president of the Athelstone Kindergym. Kindergyms play a tremendously important and valuable role in the development of young children and are great for young families. It is hard to get volunteers there, of course, because the parents involved tend to be in for a year or two and then out again. Vickie has been consistent in her support and as president has helped them find new facilities now at St Francis of Assisi School, and I thank the school for doing that. May's winner was Fred Hamood of the Rezz Hotel who, along with his brother and sister, has done an extraordinary job in creating that as a community asset, and they contribute significantly to the community. June's winner was Shirley Schubert, for many years a chair of the Pilgrim Lutheran Church in Magill and, indeed, a teacher in our area.

July's joint winners were Joy and Bruce Stewart, nominated by people at the Athelstone Uniting Church for their work on the community garden and playgroup. August's winner was Lisa Innis, celebrating 30 years this year as the director of Innis Dance Studios. Generations of young children have learned confidence and dance through there. Don Leombruno from the Campbelltown City Soccer Club was September's winner. Phillip Izzo, the next generation of leadership from the Maria Santissima di Montevergine Festa, was October's winner. Our November winner was Garry Wedding, nominated by the staff at Magill Kindergarten for a decade's service in ensuring any

job that they needed done was done. I thank all the winners for their service and commend them to the house.

AUSTRALIAN OF THE YEAR AWARDS

Ms WORTLEY (Torrens) (15:18): I have the honour of representing the Premier on the board of the Australia Day Council of South Australia. Last Thursday I attended the South Australian Australian of the Year Awards presentation. It was fantastic to see the nominees. We sit there and we hear all the great things that these everyday Australians, people who you would walk past in the street, are doing here in South Australia. The work that they are doing has an impact not only here in South Australia but right across Australia and, for some, even wider than that.

I would firstly like to mention Professor Leah Bromfield. Leah is the Australian of the Year award recipient for South Australia for 2025. She has devoted a large part of her life to establishing practical, evidence-based solutions to child abuse and neglect, and this is really very challenging work. She is currently the Director and Chair of Child Protection at the Australian Centre for Child Protection. Leah developed the first evidence-based analysis of child protection frameworks. She has worked in this area now for over two decades and she is leading the development of a new child protection vision for South Australia, exploring unconventional approaches and interrogating assumptions to break the cycle of abuse.

Indigenous advocate and knowledge holder, Charles Jackson OAM, is the 2025 Senior Australian of the Year for South Australia. Charles Jackson's passion has been working with Indigenous Australians for more than 50 years. He is the youngest of 14 children. It is quite a large family, larger than yours, I think, Mr Speaker. Charles was the first Aborigine in Australia to become a JP in 1978. All of his jobs reflect Charles' unwavering commitment to the underserved members of his community. He is a knowledge holder for Flinders Ranges Nation and is working towards Wilpena Pound becoming a World Heritage site. Through his role as an advocate for the Aboriginal and wider community, the 75 year old hopes to create a brighter future for all.

Then we have the 2025 Young Australian of the Year for South Australia, the founder of the South Australian Youth Forum, Amber Brock-Fabel. I think we will be hearing quite a bit more from Amber over the years. Amber founded the South Australian Youth Forum in 2021 and she was only 17 years old at this time. It aims to empower youth aged between 14 and 18 to discuss issues such as climate change, gender equality, period poverty and, importantly, youth loneliness. Amber highlighted youth loneliness as one of the biggest issues facing our youth today.

She has secured partnerships and collaborations with various organisations and was recently represented at the United Nations Summit of the Future, the National Inquiry into Civics Education and the Australian Conference on Youth Health. The youth-led initiative won the Connecting Communities Award at the Young Achiever of the Year Gala in 2024, and Amber herself received the Governor of South Australia's Commendation for Excellence.

Two pharmacists are the 2025 Local Heroes for South Australia. Sobia Hashmi and her husband, Irfan, have transformed health care in remote and rural communities in South Australia. They have established six pharmacies in areas where there were previously none where people were forced to travel long distances for basic medications and care. They have mentored countless intern pharmacists from overseas. Their pharmacy group has won various awards and recognition for its commitment to improving health literacy and access to healthcare services, including a South Australia Multicultural Governor's Award in 2022.

I would like to congratulate all recipients and wish them well in the 2025 Australian of the Year Awards.

BRAGG ELECTORATE RUGBY CLUBS

Mr BATTY (Bragg) (15:22): I rise to congratulate two rugby clubs in my electorate. We have the Burnside Rugby Club and the Old Collegians Rugby Club, which at times are rivals but I love them both equally and they have both had extremely successful seasons this year. I would like to acknowledge some of their 2024 premiership season results, including some successes for their under 12s, which were runners-up, and their third grade team, which were runners-up. Their women's team were knocked out in elimination against Souths and of course in premier grade they were the

champions, going back-to-back for the first time in the club's history defeating cross-town rivals Old Collegians in that instance.

I would also like to acknowledge, nevertheless, the success of Old Collegians as well. They were the runners-up in the premier grade, being defeated by Burnside this year, but their under 14s and their under 18s were both premiers. I congratulate them on their success, as well as their reserves team, which were runners-up this year.

I would like to acknowledge and thank all of the volunteers involved at the club and the president of each club: Greg English at the Burnside Rugby Club and Alex Kerr-Grant at the Old Collegians Rugby Club. I know a lot of people at both of those clubs give up a lot of time for a sport that they love. We are very appreciative of what they contribute to our community and we are very proud of their success this year.

As another school year comes to an end, I also want to take this opportunity to congratulate the graduating class of 2024 and wish them all the very best for their future endeavours. It is a great opportunity for us to reflect on the year that was and celebrate those achievements, and indeed those throughout their whole schooling.

I am very proud to have the best schools in the state in my electorate of Bragg, whether it be our primary schools, with Rose Park Primary, Linden Park Primary and Burnside Primary, or our number one and number two high schools, Glenunga International High School and Marryatville High School, which both vie for that position every year. There are a number of girls' schools as well: St Peters Girls, Loreto College, and Seymour College.

I am looking forward to attending each of those schools' speech days, graduation ceremonies and presentation nights over the coming weeks. Indeed, it was a pleasure to attend the Marryatville High School final year 12 assembly ever only a couple of weeks ago now, and it was a very happy occasion. At each of these occasions I present an award, the Steele & Cooper Award, which was initiated by my predecessor the member for Bragg, the Hon. Vickie Chapman.

The award commemorates the first two women elected into this parliament, Joyce Steele and Jessie Cooper in 1959. I hope that by telling that story to the various schools in my electorate, to the students who are graduating, I might inspire some of them to consider a career in politics, indeed in public service. I look forward to presenting that award at each of the schools in my electorate.

Before concluding I also want to acknowledge that we commemorated Remembrance Day this week, and pay tribute to all those who have fought to keep us free, who have died or suffered for Australia's cause in all wars and conflicts. I express all our gratitude for those who have served or who are serving.

I had the opportunity to attend the MESHA Remembrance Day breakfast, an important occasion to mark and commemorate those who have served, as well as to lay a wreath just outside my local electorate in Kensington Park. I want to thank the Kensington Park RSL for the work they do, not only this week but right throughout the year, in supporting our veterans and playing an important role in community. Lest we forget.

KAPUNDA COMMUNITY GALLERY EXHIBITION

The Hon. A. PICCOLO (Light) (15:27): Today I would like to talk about the power of art to enhance our communities. Last week I had the good fortune of attending the Kapunda Community Gallery opening of a special exhibition focusing on young people's creativity. The exhibition showcased the work of students from Kapunda Kindergarten, Kapunda High School, Trinity College Gawler River Campus, Greenock Primary School and winning entries from the Kapunda Show youth section. Alice Tilley, gallery committee member and coordinator of exhibits said:

> The inaugural annual Young People's Creative Industries exhibition showcases the talents of young artists aged from 12 to 24 from Kapunda and beyond. The exhibition is complemented by art from the Greenock Primary School and Kapunda Kindergarten students, as well as the winning youth entries at the recent Kapunda Show.

The opening exhibition attracted many young artists, their families and friends, and members of the community gallery.

The region has many young, talented artists, so I congratulate the community gallery on this very special exhibition. It is clear that the artwork enables the young artists to express themselves in a way that sometimes words cannot.

The work by young Kapunda artist Aida Bryley, titled *White Noise*—which portrays her experience of leaving Mawson Lakes and moving to the local town of Kapunda, having to start a new school and make new friends—shows the way that art can actually help her communicate her experience. I thought it was a very emotional piece. As a community we sometimes underestimate the power of art to help people, in particular young people, to communicate.

The artwork of over 50 young artists is on display, and some of the young people have a real flair for it. The gallery is open daily and the exhibition closes on 1 December 2024. More information can be found on the Kapunda community gallery website.

I also had the good fortune of attending the Trinity College Gawler graduate exhibition. This exhibition highlights and showcases the work—arts, film and a whole range of other media—of students who are doing year 12 and are graduating from the college. The exhibition was held in the Trinity Innovation and Creativity School and attracted many guests. It was interesting to note that there was a whole range of artworks, from the traditional paintings and visual arts to other forms and media. Trinity College is doing a very good job in supporting the arts in the Gawler area.

The other thing I would like to bring to the attention of the chamber is that there are a number of people in our community who have caring responsibilities. These carers can be as young as five or six to much older, and often have to make huge sacrifices in terms of caring for others. It is good to have organisations like Carers and Disability Link in our community who support the carers in the work they do.

Carers and Disability Link had another successful year of supporting carers in the community from the Adelaide Hills to the Barossa, Yorke Peninsula and the Clare Valley. I was fortunate enough to attend their AGM recently to hear all about their good work.

The service supported 425 carers and 555 clients on the NDIS, including providing 258 NDIS clients with 65,864 hours of in-home care and community support during the year. The service, which operates from offices in Clare and Nuriootpa, also assisted 136 people who are frail and aged with 11,400 hours of in-home, community and group support.

Speaking at the AGM, chair Monica Davies said that despite some financial challenges Carers and Disability Link had continued to provide outstanding service to those in need. The challenge for carers organisations is often that they have to respond to a whole range of government and bureaucratic red tape, and sometimes these do not match up with the needs of the community. While things are improving, it does sometimes get in the way of organisations like Carers and Disability Link providing the best support possible.

One area I would just like to mention is the support they provide to young carers. This group in particular have their education and a whole range of their lives changed by the requirement to care for others.

Private Members' Statements

PRIVATE MEMBERS' STATEMENTS

Mr TELFER (Flinders) (15:33): Last week marked a significant milestone for the Port Lincoln Leisure Centre as it proudly celebrated its 40th anniversary. This milestone is in part a testament to the unwavering support and involvement of a legend of Port Lincoln, Bill Richter, who was instrumental in turning the dream of a swimming pool into a vibrant reality.

The leisure centre gives an inclusive opportunity for users of all ages and fitness levels to enjoy the benefits of physical activity undertaken in a friendly community environment, with the West Coast Swimming Club teaching generations of swimmers—including Port Lincoln's own, the legendary three-time Olympian Kyle Chalmers, who started his swimming journey there at the age of nine.

The leisure centre journey began in the early 1970s when Bill Richter, a police detective with a great love for the water, arrived in Port Lincoln, becoming a strong advocate for a community swimming pool. By the late 1970s Bill's passion propelled him onto the community development board and the Port Lincoln city council. After countless meetings and discussions, a proposal for a six-lane, 25-metre indoor pool—complete with spa, sauna and waterslide—was submitted to the state government, with the official opening performed by the Premier on 9 November 1984.

The leisure centre has had many changes and upgrades throughout the years, including being owned by the generous Sime Sarin for 15 years. Throughout it all, Bill Richter has remained involved with the facility, still an avid facility member. The centre has provided generations with a place to learn and grow, fulfilling his vision for a community hub, having nearly 150,000 visits last year. Congratulations to all involved in the 40 years of the Port Lincoln Leisure Centre, and long may it continue.

Ms O'HANLON (Dunstan) (15:34): I rise to speak to the importance of Cibo cafes and the Cibo brand to our state. We all know that no matter what Cibo we are in, we can always be assured of a great coffee and delicious food. But Cibo represents so much more to all of us than that. It represents a fantastic South Australian small business success story, and it is iconic to our state's multiculturalism and the outstanding success of our Italian community. It represents passion and community.

Cibo has a very special place in my heart, and I feel deeply saddened by the prospect of the loss of its name, the potential for the loss of familiar faces, like Nick, the owner of Cibo Norwood, and any of his staff, and the iconic red umbrellas, those umbrellas where, on the first day I came to Norwood, I sat with my husband and we fell in love with the place that has since become our home. This week, I am wearing red as a token of support for Cibo; however, I know that this is about as effective as the data-harvesting exercise the Liberals have shockingly and shamelessly engaged in, preying on the emotions and goodwill of loyal Cibo customers.

So what I am doing, along with my friend the member for Adelaide, is making sure Cibo owners have access to the right advice from the Minister for Small and Family Business and the Small Business Commissioner because we are about providing genuine support to these incredible small and family businesses. We are for Cibo owners, not Cibo customers' data.

The Hon. D.G. PISONI (Unley) (15:36): When by-elections are called, it is very important that constituents who are voting in a by-election have access to information about their candidates. The first thing candidates tend to do is put up websites. If you Google Amanda Wilson, Liberal Party, you will get Amanda's website; it is the first thing to pop up on the Google search. It tells you about Amanda's contact details, her Facebook, her Instagram and her website. It tells you that Amanda has been a mayor, she understands her local community, she works as a legal professional supporting small business, she is on the Coastal Protection Board, and she is involved in local clubs.

Do the same thing for Alex Dighton, Labor, and what you get is 'Alex Dighton, donate now.' 'Donate now' pops up, and a photograph of Alex Dighton standing next to Peter Malinauskas. It gives you the option to support Alex's campaign for Black. For $25 you can push that button, for $100 you can push that button, for $200 you can push that button. What a complete contrast in the motivation of those two candidates who are running for the seat of Black: one who cares for her community, who wants people to know about who she is, what she does and what she can bring to that electorate, and another one that is nothing more than a rattle tin for cash for the Labor Party.

The Hon. A. PICCOLO (Light) (15:37): One of the joys of being an MP is that you meet a lot of community groups and you go to visit a lot of people in their communities. It is particularly heartening when you see some communities that seem to punch above their weight. One such community is, in my view, Eudunda, also known as part of the Valley of Hidden Treasures. This small community hosted a wonderful agricultural show on the weekend. It was great to see some locals from the Gawler region also at the show.

While at the show, I had an opportunity to chat with some well-known Eudunda locals, like Samuel Doering—Samuel is a high achiever in Eudunda and actually lives in Neales Flat—and Mel Zerner. Both are heavily involved in the community in a range of ways. Mel is the vice president of

the Eudunda Community Business and Tourism Committee, which also sponsors the local Eudunda News, an online newspaper.

Also at the show was the local community radio station BBBfm 89.1 Community Radio, which was there to broadcast the show live. The Eudunda News promoted this and other events through their online newspaper. Both do a very good job in supporting their community by sharing information. I would also like to mention that the Eudunda Community, Business and Tourism Committee next week is hosting a business breakfast to see how it can actually get the community to work together to promote business in the Eudunda region.

Bills

NATIONAL ELECTRICITY (SOUTH AUSTRALIA) (ORDERLY EXIT MANAGEMENT FRAMEWORK) AMENDMENT BILL

Introduction and First Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:39): Obtained leave and introduced a bill for an act to amend the National Electricity (South Australia) Act 1996. Read a first time.

Second Reading

The Hon. A. KOUTSANTONIS (West Torrens—Minister for Infrastructure and Transport, Minister for Energy and Mining) (15:39): I move:

That this bill be now read a second time.

I seek leave to insert the second reading explanation in *Hansard* without my reading it.

Leave granted.

As Australia responds to climate change, the National Electricity Market is transitioning from a centralised energy system that relies on thermal generation, to a modern energy system containing widely dispersed renewable generation.

The pace and scale of this transition brings new opportunities to Australia for cheaper and cleaner forms of energy; however, this transition also brings key challenges to the National Electricity Market.

Thermal generators face long-term difficulties from challenging market conditions and an ageing fleet. To maintain system reliability and security, it is essential that, as thermal generators retire there is adequate renewable generation and supporting network infrastructure in place.

Governments are doing much to support the transition, including through support for new generation, such as the Australian Government supported Capacity Investment Scheme, and through support for new network investment, including through the Australian Government's Rewiring the Nation program.

South Australia is fully committed to a national approach, becoming, in July 2024, the first state to sign a final Renewable Energy Transformation Agreement. This agreement includes Australian Government underwriting support for a minimum 1,000 megawatts of new wind and solar projects in the state and 400 megawatts of new storage capacity in the state.

But there are practical limits as to how much infrastructure can be put in place in a given timeframe, leading to the possibility of timing mismatches associated with the exit of coal or gas fired generation, and risks of reliability or system security shortfalls. As well, key projects may be subject to delays.

In this context, existing mechanisms in the National Electricity Law and Rules, such as market pricing and settings, including the Market Price Cap, and the Retailer Reliability Obligation, may not be sufficient to address all potential risks associated with the early closure of a thermal generator.

As a result, there is a need for a mechanism to ensure the potential early exit of thermal generation does not adversely impact on reliability and system security needs.

The National Electricity (South Australia) (Orderly Exit Management Framework) Amendment Bill 2024 I present today serves to meet this need by establishing an Orderly Exit Management Framework.

On 17 September 2024, Energy Ministers approved this Bill and, with South Australia the lead legislator for the national energy laws, I am introducing it here today.

The Framework establishes a transparent process that enables jurisdictions to:

- Firstly, identify whether the early retirement of a thermal generator creates system reliability or security risks.
- Secondly, investigate alternatives to replace the outgoing capacity, undertake voluntary negotiations with the generator.
- Thirdly, as a last resort, direct the generator to continue to operate until the risk of its retirement is managed.

It is important to note that the Framework will only apply in a jurisdiction if that jurisdiction opts-in by making the necessary regulations in their respective Application Act. The cost of the Framework will be met by consumers in the jurisdiction in which the generator is located.

The intention of the Framework is that any reliability or system security issue arising from the proposed early closure of a generator should first be addressed by identifying an alternative solution or seeking a voluntary agreement with the retiring generator. Only once these stages have been fully explored can the Minister then take the step of directing a generator, via a Mandatory Operation Direction, to provide system services for the period required to avoid a system needs shortfall.

The first stage, or gateway stage, of the Orderly Exit Management Framework is where a generator submits, or has submitted, an early closure proposal for a generating unit. This stage aims to identify whether a generator bringing forward the closure date of a generating unit, will create a shortfall in reliability or systems security.

As part of this gateway stage, the Minister can elect to obtain a System Needs Assessment from the Australian Energy Market Operator. This advice assesses the impacts of the proposed closure of the generating unit on the reliability and security of the electricity system.

If the Minister believes there is likely to be a system needs shortfall, the Minister can decide whether to trigger the next phase of the Framework.

As part of this next stage, the Minister issues a direction to the Market Operator to perform a search for alternative solutions to address the system needs shortfall.

Additional actions, such as market sounding activities, may also be undertaken at the discretion of the Minister.

The Minister must decide whether to engage in negotiations to establish a voluntary agreement with the generator to extend its operation. This can be done either following, or in parallel, to the search for alternative solutions.

The Bill enables the Minister to issue a Mandatory Operation Direction as a last resort. Such a direction requires the generator to operate if the Minister is satisfied that giving such a direction is necessary to maintain power system security or system reliability, or for reasons of public safety.

Before issuing a Mandatory Operation Direction the Minister must be satisfied there are no reasonably practicable alternatives to issuing the direction, must obtain advice from Market Operator on alternative solutions, and must ensure good faith negotiations with the generator. The generator may be required to provide prescribed information, which will help facilitate informed negotiations.

A Mandatory Operation Direction to a generator will set out, amongst other things, the capacity to be supplied, the way in which the generating unit may be operated, the period for which the generating unit must be operated and the circumstances in which the Minister must consider amending the direction. The generator, and affiliates that provides services to the relevant generating units, are required to comply with the terms of the Mandatory Operation Direction.

A generator that is subject to a Mandatory Operation Direction will be compensated for its continued operation. The Bill provides for a jurisdiction to establish a financial vehicle to make payments to a generator under a payment order issued by the Minister, with the amounts to be received by the generator under the payment order being determined by the Australian Energy Regulator.

The payment order may include the payments the generator is to receive for the reasonable costs of operating and maintaining the generating unit, a risk management margin, a fair margin, and other costs to be prescribed by the Rules.

The Bill provides for a mechanism to recover the costs of a voluntary agreement, a Mandatory Operation Direction, and administrative costs.

The Orderly Exit Management Framework process will be highly transparent, support good governance, and provide confidence of the process to consumers through the release of key advice from market bodies.

The Bill allows for the South Australian Minister to make initial Rules. The initial Rules are in the process of being finalised and are expected to be progressed to Energy Ministers in December 2024. If adopted, in my role as Minister for Energy and Mining, I will make the initial Rules pursuant as provided for in the National Electricity Law.

I will now step through some of the key provisions of the Bill in more detail.

Division One includes key definitions and establishes that, as I mentioned before, the Orderly Exit Management Framework will only apply if a jurisdiction decides to opt in.

Jurisdictions can, by regulation, also specify the extent to which the part applies, potentially including the application of limiting criteria on the generators to which the Orderly Exit Management Framework will apply.

A jurisdiction may also prescribe in regulation that an existing agreement with a generator be a voluntary agreement within the Orderly Exit Management Framework. The main reason for doing this would be to engage the provisions of the Orderly Exit Management Framework that provide for cost recovery from electricity consumers.

The gateway for the Framework will be where a registered generator, submits, or has submitted, an early closure proposal for a scheduled thermal generating unit. This is a prerequisite for the issue of a Mandatory Operation Direction and, in practice acts as a trigger for subsequent processes under the Framework.

When a generator submits an early closure proposal, it is required to provide prescribed information intended to help inform assessments by energy market bodies and, if required, support balanced negotiations between the generator and jurisdiction.

Division Two describes the Mandatory Operation Direction. In practice, the requirements for the issue of the Mandatory Operation Direction largely establish the sequencing of processes under the Framework. These processes establish a solid information base for the Minister to make an informed decision on the best way to address a system need arising from the early closure of a generator.

The Minister is required to obtain advice from Australian Energy Market Operator on the impact of the proposed closure of the generating unit on the reliability and security of the electricity system before issuing a Mandatory Operation Direction.

The Minister is also required to obtain advice from Australian Energy Market Operator on alternatives and be satisfied that there are no reasonably practicable alternatives before issuing a Mandatory Operation Direction.

These measures will help ensure that the Minister can only issue a Mandatory Operation Direction as a last resort to support system needs.

The bottom line is that the Minister will have access to the necessary information to make decisions.

The Minister must engage in good faith voluntary negotiations with the generator for its continued operation before issuing a Mandatory Operation Direction. However, the Bill is not prescriptive of the terms of a voluntary agreement in order to allow flexibility in the negotiations.

Beyond those described above, Division Two specifies the requirements that must be satisfied before the Minister may issue a Mandatory Operation Direction and what this direction must include.

Note that, to provide greater certainty to markets, there are limits to the period that a Mandatory Operation Direction can require the continued operation of a generating unit.

Division Two also sets out the processes for amending and terminating a Mandatory Operation Direction.

Division Three includes provision for the information and reporting requirements. The detail of the prescribed information requirements for generators will be set out in the Rules but is anticipated to cover information on the technical condition of the plant and also financial information with respect to the generator, including information on the generator's costs.

Division Four covers financial matters, including the payments to be made to and from the generator, and the structures for determining and making those payments.

Note that the payment and cost recovery structures may be used to make payments to and from a generator that is subject to a Mandatory Operation Direction but also for a voluntary agreement with a generator or, in some cases, an alternative option.

The structures for making payments to the generator, and to market bodies for administrative costs, include the establishment of a financial vehicle and an orderly exit management fund. The financial vehicle will make payments to the generator and also market bodies, drawing money from the fund.

This Division also specifies what money must be paid into the fund, including that received by the financial vehicle from distribution network service providers under a contribution order or from a generator under a generator payment instrument.

The costs of the Framework will be recovered from consumers through distribution network service providers. The Australian Energy Regulator will determine the orderly exit management contribution to be paid by a distribution network service provider. The financial vehicle will direct a distribution network service provider to make the payments in accordance with the contribution determination to the orderly exit management fund through a contribution order.

Division Five covers miscellaneous items, including exemptions from some of the requirements for the issue of a Mandatory Operation Direction, mainly related to situations where there is less than thirty months to the proposed early closure date.

The division also protects the Minister from any claims relating to actions under the Framework, and a process for the Australian Energy Market Commission to periodically review whether the policy objective and terms of the Orderly Exit Management Framework remain appropriate.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides for the measure to commence on the day that it is assented to by, or on behalf of, the Crown.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *National Electricity Law*

4—Amendment of section 34—Rule making powers

Section 34 of the National Electricity Law as amended by this clause will authorise the AEMC to make rules for or with respect to any matter or thing related to, or necessary or expedient for, the purposes of orderly exit management under Part 8AA of the Law.

5—Insertion of section 90EG

This clause inserts a new section.

90EG—South Australian Minister to make initial Rules relating to orderly exit management

Proposed section 90EG authorises the South Australian Minister to make Rules for matters or things necessary or expedient for the following:

- the making of mandatory operation directions under Part 8AA Division 2 of the Law;
- the information that must be given to the AER, or otherwise disclosed, under Part 8AA Division 3 of the Law;
- the functions of the financial vehicle under section 118AS of the Law;
- the administration of the OEM fund under Part 8AA Division 4 Subdivision 2 of the Law;
- payments to and by MOD generators under section 118AY of the Law;
- the orderly exit management cost recovery mechanism under Part 8AA Division 4 Subdivision 4 of the Law.

6—Insertion of Part 8AA

The clause proposes the insertion of a new Part.

Part 8AA—Orderly exit management

Division 1—Preliminary

118AA—Definitions

This section provides definitions of terms used in Part 8AA.

118AB—Application of Part to jurisdiction

Under this section, Part 8AA does not apply in a participating jurisdiction unless a regulation made by the Governor of that jurisdiction, on the recommendation of the Minister, is in force specifying—

- the date from which the Part applies; and
- the extent to which the Part applies; and
- the way the financial vehicle is to be established.

The section also provides that an agreement made between the Minister and a Registered participant before Part 8AA applies in the participating jurisdiction may be prescribed by a regulation as a voluntary agreement.

Division 2—Mandatory operation direction

118AC—Generating units that may be subject to mandatory operation direction

This section provides that the Minister may issue a mandatory operation direction for a relevant generating unit if the relevant Registered participant has submitted an early closure proposal for the unit.

118AD—Mandatory operation direction

This section makes provision for the Minister to issue mandatory operation directions requiring a Registered participant to operate 1 or more relevant generating units. Before issuing a direction, the Minister must be satisfied that giving the direction is necessary for the national electricity system or a region within the national electricity system to maintain power system security or system reliability, or for reasons of public safety.

118AE—Registered participant must comply with mandatory operation direction

If a Registered participant receives a mandatory operation direction, they must comply with the direction and also with the Rules obligations. This section also provides—

- that a Registered participant does not incur liability for breach of contract, breach of confidence or another civil wrong by complying with a mandatory operation direction, including the Rules obligations; and
- for the Rules to prescribe circumstances in which a Registered participant is not required to comply with a mandatory operation direction.

118AF—Minister to make information public

This section requires the Minister, when issuing a mandatory operation direction, to make the following information publicly available in accordance with the Rules:

- the reasons the Minister is satisfied that giving the direction is necessary;
- a list of the energy projects considered before making the direction.

118AG—AEMO to make information public

Advice given to the Minister by AEMO (as required under section 118AD) on the impact, or likely impact, of the closure of a generating unit must be made publicly available by AEMO within 60 days after the advice is given.

118AH—Voluntary agreement

Under this section, the Minister must, before issuing a mandatory operation direction, negotiate in good faith to seek agreement with the Registered participant for continued operation of the relevant generating units

118AI—Mandatory operation direction applies to affiliates

This section provides that a mandatory operation direction, including the Rules obligations, applies to an affiliate of a Registered participant in the same way as the direction applies to the Registered participant if the affiliate provides services for 1 or more relevant generating units subject to the mandatory operation direction.

118AJ—Amendment of mandatory operation direction

This section authorises the Minister to amend a mandatory operation direction by revoking the direction and issuing a new one under section 118AD.

118AK—Termination of mandatory operation direction

Under this section, the Minister may terminate a mandatory operation direction by giving the Registered participant subject to the direction and the AER written notice specifying that the direction is terminated. The notice must also specify the date, not less than 3 months after the date of the notice, on which the termination takes effect.

The section specifies circumstances in which a mandatory operation direction may be terminated by the Minister.

118AL—Closure of generating unit after mandatory operation period

Immediately after the mandatory operation period applying to a MOD generating unit ends or is terminated under section 118AK, the Registered participant that operates the generating unit must cease operating the generating unit. In addition, the Registered participant's registration under section 12 in relation to the generating unit ends.

118AM—Compliance with obligations after closure of generating unit

This section requires a Registered participant who is or was subject to a mandatory operation direction to keep in place arrangements to ensure the Registered participant can, on the closure of a MOD generating unit, comply with all of the Registered participant's obligations associated with the generating unit and meet all liabilities associated with the generating unit including liabilities arising from closing the unit.

Division 3—Information and reporting

118AN—AEMO and AER may disclose information

This section authorises the Minister to direct AEMO and the AER to provide information to the Minister or to each other.

118AO—Information must be given to AER

Information of a kind prescribed by the Rules must be given by a Registered participant to AER as required by this section.

118AP—AER may request other information

The AER may, under this section, request a Registered participant, in writing, to give the AER information the AER reasonably requires for its functions under Part 8AA or other information of a kind prescribed by the Rules. A Registered participant who receives a request under the section must comply with the request.

118AQ—Information disclosure

This section requires the Minister, if they issue a mandatory operation direction, to publish a notice that includes the following information:

- the Registered participant to whom the direction was issued;
- the relevant generating units to which the notice applies;
- the way the relevant generating units must be operated;
- the generating capacity that must be supplied by the relevant generating units;
- the period for which the relevant generating units must be operated;
- the circumstances in which the Minister must consider amending the direction;
- information prescribed by the Rules.

Further, if the Minister enters into a voluntary agreement, they must publish a notice containing information prescribed by the Rules.

118AR—Annual performance report

Under this section, if a Registered participant is subject to a mandatory operation direction, they must, in accordance with the Rules, prepare an annual report setting out the following:

- the Registered participant's compliance with the direction;
- the technical condition of each relevant generating unit to which the direction applies;
- the duration, scope and cost of forecast maintenance for each relevant generating unit to which the direction applies;
- financial information prescribed by the Rules;
- information, prescribed by the Rules, about the fuel used in each relevant generating unit;
- other information prescribed by the Rules.

Division 4—Financial matters

Subdivision 1—Financial vehicle

118AS—Establishment and functions of financial vehicle

Under this section, the Minister must, within a reasonable time after a regulation is made under section 118AB, establish the financial vehicle in the way prescribed by the regulation. The functions of the financial vehicle are the functions set out in Part 8AA Division 4 in addition to the functions prescribed by the Rules. The financial vehicle is required to act in a commercially reasonable and prudent way.

Subdivision 2—Orderly exit management fund

118AT—Establishment of orderly exit management fund

The financial vehicle is required under this section to establish a fund called the orderly exit management fund. Money in the orderly exit management fund must be paid into an account kept with an authorised deposit-taking institution.

118AU—Payments into orderly exit management fund

It is a requirement under this section that the following money be paid into the orderly exit management fund:

- all money received by the financial vehicle under a contribution order or a generator payment instrument;
- interest paid on money in the fund;
- all money appropriated by the Parliament of a participating jurisdiction, or advanced by the Treasurer of a participating jurisdiction, for payment into the fund;
- all money borrowed by the financial vehicle;
- other money required to be paid into the fund under the Regulations, the Rules or another law of a participating jurisdiction.

118AV—Payments from orderly exit management fund

This section specifies that the following payments may be made from the orderly exit management fund:

- money required for the functions and obligations of the financial vehicle under Part 8AA;
- money required for the functions and obligations of AEMO and the AER under Part 8AA;
- money required to be paid from the fund by the Regulations, the Rules or another law of a participating jurisdiction.

118AW—Payments where mandatory operation direction not made

Under this section, if the Minister is satisfied there is a reasonably practicable alternative to issuing a mandatory operation direction, the Minister may direct the financial vehicle to make payments from the orderly exit management fund to meet reasonable costs associated with the reasonably practicable alternative.

118AX—Payments where voluntary agreement made

This section provides that if the Minister makes a voluntary agreement, the Minister may direct the financial vehicle to make payments from the orderly exit management fund in accordance with the agreement.

Subdivision 3—Payments to and by MOD generators

118AY—Ministerial order

Under this section, the Minister must, following the making of a mandatory operation direction, by 1 or more written orders made in accordance with the Rules, direct that the payments set out in the order be made by the financial vehicle to a MOD generator or be made—

- by the financial vehicle to a MOD generator; and
- by a MOD generator to the financial vehicle.

A payment order may specify the payments a MOD generator is to receive for the following:

- the reasonable costs directly related to operating and maintaining the relevant MOD generating unit and, in accordance with the Rules, a fair margin on those costs;
- a risk management margin, including risks associated with the relevant MOD generating unit being inoperable for 1 or more periods of time;
- other costs prescribed by the Rules.

A person subject to a payment order is required to comply with the order.

118AZ—Excluded matter

This section provides that a generator payment instrument is declared, under the *Corporations Act 2001* of the Commonwealth, to be an excluded matter for Chapter 7 of that Act.

Subdivision 4—Orderly exit management cost recovery mechanism

118AZA—Orderly exit management contributions

This section specifies how the amounts of orderly exit management contributions to be made by a distribution network are to be determined:

- amounts determined by the AER for payments under a payment order;
- amounts determined by the Minister for payments made—
  - to a Registered participant under a voluntary agreement; and
  - under section 118AW;
- amounts determined by the Minister to meet—
  - costs incurred by AEMO and the AER for advice, assessments, determinations, information and reports and other functions under this Part; and
  - the financial vehicle's reasonable exercise of functions under this Part;
- amounts provided for in the Rules.

118AZB—Public notice of orderly exit management contributions

This section requires the AER to determine the orderly exit management contribution to be paid by a distribution network service provider for a financial year and make the determination publicly available in the Gazette and in other ways determined by the AER or the Minister.

118AZC—Orderly exit management payments by distribution network service providers

Under this section, the financial vehicle may, by written order, direct a distribution network service provider to make payments to the orderly exit management fund in accordance with the contribution determination applying to the distribution network service provider.

118AZD—Cost recovery by distribution network service providers

This section provides that the Rules may make provision for a distribution network service provider to recover certain amounts from electricity consumers and refund an amount, or part of an amount, paid by electricity consumers.

Division 5—Miscellaneous

118AZE—Minister not required to take certain actions before making mandatory operation direction

This section provides that the Minister is not required to comply with certain provisions of Part 8AA before issuing a mandatory operation direction for a relevant generating unit if, on the application of the Part in the participating jurisdiction, there are less than 30 months before the expected early closure date of the generating unit.

Further, the Minister is not required to comply with section 118AH before issuing a mandatory operation direction for a relevant generating unit if—

- there are less than 30 months before the expected early closure date of the generating unit; and
- the Minister is of the opinion that the anticipated closure of the relevant generating unit represents an unacceptable risk to power system security or national electricity system reliability.

118AZF—No liability for enactment or operation of Part

This section provides that no action, claim or demand lies, or may be made or allowed by or in favour of a person, against the Crown, the Minister or another person exercising functions under Part 8AA for or in relation to any damage, loss or injury sustained or alleged to be sustained because of the enactment or operation of Part 8AA or because of anything done, or purporting to be done, or a rule made, under the Part.

118AZG—Review of Part

The AEMC is required under this section to periodically review Part 8AA to determine whether the policy objectives of the Part remain valid and whether the terms of the Part remain appropriate for securing those objectives.

118AZH—Consultation between NSW and ACT

The relevant Minister of New South Wales is required under this section to consult with the relevant Minister of the Australian Capital Territory in certain specified circumstances.

Debate adjourned on motion of Mr Cowdrey.

ANIMAL WELFARE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2024.)

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) (15:40): I am pleased to close the debate on the Animal Welfare Bill, a fine piece of legislation I hope will be considered today and become law before too long. It is a piece of legislation that will make a significant difference to the welfare of animals in this state and to bring ourselves into much greater line with the expectations of our community. I look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Mr COWDREY: Minister, in my second reading contribution I outlined to an extent some of the things that we are looking to explore as part of the committee process for this bill. Obviously, a significant amount of the operational impact of this bill is going to be borne out through regulation, as opposed to the legislation itself. I think there will be a level of wanting to get some level of guidance from you in terms of what you see the shape of the regulations to be, where some of those issues are borne out.

One of the things I also foreshadowed in the second reading speech was my interest in understanding one of the eight areas of reform that were identified by the government that they were seeking to address as part of this animal welfare reform originally. I am not 100 per cent certain but, as I understand it, the consultation process did include this aspect as well.

This area is in regard to shelter licensing. Are you able to explain to the committee why that discrete part of the reform was removed or annexed from this particular bill and where the government currently are in terms of preparation for a bill in regard to reform of that issue, and when we should expect that to be coming to the house?

The Hon. S.E. CLOSE: I understand that there will be questions that relate to regulations and we will get to those as they come, but I am sure the member appreciates that it is challenging for us to be overly definitive about the regulations but we can certainly share to the extent of our thinking at this stage. The question of where the eight areas came from is really as a result of the extended consultation process that we have undergone to prepare this legislation.

First of all, we went out with an open review of the act: what do you think of the act, how is it working, what do you like, not like, what do you want to see? From that emerged the themes of the changes that we have made. We then went out with a discussion paper: this is what we have heard, these are the areas that appear to be of interest to people, and these are some considerations with each of those. Then we have subsequently gone out with a draft bill which reflects those.

While the government has certainly been actively engaged in creating the policy, it has nonetheless been substantially driven by that open question of the review process. You have also asked very sensibly about the question of the shelters and why that has been detached. That was originally part of the election commitment, that we would look at the ways in which shelters are licensed and how they are run. Initially, of course, the intention was that that would all be done at the same time as looking at the act itself.

What we determined was is that there is an enormous amount of quite detailed consultation that needs to be gone through with the shelters, and the shelter sector generally, to understand exactly how to do this in a way that achieves good public policy. We did not want to slow down the

act being updated to do that one small part so it made it quicker for us to detach it. We expect to get that done during next year.

The question about shelters for me has always been that, on the one hand, there are very well-established shelters—obviously the Animal Welfare League and the RSPCA are the ones that most people would think of when they think about large shelters—but there have been questions from some parts of the community about the way in which they manage animals that cannot be rehomed and the extent to which euthanasia occurs under those conditions. That is a segment of the population that has raised those questions, and they are legitimate questions, although I think in a very meaningful way what we ask those shelters to do is to tidy up after our collective failure to sufficiently well look after animals, and to attach then the blame exclusively to them is unfair. That is one element.

The other element of the shelter question is when you have people who say, or even just act as if they are running shelters, 'You know, you can come and bring your stray animals here, the animals that you find on the road, damaged animals, bring them here and we will look after them.'

At times, the organisations or the humans, the people who are running those, are not well equipped to manage those animals which is really addressing the welfare needs of those animals. There can be, although not always, a blurred line between some entities that think of themselves as shelters, and people who are actually what we would think of perhaps as hoarding animals, just having too many animals to look after.

Because of the delicacy of understanding that—the complexity of working out how we get a good public policy outcome for animals that the community expects and not do unnecessary harm to people who are trying to do the right thing by rescue animals—at the same time, we are addressing some of those welfare concerns that can occur. That is why this is quite a difficult policy, or at least a complex part of policy if not difficult, and that is why we have separated it out. As I say, we expect to be able to come back next year.

Mr COWDREY: In regard to the consultation process that has been undertaken by the government to get to this point, the minister stepped through the various phases of the consultation, for lack of a better term. There has been a headline number in terms of total responses that has been provided by the government to this point. I am keen to get more information, though, in regard to responses on the draft bill in particular. If the minister can provide information to the committee in regard to, in particular, the organisations that made a representation or responded to the consultation around the draft bill.

On top of that, were there any secondary responses to anything that the government perhaps responded to in the first instance? If possible, could you provide a list of the organisations or the names of the organisations that responded specifically to the draft bill and, in addition to that, an understanding of the organisations that engaged on more than one occasion in response to the draft bill?

The Hon. S.E. CLOSE: We do not have the total number. We will give that between the houses, so we will take that on notice very quickly in order for you to be equipped with that. We will also check on ones that we know we have engaged with more than once, but I will give you a rough answer in order to help with this committee stage.

We went out with a review of the act. We then invited the people who had responded to that review. We said to them, 'We now have a discussion paper,' and to the people and organisations that responded to the discussion paper we said, 'We now have a draft bill,' so in that sense there was a repetition to make sure that those who responded to each one did not lose the thread of the fact that the next version was available.

We then engaged also more specifically and, therefore, presumably repeatedly, although how many times I would not be able to tell you, with the major organisations involved: as you would expect, the RSPCA, because they run the inspectorate; Primary Producers SA as themselves and also their subsidiaries or their allied organisations, being Livestock SA, the dairy people who were in the old chamber last night, Pork SA; also Greyhound Racing, because there is a small element that relates to greyhound racing; and the Office for Rec, Sport and Racing. They are the kinds of

organisations that you would expect might have a view more than a passing interest but also part of their own work that we did have repeated interactions with. We can give a more detailed response on notice, but I hope that gives you enough of the shape of the kind of consultation process that was undertaken.

Mr COWDREY: If you are happy to take on notice not just the number but the names of those particular organisations, that would be appreciated; thank you for confirming that. The other area of particular interest in the consultation was perhaps the next level of organisation in terms of the more community oriented—say, dog ownership groups, dog clubs.

In particular, I am interested to understand the interaction that has occurred with council as well through the consultation process and whether that was predominantly driven through the LGA or if you are able to provide any advice on whether there were particular councils that had significant involvement in the consultation process.

I understand obviously, to a degree, there is a role in all of this with local council as well, but I am also interested to understand the impact around particular animal ownership groups, whether that be Riding for the Disabled through to Thoroughbred Racing through to any of those other groups involved in not just sporting endeavours with animals involved but also ownership groups or clubs, for lack of a better overall term.

The Hon. S.E. CLOSE: I think when we are able to give you the complete list between the houses that will help clarify all of the organisations that were engaged and perhaps also then engaged with us. We wrote to a lot of organisations who did not necessarily then choose to engage, but we made sure that they were aware of what we were doing. With local government we essentially used the Local Government Association for the interactions. We did not get anything from individual councils, other than Ceduna council who has a couple of inspectors as council staff, so we reached out to them, but there was no engagement then back from them.

Horse SA, Racing SA, those kinds of organisations were on the list that we approached, but we did not necessarily have anything coming back from those organisations. They may have, but we will just check through exactly which organisations we simply wrote to and which ones we had back-and-forth with so that you are aware.

What we would say in summary is that the department very clearly attempted to make sure that any organisation that might have an interest was at least aware that this work was occurring and, should they then engage, there was a degree of back-and-forth, and particularly, as I said in answer to the previous question, there are those organisations that very much have taken an interest, such as Primary Producers and their affiliate groups, such as the RSPCA.

Clause passed.

Clause 2.

Mr COWDREY: I think this one would obviously be expected, but, in terms of the proclamation date for operation, I know there had been discussion about particular parts of the act potentially being operable before others. Are you able to provide an indication to the committee of how commencement of the bill and operation is intended to be rolled out as of now, with an indication of timeline?

The Hon. S.E. CLOSE: The aim is that the legislation will become functional in the second half of next year. There are fairly substantial amounts of regulations that are required and we will do those as quickly as we can, of course, and have it come live as fast as we can. Particularly part 4—licences, permits and registered activities—requires significant regulation, and also part 7 which relates to the Animal Welfare Fund, so they will, in particular, be potentially out of step with the rest of the commencement of the act.

Mr COWDREY: When you say 'potentially', in terms of the public communication to this point, my understanding is that it is essentially to be implemented in stages through to as late as the end of 2026. Is there an indication from the government in terms of when the expectation is for the entirety of the act to be operable, and do you have a timeline for those particular sections that you have outlined in regard to the fund and the licensing arrangements?

The Hon. S.E. CLOSE: I should not have been so loose as to use the word 'potentially'. The intention is that everything except the shelters and part 4 and part 7 will be commenced in the second half of next year. We will work as fast as we can to make that as soon as we can, and then parts 4 and 7 and also the shelters we are expecting for the second half of 2026. With the shelters, I note the degree of complexity associated with that, but we will be coming out next year with much more detail about how that is going to work.

Mr COWDREY: Finally on this clause, regarding the second half of next year, are you able to provide any more clarity? Are we expecting a 1 July start, for instance, just to provide some level of understanding in terms of whether we are operating to a financial year here? Is there a guideline that you would like to at least put on the record of when there can be an expectation that this will be underway?

The Hon. S.E. CLOSE: I am so wary of hard and fast deadlines. I would love it to be in July. It would please me if it were in July because I am very keen for this piece of legislation to commence. I understand that many things can happen, particularly in the final legislative year to deliver the very substantial commitments that we have made, so I do not want to hold the department to any sense of having missed a deadline if they do not make July, but I would certainly prefer that it were then.

Clause passed.

Clause 3.

Mr COWDREY: One of the primary changes contained in the bill is obviously the change of definitions, in particular around the definition of 'animal'. I would appreciate it if you could talk through how the government arrived at the current definition, whether there were any other versions of that definition that were countenanced or looked at by the government and what they were, and why those other definitions—should there have been any—were dismissed in favour of where you have landed in the bill.

The Hon. S.E. CLOSE: We were hoping to have a handy table contrasting the definitions in other states, which is why there was a bit of a delay there, but I will do my best. Essentially, South Australia was on its own in not defining 'fish' as being animals for the purposes of animal welfare. In Western Australia, it is done slightly differently to the rest of the country in that, while fish are not included in their Animal Welfare Act, the welfare of fish is included in their fisheries management, so effectively it is the same thing.

We have long been out of step with the rest of the country in the inclusion of fish for the purposes of considering the legal understanding of the definition of 'fish' as being part of an animal welfare consideration.

We then looked at the other kinds of species that we currently do not include that some other states do. Cephalopoda are included here for scientific purposes because they are included nationally for research purposes, so they are already covered in South Australia by virtue of national law. Some other states include Cephalopoda as animals as if they were a fish as well.

New South Wales includes decapods, which are lobsters, when it relates only to the restaurant trade, but our view was that there was not unanimity of view around the country about animals other than fish and of course the animals that were already covered—birds, mammals and reptiles, the ones that we had already included. Other states were consistent on the subject of fish, so we decided we would adopt the nationwide consistent approach by including only fish and Cephalopoda just because they are already covered by national legislation so there might as well for completeness be a recognition of that.

There were various views expressed in the consultations. The only consistent view was the recognition that fish ought to be recognised given that they are elsewhere and given that all of the recreational fishing and commercial fishing operates without trouble interstate even though they have long had fish recognised as animals so we knew there would not be any traps that we would be uncertain of in understanding what the implications were by including fish and that is why we reached this definition.

Mr COWDREY: Given the reference to the national framework and that a level of consistency within that was sought within the definition, I will take the opportunity to ask a broader question in regard to the reform more generally in relation to where we sit within the national framework now.

There are several things that are contained in this bill that are perhaps now a step in front of the national framework. Are you able to provide some level of reasoning as to why, in some circumstances, the government seems to have decided to align itself with the broader national framework and in others it seems to have stepped ahead of the rest of the national framework?

The Hon. S.E. CLOSE: I appreciate that this strays slightly from the definition, but I opened the door and I am very happy to have this conversation as well. Essentially, this legislation largely brings us into line with the national view of how we do animal welfare. The only area where we are at the front, or near the front, is the level of the penalties included.

That is for two reasons. One is that community standards and expectations of the way in which cruelty to animals can be punished—obviously there is always a sliding scale—in egregious circumstances has changed over time. Largely the community expects egregious cases of animal cruelty to be dealt with harshly and, in the election commitment we gave, we were very clear that we wanted to meet community expectations.

It is also true that in South Australia we do not have a unit method of calculating fines and penalties, so they do not update until we update a piece of legislation. Because this has not been updated for a long time we are taking the opportunity to update the penalties, and they will then stay in place for a long time again. I am advised that is really the only area that would be regarded as being at the front, or even ahead, of the other states.

Otherwise we have largely paid attention to what occurs interstate and have looked for best practice and consistency. I appreciate they are not identical, but we are looking for the best ways in which areas are dealt with. For example, we decided we would include fish as being defined as animals in a nationally consistent way. In how we make sure that fishing is able to continue as is we adopted the Victorian model, which was regarded by commercial fishers, PIRSA and RecFish as a preferable version to the Tasmanian version, by which, as we will get to, we recognise that it will be under fisheries legislation that any standards would be set, not under the animal welfare legislation.

We have done our best to make this a modernisation of the act. Certainly, because of the age of this act it is a great leap forward for us, but it is really a great leap forward up to being part of the way the rest of the country manages animal welfare.

Mr COWDREY: The other issue, in terms of interpretation, that I think is important in regard to this particular bill is around the definition of ownership. Obviously there are circumstances we can all imagine—and we have slightly touched on some already—in terms of welfare shelters or people coming across animals that are in distress, whether that be the side of the road or in any other situation, in a paddock or elsewhere.

The definition in terms of custody, care and control could be interpreted reasonably widely, depending on how that is necessarily defined. For the benefit of having it on the *Hansard,* I think it is important to get a view as to the government's broader interpretation of what is inside the interpretation and what is outside of it. If someone happens to come across an animal, while not necessarily being the owner in any formal sense, in a situation where they are hurting or otherwise, what are the parameters in terms of ownership that are captured within this definition and what sits outside? If you could provide a couple of practical examples, perhaps, for the committee in terms of what would sit inside and what would sit outside.

The Hon. S.E. CLOSE: There has been very little change to the definition from the existing practice, but there is a slight change. Importantly, the common understanding of the definition of 'owner' remains relevant to this understanding. The inclusion of having care in relation to an animal does not mean that there is suddenly a duty of care for all of us for every animal we happen to see, and that the word 'owner' is still doing legal work in this definition.

If you were to walk past an injured possum or a lost dog, you do not suddenly have a duty of care to do something about that animal and you are not held legally responsible under this act for anything that has occurred to that animal.

The definition is important in understanding the various layers of responsibility that sit where responsibility ought to lie. If you think about an organisation that takes in animals—a shelter of some sort—and it has a board, the board has some responsibility because it is purporting to run that organisation, and if something occurs within the way in which that organisation is established to run then the board has some responsibility. People who are working or volunteering within that organisation, who might step out of what they have been asked to do and cause harm or cruelty or affect the care of that animal, can be held liable in a way that you would imagine in a commonsense understanding of who is responsible.

In the end, if there is any lack of definition, naturally there are courts that determine and they always determine on a test of reasonableness. But, as I say, this definition is largely that which has operated for a long time in this state. It reflects the responsibility in relation to an animal if you have care of that animal but, as I said at the beginning, it does not suddenly exist for each of us with every animal that we might happen to see.

Mr COWDREY: I have a very small point of clarification. I certainly understand that in walking past an injured animal there would not suddenly be an obligation on that person to take action. I think that is—

The CHAIR: Member for Colton, you have asked three questions already.

Mr COWDREY: Yes, I just sought a point of clarification if that is alright.

The CHAIR: You are actually working on my good—okay, I will treat it as a supplementary on this occasion.

Mr COWDREY: Walking past an injured animal, I think everyone would be of the understanding that there would not suddenly be an obligation arise that action would need to be taken. However, if that good Samaritan, for lack of a better term, was to take into their care that particular animal, not being experienced and not understanding what particular courses of action were best for the animal, and perhaps did something untoward without intention, would that person have technically, in taking that animal into their care, a duty arise? These would be actions that perhaps they would not necessarily be aware were not in keeping and at the heart of where we are going here in terms of animal welfare, at the core of the changes, but would simply be taking possession of that animal, for lack of a better term, into their care.

The Hon. S.E. CLOSE: If they are bringing an animal in, they are effectively taking care and control of that animal. If they take them home, then they are the person who is choosing to take care and have responsibility for that animal. If they decide to take the animal in and deprive them of water for a week, then that is cruelty. Should that be something that came to the inspectorate's attention, the inspector may well wish to pursue that as an act of cruelty, and I think a lot of people would think that that would be reasonable.

If they take an animal in and are poor in their treatment of that animal, they try to treat a broken limb but do not do it well and cause more pain and distress, that really is a matter of such individual circumstance that I could not, in guiding this legislation through, be definitive about what the consequences would be. I think we would expect again the test of reasonableness, that if someone was in the habit of picking up koalas, not looking after them properly, setting their bones poorly, and purporting to be looking after them but actually causing them more pain and distress, and if that was something that they continuously did and came to the attention of the inspectorate, we might well want something to be done, at the very least for that person to cease taking in animals that they are unable to care for.

If something happened and it is one animal and they misunderstand how to look after that animal, the chances of that turning into a cruelty case would be reasonably remote, but I would not be able to be definitive, as I say, because one would need to understand all of the circumstances. But this legislation is not intended to go hunting for people who have accidentally done something that is not perfect. I do not want to use this analogy too often because I think it is not helpful in most

cases, but if someone comes across a child who is hurt and they take them home, if they lock them up, do not feed them, do not tend their wounds, we would probably want something done about it. If they put a pretty poor bandaid on that does not really work and causes more infection, it is not going to end up with welfare services.

Again, I do not always want to get into the human/animal analogy, but just that idea that this legislation is not intended to be overly punitive and to deter people from trying to exercise care for animals—quite the reverse. It is about guiding how the best welfare of animals can be looked at and if necessary a punitive regime for those people who cause harm.

The range of ways in which this can be managed by the inspectorate and by any possible prosecution, but also by being able to have orders to prevent people from holding animals, all of that, is intended to give a very subtle and supple approach to dealing with different circumstances in the best interests of animals rather than as some kind of attempt to be overly harsh. It is stepping away from, in fact, always putting that response into the realm of the criminal and being able to be much more sophisticated in the way in which we respond to, for example, people just not being able to have animals anymore and being able to go to a magistrate to make that case.

Clause passed.

Clause 4.

Mr COWDREY: Clause 4—I think this is probably one of the times that perhaps, for the sake of clarity, for the record and any misunderstanding in terms of the interpretation between this bill and fisheries, if we start there, if you are happy to just put on record for absolute clarity for everybody involved, everybody listening, for all members in this place in particular as well, and just talk about the intersection between the fisheries act, continued practice and the Animal Welfare Bill.

The Hon. S.E. CLOSE: I will, once we get to clause 14, talk a little bit more in detail about the interaction with the fisheries act, but this clause is very clear that, if you are doing something that is legal under another act, then it cannot be the subject of the regime under this act. So the fact that you can do duck hunting under the National Parks and Wildlife Act means that the fact of duck hunting is not in itself regarded as an act of cruelty in this act.

There are also codes of practice that exist that are then added as regulations to this act, but, with the codes of practice for animal husbandry, if you are acting in accordance with the code of practice that has been defined for that industry—pork, anything to do with dairy, abattoirs—then the codes of practice that exist mean that you cannot be subject to the general provisions that, 'Well, I regard that as cruel, so you can't do it.' That is why this clause is important, and then, again, we are very specific about the way in which that works for fisheries. Also, there are, at the end of the Animal Welfare Act, the codes of practice that are attached to that act in order to recognise that they are the guide for how that activity occurs.

This is important because animal welfare can be a very emotional issue and people have very strong views. There will be people who do not think that there should be such a thing as the pork industry or do not think there should be any hens in cages. They cannot use the provisions of this act to say that that is by definition in their view cruelty because they are legally entitled to run those in those ways, either through whole pieces of legislation or through codes of practice that are then recognised by this act.

Mr COWDREY: I asked the question in this way obviously providing the opportunity to have a lead-up discussion around fisheries for the purpose of understanding, and perhaps there can be a level of guidance provided as to why fisheries was singled out and specifically excluded in the bill whereas the other industries that you have just referenced were effectively a capture-all through this clause as opposed to specific references. Was there a reason the government decided to specifically address fisheries through a separate clause, and a more explicit clause, whereas other industries were left effectively with this capture-all?

The Hon. S.E. CLOSE: The reason is that all of the other animal husbandry industries are already in the act, either as regulations on their own because they have become standards that are then attached to our act as a regulation, which means that anything you are doing in accordance with that standard cannot be subject to the general provisions of this act, or they are model codes of

practice that are then recognised within a regulation that says model codes of practice are recognised for the purposes of exclusion from the general provisions of this act.

Fisheries does not have that. There is no national code of practice for fisheries. As I mentioned earlier, in discussing with primary industries and with fishers, commercial and recreational, how do we best make sure that you feel confident that we are not attempting through this act to change your practice as it currently stands, they preferred the Victorian model, which was to say that they have their own act and we would recognise that that act is responsible for fisheries rather than have this piece of legislation attempt to then set up a code of practice ourselves. That is the reason why it is treated differently to the rest, because they do not have that national code of practice or that national model that all of the others have.

Clause passed.

Clause 5.

Mr COWDREY: In regard to the principles and the objects of the act, obviously one of the changes—and, again, this was something that has been referenced as part of the changes, in particular clause 5(1) around sentience. I am just keen to understand what underpinned the decision for the inclusion of that, whether it was particular science, and if it is the view of the government that all animals captured by the Animal Welfare Bill meet the sentience objective that is outlined in the bill as it is before us today. Was there a particular driver in terms of a change in scientific approach or paper or view, or was it based more largely on the responses that were garnered through the consultation process?

The Hon. S.E. CLOSE: Clause 5(1), although referred to as the sentience clause, does not actually use the word sentience. It talks about the recognition of animals being 'living beings that can feel, perceive, and experience positive and negative states', which we have overwhelming scientific evidence for being true of all of the animals that will be captured by this act. All other states either have a clause like this—I think maybe only two use the word sentience—or are in the process of updating their acts and have proposed to include clauses like this.

Even our own act in a meaningful way assumed that this is the case, although we are including it as a principle of the act in the sense that we recognise that a form of harm can be psychological harm, which presupposes that there is harm that can be done to how an animal feels. I think anyone who is involved in animal husbandry or has a companion animal would accept that animals can experience positive and negative states. There is sound national consistency argument for it. There is sound scientific argument for it. There were also overwhelming requests that this be considered as we reviewed the act and the positive response to our discussion paper that suggested that we would like to include this concept.

There was some disquiet from primary producers, who we think probably were concerned that it implied some kind of active duty to provide enrichment, for example. It does not. When we engaged with them and explained the way in which this was intended and the language that we wanted to use, I am advised that they were substantially comfortable with that. It does not in any way trouble their code of practice in the way in which they manage their animal husbandry.

What it does is help with one of the underlying themes of this act, which is to head off harm before it occurs. The balance of the way in which the current act operates is that you have to wait for something bad to happen to an animal before the inspectorate can do anything about it. We are now flipping with this idea of duty of care that you ought to look after your animal. You ought to provide water and feed the animal rather than wait for it to be dehydrated or starving. You ought also to treat the animal as if it is capable of feeling.

While the animal husbandry is taken care of through the codes of practice, if you have a dog that is shut in a room all day howling, and the neighbour is complaining, the neighbour would like the inspectorate to be able take account of the fact that that animal is clearly suffering.

Mr COWDREY: I think the rest of the clause speaks for itself. It is reasonably straightforward in terms of the overall objectives of the act. The part of the minister's answer that I am seeking slightly more clarity on is acting in advance of something occurring. It is very difficult, as I understand it, even in the circumstance that the minister has just described, there clearly already having been an act of

harm imposed—perhaps it had not manifested to the point of there being significant injury or significant malnourishment, but the act itself had already occurred.

So, in seeking to provide an opportunity or the door to be opened for the capturing of behaviour prior to a particular outcome being achieved based purely on the perception of a negative experience, I am keen for the minister to outline that in a little bit more detail for me. It does not necessarily make logical sense in terms of the example that was given where, if through hearing over a fence or understanding mistreatment is being enforced on an animal—clearly, there has been a level of malnourishment or a level of mistreatment or a level of injury that has already been received by that animal. In terms of a negative connotation, in advance of an action happening, I am just keen to understand more of what the minister was trying to outline.

The Hon. S.E. CLOSE: The idea of duty of care is to provide a positive requirement for a dog to be looked after to its base needs, as opposed to a negative penalty which waits for all of the consequences of that to have occurred before you are able to prove that harm has resulted. So, if you see someone's pony that has not been ridden for a long time, left in the paddock and is not being well fed but is not yet clearly starving, but it is evident that they are not providing sufficient food, then you do not have to wait for them to become starving to prove that there has been harm caused. So the general duty of care is you have a positive duty to provide for that animal that is under your care and control, and you do not have to wait for all of the manifestation of not doing that before an inspector can say, 'You do realise that you need to be feeding and watering that animal.'

Mr COWDREY: That makes more sense to me now in the way you have articulated it, in that essentially we are just talking about levels of misfortune or, for lack of a better term, the manifestation of the outcomes of behaviour.

The final question is just in regard to (c) and (d) perhaps of subclause (3) in relation to the principles of the act. While I understand these are largely consistent with what had been in the previous iteration of the act, are there any clear deficiencies that the minister identified in the preparation of this bill, particularly in relation to those two principles, where the minister believes that there was not appropriate advice being provided to her in regard to animal welfare matters, or is there a view from the minister that community awareness about the responsibilities of animal ownership was not at the requisite level?

The Hon. S.E. CLOSE: Of course, we did not have principles and objects before, just a long title, so in assembling principles and objects—which is just one of the examples of why this is quite an old act that we are updating—(c) and (d) have roles to play: (c) is particularly about giving us room for the creation of the fund and how that can be spent, and (d) has really come out of the section that referred to the Animal Welfare Advisory Committee that was already in the legislation. We have pulled that in to being one of the objects of the act in order to have the Animal Welfare Advisory Committee as being one of the things that is delivering the objects of the act, so it is really more a construction of the legislation.

There are no particular examples that I would want to point to of either (c) or (d) being deficient leading up to this. It is more that this is the way we could best structure this piece of legislation.

Mr BASHAM: I have a quick question partly about the principles and how the act works, but also in the context of how this was put together. Back in my previous life in the dairy industry, I chaired animal health and welfare nationally for the dairy industry. South Australia was very much the lead state at that point in time in developing animal welfare legislation, and there was a consensus that working with industry and governments that we had to harmonise legislation. Is this keeping with that desire to have harmonised legislation across the states?

The Hon. S.E. CLOSE: The short answer is yes. Of course, for the dairy industry and for all the other animal husbandry industries their codes of practice, which are nationally derived, remain untouched by this legislation. They remain attached to the act as a regulation that gives exemption to the general provisions. When updating the legislation, as I have mentioned, we have been very aware of working to the best practice national harmonisation that we can. We had fallen significantly behind just because it is an older piece of legislation.

Clause passed.

Clause 6.

Mr COWDREY: This is where the rubber starts to hit the road in terms of the duties that are required of owners, as have already been discussed. The key here is appropriate in the circumstances, effectively, to condense the issue down to as few words as possible. We have the codes of practice in regard to particular industries, so I think this issue is far more straightforward when it comes to a dairy cow versus a pig in a piggery or any of those animals that are captured by particular codes of practice.

However, it is less so, perhaps, with the divergence of different animals and the different circumstances in which they are housed, homed or used—the difference between a working animal that is not necessarily captured by a particular code versus a pet in a suburban setting versus an animal in a shelter, perhaps, noting that that is obviously going to be captured in separate legislation, I assume, that will then be captured potentially by clause 4 that we have already gone past.

But in terms of what is appropriate in a particular circumstance, and obviously that is a subjective test to a degree, how does that play out operationally in terms of the different expectations and is there going to be a way that somebody in a particular circumstance is able to get some sort of guiding clarity in terms of level of expectation in one situation versus another?

The Hon. S.E. CLOSE: As I was explaining earlier, this provision is the flip of what had been regarded as 'if you have not done this then you will be punished' or 'if you have mistreated the animal you will be punished' to 'you have an obligation to treat the animal appropriately'. So the language otherwise is something that people would be familiar with.

Asking for any kind of definitiveness is difficult, as we described before and as you put so well in your question. The diversity of different animals and their needs and their circumstances in which they are living makes it impossible for me to assist too much putting on *Hansard* what I believe the standards ought to be and the test that would be met by a court.

Clearly, there is a compliance cascade that starts with education, particularly in newer areas, and then moves through giving feedback to start to invoke some of the legal provisions that sit here, ultimately needing to reach the test of whether a court would agree that the person had not provided an animal with appropriate or adequate food, for example, or had not taken reasonable and practical measures.

So the inspectorate is very well aware that the courts are going to test them on reasonableness and whether they are within an appropriate definition of 'adequate food' and 'adequate shelter'. We are not planning at this point to start exhaustively setting standards or even guidelines. If ever there was a case where that was needed, naturally that would be worked through extensively with those who are in that category of looking after those animals.

I will give you the specific example that we have, in fact, in the not too distant past, worked up guidelines that are turning into standards for breeding kennels because of serious concerns people had about what breeding kennels were doing, turning into puppy factories. We have set up a guideline of how animals in those conditions need to be treated: how many times you can have a female breeding in its lifetime, for example.

In specific cases where it becomes evident that a class of ways in which certain animals are treated is problematic, we may work with that industry—or group in some cases and industry in others—to determine what reasonableness would look like in order to head off things going wrong. However, it is not something we propose to do in a wholesale manner.

We would expect that the definition of appropriate and adequate food would be sufficiently well understood and, if it is not, it would be able to be guided through education rather than needing to be exhaustive and definitive for every circumstance and animal there is.

Mr COWDREY: Regarding subclause (3), while you have mentioned in your answer that the government is not looking to exhaustively call out classes of animal, there is obviously be the inclusion of subclause (3) where, by regulation, you have provided the opportunity to prescribe specific care requirements for specific cohorts or subsets of classes of animal or animals. Are you

able to give any indication of what classes of animals you assume regulations would be drafted for in the first instance and in operation—what we are assuming to be, hopefully, by July next year? Do you imagine those specific care requirements in all circumstances to be more restrictive or above a higher threshold, a higher duty, than what is contained in the bill to this point?

The Hon. S.E. CLOSE: This clause, and then subclause (4), are the ways in which what will be the new version of the act captures all those regulations we were talking about earlier, which are the existing codes of practice for various animal husbandry industries. This is necessary because we have changed this into being a duty of care rather than responding to harm that has already occurred.

Because we have flipped it, this is a rewriting of what was already there, which is that by virtue of having regulations those regulations will be defined. They are currently already defined through the various codes of practice we talked about before for dairy and so on. There is no proposal to change those; this is just the legal mechanism by which they are recognised, and for animal husbandry industries to be able to continue to manage as they are managing now without having fear that the general duty will change what they are doing.

It does, of course, enable us, as I said, to create new ones should we wish to. We have no plans to do that but this is, as existed previously, the mechanism by which that is able to be added into our legislation, to mean that the general duty of care is addressed through a code of practice that has been agreed by the agricultural ministers' ministerial council nationally, and recognised that this is the way that Australia treats pork, treats dairy, treats beef and so on.

Mr COWDREY: Perhaps I did not frame the question well enough in terms of being in addition to the existing codes of practice. Were there any other classes of animal you were seeking to draft regulations for using that subclause? So to this point the expectation is no.

In regard to natural events such as drought, obviously there is going to be a change of expectation and potentially circumstance in terms of the ability to provide adequacy of food in those circumstances. While we have discussed the code of practice, which in some way covers this, I am thinking of the example of a farm more generally where perhaps not all animals on that farm are necessarily captured by the code—how that interplays in a drought scenario for a farmer or otherwise in terms of the changing of the duty of care in regard to animals in that circumstance.

The Hon. S.E. CLOSE: Subclause (2) really does the work in those circumstances:

(2) The owner of an animal must take all reasonable and practicable measures to prevent or minimise harm to the animal.

We all appreciate that there are circumstances—flood, drought and fire being the most obvious examples—where suddenly it is very difficult to look after the animals in the way in which you had been accustomed to. As the shadow minister points out, there are codes of practice that cover many circumstances but not necessarily all, and there may be animals also on that farm that are not covered by the codes of practice that are regulated, in which case the test will be reasonableness and practicableness.

At a standing start as a community, we would expect that in the event there is not sufficient food for animals the animals would be managed in a way other than just allowing them to starve. That may be that there would be a test of reasonableness or practicability that meant that a court did not find someone who allowed the working dogs on the farm to starve to have committed cruelty. That would be a matter for a court to decide, but I think most of us would expect that the owner would do what they could to avoid that being the outcome.

There are also, increasingly, the standards that are imposed by consumers and by markets—that the ways in which we run our primary production are ways which are very conscious of the cruelty to animals. That is why the standards exist, so that we can demonstrate overseas that these are the standards by which our primary producers are held to account and those standards are accepted by agriculture ministers as being reasonable and appropriate.

Having a natural emergency such as a drought or a flood does not automatically exempt you from these provisions, but it does constrain what 'reasonable' and 'practicable' will be in those individual circumstances. Should it reach a point where that became something that went to a court,

a court would test whether that person had indeed acted reasonably and appropriately, given that they were in a flood. Those circumstances would be taken into account but that person would not necessarily be automatically exempt from what I think we would probably regard as the human responsibility to try to minimise harm to an animal in difficult circumstances.

Clause passed.

Clause 7.

Mr COWDREY: Perhaps it is best in this instance to ask a question in regard to penalties. The minister obviously provided some level of explanation earlier in regard to some level of reasoning around the severity of the fines and the fact that these are in advance of what is in place in other jurisdictions around Australia.

This is not necessarily a question of why the particular numbers were settled on in terms of them being ahead of the field, but in terms of the penalties involved was there a process of finding analogous contraventions that drove you to landing on these levels of fines, both in the previous clause and in this clause? Was there an underlying process, rationale or logic that connected the level of the particular expiation or penalty that you have landed on?

The Hon. S.E. CLOSE: The process that was adopted was first of all to tier the various offences, so from administrative through to aggravated and serious cruelty. Then we looked interstate at what kinds of equivalents were present and also any analogous legislation in South Australia. We took into account the fact that there has been no movement for 17 years in the penalty levels and recognised that we had fallen significantly behind and that it was important that we caught up and, in catching up, that we reflected the community views which we gained through the extensive consultation processes that we undertook.

We wanted to make sure—and we got this through the feedback as well—that the seriousness of animal cruelty was recognised and, to the extent possible, with serious penalties, that there be a deterrent against it.

The links between animal cruelty and other criminal activity, including domestic and family violence and including becoming a violent person, is recognised. We want to make sure that the penalties reflect the seriousness with which the community regards those very significant elements of animal cruelty. In terms of how we sit interstate, as I stated earlier, that is where we are towards the front of the pack, and occasionally ahead, when asked earlier about the general comparison of the bill here and the legislation that exists elsewhere.

If I look across—and it is hard to be definitive, of course, about the comparison—where there is a fine for aggravated cruelty and a corporate fine here that we are saying could be up to $1 million in Victoria, when you add up the various elements that can contribute to a corporate fine, it can be well over that figure that would be charged, even though in their legislation the base corporate fine would be around $250,000.

So we tried to understand it, not only clause by clause but how those crimes are treated in other legislation and we put ourselves near the top or, not often but occasionally, at the front but in that top band, bearing in mind that the other states all have this approach of incremental increases because they use units and we are not going to be changing this legislation for some time in all likelihood because that is what happens with these kinds of acts: they sit in place for a decade or more—17 years in this case. So we would expect that, having set this, that will not change for a significant period of time, whereas the other states will continue to rise up because they use that unit approach.

Mr COWDREY: In regard to the penalty provisions, again, you have referenced the process to this point, which I think is fair, the comparative jurisdictions, noting that there has been 17 years transpire between this act last being updated. In regard to the point that you have just made, there may be concerns in some circles that we would very quickly again fall behind appropriate penalties in comparison to other jurisdictions should there not be any updating of this act for essentially the same period of time.

Has the government considered or through the consultation process was there any feedback provided to the government that a more regular review of this bill in terms of penalty provisions was potentially warranted? Has the government got any plans to potentially set something in place to deal with a more regular updating of penalty provisions to ensure that they are in line with what will be, we expect, a progressed environment in other jurisdictions in the coming years?

The Hon. S.E. CLOSE: I personally wish that we had the unit approach to fines, by the way. I do not know exactly who is supposed to make that change to affect that. In the absence of that, for those following along at home, if they are still with us when we get to clause 79, there is a review after five years and so I would expect that that, at the very least, would be an opportunity.

Of course, nothing prevents a government from diving back in and altering any time they want, it is just the experience is that we tend to do the big changes not too frequently and therefore this was our opportunity to properly update. Had we gone way ahead of everybody else on everything, then there might have been some disquiet that we were overachieving, trying to futureproof. We have not done that; what we have done is gone near the top in order to give us some time. In five years, we will have a look and see what others—obviously, it is about all of the provisions of the act, but we will have a look and see, or you will if you are in.

Mr COWDREY: My last question on this clause is around expected prosecutions, effectively. With all of these bills, we certainly understand that the government generally has—I will not use the word 'target' as that certainly is not the right context—an expectation in terms of the number of people who are potentially going to be prosecuted under the different sections of the act based on past experience.

Obviously, with what is in place at the moment not necessarily 100 per cent aligning with what we are moving to, are you able to outline for the committee the expected prosecutions? Obviously, the desire is for them to be as minimal as possible, but based on past experience perhaps you can give some level of information to the committee as well in terms of how many prosecutions there have been over the past years, whether that trend is down or up, but what your expectation is in terms of prosecutions both under—I think it is helpful—the duty of care provisions as well as clause 7 in regard to ill-treatment.

The Hon. S.E. CLOSE: As the member would be aware, about 99 per cent of prosecutions are undertaken by the RSPCA and their annual report suggests around roughly 30 a year. Very few are aggravated cruelty, so this is not an area of law where there are a lot of prosecutions resulting from the enforcement of the law.

Mr Cowdrey: Which is a good thing.

The Hon. S.E. CLOSE: Which is a very good thing. Clearly it is difficult for us to give an estimate of any that would arise if any numbers would be different as a result of the changing provisions, particularly relating to duty of care, but the expectation in this legislation is not that we are facilitating more prosecutions; the expectation is that we are providing more options for the way in which the act is enforced, so notices to comply that are not the precursor to ending in prosecution but may be the precursor to going to a magistrate and asking for people not to be allowed to hold animals anymore.

The way in which we have written the principles and objects of the act is really putting the emphasis on having people treat animals well in the first place, and therefore education is overwhelmingly the preferred approach as long as that is effective. It is certainly the preferred approach of the RSPCA. Although they operate in a way that is designed to get the best outcome for animals, there is also no financial incentive for anyone to undertake a lengthy prosecution if a word in time can head that off.

So it is not like we are setting up an opportunity for that to be more likely; we are actually trying to create a piece of legislation that encourages better treatment of animals from the beginning, intervention to guide that where necessary, and we hope not any significant prosecutions. If the increase in some of the penalties results in a deterrent effect that bodies corporate in particular choose to behave differently, that would be a good thing too.

Clause passed.

Clause 8.

Mr COWDREY: I will ask the same question in the context of this clause before getting to the specifics around working animals. My previous question in terms of asking expectation was more framed around: is the government's expectation that there will be a reduction in prosecutions? We are yet to get to, obviously, the particulars of the bill where it sets out the alternate compliance tools that are going to be available for compliance officers now that were not available previously. So there is a significant change in terms of how situations, hopefully, are highlighted and addressed in an earlier circumstance than they may have been otherwise under the existing framework.

My question was more framed in hopefully a positive light and whether the government had any expectation or target in terms of a reduction of prosecutions based on the tools available to those officers now to hopefully deal with finding these circumstances, having the ability to alter these circumstances at an earlier point in time than they would have otherwise.

The Hon. S.E. CLOSE: To give a background, when we were drafting this policy in opposition, the RSPCA made several representations to me that they felt that the way the legislation exists at present was antithetical to having a reduction in cruelty because it drove them so hard to either prosecute or not prosecute. What they wanted, as mentioned we will come to, was different ways of enforcing the act in order to not have to end up in prosecution but in order to actually deal with the cruelty.

There are circumstances where they have not addressed the cruelty but nor have they been able to prosecute. That can happen when you think of people who maybe have mental health issues and are highly disadvantaged, live in poverty and have far too many animals. If all they are able to do is prosecute, then the chance of prosecution being successful, or even the right thing to do when you are dealing with people in those conditions, is something that they had to balance and judge. They felt that they were having to allow cruelty to not be stopped because they only had prosecution as an option.

Although I would not in any sense turn this into a number, the expectation is that by providing those alternatives as asked for by the inspectorate, we will see, at the very least, no more prosecutions—if not, one would hope, fewer—but we would see better ways of dealing with the cruelty that fall far short of prosecution.

Mr COWDREY: In regard to clause 8, which is specific obviously to working animals, and there are very specific provisions in this section of the bill, I am keen to get an understanding of who specifically was consulted in regard to this section. Was SAPOL consulted? Were a cohort of people that are using vision dogs, etc.? How much consultation was actually undertaken in regard to the very specific circumstances that are outlined in clause 8?

The Hon. S.E. CLOSE: This is what was known at the time as Koda's law that we have taken out of the Criminal Law Consolidation Act and moved into here because this is where it belongs, so all of the consultation had occurred obviously in creating that piece of legislation.

Mr COWDREY: To confirm, no additional changes were considered. This was simply lifted, plonked in. There was no additional consultation. SAPOL were not consulted in terms of whether there was any need to update change or subtract in terms of the make-up of what has come into clause 8.

The Hon. S.E. CLOSE: No. We did this under the request of the Attorney-General and the Attorney-General's Department. I believe he will be taking care of this piece of legislation in the other place so there can be more specific questions also to him.

Clause passed.

Clause 9.

Mr COWDREY: Clause 9, in a similar vein I understand there is a subclause here. Give me a second to locate it in terms of activities that can be added to this list by regulation. In terms of prohibited activities, are there any that the government is currently considering adding to the list through regulation?

The Hon. S.E. CLOSE: We do not have plans at present to add a prohibited activity. The regulation-making power—also this is true for clause 10, by the way—is important because things can change, other activities can occur that had not occurred previously, but there is not an intention to add anything at this stage. We did receive feedback from a number of people who wanted us to use this for things such as duck hunting. There is no intention to use this for that, and I do not believe it would be appropriate given that that is captured in another piece of legislation anyway, but just as an example of the kind of feedback that we received. That is not the plan of this government.

Clause passed.

Clause 10.

Mr COWDREY: Again, this may have some overlap between clauses 9 and 10, anyway, in regard to the powers provided by regulation. Can you outline, from a practical perspective, what consultation is required by the minister prior to making regulation under both of those clauses?

The Hon. S.E. CLOSE: There is no embedded requirement for any particular consultative process to come up with a regulation for either 9 or 10, as there generally is not for regulation-making powers in legislation. I am just thinking about how it would operate in practice. In any regulation that a government chose to bring in that stopped people from doing something, it would be a very unwise approach to do that without any consultation at all. Of course, regulations are subject to disallowance motions and there has not been a government majority in the other place for a very long time.

The CHAIR: Since 1975.

The Hon. S.E. CLOSE: Since 1975. So it would be sensible for a government to undertake sufficient consultation to be able to at least defend a decision that had been made and, of course, there is a parliamentary element to allowing a regulation to continue to exist.

Mr COWDREY: In regard to clause 10, you outlined in regard to clause 9 other activities that were potentially proposed through the consultation process.

The Hon. S.E. CLOSE: I am sorry, but because I was being corrected or provided with a little bit more clarity about what I was saying previously, we missed some of the question, so I will just clarify what I was saying and then ask you to repeat the question. When I spoke about the consultation, it is the case for both clause 9 and clause 10 that the—

Mr Cowdrey interjecting:

The Hon. S.E. CLOSE: That is right, section 78(4). That consultation does need to occur in a way that is defined by the minister. So it does not say what that should be, but it does say that it should happen. I did not give that full response previously, so it is very good work from the people listening to make sure that that is clearly articulated in *Hansard*. Could you repeat the question that you were asking about that?

Mr COWDREY: The form of that consultation, again, is up to the minister of the day—we understand that—but there will be something undertaken. The question was to get to the practical purpose of how you saw that consultation being undertaken, so if perhaps you wanted to touch on that as I add to the second question, which is in regard to your answer at clause 9. You mentioned that there were other activities that were raised as potentially being proposals for wanting to have them added to the list of prohibited activities. In terms of possession of items, were there any proposals and are you able to outline those to the committee?

The Hon. S.E. CLOSE: Duck hunting was a significant one because it is such a hot issue in the community. There was a request to consider opera house nets being banned but, of course, that has already occurred under fisheries. Shock collars were mentioned, but shock collars are already banned. Duck hunting was the one that stood out to me as one that I could understand why people wanted me to consider that, but that is not under consideration by this government at all.

In terms of the way in which consultation might occur, it would be fit for purpose, in my view, but whichever minister is responsible for the legislation at different times—and it may well be the shadow minister—will determine what is best practice. Usually, one consults with the community at

large but also with any specific interest groups. The YourSAy website is a very useful way to do this, so that would be an orthodox way of undertaking a consultation.

Clause passed.

Clause 11.

Mr COWDREY: In regard to clause 11, I understand that through the consultation process the minister received a number of submissions from a range of different parties. Were there any views expressed to the government or through the consultation process that were at odds with the position that the government landed on in clause 11 of the bill?

The Hon. S.E. CLOSE: This clause is only because we recognised that a loophole existed in the current version, which required 'place on the animal and use' rather than 'or use'. Some of these can be used without actually placing them on the animal as they can be applied to the animal, so we just want to update that. We did not receive any feedback otherwise that would want us to change the section.

Mr COWDREY: Has there been any science or representations provided to the government by Livestock SA in regard to the concept of virtual fencing and how does that interact with the provisions outlined in clause 11?

The Hon. S.E. CLOSE: Yes, the member is correct that virtual fencing is something that Livestock SA and people in the pastoral lands have been asking whether they could be able to use. That is under active consideration at present and would be done through regulation. This section allows for regulation to say how these items could be used, so a shock collar that is associated with virtual fencing could be permitted under regulation and we are currently looking at the merits of that.

There was a trial done under the aegis of PIRSA a couple of years ago, I think, although it might have only just finished but started a while ago, so we are looking into that. Passing this does not prevent that, but nor does it require that. The capacity for that to occur under regulation already exists and we are continuing to look at that at present.

Mr COWDREY: Perhaps, I will be more direct with my question then: was there a representation to the minister or to the consultation process to have a specific exemption in regard to that issue contained in this bill?

The Hon. S.E. CLOSE: I believe that primary industries and other interests are well aware that, should virtual fencing be permitted, it will be done through regulation and that this section does not change that, so we do not believe that there was a representation specifically to change this clause. We can double-check that that is accurate, but the question of allowing virtual fencing via regulation has been, if you will forgive the almost pun, a live question for some time and remains one.

There are different views from different parties, but I have heard not only directly from Primary Industries SA and Livestock SA but also from people from the pastoral lands—which of course is part of the environment department's responsibilities—about the virtues of it, and we are taking seriously the contemplation of a regulation. We also have views expressed by the RSPCA about that. We are working through it, but this legislation does not trouble that in any way.

Mr PEDERICK: In regard in questioning along the same line, and noting that you have already commented on the Livestock SA submission, I just want to quote from that submission, as follows:

> Livestock SA has repeatedly requested that the restrictions on the use of virtual fencing collars in livestock be permitted beyond the research sector and allowed for use on commercial livestock properties. We note that the definition of an electrical device remains unchanged in the bill. As such, we again request government expedite amendments to the Animal Welfare Regulations 2012, specifically amending section 8(1)(a), to enable virtual fencing to be used for livestock management purposes.

Further:

> As we have already outlined in submissions, letters and meetings, virtual fencing has been shown, through peer reviewed research, to be effective at managing livestock movements in a low stress, reduced handling way. The benefits of this technology have been shown in trials in South Australia in the rangelands and the benefits to the

environmental management of these areas and reduction in labour requirements have been demonstrated. There is also ongoing research to further evaluate the impacts on the welfare of livestock using these collars and we look forward to seeing the results; however, we consider sufficient evidence that there are no adverse effects to sheep and cattle using these collars already exists.

I note that in trials the CSIRO have done they have described these collars as 'animal friendly', and I also note that PIRSA has been doing work with virtual fencing as well.

I guess I ask, as a combined question, about the use of stock prods, which are obviously regulated under this clause as well, which are essential at times for moving stubborn stock, especially loading trucks sometimes. I also note that the very last clause in the schedule repeals all the regulations and the old act when this bill becomes an act. I am just seeking surety.

I appreciate the minister's view earlier that it is under consideration, but with the submission from Livestock SA—and I am sure there are others—that talk about the practicalities of virtual fencing and obviously the use of stock prods under regulation still being authorised into the future, from my perspective I just hope the minister and the department take a valued look at how realistic both these things need to be into the future.

The Hon. S.E. CLOSE: It is entirely accurate, as has been read out, what the Livestock SA's submission was. As is clear, they recognise that what they are asking for is a change to the regulations. The clause that removes the old regulations is necessary because they do not work with the wording of the current act, but will be remade in a way that does.

As I said, we are actively considering ways in which virtual fencing might be regulated. There are views that have been expressed by people who manage livestock that have been heard by the department and by myself as minister, and there are some other views that have been expressed as well, of course, and there are a variety of ways in which virtual fencing and the collars associated with them can be used for herding as opposed to being used for managing an area.

As I said, we are working through that and taking it very seriously. There are advantages in not having fencing associated with native wildlife moving through as well, so we are cognisant of some of the benefits as well as some of the challenges that come from some of the animal welfare views. We will work through that conscientiously, but recognising the validity of much of what the Livestock SA and primary producers representations have been. At present the regulations will be remade in order to work with this legislation.

Mr TEAGUE: I just add my voice to that concern. I am glad to hear the minister in the last sentence talk about the immediate reinstatement of the regulations. I note the amended structure—there is a clue there in terms of the addition of the 'placing on the animal', which is inherent in the collar associated with virtual fencing.

The existing regulations at regulation 8 that talk to section 15 provide for the whole process to be occurring presently for research purposes. We commend those at PIRSA and SARDI who are working with the state government in connection with the University of Adelaide in advancing that. I commend to people the piece that is presented by Megan Willis, who is a senior research officer at PIRSA/SARDI on precisely that.

Among the serious work that is going on in South Australia towards the regularisation of virtual fencing, I think the minister acknowledges that is well advanced. The reinstatement of the regulations will be necessary to permit that research to continue. The 'placing on an animal' that is the subject of the provision in the new section 11 will serve the purpose of providing general thoroughgoing regulation to permit the use of virtual fencing.

It is something that I addressed in the course of the debate on the Disability Inclusion (Review Recommendations) Amendment Bill earlier in the year—for ease of my own reference, if nothing else, on 23 March, 9 April and 11 April—talking about virtual fencing being an example of a use of technology that is capable of being implemented in the interests of animal welfare but also in the interests of inclusion of those including my constituent Tom Carr at Ashbourne who, having suffered a catastrophic industry and being wheelchair-bound, is able to continue to conduct his cattle farming with the aid of technologies including virtual fencing. He is one very careful and well-informed advocate for the rolling out of those technologies in South Australia in terms of leading the way.

It is well known that CSIRO has been the leader since at least 2005 in this regard. We all note the RSPCA's caution in terms of its public pronouncement, but we all know as well that virtual fencing is permitted in a generalised way in several jurisdictions in Australia, so it seems to me that the structure of the replacement for section 15 might be regarded as paving the way for those more thoroughgoing regulations now to do that work.

I might perhaps put the question then in terms of: is there any particular deliberateness to the addition of that 'placing on the animal', and is there anything further that the minister can add in terms of likely timetable for the conclusion of the government's consideration, such that we might anticipate some new and enhanced regulation permitting those virtual fences to be used across the state?

The Hon. S.E. CLOSE: The remaking of the regulations is, as I said earlier, necessary because they do not work. To loop up to the earlier discussion about commencement, it is the reason it will take a while to commence the legislation because the new legislation does not work without the regulations and the regulations as they currently sit cannot work with the new, so we have to remake all of them. The intention is to remake them, essentially, as is but to work with this piece of legislation.

In the meantime, there is this work that is occurring to determine how we might facilitate the use of virtual fencing. There is a national working group to look at virtual fencing to see if we can have some kind of national consistency. I believe there are only two jurisdictions that allow it at present: Queensland and Tasmania, and WA have a single type that can be used. We do not currently have that all lined up, but we are actively looking, having had the representation that is reasonably persuasive but also recognising the concerns that are raised by the RSPCA. We will work through that while otherwise remaking the regulations in order to allow this legislation to commence.

Clause passed.

Clauses 12 and 13 passed.

Clause 14.

Mr COWDREY: As was foreshadowed earlier in the process, when we discussed the overlap of specific codes in specific legislation with regard to fishing, we obviously have the aquaculture act that is identified in the Fisheries Management Act, which we have identified. For the purposes of, I gather as the minister referenced earlier, rec fishing and other activities that do not necessarily have a prescribed code of conduct, there is a specific exemption that has been provided in the legislation. I did like the use of the 'etc' in the title. I do not know if I have seen that before. I just want to add my congratulations to whoever drafted that particular clause for the 'etc', mentioned a couple of times. I am not sure if I have an older version, but it is also after Part 3—Advisory committees. At any rate, I digress.

The question in the first instance, with regard to the specific exemption, is almost similar to what we discussed tonight in terms of positive versus the negative and how we interpret whether the duty is one that is a positive or a negative duty. In this regard, I think it is probably easier, from a practical example, to get at least on record a couple of instances where the minister would understand or see very clearly the particular exemption that has been provided would have been breached, effectively. Could the minister provide in the context of rec fishing, charter or traditional fishing and commercial fishing a practical example of a breach that would effectively limit the exemption for fishing activities that is contained in the bill?

The Hon. S.E. CLOSE: First of all, I will point out that there is a discussion about regulating to allow the use of bait fish that has been requested by RecFish SA. We would regulate that. Because live baiting is banned, we will create a regulation that makes it clear that you can use bait fish, just to be clear about that. Under the animal welfare regulations, we will create a regulation that facilitates the use of bait fish so that it is clear that the ban on live baiting, which otherwise exists, does not, because of the inclusion of fish, move through to that.

The example that is often used by people who wanted to see fishing practices that are cruel be treated as cruelty are the de-finning of sharks, which can occur. The de-finning of sharks is not legal under the fisheries act; it is explicitly banned. Because it is banned, it could then now also be

treated as an act of cruelty under our piece of legislation. So something that is currently not allowed under the Fisheries Management Act could be regarded as cruel under the Animal Welfare Act; however, everything that is permitted under the fisheries act cannot be.

Sitting suspended from 17:59 to 19:30.

Parliamentary Procedure

VISITORS

The CHAIR: Before I start I would like to acknowledge the presence in the gallery of the Hon. Emily Bourke from the other place, and also the new members of the Labor Party. Welcome to our parliament. You have come to see where the real work happens: in the House of Assembly.

Bills

ANIMAL WELFARE BILL

Committee Stage

Debate resumed.

Mr COWDREY: We continue on clause 14 which is in relation to the exemption for fishing activities. Given we have had an hour and a half between the last question and the answer, my memory is slightly hazy but we are at least nourished now so that helps. In regard to the exemption, the minister mentioned previously that essentially we are picking up a similar clause that has been introduced in other jurisdictions and that there have been no problems in terms of the conduct of fishing activities in those other jurisdictions.

It is obviously very difficult to find some of this information, but have there in fact been any challenges in regard to the rollout in those jurisdictions? What issues were raised as part of the processes in terms of compliance within other jurisdictions, and is the minister absolutely confident that there will be no issues whatsoever in the conduct of fishing activities across the three sectors that have been mentioned already to this point, whether that be recreational, commercial or charter?

The Hon. S.E. CLOSE: I was concerned in contemplating adding fish to the definition of 'animal' for this legislation and whether that would cause any challenges for people living their day-to-day lives and enjoying going out for a fish. As you would be aware, I have a coastal electorate just as you have, and a lot of people like to get out on the jetty and I did not want to disrupt that through this addition. As I say, we are the last state to bring fish into that definition of animals. We have not found any examples interstate of normal expected fishing standards both commercially and recreationally, as well as the Aboriginal traditional fishing, having been changed in any significant way through the inclusion of this.

The impetus largely came partly from tidiness and national consistency and partly from some of those more egregious examples, such as the cutting of fins of sharks and the return of the sharks to the sea, that are already illegal but are not illegal in a sense of having committed cruelty, and that is where a lot of the impetus for community asking us to do that has come from. So it does that; it does not do harm to normal fishing practices and we have not found any evidence interstate that it has substantially altered anyone's practices.

Mr COWDREY: Finally, in regard to this clause, with feedback from RecFish SA and more broadly the other fishing organisations, were there any concerns that were raised in any meaningful way by any of those organisations in regard to the current draft of the bill? I am aware that obviously through the early consultation phase there were issues that were raised. With the current draft you have mentioned that there was an iterative process where we went back and forth over a discussion paper through the other various steps. In terms of the organisations involved in these industries, for lack of a better term, more than one certainly in most people's view, have there been any concerns that have been raised with the current drafting of the bill?

The Hon. S.E. CLOSE: No; there has not. As you mentioned, there was some concern originally about what the model would look like. Once we had discussions, brokered also by PIRSA, about the Victorian model, where the regulation responsibility really rests with the Fisheries Act and

through PIRSA and the Aquaculture Act where that is relevant, those concerns were essentially assuaged.

I have had a meeting personally with RecFish SA, as well as having a substantial quotation given to us via press release by RecFish SA about this version of the bill, and they feel confident that this is in no way out of step with the expectation of recreational fishers. The one outstanding question that was raised, and that I referred to earlier, was the question of bait fish and, as I have said, we have undertaken to make a regulation before this is commenced to make it clear that you can use fish for bait.

Clause passed.

Clause 15.

Mr COWDREY: Clause 15 provides the minister with significant powers around the establishment of committees under the soon to be act. In particular, regarding subclause (1)(a), there has been a discussion, and I am certainly more aware than I was in regard to animal welfare advisory committees, the role they take and the ability to stand them up in particular circumstances when they are necessary.

My question is more in relation to subclause (1)(b), which provides what appears, on the face of it, significant power to the minister to stand up any such committee that the minister sees fit. I am hoping that the minister can give an indication to the committee as to what limits there are, as it appears there are next to none in regard to what that means.

In the context of the rest of the portfolio, the majority of committees are associated with specific bills, whether that be dog or cat management or landscape boards or any other boards. It is very rare to have this sort of power which essentially provides—and correct me if I am wrong—the ability to stand up a board and provide paid board positions to subsequent members should the minister wish. Firstly, why and in what circumstances is the minister looking to use subclause (1)(b) in particular?

The Hon. S.E. CLOSE: First, the top of my answer will be that of course the minister can set up a committee or a board at any stage without the power of legislation and can—with the support of her colleagues, obviously—choose to spend money on that, as sitting fees. So this is not sneaky in the sense that if I wanted to set up a committee on something and have it paid I could do that.

The reason though, the derivation of this, is the New South Wales livestock welfare panels, where they are able to stand up a committee of peers to support someone who has livestock and is in the kind of circumstances where it becomes very difficult to look after those animals appropriately—drought, financial exigencies and so on. We were interested in being able to stand up that kind of panel, and the advice was that this would be a way to create a mechanism to be able to do that under the terms of this act. So there is no intention at this stage for me to set up a particular committee on a particular subject. It just gives us something within the legislation that we will use in order to avoid prosecutions and to help work with someone who is going through difficulties.

Mr COWDREY: Is there a reason in drafting the bill that was not included? In so many other clauses throughout the bill, there has been a reference back, as you have mentioned previously, to the object and purpose of the bill. In most circumstances, to contain the literal meanings of the words on the page, the establishment of committees being in line with the purpose and object of the act would at least provide a level of fencing around what potentially the minister has the power to do. Is there a reason why that was excluded from the drafting of the bill?

The Hon. S.E. CLOSE: I think it is the other way around. The wording of 'such other committees as the Minister thinks fit' is still nonetheless within the principles and the objects the act. A minister would not establish a committee about something completely separate to the act using that clause. It can only be within the principles and objects of the act.

Mr COWDREY: Final question in regard to this clause: is the minister able to give an indicative budget in terms of the expected spend or budget amount for board fees as a result of the boards to be established under clause 15?

The Hon. S.E. CLOSE: There is no intention at this stage to establish any particularly large number or any other committees. If we do, then that is done within the resources of the act. The administration of the act, the enforcement of the act through the inspectorate, has of course received an enormous boost in funding, not just the government taking responsibility for all of the cost—100 per cent of the cost—whereas it has traditionally been around 50 per cent, but indeed of a higher cost in order to really make sure that the resourcing of the RSPCA's inspectorate is effective and fit for purpose.

That is not in the context of additional concerns about the non-companion animal sector. It is almost entirely concerns about the number of animals that are having to be addressed through the companion animal side, which is a cause of concern of course for the inspectorate. But in terms of the committee, the amounts of money are trivial. There is no intention or plan to have any particular additional committee established, and all would be managed within the departmental budget.

Clause passed.

Clause 16 passed.

Clause 17.

Mr COWDREY: Clause 17 sets up the requirement to hold a licence for prescribed activities. Is the minister able to provide some background in terms of the timeframe that she understands the licensing regime would take effect? How will that process be managed? Practically, within the provision, it is also not necessarily clear on how a licensee would go about renewing that licence. Are you able to provide some practical and operational information in terms of the operation of that particular clause?

The Hon. S.E. CLOSE: I think, as I answered earlier this evening, the expectation for part 4 is that that will be commenced in the second half of 2026 as we work through the detail of its application. In terms of the question of renewal, that sits in clause 22.

Mr COWDREY: So in terms of the progress of the regulation that sits behind part 4 generally, in terms of the difference in progression from where we were four weeks ago to now, has the department started in terms of drafting of regulations for these particular sections?

The Hon. S.E. CLOSE: Once the bill becomes the act, is through both chambers of parliament, then we will do the drafting instructions for regulations for this section. For part 4 we will undertake significant consultation, and so that is one of the reasons it will take longer to commence this part.

Mr COWDREY: As this is essentially a new licensing arrangement, are there going to be additional FTEs required in terms of the ongoing operation and management of the licensing system?

The Hon. S.E. CLOSE: There is not a huge shift. In one way of reading this the addition is for the breeding and supplying of animals for scientific purposes. The reason for delay is that this will also take account of the licensing for shelters and that will take a significant amount of time to work through, the complexities of that sector and how to best address the licensing and who is captured by it. Also, we do want to work with the scientific community—they are the people who breed animals for those purposes—to make sure that we get that right. It will take time, but it is a time taken simply because of the necessity to consult properly with the sector to get the right policy outcome.

Clause passed.

Clause 18.

Mr COWDREY: In regard to clause 18, the minister may have foreshadowed in the most recent answer where the government is moving in terms of shelters. Essentially, while there is no reference to prescribed activity within this bill referencing shelters, that is certainly not something that has been discussed to this point as far as I am aware in terms of the licensing provisions in part 4 covering that aspect as well in future legislation. So we will be effectively coming back and amending clause 17, clause 18 and clause 19 in a subsequent bill. Is that effectively what the government is considering?

The Hon. S.E. CLOSE: I appreciate that I did not fully answer the question about FTE in the last question, so I will say that we do not anticipate it being sufficient extra work to require extra FTE—although my adviser has pointed out that she will take as many extra staff as we are prepared to give her, so in full transparency I pass that on.

The question of the classes of licence being updated through legislative reforms—so a bill to add shelters or to have shelters as a class through regulation—has not been resolved. We could do either. Working out what it is we want and whether we are talking about permits, licences or registration—quite how all of that works is complex, so we will either come back in with a new bill next year or we will do a regulation, but we will do it as a result of proper consultation with the very adequate staffing that my good colleague has.

Mr COWDREY: That leads to the next question that you have dovetailed very well for me in regard to additional licences. Is the government considering any additional licence classes or subclasses that have not been identified specifically in the legislation to this point, noting that, effectively, the regulations can add to both of those aspects?

The Hon. S.E. CLOSE: It is probably a little early to answer that. It could be that we could provide a tiering of licences—so a large institution, a university, might have one version of a licence and we might create alternatives—but the question of what we do about shelters is the only one, in terms of a different class, that we are actively considering a bill or regulation.

Clause passed.

Clause 19.

Mr COWDREY: Clause 19 sets out at a very high level the application process for a licensee, setting out at subclause (2) the fact that the manner and form can be determined by the minister, identifying the activity that they are seeking a licence for, etc. Regarding the prescribed fee, is the minister able to provide some detail for the committee in terms of the fee range that is being considered and what the expectation is in terms of a budget to be raised from fee licensing under the bill?

The Hon. S.E. CLOSE: The extent of the fee will be a subject for consultation. I note that at the moment it is only $90 for two years and it is a single fee. There is not a way of distinguishing between the tiering and that is why we have questioned whether, when we look interstate, there is more of a tiered approach where big institutions pay more and small ones pay not very much. We will work through that, though. There is no set view at this stage.

Mr COWDREY: Will the fees be indexed on a yearly basis?

The Hon. S.E. CLOSE: The regulated fees are indexed.

Mr COWDREY: On what basis will licences be granted or refused?

The Hon. S.E. CLOSE: Our expectation is it is very likely that the current process will continue.

Clause passed.

Clause 20.

Mr COWDREY: Just in terms of the licence and the nomination of the responsible person under the licensing arrangements, is that something that can be revised from time to time? Is that set on application for the licence? Will a new licence need to be applied for if the nominated person changes? Are you able to give an indication on how that arrangement is going to work?

The Hon. S.E. CLOSE: In the event that we are talking about an institution that applies at present, the licence is given to the institution. But if a person with a relevant title, such as a deputy vice chancellor of research, is the person who has applied for it, this legislative change then makes that person responsible for compliance and it would only change through an administrative updating should the individual who holds that role change, which will happen from time to time.

Clause passed.

Clause 21.

Mr COWDREY: In regard to clause 21, should there be a contravention of the licence conditions, there are penalty provisions that apply to both the body corporate and, in some circumstances, the designated person who is the responsible person for the body corporate. Just for the sake of clarity, I am keen to understand if, but for the provisions in clause 20(a) and (b), which obviously provide a defence for the responsible person, in other circumstances negating those exemptions, is it the expectation that both the body corporate and the responsible person would be charged for any contraventions in each instance?

The Hon. S.E. CLOSE: It could be both. It is a question of whether the institution is allowing and enabling the wrong practice to occur or whether it is an individual within an institution that is otherwise operating soundly that is behaving in a way that is not consistent with the expectations. It will depend on the circumstances.

Mr COWDREY: Just in terms of the requisite test, I have just laid out for the minister the example where essentially those two exemptions would be put to the side. So, in circumstances where essentially the institution has been undertaking something for the mere fact that the institution would be charged, not just the individual—so in a circumstance where we are talking about there being a breach of licence by the institution itself and the responsible person has not conducted their duties in a way that they have met the preconditions in (a) and (b) as being essentially the defence for the liable or responsible person for the institution essentially—would both be charged in that instance or both see a penalty in that instance? So it would be both the institution and the responsible person that are provided a penalty?

The Hon. S.E. CLOSE: Yes, they could be, which would be a matter for the legal system to define, but in the event that there are a number of researchers operating outside of the compliance of what has been granted to them but outside the licence, they will individually be responsible for operating that way.

Clause passed.

Clause 22.

Mr COWDREY: Term and renewal of licences: the initial period that a licence can be provided for is capped at 12 months and then, as we briefly touched on, in terms of renewal it is left open-ended for a period that may not exceed five years. Is there a view that there will be a common framework in terms of an expected renewal timeframe being of X period of years? Is there a reason why 12 months was identified as a length of time for the initial licence to be granted for, which seems reasonably short in the context of everything else and obviously a new regime with everybody having to apply at the same time? Will all organisations be expecting that their renewal period will be of the same tenure or length, and will that be the same across all classes of licence?

The Hon. S.E. CLOSE: All those who have a licence currently will be able to choose when they move into the new system, so if they have two-year licences at present, they will be regarded as renewals, and they can apply for up to five years and they will get what they ask for. Large institutions will presumably just grab the five years because they know they will need it. Smaller institutions that are uncertain about the length of their grant lasting and how long their project will go for may well ask for a shorter one.

Mr COWDREY: Subclause (5) of clause 22: we walk through the renewal process and if renewal is not approved prior to the expiry of a licence being in place, essentially that person can continue on operating as if the licence was still in place until they receive their renewal or otherwise from the department. My question is: if that is the case, that we are putting in place a system where an organisation can continue to operate under a licence on application for a renewal but subsequently that renewal is denied, for that period of time where the licensee was effectively operating are they still going to be liable for operating without a licence for that period of time?

The Hon. S.E. CLOSE: As long as they have applied and a decision has not been made, then they will be covered. In the event that the decision is then no, at that point the licence is discontinued but the obligation is on us to make the decision in a timely manner.

Clause passed.

Clause 23.

Mr COWDREY: In relation to clause 23, there are significant penalties that have been included for the absence of updating change of particulars within a 14-day period to the government issuing the licences. They are reasonably significant fines, to be completely frank—up to $100,000 in the case of a body corporate under subclause (2). Is there any discretion in regard to the minister relating to the expiation fees that are outlined under the section?

The Hon. S.E. CLOSE: In terms of the maximum penalty, of course, that relies on a decision to go to prosecution. The expiation fee is not a discretionary amount; it is not a sliding scale. If we have an expiation fee, that is the price it is. Although even the $1,000 or the $500 of expiation may seem steep, we are talking about institutions that undertake animal research in grants that are potentially millions of dollars, and what we want to do is make sure that they are paying attention to this part of the administration side of their business. So we want to focus the attention that having a licence matters and therefore having a substantial penalty is helpful in dealing with that side of administration. It might potentially otherwise be accused of being overlooked.

Mr COWDREY: I am not in any way doubting the seriousness of the licence that they hold or the work that they undertake, but are there any other examples that the minister can provide across government where somebody would be fined $500 on first offence for forgetting to update their telephone number?

The Hon. S.E. CLOSE: I cannot undertake a comprehensive review across legislation here this evening. We could have a look. But the fact is that this licence matters. It is about making sure that the welfare of animals that are being experimented on is dealt with and the best thing for institutions undertaking animal experimentation is that they comply in all ways with the Animal Welfare Act because there is enough criticism of the question of animal experimentation already in the community, so paying attention to this is important, and that is why we want them to focus their attention. Good institutions will not fail to update details on an administrative matter like this but it is making sure that we are having attention paid.

Mr COWDREY: A final question in regard to that clause: was there any feedback received by the government through the consultation process in regard to clause 23 and those expiations?

The Hon. S.E. CLOSE: I am told that there was not any concern raised at all.

Clause passed.

Clauses 24 to 34 passed.

Clause 35.

Mr COWDREY: In regard to authorised officers under the act, given the changes to the act that have been made through this bill, are there any changes in terms of the number of authorised officers that the department is expecting?

The Hon. S.E. CLOSE: We are anticipating that the RSPCA may well choose to have additional people employed given the substantial additional funding that we have provided but they have a responsibility to employ enough people to fulfil the terms of the contract that they enter into with the department.

Mr COWDREY: Finally on that particular clause, in terms of the conditions set out in 'Appointment of authorised officers' have there been any changes under this bill in terms of what is required by way of training or other prescribed protocols etc. that are required of prescribed officers under the act?

The Hon. S.E. CLOSE: I am not aware of any but that is in many ways subject to the contract between the department and the RSPCA.

Clause passed.

Clause 36 passed.

Clause 37.

Mr COWDREY: As we are about to embark on the sections of the bill that outline some of the new compliance tools that will soon be available to officers should the bill pass, my question largely in regard to the general powers of the authorised officers is around—we have essentially, as I have outlined, the animal welfare notice, new seizure powers and reviews by SACAT that have been added. In terms of operationally, certainly we have already touched on the point that every circumstance where animal welfare is an issue is sometimes very different. For the very reasons you have outlined, there are different motivating factors in terms of which pathway or direction officers take.

Largely it is left up to their discretion, I certainly understand that, but more formally is there any sort of framework that is going to be developed in terms of an assessment or first port of call, second port of call, third port of call in terms of hierarchy of compliance tools that are available to compliance officers, and any formal guidance that you think the government is going to provide in terms of preferred methods or otherwise in terms of the use of these new compliance tools and how they work with existing powers?

The Hon. S.E. CLOSE: The RSPCA has enormous experience in being the inspectorate for this act. Largely they will set the organisational standards for how the enforcement occurs, but the department will be working with the RSPCA to develop policies to guide the way in which there might be some approach to the hierarchy of response.

Clause passed.

Clauses 38 and 39 passed.

Clause 40.

Mr COWDREY: Regarding animal welfare notices, it is set out to a degree what can be covered via the welfare notices but, again, I think it would be helpful to outline the sorts of circumstances where compliance officers are going to be instructed to be using welfare notices as opposed to other compliance tools available to them.

The Hon. S.E. CLOSE: I did not get that as a question. Can you repeat the last bit?

Mr COWDREY: Could you outline the sorts of circumstances where the expectation is that animal welfare notices will be used as opposed to other compliance tools?

The Hon. S.E. CLOSE: Largely this is about the discretion of officers to be able to issue notices in order to be effective. So the question is if there is cruelty or the potential for cruelty to occur, what is the most effective way to deal with that. We rely on the judgement of the inspectors and also the policies that surround those, which we discussed in the previous question, to guide when is the best use of welfare notices.

Mr COWDREY: You touched on the next question in regard to resourcing, and obviously it is the existing contractual relationship between DEW and the RSPCA. In terms of the funding agreement that has changed, does the minister have any indication in terms of the expectation around compliance officers, whether there will be an increase? There is an expectation, obviously, but is there a level of expectation that the government has in terms of what that increased funding will look like from an on-the-ground resourcing perspective?

The Hon. S.E. CLOSE: There is a clear intention from the RSPCA to appoint more inspectors as well as to be able to sufficiently fund the inspectorate, rather than having to rely on their charity dollar coming in to have an enforcement capability for a piece of government legislation or law. That is clear. I do not have here specific numbers, and I think it is quite likely that the RSPCA is still working through the details of that.

Clause passed.

Clauses 41 to 57 passed.

Clause 58.

Mr COWDREY: The Animal Welfare Fund is obviously outlined in part 7 of the bill, with the understanding that the fees collected through the previous parts of the bill we have discussed would be put into a fund and then moneys paid out of that for the purposes of the fund. That is the way that the act is constructed, as the minister has well outlined to this point. In terms of those funds, is the expenditure of those funds for the purpose of enforcing the bill in terms of compliance costs, etc.? Is it possible for funds from the Animal Welfare Fund to be directed to the compliance of the bill itself?

The Hon. S.E. CLOSE: Very broadly, yes, because clause 58(4)(a) includes that as a possible use of the fund, but it is up to the minister to do that. Of course, it sits within the principles and objects that we discussed at the beginning that the fund advances those. This is the one that we also discussed as not coming into commencement until the second half of 2026, because we need to design this carefully. As anyone who has had anything to do with government also knows, a hypothecated fund still has the hurdle of Treasury to be able to spend it, but it can only be spent for these purposes and could in the future be a source of very useful, positive acts in line with the objects and principles of this act.

Mr COWDREY: In order of primacy, paying for the expenses incurred in the administration and enforcement of the act is sitting above the promotion of research or the funding of other programs in relation to the protection of animal welfare. Are we looking at effectively a mechanism for the government to pay for these enforcement activities into the future, and simply these other things are 'nice to haves' that potentially we might get to one day? What is the minister's view? Are we actually looking like we are going to do something in (b) or (c)? You mentioned Treasury earlier. I am sure they were keen to see the collection of funds reinvested in the compliance of the act as well.

The Hon. S.E. CLOSE: My view is no. My view is that (b) and (c) matter enormously, and (d) and (e) are the reasons this fund is interesting and exciting, as is being in government and debates with Treasury, but I will not forever be the minister, and I cannot forward-bind future governments. My view is that this is a fund that will be of enormous use to advance the cause of animal welfare.

Mr COWDREY: What is the reason for the inclusion of subclause (3)? If, as you say, the reason that it is so exciting is (b) and (c) and the chance to invest in those things, why is it that subclause (3) was included, where the minister can spend any unused money how she sees fit (or he or she in future reference).

The Hon. S.E. CLOSE: Because the common way in which one operates in legislation is to give discretion for what has been unanticipated.

Clause passed.

Clauses 59 and 60 passed.

Clause 61.

Mr COWDREY: The delegation is obviously that everything is vested in the minister to this point, until it is delegated to appropriate levels. Are you able to walk through how you see delegations working in regard to the significant powers that are provided to the minister under this act?

The Hon. S.E. CLOSE: It is not possible really for me to bind either my future self, but certainly not other ministers in how delegation would operate. I think for the purpose of assisting the other side of the chamber, what we will do is a summary of the current delegations under the act between the houses, so you can consider those. I cannot go through each of these and say exactly where it would be delegated. Delegations are an absolutely routine part of government operations, as the member would be well aware, and they are how these matters operate. They are undertaken seriously and in a diligent way. But I cannot exhaustively go through each of the areas where the minister has power and say exactly how they would be delegated now. We are still working on that.

Mr COWDREY: Perhaps then I will be more specific in regard to the minister's ability to appeal. Will the appeal provisions vest with the minister themselves?

The Hon. S.E. CLOSE: The appeal provision does not currently exist, so we have not made a final decision about that. But in the event it is delegated it would not go any lower than say an executive director level. It would remain very high in the hierarchy of the department.

Clause passed.

Clause 62.

Mr COWDREY: Just in terms of the exemptions that are outlined there. Just for clarity so we are tying all of this together. The fish baiting, would that be done under that exemption clause where you would be exempting a class of people to undertake an activity, or would that be done via a different mechanism?

The Hon. S.E. CLOSE: The fish baiting will come under the general regulation-making power. This would be used for specific circumstances, such as if a pig abattoir were unable to take pigs for a period of time, so stocking rates had to be higher than are otherwise allowed under the code of practice, in which case that would then allow the minister to facilitate that.

Mr COWDREY: The exemptions that are provided under 62, given the context the minister has just described, are they all time limited or can they be done on an ongoing basis?

The Hon. S.E. CLOSE: Although the legislation does enable it to be ongoing, my advice is that that would be extremely unusual to make such a recommendation. It is intended essentially for time limited, even if the length of that time might not be known at the beginning of the making of the exemption.

Clause passed.

Clauses 63 to 65 passed.

Clause 66.

Mr COWDREY: This particular clause outlines something I believe to be new in terms of a power to provide food—and we have the 'etc.' in there again—to neglected animals where it specifically outlines that a person with, essentially, the authority of an authorised officer can enter a premises for the purpose of providing an animal with food and water. In the drafting of this clause, is there a reason that there was not at first instance the requirement to at least, with good intent, contact the owner of the property prior to entry being gained?

The Hon. S.E. CLOSE: This is an existing provision, by the way, and it seems to operate reasonably. It is about saying that an inspector themselves does not have to go and attend a site to provide food, they can effectively give permission for someone to do that. There will be protocols that sit behind that—that it is reasonable because they have not been able to contact the owner, and so on—but it is just to create the power to effectively delegate to someone else what you otherwise might have an authorised officer do to make sure that food is provided. It is not about defining all the circumstances and so on in how that will occur, but there are protocols around that that are operated by the authorised officers.

Mr COWDREY: That was essentially the question: not whether all circumstances would be there, but whether there would be regulation to follow that sets up the protocol and practice in regard to how entry is actually conducted. If that is one of the bits of regulation that will be drafted, I am happy with that—or replicated, for lack of a better term.

The Hon. S.E. CLOSE: Just to be clear, I am not talking about a protocol that is regulated, it is just the way in which the inspectorate operates. This is not about a regulation being created to back that up.

Clause passed.

Clauses 67 to 77 passed.

Clause 78.

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

Amendment No 1 [ClimateEnvWater–1]—

Page 48, after line 30 [clause 78(2)]—After paragraph (c) insert:

(ca) expiation fees, not exceeding $750, for alleged offences against the regulations; and

Amendment carried; clause as amended passed.

Remaining clause (79), schedule and title passed.

Bill reported with amendment.

Third 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) (20:34): I move:

That this bill be now read a third time.

I would like to thank my shadow minister for a very thoughtful and considered, even though reasonably lengthy—entirely reasonably, given how long the bill is—committee stage. I really appreciated that interaction, and also to the other members who participated earlier on. I would particularly like to thank my adviser, who has very patiently talked through some of the details of the bill with me of how this legislation will operate. I commend this bill to the house.

Bill read a third time and passed.

CRIMINAL LAW (HIGH RISK OFFENDERS) (MISCELLANEOUS) AMENDMENT BILL

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) (20:36): I move:

That this bill be now read a second time.

I am really pleased to bring to this house the Criminal Law (High Risk Offenders) (Miscellaneous) Amendment Bill 2024, a bill that is part of our government's clear agenda to deal in the strongest possible way with those who create the highest risk and pose the most serious threat to members of our community.

This bill amends the Criminal Law (High Risk Offenders) Act 2015 to address deficiencies in that high risk offenders act and improve processes for dealing with those high-risk offenders. Pursuant to the high risk offenders act, the Supreme Court is empowered to make certain orders to ensure that high-risk offenders remain subject to appropriate supervision following the expiration of their sentence, whether the offender is in prison or released on home detention or, indeed, on parole.

High-risk offenders are those imprisoned because they have been convicted of a serious sexual offence, of a serious offence of other violence, terror suspects and others. The express object of the high risk offenders act is to protect our community from being exposed to an appreciable risk of harm posed by various serious offenders. It has not been substantially amended since it first came into operation in 2016.

In 2021, the former government introduced the Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Bill 2021 to parliament, which contained a series of proposed amendments to the high risk offenders act. That bill did not pass the parliament before the 2022 state election. This present bill implements the remaining amendments to the high risk offenders act that were contained in the former government's bill and also introduces new amendments to further improve the act's operations.

Clause 3 amends various definitions that are used within the high risk offenders act. In particular, subclause (3)(1) extends the definition of 'detainee' in section 4(1) to include a person who has been detained in immigration detention within the meaning of the commonwealth Migration Act 1958. This is intended to clarify that the obligations of a person who is subject to a supervision order are suspended whilst the person is in government custody, including in federal immigration detention.

Subclause (3)(2) amends the definition of 'extended supervision order' to clarify that an extended supervision order means an order made under section 7 of the act by the Supreme Court for the supervision of a high-risk offender. This is intended to address an apparent ambiguity about

whether or not the current definition could encompass both extended supervision orders and interim supervision orders.

Subclauses 3(3),(4) and (7) amend section 4(1) to address a potential ambiguity regarding the meaning of a high-risk offender who is 'serving a sentence of imprisonment'. Subclause 3(7) inserts a new section to provide that a reference in the Criminal Law (High Risk Offenders) Act to a person who is serving a sentence of imprisonment includes a person who is serving a sentence of imprisonment on release on home detention or indeed on parole.

Subclause 3(4) makes a related amendment to the definition of 'relevant expiry date' in section 4(1) and clause 3(3) further amends section 4(1) to insert a definition of 'home detention', which is consequential upon clause 3(7).

Subclause 3(5) makes a further amendment to add commonwealth offences to the definition of 'serious sexual offence' in section 4(1). Subclause 3(6) deletes the definition of 'youth' and subclause 3(7) adds new subsection 4(3) to the effect that a reference in the Criminal Law (High Risk Offenders) Act to a person convicted of an offence includes a person who was at the time they were convicted of the offence under the age of 18 years.

Read in conjunction with clause 5 of this bill, the effect is that an application for a supervision order cannot be made in respect of a person who is under 18 years of age. However, offences committed by a person under 18 can be taken into account when considering whether they should be the subject of a supervision order as an adult.

Clause 4 substitutes section 5 of the current Criminal Law (High Risk Offenders) Act, which defines the meaning of a 'high risk offender'. The amendments remove certain ambiguities and clarify those offenders covered by the definition and the type of offending. For example, it clarifies that the definition only covers serious violent offenders while they are currently serving a sentence of imprisonment for a serious offence of violence.

Clause 6 amends section 7 of the current act to clarify that an application for an extended supervision order may only be made in the 12 months preceding the expiry of the term of imprisonment. It also clarifies that, when deciding whether to make an order under section 7, the court must not take into consideration any intention of the respondent to temporarily or permanently leave the state.

Clause 7 amends section 9 of the current act to clarify that the court may impose an interim supervision order where the relevant expiry date of an offender is likely to occur before the application is determined or where the expiry date has already occurred. For commonsense and very obvious reasons, the bill also clarifies that the obligations of a person subject to a supervision order are suspended whilst they are in custody.

Clause 8 amends section 10 of the current act, which sets out the conditions that automatically apply to supervision orders. The amendment adds a condition that the person subject to the order is prohibited from leaving the state without the permission of the Supreme Court or the Parole Board. Those bodies are only able to give permission if the person provides information about their proposed travel, including any information prescribed by regulation.

Clause 9 amends section 11 of the current act to remove the reference to an application being made to the Parole Board to vary or revoke a condition of an extended supervision order. These amendments are consequential upon the amendments made by clause 11 of the bill.

Subclause 10(2) amends section 13 of the current act to allow for the Supreme Court, on application by the Attorney-General or a person subject to a supervision order, to vary or revoke a condition of an order or impose further conditions upon it.

In addition, subclause (10)(3) amends section 13 to allow for the court to transfer an application for variation or revocation of a supervision order to the Parole Board and to make rules in respect of such a transfer. Once applications are transferred, they can proceed as if they had been made to the Parole Board.

Clause 11 inserts new section 13A in the Criminal Law (High Risk Offenders) Act to allow the Parole Board on application to vary or revoke the conditions of an extended supervision order,

including a condition imposed by the Supreme Court or to impose further conditions on the order. An application can only be heard by the Parole Board where there has been a material change in circumstances and it is in the interests of justice to do so. When considering an application to vary an extended supervision order, the Parole Board must give all parties an opportunity to be heard and to make submissions.

Clause 12 amends section 14 of the act to allow the Parole Board a level of discretion to make consequential or ancillary orders as it sees fit when varying an extended supervision order.

Clause 13 amends section 18 to address operational difficulties with the powers of the Supreme Court where an offender breaches an extended or interim supervision order. These amendments allow the Supreme Court to order that a person be detained in custody via a continuing detention order until the expiration of the breached supervision order or a further supervision order or for such lesser period as may be specified by the court. In addition, proposed subsections under section 18, (4a) and (4b), allow the Supreme Court to vary or to revoke conditions of a continuing detention order or to order an offender to be detained in custody pending circumstances necessary for ensuring compliance with the order.

Clause 14 of the bill inserts new part 3A into the Criminal Law (High Risk Offenders) Act containing provisions for interagency cooperation. These provisions rightly allow for formal information sharing processes with other jurisdictions modelled on part 4A of the New South Wales Crimes (High Risk Offenders) Act 2016.

Clause 15 amends section 22 of the Criminal Law (High Risk Offenders) Act. The amendment will allow for appeals from a refusal by the Supreme Court to make an extended supervision order or continuing detention order.

Finally, schedule 1 contains a number of transitional provisions intended to support the implementation of reforms.

Whilst the intention of this bill is to address various shortcomings and to improve processes in the Criminal Law (High Risk Offenders) Act, these reforms are essential to ensuring our laws remain fit for purpose in order to keep our community safe from the risk of harm posed by serious offenders. 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.

Part 2—Amendment of *Criminal Law (High Risk Offenders) Act 2015*

3—Amendment of section 4—Interpretation

This clause inserts new definitions and amends existing definitions in section 4 of the principal Act for the purposes of the measure.

4—Substitution of section 5

This clause substitutes new section 5 of the principal Act which contains a new definition of *high risk offender* under which a *high risk offender* is—

(a) a serious sexual offender who is serving a sentence of imprisonment imposed in respect of a serious sexual offence; or

(b) a serious sexual offender who is serving a sentence of imprisonment any part of which is in respect of any of the following offences:

(i) an offence under section 58 or 63A of the *Criminal Law Consolidation Act 1935*;

(ii) an offence under section 44, 45, 65 or 66N(2) of the *Child Sex Offenders Registration Act 2006*;

(iii) an offence under section 99I of the *Criminal Procedure Act 1921*;

(iv) an offence prescribed by the regulations for the purposes of this paragraph; or

(c) a serious sexual offender who is serving a sentence of imprisonment imposed in respect of any other offence to be served concurrently or consecutively with a sentence of imprisonment in respect of a serious sexual offence; or

(d) a serious violent offender who is serving a sentence of imprisonment imposed in respect of a serious offence of violence; or

(e) a serious violent offender who is serving a sentence of imprisonment imposed in respect of any other offence to be served concurrently or consecutively with a sentence of imprisonment in respect of a serious offence of violence; or

(f) a terror suspect who is serving a sentence of imprisonment; or

(g) a person who is serving a sentence of imprisonment in relation to an offence against section 241 of the *Criminal Law Consolidation Act 1935* where the offence committed by the principal offender (within the meaning of that section) was a serious offence of violence or serious sexual offence; or

(h) a person who is subject to an extended supervision order; or

(i) a person who is serving a sentence of imprisonment during the course of which an extended supervision order applying to the person expires.

5—Substitution of section 6

This clause substitutes section 6 of the principal Act which provides that an application for a supervision order may not be made in respect of a person who is under the age of 18 years except where a person is a terror suspect and is of or above the age of 16 years, in which case the Act applies with any modifications prescribed by the regulations.

6—Amendment of section 7—Proceedings

This clause amends section 7 of the principal Act to—

(a) clarify that an application for an order under the section may only be made within the 12 months preceding the relevant expiry date for the respondent; and

(b) update a cross-reference to paragraph (g) in the definition of *high risk offender* in substituted section 5; and

(c) provide that, in determining whether to make an order under this section in respect of the respondent, a Court must not take into consideration any intention of the respondent to leave this State (whether permanently or temporarily).

7—Amendment of section 9—Interim supervision orders

This clause amends section 9 of the principal Act to provide that the Supreme Court may make an interim supervision order in circumstances where, following an application for an extended supervision order in relation to a high risk offender, the relevant expiry date for the respondent occurs before the application is determined. The Court may only make the order if satisfied that the matters alleged in the material supporting the application would, if proved, justify the making of an extended supervision order.

This clause also inserts new section 9(3) which provides that the obligations of a person subject to an interim supervision order are suspended during any period that the person is in government custody.

8—Amendment of section 10—Supervision orders—terms and conditions

This clause amends section 10 of the principal Act to provide that every extended supervision order will be subject to a condition that the person subject to the order is prohibited from leaving the State without the permission of the Supreme Court or the Parole Board, which may be subject to the terms and conditions that the Court or the Parole Board thinks fit.

This clause further provides that the Supreme Court or the Parole Board may only give permission for a person to leave the State under new section 10(1)(da) if the person provides information about their proposed travel out of the State, including any particulars prescribed by the regulations, to the Court, the Parole Board or any other person specified by the Court or the Board.

9—Amendment of section 11—Conditions of extended supervision orders imposed by Parole Board

The amendment to section 11 of the principal Act under this clause is consequential to the insertion of new section 13A by clause 11 under which applications may be made to the Parole Board for the variation, revocation or imposition of a condition of an extended supervision order.

10—Amendment of section 13—Variation and revocation of supervision order

This clause amends section 13 of the principal Act so that the Supreme Court may, in addition to varying a condition of a supervision order or revoking a supervision order, impose further conditions on a supervision order on application by the Attorney-General or a person subject to the supervision order.

This clause also amends section 13 of the principal Act to allow for applications to the Supreme Court under the section to be transferred by the Supreme Court to the Parole Board for determination.

11—Insertion of section 13A

This clause inserts new section 13A which provides for the Parole Board, on application by the Attorney-General or a person subject to an extended supervision order, to vary or revoke a condition of the order (including a condition imposed by the Supreme Court) or impose further conditions on the order.

A person subject to an extended supervision may only apply to the Parole Board for the variation or revocation of a condition imposed by the Supreme Court with the permission of the Parole Board and the Parole Board may only grant permission if satisfied that there has been a material change in circumstances relating to the person or extended supervision order and it is in the interests of justice to grant permission.

Proposed section 13A provides that the Parole Board may refer an application to the Supreme Court if it considers that the matter should be determined by the Supreme Court. The Supreme Court may also order that an application to the Parole Board be heard and determined by the Court.

12—Amendment of section 14—Consequential and ancillary orders

This clause amends section 14 of the principal Act to provide that the Parole Board may, on varying an extended supervision order, make any consequential or ancillary order it thinks fit in the circumstances of the particular case.

13—Amendment of section 18—Continuing detention orders

This clause amends section 18 of the principal Act as follows:

(a) to permit the Supreme Court to make a continuing detention order detaining a person in custody until the expiration of any further supervision order that may be made against the person. Currently, the Court may only detain the person until the expiration of an existing supervision order or for a shorter period, and both of those options will remain in place;

(b) to permit the Supreme Court, on declining to make a continuing detention order in respect of a person, to—

   (i) vary or revoke a condition of the supervision order applying in respect of the person or impose further conditions on the supervision order; or

   (ii) order that the person be detained in custody beyond the determination of the proceedings in certain circumstances;

(c) to permit the Supreme Court to vary or revoke a condition of a supervision order or impose further conditions on a supervision order where the Court makes a continuing detention order in respect of a person and the continuing detention order will expire before the supervision order applying to the person expires.

14—Insertion of Part 3A

This clause inserts new Part 3A which provides for arrangements (*cooperative protocols*) between relevant agencies (a public sector agency prescribed by the regulations as a relevant agency) and 1 or more interstate relevant agencies (an agency of the Commonwealth or of another State or a Territory of the Commonwealth, prescribed by the regulations as an interstate relevant agency) in respect of the sharing or exchange of information between the relevant agency and the interstate relevant agencies.

The clause limits the kinds of information that may be included in a cooperative protocol and authorises a relevant agency to request and receive information from an interstate relevant agency and to disclose information to an interstate relevant agency to the extent that the information is reasonably necessary to assist in the exercise of functions under the principal Act or the functions of the interstate relevant agencies concerned.

15—Appeals

This clause amends section 22 of the Act to provide that an appeal lies to the Court of Appeal against a decision of the Supreme Court to refuse to make an extended supervision order or a continuing detention order.

Schedule 1—Transitional provisions

1—Transitional provisions

This clause provides for transitional provisions as follows:

(a) an amendment to the *Criminal Law (High Risk Offenders) Act 2015* made by the measure is to apply in respect of an extended supervision order made under the *Criminal Law (High Risk Offenders) Act 2015* except where an application or proceeding before the Supreme Court is in progress and not finally determined by the Court at the commencement date in which case the application or proceedings will remain to be determined by the Supreme Court in accordance with the *Criminal Law (High Risk Offenders) Act 2015* as in force at the date on which the application was made or the proceedings commenced;

(b) Section 5 of the *Criminal Law (High Risk Offenders) Act 2015* as inserted by the measure will apply in relation to an offender who is serving a sentence of imprisonment imposed in respect of an offence regardless of when they committed, or were sentenced for, the offence.

Mr TEAGUE (Heysen) (20:48): I rise to indicate I am the lead speaker for the opposition and indicate the opposition's support. This is the subject of government legislation in the last parliament, subsequently the subject of a private member's bill I introduced in 2022, so it is a circumstance in which I say once again antligen, finally, we are here. The opposition supports these discrete changes. The minister has rehearsed for the record in the house the government speech delivered by the Attorney in another place now sometime ago. I will not stay to repeat that and will simply say that these are sensible changes.

They have been comprehensively addressed once again here insofar as they address matters in addition to the subject matter of the Statutes Amendment (Justice Measures) Bill 2022 that I introduced in the house on 1 June 2022. Those have been articulated by the government adequately and so I just indicate that the opposition supports the passage of the bill. That should happen promptly and I commend the bill to the house.

Mr BROWN (Florey) (20:50): I am pleased to rise in support of the Criminal Law (High Risk Offenders) (Miscellaneous) Amendment Bill. The Criminal Law (High Risk Offenders) Act, or the HRO act, provides important tools to allow our courts to impose strict monitoring provisions on violent offenders. The HRO act has not been substantially amended since it came into operation in 2016. In 2021, the former Liberal government introduced a bill to parliament which contained a series of proposed amendments to the HRO act. That bill passed the Legislative Council but did not pass parliament before the state election.

The bill now before us seeks to implement the remaining amendments to the HRO act that were contained in the bill of the former government while also implementing new amendments that aim to improve the operation of the act. Pursuant to the HRO act, the Supreme Court is empowered to make certain orders to ensure that high-risk offenders remain subject to appropriate levels of supervision following the expiration of their head sentence, whether the offender is in prison or released on home detention or parole.

The HRO act provides for the making of extended supervision orders (ESOs) including interim supervision orders (ISOs) and continuing detention orders (CDOs) in relation to certain high-risk offenders. High-risk offenders are offenders who have been subject to a sentence of imprisonment in respect of a serious sexual offence or a serious offence of violence, as well as persons who have a history or a suspected history of terrorist offences.

The express object of the HRO act is to provide a means to protect our community from being exposed to an appreciable risk of harm that may be posed by various serious offenders. Under the HRO act, the Attorney-General may make an application to the Supreme Court for a high-risk offender to be subject to an ESO. An ESO can be made for up to five years and allows for the imposition of conditions for the duration of the order.

The Supreme Court can order that a person be subject to an ESO if the court is satisfied that the person is a high-risk offender and the person poses an appreciable risk to the safety of the community if they are not supervised under such an order. Among other things, the conditions of an ESO can require an offender to attend treatment and to undertake drug screening.

The bill before us seeks to amend the HRO act to implement a range of measures that are intended to address a range of identified shortcomings and deficiencies in the existing HRO act as well as to improve the efficiency of processes for dealing with high-risk offenders. The majority of amendments in the bill seek to implement the remaining amendments to the HRO act that were contained in the bill of the former government, including amendments that propose to:

- add commonwealth offences to the definition of 'serious sexual offence' in section 4(1), so that such offences may be taken into account in considering whether to make a supervision order;
- delete the definition of 'youth' in section 4(1) and provide that a reference in the HRO act to a person convicted of an offence includes a person who was, at the time when they were convicted of the offence, under the age of 18 years;
- amend the definition of 'high-risk offender' to remove certain ambiguities in relation to who is a high-risk offender;
- provide that an application for a supervision order may not be made in respect of a person under the age of 18 years unless they are a terror suspect and are also of the age of 16 years or above the age of 16 years;
- clarify that an application for an ESO may only be made within the 12 months preceding the expiry of the term of imprisonment, rather than within 12 months of the expiry;
- provide that the Supreme Court is not to take into consideration any intention of the respondent to leave the state, whether permanently or temporarily, in determining whether to make an ESO;
- provide that the obligations of a person subject to an ISO are suspended during any period that the person is in government custody;
- require that an ISO and ESO must contain a condition that the relevant offender must not leave the state without the approval of the Supreme Court or Parole Board;
- allow for the Supreme Court to transfer an application to vary or revoke a supervision order to the Parole Board for determination and to make rules in respect of such a transfer;
- allow for the Parole Board to make such consequential or ancillary orders as it thinks fit when varying a supervision order;
- allow the Parole Board to vary or revoke the conditions of a supervision order, including a condition imposed by the Supreme Court;
- provide that the Supreme Court may order that a person be detained in custody pursuant to a CDO until the expiration of the breached supervision order or, if a further supervision order is made, until the expiration of the further supervision order, or for such lesser period as may be specified by the court;
- provide that, where the Supreme Court declines to make a CDO, the court may:
    - vary, revoke or impose further conditions on a supervision order; or
    - order that the person be detained in custody beyond the determination of the proceedings;
    - pending such circumstances as may be reasonably necessary for ensuring the person's compliance with a condition of the supervision order; or
    - in exceptional circumstances, for such period as may be necessary in the circumstances of the case.
- provide for the establishment of formal information sharing processes with other jurisdictions, modelled on part 4A of the Crimes (High Risk Offenders) Act 2006 (New South Wales); and
- confer a right of appeal on the Attorney-General where the court refuses to make an ESO or CDO.

In the course of developing the bill, as well as in response to external consultation on the bill, a range of further amendments were identified that could be made to the HRO act to improve its operation

and address various ambiguities and deficiencies. The bill was amended, after external consultation, to include additional amendments in response to this feedback, as follows.

The definition of 'extended supervision order' in section 4 has been amended to clarify that an ESO means an order made under section 7 of the HRO act; that is, an ESO only. This is aimed at addressing an apparent ambiguity about whether the current definition of extended supervision order could encompass both ESOs and ISOs.

The definition of 'detainee' in section 4 has been amended to clarify that a detainee includes a person who has been detained in federal immigration detention within the meaning of the commonwealth Migration Act 1958. This is intended to address uncertainty about the obligations of respondents who are the subject of a supervision order, or an application for an order, while they are currently detained in federal immigration detention.

Section 9(1)(a) has been amended to clarify that the court may impose an ISO in circumstances were the relevant expiry date for the respondent is likely to occur before the application is determined or has already occurred. Section 13 has been amended to allow for the Attorney-General to apply to the court to vary a condition of a supervision order or to impose further conditions on an order.

The principal intention of this bill is to address shortcomings and to improve the efficiency of processes. These reforms are important towards ensuring that our laws remain fit for purpose in order to keep our community safe from the appreciable risk of harm posed by serious offenders. 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) (20:57): Thank you very much to the Attorney-General in the other place for his work and his officers' work and that of the department on this bill.

Bill read a second time.

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) (20:58): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (SECTION 20A) AMENDMENT BILL

Second Reading

Mr BROWN: Sir, I draw your attention to the state of the house.

A quorum having been formed:

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) (21:00): I move:

That this bill be now read a second time.

I am really pleased to rise to introduce the Criminal Law Consolidation (Section 20A) Amendment Bill 2024 into this house. This bill speaks to our government's deep commitment to tackling in every way that we can every aspect of domestic, family and sexual violence. We know that clear, effective strangulation laws are an important, crucial way to hold offenders accountable for their heinous actions and to better protect and empower survivors of domestic, family and sexual violence in ways that enable them to feel safe and confident in participating in all aspects of community life and in walking new, safer journeys.

Prior to the last election, we articulated a comprehensive policy focused on women's safety, wellbeing and equality. These themes are now reflected in our blueprint for women's equality. From

opposition, we moved several pieces of legislation and advocated about multiple policies, places and investments that we saw could better tackle the horrific, ongoing scourge of domestic, family and sexual violence.

Tackle it we must, because its awful prevalence continues, with one woman in this country now killed every four days; with one in three women experiencing some form of violence from the age of 15; with women who experience violence dealing with lifelong consequences deleterious to her health, economic wellbeing, housing security and workforce participation; with new ways to harm women, including through technology, on the rise; with our community continuing to grapple with a situation where, as fast as we can roll out respectful relationship education, the Andrew Tates of the world are attempting to undo our work online in the most harmful of ways.

Just this morning, I was listening to the incredible Patty Kinnersly, CEO of Our Watch. She spoke about the disturbing number of young people who now see strangulation as part of sexual experience due to the horrific and prolific access to pornography by young people in our community depicting violence toward women and because the gender inequality that lies as the cause of domestic, family and sexual violence against women continues.

Domestic, family and sexual violence is insidiously prevalent in our community. Our government is committed to tackling this awful scourge of violence to the greatest extent that we can. The introduction of this really important bill is part of us doing so. The introduction of the bill follows a review into the effectiveness of the offence of strangulation in the Criminal Law Consolidation Act 1935 and involved targeted consultation with numerous key stakeholders. Thankfully there is increasing awareness that choking, strangulation and suffocation is a particularly dangerous form of violence which can have serious consequences. Strangulation is often cited as a precursor to domestic homicide; even applications of very little force can result in serious injury.

This bill will amend section 20A of the Criminal Law Consolidation Act 1935 to rightly strengthen the laws related to choking, suffocation or strangulation in a domestic setting. First, it introduces definitions for choking, suffocation and strangulation. This will clarify the elements for the offences of choking, suffocation or strangulation in a domestic setting so that they are not limited to proof of restriction of breath, which is the current application of those terms at common law here in South Australia.

Secondly, the new bill will introduce a new offence of choking, suffocation or strangulation in a domestic setting where harm is caused. Harm is defined as that which renders the person unconscious. This new offence is to have a maximum penalty of 10 years' imprisonment. There is a presumption against bail for those who are charged with this offence. This proposed top-tier offence, which incorporates the element of harm, recognises the consequence of the restriction of breath or blood flow and the inherent dangers of that conduct. The definition of harm, being that which renders the person unconscious, is consistent with the medical literature that suggests that strangulation can cause unconsciousness within seconds and with little force to the neck.

The new offence will complement the existing section 20A offence, which is to be retained in its current form with a maximum penalty of seven years' imprisonment, and with clarification of the elements through the introduction of definitions as I have spoken about for choking, strangulation and suffocation. Assault is a statutory alternative to both of these offences.

The availability of a two-tier offence structure in this context, and the retention of assault as an alternative, allows for greater flexibility in the prosecution of these matters consistent with the evidence in a particular case. Again, this bill speaks to our deep commitment to tackling every aspect of domestic family and sexual violence. We know that clear, effective strangulation laws are an important crucial way to hold offenders accountable for their actions and also to better protect survivors of domestic family and sexual violence.

Since coming to government we have progressed a range of other complementary legislative measures, preventative actions and policies and recovery options to tackle domestic family and sexual violence, including just yesterday in this house, progressing laws to finally criminalise coercive control, that insidious form of domestic violence that is a precursor to homicide in 99 per cent of cases.

We passed legislation to require electronic monitoring as a condition of bail for those who are charged with serious breaches of domestic violence intervention orders. We have amended the Equal Opportunity Act 1984 to make it unlawful to discriminate on the basis of the experience of domestic violence. That bill, and the bill in relation to making electronic monitoring a condition of bail for those who seriously breach intervention orders, are bills that we also moved from opposition. I am relieved that finally we have seen them pass this house in this term of government.

We have enshrined 15 days paid domestic family and sexual violence leave for workers engaged or employed pursuant to the state Fair Work Act, and this, of course, complements the 10 days paid domestic violence leave for those workers who are employed pursuant to the federal industrial relations system.

Rightly, we know that legislation only takes us so far. It is absolutely crucial, but in addition to our comprehensive legislative agenda we have funded and established the domestic violence prevention and recovery hub in the southern suburbs of Adelaide, The Yellow Gate, and the multi-agency protection hub in the northern suburbs of Adelaide.

I was so proud that following our election commitment and considerable work with communities in both the outer southern and outer northern suburbs of Adelaide, service providers in those areas, brave survivors and workers in other government agencies, through The Yellow Gate and the multi-agency hub in the north we have brought to life hubs, places that absolutely respond to what those communities told us they needed. Those communities and the community in the south told us that they wanted a place where any woman who was experiencing any sign or any concern about an experience of domestic, family or sexual violence had a place to go, and now they do. They have a place to go where there are people who can provide them with information, support, crucial referral to service providers and a place where they know that they are not alone.

Alongside the southern and the northern hubs, we have ensured that paid workers in the 10 regional hubs right across our state are now finally funded. The workers in those hubs are doing an extraordinary job, again, responding to the needs of their particular communities. We have also reversed the cuts of those opposite to funding for the Women's Domestic Violence Court Assistance Service and Catherine House.

Further, our government is rightly taking a significant step to ensure that we have the full evidence base to drive and keep driving the most effective change through our Royal Commission into Domestic, Family and Sexual Violence. As we all know in this house, incredibly respected South Australian advocate, author and former diplomat and Senator Natasha Stott Despoja AO is leading our state's Royal Commission into Domestic, Family and Sexual Violence. After formally commencing in July 2024, the royal commission is expected to take 12 months and absolutely has the power to recommend policy, legislative, administrative and structural reform, and to do so across the four domains that accord with the domains of the national plan—that is, the domains of prevention, early intervention, response and recovery and healing.

Further, the royal commission in its terms of reference has been asked to look at how we best coordinate our efforts right across government together with the community and the sector, and how we better coordinate our efforts across all those domains. In the terms of reference, we also call on the royal commission to investigate the horrific emerging forms of sexual violence perpetrated online and the misogynistic content that is driving young men to contemplate that violence. We have asked the royal commissioner to look into that very serious set of issues and to provide us with advice about the best way forward in relation to them.

We know that recommendations will be directed at designing a domestic, family and sexual violence system to better meet the needs of those who interact with it and which is capable of delivering the generational change required to prevent and eradicate the scourge of domestic, family and sexual violence.

We know that the commissioner has rightly opened up input from right across our community. We know that just recently she has held a really important forum also with children and young people to absolutely understand, as per the terms of reference, what the impact of domestic, family and sexual violence is on children and young people and what we can do better to support those children and young people who witness it and experience it, and how we can better see them as survivors in

their own right and provide them with the necessary supports to get through that experience and to help end those intergenerational cycles of violence being perpetrated.

We know that the royal commissioner is also out in the regions closely listening to people and that there will be further opportunities for submissions to be made and further opportunities continuing for people to share their own experiences. I really want to thank the royal commissioner for her work. We know that the royal commission, as well as doing its work through the terms of reference, is absolutely generating crucial community discourse and sending through that discourse a really important signal to survivors that they will be heard, their voices will be acted upon. It is sending a really important signal to those who are perpetrating violence that it has absolutely no place in our community.

I wholeheartedly thank the royal commissioner and her team for her work and I also thank those incredible workers in the domestic, family and sexual violence sector who, whether they are working in crisis accommodation, perpetrator intervention, or programs at our hubs to provide that early support, those workers, so many of them, spend their entire lives working in this sector and the difference that they make is absolutely profound.

So I say thank you to them and I also say thank you to those many survivors who have informed this legislation and who are at the heart of everything that our government does in carrying out the many legislative, policy and programmatic changes that we committed to make to make sure our state is one where violence is not tolerated and everybody can live their lives freely, safely, equally and able to participate in community life and in our economy in whichever way that they choose.

This bill that we debate in this house tonight is another really important step forward in our legislative response to domestic, family and sexual violence and I commend it to the house and seek leave to insert the explanation of clauses 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 *Criminal Law Consolidation Act 1935*

3—Amendment of section 20A—Choking, suffocation or strangulation in a domestic setting

This clause amends section 20A of the principal Act to create an additional offence relating to choking, suffocation or strangulation in a domestic setting. The clause also defines terms to support the measure. A scheme for alternative verdicts is also provided.

Schedule 1—Transitional provision

1—Transitional provision

This clause provides for transitional arrangements.

Ms THOMPSON (Davenport) (21:17): I rise today in strong support of the Criminal Consolidation (Section 20A) Amendment Bill 2024. This bill is necessary, and while I wish we did not find ourselves needing to legislate so explicitly against strangulation in domestic settings, the harsh reality is that action is required. Currently, the Criminal Law Consolidation Act requires proof of restricted breathing for choking or strangulation, based on a Queensland Court of Appeal precedent. This narrow definition has proved inadequate. Now with heartbreaking clarity we see the need for change and this bill delivers it.

The bill amends section 20A to broaden the legal scope of choking, suffocation and strangulation offences in domestic settings, no longer limiting the definition to restricted breath. Alongside the existing seven-year penalty and presumption against bail, this bill introduces a new offence carrying a 10-year penalty for those who cause harm, rendering a person unconscious, also with a presumption against bail.

In practical terms, this bill strengthens protections against choking, suffocating or strangling a person in a domestic setting and allows prosecuting agencies greater flexibility based on available evidence. I hope this amendment reassures women that the state government is serious about addressing domestic violence, particularly domestic strangulation; yet, I cannot hide my anger and sorrow. Violence against women and children remains one of the leading causes of homelessness in Australia—that is a fact. One in four Australian women has suffered emotional abuse by a current or former partner—that, too, is a fact. Tragically, on average, one woman dies at the hands of an intimate partner every four days. These statistics continue to get worse, and we continue to share them in this place year after year, yet here we are again still fighting to protect victims.

Today, we seek to redefine domestic strangulation as the applying of pressure to a person's neck to an extent capable of affecting their breath or blood flow to their head. Women continue to die at an appalling rate, and we must act to ensure perpetrators are held accountable.

The evidence is clear that strangulation in a domestic setting often precedes domestic homicide. A review requested by the Attorney-General highlighted that too many cases of strangulation are being discontinued due to lack of clarity in the law. In May 2022, *The Advertiser* reported that only 1.9 per cent of strangulation cases led to conviction, a damning statistic—1.9 per cent.

Infuriating does not come close and my heart breaks for those women and their families. No-one deserves to live in fear, and no-one should ever have their life taken at the hands of a violent partner. We must ensure our prosecutors and courts are well equipped to handle these cases. If the burden of proof is too high, abusers walk free. It is not right, and I am glad that we are addressing it today.

I extend my gratitude to the Attorney-General for his leadership on this critical issue. Regardless of party lines, we can all agree that this demands sensitive leadership and swift action. Alongside the Minister for Women and the Prevention of Domestic, Family and Sexual Violence, the Attorney-General has risen to this challenge. The Minister for Women and the Prevention of Domestic, Family and Sexual Violence has also introduced vital reforms to this house. Listening to her just now speak to some of those, I am inspired and really proud to be part of her team. She is doing incredible work in this space, so thank you.

Including the criminalisation of coercive control, a bill that I spoke on also this week, everyone deserves autonomy and freedom from fear, whether in a relationship or rebuilding their lives after leaving one. Research shows that coercive control, like strangulation, is a precursor to domestic homicide. Every effort we make to address these behaviours or remove violent individuals from our community is an effort worth making.

I reiterate my deep disappointment that legislation is necessary. It is a damning indictment of where we are as a society. It is our duty to protect women, children and indeed all people from the horrors of domestic violence. With that, I commend this bill to the house.

Ms HOOD (Adelaide) (21:22): I, too, rise in support of the Criminal Law Consolidation (Section20A) Amendment Bill. Last Friday, I attended the White Ribbon Breakfast with many of my parliamentary colleagues on both sides, along with our Governor, Her Excellency, the Hon. Frances Adamson; our Premier; the Minister for Health and the Deputy Police Commissioner.

This year, we were asked to 'Wake up to change', a powerful invitation to acknowledge the crisis and to act. That is exactly what we are doing in the parliament this evening through this amendment bill. The state government is implementing its comprehensive legislative policy, program and reform agenda to help tackle the horrific scourge of domestic, family and sexual violence and support survivors.

Every lever to prevent, intervene and respond to domestic, family and sexual violence must be used. So, when a review of 2019's strangulation laws instigated by the Attorney-General in the other place in 2022 and released last year found a lack of clarity around what police and prosecutors need to prove the offence and that too many cases are discontinued, the Malinauskas government knew that action must be taken. In fact, media reports at the time highlighted the significance of this issue. *The Advertiser* in 2022 reported, as the member for Davenport was just saying, that only

1.9 per cent of strangulation cases end in conviction, with only 1.5 per cent of those offenders sentenced to immediate prison time, which is just devastating.

Clear, effective strangulation laws are needed to hold offenders accountable for their actions and to also better protect victim survivors of domestic, family and sexual violence. By clarifying the laws, we will remove some of the obstacles that have hindered prosecutions in the past by making it clearer when an offence has been committed and what needs to be proved in the court.

This bill is among numerous measures undertaken by the Malinauskas government to address violence against women. On 1 October this year, landmark domestic violence reforms aimed at better protecting survivors came into effect, with the new laws ensuring that any defendant granted bail on a charge of breaching a domestic violence-related intervention order by either threatening or committing a violent act would be subject to mandatory home detention and electronic monitoring.

The commencement of that legislation fulfilled a key election commitment of the Malinauskas government. We also passed legislation regarding 15 days of paid domestic, family and sexual violence leave for those employed pursuant to the state industrial relations system, as well as legislation to make the experience of domestic violence a ground of discrimination under the Equal Opportunity Act.

Additionally, the government has funded and established new domestic, family and sexual violence prevention and recovery hubs, implemented an awareness campaign around coercive control, and also importantly established a royal commission into domestic, family and sexual violence led by commissioner Natasha Stott Despoja AO.

I, too, would like to acknowledge the tireless efforts of the Attorney-General, the Hon. Kyam Maher MLC, in the other place for his work on these reforms, along with his staff and his department who work closely with SAPOL, the DPP and other key stakeholders such as the Courts Administration Authority, the Commissioner for Victims' Rights and the Office for Women.

Thank you to the indefatigable Minister for Women, Katrine Hildyard, who is relentless in her pursuit of a safer world for women and girls.

To the co-convenors of the White Ribbon Breakfast, Jillian and Cintra, and to the whole White Ribbon committee, host Will McDonald, and everyone who attended the White Ribbon Breakfast last Friday, each and every day we will Wake Up to Change. We will act through policy reforms and legislation like this amendment bill, we will speak up because we know that the standard we walk by is the standard we accept, and we will keep showing up to breakfasts, to walks, to vigils, so that one day we wake up and will not need to fight this evil issue anymore. I commend this amendment bill to the house.

Mr TEAGUE (Heysen) (21:26): I rise to indicate I am the lead speaker for the opposition. I indicate the opposition's support for the bill and indicate my appreciation of the contributions of those members to the second reading debate.

There is a bit of time to spend in committee in relation to what is really the addition of a second offence with the addition of the threshold of harm that has been defined in the bill to be hinged on a victim being rendered unconscious, and there is a bit to work through about that.

The history, as we know, of the addition of this division of part 3 of the Criminal Law Consolidation Act goes back to the 2018 bill introduced by the then Attorney-General, the Hon. Vickie Chapman, in the early days of the Marshall Liberal government. That addition of the new division 7AA that is headed choking, etc. in a domestic setting is where the section 20A offence is presently found. It is true to say, as the members for Davenport and Adelaide have both adverted, that the history of successful prosecution has been perplexingly low. It has been complicated by what is inherently a complicated criteria to constitute the offence and there has been work on the definition at the same time as the addition of this new harm-based and more serious offence as is shown by the maximum penalty being imprisonment for 10 years to sit alongside the basic offence with a maximum penalty of seven years.

The matters that are perhaps appropriately raised at the committee stage are all the subject of considered treatment by predominantly the Law Society in its response to the government's

consideration of this over the last couple of years. As I said at the outset, it is, I think, important to note at this stage that there has been a choice to focus on the rendering unconscious of a victim, and it is important to appreciate that that is going to create a need to evidence matters like the expert evidence from experts, including medical specialists, that will be necessary in order to prove the offence.

It is good to flag that this is an area of the Criminal Law Consolidation Act that is still relatively new. It has so far had a history of somewhat perplexing data in terms of prosecution of offences the subject of it, and so it will remain still to be seen whether or not we see a greater level of effective prosecution in what is undoubtedly a very serious area of criminality. There are a range of concerns that are expressed about aspects associated with the offence, the likely impact on those, particularly Aboriginal communities that have been the subject of consideration by the Aboriginal Legal Rights Movement.

It is important to be careful, as it were, to just be aware at this stage that work has been ongoing and considered in this space for now several years. There is a specific offence that has been a part of the act for some time, and so the refinement of it, the addition of the more serious offence, will now need to be subject to a test in the real world. Certainly it is my wish that this renders prosecutions more effectively able to be undertaken, and also that the evidentiary requirements that are inherent in the tests for proving harm do not create an insurmountable hurdle to their effective deployment. I commend the bill, and I just flag those matters that I will raise in the course of the committee.

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) (21:33): I just want to say thank you very much to the member for Heysen for expressing the opposition's support and for his comments, and I thank the member for Adelaide and the member for Davenport for their impassioned speeches. Listening to both of those outstanding members, I was just contemplating the fact that when I first was in this place 10½ years ago and I gave my inaugural speech, I thought long and hard about sharing things about particular experiences.

I made the decision to do so because I think that here in this place we have a responsibility to encourage others to speak up and to feel confident that action will be taken and that, as community leaders in here, we will respond in every way that we can to domestic, family and sexual violence. I was just so pleased to listen to these two excellent women who are both warriors in this shared quest to prevent and eradicate domestic, family and sexual violence. I certainly feel strengthened by their resolve and I know that many in their communities and, indeed, right across the state feel similarly. Thank you so much for your words tonight and for your actions in the space, and thank you again to everybody who has worked incredibly hard on this bill that we progress tonight.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 and 2 passed.

Clause 3.

Mr TEAGUE: As I indicated in the course of the second reading, I am focused on the test of causing of harm, connected as it is to the rendering unconscious of the victim. The new offence is constituted by the existing tests: being in a relationship with the other person; choking, suffocating or strangling the other person without the other person's consent; and, in (c), causing harm to that other person such that the other person is rendered unconscious. In determining the definition of harm, how did the government come to settle on the rendering unconscious as being the most convenient and effective test of that relevant seriousness?

The Hon. K.A. HILDYARD: The answer is threefold. First of all, it responds to feedback from the medical profession and, indeed, to the various medical literature about this particular sort of harm. Secondly, it responds to very detailed discussion and feedback from both SAPOL and DPP

about particular factors in cases and the sorts of difficulties that were being experienced in terms of establishing harm. Also, the third factor is that the way harm was described in other jurisdictions was considered, particularly in New South Wales and the ACT.

Mr TEAGUE: I perhaps just note for context, having raised it, by its most recent contribution, I think, the Law Society by letter to the Attorney-General, dated 20 September 2024, at paragraph 14, puts it this way. It describes its concern about the evidentiary test that is inherent in the new definition. The Law Society says at 14, and I quote:

> The Society underscores the complexity of the evidence that may be required to prove that choking or strangling has occurred for the purposes of this revised definition, noting that 'affecting the breath' of a person is difficult to quantify. Attempting to establish this may necessitate the provision of expert evidence from an ENT specialist which, in the professional experience of Members of the Criminal Law Committee is difficult to obtain and may not necessarily be determinative.

I just put that on the record in case the minister has anything to say by way of reassurance in relation to consideration of the practicalities of proof. I would invite the minister to provide any further response to that expression of concern.

The Hon. K.A. HILDYARD: Two things: first of all, I would point the member to subclause (3)(4)(a), which provides:

> (a) choking or strangling a person means the applying of pressure to the person's neck to an extent that is capable of affecting the breath or the flow of blood to the head of the person;

I emphasise the word 'capable' in that regard. Also, to answer the question in a broader sense, it is clear that evidence can be provided, as the Law Society suggests, through the medical profession. However, evidence can also be provided through the statement of a victim survivor or a combination of those two factors.

Mr TEAGUE: Returning then to 'unconsciousness'—and I perhaps say at this point I appreciate the opportunity to have received a briefing from the Attorney's office in this regard. It is something that has had a run in that context. Is the government satisfied—and the minister has referred to the possibility of evidence from the victim—that it is possible by way of expert evidence satisfactorily to prove that unconsciousness resulted from a particular conduct; that is, by medical or scientific expert evidence, as opposed to relying on the recollection of the victim, for obvious reasons?

The Hon. K.A. HILDYARD: I think it is hard to categorically answer that question in the affirmative because, as the member would appreciate, in every case there is a particular set of facts and circumstances, and in particular cases with particular sets of facts and circumstances, of course there would be a balancing in that context of both the medical evidence and the evidence from the victim survivor. I think it is hard to predict the balance between those two particular sets of evidence given the various context in which these cases will arise.

Clause passed.

Schedule and 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) (21:45): 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 not to insist on its amendments to which the House of Assembly had disagreed.

CRIMINAL LAW CONSOLIDATION (STALKING AND HARASSMENT) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

LOCAL GOVERNMENT (ELECTIONS) (DISPLAY AND PUBLICATION OF VALID NOMINATIONS) AMENDMENT BILL

Introduction and First Reading

Received from the Legislative Council and read a first time.

At 21:48 the house adjourned until Thursday 14 November 2024 at 11:00.