LEGISLATIVE COUNCIL

Thursday, 4 May 2023

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:16 and read prayers.

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

The Registrar's Statement, Register of New Member's Interests, May 2023
(Paper No. 134B) [Ordered to be published]
Parliament of South Australia: Equal Opportunity Commission Second Progress Report—
Review of Harassment in South Australian Parliament Workplace

Ministerial Statement

PORT AUGUSTA HOSPITAL

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:18): I table a ministerial statement made in the other place by the Hon. Chris Picton, the Minister for Health and Wellbeing, in relation to the Port Augusta Hospital.

Question Time

REGIONAL RADIATION TREATMENT SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking a question of the Minister for Regional Development on critical regional services.

Leave granted.

The Hon. N.J. CENTOFANTI: In the other place, a petition has been tabled today by more than 16,000 South-East residents to establish a local radiation treatment facility in Mount Gambier. My question to the minister is: now that this petition has been tabled and the community is clear in its sentiment, will she formally support the calls of more than 16,000 South-East residents to establish a local radiation treatment facility in Mount Gambier?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:21): I thank the honourable member for her question. The issue of services for cancer treatment in the Limestone Coast is an incredibly important one. I suspect that all of us either know someone or perhaps have experienced ourselves the difficulties associated with cancer and the terrible stress and distress that it causes.

I am, of course, fully aware of the number of people who have signed the petition in regard to radiation therapy services in the Limestone Coast. I expect that almost all of them, if not all of them, have sincere concerns about the difficulties that are faced by people with cancer. However, what the petition does not say is whether radiation therapy services in Mount Gambier could be delivered safely. The information that I am provided with indicates that currently radiation therapy services in the Limestone Coast could not be delivered safely at Mount Gambier.

I refer members to a statement by the local health network. Members will recall that under the previous state Liberal government, responsibility for regional health services was delegated to

local health boards or local health networks. In their statement they refer to the difficulties that would exist in terms of clinical safety and they refer to their desire, which they have now put in place, to have a proper feasibility study around how radiation therapy services could be delivered safely.

That statement states that 'there are many important considerations not yet fully realised that are an essential part of providing a safe, effective' regional service. I think safety for regional people has to be the number one consideration. Having a petition for a service that couldn't be delivered safely is hardly what the people of the Limestone Coast would be expecting.

Just for members who may not be aware, a little bit of history about this. It was in May 2021, two years ago now, that the former Liberal federal government rejected a bid by the company known as ICON to establish radiation therapy services in Mount Gambier. It is interesting that, at that time, the member for Barker, who was a member of that federal Liberal government, didn't raise any complaints about that. In fact, I think it was close to about 18 months later that he first started to make some noises around it.

People have asked me why I think he would say nothing when he was part of a government that made a decision not to implement these services—why the member for Barker would say nothing until he was out of government. Some people have asked me—

Members interjecting:

The PRESIDENT: Order! Minister, please continue.

The Hon. C.M. SCRIVEN: I think this is an important issue that I would hope those opposite would pay due respect to, rather than calling out across the chamber about such an important issue. Some people have asked me why I think Tony Pasin left it until roughly December last year to have a public forum, close to two years after a decision had been made, and they have asked me do I think it's in relation to the fact that there were rumours about his preselection being challenged? I have said I certainly would hope not.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: I would certainly hope that no politician would use the tragedy of people facing cancer for political gain, but I can't explain why it was that Tony Pasin said nothing when the government he was part of made this decision. Also, I noted that on the steps of parliament today there were some photo opportunities around this issue, and the Leader of the Opposition in the other place—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —the member for Black, David Speirs, was standing there, and yet he was part of the cabinet of the former state Liberal government that made this decision.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: So a decision that was made by the state and federal Liberal governments, the federal decision in May 2021 was that a service could not be delivered appropriately. Following that, there were negotiations, as I am advised, between the federal and state governments on how that funding could best be used to improve cancer services in the Limestone Coast, and my understanding, from the information I have received, is that that has continued to develop.

I think it's incredibly important that we do see whether there is a way to deliver radiation therapy services safely in the Limestone Coast, and the feasibility study that has now been committed to will enable that to occur. However, I would hope that we would also like to see cancer services in general improving in the meantime. The information I have is that the local health network has now committed to proceeding with the plans that have been delayed in recent months.

I think it is something that is absolutely worth pursuing, to make sure that services in the Limestone Coast can be, as far as possible, delivered in a safe way, in an effective way, in a way that meets the needs of the local community. I look forward to seeing the outcomes of the feasibility study.

REGIONAL RADIATION TREATMENT SERVICES

The Hon. B.R. HOOD (14:27): I seek leave to make a brief explanation before asking a question of the Minister for Regional Development on critical regional services.

Leave granted.

The Hon. B.R. HOOD: Deanne Carmody, who is here today for the tabling of the petition, and her son, Scott Collins', story is heartbreaking. Scott was a happy 24 year old when, after going through headaches and forgetfulness, he was diagnosed with a brain tumour. After surgery, Scott was sent to Adelaide where he had to stay alone for 12 weeks while receiving radiation treatment for 10 minutes each day, away from friends but, importantly, his mum, Deanne, and dad, Wayne.

Because of having his treatment in Adelaide, so far from home, Scott lost it all: his beloved job as a chef, his savings, and his mental health in decline. All Scott wanted was his own bed and the safety of having his mum and dad there during treatment. Similarly, mother and daughter, Leanne and Hailey Tincknell, were diagnosed with breast cancer within one week of each other. They were forced to live in a caravan park for the duration of their treatments in Warrnambool, Victoria. Hailey had to leave her young children for five weeks. During that time Leanne and Hailey were both unable to work.

My question to the minister is: with the Malinauskas government neglecting your own community in the Limestone Coast to establish a radiation therapy unit in the region, what do you say to these individuals and families who have had their lives upturned because of a lack of critical service in the state's second largest city?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:29): I thank the honourable member for his question. I think every member of the Limestone Coast community is keen to have services as close to home as possible. I think everyone can relate to the incredible difficulty experienced by people such as Scott and his mother, Deanne, and others.

I recently had a conversation that I think also illustrates the complexity of some of the issues that we are talking about. I was at an event last week and an older man approached me and said that he had had prostate cancer. He had had radiation therapy and he outlined to me the difficulties of having to travel to Adelaide, which I think we are all very familiar with.

I explained to him that the issues include, for example, the need to have an intensive care unit close by because many people who have radiation therapy experience severe complications. This was the advice that I had been provided. His face changed and he said, 'Yes, I had those complications and I ended up in ICU. I understand. We really need to have those services.'

Mount Gambier doesn't have an intensive care unit. I understand that there are other facilities that cannot currently be provided in Mount Gambier. The other facilities cannot be provided at this stage. An appropriate feasibility study, which is going to be now undertaken, will be able to inform all those things, but I don't think anyone who has experienced cancer in the Limestone Coast wants to be going into a service that will not be safe for them, even if it is in their local community. I think—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —that we need to defer—

The Hon. H.M. Girolamo interjecting:

The PRESIDENT: Order, the Hon. Ms Girolamo!

The Hon. C.M. SCRIVEN: I think we need to defer to the clinicians, to the medical professionals, who can say whether a service can be delivered safely or not.

The Hon. L.A. Henderson: That's a convenient handball. Are you not in government now? Perhaps, you can help to rectify some of these issues.

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: To suggest, as someone opposite is interjecting, that that is to handball, I think those who are professionally qualified in medicine, particularly in regard to oncology and other cancer services, are the ones most appropriately able to answer that sort of a question. We want to have safe services. Those services cannot currently be delivered safely in Mount Gambier.

The feasibility study will enable an accurate, complete and full explanation of how we could move towards those things, and the services that will be provided in the meantime will provide some of that foundation so that, in the future, if we can provide radiation therapy services, they will be able to be provided in a way that is safe.

REGIONAL RADIATION TREATMENT SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): Supplementary: who will be undertaking this feasibility study?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:32): It will be an independent study, I am advised.

REGIONAL RADIATION TREATMENT SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): Supplementary: will the feasibility study be released publicly?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:32): I am certainly happy to ask the Minister for Health what the intention of the local health board is in regard to that.

REGIONAL RADIATION TREATMENT SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:32): My question is to the Minister for Regional Development on the topic of critical regional services. Given that the minister is a proud member of the Limestone Coast community, as she referenced yesterday in question time, has the minister personally signed the petition to support the establishment of a local radiation treatment facility in Mount Gambier and, if not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33): I thank the honourable member for her question—

Members interjecting:

The Hon. C.M. SCRIVEN: —which is already being interjected upon, which I think is again showing a real lack of respect for what is a very important and sensitive matter. We know this proposal was rejected by the previous federal government. We know that—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —the governing board—

Members interjecting:

The PRESIDENT: Order! Minister, please continue.

The Hon. C.M. SCRIVEN: We know that the consideration by the governing board of the Limestone Coast Local Health Network has been that this is not suitable to be delivered at this time. I would ask the question: do those opposite want a service that is not safe for Limestone Coast residents? I would hope the answer would be that they want only a safe service, and I would hope that they would acknowledge—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —that this should not be a political football that they use for any purpose. What this should be—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: What this should be is a factual—

The Hon. B.R. Hood interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —analysis of what can be provided safely and what cannot. The feasibility study is the next step, and I look forward to seeing the outcomes of that because we certainly want to make sure that services are provided in a safe manner. We want services provided in a safe manner, and that's what I look forward to seeing the outcomes of in terms of the feasibility study.

REGIONAL RADIATION TREATMENT SERVICES

The Hon. D.G.E. HOOD (14:34): Supplementary: minister, will you commit to making an announcement either way on this before the end of this calendar year?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): I thank the honourable member for his question. As I have said on a number of occasions, including today, the local health network is progressing this. I can certainly find out from them what their intentions are in regard to it.

REGIONAL RADIATION TREATMENT SERVICES

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Supplementary: can the minister give the chamber an idea of how long the feasibility study is likely to take?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): As I mentioned, the local health network—which is undertaking the arrangements for the independent feasibility study—will, I am sure, be able to provide all the detail, and I shall bring that back to the chamber if I am able to do so.

REGIONAL RADIATION TREATMENT SERVICES

The Hon. D.G.E. HOOD (14:35): Supplementary: when does the minister expect the feasibility study to commence?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): I am sure that will be as soon as is possible.

AUSTRALIAN BIOSECURITY AWARDS

The Hon. I. PNEVMATIKOS (14:35): My question is to the Minister for Primary Industries and Regional Development—sorry, Clare. Will the minister inform the chamber about the outcome of the recent Australian Biosecurity Awards?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36): I thank the honourable member for her question. I think we have a number of excellent projects and people running them within our state, and it's important to be able to acknowledge them and give them that acknowledgement in public. I am delighted to update the chamber about the outcome of the Australian Biosecurity Awards and, more specifically, the success of the Feral Pig Eradication Program on Kangaroo Island.

The Australian Biosecurity Awards recognise individuals, groups and organisations that have shown a commitment to supporting and promoting Australia's biosecurity system—and biosecurity, of course, is incredibly important to our many agricultural, horticultural and other industries. The winners of these awards were announced in Canberra a fortnight ago, with Matt Korcz, a Kangaroo Island feral pig control coordinator, accepting the award on behalf of PIRSA.

I have had the opportunity to speak with Matt on a number of occasions when I have been on Kangaroo Island, and it is clear through speaking with him how passionate and dedicated he is, and his strong commitment to this critically important project. To be acknowledged on a national level is something worth highlighting, as countless hours of hard work have been undertaken to get this project to where it is today.

I have mentioned previously that, during the 2019-20 bushfires on Kangaroo Island, much of the feral pig population was destroyed, and it was estimated that prior to that there were 10,000 feral pigs on the island. Since the fires, it became clear that there was a real opportunity to completely eradicate the pest from the island once and for all.

The South Australian and commonwealth governments committed $4.5 million in funding the eradication program and, as a result of that, I understand 872 feral pigs were destroyed. The Malinauskas Labor government last year committed an additional funding amount of $191,000 to ensure the remaining feral pigs could be eradicated and that ongoing surveillance could be undertaken to ensure that eradication had been achieved and was maintained. Feral pigs cost the island's agricultural industry—through damage to pastures, grain, potato crops, and also defence lines and dams—close to $1 million a year.

As a result of the team's hard work, so well acknowledged through the awards, it is estimated there are only five feral pigs remaining on Kangaroo Island at last count, and over the next 2½ months the eradication team will be working on finishing the job, tracking down those final pigs using the aerial culling strategy along with the artificial intelligence camera network that has been established on the island. These cameras are running 24/7 and feed valuable information to the team to assist in locating these pests. Once the eradication efforts are complete, the team will transition to surveillance activities to ensure that there are no more feral pigs on the island.

It is wonderful that the dedicated team has been acknowledged on a national level, and I congratulate the team on this award. I look forward to being able to speak in this place once again soon to hopefully update you on the complete eradication of feral pigs from Kangaroo Island. Once again, I congratulate all the members of the team on this outstanding achievement.

ADELAIDE DOLPHIN SANCTUARY

The Hon. T.A. FRANKS (14:39): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development a question on the impacts of recreational fishing in the Adelaide Dolphin Sanctuary.

Leave granted.

The Hon. T.A. FRANKS: PIRSA undertook a review of recreational fishing management in the Adelaide Dolphin Sanctuary in late 2022. The options paper for the review found there is a high likelihood of interactions between dolphins in the sanctuary and recreational fishing gear, and that there were high consequences for those interactions, including the entanglement and, at times, fatal injury to the dolphins. In recognition of the danger posed to the dolphins, in October 2022 a temporary cease fishing order was announced, ordering the cessation of all recreational fishing activities within 50 metres of a sighted dolphin.

This was a precautionary approach taken by the department with the intention of lowering the risk of interactions between recreational fishing activity and the dolphins in the sanctuary during a period of increased recreational fishing corresponding with kingfish season. The PIRSA report also notes that it is not only kingfish that frequent the port that sees the use of heavy fishing equipment: we also have mulloway, which are there year round, and a number of stingrays and whalers.

That order expired on 31 January this year. In a letter to a constituent on 11 March this year, from yourself as the Minister for Primary Industries and Reginal Development, you stated that these limits were in place to allow time to finalise a review on the fishing arrangements and to make long-term recommendations. It has now been six months since the report was released and no recommendations have been made. My questions to the minister are:

1. When will PIRSA provide recommendations regarding fishing in the Adelaide Dolphin Sanctuary?

2. Why was the decision to allow the cease fishing order based on the kingfish season, given there are at least six other animals fished in the Adelaide Dolphin Sanctuary that see the use of heavy tackle?

3. Given PIRSA's own review recognises the high risk of using heavy fishing gear on the dolphins within the Adelaide Dolphin Sanctuary, why was the order allowed to lapse, knowing these risks?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:41): I thank the honourable member for her question and her ongoing interest in these matters. I note also she is involved in a select committee of this place, which I think has delivered its interim report on the Dolphin Sanctuary, and I am sure there will be further recommendations in the final report, although I am not sure when that is to be handed down.

The honourable member is correct in that, following extensive consultation between the Department for Environment and Water and PIRSA, an options paper was developed to guide a review of the current recreational fishing management arrangements in the Port River Barker Inlet section of the Adelaide Dolphin Sanctuary. The purpose of the options paper was to ascertain the level of risk, and define that risk, associated with recreational fishing activities and review the suitability of management arrangements to mitigate any interruptions from recreational fishing that might have a negative impact of significance on the dolphins in the ADS.

The public consultation phase on the options paper commenced in September and did close in October. I would also like to thank all of those who made a submission to the PIRSA review of recreational fishing management arrangements. I have received a summary of the feedback, of course, through the consultation process and a report on the review. We are still working through that and looking at the different options that might be available and appropriate.

In terms of why a temporary arrangement was put in place, that was put in place under section 79 of the Fisheries Management Act 2007 and, as the honourable member correctly stated, it prohibited recreational fishing using fishing lines within 50 metres of a sighted dolphin. That was from 1 October 2022 to 31 January 2023.

The reason for that is that is a period of increased fishing effort, particularly because of kingfish, yes, but also because of the simple fact of holidays. People are more likely to be going fishing during the holiday season. So that was always intended to be a temporary measure that coincided with a time of peak fishing activity. I am now continuing to work through the various options and look forward to being able to update the chamber further in the near future.

ADELAIDE DOLPHIN SANCTUARY

The Hon. T.A. FRANKS (14:44): Supplementary: is the minister aware of the Easter and school holidays that have just passed?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:44): Yes.

ADELAIDE DOLPHIN SANCTUARY

The Hon. T.A. FRANKS (14:44): Supplementary from the original answer: when did the minister receive the summary of the consultation?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:44): I am happy to take that on notice and bring back an answer to the chamber.

ADELAIDE DOLPHIN SANCTUARY

The Hon. T.A. FRANKS (14:44): Final supplementary: when will the public be aware of the minister's action on the consultation and recommendations? When will something actually be announced?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:44): As I mentioned, I look forward to being able to make some announcements in the near future.

WATER BUYBACKS

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:44): I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regions regarding water buybacks.

Leave granted.

The Hon. J.S. LEE: National Farmers' Federation President Fiona Simson suggested that any government should, and I quote:

> …consider the wellbeing impacts when implementing policy. Bulldozing ahead with policies without adequate consultation and without setting foot in the local community can have ramifications on regional livelihoods and, of course, that means mental health.

Ms Simson then specifically referred to the reintroduction of water buybacks in the Murray-Darling Basin and the detrimental damage this had on farming communities. My questions to the minister are:

1. Has the minister consulted with South Australian irrigators whom she represents as Minister for Primary Industries?

2. Has she met with River Murray communities whom she represents as the minister for regions over the proposed Albanese government's plan to reintroduce water buybacks and how it may affect them and, if not, why not?

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter, order!

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:46): I am happy to refer the substance of the question to the relevant minister in the other place, the Minister for Climate, Environment and Water. In terms of meeting with River Murray communities, I do so on quite a frequent basis, something that has been commented on positively, in contrast to the former Minister for Environment and Water, the Leader of the Opposition in the other place, whom on my first visit to the Riverland I was advised had only ever turned up there once. I'm glad to say that the deputy—

Members interjecting:

The Hon. C.M. SCRIVEN: That's what they told me, that he had only bothered to go to the Riverland once, and that was in the four-year term. The Deputy Premier of course has been into the River Murray areas frequently and, as is referred to, this is a matter that is being discussed in the federal realm, the matter of voluntary buybacks, so I will bring back any answers that may come from the minister in the other place.

WATER BUYBACKS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:47): Supplementary: has the minister consulted with South Australian irrigators specifically on this issue?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47): I will ask the Minister for Climate, Environment and Water whether she has.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.G.E. HOOD: Point of order: I can't hear over the noise coming from the other side.

The PRESIDENT: Neither can I.

The Hon. D.G.E. HOOD: It's quite extraordinary.

Members interjecting:

The PRESIDENT: Order! Let's bring it back.

INTERNATIONAL WORKERS MEMORIAL DAY

The Hon. R.B. MARTIN (14:48): My question is for the Attorney-General in his role as the Minister for Industrial Relations. Will the minister please advise the council about this year's International Workers Memorial Day.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:48): I thank the honourable member for his question and his interest in workers' rights and note his once former role as an advocate and protector of workers' rights at a trade union, a very noble profession.

Each year, 28 April is International Workers Memorial Day, an international day of remembrance and recognition for workers killed or injured by work-related accidents and illnesses. As I have mentioned in this place before, every worker deserves the right to come home safely to their families and loved ones at the end of each working day.

April 28 is an important opportunity to reflect on those workers who tragically never got that opportunity. It's also an important opportunity for us as policymakers to reflect on and renew our commitment to improving work health and safety and building a safer community for all South Australians.

Health and safety is a critical element of what governments do, whether it is through things like industrial manslaughter laws that we hope to be discussing in parliament later this year or reforms to SafeWork SA arising from an independent review conducted last year. It is an area where all governments must always strive to do better because every death is a tragedy and every death is in some way preventable.

In Adelaide, International Workers Memorial Day is marked each year by a moving service at the Pilgrim Uniting Church. Due to a meeting of attorneys-general on at the same time, I was, unfortunately, unable to attend this year's service, but I have been privileged to attend past years' services. However, I am grateful that numerous members of this chamber attended this year's service, including the Hon. Irene Pnevmatikos, the Hon. Connie Bonaros and the Hon. Tammy Franks, who are regular attendees at the service at Pilgrim Uniting Church. I am very pleased that the Hon. Andrea Michaels, the member for Enfield, attended and was able to deliver an address at the service.

This year's service was marked by a Welcome to Country by Corey Turner from Southern Cultural Immersion and then a candle lighting ceremony and readings from SafeWork SA Executive Director, Glenn Farrell; as I mentioned, the Hon. Andrea Michaels; SA Unions Secretary, Dale Beasley; Reverend John Hughes; Ms Carmel Schwartz; Ms Lesley Shears; Ms Laura Birchmore; Ms Penny Jacomos; and Ms Andrea Madeley.

I must acknowledge the extraordinary work of Andrea Madeley from the Voice of Industrial Death for organising, once again, this poignant event. Andrea's son, Daniel, was tragically killed in a workplace incident in 2004 and Andrea has devoted much of her time, life and energy since then supporting other families who have lost people due to workplace incidents.

Andrea is a very important advocate in South Australia for work health and safety and for better accountability in the regulation. I personally, and my office, have greatly appreciated, on many occasions, Andrea's insight into matters such as industrial manslaughter legislation, which we are presently consulting on, and a whole array of other areas. I might finish my contribution with the oft-repeated refrain of International Workers Memorial Day that it is to 'remember the dead, but fight for the living'.

MINISTERIAL TRAVEL

The Hon. S.L. GAME (14:52): I seek leave to make a brief explanation prior to addressing a question to the Attorney-General, representing the Premier, regarding living costs and ministerial travel expenses.

Leave granted.

The Hon. S.L. GAME: In September 2022, Deputy Premier Susan Close spent $44,729 on a European trip, the tourism minister, Zoe Bettison, spent $17,364 on a trip to the Philippines and Norway, and in January, Treasurer Stephen Mullighan spent $75,000 on a trip to the US. It has been reported that Premier Peter Malinauskas cost taxpayers $157,654 on travel to South Korea and Japan. All four examples provided included the use of five-star accommodation whilst on travel.

South Australian families' living costs have increased by almost $17,000 comparatively to the same time in 2022. In Victoria, Premier Dan Andrews has recommended that his ministers should refrain from frequent travel amidst the current economic conditions being faced by Australians. My questions to the Attorney-General, representing the Premier, are:

1. Will the Premier direct the Treasurer to lower costs of ministerial travel to reflect the current conditions the economy is facing?

2. Given the amount of pressure working families are under at the moment, is five-star accommodation appropriate for ministers to be staying in while on travel?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:53): I thank the honourable member for her question. I know that all of us are conscious of the cost-of-living pressures facing many, many South Australians, and all of us, I am sure, do whatever we can to make sure that the costs that are incurred in performing our duties are kept to a minimum.

WITTON BLUFF BASE TRAIL PROJECT

The Hon. L.A. HENDERSON (14:54): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs regarding the Witton Bluff Base Trail.

Leave granted.

The Hon. L.A. HENDERSON: On Tuesday the minister advised this place that upon further advice on this matter he had decided that there was a possibility for a perception of bias or a conflict of interest and that the minister for environment and heritage has accepted the decision-making in relation to this application.

Can the minister advise whether he had briefings from the department, whether formal or informal, prior to the minister for environment and heritage accepting the decision-making in relation to this application; whether his staff had formal or informal briefings during this time; whether he or his staff have expressed views on this application to the department or to the minister for environment and heritage; when he notified the Premier of a possibility for a perception of bias or conflict of interest; and from what date the minister for environment and heritage took carriage of this application?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:55): I thank the member for her questions. I think this, when it was asked, yesterday—

The Hon. L.A. Henderson: Tuesday.

The Hon. K.J. MAHER: Tuesday—I didn't have the date and I said I would come back but I can inform the honourable member that the decision to appoint a substitute decision-maker and informing the Premier, I believe, was 19 January. If that's incorrect, I will come back with the answer, but I think that's the date that I was advised that that was made. There had been no decisions made prior to doing that and no indication about the decision to be made to anyone, and certainly with the substitute decision-maker. I am not expressing any opinion to that person.

WITTON BLUFF BASE TRAIL PROJECT

The Hon. L.A. HENDERSON (14:56): Supplementary question: can the minister advise whether there were any briefings from the department during this time?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:56): I thank the honourable member. I regularly get updates on all heritage matters—well, regular updates on heritage matters from the department; those that are under consultation or those that are looking at consultation. I think this matter first started for consultation when the member for Dunstan, the Hon. Steven Marshall, was the Premier and the minister responsible for Aboriginal affairs. But as I have said, there were no decisions made whatsoever prior to my appointing a new decision-maker in this area.

WITTON BLUFF BASE TRAIL PROJECT

The Hon. L.A. HENDERSON: Has the minister—

The PRESIDENT: Order! You would like a supplementary question?

The Hon. L.A. HENDERSON (14:56): Sorry, supplementary question: has the minister expressed his views or have his staff expressed their views as to an indication of outcome of application?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:57): I thank the honourable member for her question. No, we haven't. No decision had been made, and I certainly haven't expressed any views to the person who will be making the decision about what the outcome would be and that wouldn't be appropriate to do so in my view.

WITTON BLUFF BASE TRAIL PROJECT

The Hon. L.A. HENDERSON (14:57): Supplementary question: considering the government have been in for over 12 months—

The Hon. I.K. HUNTER: Point of order, Mr President.

The PRESIDENT: I will listen to it.

The Hon. I.K. HUNTER: The honourable member is about to embark on another run-on stream of questioning that doesn't relate to the original answer, which was very brief.

The PRESIDENT: The Hon. Mr Hunter—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Girolamo, enough! The Hon. Mr Hunter, I am not quite sure how you know exactly what the honourable member is going to ask, unless there is some power that you have that I don't recognise.

Members interjecting:

The PRESIDENT: Order! The Hon. Mrs Henderson will ask her supplementary question and then we will move on.

The Hon. L.A. HENDERSON: Is taking over 12 months since being in government in line with community expectations for consideration of an application?

The PRESIDENT: Sit down. Minister, do you choose to answer? No.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Excuse me. We have all got a corporate memory, the Hon. Mr Hunter.

TREECLIMB KUITPO FOREST

The Hon. T.T. NGO (14:58): I have a question to the Minister for Forest Industries. Can the minister tell the chamber about the recently opened—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.T. NGO: —Kuitpo Forest TreeClimb in the Mount Lofty Ranges?

The PRESIDENT: I didn't really hear the question, but if you did, minister—Minister for Primary Industries and Regional Development.

Members interjecting:

The PRESIDENT: Order! The minister heard the question. I am going to allow it.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I thank the honourable member for his question about the recently opened Kuitpo TreeClimb in the Mount Lofty Ranges. I am delighted to be able to update members about the latest attraction, recently opened by ForestrySA, TreeClimb at Kuitpo Forest, which is less than an hour away from Adelaide—in Kuitpo, who would have thought?—situated in the Mount Lofty Ranges.

This new attraction's opening has been eagerly anticipated by children and adults with a keen sense of adventure. The Kuitpo Forest TreeClimb is an adventure like no other, I am advised, providing visitors with the opportunity to climb high into the forest canopy and experience a bird's-eye view of the forest below. The attraction features seven elevated treetop courses, each with varying levels of difficulty, providing a challenge for everyone from beginners to experienced climbers. The site is situated within 15 aerial acres of Kuitpo Forest, adjacent to the Chookarloo Campground and picnic area.

The course has been designed to be eco-friendly with minimal impact on the forest environment. The platforms and equipment have been carefully installed to ensure the safety of climbers, and also to protect the trees and wildlife that call the forest home. In addition to the thrill of climbing high into the trees, the Kuitpo Forest TreeClimb also offers an educational experience. Visitors who attend Kuitpo Forest TreeClimb can learn more about the importance of preserving the forest environment and the various species that inhabit the area. The attraction also includes interpretive signage, providing visitors with information about the flora and fauna of the forest.

Not only is the Kuitpo TreeClimb tailored for users of all skill levels but it is also suitable for all ages, which makes it an ideal family activity. A visit to Kuitpo TreeClimb makes for a perfect school holidays activity, and I understand that during the most recent school holidays this proved to be the case, with many of the sessions totally booked out. Both children and adults alike will enjoy the challenge of the courses while also learning about the importance of conservation and sustainability.

I understand that the course has been constructed using sustainably-planted timber, with some of it coming from ForestrySA forests, which is certified to a responsible wood standard for sustainable forest management. This means that all trees are taken from a ForestrySA forest and are replanted, allowing for sustainable production into the future. This recently opened site is in addition to some of the other exciting activities on offer at Kuitpo Forest, and complements the other activities such as mountain bike trails, camping facilities and orienteering. This allows visitors to the region to enjoy an all-encompassing experience.

I understand the TreeClimb employs 35 full-time equivalent staff and is expected to attract over 40,000 visitors a year which, as we know, will have a beneficial flow-on effect for the surrounding businesses and local communities. I encourage members to visit the Kuitpo Forest TreeClimb in the near future and experience firsthand, if they dare, the eco-friendly adventures that are offered that are both challenging and educational, and provide visitors with a unique perspective on the forest environment.

SEAFOOD INDUSTRY

The Hon. C. BONAROS (15:02): I seek leave to make a brief explanation before asking the Minister for Primary Industries and Regional Development another question about the cost-recovery policy review of South Australia's seafood sectors.

Leave granted.

The Hon. C. BONAROS: Yesterday I put a number of questions to the minister, none of which were answered very comprehensively before question time finished.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. BONAROS: Before doing so, to emphasise the current state of the sector, I believe it is important to repeat what the Premier's personal views on that matter were. Writing to the key stakeholders last year, reinforcing his government's commitment to reduce licence fees by 50 per cent for fishers in the northern and southern rock lobster fisheries, he wrote:

> My government stands ready to continue to assist the industry, with a further commitment to review the effectiveness of the current cost recovery model, by considering the merits of different approaches to recovering fees for services that could incorporate more flexibility into what are increasingly volatile markets.

The minister's response to my questions yesterday were, with respect, a little vanilla, virtually verbatim from the PIRSA website, so I ask her again:

1. Has consideration been given to the possibility of an interim report being made publicly available so as to give affected stakeholders the opportunity to respond to recommendations?

2. Will the minister assure this council and industry sectors impacted by current cost-recovery policies that the final report will be publicly released prior to any recommendations being finalised and going to cabinet for sign-off?

3. Does the minister actually appreciate the importance of unfettered access to that report and that independent process and the need for confidence in that process, given what is at stake for those who are impacted adversely by this process, because we all know they simply cannot afford another whack?

4. Does the minister think it is acceptable or sustainable for commercial operators to pay between 10 per cent and 25 per cent of their revenue in licence costs?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:05): I thank the honourable member for her question and for adding to the information that she provided yesterday in her question on the same topic.

It certainly is due to the concerns that were raised with me while we were still in opposition around the cost-recovery process that resulted in the now Labor government—then Labor opposition—making a commitment prior to the last election to have a cost-recovery review process for the entire seafood sector: one review for aquaculture and one review for the fisheries sector.

In terms of the report, it is often usual and most beneficial to await a final report before releasing recommendations. As I don't, at this stage, have an interim report, I will make my determination around that once I have received the report.

SEAFOOD INDUSTRY

The Hon. C. BONAROS (15:06): Supplementary: have there been any discussions about an interim report and has the minister committed to providing any interim or final report made publicly available to those sectors that are impacted by these changes, before recommendations are adopted?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:06): My advice is that I should be able to expect the report quite soon. It's pretty much on time in terms of the expected time frames and therefore I am not necessarily

expecting that an interim report will be provided; therefore, obviously, if I don't have an interim report, I wouldn't be releasing a report.

SEAFOOD INDUSTRY

The Hon. C. BONAROS (15:06): Supplementary question, which perhaps I will rephrase: has there been any discussion around an interim report and is the government willing to give this chamber and the impacted industries a commitment that she will publicly release the findings of that report before any recommendations are adopted by the government? It's pretty straightforward.

The PRESIDENT: Minister, answer your question as you choose to and we are going to move on.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:07): Thank you. I think it is straightforward and I think I have answered it straightforwardly.

CORONATION OF KING CHARLES III

The Hon. H.M. GIROLAMO (15:07): My questions are to the Leader of the Government in this place regarding the King's coronation.

1. What arrangements for the coronation of King Charles III on 6 May does the government currently have in place?

2. Will there be similar public events such as we saw during the passing of the Queen and the passing of the Voice bill?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:08): To the extent that events are being held, this will be something, I am pretty sure, that will be organised by the Protocol Unit of the Department of the Premier and Cabinet. I am happy to pass that on and see what plans there may be in place. I presume and am aware that there are some commemorations happening through the Governor to mark the occasion but I am happy to pass that on and bring back a reply.

CLOSING THE GAP

The Hon. J.E. HANSON (15:08): My question is to the Minister for Aboriginal Affairs. Will the minister update the council about grants currently available for Aboriginal Community Controlled Organisations to support work to close the gap?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09): I thank the honourable member for his question. One of the greatest stains on us as a society is the gap in outcomes between Aboriginal and non-Aboriginal Australians, be it in life expectancy, health, education or in the justice area. Successive governments of all persuasions, although many have tried diligently, have not been able to close the gap in many of these measures.

The National Agreement on Closing the Gap represents a new approach to this important work and, importantly, an approach and partnership with Aboriginal and Torres Strait Islander communities. The national agreement is supported in our state by the South Australian Partnership Agreement signed between the chief executive of the Attorney-General's Department and the co-convenors of the South Australian Aboriginal Community Controlled Organisation Network.

The agreement reflects the government's commitment to shared decision-making with Aboriginal Community Controlled Organisations (ACCOs) in this important work of Closing the Gap. It is the same principle that underpins the First Nations Voice established in South Australia, that the best outcomes for Aboriginal people are most often brought about when delivered in partnership with Aboriginal people, not just imposed upon them.

As part of this partnership, I was pleased to be able to announce that applications are now open for up to $150,000 to build the capacity of South Australia's Aboriginal Community Controlled Organisations. ACCOs are able to apply for grants across five rounds of funding in the 2023-24

financial year, with the fund totalling $2.7 million. Applications for the first round are still open; they close later this month, on 23 May.

The first round aims to support ACCOs to participate and engage in the place-based partnership and community data projects, which are both actions under the national agreement. These activities are particularly targeted at Closing the Gap in the western suburbs of Adelaide, and cover council areas including West Torrens, Charles Sturt and Port Adelaide Enfield. This area is endorsed as a location for a place-based partnership under the national agreement, just one of seven locations nationwide.

In particular, this round of grant funding seeks to meet one of the priority reforms of the Closing the Gap national agreement: building the Aboriginal community controlled sector and helping to strengthen their work to undertake new initiatives. These grants will help deliver the Closing the Gap agenda in practice and support ACCOs to do their important work. It is truly vital work with South Australia's ACCO sector, including organisations like the Aboriginal Family Support Services, Nunkuwarrin Yunti, Tauondi Aboriginal College, the Family Violence Legal Service, local health services and so many others.

I would particularly like to commend those working in SAACCON and in government for their hard work that has gone into this program, and I am looking forward to eligible communities applying and taking advantage of the funding opportunities in this area.

TIKTOK APP

The Hon. T.A. FRANKS (15:12): I seek leave to make a brief explanation before addressing a question to the Leader of the Government, who is also Minister for Public Sector, on the topic of the banning of TikTok.

Leave granted.

The Hon. T.A. FRANKS: On 12 April this year the Premier announced that South Australia has banned TikTok. I note that the Premier was quoted as saying:

> This is a prudent measure to protect the security of government information.
>
> For government employees, this means we'll be requiring them to delete the app from any official devices and preventing it from being downloaded in future.

The press statement also notes that the ruling was issued under the SA Cyber Security Framework. It also allows for some members of the public sector to seek exemptions. My questions to the minister therefore are:

1. What was the assessment made by the Cyber Security Framework based on?
2. How many TikTok apps have been deleted from government devices?
3. How many exemptions have been issued or applied for?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:13): I thank the honourable member for her questions and her interest in this area, and certainly I think the honourable member's digital understanding and ability far exceeds mine. Responsibility for cybersecurity rests with the Department of the Premier and Cabinet who have a team dedicated to these efforts. I am happy to refer those on. I don't have information in relation to the questions the member has asked, but will refer those on, to the extent that information can be released.

I know that in this area there is information about cyber threats that is gained by way of briefings from federal intelligence agencies and other agencies, and it might not be that all information about the reasons for things can be released but, to the extent they can, I will pass those on to the Premier and bring back a reply.

TIKTOK APP

The Hon. T.A. FRANKS (15:14): Supplementary: how were members of the public sector informed of the ban?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:14): I thank the honourable member for her question. I will check particularly with the Office of the Commissioner for Public Employment, which sits in my area, to ascertain what communications have happened and bring back a reply to the member.

POLICE CAUTIONS

The Hon. D.G.E. HOOD (15:14): I seek leave to make a brief explanation before asking questions of the Attorney-General regarding police cautions for criminal activity.

Leave granted.

The Hon. D.G.E. HOOD: I fully acknowledge, before I ask questions of the Attorney, that some of these matters fall within the Minister for Police's portfolio, but no doubt he will have a strong interest in these as well. It was recently reported that some 2,555 adult offenders have been let off by police this year to date in South Australia as part of a system implemented by South Australian police seven years ago to ease court delays. SAPOL figures have shown an increase in crime in the past year in the Adelaide city area, including North Adelaide, of some 7,744 incidents previously to now being 8,482.

In response, traders have called for the introduction of actual fines to deter would-be offenders and for criminals to pay for any damage caused to property, with smashed windows and broken doors being a common problem according to one of these business owners who I have spoken to. My questions to the Attorney-General are:

1. Has the Attorney-General consulted with the Minister for Police and other government officers on this matter to discuss possible solutions to the rise in crime?

2. Has the state government or one of its representatives met with the traders in the CBD and North Adelaide to discuss their concerns with property damage and, if not, when will this occur?

3. Finally, specifically for the Attorney-General, is the Attorney considering any legislative amendments to restrict offenders being given only cautions when a more significant penalty, such as a fine, may be more appropriate?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:16): I thank the honourable member for his question. I might start with the last one, perhaps, about any proposed legislative change in relation to the use of cautions. I can inform the honourable member that no consideration has been given to the use of, I think they are termed, adult cautions because there is a different system that applies to youth justice.

Regarding the discretion the police have and the way that they use it, I am sure we all appreciate the job that police do, particularly after the incident we saw yesterday. It is a very, very demanding and a very difficult job, and police regularly put themselves in harm's way for the benefit and protection of the rest of us.

We haven't had any indication that there is an inappropriate use of cautions. I know that there is a whole array of how police can deal with matters, and I suspect that most of the time we put our trust and faith in police that they are using the powers, the tools they have, at their discretion to do the best for community safety. But there is no current proposal for legislative change, which I think is the first part of the question.

In relation to other parts of the question that deal with crime, and I think the honourable member particularly mentioned property-related crimes in the CBD and North Adelaide, I am happy to take those on notice not just to the police minister but other ministers to see how those issues are being canvassed. I thank the honourable member for his question and his contribution and his longstanding interest in the safety of South Australians.

POLICE CAUTIONS

The Hon. D.G.E. HOOD (15:18): Supplementary: does the Attorney share the concerns of the traders in those areas with respect to the rise in crime?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18): I think the whole government would like all people to feel as safe as they possible can right across South Australia.

METHANE EMISSIONS

The Hon. R.P. WORTLEY (15:18): My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the state government's role in projects that are helping to reduce methane emissions?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:18): I thank the honourable member for his important question and his interest in these important matters. I am pleased to advise the chamber that the Department for Primary Industries and Regions will play a key role in two projects to conduct long-term grazing studies to investigate the efficacy of methane-reducing feed additives in grazing livestock. The two successful projects were recently announced under round 3 of the Australian government's $29 million Methane Emissions Reduction in Livestock program, sometimes known as MERiL.

Of course, reducing methane emissions from livestock has an important role in our overall response to climate change. Methane emissions from livestock account for about 14 per cent of our state's total greenhouse gas emissions, and there is growing impetus—as well as awareness—from livestock producers to reduce methane emissions to secure market access, to mitigate the impacts of climate change and to align with government and industry targets.

Research in this field continues at pace and it is fantastic to see South Australia, through PIRSA and SARDI, as well as the University of Adelaide, taking such a key role. One of the two projects is a PIRSA collaboration with project lead, the University of Adelaide, which was successfully awarded $1.075601 million for a project that will investigate the effect of administering seaweed supplement to pregnant cows and the effect of methane production in their offspring.

The other round 3 MERiL project involving PIRSA is a collaboration between the University of New England, PIRSA, Australian Wool Innovation, Feedworks and the University of Western Australia to evaluate the efficacy of an automated in-paddock feeding system for the delivery of methane-reducing feed additives to grazing sheep. Both projects will commence later this year and continue into 2025, with research taking place both on government owned research centres as well as privately owned commercial demonstration sites.

In my time as minister, I have been fortunate to meet a range of people and businesses who are involved in projects and programs that look to reduce methane emissions. We have seen partnerships emerge in this space in our state between seaweed producers, feedlots and meat processors, all with a common goal of reducing emissions and building towards creating a market that has the potential for huge worldwide growth, as the world's largest companies look for more and more ethically and sustainably sourced produce within their supply chains.

The opportunities and potential are limitless, and South Australia will be at the front of the pack to take advantage of these opportunities through the foresight and dedication of many within the aquaculture and livestock industries, supported by research and development that will be assisted by the state government.

Parliamentary Procedure

VISITORS

The PRESIDENT: I acknowledge in the gallery former Australian of the Year, Ms Grace Tame.

Bills

CRIMINAL LAW CONSOLIDATION (CHILD SEXUAL ABUSE) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:22): Obtained leave and introduced a bill for an act to

amend the Criminal Law Consolidation Act 1935 and to make related amendments to the Child Sex Offenders Registration Act 2006 and the Sentencing Act 2017. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:23): I move:

That this bill be now read a second time.

I am very pleased to introduce the Criminal Law Consolidation (Child Sexual Abuse) Amendment Bill 2023. Although this is a short and relatively straightforward bill, it is a significant one that seeks to change the heading of section 50 of the Criminal Law Consolidation Act 1935 from 'Unlawful sexual relationship with a child' to 'Sexual abuse of a child' and consequently remove the connotations of consent in the current heading of the offence.

The decision to make this heading change is, in no small part, as a result and a recognition of the tireless work and advocacy of Ms Grace Tame and The Harmony Campaign, particularly that using the term 'relationship' to describe the offence inappropriately applies some sort of mutual responsibility and consent and has the ability to give perpetrators licence to characterise their abusive behaviours as consensual.

I was very fortunate to meet Ms Grace Tame earlier this year in March and to hear more about the Grace Tame Foundation's Harmony Campaign and the advocacy for change in the wording of this offence, and why it was so necessary and significant for victim survivors of child sexual abuse for preventing such abuse from occurring in the future, and for the broader campaign of consent to sexual activity.

As most will be aware, Grace Tame was Australian of the Year in 2021 in recognition of her extraordinary work, particularly around prevention and awareness in relation to child sexual abuse in Tasmania. There she became the first woman in that state to legally be granted the right to speak under her own name with regard to her personal experience of sexual abuse as a child. Ms Tame has since used that platform as Australian of the Year in the most powerful of ways to continue her fearless campaigning, including involvement in the national #LetHerSpeak and #LetUsSpeak campaigns, which were led by Nina Funnell, sexual assault campaigner and Walkley Award winning journalist.

Ms Tame was bravely the lead case study in this campaign, which received very significant media attention, having partnered with News Corporation, Marque Lawyers and End Rape on Campus Australia, raising much-needed awareness around child sexual abuse. Ms Tame has also used this national recognition as an opportunity to establish the Grace Tame Foundation. The foundation aims to ensure that the Australian government and governments of states and territories take appropriate action by enacting laws, delivering educational programs and encouraging social behaviours.

One of the biggest takeaways I got from my meeting in March with Ms Tame was her clear message that the language we use is critically important. This is not just because of how it is interpreted by the legal profession and the judiciary, although of course that is important, but perhaps even more importantly, for how the general public are delivered information and how awareness is generated through the media.

Ms Tame explained this to me in a very poignant example to emphasise this point. While her childhood sexual abuse perpetrator was a federally funded University of Tasmania PhD student, he was having a public discussion on a Facebook post. In that discussion, someone called him a paedophile, referring to his 2011 convictions, which included possession of child sexual abuse material. In a blatant act of cowardice, the perpetrator publicly defended himself by hiding behind the words of the offence, saying, 'No, I was convicted of maintaining a relationship', before bragging about his crimes and describing them in graphic terms.

The language of that charge, in effect, in Ms Grace Tame's words, 'was soft enough to give him a shield to enable his fantasy'. Clearly, it would have been a much more pointed and uncomfortable accusation if the perpetrator had been forced to respond by saying that yes, he had been charged with an offence like sexual abuse of a child. In 2016, the perpetrator was then

convicted of producing child exploitation material in descriptive form and for that served another prison term.

The changing of the language in this offence in South Australia is an important step in ensuring that the offence name accurately reflects the nature of the conduct and also achieves a change in how these offences will be reported without impacting on the existing operation. Currently in South Australia, section 50 of the Criminal Law Consolidation Act provides that an adult who maintains an unlawful sexual relationship with a child is guilty of an offence. The maximum penalty for that offence is imprisonment for life.

This bill does not change the elements of the offence and, necessarily, maintaining an unlawful sexual relationship as described in the body of the offence will still be an element of the offence as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse. This change is consistent with similar offences in Queensland, the ACT, New South Wales and Tasmania.

The new heading we are proposing in the Criminal Law Consolidation Act, 'Sexual Abuse of a Child', appropriately reflects the gravity of the offence which is entirely exploitative and predatory in nature, and also seeks to change how such offences might be reported on in the media, adding to the awareness of child sexual abuse and bringing accountability and transparency to these vile acts.

Importantly, the bill also inserts a new subsection into section 50 of the Criminal Law Consolidation Act to make it explicitly clear that the heading does not form part of the section, despite section 19 of the Legislation Interpretation Act, and that there is no intention for the wording of the offence in the heading to affect how a court might interpret and apply the appropriate penalties.

This bill makes a simple change that sends a powerful message about our opposition to child sexual abuse, our understanding of the experience of survivor victims and our desire to change the way this offence is described and handled. Language matters and we cannot give perpetrators of child sexual abuse a licence to characterise this abuse in any way, shape or form as consensual.

I thank the Hon. Tammy Franks, who I know has been working on a very similar bill to what we put forward today. I particularly want to thank the Hon. Connie Bonaros, who last year moved similar amendments to a bill that was already before parliament and graciously did not proceed with those amendments to give us a chance to make sure that we understood the nature and the consequences and to make sure there were no unintended consequences as a result of the change that we are making.

Most of all, I want to thank all the many advocates who have been relentless and courageous in advocating for change and awareness of child sexual abuse over the decades. I particularly thank the very brave victim survivors who are able to use their painful stories to raise awareness and ensure that other children are not subject to this type of abhorrent abuse and abuse of power.

To end, I would like to quote Grace Tame on the power and critical importance that these changes can have. Grace has said, and I quote:

> Our legislation must reflect the unequivocal seriousness of this crime, which is never a child's desire, but instead a perverted fantasy projected onto and into them through a process of grooming which involves a stratagem of calculated—often invisible—offences designed to gradually increase a pre-existing stark power imbalance.

I commend this bill to the chamber and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

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 50—Unlawful sexual relationship with child

The heading of section 50 is amended by this clause. Section 50 is also amended to provide that, despite section 19 of the *Legislation Interpretation Act 2021*, the heading of the section is not part of the section and is not intended to affect the interpretation or operation of the section.

Schedule 1—Related amendments

Part 1—Amendment of *Child Sex Offenders Registration Act 2006*

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

The reference to an offence against section 50 of the *Criminal Law Consolidation Act 1935* is amended by this clause such that the reference reflects the heading to that offence as amended by the measure.

Part 2—Amendment of *Sentencing Act 2017*

2—Amendment of section 81—Intensive correction orders

The reference in the definition of *serious sexual offence* to an offence against section 50 of the *Criminal Law Consolidation Act 1935* is amended by this clause such that the reference reflects the heading to that offence as amended by the measure.

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

EXPLOSIVES BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:31): Obtained leave and introduced a bill for an act to provide for matters relating to explosives, to make related amendments to the Tattooing Industry Control Act 2015 and the Work Health and Safety Act 2012, to repeal the Explosives Act 1936 and for other purposes. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:33): I move:

That this bill be now read a second time.

Today I introduce the Explosives Bill 2023. A wide variety of different industries in South Australia are impacted by the regulation of explosives. Those include transport and logistics, mining and quarrying, agriculture, manufacturing, construction, automotive and aircraft, and the entertainment and pyrotechnic industries.

The licensing, transportation and use of explosives has long been regulated by the Explosives Act 1936. That act has only been amended in an ad hoc manner since its introduction and has long been recognised by industry stakeholders as archaic and out of touch with contemporary standards and practices.

Each jurisdiction in Australia has its own explosives legislation. However, there has recently been a recognition nationally that the explosives industry has been negatively impacted by inconsistent regulation. In 2018, commonwealth, state and territory work health and safety ministers approved a set of consistent national policy proposals that each jurisdiction should reflect in their own legislation. These principles relate to key areas, including the definition of explosives, the licensing framework, the notification processes and the authorisation processes.

This bill seeks to modernise the regulation of explosives in South Australia in line with those national policy proposals, ensuring we deliver the highest level of safety standards whilst also delivering efficiencies for business by way of reduced regulatory and administrative burden. The bill provides for a licensing framework, including security-sensitive substances and fireworks. It offers significant opportunity for bespoke licensing arrangements, better tailored to address the needs of key industry stakeholders without compromising on safety and security requirements.

The key changes proposed in this bill include: improved clarity around the definition of explosives; the establishment of a licensing framework, including the improved capability for issuing of bespoke licence conditions and the use of digital capability to assist in the administration process and red-tape reduction; an improved notifications process, which provides information to explosive

regulators about activities, events or incidents; and an authorisation process which better accommodates jurisdictional consistencies and the removal of duplicate processes.

Part 1 of the bill establishes the objects of the act and contains the definitions. The definition of explosives is consistent with the national policy proposals and is supported by industry after consultation. Part 2 of the bill introduces new safety and security duties and contains the offence categories. Duty holders must take reasonable precaution and care to eliminate or minimise safety and security risks for activities involving explosives and ensure that all people involved in activities within the scope of the legislation comply with these primary duties.

There are four categories of offences for failure to apply which is determined by the degree of harm that results from the breach: death, harm (to a person, property or environment), or a dangerous substance. Part 3 of the bill prescribes that the minister may appoint a regulator and sets out the functions of the regulator. It is intended that the regulator will be the executive director of SafeWork SA, consistent with current practice.

Part 4 of the bill prescribes the process for the authorisation of explosives by the regulator. Once an explosive is authorised, a person with an appropriate licence can manufacture, store, transport, supply, use, import or export the explosive. In addition to being consistent with national policy proposals, the authorisation process in the bill provides for the recognition of authorisations from other jurisdictions under corresponding laws.

Part 5 of the bill provides a regulator with the power to declare an explosive as a prohibited explosive and contains offence provisions for dealing with prohibited explosives. Part 6 of the bill establishes a licensing scheme and gives a regulator power to grant, renew, refuse, suspend or cancel a licence and impose conditions on a licence.

Licensing is the key regulatory control of explosives. Under the bill, a person must not carry on an activity involving an explosive unless authorised by licence. The new framework will contain licences to authorise activities (an activity licence), and licences to authorise a person to engage in an occupation involving explosives (an occupational licence). Activity licences include licences to manufacture, import, export, supply, store, transport, or use explosives. Occupational licences include for fireworks contractors and operators and for driving and blasting.

Part 7 of the bill deals with enforcement measures. The bill provides for the appointment of authorised persons and sets out their powers and functions, including the ability to issue improvement notices and prohibition notices for noncompliance. Parts 8 and 9 and schedule 1 of the bill provide for reviews of decisions and matters that relate to the administration of the legislation, such as delegations, exemptions, regulation-making powers and transitional provisions.

Notices and licensing decisions will be externally reviewed by the South Australian Civil and Administrative Appeals Tribunal. Penalties contained in the bill are higher, and in some cases substantially higher, than in the current act. The penalties are consistent with other legislation and reflect the potential for catastrophic harm to people, property and the environment, should the duties be breached.

The bill reflects widespread consultation, incorporating the views of key stakeholders, including the Australasian Explosives Industry Safety Group and South Australia Police. I wish to acknowledge the significant work that has been undertaken at a departmental level by SafeWork SA over a number of years to develop this legislation in consultation with stakeholders. I commend the bill to the chamber and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Objects of Act

This clause establishes the objects of the measure.

4—Interpretation

This clause defines terms for the purposes of the measure.

5—Explosives

This clause provides that an *explosive* is a substance, mixture or article that—

(a) is an explosive within the meaning of Chapter 2.1 of the *United Nations Globally Harmonised System of Classification and Labelling of Chemicals (GHS)*, as in force from time to time; or

(b) is declared by the Regulator under subsection (2) to be an explosive; or

(c) is prescribed by regulation to be an explosive,

but does not include a substance, mixture or article that is declared by the Regulator under proposed subsection (2) to not be an explosive.

The clause enables the Regulator to make a declaration declaring a substance, mixture or article to be an explosive in certain circumstances.

The clause also provides that the regulations may refer to or incorporate, wholly or partially and with or without modification, a specified code, standard or classification scheme.

6—Interaction with other Acts

This clause provides that the proposed Act is in addition to and does not limit or derogate from the provisions of the *Work Health and Safety Act 2012* or any other Act.

7—Civil remedies not affected

This clause provides that he provisions of the proposed Act do not limit or affect any civil right or remedy and compliance with the Act does not necessarily indicate that a common law duty of care has been satisfied.

Part 2—Duties for safety and security

Division 1—Duties

8—Safety duty

This clause establishes that a person must, in carrying on an activity involving an explosive, take reasonable precautions and care to eliminate or minimise the safety risks associated with the activity.

9—Security duty

This clause provides that a person must, in carrying on an activity involving an explosive, take reasonable precautions and care in order to keep the explosive secure.

Division 2—Offences

10—Failure to comply with duty with knowledge or indifference—Category 1

This clause sets out the elements for a category 1 offence.

11—Failure to comply with duty with indifference—Category 2

This clause sets out the elements for a category 2 offence.

12—Failure to comply with duty—Category 3

This clause sets out the elements for a category 3 offence.

13—Failure to comply with duty—Category 4

This clause sets out the elements for a category 4 offence.

14—Alternative with lesser penalty

This clause provides for a court that is not satisfied that a defendant is guilty of an offence charged but is satisfied that the defendant is guilty of some other offence against the Division for which a lesser maximum penalty may be imposed to find the defendant guilty of the latter offence.

Part 3—Regulator

15—Regulator

This clause relates to the appointment of the Regulator for the purposes of the Act.

16—Functions

This clause provides for the functions of the Regulator.

Part 4—Authorisations

Division 1—Register of authorisations

17—Register of authorisations

This clause provides for a register of authorisations for the purposes of the Act.

Division 2—Authorisations—General

18—Authorisations

This clause provides for authorisations relating to explosives.

19—Determination of application

This clause relates to the grant, renewal or variation of an authorisation under the Part.

20—Classification

This clause provides for the classification of explosives authorised under the Part.

21—Period of authorisation

This clause provides for the period for an authorisation has effect.

22—Renewal of authorisation

This clause makes provision in relation to the renewal of authorisations.

23—Variation of authorisation

This clause provides for the Regulator to vary an authorisation under the Part.

24—Cancellation of authorisation

This clause provides for the Regulator to cancel an authorisation under the Part.

25—Corresponding law authorisations

This clause provides for the Regulator to register an authorisation granted under a corresponding law that complies with any requirements prescribed by the regulations.

Division 3—Applications

26—Form of application

The form of applications under the Part is provided for.

Division 4—Unauthorised explosives

27—Unauthorised explosives

An offence of dealing with an unauthorised explosive, or contravening a condition of an authorisation, is provided for.

Part 5—Prohibited explosives

28—Prohibited explosives

This clause provides for the Regulator to declare an explosive to be a prohibited explosive. An offence of dealing with a prohibited explosive is included.

Part 6—Licensing

Division 1—Requirement to hold licence

29—Requirement to hold licence

An offence of carrying on a business or other activity involving explosives as specified in the provision, except as authorised by licence, is set out.

An offence of engaging in specified activities involving explosives, except as authorised by licence, is also set out.

Related offences are also provided for.

It is also provided that a person need not hold a licence in prescribed circumstances or in circumstances determined by the Regulator.

30—Requirement to produce licence

A requirement for licence holders to produce their licence is provided for.

Division 2—Activity licences

31—Activity licence

Activity licences will be of the classes prescribed by the regulations.

Division 3—Occupational licences

32—Occupational licences

Occupational licences will be of the classes prescribed by the regulations.

Division 4—General provisions

33—Grant or renewal of licence

A licence may be granted or renewed by the Regulator on application by a person.

34—Term of licence

The term of licences is provided for.

35—Licence non-transferable

A licence is not transferable.

36—Surrender of licence

The Regulator may approve the surrender of a licence.

37—Corresponding law licences

The granting or renewal of a licence granted under a corresponding law that complies with any requirements prescribed by the regulations is provided for.

38—Application

Provision is made in relation to applications for licences.

39—Safety, security and emergency plans

Applicants for licences may be required to submit safety, security or emergency plans.

40—Criteria—general

Criteria for determining an application under the Part are provided for.

41—Security clearance

Provision is made for applicants for licences to have security cleared persons approved by the Regulator.

42—Fit and proper person

The Regulator may refuse an application for the grant, renewal or variation of a licence if the Regulator is not satisfied that the licensee or proposed licensee is a fit and proper person to hold the licence.

Division 5—Suspension, cancellation, extension or variation

43—Variation of licence

Provision is made for the Regulator to vary a licence (or a condition of a licence).

44—Suspension, cancellation or variation of licence or approval by Regulator

Provision is made for the Regulator to suspend, cancel or vary a licence on certain grounds.

45—Extension or reinstatement of licence

Provision is made for the Regulator to extend a licence or reinstate a licence that has expired in certain circumstances.

Division 6—Licence conditions

46—Licence conditions

A licence is subject to conditions determined by the Regulator.

47—Offence to contravene licence conditions

If a licence condition is contravened, the licensee is guilty of an offence.

48—Responsible person

The business conducted under a licence must be managed by an individual who meets certain criteria (a *responsible person*).

49—Reporting of loss, theft or unauthorised interference

Provision is made for the reporting of loss, theft or unauthorised interference with an explosive to which a licence relates by a licensee.

Division 7—Reconsideration of decisions

50—Reconsideration of decisions

Provision is made for a person affected by a decision of the Regulator under the Part to apply to the Regulator for reconsideration of the decision.

Part 7—Enforcement measures

Division 1—General

Subdivision 1—Authorised persons

51—Interpretation

Definitions are inserted for the Division.

52—Appointment of authorised persons

The Minister may appoint authorised persons for the purposes of the Act.

53—Identification of authorised persons

Provision is made in relation to the identification of authorised persons.

54—Warrant procedures

The issuing of warrants for the purposes of the Division by magistrates is provided for.

Subdivision 2—Powers of entry

55—Power to enter

An authorised person may enter any place or vehicle to which the Division applies.

56—Entry into residential premises

Residential premises cannot be entered under the Part without the permission of the occupier or the authority of a warrant.

57—General powers of authorised persons

The general powers of authorised persons are set out.

Subdivision 3—Miscellaneous

58—Provisions relating to seizure

Provisions relating to seizure orders are set out.

59—Offence to hinder etc authorised persons

Actions in respect of authorised persons (including hindering or obstructing authorised persons) are set out in an offence provision.

Division 2—Improvement and prohibition notices

Subdivision 1—Improvement notices

60—Issue of improvement notices

The issuing of improvement notices is provided for.

61—Contents of improvement notices

Provisions relating to the contents of improvement notices are set out.

62—Compliance with improvement notice

A person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

63—Extension of time for compliance with improvement notices

Provision is made for an authorised person to extend the compliance period for an improvement notice.

Subdivision 2—Prohibition notices

64—Power to issue prohibition notice

Provision is made for authorised officers to issue prohibition notices in certain circumstances.

65—Contents of prohibition notice

Provisions relating to the contents of prohibition notices are set out.

66—Compliance with prohibition notice

A person to whom a prohibition notice is issued or a specified direction is given must comply with the direction or notice.

67—Remedial action

Provision is made in relation to remedial action to be taken in certain circumstances.

68—Costs of remedial or other action

Regulator may recover the reasonable costs of any remedial action taken from the person to whom the notice (to take action) is issued.

Subdivision 3—General requirements applying to improvement and prohibition notices

69—Directions in notices

Certain matters about directions in notices are provided for.

70—Changes to notice by authorised person

Provision is made for changes to notices by authorised persons.

71—Regulator may vary or cancel notice

Provision is made for the Regulator vary or cancel notices given under the Division.

72—Formal irregularities or defects in notice

This provision is technical.

Division 3—Other matters

73—Self-incrimination

Provision is made in relation to the privilege against self-incrimination.

74—Notification of certain situations

Certain requirement apply in relation to a notifiable situation (which is defined).

75—Power to recall

If the Regulator considers that the supply or use of an explosive is unreasonably dangerous, the Regulator may give directions relating to recalling the explosive (or a class of explosives).

76—Action in emergencies

Authorised officers are authorised to take action or cause action to be taken in an emergency.

77—Review of notices by Regulator

Review of certain notices by the Regulator is provided for.

Part 8—Reviews

78—Reviews

Provision is made conferring jurisdiction on SACAT to review certain decisions of the Regulator.

Part 9—Miscellaneous

79—Exemptions

Provision is made for the Regulator to grant exemptions from compliance with the Act or specified provisions of the Act.

80—Delegation by Minister or Regulator

Delegation by the Minister or Regulator is provided for.

81—Forfeiture of explosive on conviction

Forfeiture of an explosive on conviction of an offence is provided for.

82—Prohibiting offender from involvement with explosives

The power to grant an order prohibiting an offender from involvement with explosives is conferred on a court that finds a person guilty of an offence against the Act.

83—Adverse publicity orders

A court that finds a person guilty of an offence against the Act may make an adverse publicity order in relation to the person.

84—False or misleading statements

An offence of making a false or misleading statement in information provided under the Act is provided for.

85—Statutory declaration

The Minister or Regulator may require that information required to be provided by or under the Act be verified by statutory declaration.

86—Confidentiality of information

Provision is made in relation to confidentiality of certain information.

87—Giving of notice

The means of giving a notice under the Act is provided for.

88—General defence

A general defence in criminal proceedings in respect of an alleged contravention of the Act is provided for.

89—Notice of defences

Notice of reliance on a defence under the Act must be given to the Regulator.

90—Proof of intention etc for offences

It is declared that it is not necessary to prove any intention or other state of mind in order to establish a contravention of the Act (except if there is an express provision in the Act to the contrary).

91—Imputation in proceedings of conduct or state of mind of officer, employee etc

Provision is made for the imputation of the conduct or state of mind of an officer, employee or agent of a body corporate acting within the scope of their actual, usual or ostensible authority to the body corporate in proceedings. Similar provision is made in relation to employees and agents of individuals.

92—Statement of officer evidence against body corporate

In proceedings for an offence against this Act by a body corporate, a statement made by an officer of the body corporate is admissible as evidence against the body corporate.

93—Liability of officers of body corporate

Provision is made in relation to the liability of officers of body corporate for contraventions of the Act by the body corporate.

94—Continuing offences

Provision is made for additional penalties for continuing acts or omissions constituting an offence against the Act.

95—Commencement of proceedings for summary offences

Provision is made in relation to commencement of proceedings for summary offences against the Act.

96—Evidence

Evidentiary provisions are set out.

97—Recovery of administrative and technical costs associated with contraventions

Provision is made in relation to the recovery of certain costs associated with contraventions of the Act.

98—Cost recovery for dealing with dangerous situations

Provision is made in relation to the recovery of certain costs for dealing with dangerous situations.

99—Government magazine

Provision is made in relation to the establishment, control and supervision of a Government magazine (being a place for the storage of explosives).

100—Harbors and vessels

The Regulator may publish standards relating to certain activities involving explosives in or in relation to vessels or harbors.

101—Prohibition of explosives being transported on prescribed roads

The transport of explosives on prescribed roads is prohibited.

102—Compulsory acquisition of land

A power to compulsorily acquire land for certain purposes is provided for.

103—Requirement to return licence on request

A requirement for a licensee to return a licence on request is provided for.

104—Regulations and fee notices

Provisions relating to making regulations and fee notices under the Act are set out.

Schedule 1—Amendments, repeals and transitional provisions

Part 1—Amendment of *Tattooing Industry Control Act 2015*

1—Amendment of section 21—Offence to possess certain items in premises where tattooing services provided

2—Amendment of section 22—Further powers of police officers—random weapon and explosive searches

These clauses make related amendments to the *Tattooing Industry Control Act 2015*.

Part 2—Amendment of *Work Health and Safety Act 2012*

3—Amendment of section 4—Definitions

This clause makes a related amendment to the *Work Health and Safety Act 2012*.

Part 3—Repeals

4—Repeal of *Explosives Act 1936*

This clause repeals the *Explosives Act 1936*.

5—Repeal of regulations under *Explosives Act 1936*

This clause repeals all regulations made under the *Explosives Act 1936*.

Part 4—Transitional provisions

This Part sets out transitional provisions relating to the measure.

Debate adjourned on motion of Hon. D.G.E. Hood.

EVIDENCE (ABORIGINAL TRADITIONAL LAWS AND CUSTOMS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:39): Obtained leave and introduced a bill for an act to amend the Evidence Act 1929. Read a first time.

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:41): I move:

That this bill be now read a second time.

The bill I introduce today is the Evidence (Aboriginal Traditional Laws and Customs) Amendment Bill 2023. In 1986, the Australian Law Reform Commission released Report 31, the Recognition of Aboriginal Customary Laws, which made recommendations about the recognition of Aboriginal customary laws in a wide range of issues including marriage, property, criminal law, traditional hunting, fishing and gathering rights.

The report also considered the ways the laws of evidence and procedure adversely impacted on the proof of Aboriginal customary law. It observed that the rules of evidence gave rise to two main difficulties in this area: the distinction between the ability to give evidence about matters of fact and opinion (the opinion rule) and the requirement for firsthand evidence based on personal knowledge (the hearsay rule).

The Australian Law Reform Commission reconsidered this aspect of their Recognition of Aboriginal Customary Laws report nearly 20 years later during its examination of the operation of the commonwealth Evidence Act. The examination was undertaken in conjunction with the New South Wales Law Reform Commission and the Victorian Law Reform Commission.

Australian Law Reform Commission Report 102 on the Uniform Evidence Law was published in February 2006. It noted the central problem in this area was 'the discord between the rationale underpinning the hearsay and opinion rules in the common law system and the Aboriginal and Torres Strait Islander oral tradition of knowledge' and observed that, while the law in Australia had been moving towards greater acceptance of oral evidence of Aboriginal and Torres Strait Islander traditional laws and customs, the laws of evidence continued to present undesirable barriers to the admission and use of evidence of traditional laws and customs.

Australian Law Reform Commission Report 102 made several recommendations for reforms of the uniform Evidence Acts in operation in other jurisdictions including specific recommendations that uniform Evidence Acts be amended to provide an exception to the hearsay rule for evidence relevant to Aboriginal and Torres Strait Islander traditional laws and customs, and an exception to the opinion evidence rule for evidence of an opinion expressed by a member of an Aboriginal and Torres Strait Islander group about the existence or non-existence or the content of traditional laws and customs of the group.

The commonwealth Evidence Amendment Act 2008 substantially implemented the recommendations of the Australian Law Reform Report 102 including these two recommendations which found expression in sections 72 and 78A of the commonwealth Evidence Act, which commenced on 1 January 2009. These new provisions now operate in the Uniform Evidence Act jurisdictions—the commonwealth, New South Wales, Victoria, Tasmania and the two territories.

However, as a non-uniform Evidence Act jurisdiction, these provisions were not adopted in South Australia. In July 2022, the Law Society of South Australia wrote to me to ask me to consider amending the South Australian Evidence Act 1929 to enact provisions similar in terms to sections 72 and 78A of the commonwealth Evidence Act. The Aboriginal Legal Rights Movement also raised this issue with me.

Having considered their requests, the work of the Australian Law Reform Commission, to which I have already referred, and the South Australian law, it is clear that it is time for South Australia to amend the Evidence Act 1929 to create a statutory exemption to the hearsay and opinion rules of evidence to allow evidence of Aboriginal traditional laws and customs to be given by Aboriginal people.

As has already been recognised in the uniform Evidence Act jurisdictions, it is not appropriate for the laws of this state to continue to treat evidence given by an Aboriginal person of Aboriginal traditional laws and customs as being prima facie inadmissible because it is based on what they have been orally told by older generations when this is the very form by which much traditional law and custom is maintained.

Similarly, restricting Aboriginal people from being able to give opinion evidence about the laws and customs of an Aboriginal group unless they can satisfy the requirement of being an expert by establishing that they have specialised knowledge based on training, study or experience is not appropriate. This bill addresses these concerns.

As a non-uniform Evidence Act jurisdiction, the drafting of the exceptions does not precisely mirror the provisions of the uniform Evidence Act. The South Australian Evidence Act differs in structure, style and language to the uniform Evidence Act. Accordingly, the bill has been drafted in a manner which is appropriately adapted to the South Australian context.

However, it still clearly provides that if an Aboriginal person gives evidence relating to the existence or non-existence or the content of traditional laws and customs of an Aboriginal group, evidence that would ordinarily be admissible under either common law hearsay rule or the common law opinion rule will be admissible. It is important to take into account that admissibility is not the same as proof; that is, evidence given under the new exceptions will continue to be weighed by the court in the usual way.

For example, the evidence given may still be tested by an opposing party by cross-examination or repudiated by calling alternative evidence. The court will still need to consider issues of reliability and veracity. This means that the ordinary adversarial processes and safeguards continue to apply notwithstanding the removal of the barrier to admissibility. This ensures that the process remains fair for all parties to the litigation.

In addition to the two exceptions, the bill provides for the court to make orders relating to the reception and protection of evidence about Aboriginal traditional laws and customs in a culturally sensitive manner. This is not something that has been included in the uniform Evidence Act but is something that has received support during consultation on the bill. The bill includes a broad discretion for courts to make orders or other arrangements about how it may receive or deal with evidence relating to Aboriginal traditional laws or customs.

This might include orders to facilitate the reception of the evidence in a culturally appropriate manner, such as permitting one or more persons to give evidence at the same time, providing for evidence to be given in another manner, or restricting who is permitted to be in the court at the time that evidence is given, such as permitting only people of a particular gender to be present. It also provides for the court to make orders to protect the evidence given, if necessary, for example by restricting access to and publication of it.

Although it may be argued that the existing suite of powers available to courts already permits such orders to be made, the bill makes it clear. It also ensures that the court and all parties to the litigation give due weight and consideration to issues of cultural sensitivity about evidence of Aboriginal traditional laws and customs under the new exceptions. Aboriginal people are best placed to give evidence about their culture, the oldest living culture on earth. The bill recognises that fundamental truth. I commend the bill to the chamber and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Evidence Act 1929*

3—Insertion of Part 3 Division 5

This clause inserts a new Division into Part 3 as follows:

Division 5—Evidence relating to Aboriginal traditional laws and customs

34ZA—Evidence relating to Aboriginal traditional laws and customs

The proposed section sets out a number of provisions that will apply when an Aboriginal person gives evidence relating to the existence, or non-existence, or the content, of traditional laws and customs of an Aboriginal group, namely, that:

- evidence that would otherwise be inadmissible under the hearsay rule at common law is admissible as evidence of the fact stated;
- evidence that would otherwise be inadmissible under the opinion rule at common law is admissible to prove the existence of the fact about the existence of which the opinion was expressed;
- the court may make orders or other arrangements that the court thinks fit (including, but not limited to, making orders or arrangements relating to the giving, receiving or publication of evidence) having regard to Aboriginal traditional law and custom, but not so as to prejudice unduly any other party to the relevant proceedings.

Debate adjourned on motion of Hon. D.G.E. Hood.

STATUTES AMENDMENT (SEXUAL OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 9 March 2023.)

The Hon. T.T. NGO (15:49): I rise in support of the South Australian Statutes Amendment (Sexual Offences) Bill 2023. Firstly, I would like to commend the Malinauskas government for taking action to close the loopholes outlined in this bill. We must be absolutely relentless in using the law and its powers to remove all forms of child sexual offences from society. They are grave and serious crimes and our laws must treat them as such.

The provisions we make to improve law enforcement to protect our children will help to create a society in which they can grow up free from fear and violence. We must ensure that offenders are held accountable for their actions. This bill ensures that the legislation accurately reflects the gravity of sexual offences by eliminating loopholes that make it easier for people who possess child exploitation material or childlike sex dolls to get bigger sentence discounts or bail.

In line with Labor's election commitments, this bill recognises that such offences should be considered a serious criminal offence rather than a criminal offence under the Sentencing Act. The fact is that other child sex offences such as producing child exploitation material and grooming children online are categorised as serious indictable offences. Under the current act, individuals charged with possession of child exploitation material or childlike sex dolls can receive greater sentence discounts for guilty pleas. This occurs due to a loophole enabling offenders to receive bigger sentence discounts than those available to people charged with other types of child sex offences.

In the context of possession only, offences for exploitation material and childlike sex dolls can be considered victimless crimes. By legislating a special principle that must be taken into account when considering bail for persons charged with these offences, it will ensure that bail authorities do not consider these as victimless crimes. This legislated principle states that when considering the gravity of the alleged offence, the bail authority must take into account the harm that people who deal with child sex material cause to children by contributing to demand for the abuse of children.

Lastly, this bill modifies the language used in part 3, division 12 of the Criminal Law Consolidation Act, which contains offences in relation to commercial sexual services. These include forcing a person to provide commercial sexual services or knowingly using a child in commercial sexual services. The phrasing of 'provide commercial sexual services' will be amended to 'perform commercial sexual acts'. This language better reflects the exploitative nature of the offending and is in response to comments made by the Hon. Connie Bonaros MLC during the debate on the Statute Amendments (Child Sex Offences) Act 2022, which raised penalties for some of these offences.

The amendments to this bill address the gravity of any offence directed at exploiting or harming children. The impact of these heinous offences can be catastrophic for the child because

the impacts can last a lifetime. These important amendments will improve our legal system's handling of child sexual offences. Eliminating this loophole from our existing law will make it more stringent and enable us to better maintain a caring and civilised society that protects our children. I commend this bill to the house.

The Hon. J.M.A. LENSINK (15:54): I rise to indicate support for this bill. This bill amends the Bail Act, the Child Sex Offenders Registration Act, the Criminal Law Consolidation Act and the Sentencing Act. The law currently classifies the possession of child pornography or childlike sex dolls as indictable offences. This bill will raise these offences to the level of serious indictable offences as well as reducing the possible sentencing discount available to an offender who pleads guilty to such an offence.

In commenting on this piece of legislation, I would like to commend the Hon. Connie Bonaros, who first raised the issue of childlike sex dolls as something that needs to become part of our criminal law. Child pornography is something that unfortunately has been around for quite some time and therefore laws have been in place for much longer. Clause 3 of the bill inserts a section which would require a bail authority to:

> …take into account the harm that people who deal with child sexual material cause to children by contributing to demand for the abuse of children.

I think we all recognise that. All parties, I think everyone in our community, are horrified by any of this activity, and the protection of children is our utmost concern in our community.

There are transitional provisions in the legislation and some changes to definitions in the Child Sex Offenders Registration Act. In relation to the Criminal Law Consolidation Act, there are changes to the definition of commercial sexual services to include payments to any person, not just the person who performed the act. The balance of the amendments makes changes to wording within sections relating to sexual offences involving children.

In relation to the Sentencing Act, it makes the child sex offences of possessing child pornography or childlike sex dolls serious indictable offences. For the purposes of sentence discount provisions, currently the maximum sentence discount that can be awarded for a guilty plea is based on when the plea is entered and the classification or seriousness of the offence. With those remarks, I indicate support for the bill.

The Hon. C. BONAROS (15:56): I rise on behalf of SA-Best to speak to the Statutes Amendment (Sexual Offences) Bill, which we know seeks to better reflect the expectations of the community when it comes to sex offences, something you will not hear any complaints about from anyone in this chamber.

It does so by seeking to amend section 40 of the Sentencing Act to expand the definition of serious sexual offences to include possession of child exploitation material and possession of childlike sex dolls, their production and dissemination, the existence of which we have been fighting against since coming to this place. The multipartisan approach with which we have addressed that issue is certainly not lost on me. In practical terms, it will reduce the maximum discount available for an early guilty plea for those offences from 35 per cent to 25 per cent. That is very welcome.

The bill also, as we know, seeks to insert a new provision in the Bail Act to explicitly require a bail authority to consider the harm possession of child sexual material causes when having regard to the gravity of an offence. As we know, a person does not have to touch a child or even live in the same country as that child to contribute to the abuse of that child, and that is not only abhorrent, it is completely and utterly unacceptable.

The link between child exploitation material and childlike sex dolls is also very clear. You only need to look at the continuous flow of offenders being found in possession of both—indeed in this jurisdiction as well—since those laws came in. They are issues that we have canvassed previously in this place very extensively.

Unfortunately, though, child sex offence charges feature daily in our court lists. On Tuesday, three District Court judges dealt with possession of child exploitation material matters. Today, there are four individuals facing the District Court on charges of maintaining an unlawful sexual relationship with a child. We heard the outcome of one of those trials yesterday.

The Attorney has introduced a bill to address the issue with language around that particular offending, which I and others, including the Hon. Tammy Franks, are very pleased to see introduced in this place today, to ensure that the nature of the offending and the language that we use to describe those offences is consistent with the actual nature of that very heinous offending.

It is quite difficult to fathom just how prevalent child sex offending is across the state, across the country and throughout the world. In the 2021-22 financial year alone, the Australian Centre to Counter Child Exploitation's Child Protection Triage Unit received in excess of 36,000 reports of images and videos of innocent children being sexually abused for the gratification of child sex offenders. The sad reality is that behind every image or video is a real child who is being or has been subjected to deplorable and despicable acts of depravity.

As to the remainder of the bill, we are particularly pleased that the Attorney has delivered on his undertaking to challenge some more uncomfortable and inappropriate, I would say, language in our statute books, such as the existing references to a child 'providing' commercial sexual services. It implies not just the warped but the really unacceptable and inappropriate message of consent, which is totally and utterly unacceptable.

As we have all acknowledged, and as indeed the Attorney raised earlier today, words and the messages they convey, the way that we report on these issues publicly and, of course, the impacts they have on their victims do matter and those victims should be front and centre in terms of our use of those words. It is not just on the statute books because when they are reported publicly, when they are reported in the media, that serves in some cases to minimise and undermine the actual offending that has occurred to what is an innocent child victim.

Substituting the terminology with 'performing' commercial sexual acts is, while still heinous in this context, certainly more appropriate wording, we would say. Amending 'services' to 'acts', 'perform' to 'provide' and 'commercial sexual services' to 'sexual servitude' are all steps in the right direction. Once again, I am grateful to the Attorney for taking these concerns on board and committing to address them in this context and also more broadly in terms of other areas of the law.

Grace Tame, who we had the pleasure of being with earlier today to announce the bill with the government, is a fiercely determined and powerful advocate in this space. She continues to strive for a re-think of language on the national stage for very good reason and I am glad that this place is listening. The 2021 Australian of the Year told the National Press Club in March of that year:

> …we need structural change… Let's start by considering the implications of linguistics related to offences. Through Let Her Speak campaign efforts, we saw the wording of my abuser's charge officially changed from maintaining a sexual relationship to a person under 17, to the persistent sexual abuse of a child. Think about the difference in the crime according to the language of both of these. Think about the message it sends to the community. Think about the message it sends survivors. Where empathy is placed, where blame is placed, and how punishment is then given.

It is for those reasons that we are pleased with the changes in this bill and also the bill that the Attorney referred to today and, of course, Grace's tireless advocacy on this issue nationwide. I am pleased that we have dealt with this issue as a chamber in a multipartisan way.

While on the topic of child sex offences, this bill also presented us with a valuable opportunity to further amend the Bail Act to strengthen protections for children by way of amendment, which I have also been discussing with the Attorney in his office. The intent of those amendments is really simple: it is to prevent a person who has been charged with a class 1 or 2 offence from working with or applying to work with a child while on bail. If the bail authority, whether it be a court or a higher ranking police officer, were to provide an exception to this rule, it would be required to provide written reasons for that.

This is already the case with the class of work captured under the existing definition of child-related work. We are not creating anything new that is unknown to us. It is just worth pointing out that in every other setting, except for employment matters, where there is a child present there are protections in our law. In this instance, because we are dealing with employment matters of the child, those same protections do not exist and that, in my mind, is something that is completely unacceptable.

There would be many people in the community, including parents of working teenagers, who would be unaware that this loophole exists and would be outraged to know that it exists. Protections exist for children in schools, at sporting clubs and in a big list of other settings, as you would expect. Children are safeguarded in volunteer settings, they are safeguarded in kindergartens, they are safeguarded in the juvenile justice setting—they are safeguarded in every other setting except for work. Once the work uniform goes on, it seems that child workers are no longer considered children except, of course, for the purposes of their pay rate.

The same person who has been charged with a child sex offence, who would be prevented from coaching a child at a swimming pool, would be able to put on a Macca's uniform, or any other uniform for that matter, and supervise the very same child at work. That is entirely inconsistent. Members of the community would be both surprised and disturbed to learn that there are also no hard and fast rules for the police to notify employers when a worker has been charged with a child-related sex offence. It may occur on an ad hoc informal basis, or it may not.

There are a number of recent examples of people on outstanding child sex offence charges slipping through the cracks and being able to continue or commence work with children. The SDA has been particularly vocal in calling out the lack of protections for children in workplaces. In July last year Brendan Nazer faced court, still wearing his Coles uniform, charged with three counts of possessing child exploitation material. He had been working as a night-fill worker while on the register of child sex offenders, having been convicted of almost identical charges just 14 months earlier.

Nazer was able to continue to work as a McDonald's manager for 12 months while facing the original charges unbeknown to his employer. His employer, the employer of many young people, had no idea he was on charges until his conviction was made public. SDA secretary, Josh Peak, said at the time, and I quote:

> It doesn't seem to make sense that people who are charged or convicted with child-related offences are removed from volunteer-type settings [or indeed employment] but can continue to work with children in the retail and fast food industries.

I know that this issue has caused a bit of concern, and we understand that there are concerns around issues that have been also raised by the SDA around costs for employers, but I think it is important to note that we are not asking in this amendment for a working with children check. That is something that would impose a cost on businesses. I might say, though, given the cheap rate at which we are employing those same kids, it pales into insignificance compared to the safety protection that it would provide to that child.

I know that potential unintended consequences have caused some concern for the Attorney, but I have to say I would be disappointed today if we were inclined not to support this amendment, because it is not something new that I have just come up with and raised: it is an issue that has been ongoing for some time now. I have seen the correspondence back and forth. I think it is fair to say that there are concerns that have been raised around the working with children checks. This is completely different.

Should there be outstanding issues that we cannot overcome today, then of course I will be looking for a commitment from the Attorney to address this issue, but I am really keen to work on this issue between the houses. I think it is important to note again that this is very different to imposing any costs on business for a working with children check. It is also not out of line with those requirements that someone, as I said before, would face if they were trying to coach swimming at the local swimming club as opposed to employment.

Ultimately, the decision rests with the courts and the judges who are considering those bail applications, and they can be adopted or adapted as such by the judge. If it is deemed appropriate to work in a certain setting, then the judge can make those orders. We are not asking courts to automatically make those orders without consideration of all the circumstances. What we are doing is making it explicit that the court will turn their minds to that particular matter when considering bail.

I should note for the record also that there is nothing preventing courts from doing that now, but it is not an explicit consideration that they need to make. What we are simply saying is that that absolutely should be the case because we are still dealing with the same cohort of young, vulnerable children; it is just that in this instance, they are at their place of work, as opposed to an educational,

sports or community-type event. There is no reason why they should be provided with any lesser level of protection in that setting just because they are putting on a uniform and going to Coles or Woolworths, or Macca's or Hungry Jacks or KFC, or wherever they are going for work.

I note that this is an issue that has been addressed to some extent by SAPOL in the context of the difficulties that exist currently for SAPOL to implement some sort of process by which they can actually notify employers where they know that one of their employees is on these sorts of charges. I understand that the government remains concerned about this amendment, and I am going to seek some clarity from the Attorney on that, but again, despite being very grateful that the Attorney has picked up on other amendments that we have asked for in this bill, which are only appropriate, I would urge honourable members to consider supporting this on the basis that we deal with those concerns between the houses.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:12): I wish to thank all members who have contributed to this bill. I look forward to the committee stage and passing this bill in this chamber.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

New clause 3A.

The Hon. C. BONAROS: I move:

Amendment No 1 [Bonaros–1]—

Page 3, after line 16—Insert:

3A—Amendment of section 11—Conditions of bail

(1) Section 11(13), definition of *child-related work*—delete the definition and substitute:

child-related work means—

(a) child-related work within the meaning of Part 5 of the *Child Sex Offenders Registration Act 2006*; or

(b) work in a shop in which goods are sold by retail (including a shop selling take-away food but not including a restaurant where food is only consumed on the premises) if any child works at the shop at any time;

(2) Section 11(13)—after the definition of *class 2 offence suspect* insert:

work has the same meaning as in Part 5 of the *Child Sex Offenders Registration Act 2006*.

The only other point that I would make before asking the Attorney to provide some clarity around the concerns that the government has on this amendment, is around questions that we have received previously about why we did not amend the Child Sex Offenders Registration Act.

Obviously, there is an opportunity here to address it; there is always more than one way to skin a cat. This was another way to do that via a different mechanism, but also one that I actually think is less onerous than the Child Sex Offenders Registration Act, potentially, because we are giving the court the ability to make this consideration when imposing conditions of bail.

If we had amended the definition of child-related work in the child sex offenders act, it is my understanding that would also mean that anyone who is a registered offender under that act would be excluded from engaging in child-related work. The issue with that approach is really about work that has to do with children, work that on its face will require an employee to come into contact with children.

If we expanded that definition to include work at any workplace where a child works, a child sex offender, in applying for a job, could not be expected to know whether a child could be working at the relevant place of work. For instance, in applying for a job at a grocery store or a restaurant, an applicant who is a child sex offender would not know if children worked at the store or restaurant

and, even if they got the job on the basis that no children were there, a child could be employed there at any time which could make the child sex offender's employment untenable.

These are all issues that a judge can address when issuing bail under the Bail Act and it is for those reasons, in fact, that we chose to go with the former model—the one that is in our amendment—because we are basically saying the courts, the judge considering the bail application, can make these considerations.

It might be that we have deemed it entirely appropriate for a person to be employed at Macca's, but that the court says, 'Well, yes, you can work at Macca's amongst 15-year-old kids, but you can never work there unsupervised. You won't be able to supervise the children at Macca's or you won't be able to be the only adult on shift while supervising children.' There are all sorts of things the court could do, we are just giving them the ability to do that, putting it front and centre and something that must be addressed by them.

The Hon. K.J. MAHER: I thank the honourable member for her contribution. I also thank the honourable member for bringing the amendment to this place. I will indicate that, whilst the government will not be supporting the amendment, the government does commit to undertaking work in this area.

Similarly with a bill that was introduced earlier today, that was in no small part by way of a whole lot of reasons, but one of them certainly was an amendment to a previous bill that the Hon. Connie Bonaros had moved that the government committed to examining, looking at the form, seeing what consequences it may have that we were not aware of and, as a result of that work, we have a bill before this chamber that I think is a very welcome change to the law.

We do not oppose what the honourable member is talking about and I do not think anybody opposes making children safer; however, like with the last amendment, we would want to do a body of work to have a look at how this operates across a number of acts, but in particular what the consequences may or may not be that we just have not had the chance to do the work on.

While we will not be supporting this, I want to make it very clear that it is not that we do not support the concept. Certainly, as the Hon. Connie Bonaros has mentioned, organisations like the SDA have been very fierce in their advocacy for the need for some of these sorts of protections. In relation to some of the specifics—although, as I said, we want to do more work in terms of what we do not know yet, those unforeseen possible consequences—persons on bail for child sex offences under what is being proposed would be forbidden from engaging in child-related work.

The amendment as put forward now would expand the definition of child-related work to include any workplace if a child is also employed at that workplace. Again, I understand it is a very commendable intent to protect children from contact with child sex offenders in the workplace and potentially having that applying to anyone under 18 who could potentially be employed in the workplace. As I have said, we completely support and understand the child safety objectives of the amendments, while we oppose the amendment put forward today so we can do further work.

The breadth of the amendment, I think, would be something the government needs to do some work on. A very broad range of retail and hospitality establishments may employ people under the age of 18 and the prohibition would, at first instance, prevent any accused person from working in these businesses regardless of the degree of potential contact with child employees. It could, for example, remove the ability to work even if they worked at different times or in completely different areas of the workplace from someone under 18.

They would have to apply to a court for the lifting of this prohibition, under section 11(2)(a)(D) of the Bail Act, and bring evidence that their work did not pose a risk to the safety and wellbeing of children, even if they worked at different times than any child worked. While, as the Hon. Connie Bonaros mentioned, this is something that they could do and it is work that the court could do, by having that prima facie prohibition we would be concerned that there may be a lot of court time used and directed towards these applications to lift conditions and we would want to do some work to try to refine how this may be applied or the breadth in relation to it, particularly if there are areas where children do not work or there are times where there is no child working.

While we acknowledge and support the intent of making children safer, as currently drafted the amendment does not take into account the interaction between child-related work provisions in the Bail Act, the Child Sex Offenders Registration Act and the working with children scheme. The amendment, necessarily as drafted, would prevent a person working alongside a child as an employee only while on bail and not take into account the operation of those other schemes. However, if they were, for example, convicted and sentenced for the offence, then they would be no longer on bail and that prohibition would no longer apply. So that is a part of the area that we would like to do further work on.

As I said at the outset, as with the amendment to section 50 of the Criminal Law Consolidation Act, it was brought by way of amendment. We did further work and we are making good and I think necessary change in that respect. We will be voting against the amendment today, but we share, absolutely, the concerns about child safety and will commit to doing work in this area to see if there is a way to do this that takes into account some of the concerns I have raised today.

The Hon. J.M.A. LENSINK: The Liberal Party commends the Hon. Ms Bonaros for bringing this amendment to the house. We had a bit of a robust corridor discussion probably in the last 30 minutes in relation to this particular amendment, which the Liberal Party had intended to support. On the advice of the government about the level of matters, we unfortunately will not be supporting it at this time.

I think the Attorney certainly has his work cut out for him and we will be assisting in any way we can to hold him accountable. A lot of these legal matters are quite complex and, clearly, the best interests of children's safety needs to be at the heart of all of these decisions, but we reluctantly accept that supporting this amendment could cause some complexities that will need to be worked through posthaste.

The Hon. T.A. FRANKS: For the record, the Greens will be supporting the amendment of the Hon. Connie Bonaros.

New clause negatived.

Remaining clauses (4 to 12) and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:24): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (SERIOUS VEHICLE AND VESSEL OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 May 2023.)

The Hon. C. BONAROS (16:25): I rise on behalf of SA-Best to speak on the Statutes Amendment (Serious Vehicle and Vessel Offences) Bill 2022. Like all of us in this chamber, we were heartbroken at the senseless death of Sophia Naismith in June 2019 and absolutely devastated for her family. According to everything we have seen and read, and of course by virtue of the fact that she was a young girl in the prime of her life, she was a beautiful 15 year old with the world at her feet—extremely popular with her peers at Brighton High School, and by all accounts a brilliant volleyballer.

To lose a child is every parent's absolute worst nightmare and I do not think any of us can actually imagine Sophia's parents', Luke and Pia, pain and the nightmare that they continue to live each and every day. Sophia's tragic passing has reminded us all that cars are indeed lethal weapons and put in the wrong hands they take innocent lives. On Saturday 22 June 2019, the high-powered

Lamborghini that ploughed into Sophia and her friend, Jordyn, was under the control of Alexander Campbell.

Mr Campbell was charged with causing death by dangerous driving and causing injury by dangerous driving, to which he pleaded guilty. There was no suggestion he had alcohol or drugs in his system. He was, however, found to have ignored recent advice to replace his bald tyres. He pleaded guilty to aggravated driving without due care but was found not guilty at trial before judge alone on the higher charge of causing death. He was sentenced to a seven-month jail term, discounted to four months and 27 days on account of his early guilty plea to the lesser charge, and that term was suspended. He was ordered to complete 200 hours of community service and his licence was suspended for a further 12 months. In other words, Mr Campbell walked out from court a free man.

As I said, to lose a child and watch the person who was at the wheel of the car walk free able to continue on with his life would be absolutely incomprehensible for Sophia's family and friends. Many in the community have indeed asked how a man, whose decision to get behind the wheel of a high-powered vehicle took the life of an innocent young girl, could escape a prison sentence. How can he walk out from court alive and free and Sophia could not? Sophia would have been 19 years old today and that is not lost on any of us.

This bill that the government introduced seeks to address as far as you possibly can that pain and heartache and potentially prevent it for other families in the future by rectifying a perceived loophole in the Criminal Law Consolidation Act in the creation of a new mid-tier driving offence when another person dies or is seriously harmed with significantly higher custodial penalties, some mandatory. It also creates instant loss of licence implications. It seeks to amend the Road Traffic Act to create the new offence of driving an ultra high-powered vehicle with a disabled automated system, with a financial penalty attached. Finally, it provides the mechanism via the Motor Vehicles Act for a new licence for drivers of ultra high-powered vehicles.

The Law Society, of course, has been very vocal on this bill and expressed concerns about a number of aspects of the bill, particularly in relation to the new mid-tier offence that does not require intent on the part of the offender. I seek leave to table the Law Society's submission, dated 20 December 2022.

Leave granted.

The Hon. C. BONAROS: The submission reads in part:

> The Society considers that to attach serious criminal sanctions to outcomes without regard to the state of mind is not only contrary to the modern understanding of the criminal law but is also fraught with the risk of causing unjust outcomes in the pursuit of criminalising a very specific situation.

That is not to say that intent is a precursor for all criminal offences—we know it is not because, of course, there are numerous strict liability offences: speeding and drug and drink-driving come to mind, but the penalties for those offences are much lower. On the flip side, however, when a person loses their life or is seriously harmed there is a case for a more substantial penalty.

We have to be mindful that the penalty is or would be mandatory imprisonment with a non-parole period of four-fifths of the head sentence if the offence was aggravated and resulted in death or total incapacitation. Despite the concerns raised—and we can all say we will take lawyer's concerns with a grain of salt sometimes—we have been told that the police have also advocated for a mid-tier offence for a long time, which I think we can take on face value.

I understand that in Mr Campbell's case there were two charging options in relation to Sophia's death: driving without due care, with a maximum of 12 months' imprisonment and six months loss of licence, or causing death by dangerous driving, which carried a maximum penalty of 15 years' imprisonment, or for an aggravated offence, life imprisonment and the loss of licence for at least 10 years.

The trial judge found that the prosecution case did not meet the higher threshold. In other words, the judge could not find beyond reasonable doubt that Mr Campbell was driving dangerously, as opposed to carelessly, as he had admitted earlier. The new mid-tier offence of causing death or serious harm by careless use of a vehicle or vessel will require a person to drive without due care or

attention or reasonable consideration for any person, with the end result being the death or serious harm of another person. It is basically driving without due care which results in death or serious injury and there does not need to be an intention to drive carelessly.

It is not necessarily easy to decide whether driving is careless or dangerous. Some driving is clearly dangerous. Careless driving, on the other hand, could be a breach of a road rule, offences which might ordinarily be expiated on their own. For the basic new offence, the maximum penalty is a maximum of five years' imprisonment and a one-year licence disqualification. For an aggravated offence, the maximum penalty is seven years' imprisonment and a three-year licence disqualification. A person convicted of an aggravated offence where death or total incapacitation resulted will be mandated to serve four-fifths of the head sentence without parole.

I think we do need to ask some questions around this particular proposal in light of the amendments that have been drafted. I also think we need to ask: if this law was in place would the outcome for Mr Campbell have been any different?—because that is certainly not clear to me. Would Mr Campbell have pleaded guilty to a charge which carried with it a significantly higher penalty, or would he have rolled the dice with a judge? Will the big disparity in penalties see more accused electing to fight it out in the District Court?

The second part of the bill seeks to provide police with the ability to issue an immediate licence disqualification or suspension where a person is charged with a new mid-tier offence or other serious driving offences causing death or harm. We know from other drug-driving amendments the Law Society is not a fan of instant loss of licences. We do not take particular issue with them; in fact, I think we have been successful at passing laws that require just that, especially considering an amendment that has been filed to ensure that an instant loss of licence is not mandatory where an aggravating circumstance of causing harm is not accompanied by another aggravating circumstance.

The bill also seeks to create a new offence for driving an ultra high-powered vehicle with a disabled automated intervention system, carrying a financial penalty of $5,000 maximum. An automated intervention system is defined in the bill and includes traction control, antilock braking and automated emergency braking. It will be a defence if the person did not cause or contribute to the disablement, did not know or is not to reasonably be expected to have known it was disabled, or it was impracticable to drive with it enabled.

I think we have all had discussions around foreseeing a large range of driving modes on high-powered cars and appreciate that these features in some instances can be apparently there for very good reason. I can absolutely categorically say I am not an expert in this area. I am happy to defer to those experts. But certainly it is another area of the bill that has raised discussion between members around the ability or otherwise or the ease with which you can enable and disable these features on these vehicles.

On the face of it, there appears to be a number of phrases that are novel to case law and have not had close judicial scrutiny. I think this may be an area where further clarification is required; however, we note that the penalties are on the lower end of the scale as well. 'Ultra high-powered vehicle' was originally defined in the bill but will be amended, as I understand it, to be prescribed by regulations. I think that is probably a welcomed move because it will allow flexibility to respond to developments in the vehicle market.

I understand a U-class licence has been developed by the Department for Infrastructure and Transport, which will be a requirement for drivers of these ultra high-powered vehicles. I have to say, it is amazing how fast they can work when the Premier picks up the phone and rings because we have been waiting over two years since the amendment passed in March 2021 for DIT to produce improved training requirements for novice motorbike drivers, and we are still waiting. It seems even the former minister, the person we were begging for change in the previous government, now thinks it should be a priority.

I am really disappointed to say that that issue changed between two departments and two ministers five times in that two years—five times of handballing back and forth, back and forth, while a mum of a boy who was killed on a motorbike advocated tirelessly and thought she had achieved something really good in this place by getting those changes agreed to, continues to wait to see the outcome of that.

I would hope that after this the Premier or the minister, or someone on this side of chamber, would pick up the phone and ring DIT again and ask, 'How are those changes to that system going?' because there is a family who has been advocating tirelessly for those changes across two governments now and we have not seen them, despite this government agreeing to them coming into place.

We will have a number of questions about the new licence in the committee stage. I will put some of those on notice now for the Attorney, if he likes. What I have indicated to the Attorney and his staff is that, since the amendments were provided to us, we are still waiting for advice on those. Obviously, we would like to have an opportunity to consider that before debating this bill further.

I will ask what training will need to be undertaken? Will there be an on-road component? Will the pool of instructors have specialised knowledge? How many instructors are there in South Australia, noting that waiting times for those driving instructors are already out of control and ridiculous? What are the anticipated wait times? What will the cost be? And will there be any exemption process provided for testing driving with a licensed representative present in the car? I suppose that is at the purchase point.

I believe the last issue is of considerable concern to car dealers who are preparing to navigate this new licence condition. I doubt that any of them would not go to the expense of making sure that everyone who sells cars in their car yards has that licence. Again, it is one of the issues that has certainly been raised with us by stakeholders and I think it needs to be addressed so we are all clear. As I said, the bill provides a mechanism, with the detail to follow, and we look forward to hearing more about that fast-tracked new licence class in a timely manner.

We are also, obviously, very mindful that Sophia's family is keen to see this bill pass as soon as possible, and the last thing any of us would want is to cause any further pain for a loving, tightknit family who has already been through so much, but we are also mindful that when we introduce laws that have very serious consequences and penalties of imprisonment, especially mandatory ones, we need to get them right. Like the Hon. Rob Simms, who is also, as I understand it, awaiting the same information, we simply have not had sufficient time to consult on those amendments and would appreciate the opportunity to do so.

In closing, we would also ask if consideration was given to, as I understand it, the destruction of a vehicle involved in the death or serious injury of a person. I think that came off the back of Mr Campbell making an application for the return of his vehicle, to probably pay for legal fees was what the media reports were at least, and also that it may be a leased vehicle.

We are also curious if numberplates that currently adorn cars and imply that they are driven fast or recklessly, like PSYKO on that Lamborghini, will be reviewed? Is that particular plate still in circulation? Has it been cancelled? Are there any moves to address that particular issue? With that, once again, I look forward to the committee stage of the debate of this bill.

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

STATUTES AMENDMENT (EDUCATION, TRAINING AND SKILLS PORTFOLIO) BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:41): I move:

That this bill be now read a second time.

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

Leave granted.

The Statutes Amendment (Education, Training and Skills Portfolio) Bill 2022 will amend the Education and Children's Services Act 2019, the Education and Early Childhood Services (Registration and Standards) Act 2011, and the History Trust of South Australia Act 1981 to address a small number of minor technical, legal or administrative issues associated with the operation of provisions of those Acts.

Part 2 of the Bill makes two separate amendments to the *Education and Children's Services Act 2019*.

Firstly, clause 3 will amend section 75 to clarify that section 75(2a) applies to both the notification of persistent non-attendance at school and persistent non-participation of a student in an approved learning program. Approved learning programs include secondary education as well as learning and training delivered by TAFE SA, private registered training organisations, universities and as part of apprenticeships or traineeships.

Section 75 requires a principal of a school or the head of an approved learning program to notify the Chief Executive, or cause the Chief Executive to be notified, if a student of the school or approved learning program is persistently failing to attend school or participate in an approved learning program. Section 75(2a) enables this notification to be made in the form of an electronic report at least once a term. However, as currently drafted, section 75(2a) does not expressly sate that the head of an approved learning program is able to provide notification of students' non-participation in this manner. Clause 3 of the bill will insert a new section 75(2a) to address this issue.

Secondly, clause 4 will amend section 130(4) to provide the Chief Executive with the discretion to waive, reduce or refund a charge, allow it to be paid by instalments or require a person to give security for payment of a charge under section 130. This discretion will relate to charges fixed by the Chief Executive of the Department for Education under section 130 for full fee paying overseas students, students enrolled in schools who are not resident in the State, and children enrolled in schools who are dependants of a person who is the subject of a visa of a kind prescribed by the regulations. Currently this discretion rests with the principal of a school and is inconsistent with the practical administration of these fees, which is undertaken by the Department for Education.

Part 3 of the Bill will amend section 22 of the *Education and Early Childhood Services (Registration and Standards) Act 2011* to provide that a deputy of a member of the Education and Early Childhood Services Registration and Standards Board can act in the place of the member if the office of the member becomes vacant. The deputy is able to act as the member for the balance of the previous member's term of appointment or until a person is appointed to the vacant office, whichever first occurs. The amendment will ensure that where a deputy is available to act as a member, a temporary vacancy on the board can be managed in an efficient and timely manner without disruption to board activities.

Part 4 of the Bill will amend the definition of premises of the Trust in section 2 of the *History Trust of South Australia Act 1981* to provide that it includes premises being temporarily used by the Trust to conduct activities or events related to its functions under the Act during the course of such activities and events. This will enable the conduct provisions set out in regulations under the Act, which prohibit or regulate certain behaviour, to also apply to premises being used temporarily by the Trust.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Education and Children's Services Act 2019*

3—Amendment of section 75—Principal etc to report persistent non-attendance or non-participation

This clause amends section 75 of the principal Act to extend the scope of that subsection to include heads of approved learning programs.

4—Amendment of section 130—Charges for certain overseas and non-resident students etc

This clause amends section 130 of the principal Act to shift who can waive, reduce or refund a charge, allow a charge to be paid by instalments or require a person to give security for payment of a charge under section 130 from the principal of a school to the Chief Executive.

Part 3—Amendment of *Education and Early Childhood Services (Registration and Standards) Act 2011*

5—Amendment of section 22—Composition of Board

This clause amends section 22 of the principal Act to allow a deputy of a member to fill a vacancy in the office of the member for whom they are a deputy.

Part 4—Amendment of *History Trust of South Australia Act 1981*

6—Amendment of section 2—Interpretation

This clause amends the definition of 'premises of the Trust' to include premises being temporarily used by the Trust to conduct activities and events related to its functions under this Act during the course of such activities or events.

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

RESIDENTIAL TENANCIES (PROTECTION OF PROSPECTIVE TENANTS) AMENDMENT BILL

Second Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:42): I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the Residential Tenancies (Protection of Prospective Tenants) Amendment Bill 2023. This Bill proposes to amend the *Residential Tenancies Act 1995* to introduce some immediate protections for tenants.

South Australia's residential vacancy rates remain at historically low levels. The supply shortage of rental properties has caused rents to increase substantially and has created an environment where renters are struggling to find rental properties in an increasingly competitive market.

The Government is committed to improving the housing outcomes for people in South Australia through our recently announced housing package. As part of this package, the Government is reforming the Act to better meet the needs of today's rental housing market, improve protections for renters and ensure landlords can continue to manage their properties effectively.

On 3 August 2022, the Minister for Consumer and Business Affairs hosted the Residential Tenancies Act Review Forum with the Commissioner for Consumer Affairs to hear first-hand about issues currently impacting the sector and any potential solutions or remedies offered by the sector. Key stakeholders from the forum included Shelter SA, the South Australian Council of Social Service, Uniting Communities, Aboriginal Housing, Disability Housing, the Real Estate Institute of South Australia, the Landlords Association of South Australia, the South Australian Housing Authority, the Department of Human Services and the University of South Australia.

Broad public consultation on the review of the Act was then undertaken between 15 November 2022 and 16 December 2022. More than 5,000 people completed the YourSAy survey and over 150 submissions were received from key stakeholders and members of the public.

The Government has identified four immediate priorities to progress ahead of broader reforms being presented to Parliament arising out of the review.

This Bill aims to deliver on three of these immediate priorities, being banning rent bidding, considering information on the rental application form, and protecting tenant information. The fourth immediate priority relates to more affordable residential tenancy bonds, which was progressed by amendments to the Residential Tenancies Regulations 2010 (Regulations) and commenced on 1 April 2023.

Improving the affordability of residential bonds has provided some immediate relief for tenants who are already experiencing the pressures of increased costs of living.

At present, there are a significant number of applicants for rental properties due to the low vacancy rate. There are reports of prospective tenants being requested to provide personal information that should not be required for a rental application. This may relate to the prospective tenant's rental bond history, financial records and other information protected under equal opportunity legislation.

Prospective tenants may also be required to complete numerous applications across various platforms, which in some cases are hosted by third parties to the landlord or agent. Prospective tenants may be advised that this is compulsory and have little choice but to provide personal information to third parties with little transparency on whether their information will be kept confidential, used for any other purposes or shared.

As a first step towards standardising rental application forms, this Bill proposes to insert new section 47B to prohibit a landlord (or agent) from requesting prescribed information from a prospective tenant and provide for other requirements to be prescribed relating to the provision of information to or by a prospective tenant. This change proposes to reduce the amount of information a prospective tenant can be asked to provide in a rental application, relieving some of the administrative burden involved and protecting the privacy of prospective tenants where information is not reasonably necessary.

Prohibiting the disclosure of certain information will also reduce opportunities for discrimination to occur in the tenant selection process. Under the *Equal Opportunity Act 1984,* it is illegal for a landlord (or agent) to discriminate against a tenant based on certain personal characteristics. The insertion of section 47B allows an avenue for the disclosure of this information to be restricted, reducing opportunities for prospective tenants to be discriminated against on these grounds.

Section 47B(2) provides an exemption to allow a landlord (or agent) to request prescribed information for the purposes of determining their eligibility for a housing assistance program or an entity, or a class of entities, prescribed by the regulations. This exemption does not relate to a landlord (or agent) requesting a prospective tenant to disclose if they receive housing assistance but aims to ensure that a provider of a housing assistance program that is also a landlord (or agent), can ask for the necessary information they need to determine whether the prospective tenant is eligible to receive assistance.

It is proposed to exempt the South Australian Housing Trust (SAHT) and registered Community Housing Providers (CHPs) from these provisions. Section 5(2) of the Act specifies the provisions (and only those provisions) which apply to tenancy agreements under which the SAHT or a subsidiary of the SAHT is the landlord. However, as the Bill regulates matters prior to the forming of a residential tenancy agreement, to remove any doubt, it is proposed to exempt the SAHT and Community Housing Providers engaged by the SAHT.

Supporting amendment regulations will be progressed subject to passage of this Bill through the Parliament. The prescribed information will seek to provide greater consistency with other jurisdictions and will be informed by submissions received as part of the broader review of the Act and further targeted stakeholder consultation. There are also concerns that rental properties are being advertised as a price range and landlords (or agents) may solicit higher rent offers in the current market.

This Bill proposes to insert new section 52A requiring rental properties to be advertised as a fixed amount and bans a landlord (or agent) soliciting or otherwise inviting an offer of higher rent. However, this does not address third parties engaged by landlords or agents to facilitate prospective tenants' applications. Some of these operators are also charging prospective tenants a fee for a background check and providing landlords and agents ratings for prospective tenants.

These operators appear to be unregulated, and I am advised that existing section 53 of the Act prohibiting charging a prospective tenant a fee other than rent or bond for consideration for a tenancy agreement arguably may not apply in these circumstances. It is also unclear whether Part 5A of the Act relating to residential tenancy databases, often referred to as tenant blacklists, applies to these operators.

I understand that this practice is relatively new and is an issue throughout Australia that is yet to be addressed. Reports have been brought to my attention of these operators providing higher ratings for prospective tenants in Victoria who offer higher rent, which seemingly appears to circumvent Victoria's existing laws prohibiting rent bidding.

This Bill proposes to introduce new section 52B to prohibit these operators charging prospective tenants a fee for an assessment or rating and to prohibit providing an assessment or rating where this is based on an offer of higher rent. This aims to protect prospective tenants from being charged a fee for a residential tenancy application and from being enticed to offer higher rent.

The proposed introduction of section 52B will see South Australia leading the nation in the regulation of third-party operators. This measure is a priority for Government, as failing to regulate these third parties undermines important protections to outlaw rent bidding and provide relief for tenants.

It is also proposed to exempt the SAHT (or a subsidiary) and registered CHPs from these provisions. The SAHT's rent policy (available on sa.gov.au) outlines how rent is calculated. CHPs are contractually required to abide by SAHT's rent policy in relation to offering subsidised rent.

Rent charged by SAHA and CHPs according to this policy is set according to a tenant's income before tax, and is reviewed twice yearly or whenever the people in the household or household income changes. This means the property is not offered as a fixed amount – it is offered on a variable basis dependant on household income, up to a maximum of market rent.

Lastly, this Bill also seeks to protect tenants and prospective tenants' personal information. At present, the Commonwealth Privacy Act 1988 does not apply consistently to landlords (or agents) and third-party operators facilitating prospective tenant applications. The requirements are also principles-based and not sector specific. This Bill proposes to introduce new section 76B which specifies obligations to protect tenant information from misuse, interference or loss and from unauthorised access, modification or disclosure.

This Bill will require information provided for the purposes of applying to enter into a tenancy agreement (tenant information) to be destroyed after three years from the tenancy ending. This only applies to successful tenants that have entered into a tenancy agreement and aligns with the period of time information may be kept on a residential tenancy database.

A person, including third party operators facilitating tenant applications, will only be able to keep prospective tenants' (unsuccessful) information for up to 30 days after the date on which a tenancy agreement is entered into (by the successful applicant). However, with the prospective tenants' consent, information may be kept for up to 6 months. This provides for circumstances where the person (or third party) is continuing to assist the prospective tenant to find another tenancy or the agreement with the successful applicant does not proceed or is terminated early.

Tenant and prospective tenant information will also not be able to be disclosed without the consent of the person to whom the information relates, as required by law or the tenancy agreement, or in accordance with an order from a court of tribunal.

It is proposed to exempt the SAHT (or a subsidiary), registered CHPs and any Commonwealth and State Government agency as prescribed by the regulations. I am advised that there is a single application process for public and community housing, which is managed by SAHT. A prospective tenant applies using a registration of interest form. A prospective tenant may remain on the single housing register (public and community housing) for many years until an appropriate property that meets their needs is available. If housed, the information is used to ensure appropriate supports are put in place so that the tenancy is successful.

Information on the register is held by SAHT in accordance with the State Records Act. CHPs are contractually required to abide by the SA Information Privacy Principles. This accords with the requirements of s5 of the Information Privacy Principles, which requires agencies to ensure that, where a contract for services necessitates the disclosure of personal information, the contract includes conditions to ensure the Principles are complied with as if the Contracted Service Provider were part of the agency.

There are currently no government agencies or instrumentalities of the Commonwealth or the State proposed to be prescribed. This has been included to ensure these provisions do not interfere with the operation of another Act, such as Commonwealth rental assistance.

These priorities seek to provide some immediate relief to tenants in the current rental market and address some of the issues around applying for and starting a new tenancy.

There are many other important issues that need to be considered and addressed as part of the broader review of the Act, which is continuing to be progressed as a priority.

I look forward to working with Members to progress this Bill and future amendments arising out of the broader review to support our residential tenancy sector.

I commend this Bill to the House and I seek leave to insert the Explanation of Clauses in Hansard without my reading it.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

Part 2—Amendment of *Residential Tenancies Act 1995*

3—Insertion of section 47B

New section 47B is inserted:

47B—Prospective tenant—requirements relating to provision of information

An offence is provided for a landlord, or an agent of a landlord, if they request a prospective tenant to disclose prescribed information. Subsection (1) does not apply to certain prescribed entities. Provision is made for regulations to impose requirements relating to the provision of information to or by a prospective tenant in connection with applying to enter into a residential tenancy agreement. It is an offence to breach such a requirement.

4—Insertion of sections 52A and 52B

New sections 52A and 52B are inserted

52A—Premises to be offered for rent at fixed amount

An offence is provided for a landlord, or an agent of a landlord, to advertise or otherwise offer premises for rent under a residential tenancy agreement unless the rent under the agreement is advertised or offered as a fixed amount. The offence does not apply to certain signs at or near premises.

An offence is also provided for a landlord, or an agent of a landlord, to solicit or otherwise invite an offer of an amount of rent under a residential tenancy agreement that is higher than the advertised amount of rent for the premises.

The section does not apply to certain entities.

52B—Special provision relating to assessments etc of prospective tenants

An offence is provided for a person acting in trade or commerce (other than an agent of a landlord) to provide an assessment or rating of the suitability of a prospective tenant to enter into a residential tenancy agreement if a basis of the assessment or rating relates to—

- in the case of premises advertised or otherwise offered for rent as a fixed amount under the residential tenancy agreement—the fact that the amount of rent that the prospective tenant is willing to pay under the residential tenancy agreement is higher than the fixed amount; or
- in any other case—the amount of rent that the prospective tenant is willing to pay under the residential tenancy agreement.

An offence is also provided for a person, except in prescribed circumstances, to require or receive from a prospective tenant a payment for the provision of an assessment or rating of the suitability of the prospective tenant to enter into a residential tenancy agreement.

5—Insertion of Part 4 Division 14A

New Division 14A is inserted into Part 4:

Division 14A—Tenant information

76A—Preliminary

Terms are defined for the purposes of the Division. The interaction of the Division with Part 5A and the national privacy principles is provided for. The Division does not apply to certain entities.

76B—Dealing with tenant information

A person who holds personal information provided for the purposes of applying to enter into a residential tenancy agreement (*tenant information*) must take such steps as are reasonable in the circumstances to protect the tenant information—

- from misuse, interference or loss; and
- from unauthorised access, modification or disclosure.

Requirements relating to destroying tenant information are also imposed.

An offence is also provided for a person who holds tenant information to ensure that it is not disclosed except in accordance with the provision.

76C—Powers of Tribunal

The South Australian Civil and Administrative Tribunal is authorised to make orders necessary or expedient in the opinion of the Tribunal to ensure compliance with the Division or any provision of the Division. The Tribunal is also authorised to make an order requiring a person who has committed an offence against the Division to comply with conditions specified in the order in relation to tenant information held by the person.

Schedule 1—Transitional provisions

1—Transitional provisions

Transitional provisions are inserted for the purposes of the measure.

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

Motions

DUNCAN, DR G.I.O.

Adjourned debate on motion of Hon. I.K. Hunter:

That this council—

1. Acknowledges that 10 May 2022 marks 50 years since the murder of Dr George Ian Ogilvie Duncan;
2. Notes the long-lasting impacts of Dr Duncan's death on law reform and the LGBTIQ community;

3 Recognises the risks of discrimination and violence still faced by LGBTIQ people today; and

4. Resolves to continue to work toward safety and equality for all LGBTIQ people.

(Continued from 4 May 2022.)

The Hon. J.M.A. LENSINK (16:43): I rise to indicate support for this motion and thank the honourable member for bringing it to the attention of the chamber. We do know that last year we commemorated the 50th anniversary since the murder of Dr George Ian Ogilvie Duncan, a very sad place in our history. Dr Duncan died on 10 May 1972. He was thrown into the River Torrens by a group of people understood to be police officers. His sad and tragic death triggered significant reforms in South Australia, becoming the first state to decriminalise homosexuality.

The murder drew significant media attention and public interest, especially amongst the gay rights movement. The Hon. Murray Hill, a former member of this place, a Liberal member of the Legislative Council, was the first ever member of the South Australian parliament to officially introduce a bill on 26 July 1972 to amend the Criminal Law Consolidation Act. In moving his bill, Mr Hill said that his decision to introduce the bill was because:

> I represent the interests of people. I have stood up in this Chamber from time to time and made that claim. People come before all other 'interests'. In this issue, I am confronted with a minority of people whose cause to change the law here, as it was changed in England, is just and right. Irrespective of the severe personal criticism that I know will come from some members of the public, I cannot justify my claim to represent 'people' if I turn my back on this minority.

While Murray Hill's bill did not pass at the time, it forced the conversation that change is required and in 1975 the South Australian parliament passed the Criminal Law (Sexual Offences) Amendment Act 1975, making South Australia the first state to decriminalise homosexuality. In speaking to that, I commend the late Murray Hill for his trailblazing desire to improve the lives of gay people at that time. It has also led to a range of reforms in the LGBTIQA+ space over some 50-odd years and I will speak to some of those matters in the next motion that is before us in relation to IDAHOBIT.

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

INTERNATIONAL DAY AGAINST HOMOPHOBIA, BIPHOBIA, INTERSEXISM AND TRANSPHOBIA

Adjourned debate on motion of Hon. I.K. Hunter:

That this council—

1. Recognises International Day Against Homophobia, Transphobia and Biphobia on Tuesday 17 May that is also known as IDAHOBIT;
2. Notes that, since its first celebration in 2004, IDAHOBIT had drawn attention to the violence and discrimination experienced by lesbian, gay, bisexual, transgender and intersex people and all other people with diverse sexual orientations, gender identities or expressions and sex characteristics; and
3. Congratulates the Malinauskas Labor government on its opposition to conversion therapy and its commitment to make sure that this practice does not occur in South Australia.

(Continued from 18 May 2022.)

The Hon. J.M.A. LENSINK (16:46): I rise to support this particular motion, although I will be proposing an amendment that will be moved by one of my colleagues when this motion is brought to a vote next week. I have been a long-term supporter of IDAHOBIT and therefore very comprehensively support the sentiments of this motion. In fact, going through some of my historical photos, there is a picture with the honourable members for Dunstan and Unley and the Hon. Stephen Wade. I have to say that the Hon. Stephen Wade looked a lot younger. The rest of us have not changed quite as much, and I do not think David Pisoni had much hair in the original photo, but we indeed were photographed some 12 years ago on the steps of parliament with our little 'I love IDAHOBIT' posters.

This particular day was launched in 2004. The date 17 May has been chosen to mark the occasion as it was on that day in 1990 that the World Health Organization removed homosexuality from the classification of diseases and related health problems. IDAHOBIT celebrates LGBTIQA+ people globally and raises awareness of the work still ahead to combat discrimination.

As a minister who had carriage of this portfolio area in government, we are very proud of the work that we did to support the rights of all South Australians to live their lives free from discrimination. We listened and delivered, providing new reforms for this community to be heard at

the highest level of government and invested in policy, strategies and services that deliver improved access and inclusion.

Indeed, it was in our election policy platform in 2018 that we committed to hold a round table with the LGBTIQA+ community. There was a round table held in 2019, which was very comprehensive. Having attended for most of that, I think it is eye opening for someone who is an ally but not someone who identifies as LGBTIQA+ themselves to get a greater understanding of the breadth of areas in which people experience all sorts of barriers to the same sorts of things that others take for granted in relation to legislation, access to safe domestic and family violence services, regional isolation and health care, which is a particular area of challenge.

In our term, we made progress across a number of important areas, particularly in legislative reform. On 1 December 2020, South Australia abolished the so-called gay panic murder defence. Births, Deaths and Marriages now provides for the registration of gender, as distinct from biological sex, and has introduced the registration of non-heterosexual relationships from same-sex marriages, and co-parenting of children conceived through fertilisation procedures.

We released strategies and plans which prioritised the LGBTIQA+ community. The Wellbeing SA Strategic Plan 2020-2025 identified the LGBTIQA+ community as a priority for the work of Wellbeing SA and the Mental Health Services Plan focused on several matters relevant, with a number of areas of work planned or already underway.

The LGBTIQA+ Better Together conference was held in Adelaide in June 2021. We provided funding to the South Australian Rainbow Advocacy Alliance to support the community to lead events, and I attended one of those with Aboriginal health educator and poet Dominic Guerrera as guest speaker. As part of a broader strategy to build South Australia's LGBTIQ community capacity, and SARAA's role as a representative body across the state, we funded SARAA to establish a consumer advisory group, comprising community representatives, to inform cross-government actions and focus on the issues that had been raised through the 2019 round table; to appoint a project officer to coordinate the consumer advisory group; and to coordinate subsidised scholarships for young LGBTIQA+ people, those living in regional areas or those with limited financial capacity to attend the Better Together conference.

In relation to conversion therapy, conversion therapy is a practice that tries to change a person's sexual orientation by using coercive psychological, physical or spiritual interventions. It has been performed by professionals, priests and church ministers and even life coaches and counsellors. In December 2019, the Chief Psychiatrist issued an internal memorandum to all public mental health services regarding the inappropriateness of gay conversion therapy, seeking confirmation that it should not be provided. All local health networks confirmed that they do not provide or support such practices.

I note the number of health practitioner professional health bodies, such as the Australian and New Zealand College of Psychiatrists, the Australian Psychological Society and the Australian Association of Social Workers, among others, that recognise the harm this practice causes and wholeheartedly acknowledge that this is not a therapeutic practice that anyone should endorse or provide.

We will be seeking to amend the motion as follows: by deleting paragraph (c) and inserting the words, 'Commends the Marshall Liberal government for listening to, delivering for and providing new reforms for the LGBTIQA+ community.' With those words, I commend the motion.

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

WORLD AUTISM AWARENESS DAY

Adjourned debate on motion of Hon. E.S. Bourke:

That this council—

1. Recognises that April is Autism Month and 2 April is World Autism Awareness Day.
2. Acknowledges that Autism Awareness Day recognises and celebrates the rights of autistic people to lead full and meaningful lives as an integral part of our society.

3. Congratulates the Malinauskas government on its commitment to improving the lives of our autistic and autism communities through—

   (a) appointing the nation's first Assistant Minister for Autism;

   (b) investing $28.8 million to fund access to an autism inclusive teacher in every public primary school;

   (c) seeking to increase the number of autism-qualified staff in preschools;

   (d) working with service providers to offer early intervention services in children's centres;

   (e) developing a state autism strategy that will operate with the state disability plan and requiring all government agencies to sign up to an autism charter; and

   (f) investing $50 million to fund 100 speech pathologists, occupational therapists, psychologists and counsellors for access in public schools.

4. Thanks everyone who participated in the public consultation on the development of the state's first autism strategy and charter.

(Continued from 22 March 2023.)

The Hon. T.A. FRANKS (16:53): I rise on behalf of the Greens as the spokesperson for disability to speak in strong support for this motion. On 2 April 2023, we celebrated World Autism Awareness Day. World Autism Awareness Day was declared by the United Nations General Assembly in December 2007 and designed to raise an understanding of autism and encourage early diagnosis and interventions.

The Greens believe that services and supports for people with disabilities are a core government responsibility. The Greens utilise the social model of disability, which encourages the removal of barriers that are preventing disabled people from equally participating in society with those around them.

This social model acknowledges that ableism exists and constantly enforces the barriers that autistic and neurodiverse people face. When combined with the affirmative model that embraces disability as an identity, it celebrates the contribution that neurodiverse and autistic people make to society, with an assertion of their right to have that contribution and their humanity recognised separately to that of their family's.

With this, we must consider the way we speak about those who are neurodiverse. Naming autism as a disorder is a very medicalised way of speaking. We often describe that as using deficit language, which says people have deficits rather than being neurodiverse, which we all are. Us in this chamber, we in this chamber, know better than anyone that words and language are powerful tools.

In 2018, an estimated 353,880 Australians were diagnosed with autism, which is approximately one in 70 people. This is a significant increase from the estimated 64,000 diagnosed in 2009. Autism is most commonly identified in children and young people, with one in 160 children between the ages of six and 12 years having autism.

I would like to specifically address the barriers to diagnoses faced in particular by autistic women and girls. In many areas of health men are seen and treated as the standard and women suffer as a result because their individualised needs are not considered. This is particularly prevalent for women when seeking a diagnosis for autism. Taken altogether, research suggests that it is unlikely that autism is equally common among men and women, yet growing evidence suggests that the current diagnostic procedures may fail to capture how autism manifests in women and thus exaggerates the already existing difference in prevalence rates.

Women have also been found to be diagnosed with autism at significantly later ages and therefore have experienced greater delays in the time from the initial evaluation to receiving a clinical autism diagnosis. It is important to reflect on how this may impact on numbers and statistics. A fundamental issue with the current diagnostic procedures is that the behavioural markers used are established based on the pre-existing conceptions of what autistic behaviours look like.

These criteria have been developed based on the predominantly male populations previously identified as autistic. It is important that autistic women and girls receive a diagnosis or recognise

that they are autistic so they can access support; however, because of stereotyped ideas about what autism looks like and who can be autistic, many autistic women and girls struggle to get a diagnosis, receive a diagnosis late in life, or are misdiagnosed with conditions other than autism.

I hope the Malinauskas government, in the work undertaken through the Assistant Minister for Autism, adequately reviews the problems facing women on the spectrum. In saying that, however, I applaud the current work of the Malinauskas government in their consultation with the autistic and autism communities to co-design the state's first autism strategy and autism charter. The development and creation of the strategy is an important step towards creating a more knowledgeable and inclusive community where autistic people can meaningfully participate.

For far too long, disabled people have been shut out of decision-making and policy-creating affecting our community. This has perpetuated discrimination, it has perpetuated violence, abuse, neglect and exploitation, and it has seen devastating consequences providing solutions that are centred on these barriers in society as crucial to improving the ability of disabled people to thrive and contribute to their communities in a meaningful and positive and equal manner.

With that, I commend the motion. I note that there is a tabled amendment. I note with great concern that it does remove the recognition of the autistic community and the Greens will not be supporting the amendment.

The Hon. F. PANGALLO (16:59): I rise to speak in support of the Hon. Emily Bourke's motion on World Autism Awareness Day. As a parent who is acutely aware of the challenges autism can and does present, I commend the Malinauskas government on its groundbreaking Australian-first commitments to meet head-on the overwhelming needs of those with the disorder in our community.

People and children diagnosed on the autism spectrum are now at staggering levels compared to the time, 16 years ago, when my wife, Angie, and I learned that our youngest son, then seven, had Asperger's syndrome. We had little knowledge of what it was or what it meant for his development. When we went looking for help, there was truly little in the way of support available from professionals and in his school environment. He was shunned and shut out by classmates; he was friendless and rarely invited to their birthday parties. One teacher told us Connor was a troubled child because of his parenting and that he would never amount to anything in his life, let alone finish school.

Angie soon found other mums in the same situation and, with little support and nowhere to turn, this band of mums formed a support group which then grew into a not-for-profit charity called the Gold Foundation which now provides social skilling programs by trained coordinators for young children and teens. Hundreds have benefited from them and continue to do so. One mother told me recently how being involved in the foundation's Shine Like Gold coffee cart project—where he is paid to work as a barista—has transformed his life and he enjoys the experience of meeting new people.

As for Connor, he not only finished school but went on to be dux of the same school where we were once told he would not complete. He is now nearing the end of a double degree at Flinders University. He leads an active social life and he has made friends. As he often reminds us, he sees his neurodiversity not as a disability but as a gift.

The message here is that parents should never give up hope, nor should hope ever be denied for their kids. Early intervention, as we discovered, is vital and worthwhile and does lead to positive outcomes. This is why I can only praise this government for its foresight in recognising, prioritising and acting on the extraordinarily complex needs children on the spectrum have in a school environment by providing funding support to have an autism inclusion teacher in every public primary school and to increase autism trained staff in preschools.

Unfortunately, there are still some schools and teachers trying to grapple and fully comprehend this condition, both in the classroom and in the schoolyard. Sadly, a few fail to grasp or recognise the effect ignorance can have on a child's development or their behaviour. One constituent informed me of the complete overreaction by a deputy principal in a northern area school who suspended his seven-year-old granddaughter with developmental problems because she had written a simple, innocent note on which she only scrawled the words 'I love you' that she intended to give to a boy she played with.

While an incident like this highlights woke gender policies infecting our public school system, it also points to the need to have adequately trained staff to deal with the diverse behaviours arising from neurodiverse disorders and forge a better understanding among teaching staff, something the government has recognised and is now trying to address.

Another plus is the government's decision to formally recognise autism in our community as an important priority, with oversight by creating an Assistant Minister for Autism, in this case the Hon. Emily Bourke. I will note the work ethic, enthusiasm and sensitive understanding she has already brought to this role. I hope this policy pioneered in South Australia is urgently adopted and implemented by other states and territories, because autism is the growing medical enigma of the 21st century and its impact simply cannot be underestimated, ignored or dismissed. Nobody is yet able to put a finger on what causes autism or why it has become so prevalent in our society.

We have discussed the idea of six degrees of separation where six or so social connections are seemingly connected in some way. I would not think there is one person in here now who would not know of someone, be it a friend or a family member, who has a personal connection or experience with autism. More Australian families than we would expect are now living and having to deal with its complexities in some form.

Autism is not identical, which makes it all the more puzzling for researchers. According to figures collated by the National Disability Insurance Agency, 10 per cent of all boys aged five to seven in Australia are currently on the NDIS, the vast majority due to a diagnosis of autism or developmental delay. For girls of the same age, it is one in 25, but the rate continues to climb. It equates to one in 10 boys in preschool to year 12 around Australia who have significant and permanent disabilities serious enough to be on the NDIS, or at least one child per classroom.

There are 83,000 children across the country aged zero to six on the NDIS and another 140,000 aged seven to 14. More than half (54 per cent) of the scheme's participants aged 18 and under have autism and another 20 per cent have developmental delay. They are the fastest growing category of participants, which now numbers more than 585,000. Around a third have autism as their primary diagnosis.

Of the $34 billion cost of the NDIS in 2022-23, $8.25 billion is for those with autism as the primary diagnosis. The federal government is anticipating the NDIS budget blowing out to $90 billion in the next decade and disability minister Bill Shorten appears to be flagging putting the brakes on to ensure the system remains sustainable. However, I would hate to see the government have autistic kids in their sights to make their cuts to funding and services or even re-examine autism diagnosis. It is dangerous leaving that assessment in the hands of toe-cutting bureaucrats. It could lead to far worse outcomes in the community, and I would urge Mr Shorten to approach this with much caution and sensitive understanding of what is happening out there.

I recommend that members read an excellent feature piece by Stephen Lunn, published by the *Weekend Australian* on 22 April, which attempts to put the cost of autism into perspective from a family point of view and from a government funding outlook.

I commend the motion to the Legislative Council and thank the Hon. Emily Bourke for bringing this issue forward. I congratulate her and the Premier—who took an active interest in this area when in opposition and quickly recognised it was a massive and growing problem—and his government on the tremendous work they are doing in striving to make lives better for all caught in this heartbreaking situation, but especially the children. With that, thank you, and I will indicate that SA-Best will not be supporting the amendment put by the Hon. Heidi Girolamo.

The Hon. H.M. GIROLAMO (17:08): I move to amend the motion as follows:

Leave out paragraphs 3 and 4, and insert new paragraph as follows:

3. Calls on the Malinauskas government to ensure funding, focus and support for children is not forgotten in the rollout of its new autism strategy.

I rise to speak on this motion and to thank the Hon. Emily Bourke for bringing this to the chamber. Whilst we, as the opposition, are in full support of paragraphs 1 and 2, we feel that paragraphs 3 and 4 politicise what is a very important area. We do support the work that is underway but we just want to make sure that children are not forgotten in this process and that we are able to see effective

outcomes with the autism strategy. It is the beginning of a journey and I am pleased to see that the focus is on what is a very important area.

April is recognised as Autism Awareness Month, with 2 April being World Autism Day. Autism is a condition that in the past has been shrouded in a lot of misunderstanding, misinformation and stigma. People with autism are often misunderstood as being antisocial or uncommunicative or even aggressive, but the truth is that people with autism are just like everyone else, with their unique personalities, interests and abilities. As a community, we should be continuing to provide support and services so that people living with autism have the same educational and employment opportunities to live their best life to the fullest.

I have seen firsthand with someone very close to me the challenges faced by people living with autism. I have also seen the incredible focus, brilliant minds and different perspectives that people with autism can provide to the community. The ability to think and focus on a particular area, which is often a great strength not experienced by all of us, can be a great benefit, whether in the classroom or in the workplace. This is why it is essential to recognise Autism Awareness Month in April and World Autism Awareness Day on 2 April. The month provides an opportunity to raise awareness about autism and promote an understanding and acceptance and advocate for the rights of people with autism.

One of the key messages of Autism Awareness Month is that early diagnosis and support services can make a significant difference in the lives of people with autism. The earlier the diagnosis, the earlier the supports can be put into place for children and families affected by autism. This can include speech and language therapy, occupational therapy and behavioural therapy. The benefits to early intervention support such as OTs, psychologists and speech therapists can help manage sensory challenges and support social interaction.

Having met with Autism SA recently, key issues raised were focused on continuing funding for early intervention and finding effective ways to decrease the intensive waitlists for support and services that are often unavailable and put even more pressure on individuals, families and our community.

Another important message of autism awareness is that autism can often be a lifelong condition, and people with autism may continue to face challenges throughout their lives. This is why it is important to provide ongoing support and opportunities for people with autism to reach their full potential. This can include inclusive education—tailored education at that—vocational training and employment opportunities similar to ones mentioned by the Hon. Frank Pangallo that are tailored to the strengths and abilities of people with autism.

Raising awareness about autism is not just about acknowledging the challenges that people with autism face, it is also about celebrating their strengths, their unique perspective and contribution to society. People with autism have made incredible contributions in fields such as art, music, science and technology, among others. By recognising and celebrating these contributions, we can promote greater understanding and acceptance of people with autism.

I would like to take the time to recognise organisations like KPMG, who have established neurodiverse communities that support these challenges, encouraging strengths and promoting inclusiveness in the workplace. This person-centred strength-based approach fosters a culture of learning, sharing and developing, while addressing some of the more common misconceptions and stereotypes that neurodiverse people may experience and utilising their strength at the same time in key areas such as cybersecurity and analytics.

To conclude, I call on the Malinauskas government to commit to continuing funding to Autism SA for their diagnostic services and to ensure funding, focus and support for children is not forgotten in the rollout of the new autism strategy. Let's work together to create a world that is more inclusive, more accepting and more supportive of people with autism.

The Hon. E.S. BOURKE (17:13): I would like to thank the honourable members who spoke in favour of this motion and spoke to this motion today. I know the Hon. Tammy Franks has been incredibly supportive throughout my appointment and I really do thank her for her feedback and

guidance. I thank Angie and Frank and your family. You have been incredible. Seeing what you do at the Gold Foundation is quite remarkable, as is what you have done for the community.

I would also like to thank the Hon. Heidi Girolamo for her feedback today. I could not agree more, in that we do need to be focusing on community awareness. There are too many stereotypes about: what is autism? I want to just clarify a few things, because you are born autistic and you will pass away autistic. This is a lifelong diagnosis, and it is important that we not only focus on our children—because that is important and, as many people have highlighted today, the early diagnosis is essential in knowing who we are as individuals—but we also must provide support throughout life for people in the autistic and autism communities.

When we hear statistics that you are three times more likely to be unemployed than someone else with another disability if you are autistic, we need to be changing those statistics. We need people in the workplace, in a place where they provide dignity by having a job. We also need to look into what we are doing in schools. As the Hon. Frank Pangallo mentioned, his son, Connor, felt like he could never fit in at school just because the teachers in his school may not have had the knowledge that they needed to understand: what is autism?

I think it is really important that we do list what we have been doing as a government because it highlights a number of the concerns raised by all members here today, which all stem back to knowledge. If we do not have knowledge about what autism is, we cannot create change, nor if we are not providing that knowledge to our teachers in our classrooms and delivering on a commitment that is the largest commitment in the nation—that of creating the largest network of autism inclusion teachers. Only seven months ago there were no autism inclusion teachers in our schools and now 97 per cent of our public primary schools have an autism inclusion teacher. That is incredible—seven months.

They are going in and will be gaining the knowledge that they need to make sure that, hopefully, Connor—if he was at school in a few years' time—would not be going through the experience he went through, that there is an understanding and there is a knowledge of what autism is. We also have to make sure that we are listening to what the community wants, and that is why the strategy was so essential, and listening to the community about what should be in that strategy.

I am really happy to say to the Hon. Tammy Franks that there is a section that discusses the diagnosis process for women because it is an unknown area. Even today we are still learning so much more about what the diagnosis means for women who are autistic. I really am proud of what we have been able to achieve, and I know that the community has been fighting for a very, very long time to have their voices heard. I hope that we have been able to start that journey and start some change in our community and not only lead the nation in South Australia but hopefully we can lead the world.

Amendment negatived; motion carried.

MULTICULTURAL COMMUNITIES COUNCIL OF SOUTH AUSTRALIA

The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:18): I move:

That this council—

1. Recognises that the Multicultural Communities Council of South Australia (MCCSA) has been supporting migrant communities and people from culturally and linguistically diverse (CALD) backgrounds since it was established in 1995 but that its roots stretch back to the 1970s:
2. Acknowledges that MCCSA now represents 120 multicultural organisations and delivers a wide range of programs to increase the capacity of its member organisations and advocate for the needs and aspirations of CALD organisations, communities, and individuals;
3. Notes that MCCSA is the multicultural coordinating partner for the Department of Human Services Community Connection Program and supports people from new and emerging communities to increase their independence and build stronger social and community connections; and
4. Notes the significant positive impact that MCCSA has made towards building social cohesion and enhancing multiculturalism and interculturalism in South Australia.

It is a great honour to rise today to speak about the fantastic work of the Multicultural Communities Council of South Australia, warmly known as MCCSA. As the longest and continuously serving

Liberal member of parliament in multicultural affairs, it is a great privilege to have worked closely with MCCSA for 13 consecutive years, since 2010. This motion seeks to recognise the outstanding contributions of the team at MCCSA, including the wonderful chair, the board, its CEO, staff, volunteers and supporters who have contributed their skills, experience, time and effort to serve our diverse communities in our proud multicultural state.

As a first generation migrant I have experienced firsthand what it was like for my family and me to settle into Australia back in 1979. Trying to blend in and integrate into a new society with its own unique culture and traditions can be overwhelming for new arrivals and migrants. It is one of the reasons why the work and services offered by MCCSA are critically important for our multicultural communities.

MCCSA helps to foster a sense of belonging and connection across communities in South Australia and directly through its 125 member organisations, supporting our harmonious and rich multicultural state. As multicultural communities grow in confidence, as well as being confronted by many diverse issues and challenges, the flow-on effect of the work of MCCSA enables more and more migrants and their families to fully participate and contribute in the social, economic, cultural and political life of our state.

MCCSA has an impressive history in South Australia of supporting multicultural communities. While MCCSA has been operating since 1995, its establishment in various names and structures stretches back to the 1970s. In 1974, the Ethnic Communities Council of South Australia was established to meet the needs of increasing numbers of diverse migrants calling South Australia home. The Ethnic Communities Council expanded the services previously delivered by the Good Neighbour Council and took on an advocacy role for new arrivals. In 1995, a new phase began when the Ethnic Communities Council merged with the United Ethnic Communities of South Australia and was renamed the Multicultural Communities Council of South Australia.

In the present day, MCCSA continues to address the needs of established and emerging migrant communities. Their multicultural hub at 113 Gilbert Street is an important meeting place for many of the MCCSA members, creating treasured moments to maintain and share both within and across many different communities. I am always very grateful for the valuable discussions I have with the chair and CEO on a regular basis. At a recent meeting I had with Miriam Cocking, the wonderful chairperson at MCCSA, and also the CEO, Helena Kyriazopoulos OAM, they informed me that in 2022 the multicultural hub was used 798 times for activities, including art classes, English classes, health and wellness classes, community meetings and employment preparation and training.

Prior to the COVID period, the MCCSA facilities had average bookings of over 1,000. This demonstrated a growing need for community members to access facilities to deliver various community programs and MCCSA is advocating for the expansion of its facilities. Despite the challenges brought on by the COVID pandemic, MCCSA as an organisation, working alongside volunteers and its members, has shown tremendous resilience as it continues to find innovative ways to provide support to multicultural communities.

By way of a quick snapshot of MCCSA from their 2021-22 annual report, MCCSA delivered 36 programs and projects with 125 member organisations, participated on 31 boards and committees and have done eight submissions in advocacy work and five research projects in collaboration. As mentioned before, 798 activities were held in terms of utilising their hub. They have reached out in terms of online interactions 207,000 times. They also collaborate with various different organisations by way of 259 participations and collaborations and they are very proud to have 140 volunteers working day and night to serve the community.

MCCSA also provides extensive free online resources to their members through their *Community Voices* magazine, making sure that everyone is able to access information in a timely fashion. The Successful Communities Toolbox also helps leaders to navigate and provide vital guidance and different models to enhance governance in their respective community groups.

I would like to take a moment to thank and recognise the CEO and hardworking staff and members of the MCCSA executive committee and board for all of their hard work, passion, advocacy and expertise to provide services to the multicultural sector. I have certainly met with the team on

numerous occasions at various different events. I just want to give a shout out to MCCSA Chairperson, Miriam Cocking, to recognise her unwavering passion and dedication to MCCSA and also to the communities she has served. Miriam has served MCCSA since 1983, and as its chair since 2015. Her longstanding commitment to MCCSA is outstanding and ought to be acknowledged and congratulated.

I also want to quickly acknowledge the executive board's Dr Ian Harmstorf OAM, Deputy Chairperson; Silvio Iadarola, Treasurer; and the other committee members—Mrs Patrizia Kadis, Mr Rajendra Pandey, Mr Suren Edgar, Mr Eduardo Donoso, Ms Gosia Skalban OAM, Mr Lenard Sciancalepore and Nasir Hussain—for their wonderful support and work for MCCSA.

In my acknowledgement, I also want to specially mention the CEO. She has over 30 years of experience in the multicultural sector, and extensive board experience, Ms Helena Kyriazopoulos OAM. She currently sits on the board and also on the Council on the Ageing, Aged Rights Advocacy Service, and Mental Health Foundation Australia. She has done a tremendous job with the team of MCCSA. I want to acknowledge Helena, and also congratulate her for being awarded the Medal of the Order of Australia in the general division as part of the Queen's Birthday 2022 Honours awards for her service to the multicultural community.

I want to express my sincere gratitude to all the volunteers—140-strong volunteers working with MCCSA and using their multicultural community's network—for their time, energy and wealth of knowledge towards building social cohesion and enhancing multiculturalism and interculturalism in South Australia. With those remarks, I commend the motion.

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

AUSTRALIAN HOTELS ASSOCIATION (SOUTH AUSTRALIAN BRANCH)

The Hon. J.S. LEE (Deputy Leader of the Opposition) (17:27): I move:

That this council—

1. Recognises the Australian Hotels Association (South Australian Branch), AHA (SA), was established in 1871 and has been an integral part of SA's hospitality and tourism industry for over 150 years;
2. Notes that AHA (SA) is a peak industry organisation that represents and protects the commercial interests of hoteliers throughout South Australia, providing advice on a range of topics, including legislative changes, licensing, gaming, industrial relations, insurance, responsible gambling and community liaison;
3. Acknowledges the social and economic contributions of AHA (SA) and its members, which comprise 630 hotels in South Australia, from small country pubs to five-star hotels and resorts; and
4. Recognises the valuable work by AHA (SA) Executive Council and its Awards of Excellence program to fulfil its mission to encourage, foster and promote the pursuit of excellence in service, facilities and management practices among members for the benefit of the industry and the community of South Australia.

Today, it is a great honour to highlight the outstanding achievements and the important role of AHA (SA), which stands for Australian Hotels Association (South Australian Branch). For more than 150 years since its establishment in 1871, the AHA (SA) has played an integral role in South Australia's hospitality and tourism industry by representing and protecting the commercial interests of hoteliers throughout the state, and by developing the high standards of excellence in the tourism and hospitality sector.

As a peak industry body, AHA–SA passionately advocates for its diverse membership, from small pubs to five-star hotels and resorts across regional, rural and metropolitan areas. As the shadow minister for tourism and hospitality, it is a privilege to have worked closely with AHA (SA) over the years.

I recently had the pleasure to attend their AGM luncheon on Monday 1 May at the Playford Hotel. Mr David Basheer, the President of AHA (SA), in his speech reminded all of us that members of AHA (SA) are unsung heroes in our state. He highlighted that members of AHA continue to make remarkable social and economic contributions to the South Australian economy and our community across our metropolitan areas and regional towns.

For many young people, the hospitality and tourism industries provide them with their first jobs. Many young people have benefited from the work experience that paved the way to either keep working in the industry or equip them with skills that will take them further in other careers.

As a young teenager, I worked as a dishwasher at a local restaurant and was then promoted to the customer services team as a waitress. The money I earned as a teenager was sufficient to put me through school and university without having to ask my parents for pocket money. I developed my passion for the service industry and deeply recognised the tangible and intangible values that it brings. My personal and professional experience gained from my early days in the hospitality sector allowed me to be successful in getting my first full-time employment at the SA Travel Centre, which was a part of the SA Tourism Commission.

My previous work experience in the hospitality and tourism sector has been most enjoyable and rewarding. The transferrable skills and industry experience opened up many career opportunities and took me to a number of senior leadership positions, both in Australia and overseas. It was indeed a great honour to be appointed by the Leader of the Opposition, the Hon. David Speirs, last year as the shadow minister for tourism and hospitality. I feel that I have come full circle back to the industry in a portfolio that I am really passionate about. I am grateful to be given the opportunity to work closely once again with industry leaders, tourism champions, operators and hospitality businesses to listen to their concerns and to advocate for their issues and needs.

As we know, statistics and numbers are very important in measuring success. Adelaide University's Centre for Economic Studies research has shown that pubs and hotels employ 26,250 South Australians and contribute well in excess of $4 billion to the local economy. Mr David Basheer at the recent AGM highlighted that AHA members contributed $577 million to the state's taxation—a huge sum. It is a staggering 10.7 per cent of the total South Australian taxation revenue.

In order to demonstrate his points further, Mr Basheer mentioned that the taxes of AHA (SA) members pay the annual salary of 2,229 teachers, or equivalent to 1,689 frontline nurses. The revenue generated by the industry helps to provide essential services for the government, schools, hospitals and our community. To help its members navigate and succeed in business, AHA (SA) provides advice and keeps its members up to date on a range of topics, including legislative changes, licencing, gaming, industrial relations, insurance and responsible gambling.

Through its official publication, AHA (SA) captures the key developments of industry and highlights outstanding venues. With a proud history of engagement within the hospitality and tourism industry, AHA (SA) often takes a liaison role between its members and external agencies and government departments. This was evident with its guidance to its membership when they faced unprecedented challenges with the COVID-19 outbreak.

The support given to charities, sporting clubs and community groups by hotels in South Australia is more than $10 million per annum. On top of this, AHA (SA) members provide $750,000 each year in direct grants. Some of the 2022 recipients included SIDS, the Special Olympics, the Advertiser Foundation's assistance for Ukrainian refugees settling in Adelaide, the Sammy D Foundation, Puddle Jumpers, Kidsafe and the Breakthrough Mental Health Research Foundation.

A further $25,000 in grants were given over the past two years to the FIVEaa Undie Drive, with proceeds equally shared between Catherine House and the Hutt St Centre. David Penberthy was the emcee who hosted the AHA (SA) AGM luncheon on Monday. He praised the AHA (SA) for their remarkable generosity.

I want to quickly mention the executive council and also acknowledge their Awards of Excellence program, which recognises the hard work, persistence and commitment of the businesses and leaders in our dynamic and resilient hotel industry. As shadow minister for tourism and hospitality, it is truly inspiring to attend many AHA (SA) awards and to witness the outstanding achievements of so many great local businesses and industry leaders who are pushing well above their weight and offering exceptional products and services to their customers.

At this point, I would like to take the opportunity to acknowledge the amazing leadership and longstanding commitment of Ian Horne. Many honourable members will know that the current CEO

of AHA (SA), Ian Horne, has announced his retirement. As legislators, we have all had the opportunity to work with Ian in some shape or form at one point or another. For many of us, Ian has been the only CEO of AHA (SA) that we have ever known.

Ian Horne is a true gentleman and industry champion. I certainly have benefited greatly from his wise counsel, his profound industry and corporate knowledge, his impeccable communication and negotiation skills and his intellect and amazing ability to present his arguments in the best interests of the industry and AHA (SA). I will personally miss Ian, but I am sure he will not just disappear and will continue to influence the development of the industry, perhaps behind the scenes, in various consulting roles or in a board member capacity. Watch this space, I guess.

On Monday, Ian Horne attended his 34th AGM in an official AHA (SA) capacity as the outgoing CEO. There is no doubt that AHA (SA) members have benefited from Ian's leadership, experience and capacity to navigate new and emerging challenges in the industry with ease. His impact has been felt in tourism, training, licensing, gaming and industrial relations, and his list of achievements is long and illustrious.

Ian has developed the nation's best practice, industry-led harm minimisation measures. Through COVID, Ian's experience and capacity to work through all the complexities, where there was no playbook to call upon, saved many hoteliers and AHA (SA) members. David Basheer mentioned that Ian's greatest asset was his ability to recognise talent and assemble an outstanding team around him, which laid the most solid of foundations for AHA (SA) and the industry to continue to flourish well into the future.

Above all this, Ian has been a member of the Australian Competition and Consumer Commission's advisory committee, a board member of Crime Stoppers and the vice-chair, treasurer and board member of the Adelaide Convention and Tourism Authority. In 2006, Ian was appointed to the board of the South Australian Tourism Commission. I would like to extend my enormous thanks to Ian for his years of dedicated service to the tourism and hospitality industry and convey my very best wishes as he begins a new chapter.

As AHA (SA) is transitioning to a new era with its incoming CEO, Anna Moeller, the association marks another milestone with its first female CEO in the organisation's 153-year history. Considering that women make up 62 per cent of the hotel industry workforce, the appointment of Anna is very fitting. Anna brings to the role a wide range of experience and an extensive track record in senior management roles, including over three years as the AHA (SA)'s deputy CEO, along with leadership roles at Bendigo Bank, the Motor Trade Association and in the local government sector.

I am really thankful to have a great working relationship already with Anna, and I look forward to working with her and the leadership team at AHA (SA) as she takes on the task of growing the outstanding legacy of Ian Horne and continues to develop the hospitality and tourism industry as an important pillar in our state's economy going forward. My heartfelt congratulations to Anna as she takes up this important leadership role from 10 July 2023.

With this motion, I would also like to extend my thanks and gratitude to the AHA (SA) executive council for their years of tireless work. I would like to acknowledge AHA (SA) President, David Basheer; Vice-President, Matthew Binns; Deputy Vice-President and Accommodation Division Chairperson, Andrew Bullock; Secretary/Treasurer, Sam McInnes; and Package Liquor Stores Division Chair, Elise Fassina.

I would like to mention a few words about the current president. David Basheer is a part of hotel royalty in South Australia as we know, with the Basheer family name being a large and influential part of our state's hospitality sector for over 90 years. Through the Basheer Hotel Group, David runs three landmark properties, and many of those are probably places that we frequently visit. As a third generation hotelier and having been exposed to a diverse range of hotel and pub environments, David brings a huge wealth of experience and expertise to his role as president of AHA (SA). He is also currently the senior vice-president of the national executive team.

David Basheer is a very persuasive man. He found out I was visiting the South-East and he made me and the Hon. John Gardner stop by the Kalangadoo pub just to take a photo and pop in for

a drink. He said that I must do that if I am rightfully the shadow tourism and hospitality minister. We did that, and that particular social media post certainly went viral and was very well received.

As I mention these giant iconic people, I also want to quickly acknowledge the respected hotelier Peter Hurley, former president of AHA (SA), who served from 1994, being re-elected every year unchallenged until he decided to retire in 2017. Peter Hurley is an industry icon, and has had an illustrious career at AHA, joining the council in 1979. Besides the long-held presidency, he was also chair of various committees within the organisation including Hospitality Group Training, the largest group training scheme in South Australia.

Peter Hurley has also held the national AHA (SA) presidency twice and was made an Officer of the Order of Australia in 2016. Peter's legacy was one of great achievement in changing the face of the South Australian hotel industry. I can speak for many who have had the pleasure of knowing Peter. He is truly a wonderful gentleman, a pillar of strength with a sharp intellect, and certainly not a person you want to fight with. I am sure we all have experienced that.

The well-respected and colourful South Australian publican Peter Hurley and his wife, Jenny, are a formidable team who have run their successful Hurley Hotel Group which began with the purchase of the Wudinna Hotel on Eyre Peninsula at the age of 24, and grew the business substantially to include more than a dozen hotels across the state that employ thousands of people. With Anna, their beautiful and talented daughter as part of the family business team, the Hurley group will continue to be a strong driving force for the industry and our community.

It is a great honour today to move this motion to commend AHA (SA) for the wonderful work they do, and also rebuilding the industry as we recover. Particularly the hospitality industry was one of the hardest hit industries and the way in which they have managed themselves, the way that they have helped so many hoteliers to recover should be highly commended. With those remarks, it is a great honour today to recognise the amazing work and the champions of AHA (SA) and I commend the motion.

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

SOUTH AUSTRALIA POLICE

The Hon. R.B. MARTIN (17:44): I move:

That this council—

1. Recognises that 2023 marks the 185th year of the South Australia Police (SAPOL), making it the oldest centrally controlled police force in Australia;
2. Acknowledges the significant role SAPOL plays in protecting and reassuring individuals and communities across South Australia; and
3. Gives thanks to all past and present SAPOL officers, staff and volunteers for their service.

28 April this year marked 185 years since the establishment of the South Australian police force. Today commonly called SAPOL, it bears the distinction of being the oldest centrally controlled police force in Australia, and it is recognised as the third oldest centrally controlled police force in the world after the London and Dublin metropolitan forces. As you would expect over such a long period, SAPOL has undergone a great deal of change and advancement in every regard. From its earliest origins to the present, SAPOL's history is compelling throughout. I am pleased to have the opportunity today to touch upon some of that history.

Originally, the colony of South Australia was not intended to have a police force at all. The colonisation commissioners in London expected that criminality would be rare to non-existent amongst the free settlers of South Australia. As such, policing during the first 16 months of European settlement was undertaken by a few part-time special constables, supported as necessary by the small number of Royal Marines who were in the service of the Governor. However, amid concerns about convicts from the neighbouring colonies entering SA, and following a burglary, a murder and two attempted murders in Adelaide during March 1838, the decision was taken to establish a formal and organised police force.

It began with 10 mounted constables and 10 foot constables. With increasing arrivals of further settlers, the force did not take long to expand. In 1840, the first Commissioner of Police was

appointed, and SAPOL comprised one superintendent, two inspectors, three sergeants and 47 constables across both foot and mounted sections. Early personnel, in addition to their police work, also served in additional capacities, such as firefighting until the MFS was formed in 1867. The police operated the civil ambulance service from 1880 until it was taken over by the St John Ambulance brigade in 1954.

It does not end there. The South Australian Police Historical Society's list of miscellaneous police duties in the first 100 years mentions, among other things, responsibility for the destroyer of wild dog scalps, inspector of width of tyres, issuer of bull licences, issuer of mining licences, sheep inspector and public vaccinator. The last item reminds us that SAPOL is not new to operating in public health as a vital companion to public safety, as they did so steadfastly during the acute phases of the COVID pandemic.

In their proud history, SAPOL have been pioneers and innovators in a number of areas. To name only a few significant moments, they have included in 1880 being the first police force in Australia to adopt the use of camels for police transport, in SA's Far North and central Australia. They formed the first police band in Australia in 1884, which continues today. They introduced bicycles for metropolitan and country foot police in 1893, and they implemented Australia's first fingerprint system in 1894.

In 1915, the South Australian police force was responsible for appointing the first women police officers in the British commonwealth to be employed with equal pay and arrest authorities as their male counterparts. They also introduced in 1987 an Australian first, the videotaping of 'suspect person' interviews, and they were the first Australian policing jurisdiction to appoint a woman to a tactical response group, Senior Sergeant Jane Kluzek, who was appointed to STAR Group in 1999.

The story of SAPOL in many ways reflects the story of South Australia. We are a jurisdiction with a history of pioneering opportunities for women and a history of innovation and of embracing technological and scientific advancement. That our police force has shared these attributes is a testament to SAPOL's connection to our community.

We must never forget nor underestimate the vital work that South Australian police officers do to keep that community safe. Every day, SA police officers are out there putting the interests and the safety of the people of South Australia first. This was clearly on display yesterday when we heard of the horrific incident in Crystal Brook where two police officers were savagely attacked and sustained serious knife wounds while on duty. I am sure I speak on behalf of all of us in the chamber today when I say our thoughts are with the two police officers involved and we pass on our best wishes for a speedy recovery.

The Malinauskas government recognises the essential role our state's police force plays in maintaining and enhancing community safety and wellbeing. Our strong support of our hardworking police and protective security officers is underpinned by policy and legislative initiatives that we have delivered since taking office last year. We have allocated $6.5 million in last year's budget to fund 1,500 new multipurpose load-bearing vests to help protect frontline SAPOL officers and protective security officers carrying out their duties.

We have acted to ensure our police have more tools to combat dangerous and inattentive driving on our roads and we have taken measures to ensure SAPOL can more effectively monitor the movements of bushfire offenders during the fire danger season.

We have boosted funding to support the work of Operation Ironside, SAPOL's Serious and Organised Crime Branch and, very importantly, we have fulfilled our commitment to establish the Premier's Taskforce, which will make recommendations on police resourcing and numbers over the next 10 to 15 years. We recognise the importance of an appropriately resourced police force, both in safeguarding our community and in ensuring suitable and safe conditions for our police and protective officers.

It is my pleasure to commend and celebrate 185 years of operation of South Australia Police and we look forward to continuing to work with SAPOL in the future to ensure strength and safety for the hardworking people of our police force and great outcomes for our community. I commend the motion.

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

INTERNATIONAL NURSES DAY

The Hon. R.B. MARTIN (17:51): I move:

That this council—

1. Recognises that 12 May 2023 is International Nurses Day;
2. Observes that the theme for the 2023 International Nurses Day is 'Our nurses. Our future.'; and
3. Acknowledges that nurses are integral to the healthcare system and commends all nurses and nursing staff for their commitment, dedication and tireless efforts to maintain public health.

International Nurses Day is celebrated each year on 12 May: the anniversary of the birth of Florence Nightingale. Although every nurse is surely a hero in the stories of the patients whose lives they touch, Florence Nightingale stands out as a particularly well-known figure whose influence has helped to shape the modern profession of nursing, as well as drive significant reforms in sanitation and hygiene practices, hospital planning, administrative autonomy for nurses and many other areas of medicine.

Not only that—one of the most interesting things I learned in my first year of maths at university was that Florence Nightingale was also a talented mathematician and statistician. She was a highly influential pioneer in the visual representation of data and is credited with bringing several models of graphs into popular use, including one we are all familiar with today: the pie chart.

For those reasons and others, Florence Nightingale's legacy is well worth celebrating, so what better day of the year than 12 May to mark International Nurses Day, recognising the crucial role that nurses play in the health and wellbeing of our society.

Probably like every person whose primary occupation is nursing, Florence Nightingale was a well-rounded person who accomplished many things. She chose to pursue a career in nursing—indeed, she did so against the preference of her very wealthy and well-connected family—because she was passionate about public health and passionate about caring for people.

I would expect that must be something that every nurse has in common: a high level of care and compassion for all people. It is easy to speak glowingly and at length about how wonderful nurses are and about all the good they do for our community, most particularly the vulnerable people within it: our babies and children, the chronically ill, and our elderly.

When we need them, nurses are always there. At our scary moments, at our difficult moments and, often, at our final moments. I think many South Australians would agree that nurses are the lifeblood of our health system. What may be considered less often is how physically and psychologically demanding it can be to work in nursing, especially in acute and emergency care settings. The hours of work can be gruelling. The sacrifices of time with family, the disruption to sleep and the difficulties of managing life as a shiftworker can take a significant toll.

Like many workers in client-facing roles—or in this case, patient-facing roles—they can be subjected to aggressive behaviour and occasionally violence and, quite rightly, these should be considered abhorrent. Security arrangements are being reviewed at a regional hospital after a recent incident, in fact. More broadly, the safety of nurses is certainly on the radar of this government, because every South Australian worker deserves a safe workplace.

Nurses are called upon to work through any and every circumstance, no matter what is happening in the world around them. The past three years have been a particularly hard time in which to be a worker in the healthcare sector and certainly this also applies to nursing.

Nurses around the world are one of the groups of workers who did it toughest during the worst phases of the pandemic—working amid conditions which were distressing and difficult. Nurses during this period put their own health and that of their loved ones at risk to continue supporting patients at the most critical times.

The International Council of Nurses has determined that the theme of International Nurses Day for 2023 is 'Our nurses. Our future.' They explain that this theme urges us to learn the lessons

of the pandemic and translate them into actions for the future to ensure nurses are protected, respected and valued.

The Malinauskas government has been working hard to embed that respect into the policies we took to the election last year and have been delivering on since, including a well-deserved pay rise in the new enterprise bargaining agreement, doubling the number of graduate nurses joining our hospitals this year, and working to boost nurse numbers in our health workforce.

South Australian nurses are the beneficiaries of the dedicated representation and advocacy of the Australian Nursing and Midwifery Federation. Their recent and ongoing campaigns have seen the ANMF standing up strongly in the media and in the community on behalf of their members, fighting for good outcomes for some of our state's hardest working professionals.

I acknowledge and commend Elizabeth Dabars, the CEO, and the ANMF leadership team and staff for all that they do on behalf of their members. This government looks forward to continuing to work with the ANMF on the matters now before us and those that lie ahead of us.

Finally, to all the nurses in South Australia, I sincerely commend and thank you for everything you do for our community. We are so grateful for every person who chooses to work as a nurse across our health system—in our public hospitals, our private hospitals, our aged and residential care facilities, our general practice clinics, our community health services, our schools, and, in fact, everything in between.

For the three years remaining in this term of our government Labor intends to demonstrate in all our efforts the level of esteem in which we hold both your profession and your professionalism. I commend this motion.

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

DUNSTAN, HON. D.A.

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

That this council—

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

(Continued from 23 March 2023.)

The Hon. T.A. FRANKS (17:56): I rise in support of this motion and thank the Hon. Reggie Martin for placing it before this place for noting. Don Dunstan recognised the importance of the unique history of our state of South Australia. Once considered a 'paradise of dissent' the South Australia that Dunstan found himself leading, however, no longer felt radical. There was atrophy, and Dunstan recognised the opportunity to restore that vital sense of difference to our state of South Australia. He positioned himself as the antithesis of the conservative, musty establishment that had led South Australia down a path of stagnation.

The list of achievements from the Dunstan decade is long. It stands in contrast to his predecessors and is looked on with admiration by those of us who have come since. Dunstan showed us what a small state can do with the drive to see change and the window of opportunity to make that change happen. He was a strong advocate for the rights of artists and cultural workers, and he introduced a number of institutions and measures to foster the arts in South Australia.

Dunstan grew up in the arts. He worked as a part-time actor, performing on ABC radio. The Dunstan years saw a sevenfold increase in arts funding. This significant, focused funding for the arts led to longstanding benefits for our state. The South Australian Film Corporation was established, the beautiful Carclew House was purchased and saved from demolition and named a performing arts centre for young people, and we know that this all continues today.

The State Theatre Company was established by Dunstan, and it is apt that the chief performance space of the company is the Dunstan Playhouse, named in recognition of

Don Dunstan's work in championing the arts. Indeed, as a young South Australian at one of my first ever State Theatre Company plays that I attended, no doubt on a concession ticket for young people, I was seated behind Don Dunstan himself, and I thought, 'What a great state this is where a 20 or so year old can get a cheap ticket to the theatre and end up sitting behind a former Premier.'

Dunstan's love of food is well known. You can still find copies of his cookbook floating around. Aside from giving us some genuinely good recipes, Dunstan also pushed for the establishment of the Regency Park Catering School. The appreciation of dining culture that this institution fostered is still seen in the cafe culture that we enjoy today. Dunstan lamented the fact that 'it was well-nigh impossible to find an eating place open in Adelaide after 7pm, other than street-carts selling meat pies and pea soup'.

Dunstan saw the potential of a robust dining culture and knew that in order to achieve this, liquor licensing laws would need to adapt to allow for restaurants to be fully licensed and allowed to stay open past 6pm. The changes made following the Sangster royal commission into liquor licensing opened the doors to the Mediterranean style of outdoor dining and nightlife that we continue to enjoy today.

Dunstan fought to advance the democratic voice. His One Vote, One Value campaign to beat out the pervasive Playmander reduced malapportionment and allowed South Australians to be better represented when they voted. To Dunstan, the state was an essential means of achieving social justice. The Dunstan era was a strong example of how the democratic process can confront those with vested interests, interests which are dedicated to inhibiting progressive reform.

Today, we must still advance that same democratic voice, a voice driven not by the market, and definitely not one driven by corporate interests, but by the needs of the people. On that, while Don Dunstan was one man and that one man should rightly be celebrated, the voice and vote of one man or one woman or one person does not create change; majorities change policies and it is people power that will continue to create progressive change.

We must also take the time today to recognise the South Australians who listened, who questioned their understandings and perhaps reconsidered their positions and support of the reforms that continue to benefit us today. Indeed, he was not just a moment, he was a movement and this movement continues in our parliament. With that, the Greens commend the motion.

The Hon. R.B. MARTIN (18:01): I would like to thank everybody who has made a contribution to this motion. I do apologise that I was not here for the first round due to illness, but I can assure those members that I have read the *Hansard* and appreciate all the wonderful things you said about such a great man as Don Dunstan. It was fortuitous that I was not available to conclude the debate back then because it allowed the Hon. Tammy Franks to speak on this motion today, so thank you for your contribution today.

Don Dunstan was clearly a big personality and has made an enormous impact on South Australia. There will be very few people who could be said to have made a bigger impact than him. So many of us enjoy the lifestyle that we have in South Australia, a lot of it due to the reforms that came from Don Dunstan and the Don Dunstan years. Once again, I thank everyone who made a contribution and I commend this motion.

Motion carried.

Bills

RAIL SAFETY NATIONAL LAW (SOUTH AUSTRALIA) (FEES) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (18:03): I move:

That this bill be now read a second time.

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

Leave granted.

I rise to introduce the Rail Safety National Law (South Australia) (Fees) Amendment Bill 2023. This Bill amends the Rail Safety National Law which is contained in the Schedule to the *Rail Safety National Law (South Australia) Act 2012*. The amendments to the Rail Safety National Law will allow the Office of the National Rail Safety Regulator to be funded by way of a new cost recovery model.

The new model will operate nationally, will minimise cross-subsidisation across the various rail sectors, will apply full cost recovery to commercial rail transport operators and will be based on risk and regulatory effort.

South Australia is the lead legislator for the Rail Safety National Law. This means that if the Bill passes this Parliament and commences operation, it will apply in all States and Territories, except for Western Australia. The amendments will not apply in Western Australia until they are adopted there by way of mirror legislation, or until Western Australia moves to the application model that applies in the other States and Territories.

As South Australia is the lead legislator for the National Law, the Office of Parliamentary Counsel drafted the Bill on behalf of the Australasian Parliamentary Counsel's Committee. The draft Bill was approved late last year by the responsible Minsters of the Infrastructure and Transport Ministers' Meeting through out-of-session voting. I note that Victoria abstained from voting as it was in caretaker at the time.

In 2011, the Council of Australian Governments entered into intergovernmental agreements that, among other things, provided that the national regulators for rail safety, heavy vehicles and commercial vessel safety would move to full cost recovery from the industries being regulated. Currently, four Australian jurisdictions (not including South Australia) are not operating at full cost recovery in relation to rail safety. In the current financial year these jurisdictions were required to contribute a total of more than ten million dollars of funding towards the cost of regulating commercial operators. These jurisdictions will no longer be required to provide this funding once the new cost recovery model commences operation.

The new model will see a significant change to the method used for calculating annual fees for rail transport operators to be paid to the ONRSR. Currently, an accredited operator is required to pay a fixed annual fee of fifteen thousand dollars as well as a variable annual fee that is based on track kilometres managed, track kilometres travelled or both.

Under the new model, an accredited operator will pay an annual fee that is based on the operator's risk profile and the regulatory effort required from the ONRSR to oversee the operator. A tool has been developed to determine the risk profile of an operator. The main factors considered by the tool are inherent risk, management and control and safety performance. Once operators have been assigned a risk profile score, they will be ranked from highest to lowest.

The new model will pull together the risk profile scores, and data on regulatory effort collected by the ONRSR, and group commercial operators into six cost recovery tiers. The tier amounts will be set out in the Rail Safety National Law National Regulations 2012 (National Regulations). The operators allocated to tier one will be those that have the highest risk profile and attract the most regulatory effort. The operators in tier one will pay the highest annual fee, while the operators in tier six will pay the lowest annual fee. Operators will have the ability to appeal if they believe they have been allocated to an inappropriate cost recovery tier.

There are three types of railway operations that will not be included in the six-tier cost recovery model as they will be subject to other costing arrangements.

The first type of railway operations that will be subject to other costing arrangements is railway operations carried out by the tourist and heritage sector. Currently, accredited tourist and heritage operators are charged a reduced annual fixed fee of two thousand dollars, as well as the variable annual fee. For most tourist and heritage operators, these fees are paid by governments as a community service obligation. However, these fees cover very little of the regulatory effort the sector attracts.

At the May 2021 Infrastructure and Transport Ministers' Meeting, responsible Ministers agreed to fund a total of 4.9 million dollars per annum towards the cost of regulating the tourist and heritage sector. As a result of this decision, the Bill will remove the requirement for tourist and heritage operators to pay annual accreditation or registration fees.

The second type of railway operations that will be subject to other costing arrangements is less complex railway operations. The National Regulations will be amended to enable an accredited person to apply to the ONRSR for a determination that their operations are less complex and therefore require less oversight. The eligibility criteria will be set out in the amended National Regulations. Under the amended National Regulations, these operators will be required to pay an annual accreditation fee of twenty thousand dollars, which is higher than the current average accreditation fee but is considerably lower than the fee they would be required to pay if they were included in one of the lower levels of the six-tier cost recovery model.

The final type of railway operations that will be subject to other costing arrangements is railway operations undertaken by the rail infrastructure managers of private sidings. A private siding is a low-speed section of track distinct

from a running line, used for stabling, storing, loading or unloading of carriages, for example. As such, they also require less regulatory oversight.

Under the National Law, these operators are only required to be registered, not accredited. Under the amended Regulations, the annual fee for registration will be five thousand five hundred dollars, which is a much lower fee than those that will be payable under the six-tier model. In addition, the Bill will amend the definition of the term *private siding* to enable the rail infrastructure managers of some freight terminals to be registered instead of accredited. This will benefit these operators, as they will be subject to the lower annual registration fee.

Application fees for all new operations will be adjusted and will also sit outside the tier structure.

The Bill will insert three new sections into the National Law to enable annual increases in fee amounts to occur through an indexation methodology that is based on movements in the consumer price index and will be set out in the amended National Regulations. The Bill will require the annual adjusted fees to be published in the South Australian Government Gazette, on the ONRSR's website and in any other manner determined by the National Rail Safety Regulator. These amendments to the National Law will, over time, create benefits by reducing the need to amend the National Regulations to make annual fee adjustments.

The ONRSR has consulted widely with industry on the new cost recovery model and the associated changes I have just outlined, and there is an expectation among industry across Australia that the changes will operate from 1 July 2023. Consequently, I seek the support of Members to progress the Bill through the House as expeditiously as possible. I also seek leave to have the Explanation of Clauses inserted into Hansard without my reading it.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provision

These clauses are formal.

Part 2—Amendment of Rail Safety National Law

4—Amendment of section 4—Interpretation

This clause amends the definition of *private siding* to remove the reference to a freight terminal from the list of things that are excluded from being private sidings. This allows freight terminals to be private sidings.

5—Amendment of section 42—National Rail Safety Register

This clause amends the list of matters that are required to be included on the National Rail Safety Register to include a list of those rail transport operators that are determined by the Regulator to be tourist and heritage railway operators. This amendment is consequential on proposed sections 76(1a) and 95(1a) of the Law (which provide that such operators are to be exempt from the payment of annual accreditation and registration fees).

6—Amendment of section 68—Application for variation of accreditation

This amendment removes the requirement for an application for a variation of accreditation to be accompanied by an application fee.

7—Amendment of section 76—Annual fees

This provision amends section 76 to provide that annual accreditation fees will not be payable by accredited persons determined by the Regulator to be tourist and heritage railway operators, as recorded on the National Rail Safety Register, or by any other accredited persons or class of accredited persons prescribed by the national regulations.

8—Insertion of section 76A

This clause inserts proposed new section 76A.

76A—Increase in fee amounts

This clause provides that the national regulations may prescribe a method by which fees payable under Part 3 Division 4 (Accreditation) of the Law may be increased each year. Any such fee increased pursuant to the prescribed method must be published by the Regulator, before 1 July of the financial year in respect of which the fee is to apply, in the South Australian Government Gazette and on the website of the Office of the National Rail Safety Regulator.

9—Amendment of section 87—Application for variation of registration

This amendment removes the requirement for an application for a variation of registration in respect of a private siding to be accompanied by an application fee.

10—Amendment of section 95—Annual fees

This provision amends section 95 to provide that annual registration fees will not be payable by registered persons determined by the Regulator to be tourist and heritage railway operators, as recorded on the National Rail Safety Register, or any other registered persons or class of registered persons prescribed by the national regulations.

11—Insertion of section 95A

This clause inserts proposed new section 95A.

95A—Increase in fee amounts

This clause provides that the national regulations may prescribe a method by which fees payable under Part 3 Division 5 (Registration of rail infrastructure managers of private sidings) of the Law may be increased each year. Any such fee increased pursuant to the prescribed method must be published by the Regulator, before 1 July of the financial year in respect of which the fee is to apply, in the South Australian Government Gazette and on the website of the Office of the National Rail Safety Regulator.

12—Amendment of heading to Part 6 Division 2 Subdivision 6

This clause amends the heading to Part 6 Division 2 Subdivision 6 and is consequential on the insertion of proposed section 214AA.

13—Insertion of section 214AA

This clause inserts proposed new section 214AA.

214AA—Increase in fee amounts

This clause provides that the national regulations may prescribe a method by which fees payable under Part 6 Division 2 (Exemptions granted by Regulator) of the Law may be increased each year. Any such fee increased pursuant to the prescribed method must be published by the Regulator, before 1 July of the financial year in respect of which the fee is to apply, in the South Australian Government Gazette and on the website of the Office of the National Rail Safety Regulator.

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

At 18:03 the council adjourned until Tuesday 16 May 2023 at 14:15.