

LEGISLATIVE COUNCIL**Tuesday, 16 May 2023**

The PRESIDENT (Hon. T.J. Stephens) took the chair at 14:15 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

CORONATION OF KING CHARLES III AND QUEEN CAMILLA

The Governor informs the Legislative Council that in the course of her official visit to the United Kingdom to attend the coronation of Their Majesties King Charles III and Queen Camilla at Westminster Abbey on 6 May 2023, she presented her respectful congratulations and best wishes to His Majesty The King on behalf of South Australia.

PAPERS

The following papers were laid on the table:

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

South Australian-Victorian Border Groundwaters Agreement Review Committee—Report,
2020-21

Reports 2021-22—

Murray Darling Basin Authority

South Australian Skills Commission

Regulations under Acts—

First Nations Voice Act 2023—General

Health Practitioner Regulation National Law (South Australia) Act 2010—

Amendment of Law

Annual Water Security Update 2023

Monitoring the Performance of the South Australian health system 2018-19 to 2021-22

SA Health's Response to the Coroner's Finding of 26 October 2022 into the Death of

Virginia Anne Weekes and Craig Malcolm Files

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

Regulations under Acts—

Freedom of Information Act 1991—General—First Nations Voice Principal Officer

Victims of Crime Act 2001—Statutory Compensation—Application Requirements

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

Regulations under Acts—

Motor Vehicles Act 1959—Written-off Vehicles

Road Traffic Act 1961—Miscellaneous—Form 7

Department for Correctional Services Report on Actions taken Following the Tabling of

Official Visitor Annual Reports 2022

Ministerial Statement

JOHNS, MR K.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:20): I table a copy of a ministerial statement relating to the

passing of Keith Johns OAM made earlier today in another place by my colleague the Minister for Energy and Mining.

Parliamentary Procedure

ANSWERS TABLED

The PRESIDENT: I direct that the written answers to questions be distributed and printed in *Hansard*.

Question Time

SA HEALTH FOCUS WEEK

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:28): I seek leave to make a brief explanation before addressing a question to the Attorney-General in his capacity as Leader of the Government in this place regarding the government's election promises.

Leave granted.

The Hon. N.J. CENTOFANTI: Announced in the media two weeks ago, it was stated that the purpose of Focus Week is—and I quote SA Health CEO, Dr Robyn Lawrence—'to make sure our patients get the right care, in the right place, at the right time, 100 per cent of the time'. Yesterday was day one of Focus Week and yet last night all metropolitan hospitals were in a Code White, meaning the entire health system was over capacity. My two questions to the Leader of the Government in this place are:

1. Is Focus Week achieving its aims?
2. How will this fulfil his government's election promise to 'fix ramping in South Australia'?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:29): I thank the honourable member for her questions and I will refer them to the health minister in another place, who is doing an extraordinarily good job.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: I've got to say—

The Hon. N.J. Centofanti interjecting:

The PRESIDENT: Order, the honourable Leader of the Opposition!

The Hon. K.J. MAHER: I've got to say that we see a marked difference between this opposition and the Liberal opposition we saw when Labor was last in government. Ministers would often sit here wondering what sorts of questions the heavyweights, like the Hon. David Ridgway, would stump us with and throw at us. What we see from this opposition one year in, one single year into opposition, is that they have run out of questions and they copy what they ask in the lower house. They are a carbon copy of the questions in the lower house to the health minister, the one responsible. They've got nothing to say, nothing new to add and, after one short year in opposition, they are just copying questions that were asked 15 minutes ago in the lower house, without any thought to their own questions.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: If it goes like the last time they were in opposition, it is going to be a long 16 years.

Members interjecting:

The PRESIDENT: I am concerned about you, the Hon. Mr Wortley, for many reasons. The Leader of the Opposition, your second question.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Girolamo!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Attorney!

The Hon. N.J. Centofanti: How about you fix ramping?

The PRESIDENT: Order! The honourable Leader of the Opposition, ask your second question, please.

CROSS BORDER COMMISSIONER

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:31): I seek leave to give a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on the Cross Border Commissioner.

Leave granted.

The Hon. N.J. CENTOFANTI: On 8 December last year, the minister announced the appointment of Liz McKinnon as the state's first Cross Border Commissioner. Five months on, can the minister update the council on:

1. How many times the minister has met with the Cross Border Commissioner since her appointment was announced?
2. When will the commissioner's role commence, and does she have an office?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:31): I thank the honourable member for her question. It is certainly a great pleasure to be able to talk about the fulfillment of one more of the Malinauskas Labor government's election commitments, which included the establishment of a Cross Border Commissioner. The honourable member is correct in that, early in December 2022, Liz McKinnon was announced as the state's first Cross Border Commissioner. She is based in Mount Gambier, and the commissioner will travel and visit all border communities to assist, identify opportunities and facilitate collaboration to enhance regional and economic development outcomes.

The commissioner will also work with other jurisdictions, in particular New South Wales and Victoria, as both those jurisdictions not only border South Australia but also have cross-border commissioners of their own. It is a requirement of the commissioner to develop an annual work plan and report on operations during the previous financial year, and as the responsible minister I will at the appropriate time present a copy of the report to both houses of parliament.

The commissioner's appointment commenced on 3 April 2023. It is a three-year term, so it will conclude on 2 April 2026. In terms of how often I have met with Liz McKinnon, certainly prior to her commencing in the role I met with her a number of times, particularly in her then role, which was in regard to the Forestry Centre for Excellence. Since she commenced I have had one formal meeting with her in Mount Gambier a couple of weeks ago, where we discussed at a high level the priorities going forward. That, of course, includes things such as identifying opportunities and facilitating collaboration to enhance regional and economic development outcomes.

CROSS BORDER COMMISSIONER

The Hon. T.A. FRANKS (14:33): Supplementary: when will the commissioner visit the APY lands and will she require a permit?

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 and her ongoing interest in the APY lands. I don't think we discussed it at our recent meeting, but I know it is on the agenda for the Cross Border Commissioner. She has already visited various parts of the South Australian-Victorian border, and she does want to visit all border-affected communities as soon as is practicable.

CROSS BORDER COMMISSIONER

The Hon. T.A. FRANKS (14:34): Supplementary: will the commissioner require a permit to visit the APY lands?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): My understanding is she would have the usual requirements that anyone else would.

The Hon. T.A. Franks: Not everyone does require—that's the point of the question.

The PRESIDENT: Order!

CROSS BORDER COMMISSIONER

The Hon. B.R. HOOD (14:34): Supplementary: when will the commissioner start formally consulting with cross-border communities?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34): The commissioner has already been having meetings with various stakeholders. I know she travelled to the Riverland soon after commencing and I know, indeed, that she has met with the honourable member who has asked the supplementary question, the Hon. Mr Ben Hood. She is already consulting with the communities, and I know that she is very keen to continue that in a very active way indeed.

CROSS BORDER COMMISSIONER

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:35): Supplementary: does the commissioner have an office?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:35): Currently, the commissioner is working out of the PIRSA premises in Krummel Street in Mount Gambier—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —which obviously is an office. In terms of her more permanent location, PIRSA has been looking at different options. Members might be aware there is quite a tight commercial market in Mount Gambier at the moment in terms of commercial properties and we need to find something that is accessible, both from a disability point of view and also for the general community, and that it is fit for purpose. There was one property that had gone a reasonable way down the pathway of investigation and negotiation, but it proved to be that the repairs required to bring it up to standard made it inappropriate and so the search for a more permanent location is continuing.

The Hon. R.A. Simms: Good luck finding somewhere to rent.

The Hon. C.M. SCRIVEN: Well, it's commercial.

The PRESIDENT: Order, the Hon. Mr Simms!

CENTRE FOR INVASIVE SPECIES SOLUTIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36): My question is to the Minister for Primary Industries regarding the Centre for Invasive Species Solutions. Can the minister tell this chamber how many programs within South Australia, run by the Centre for Invasive Species Solutions, will be cut next financial year as a result of the loss of recurrent government funding?

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 do recall writing to the federal minister earlier in the year, if I recall correctly, in support of funding for the invasive species centre. I haven't had any update since the federal budget in terms of what the impact will be in specific programs. I can certainly seek some additional information and see if that is available and, if so, bring it back. But of course, as the member would be aware, that's commonwealth

funding rather than state, but if there is additional information that I can provide to the chamber, I will do so.

CENTRE FOR INVASIVE SPECIES SOLUTIONS

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:37): Supplementary.

The PRESIDENT: I will listen to it.

The Hon. N.J. CENTOFANTI: Has the minister received a reply from her federal colleague since her letter of support?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37): I am happy to take that on notice and check and bring back a response.

SOUTH AUSTRALIAN ABORIGINAL BUILDING AND CIVIL CONSTRUCTION ACADEMY

The Hon. R.B. MARTIN (14:37): My question is to the Minister for Aboriginal Affairs. Will the minister please inform the council about the launch of the South Australian Aboriginal Building and Civil Construction Academy held on 29 March?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:38): I would be most happy to, and I thank the honourable member for his question and his interest in this area. I had the privilege to attend the launch of the South Australian Aboriginal Building and Civil Construction Academy in Port Adelaide recently. I would like to acknowledge the attendance of a number of my parliamentary colleagues: the Hon. Tom Koutsantonis, the Hon. Joe Szakacs and the Hon. Tung Ngo, who were in attendance at the time.

The purpose of the event was to explore how the academy can support South Australian businesses pre-tender and in project delivery across the state, as well as highlight the academy's model in successfully engaging Aboriginal workforces. At all government levels, as well as in the private sector, there has been an increase in investment being provided to make sure that there is an increase in the procurement of Aboriginal employment, particularly in large-scale projects. This is particularly evident through the development and the implementation of the Indigenous Procurement Policy.

As many are aware, Aboriginal people have historically experienced high levels of unemployment and underemployment, which has resulted in economic disempowerment and social disadvantage. Employment opportunities such as those launched at the academy will provide Aboriginal people with financial stability, allowing for improvement in their standard of living and gaining greater control over their lives. By having access to secure, ongoing, well-paid employment, there is also the opportunity to develop skills, experience and networks that can enhance career development and income.

The establishment of this academy was to positively address these issues and has been a significant undertaking over the last 12 months. An important development component of the academy was a collaboration with leading industry experts, industry advocates, traditional owners and Aboriginal and non-Aboriginal business leaders. The key focus of the academy, through industry partnerships, is to provide an integrated approach to deliver a culturally inclusive work environment with high training standards which will not only benefit Aboriginal workforces but, equally, the employer.

The academy model is underpinned by seven components: vocational support underpinned by connections to a range of additional services in health and wellness; supporting Aboriginal jobseekers into stronger socio-economic participation, both individually and as a community; place-based implementation services; appropriate mentoring services; improvement of the job-seeking experience; efficiency through a physical, centralised, and coordinated service point that is accepted by community; and a demand-driven service approach.

It was a privilege to attend the event and I would like to congratulate all who were involved in getting the academy up to this point. I am excited to see the impact this academy will have on Aboriginal people and within the building and civil construction industry.

JENKINS, MRS A.

The Hon. F. PANGALLO (14:41): I seek leave to make a brief explanation before asking the Attorney-General a question about the suspected abduction and murder of Adelaide grandmother, Anna Jenkins, in Penang, Malaysia, in December 2017.

Leave granted.

The Hon. F. PANGALLO: I was in Penang last Friday, supporting Anna's son, Greg, and his family as the coroner there declared an open finding into Anna's death after a drawn-out and farcical inquest, if you could even call it that. *The Sydney Morning Herald* put it succinctly in its coverage, and I quote the headline: 'Anna's family has been seeking answers for six years. In three minutes, a judge told them there were none.' In a three-minute summary on Friday, Judge Hamzah said in part:

Taking into account of all information and testimony we have received, the coroner's court is unable to determine the real cause of death, and we can't say if there is third-party involved...we can't say if there is a criminal element in this matter, or there is no criminal element at all.

In other words, nothing to see, and worse still, nothing about the bungled police investigation. Adding further insult to their pain, Penang's DPP also pressured Mr Jenkins to immediately collect the remaining possessions belonging to his mother from police custody. Such was the apathy from Penang police that it was Mr Jenkins who investigated his mother's disappearance and then discovered her few skeletal remains over 40 trips, which cost almost \$400,000.

On Mother's Day, I received a heartbreaking message from Greg Jenkins in Penang. He had returned to the construction site where some of his mum's remains were found, and he was looking for more. The family is devastated and offended by the lack of justice and procedural fairness they have received in Malaysia.

Last year, I wrote to the Attorney asking him to refer the matter to our own Coroner to consider undertaking an inquest here. He advised that he had written, along with my correspondence, to the Coroner seeking advice. My question to the Attorney is:

1. What was the Coroner's initial response?
2. Given the unacceptable and inconclusive findings of the Malaysian inquest, will he now seek updated advice from the Coroner and request him to undertake a proper investigation, as covered in the Coroners Act, given Mrs Jenkins was a South Australian citizen?
3. Should victims of crime here be eligible for funding to help recover legal costs from the Victims of Crime Fund, regardless of where the crime against one of our citizens was committed in a foreign country?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:44): I thank the honourable member for his question and his advocacy and support of the family in this matter. I was able to meet with the children of Anna Jenkins only a few weeks ago and was able to make representations on their behalf when they were having trouble getting information that would enable them to make final submissions to the coronial hearing in Malaysia.

I was struck, as I am sure the Hon. Frank Pangallo has been, by the tenacity, particularly of Greg Jenkins, who has stopped at nothing to try to uncover what happened to his mother. It's a completely understandable but very admirable way Greg has conducted the many trips to Malaysia, the many efforts in dealing with authorities. As Greg explained to me, it hasn't been an easy journey.

In relation to matters for the South Australian Coroner, I have written to the Coroner in South Australia and have passed on the requests made by the honourable member. I will have to follow up as to what advice has been provided back. I also will pass on the comments that have been made here today in light of the findings that have been handed down by the coroner in Malaysia.

The issue of victims of crime funding applying extraterritorially is something that has been raised, and we are looking into it. I am not going to be able to give an undertaking that victims of crime funds will necessarily be able to be used for such a purpose, but it is something I have been asked before and we are looking into.

FIRST NATIONS ARTWORKS PROVENANCE

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:46): I seek leave to make a brief explanation before asking a question of the Minister for Aboriginal Affairs about Aboriginal affairs.

Leave granted.

The Hon. J.S. LEE: Reports of non-Indigenous studio staff painting significant sections of Indigenous artworks at the Tjala Arts centre in the APY lands has raised serious concerns in the community. This matter is having detrimental impacts and reputational damage on the arts community and it has seen a decrease in sales of Indigenous art over questions of authenticity. This is also impacting on the livelihoods of genuine Indigenous artists. My questions to the minister are:

1. Is the minister concerned about this serious matter?
2. What measures have been put in place by the minister to safeguard the authenticity of Aboriginal artwork?
3. Has the Minister for Aboriginal Affairs met with or discussed with management of the Tjala Arts centre and the impacted Indigenous artists about their concerns?
4. Has the minister received any departmental briefings on this matter and, if so, when and what has been recommended?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:47): I thank the member for her question and her interest in this area. Certainly, there have been many articles in a number of media organisations, principally *The Australian* newspaper, that have looked at issues concerning the Anangu Pitjantjatjara Yankunytjatjara arts collective and practices, which many people will be familiar with from media reports.

I have discussed these matters at some length with a number of arts centres across the APY lands and artists have made representations to me in Adelaide with a very wide range of views. I have discussed it, when I had the opportunity, with my colleague the Northern Territory Minister for Arts, who is also the Northern Territory Attorney-General.

It is fair to say there is a concern about the impact that this has on the wider Aboriginal arts sector, particularly the Central Desert region, of which the APY ACC represents a number of centres. It might be seven or nine individual arts centres in the Western Desert area, with the majority from across the APY lands, that are represented by the APY ACC. I know that there was an exhibition that was due to open sometime in the start of June, Ngura Pulka (or big or epic country) at the National Gallery of Australia in Canberra.

I know that the National Gallery has instituted a review, looking at the 20-something artworks that I think were due to be opened there in relation to some of the issues that have been raised about the provenance and the incidence of non-Anangu artists being involved in the production of artworks. I have had a number of discussions with my colleague who has responsibility directly for the area of arts in South Australia, the Hon. Andrea Michaels, the member for Enfield and Minister for Arts.

I know that the Hon. Andrea Michaels has been working with her counterparts the Hon. Chansey Paech, who I mentioned before, the NT arts minister, as well as the Hon. Tony Burke, the federal arts minister. I believe there were statements made earlier today that there will be, with the Northern Territory and the commonwealth government, a joint investigation having a look between the SA, NT and federal government at the allegations that have been raised in relation to this.

So in answer to the honourable member's questions, yes, there have been quite a number of representations that have been made to me as the South Australian Aboriginal affairs minister. I

have had quite a large range of discussions, particularly with Anangu artists, arts centres, those involved in the area and other ministers who are responsible for the arts.

FIRST NATIONS ARTWORKS PROVENANCE

The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:50): Supplementary: can the minister indicate when the review will be completed and whether a report will be presented to parliament?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:50): I thank the honourable member for her question. As I understand it, there was commentary made this morning that there will be such a review. My understanding is that terms of reference, members of that review committee or how it will be conducted have not yet been settled.

AGRIFUTURES RURAL WOMEN'S AWARD

The Hon. I. PNEVMATIKOS (14:50): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber about the recent announcement of the 2023 SA AgriFutures Rural Women's Award winner?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:51): I thank the honourable member for her question. Last week, I had the pleasure of attending the 2023 SA AgriFutures Rural Women's Award announcement event at SkyCity here in Adelaide. It was truly a wonderful evening, celebrating five outstanding rural women.

It was a great chance to catch up with some of the previous years' finalist alumni, who continue to show how valuable the AgriFutures program is as they go from strength to strength across a whole range of industries, projects and regions; none more so than the 2022 winner, Robyn Verrall, who not only had a great year as the reigning award winner and in continuing her work on her important project Kere to Country, she was also the emcee for this year's awards. Robyn, you did a fantastic job.

I know this is often said with awards events, but there is absolutely no doubt that the five exceptional finalists this year would have made it extremely hard for the judges to pick just one winner. But the judges managed to do that, and it was my pleasure to announce that Ali Paulett from Clare was the winner of the SA AgriFutures Rural Women's Award for 2023.

Ali will receive a \$15,000 grant from Westpac to further progress her project, Bush DeVine, which is an Indigenous Australian native sensory bush food garden. The intent in creating Bush DeVine was not only to create a unique garden space with a sensory walking path but to also supply her winery restaurant with fresh native produce.

This award will provide further opportunities for Ali to expand the reach of her garden, through collaboration with First Nations people, and to create interactive content and educative material that can teach anyone anywhere around the world about the importance of native and indigenous bush tucker and the garden that she has created.

As I mentioned earlier, the other finalists—Kerri Cliff of Eyre Business at Kimba, Lyndsey Jackson of Platfarm at Moonta, Bridget Johns of Be Simply Free at Alford, and Emily Riggs of Iris and Wool at Burra—would also have made very worthy winners. I am certain they will continue to achieve great things, both personally and for their regional communities.

Once again, I congratulate Ali Paulett on her win and really look forward to seeing her realise her ambitions for her fantastic project, the Bush DeVine garden, come to fruition. I know she will represent our state proudly at the national awards later this year.

REGIONAL BANK CLOSURES

The Hon. R.A. SIMMS (14:53): I seek leave to make a brief explanation before addressing a question without notice to the Minister for Regional Development on the topic of regional bank closures.

Leave granted.

The Hon. R.A. SIMMS: Data from the Australian Prudential Regulation Authority has shown that the number of bank branches in South Australia has dropped from 421 in 2017 to just 127 in 2022. People living in the Limestone Coast, Murray and Mallee regions, Eyre Peninsula, Lower North, Yorke Peninsula and Mid North regions have all been affected by bank closures. On 12 May, the CEO of Kingston District Council, Nat Traeger, spoke to InDaily about the effect of bank closures on regional communities and stated that:

The effect of bank closures on business in our townships means that these businesses are unnecessarily exposed to overnight cash and security risks as they are unable to deposit their takings into a secure depository facility.

In many cases, the business owners will have to travel long distances and several hours with large sums of money, exposed to unnecessary travel and security risk, to deposit their takings at a major service hub that has a banking service. This is untenable for business owners.

InDaily also reported that in the Mid Murray region some businesses are losing a day of trade, having to travel long distances to make deposits. On 8 March this year, the Legislative Council passed a motion initiated by the Greens recognising the impact of the closure of banks on regional communities and in particular the impediment that this places on community and business activity. The motion called on the Malinauskas government to formally raise the closure of the Coober Pedy bank with Westpac and to advocate for the retention of bank branches in the regions.

My question to the minister is: has the minister formally raised the matter with Westpac and what action has the minister and the government taken to protect regional communities from bank closures since this motion passed the Legislative Council two months ago?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:55): I thank the honourable member for his question. I would also like to congratulate Nat Traeger and all those involved with campaigning in regard to the bank in Kingston. As the honourable member has alluded to, the difficulties experienced not only by regional residents but regional businesses are considerable when indeed they do need to travel long distances, potentially with cash on them, and also the inconveniences that that has.

I am fairly confident I mentioned in this place earlier, possibly in response to the motion that the honourable member referred to that was passed on 8 March, that our government was writing to the federal parliament's investigation into regional banking, and that certainly occurred. Both the Treasurer and I worked together with our departments to be able to put in a submission to that.

It was really quite interesting in that, when I looked at a list of the submissions that were made, I am very sad to say that I couldn't see any submissions made by those opposite. I couldn't see any submissions to that national inquiry from the opposition here in terms of regional banking, despite what they have said in this chamber about its importance. I didn't see anything from the Hon. David Speirs. I didn't see anything from the Hon. Nicola Centofanti—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —or anything under the heading of Liberal opposition in South Australia.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Attorney!

The Hon. C.M. SCRIVEN: If indeed there was a submission made under some other name, then certainly I would be happy to be advised of that—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.M. SCRIVEN: —but I think it is disappointing that, despite a lot of noise made from those opposite, they apparently have not bothered to take the time to put those towards the federal inquiry because, of course, the federal inquiry is looking at regional banking across the board

and is able to hear about individual regions or individual towns most affected and is trying to look at solutions that would apply across the country. So that is the action I have taken in that regard.

REGIONAL BANK CLOSURES

The Hon. R.A. SIMMS (14:58): Supplementary: in addition to making a submission, has the minister written to Westpac and, if not, why not?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:58): I have written to the investigation nationally. Interestingly, I couldn't see anything from the Greens to that national inquiry either. I'm happy to be corrected if the state Greens have made a submission as well, but I think it would have been really quite meaningful if all of us in this place—opposition, crossbench and the government—had made a submission because it was certainly something that was raised a number of times in this place.

REGIONAL BANK CLOSURES

The Hon. R.A. SIMMS (14:59): Supplementary: why hasn't the minister taken action following the resolution of this council? Why hasn't she written to Westpac? That was what this council directed.

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:59): I have outlined the action that I have taken.

YOUTH GANGS, PORT AUGUSTA

The Hon. H.M. GIROLAMO (14:59): I seek leave to give a brief explanation before asking the Attorney-General a question about youth gangs in Port Augusta.

Leave granted.

The Hon. H.M. GIROLAMO: On the front page of *The Advertiser* today, under the headline 'Kid gangs run wild', there are reports of a couple living in a community on the outskirts of Port Augusta who have been broken into 15 times in the last 12 months, the latest last Friday at 3am in the morning. The human services minister is also quoted as saying it's a 'whole of community issue and requires a whole of community response'. She goes on further to say the government shared the community's concerns about negative issues regarding youth crime and antisocial behaviour.

The Port Augusta Mayor, Linley Shine, is also quoted that she had called for extra police resources in March but was not really aware if any more had been allocated to Port Augusta. My questions to the Attorney-General are:

1. How many of the Davenport community are under curfew as of today?
2. What is the curfew imposed on the Davenport community?
3. Are there any other restrictions, such as the selling of alcohol?
4. Does the Port Augusta Police Station have its full complement of officers?
5. Have more officers been appointed to the Port Augusta station since the mayor's call in early March?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:00): I thank the honourable member for her question. As the honourable member points out, certainly there have been numerous government members in Port Augusta over recent weeks, led by the work that is being coordinated by the Department of Human Services and the Minister for Human Services, the member for Hurtle Vale, the Hon. Nat Cook.

I know the Minister for Human Services has spent a number of days, I believe last week, in Port Augusta meeting with dozens and dozens of community leaders, members from the Aboriginal community, the business sector, service providers and other community representatives all keen on working on long-term plans.

I know that there were a number of members of this chamber and the chamber in the other place who participated in that: the member for Stuart, the Hon. Geoff Brock; the member for Giles, Eddie Hughes; and I think from this place the Hon. Justin Hanson, who has a strong and long involvement in the Upper Spencer Gulf, particularly in the Port Augusta area. I think he spent time last week attending forums and listening to concerns and coming up with short and long-term solutions.

I know that police commissioner Grant Stevens, the chief executive of the Department of Human Services, and the head of the South Australian Housing Authority were all in attendance as well. I am informed that the group will return to Port Augusta next month. Some members of that group will return to Port Augusta to look at the issues that were raised and some solutions, and look at how to address the challenges and opportunities that are presented, including an intensive service strategy and actions and priorities for a multiyear plan.

I know from the work that has been done by this government, and from my own experience, that Port Augusta and the Davenport Aboriginal community are very keen to work collaboratively with each other, with service providers, with the community and with government to make sure there are solutions for the whole community, including young people in that area.

There is more than \$150,000 in new state government funding, in addition to the \$300,000 annual safety and wellbeing investment, in addition to last year's announced \$1.2 million for helping to tackle some of these problems. I look forward to the work that this government continues to do to support members of the Port Augusta community generally.

WALK FOR JUSTICE

The Hon. J.E. HANSON (15:03): My question is to the Attorney-General. Will the minister update the council about JusticeNet's Walk for Justice?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03): I would be very happy to update the member about Walk for Justice, and I thank him for his question and his absolute determination to make sure South Australians all have access to justice. I was most pleased just this morning to attend the Walk for Justice along the bank of the River Torrens—Karrawirra Parri in the Kaurna language—and we were welcomed to this event by Kaurna elder Corey Turner.

It was good to be joined by a number of members of this parliament: from the other place, the member for Waite, Catherine Hutchesson; the member for Enfield, Minister Andrea Michaels; and the member for Heysen, Josh Teague, the shadow attorney-general. There were also a couple of people from this chamber: the Hon. Ben Hood—who was dressed in shorts and outdid everyone in his athletic attire, I am ashamed to say—and the Hon. Laura Henderson was also in attendance, I noticed, this morning. Apologies to anyone I didn't see and have not mentioned who attended the Walk for Justice this morning.

In the past, at JusticeNet's Walk for Justice, it has been the tradition that the Chief Justice and the Attorney-General cook a barbecue breakfast together for participants, but as the event has grown, I am very relieved that this matter has been left to the professionals to make sure that the breakfast is cooked. I am assured that it was handled very well by the professionals this morning at the Adelaide Zoo.

The Attorney-General's Department team was, once again, out in force today. It has always been a great supporter of JusticeNet through fundraisers like the Crown Solicitor's Office Art Show, funding grants and in-kind assistance through pro bono activities. Lawyers from the Crown and the Office of the Director of Public Prosecutions have, in years gone by, provided pro bono work through JusticeNet valued at more than \$650,000, until, I was informed, that came to an end in a change brought in in relation to practising certificates in 2021.

This state of affairs persisted for almost two years and certainly was a matter that concerned me: that the work that public sector lawyers had been doing with JusticeNet, primarily in federal matters such as migration law, had come to a stop. But I am very pleased, and I want to thank the efforts of the Crown Solicitor and her staff and the Legal Practitioners Education and Administration Council, who worked very hard and very closely together to overcome the concerns and problems.

As of March this year, lawyers from both the Crown and the DPP have been able to resume their valuable contribution providing pro bono work through JusticeNet.

Thanks to JusticeNet, thousands of South Australians who would not otherwise have access properly to justice can now access professional and targeted legal advice. I am informed that last year Pro Bono Connect, through JusticeNet, provided over \$3 million worth of legal assistance, and the Homeless Legal service provided almost a million dollars through its outreach clinics. JusticeNet South Australia is a not-for-profit legal service that was founded way back in 2001, with the aim of providing access to justice to low income and disadvantaged individuals in South Australia.

The organisation is committed to promoting social justice, addressing systemic issues in the legal system and advocating for policy change that promotes equal justice for all. One of the primary services offered by JusticeNet is legal advice and representation. They provide free advice to individuals who cannot afford a lawyer, and may also provide representation in certain cases. The organisation primarily assists with civil matters, such as family law, tenancy disputes, debt and credit issues, employment disputes and discrimination. JusticeNet SA also has a pro bono referral service that connects individuals with volunteer lawyers who can provide ongoing legal assistance.

In addition to legal services, JusticeNet SA also offers education programs to help individuals better understand their legal rights and responsibilities. They conduct community legal education sessions and workshops to increase legal literacy and help people navigate the legal system more effectively. JusticeNet SA also advocates for systemic changes to improve access to justice for all individuals. They work with government bodies, legal organisations and community groups.

JusticeNet operates with the help of many volunteer lawyers who generously donate their time and expertise, as was evident from the very large crowd this morning of members of the legal profession, the judiciary, the business community and supporters, to help JusticeNet continue to play its vital role in ensuring that all individuals can have access to justice regardless of their financial circumstances.

I am told that Walk for Justice last year raised over \$81,000. I am not sure of the final tally for this year's efforts but I understand that it was in excess of \$121,000, which is a remarkable feat of fundraising for a walk this morning. I commend and cannot speak highly enough of the work that JusticeNet does, has done and I am sure will continue to do in the future. I thank all those who participated this morning.

PARENTAL ALIENATING BEHAVIOURS

The Hon. S.L. GAME (15:09): I seek leave to make a brief explanation prior to addressing a question to the Attorney-General on parental alienating behaviours.

Leave granted.

The Hon. S.L. GAME: Almost one in five kids will experience parental alienation when their parents go through separation; in higher conflict cases it is closer to one in two. Parental alienating behaviours harm thousands of families in South Australia. These behaviours are a form of family violence, where an alienating parent and their allies use manipulative tactics to turn children against the other parent. Parental alienating behaviours can lead to significant issues, mental illness and even suicide.

Estimates indicate that one million Australian children are being alienated by a parent. This issue continues to be ignored, and parents and family members feel desperate and without assistance. I met with the Attorney-General in September 2022 for the purpose of asking the Attorney to discuss the issue of parental alienating behaviours with his colleagues and to consider referring the issue to the South Australian Law Reform Institute. My questions to the Attorney-General are:

1. Does the Attorney acknowledge that parental alienating behaviours negatively affect thousands of South Australian families?
2. Has the Attorney-General discussed parental alienating behaviours with his colleagues and, if so, who?

3. Will the Attorney-General commit to or consider referring this issue to the South Australian Law Reform Institute?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:11): I thank the honourable member for her question, and I acknowledge she has raised this issue with me. I have had some advice and some discussions on this issue. Before anything is done on this, it would need to be exceptionally finely balanced. As much as people want to see children not being used to harm other people, this seems to be quite a controversial area, where many of those pushing it have had personal instances with the Family Law Court and have grievances and dissatisfaction with the outcome. I certainly wouldn't want to be a part of anything that actually reinforces trauma people have gone through in the family law system.

In relation to a reference to the South Australian Law Reform Institute, having taken some advice on this and having had discussions about the ways these sorts of laws could be misused, it is not a matter that we currently intend to refer to SALRI.

PARENTAL ALIENATING BEHAVIOURS

The Hon. T.A. FRANKS (15:12): Supplementary: in taking that advice, has the Attorney-General become aware of concerns that claims of parental alienation actually disguise true abuse, such as the child abuse that has been inflicted upon a child that DPC ignored—the sexual abuse by a father for some years?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:12): I thank the honourable member for her question. I am not aware of the specific circumstances the honourable member is talking about but, as I have said, in this area it has become apparent that many who advocate for this have had personal issues and dissatisfaction with the family law system. I and I think many would want to be very, very certain that it wouldn't have outcomes that were not in the interests of children; many of those who have participated in this debate fear it might.

PARENTAL ALIENATING BEHAVIOURS

The Hon. S.L. GAME (15:13): Supplementary: I personally know many extremely wonderful and good parents who are being affected by parental alienating behaviours and—

The Hon. R.A. SIMMS: On a point of order: it is not a supplementary. The honourable member is simply expressing a view, she is not asking a question of the minister.

The PRESIDENT: The Hon. Ms Game, if you are going to ask a supplementary question, you just ask a question—there is no explanation.

The Hon. S.L. GAME: Does the Attorney acknowledge that many innocent parents are suffering the effects of parental alienating behaviours?

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 question. I have not been presented with any studies that do a comprehensive review that would allow me to draw such a conclusion.

BAIL CONDITIONS

The Hon. D.G.E. HOOD (15:14): I seek leave to make a brief explanation before asking questions of the Attorney-General regarding the monitoring of bail conditions for alleged rapists and other criminals here in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: On the weekend, it was reported that an 18-year-old man faced the Adelaide Magistrates Court charged with two counts of rape and breaching his bail conditions. The man previously had six other charges with the same circumstances surrounding his alleged offending in every instance, including the most recent where he allegedly lured victims to his home under false pretences via social media apps. The accused was on bail when he allegedly committed

his latest crimes whereby one of the conditions of his release was that he refrain from using social media or dating apps, which he simply ignored. My questions to the Attorney-General are:

1. What measures are in place to ensure bail compliance here in South Australia?
2. What percentage of offenders breach bail conditions in South Australia?
3. How much longer will we tolerate such blatant bail breaches?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:15): I thank the honourable member for his question. Certainly, bail and their conditions is a method that is used for a number of reasons, but one of its primary functions and the reason we have bail and conditions is to ensure future attendance when someone is due to come to court. The other option, when someone is charged with a crime, if not bailed, is to be remanded in custody and be incarcerated prior to a hearing for a determination of guilty or not guilty.

There are a number of ways that people are given bail conditions. Police bail is one way, another is court-ordered bail. The authorities in both cases impose conditions and take into consideration—based on legislation that, over many decades, parliaments that have seen governments of both Liberal and Labor have implemented and modified over time.

These sorts of things, like imposing bail conditions, like imposing sentences once someone has been found guilty and a sentence imposed, is balancing the considerations under various pieces of legislation. I think the police, in monitoring and providing for police bail and enforcing court-ordered bail, and the courts themselves, in deciding on bail conditions, do an admirable job of balancing the considerations that we as a parliament, both now and parliaments of the past, have set down on those sorts of conditions.

I am concerned when I see someone breaching a bail condition. I don't think any magistrate, any judge or any police officer, when contemplating bail conditions, wants to see someone breach those conditions. I have confidence, when they are breached and are detected, that they are dealt with appropriately by the authorities: the police or the court that ordered the conditions themselves.

BAIL CONDITIONS

The Hon. C. BONAROS (15:17): Supplementary: does the Attorney accept that the court is well placed to consider those conditions when it comes to minors in their employment arrangements with individuals who have been charged with child sex offences?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:17): I thank the honourable member for her question. The issue she raised is one that she commendably agitates occasionally, including a press release with the friends of many in this chamber, the SDA, that was put out last week.

It is certainly something we are actively considering and have been as a government, but considering it holistically, looking at not just what the conditions of people who might be working with children are in terms of if they are on bail for serious child sex offences but those who may have been sentenced as well. It is an important issue and I think in our last sitting week, as I told the chamber, we are committed to and we certainly remain committed and it is something that, just in the weeks since we last met, there has been further work that the government has been doing on it.

AG TOWN OF THE YEAR

The Hon. R.P. WORTLEY (15:18): My question is to the Minister for Primary Industries and Regional Development. Will the minister update the chamber about the recent Ag Town of the Year celebrations in Mypolonga and the start of the 2023 Ag Town of the Year process?

The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:19): I thank the honourable member for his question and his ongoing interest in the Ag Town of the Year. It was a fantastic day in Mypolonga, I think it was two Sundays ago, where I was able to celebrate their 2022 Ag Town of the Year award.

Prior to the official function kicking off, it was a privilege to tour Mypo, as well as neighbouring town, Wall Flat, with the Mayor of Murray Bridge, Wayne Thorley, and the Mayor of Mid Murray, Simone Bailey, and also the member for Hammond, Adrian Pederick, and a couple of wonderful local tour guides, Corey Jones from SA Buffalo Company and Jodie Hagger, whose family run an orchard. She is one of the many locals involved in the local football and netball clubs.

A key part of the tour involved the Ag Town of the Year sign on Mypolonga Road on the approach to Mypo. It is very hard to miss, which is a good thing, and it is an appropriate recognition of the town's achievements. Of course, despite celebrating the achievement over the past week or two, it was late last year that Mypolonga won the title and it has certainly been a tough period for the town since, with floods impacting many people, farms and businesses across the area, but the community's resilience has yet again shone through.

The stories that were told on the brief tour of the town with locals Corey and Jodie only reinforced how much the community has helped each other and helped their businesses to get through this difficult time. The day of celebration itself saw a fantastic turnout and the stand-out feeling amongst locals in the Mypolonga Combined Sports Club rooms appeared to be one of great pride.

It is the kind of pride that is evident in so much of what happens in Mypolonga—small but mighty—from the way locals pitch in for sporting clubs, the school and associations, to the way businesses have diversified and future-proofed themselves. Though small, it really is a can-do community within a broader region in the Murraylands that is growing in stature and positivity.

While Mypo continues to enjoy its well-deserved victory, attention now starts to turn to who will claim the crown in 2023. Nominations are now open and will close on 5 June. Public voting will commence on 12 June until 26 June, with the top 10 towns announced in July, and then finally a winner will be declared in November.

I encourage people to nominate their own town or, indeed, their favourite town and take this fantastic opportunity to highlight our regions and their contributions to agriculture and, in turn, the state. I truly do look forward to celebrating more great South Australian communities through the Ag Town of the Year process soon.

INDIGENOUS HEALTH WORKERS

The Hon. C. BONAROS (15:21): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question about Indigenous health workers.

Leave granted.

The Hon. C. BONAROS: South Australia's inaugural Chief Aboriginal Health Officer, Tanya McGregor, believes increasing the number of Aboriginal workers in the health system must be a priority for the state government. She believes career pathways need to be improved to ensure more Indigenous South Australians become doctors, nurses and midwives. Ms McGregor believes to do so, it is important to partner with universities to boost the supply of graduates and with non-government Aboriginal controlled health organisations to grow the Indigenous health workforce. She said and I quote:

The fact of being a healer...is not foreign to an Aboriginal person. I think it's more about working in a westernised system and model that's sometimes the greatest challenge. It's the age-old thing of—if you can't see it, you can't be it. Because we don't have a lot of (Aboriginal) clinicians people don't see that as a pathway that they can see themselves in.

Ms McGregor also revealed she is working on an Aboriginal healthcare framework due to be released sometime this month. My questions to the minister are:

1. Does the government agree with the views and sentiments expressed by Ms McGregor?
2. What actions is the government taking to increase the number of Aboriginal workers in the health system as a priority?

3. What are the objectives of the Aboriginal healthcare framework and will it be released publicly for comment?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:23): I thank the honourable member for her important question and, yes, I absolutely share the concerns, the views, the aspirations that Tanya McGregor has outlined. It is a critically important area and, as the honourable member outlined, providing care and healing is something that is very familiar to Aboriginal communities. In the Pitjantjatjara Ngaanyatjarra communities, ngangkaris (or traditional healers) are a very strong feature of life and how people are cared for and looked after.

It is something that I am passionate about as well. I have regular meetings with the Aboriginal community controlled health sector, with Minister Chris Picton, a number of times a year. I have been privileged to address a number of forums that various local health networks have run for their Aboriginal and Torres Strait Islander workforce, talking about issues that are faced, career development and encouraging more people to be involved in health care.

We know that the health outcomes for many Aboriginal people in South Australia fall well below those of the rest of the population. It is something that I firmly believe and I think most who have experience and most of the evidence points to is that when Aboriginal people are involved in the provision of services they tend to be better, more informed and more effective services.

I heard the health minister describe scholarship programs that are now in place that have significantly increased the number of Aboriginal people who are involved in training at a number of levels of the health sector through training to be doctors, to be nurses. I know, in terms of between certificate I and IV, the number of Aboriginal people who have returned to their remote communities who have been certified as Aboriginal health practitioners.

I partook for part of I think it was Friday about a week and a half ago—the health minister ran a full day workshop that brought together leaders in the state government sector of health care, leaders of many Aboriginal communities and Aboriginal people from Aboriginal health organisations for a full day round table that the health minister attended for the whole day to hear firsthand what the issues are and how the issues can be addressed.

I am certainly optimistic and buoyed by the very significant interest the health minister, the member for Kaurna, Chris Picton, is taking, and I am pleased to be providing help and advice where I can on this important issue.

INDIGENOUS HEALTH WORKERS

The Hon. C. BONAROS (15:26): Supplementary: I thank the minister for his answer and just clarify also, in addition to the response he has given, whether the framework will be released publicly for comment?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:26): I thank the honourable member for her question. I am not sure exactly which framework the honourable member is referring to, but I will make inquiries about that particular framework. Certainly, I am aware of a number of frameworks in different local health networks. I have helped launch a couple of frameworks over the last year in terms of Aboriginal participation in their workforces, but in relation to the one the honourable member has mentioned, I will have to seek advice about what the intention is with the development, the consultation, the publication of said framework.

FIRST NATIONS RANGERS

The Hon. L.A. HENDERSON (15:26): I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs regarding establishing a community-based Aboriginal ranger program.

Leave granted.

The Hon. L.A. HENDERSON: More than 75 representatives from the South Australian Aboriginal land and sea sector—namely, the Aboriginal rangers, Indigenous protected area

managers, Aboriginal land and sea management staff, traditional owner groups and other stakeholders—participated in a two-day workshop last month.

It is my understanding that they have called for the South Australian government to increase its support for community-based Aboriginal rangers and caring for country programs. They highlighted that, unlike Queensland, the Northern Territory and Western Australia, the South Australian government has not yet developed a dedicated program to support community-based Aboriginal land and sea management. My questions to the minister are:

1. Is the Malinauskas government intending to develop a strategy to establish a South Australian community-based Aboriginal ranger program and to invest in measures to support new and existing teams and the South Australian network?

2. If so, when will the government do so and what will developing the strategy entail?

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:28): I thank the honourable member for her question in relation to ranger programs and the involvement of Aboriginal people in South Australia.

I am very pleased that it was a fundamental election commitment to significantly increase the number of Aboriginal rangers in our national parks. I have been very pleased on at least two occasions I can think of to attend events with the Minister for Environment, the member for Port Adelaide, the Deputy Premier, the Hon. Sue Close, that have been about Aboriginal rangers in our national parks, one at Belair National Park and one down here on the Torrens, talking about the involvement—the very significant increase of involvement—of Aboriginal people in the management of national parks.

This election commitment make sense. For millennia, Aboriginal people have been caring for our environment, caring for the natural world, and for tens of thousands of years have understood the equilibrium that is needed to sustain the world that supports us, something that in 187 comparatively short years has changed dramatically in South Australia and the colony that preceded it. So it is a source of great pride that this government has made that significant investment in increasing the number of rangers in our national parks.

In relation to other Indigenous ranger programs, I know that in Indigenous protected areas across the state there is significant federal funding for community-based ranger programs, whether that be from the West Coast of South Australia up to the APY lands where just outside the community of Mimili there is a very significant Indigenous protected area where federally funded Indigenous ranger programs operate.

I know at the recent event that the honourable member referred to, my understanding is that the Minister for Environment, the Hon. Sue Close, was part of that and spoke at the event, and I think other attendees included other members of this chamber. The Hon. Tammy Franks, I believe, was in attendance at that event. It is something that is important to this government; I know it is important to the Hon. Tammy Franks. The Hon. Tammy Franks has organised a number of meetings that both the Deputy Premier and I have attended on this very issue.

Yes, we are aware of the need for Aboriginal people to be more involved with caring for country and it something that this government has taken very active steps on already.

Bills

STATUTES AMENDMENT (SERIOUS VEHICLE AND VESSEL OFFENCES) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 May 2023.)

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:31): I would like to thank those members who have contributed to this debate and I thank them for putting a number of issues out so that I have an opportunity to clarify some issues that have been raised already in the debate, but I look forward

after that to the committee stage of the debate to clarify any further. What I will try to do is answer as many questions as fully as possible that have been raised, but if I have not answered any to the satisfaction of members I am absolutely certain they will be reargued in the committee stage.

This bill is the product of many months of work undertaken by the Attorney-General's Department in conjunction with the Director of Public Prosecutions, SAPOL and the transport department. Upon introduction, there was consultation with a number of external stakeholders including the Law Society, the Commissioner for Victims' Rights, Victim Support Service, the Legal Services Commission, various levels of the courts and judiciary, and also the motor vehicle industry.

The mid-tier offence in this bill recognises that the outcome that is the consequence of the offending is relevant to the seriousness of the offence. This is not a unique approach in the criminal law. The law has long accepted that the harm caused should play a role in assessing the seriousness of the offence. It is also consistent with the public's expectation about how the law ought to work and is consistent with how the offence of dangerous driving operates.

While the penalty is raised in circumstances where death or serious harm are a consequence, the courts still hold the discretion to determine an appropriate penalty within that range. In the government's view, the sentencing range in the new mid-tier offence is a more appropriate sentencing range than the 12 months currently provided under the Road Traffic Act.

In terms of the licensing scheme, the proposal to introduce a new licence class for drivers of ultra high-powered vehicles will be implemented via an amendment to the Motor Vehicle Regulations 2010, which have already been made. A South Australian driver will be required to hold a new licence to drive a vehicle that has a power-to-weight ratio greater than 276 kilowatts per tonne.

I am informed that the transport department's website will have a look-up function to check a vehicle's status. Only persons having the new licence class endorsed on their licence will be able to drive such an ultra high-powered vehicle. However, I am informed there will be exemptions for those who must drive such vehicles occasionally in the course of their employment, such as mechanics or motor vehicle dealers. These exemptions are to be found in regulation 45 of the Motor Vehicles Regulations 2010.

With regard to vehicle test driving, for example, for the purchase of an ultra high-powered vehicle, options for this are still being considered; however, I am advised that the transport department has been working very closely with the motor vehicle industry to ensure the requirements established via the new licence class achieve the objective without being overly and unnecessarily onerous or prohibitive on those lawful industry activities.

The transport department is developing an online training package that will identify changes incorporated into the bill in relation to identification of an ultra high-powered vehicle, the licence required to drive an ultra high-powered vehicle in South Australia and the effect of the new penalties, as well as a range of vehicle systems that includes the automated intervention systems, their benefits, risks and limitations.

The training will include a testing phase to ensure the driver understands the risks of driving an ultra high-powered vehicle and the regulatory framework that surrounds these vehicles. Successful completion of this training module will be required before a person can be issued with a U class licence. The content of this training may change over time and is currently being finalised.

The U class licence, I am informed, will operate similarly to the current situation where a person wishes to upgrade from a car licence to another sort of licence. Once a person meets the minimum requirements (i.e. they have held the licence of another class, for example a heavy vehicle licence, for a minimum of three years) they will be required to undertake training before being issued with that new class of licence.

I am informed that the registrar will implement the new licence class and training within the next 12 months and the regulations will provide a transitional period of 12 months for drivers of ultra high-powered vehicles to obtain this new licence class. The intention is that a person who currently owns and/or drives an ultra high-powered vehicle will effectively have until 1 December 2024 to obtain the U class licence classification. After this, any person who does not hold such a licence will be prohibited from driving such ultra high-powered vehicles.

As the training for a U class licence will not include a practical test and it will be conducted online, there will be no wait time for a person once they have done the training and paid the appropriate fee. It is anticipated the driver could enrol and complete the online training system, I am informed, via their mySAGOV account. The driver could then apply for a U class endorsement on their licence via the mySAGOV account and, subject to all licence requirements being met, the driver's digital training licence will be updated immediately.

I am informed that it is intended that it may be able to be done within a day for the online training system. When the driver's digital licence is updated with the U class, the driver will then be able to drive an ultra high-powered vehicle. A physical copy of the updated driver's licence will be forwarded through the normal licence production process, I am informed, and that usually occurs within 14 days.

The cost of the online training and testing is still to be determined. A provider for this online training package is still to be finalised and the cost of developing, providing and maintaining the training will be considered when recommending an appropriate fee.

In relation to the issues raised regarding the use of certain numberplates, I am advised that section 47A of the Motor Vehicles Act 1959 enables the Registrar of Motor Vehicles to enter into an agreement to sell the rights to classes of numberplates as gazetted in the *South Australian Government Gazette*.

Prior to approving the issue of numberplates, Service SA examines each combination to ensure it is considered appropriate for issue. Generally, the registrar will issue numberplates, I am informed, displaying words that can be openly used in the community or media. This approach rules out combinations that are obviously objectionable, containing inflammatory, defamatory, sexual or crude references, but may allow combinations that some may consider in poor taste or attention seeking. Notwithstanding, the registrar reserves the right, I am informed, to review any combination that has been issued and can revoke the agreement if deemed appropriate. Usually, this power is exercised where a complaint or several complaints are received regarding a numberplate issued.

Regarding the numberplate specifically in this case, PSYKO, this specific combination had been in use for approximately 14 years, I am informed. During that time, the transport department did not receive complaints about the plate. This plate agreement has since lapsed and is no longer available for reissue, I am informed. I am advised the department will review similar combinations to determine if it is appropriate to withdraw them from circulation.

In relation to forfeiture of vehicles, I am advised that a new mid-tier offence will be a forfeiture offence for the purposes of the clamping and impounding act and regulations, and a serious offence for the purposes of the Criminal Assets Confiscation Act. This will allow for forfeiture orders to be made, subject to the satisfaction of other statutory conditions. I thank all members for their input on this bill up to this stage, and I look forward to the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: I was trying to listen very closely to all of those responses.

The Hon. K.J. MAHER: I will not be repeating them.

The Hon. C. BONAROS: Can the Attorney just confirm, and I think this is what he said, that the PSYKO numberplate is no longer in circulation, and just rule out that numberplate will not be reissued? So it has been cancelled?

The Hon. K.J. MAHER: Yes. I can read out what my advice is again. Regarding the numberplate PSYKO, I am advised this specific combination has been in use for approximately 14 years. During that time the department did not receive any complaints, but this agreement has since lapsed and my advice is it is no longer available for reissue.

The Hon. C. BONAROS: In relation to the forfeiture provisions that the Attorney referred to, can we just clarify for the record whether the vehicle involved in this particular case—that is, the one driven by Mr Campbell—has been forfeited or returned to him, or is that still the subject of ongoing matters?

The Hon. K.J. MAHER: My advice is that we are not aware that it has been forfeited but, by the same token, we are not aware that it has been returned. I think from a briefing, and this is just going by memory, there was very, very substantial damage and I believe the car was a write-off but, as I say, we are not aware of forfeiture proceeding, and we are certainly not aware of any return of the vehicle.

The Hon. C. BONAROS: I raise that point to alert the Attorney that, whilst it was a write-off, there were reports about it being sold for spare parts as opposed to forfeiture in this particular instance. That would in some ways, even if it was a write-off, potentially overcome the forfeiture requirements, so I just raise that point.

I have questions at specific clauses, and I am happy to wait until we get to those clauses if that makes it easier, but in general the one point that I want the Attorney to clarify, which I referred to in my second reading, was that notwithstanding the subsequent amendments to this bill the subsequent correspondence that we received from the Law Society on 12 May has still indicated a number of concerns that have been raised in relation to the bill. Were they taken into account, and is it simply a matter of a difference of opinion with the government? We have picked up some and we have not picked up others. Why is that the case?

The Hon. K.J. MAHER: I thank the honourable member. Certainly, as I am advised, the issues that have more recently been agitated by the Law Society are issues that we did consider, we did take into account, and remain of a different view from the members of the Law Society who have put together that submission.

The Hon. C. BONAROS: Does that also include the argument that the Law Society raised about the complex nature of this legislation and the approach of referring that to committee for inquiry?

The Hon. K.J. MAHER: I thank the honourable member. Yes, it does, is the short answer. It is complex. The interaction between the Road Traffic Act and the Criminal Law Consolidation Act and the different levels of offences, are complex areas. I know this having spent dozens and dozens of hours of my time going through and trying to understand the complexities. That is why there was extensive consultation with many levels of the judiciary, with the DPP, and with the transport department. This is technical, it is specific, it is dealing with issues of mechanics to do with ultra high-powered vehicles, and the interaction with various bits of legislation.

Whilst I appreciate the Law Society's view that even more time should be taken, there have been many months—there would have been hundreds upon hundreds of hours of some of the best policy and legal minds that the government and parts of the judiciary have at their disposal considering this, and certainly I am satisfied that, as much as is possible, different views have been taken into account, but certainly not everyone is going to agree with every part of everything.

The Hon. C. BONAROS: Just picking up on one of the points that was not addressed by the amendments, I think it is paragraph 14 of the Law Society's submission, which talks about the use of regulations to define an ultra high-powered vehicle and the concerns that obviously where there are criminal sanctions being included in regulation rather than at primary legislation—which appears to be becoming a habit of successive governments and one that does not serve legislation well, but notwithstanding that, have we taken on board those comments in terms of the concerns that have been raised about including criminal sanctions in regulation rather than in primary legislation?

The Hon. K.J. MAHER: I thank the honourable member for her question. Yes, it is certainly something we have actively taken into account. I think the definition of ultra high-powered vehicle was originally in the legislation. It was after further consultation that there was an amendment to put that into regulation. By the very nature of the fact that we have moved an amendment to do that means that this is something we certainly have turned our minds to, particularly given this is an area that is subject to development and change.

Vehicle technology is rapidly evolving and that was a very strong reason why, although it was originally in the legislation, we were convinced, after further consultation, that it was a reasonable proposition that it be put into regulation to be more adaptable to an area of technology, in terms of vehicle development that is rapidly changing.

The Hon. C. BONAROS: But the Attorney acknowledges that this is something that might be supported by the stakeholders who are impacted by it, but certainly not supported by the Society, which says that because there are criminal sanctions that apply to those regulations now, it would have been better dealt with in the primary legislation, as is usually the case when a criminal penalty applies to an offence.

The Hon. K.J. MAHER: I thank the honourable member for her question. Certainly, it was considered, and we have a different view to the Law Society in this area. It is not at all unknown that definitions in criminal law—from memory, I think there will be some, in terms of controlled substances, where regulations are used to define it, so there can be that agility to move more quickly than might otherwise be the case of changing legislation.

The definition of what is an ultra high-powered vehicle, after hearing submissions on the matter, we respectfully disagree with the Law Society, and this is an area that we think is more appropriately defined and able to change in regulation rather than the legislation itself.

The Hon. N.J. CENTOFANTI: Can the minister give an undertaking that any subsequent changes to that definition in the regulations will be widely consulted?

The Hon. K.J. MAHER: I thank the honourable member for her question. This is something that has seen significant consultation already. For changes in definitions it would be the usual practice for consultation to occur. It is an area in which a lot of people have an interest, including the industry, and because it is by regulation it is not as though it will escape scrutiny. There is a Legislative Review Committee, and any member of either chamber can move a motion to disallow something put forward by regulation. It was our consideration, although we had initially put it in the legislation, that on consideration we thought that, given the rapidly changing nature of this area, it is better done by regulation.

The Hon. C. BONAROS: By way of follow-up, can the Attorney rule out any early commencement provisions in relation to those regulations for as long as those provisions are still in place, given that we are moving to change the rules around early commencement provisions? Can the Attorney at least rule out the use of early commencement provisions when it comes to regulations as significant as this?

The Hon. K.J. MAHER: I thank the honourable member for her question and I know that she notes the early commencement provisions are used somewhere in the high 90 per cent of regulations put forward now. It is not just this government—that is what successive governments have done. The early commencement provisions are becoming more and more unique to South Australia, so it would be foolish of me to completely rule out the possibility of that occurring here and note that there is discussion on looking at reform in this area of how regulations are made.

The Hon. N.J. CENTOFANTI: I thank the minister for his responses to several questions and queries raised during the second reading speeches. I want to get clarification in relation to the process to obtain that U class licence. Can the minister clarify that there will not be any practical component within that process?

The Hon. K.J. MAHER: I thank the honourable member for her question. That is my advice from the transport department, which will be putting this together: that there is not the intention for a practical testing component, but it will be online training, perhaps via a person's mySAGOV account. I am informed that the modules are being put together that could see completion from a dedicated study effort in a day or under a day.

The Hon. N.J. CENTOFANTI: As a supplementary on that: for those U class licences does the minister envisage that there will be any extra tests required for some of our elderly drivers, as there is currently with regular licences?

The Hon. K.J. MAHER: My advice is that the proposals we are considering in this bill will not seek to alter what is required under your regular class licence in terms of testing at certain ages or anything else. This is specifically for U class and does not impose further obligations on top of what already exists, which I think was the question.

The Hon. C. BONAROS: I am not sure if the Attorney answered, but I think it was a fast turnaround. What is the anticipated wait times for those licences?

The Hon. K.J. MAHER: I thank the honourable member for her question. My page is still open from my second reading explanation on that exact area. I am informed that it is anticipated the driver could enrol and complete the training, for example, via their mySAGOV account. My information is the driver could then apply for the U class endorsement on their licence via the mySAGOV account.

Subject to all licensing requirements being met, the driver's digital driver's licence could be updated immediately. When the digital driver's licence is updated with U class, the driver is then able to drive the ultra high-powered vehicle. I am informed that the physical copy of the updated driver's licence will be forwarded through the normal licensing production process, usually within 14 days.

The Hon. C. BONAROS: I note that the definition does not include motorbikes, but given that response I am just wondering: is it anticipated that the same rapidness, in terms of getting that licence, would apply to a high-powered motorbike?

The Hon. K.J. MAHER: I thank the honourable member for her question. The changes we are making here, I am advised, do not include motorbikes, they have their own regime.

The Hon. C. BONAROS: I appreciate this might come up at clause 12, but given that we have been talking about ultra high-powered vehicles with a disabled automated intervention system, I am just wondering if the Attorney can clarify again what sort of notice will be given to the owner of a vehicle that has been captured within the regulations and what consultation has been undertaken with the automotive industry about that definition of 'automated intervention system'?

The Hon. K.J. MAHER: I am informed and advised that it is the intention that the registrar will write to all those who they believe are captured who own vehicles in this class. I am further advised as well that there is intended to be a look-up function so that someone can put in their registration details and seek advice on whether that vehicle falls into the ultra high-powered vehicle class.

The Hon. C. BONAROS: I do not have too many more questions. I think it might just be easier if I ask them now. Is it anticipated that there is going to be an exemption provided for test driving with a licensed representative present in the car? I know, certainly, car dealers have expressed concern that they will not be able to take potential clients for a test drive, although I think in practice it is anticipated that they will all just go and get their licence so that they can. Will there be an exemption provided for test driving with a licensed representative present in the car for those purposes?

The Hon. K.J. MAHER: I am advised that there is work being done on providing exemptions for those who must drive such vehicles occasionally in the course of their employment, such as mechanics or motor vehicle dealers. The exemptions will be found at regulation 45 of the Motor Vehicle Regulations. With regard specifically to the member's question, I will read out from my second reading explanation:

With regard to vehicle test driving, for example, for the purchase of an ultra high-powered vehicle, options for this are still being considered; however, I am advised that the transport department has been working very closely with the motor vehicle industry to ensure the requirements established by the new licence class achieve the objective without being unnecessarily onerous or prohibitive.

I think that goes to the exact sort of example the honourable member was alluding to.

The Hon. C. BONAROS: In terms of the aggravated offence at clause 3 of the bill, does this include someone who has never held a licence in the first place? We talk about someone who is disqualified or having lost their licence is disqualified from driving. Does it actually extend to, or is

there another provision that extends to someone who has never actually held a licence in the first place?

The Hon. K.J. MAHER: My advice is yes, it does extend to that.

The Hon. C. BONAROS: In relation to clause 5 specifically, are these offences usually prosecuted by SAPOL or the DPP? Who will make the decision to prosecute? Also, how much weight is it anticipated will be given to the views of the families impacted by those decisions?

The Hon. K.J. MAHER: I thank the honourable member for her question. The advice I have to hand, and I am happy to double-check it, is that clause 5 introduces indictable offences, so in the usual course it would be the DPP rather than the police who would handle that prosecution. In relation to the second part of the member's question, it is possible some of the clause 5 matters could be heard in the Magistrates Court, but in relation to the role of the family and the victims, it will be dealt with in the same way, is my information.

The Hon. C. BONAROS: Can I briefly canvass the issue of mandatory imprisonment. I think it is really important to clarify mandatory imprisonment.

The Hon. K.J. MAHER: Is it part of the bill?

The Hon. C. BONAROS: It is a general question which might make sense to the Attorney in a moment. It appears that there has been lots of discussion around this bill about mandatory imprisonment, so I am asking the Attorney if he could clarify that the discretion to suspend a sentence applies to an aggravated offence as does the discretion of the court to order a sentence be served on home detention. I think that is a really critical point that needs to be clarified in the context of this debate.

The Hon. K.J. MAHER: My advice is that the discretion to suspend is not interfered with and still remains.

The Hon. C. BONAROS: Finally, we all support the sentiment behind the bill in terms of that terrible outcome for that family. At the same time, it has given rise to a number of complexities in law in trying to deal with that particular issue. If those issues that the Society in particular and other legal experts have alluded to become apparent in subsequent cases—God forbid they do, but if they do—is this something that the Attorney is open to revisiting in terms of the impacts these new laws will have?

The Hon. K.J. MAHER: I thank the member for her question. We are always open to revisiting not just existing legislation but legislation we have made or changed in this place. When things have arisen that we did not anticipate, such as the level of purity of controlled substances—that was not something that was considered or envisaged as the law operating but on the words that were used in the statute had given rise to a meaning in court, and we as a chamber quickly revisited that. It is of course something that we are open to doing should there be something that arises that we did not foresee in our deliberations here today or take into account.

There is one more point I want to add. I want to clarify an answer to the honourable member earlier in terms of aggravating factors for the new offence. My advice is: if you are disqualified or suspended that would constitute an aggravating factor, but if you have never been licensed that would not constitute an aggravating factor.

The Hon. C. BONAROS: Is that an omission on the government's part? That is the reason I asked the question, so I was a bit surprised by the answer. Does it matter if somebody had a licence or not if this offence has actually occurred and should it be an aggravated offence? That was the crux of the original question.

The Hon. K.J. MAHER: I understand the honourable member's question. Certainly, when you balance these things you consider what you have infringed and the impact that will have. It is certainly a consideration if someone has been disqualified or suspended. They have done something previously wrong; they have contravened something. They have shown—as a general rule to be disqualified or suspended—some form of driving behaviour that has been unacceptable, whereas someone who has not been licensed before, although clearly they should not be behind a wheel, there has not been that active doing of something wrong in terms of their driving record. I do take the

honourable member's view into account, but these are the things one weighs up when balancing what should be aggravating factors or not.

The Hon. C. BONAROS: I appreciate the response. It is just a little bit difficult to accept in the context of this debate, because that person has not even bothered to go and get a licence. They have just grabbed a car and driven it, so they already have taken part in an offence by driving without a licence. So it could very well be an aggravating factor—

The Hon. K.J. Maher: The other ones have done something else before.

The Hon. C. BONAROS: Yes, they have taken a licence, they have done something stupid, they have lost it and therefore it is an aggravated offence. Well, you have done something equally stupid by driving one of these vehicles without a licence in the first place.

The Hon. K.J. MAHER: I understand the point the honourable member is making. I guess when you have been disqualified or suspended or unlicensed, when you are driving under any of those three conditions you are breaking the law and doing something wrong. Where you have been disqualified or suspended, you have also done something wrong before that to lose your licence.

However, I think this obviously is something that can be taken into account in the range of sentencing that is imposed, so it is not as if someone who has been driving unlicensed—and that stupidity of getting behind a wheel when you do not have a licence, although it is not an aggravating factor, is certainly something that can and should be taken into account when handing down a sentence in relation to these offences. It is certainly something that the court can consider.

The Hon. C. BONAROS: My final two questions are these. That individual, if they were disqualified, under the new provisions they could be charged with an aggravated offence. So someone who steals one of these cars and does not have a licence—maybe not steal because that is a different offence, but for someone who drives one of these, what is the equivalent offence that they will be charged with, given that they will not be subject to the aggravated offence? If you want me to pause there, I can so that we can get a response.

The Hon. K.J. MAHER: Yes; my advice is the penalty for the basic offence is five years and the aggravated is seven. In the range of within that five years for the basic offence, if you did not have a licence, certainly that is something that could be submitted to the court. Someone who commits the offence without being licensed, as opposed to someone who commits the offence even though they hold a licence, that is something within that range of up to five years' imprisonment.

So a very significant possibility of substantial time of imprisonment can be taken into account. It is not as if someone who is unlicensed, as opposed to someone who has a licence, can be treated exactly the same. It is something that can be taken into account, but the aggravated offence is seven years. Of course, between zero to five years and zero to seven years there will be overlap depending on all the other circumstances.

The Hon. C. BONAROS: I think we have made the point that there does appear to be a bit of an inconsistency there, notwithstanding what the Attorney has said in terms of the way that we deal with those two classes of drivers. Overwhelmingly, and I referenced this in my second reading contribution and I think it is an important point to make, notwithstanding the very good sentiment behind this bill, do we accept that in terms of outcomes we might end up with situations where the outcome that applied to Mr Campbell could very well apply to somebody else who is subsequently charged even under these new provisions? So despite the intentions of this legislation, we might still end up with cases that have precisely the same outcome in terms of penalties as what we have seen in the case that gave rise to this legislation.

The Hon. K.J. MAHER: I thank the honourable member. My advice is that it is difficult to see how that is possible given how this has been framed. As to the actual details of every single permutation and combination of offending, it is impossible to go through every possible detail, but on an identical factual situation it is hard to see how these new laws would not apply.

Clause passed.

Clauses 2 to 4 passed.

New clause 4A.

The Hon. K.J. MAHER: I move:

Amendment No 1 [AG-1]—

Page 3, after line 32—Insert:

4A—Amendment of section 19AB—Leaving accident scene etc after causing death or harm by careless use of vehicle or vessel

- (1) Section 19AB(1)(a)—after 'attention' insert:
or without reasonable consideration for any person
- (2) Section 19AB(2)(a)—after 'attention' insert:
or without reasonable consideration for any person

This is a technical amendment to address a wording inconsistency between the mid-tier offence in section 19AB of the Criminal Law Consolidation Act. The amendment was raised with the Chief Justice during consultation on the bill.

New clause inserted.

Clauses 5 and 6 passed.

Clause 7.

The Hon. K.J. MAHER: I move:

Amendment No 2 [AG-1]—

Page 6, lines 34 and 35 [clause 7(5), inserted subparagraph (ii)]—Delete ', section 19AB or section 19ABA' and substitute 'or section 19AB'

Amendment No 3 [AG-1]—

Page 6, lines 39 and 40 [clause 7(5), inserted subsubparagraph (ii)(B)]—Delete ', section 19ABA'

These amendments are technical amendments relating to this clause and amend section 19A of the Criminal Law Consolidation Act to extend the immediate loss of licence provisions to other serious driving offences in the Criminal Law Consolidation Act where death or harm is caused.

Amendments carried; clause as amended passed.

Clauses 8 to 11 passed.

Clause 12.

The Hon. K.J. MAHER: I move:

Amendment No 4 [AG-1]—

Page 9, lines 1 to 12 [clause 12, inserted section 44C(3), definitions of *motor trike* and *ultra high powered vehicle*]—

Delete the definitions of *motor trike* and *ultra high powered vehicle* and substitute:

ultra high powered vehicle means a motor vehicle of a kind prescribed by the regulations;

It is a technical amendment which deals with the definition of 'ultra high-powered vehicle' in clause 12 of the bill. As has been traversed in discussion already, this provides the definition instead be prescribed by regulation, rather than in the body of the legislation. We were persuaded to do that in light of consultation and continuing developments in motor vehicle technology that will almost certainly at some time in the future require changes and this allows the changes to be made in a more agile way as there are developments in the vehicle market.

Amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 5 [AG-1]—

Page 9, lines 21 to 24 [clause 12, inserted section 44C(4)]—Delete subsection (4)

This is consequential to amendment No. 4 as the definition of 'ultra high-powered vehicle' is removed from the bill, instead to be inserted in regulations.

Amendment carried; clause as amended passed.

Clause 13.

The Hon. K.J. MAHER: I move:

Amendment No 6 [AG-1]—

Page 9, after line 25—Insert:

- (a1) Section 45(2)(b)—before 'the court must' insert:
subject to subsection (2a),
- (b1) Section 45—after subsection (2) insert:
- (2a) Subsection (2)(b) does not apply if—
 - (a) the aggravating circumstances were that the offence caused harm to a person;
and
 - (b) the harm so caused fell short of serious harm.

This amendment addresses feedback that was provided by the Law Society in the consultation on this bill. The clause of the bill currently amends section 45 of the Road Traffic Act to remove the aggravating factor of careless driving causing serious harm or death and inserting a new aggravating factor of causing harm. The effect of this provision is that, where the driver is convicted of careless driving causing harm, the court must disqualify their licence for six months.

The Law Society submitted that causing harm in some circumstances can be a very low threshold and highlighted the fact that there may be circumstances where that mandatory minimum six months' disqualification would be unduly harsh. As outlined in the debate, there were some areas where we just did not agree with the Law Society, but this is certainly one where the Law Society made a compelling argument and we are moving that amendment.

The Hon. C. BONAROS: I have a question in relation to that one, which also relates to the issue of whether somebody has a licence or not and the application of those provisions, similar to—

The Hon. K.J. MAHER: Is this unlicensed versus disqualified?

The Hon. C. BONAROS: Yes.

The Hon. K.J. MAHER: I thank the honourable member for her question. This is not an area that has an aggravating factor, so the issues we traverse in relation to unlicensed or suspended or disqualified, I am advised, do not apply in relation to this clause and amendment.

Amendment carried.

The Hon. K.J. MAHER: I move:

Amendment No 7 [AG-1]—

Page 9, after line 30 [clause 13(2)]—Insert:

serious harm has the same meaning as in section 21 of the *Criminal Law Consolidation Act 1935*.

This inserts a new definition for 'serious harm' for the purposes of careless driving in section 45 of the Road Traffic Act and is consequential on the previous amendment.

Amendment carried; clause as amended passed.

Clause 14.

The Hon. C. BONAROS: It might not be specifically on clause 14, but I am a bit stuck on this point that we have just talked about and I want to clarify: for the purposes of these offences, if you do not have a licence in these situations and you commit these offences, will you automatically be prevented from getting a licence?

The Hon. K.J. MAHER: The issue we traversed before was the distinction between the aggravating factor. Just so we can understand the question to get advice, is the question if you do not hold any sort of licence or is the question about holding an ultra high-powered vehicle licence?

The Hon. C. BONAROS: Yes.

The Hon. K.J. MAHER: It is about an ultra—

The Hon. C. BONAROS: Well, any licence.

The Hon. K.J. MAHER: If you do not hold any sort of licence, is it the new mid-tier offence or is it changes to the old offence that the member is traversing?

The Hon. C. BONAROS: Generally the aggravated offence.

The Hon. K.J. MAHER: The aggravated version of the new mid-tier offence?

The Hon. C. BONAROS: Yes.

The Hon. K.J. MAHER: I think this might be what the honourable member is asking, but in relation to the disqualification or suspension of a licence, if that is part of something that is imposed and you do not currently have a licence—if you do have a licence you lose it, but if you do not have one you cannot get one is the effect of disqualification or suspension, which I think was the question that was asked?

The Hon. C. BONAROS: Yes; and you will not be able to get a high-powered one?

The Hon. K.J. MAHER: Yes; you will not be able to get—if you do not have a licence at all and you are suspended or disqualified, then my advice is you cannot get any sort of licence. It is as if you had a licence and it was suspended or disqualified. The fact that you do not have one means, for whatever that disqualification or suspension is, you are prevented from getting any sort of licence is my advice, which I think was the question.

The Hon. C. BONAROS: It was, and that is 100 per cent what I was trying to get to. I am glad we have answered that because, if anything, I think it just further cements the point that I was making earlier. The only question I have for the Attorney is: just between the houses, will we give further consideration? Is this going between the houses?

The Hon. K.J. MAHER: Yes.

The Hon. C. BONAROS: Will we give further consideration to that issue of licensed versus unlicensed for the purposes of the aggravated offences in the context of what we have just discussed?

The Hon. K.J. MAHER: I thank the honourable member and, as the honourable member knows, I am extraordinarily accommodating and always take into account views, so it is something we are happy to take further consideration of between the houses.

Clause passed.

New clause 15.

The Hon. K.J. MAHER: I move:

Amendment No 8 [AG-1]—

Page 9, after line 36—Insert:

15—Amendment of section 116—Meaning of breach of light vehicle standards or maintenance requirement

(1) Section 116(1)(b)—after subparagraph (iii) insert:

(iiia) is an ultra high powered vehicle and a mechanical fault or system error has resulted in an automated intervention system of the vehicle being disabled; or

(2) Section 116—after subsection (3) insert:

(4) In subsection (1)(b) *ultra high powered vehicle*, *automated intervention system* and *disabled* all have the same meanings as in section 44C.

This amendment addresses feedback that was provided by the motor vehicle industry relating to the new offence prohibiting drivers of an ultra high-powered vehicle and the concern that was raised when an automated intervention system such as some sort of automatic control is disabled. During consultation, concern was raised that this offence could potentially unfairly capture situations when an automated intervention system has been disabled through a mechanical fault or a systems error and through no fault of the driver. This amendment recognises that concern that was raised.

New clause inserted.

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) (16:25): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (CHILD SEXUAL ABUSE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 May 2023.)

The Hon. N.J. CENTOFANTI (Leader of the Opposition) (16:26): Language matters, words are powerful, and I rise to support the government's Criminal Law Consolidation (Child Sexual Abuse) Amendment Bill 2023.

What seems to be a small and, at first glance, inconsequential change to wording in relation to one of the most repugnant of offences, these words will have significant and far-reaching connotations. Removing the description of 'unlawful sexual relationship with a child' from the legislation is a positive and significant step. Replacing it instead with 'sexual abuse of a child' better describes the seriousness of the offence and gives victims a sense of self-value and respect, relieving them of any implication of relationship.

Children and young people have long had their circumstances controlled by adults. This small amendment demonstrates more articulately that no child is able to consent to a sexual relationship with an adult, that there is a power imbalance and that they are in no way to blame. It would be ideal for us to never have any children being abused. We can never give a child victim back their innocence or childhood, that is something that their perpetrator takes. We must, however, do all that we can within our power to ensure that the legislation we have to protect those precious children is as strong and as robust as it ought to be. I believe this amendment is designed to do just that and it has the full support of the Liberal opposition.

The Hon. E.S. BOURKE (16:27): I rise to speak in support of this very important bill. As members will be aware, this bill has come about due to the advocacy of Ms Grace Tame. She was named Australian of the Year in 2021 for her extraordinary work in raising awareness of child sexual abuse in Tasmania, and she has since used that platform to maximise her incredible position.

We are now having a national discussion about child sexual abuse and, as a result of the Grace Tame Foundation's Harmony Campaign, we are moving towards consistency in child sexual abuse laws across Australia. This bill is one part of that effort. The bill amends the Criminal Law Consolidation Act by changing the title of the offence 'unlawful sexual relationship with a child' to 'sexual abuse of a child'.

In March this year, the Attorney-General, the Hon. Kyam Maher, met with Grace Tame and heard her story. As Grace Tame told the Attorney-General, her abuser was able to hide behind the legal name of his offending, saying, 'I was convicted of maintaining a relationship.' As Ms Tame pointed out, the word 'relationship' implies mutual responsibility and consent, and diminishes the

gravity of the offence. It softens the offending and makes it seem as though there is some kind of romance involved.

Changing the language in the act will change the language used when describing the offence. This amendment calls the crime what it is: it is sexual abuse. It is not in any way a relationship. It is a betrayal of the trust a child should be able to place in an adult. It is the abuse of the power an adult has over an innocent child. It is abuse in one of its worst forms, and it should not be called anything related to a relationship.

Changing the way we talk about child sexual abuse changes the way we think about it. It changes the nature of the offence in our minds. Changing the language will affect the way the offence is interpreted by the legal profession and, importantly, it will change media reporting of the offence. It will change public perceptions of the offence and help raise awareness of child sexual abuse. It will validate for victim survivors that what happened to them was the worst kind of offending and that they were not in any way responsible, that there is no way that was any form of a relationship.

In addition, the current title 'unlawful sexual relationship with a child' suggests that it is possible somehow to have a lawful sexual relationship with a child: of course it is not. I also take this opportunity to note that autistic children are at greater risk of abuse. Although Grace Tame has said that her autism was not the only factor for her vulnerability, we know that the rates of abuse of children with autism are higher. A recent French study showed that of autistic women who have experienced abuse, two-thirds had been abused when they were under the age of 18.

Making this change will bring South Australia into line with other jurisdictions in Australia. In Western Australia, New South Wales, Victoria and Tasmania the relevant child sexual offences have headings that use the term 'persistent sexual abuse of a child'. Recently, Queensland and the ACT amended the title of the offences, and the Northern Territory is also on track to amend their act.

I am pleased to note that the South Australian and federal governments are currently undertaking a broader review of sexual consent and abuse laws. The issue raised by the Harmony Campaign will be considered by that review also. As the Harmony Campaign points out, there are eight different definitions of 'sexual intercourse', 'grooming', 'the age of consent' and the punishment for sexual abuse across our jurisdictions. There is no justification for that.

Thanks to Grace Tame, the issue of child sexual abuse is now getting the attention it deserves. I commend the Attorney-General for ensuring that South Australia's laws meet community expectations. I also acknowledge the advocacy of the Hon. Connie Bonaros and the Hon. Tammy Franks on this issue. Most of all, I pay tribute to victim survivors who, by telling their stories, make it easier for others to speak up and harder for abusers to continue their offending.

The Hon. R.P. WORTLEY (16:32): I rise to support the bill. The Attorney-General met with Grace Tame in March to discuss her foundation's Harmony Campaign, which calls on jurisdictions to harmonise laws that pertain to sexual assault. One of the areas in which harmonisation is sought by the campaign is in the language used to describe child sexual offences.

In South Australia, section 50 of the Criminal Law Consolidation Act 1935 provides that an adult who maintains an unlawful sexual relationship with a child is guilty of an offence. The maximum penalty for this offence is imprisonment for life. In Western Australia, New South Wales, Victoria and Tasmania, the relevant child sexual offences have headings that use the term 'persistent sexual abuse of a child'.

In South Australia, Queensland, the Australian Capital Territory and the Northern Territory the headings for the relevant offences refer or referred to a 'relationship with a child'. Queensland and the Australian Capital Territory recently changed the headings of their offences, and the Northern Territory recently consulted on an exposure draft bill that would change the heading of their relevant offences.

At the crux of Ms Tame's concerns is that the word 'relationship' implies mutual responsibility and consent and diminishes the gravity of the offence. In response to Ms Tame's advocacy, and in particular her concerns that the word 'relationship' implies mutual responsibility and consent and diminishes the gravity of the offence, the government has introduced the Criminal Law Consolidation

(Child Sexual Abuse) Amendment Bill 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'.

Importantly, the bill also inserts a new subsection (14) into section 50 of the Criminal Law Consolidation Act to dis-apply the Legislation Interpretation Act 2021 to provide that the heading does not form part of the section and that there is no intention for the new heading to affect the interpretation or operation of the offence.

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

A broader review of sexual consent and abuse laws that includes other issues raised by Ms Tame and her foundation, Harmony Campaign, is currently being undertaken by the South Australian and federal governments. While a technically simple change, this bill is an important one in its recognition of the advocacy of Ms Grace Tame and the Harmony Campaign that language matters and we cannot give perpetrators licence to characterise abuse as romance.

Prior to 2017, the section 50 offence was 'persistent sexual exploitation of a child', which provided that the offender could be found guilty as long as the jury was satisfied that more than one sexual act was committed against the child over a period of not less than three days. In 2017, the High Court decision in *Chiro v The Queen* meant that there was then a possibility that judges would have to sentence the accused on the version of facts most favourable to the offender; for instance, taking into account the two least serious acts.

To avoid this issue, the offence was changed to 'persistent sexual abuse of a child', adopting model provisions recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse around maintaining an unlawful sexual relationship. This removed the requirement to prove the particular unlawful sexual acts to establish the offence.

In 2021, the offence heading was changed to 'Unlawful relationship with a child' after the DPP raised concerns that the word 'persistent' in the heading could give rise to an argument that the word must have some work to do in interpreting the provision. In order to overcome these issues, section 50 was replaced in late 2017 to introduce the relationship offence titled 'Persistent sexual abuse of a child', which was based on model provisions recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

The relationship offence removes the requirement to provide particular offences to establish the persistent offence. The heading of section 50 was changed in 2021 to 'Unlawful relationship with a child' in response to concerns raised by the DPP that the heading was no longer appropriate as the persistent sexual abuse of a child is no longer an element of the offence. Concerns were raised that the language of 'persistent' in the section heading could give rise to an argument that the word must have some work to do in interpreting the provision.

It is a very important provision. It is not earth-shattering in the actual change, but very important, as raised by various commissions and Grace Tame. I urge all members of this chamber to support the bill.

The Hon. T.A. FRANKS (16:38): I rise today on behalf of the Greens to confirm our support for this bill, which should come as no surprise because the Greens were working on a similar bill. While it is not a complex change, it will be important to reflect the reality of what is happening in these situations; that is, actually, it is the persistent sexual abuse of a child. I first must acknowledge Grace Tame and her extraordinary work in pushing for reform. Her speeches to the National Press Club highlighted this issue, and her experiences gave many people an insight into the importance of such a change.

Our choice of words matters. Our language matters. Our words have meaning, not only to the people directly affected by them but also to how society views these criminal acts and the victim survivors of them. Child victim survivors of sexual abuse are groomed, they are manipulated. Part of that grooming for many victims includes platitudes, includes gifts, or simply making that child feel special.

What can result is that the child feels that they do have a choice. A child can feel as though they have been chosen to continue to see their abuser. While the reality of the situation is fundamentally different, a child sexual assault survivor remembers those feelings. Their feelings replay alongside the trauma, leading that survivor victim to feel that their actions contributed to the abuse they suffered. I want to be clear: they did not.

Calling what had happened, rather than a relationship, even an unlawful one, is necessary. Calling this abuse a relationship compounds the pain. Nina Funnell, a journalist and survivor advocate, who founded the #LetHerSpeak campaign, has said that the 'sinister' language of a relationship exacerbates the trauma of victim survivors, painting them as an active participant in a mutual romance. This is backed by research that shows us that, in some cases, courts have interpreted the crime of an unlawful sexual relationship by comparing it to an ordinary sexual relationship between mutually consenting adults.

At no point in time is what is happening here a relationship. A relationship is about choice, a relationship is consent, a relationship is reciprocal. Our language matters. It matters for survivor victims, it matters for those who face the daunting prospect of confronting their abuser in court, and it matters for those victim survivors who cannot do that. The notion of a relationship has absolutely no place in this law. The use of the term perpetuates an idea that unlawful sexual acts with a child are a result of a bond between two people, an equal bond. It is patently clear that this is not the case. You have an adult in, perhaps, a position of power, assaulting a child, a victim survivor, and a child who irrespective of their actions was never in a position of power or control.

The offence is absolutely abhorrent and allows offenders to be described in a way that allows the very real harm of their abuse to be minimised through the word 'relationship' and this must end. Renaming the offence in our legislation is a move towards national consistency in that language that is used to describe child sex offences. To be clear, the elements of the offence will not be changed by this amendment and 'engaging in a relationship' will remain an element of the offence as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

However, the offence will now accurately be named in a way that reflects its inherent abuse. The law as it currently stands highlights a perception of choice, a concept that the word 'relationship' implies. We must consider what message this kind of language sends to our community. Language does matter. We cannot give these victim survivors their childhoods back; we can give them respect and dignity.

South Australia should not be left behind on this issue. I say this for victim survivors, I say this for young people who are abused: our language carries meaning, a profound meaning for some, and 'relationship' does imply consent. We should aim for a nationally consistent approach to our language on this issue, and I note that other states have already moved to make this change.

I thank Cassandra Alvey and Sian Davies of my office for their work, both of whom have put considerable time into this issue with the preparation of a private member's bill that the Greens are pleased we did not need to bring before this house. We also note the work previously of the Hon. Connie Bonaros and welcome that collaboration with the Attorney-General and thank him for his leadership on this issue. With that, I commend the bill.

The Hon. S.L. GAME (16:44): I rise briefly to support the bill and the change of the wording and echo the sentiments other members have already expressed in this chamber. One Nation supports any law amendment that will prevent child exploitation and increase penalties or the scope of offenders that perpetrate these heinous acts. We support the government in the measures they seek on this matter.

The Hon. C. BONAROS (16:44): I rise on behalf of SA-Best to speak in support of the Criminal Law Consolidation (Child Sexual Abuse) Amendment Bill 2023 and echo the sentiments of other members. As has already been highlighted, the bill seeks to amend the title of the offence 'Unlawful sexual relationship with a child' to 'Sexual abuse of a child'. It is a term we expressed particular concern about during debate on a similar bill last year, resulting in amendments. The use of the word 'relationship' grossly conveys a message of consent and certainly does not reflect the gravity of offending.

After those discussions with the Attorney at the time, we certainly appreciated the need to tread carefully around what is a very complex area of law and resisted the temptation to jump in, to dive in, and deal with it then and there. On that note, I, too, note the advocacy and work of the Hon. Tammy Franks on the same issue in terms of drafting a private member's bill. I note collectively the desire of all of us in here to get this right and I also am thankful for the Attorney and the honourable member and indeed everybody in this place, which will ensure that this bill has multipartisan and unanimous support through this parliament.

The last thing any of us wanted to do was to make it easier for a child sex offender to avoid a conviction on a legal argument, so I am glad that we have managed to get here today. That is what we all wanted. It is also the reason, as has been outlined, why the bill only seeks to amend the title, but that in and of itself is hugely important. We are not seeking to amend the interpretation or operation of the section, which will remain in keeping with the model provisions as recommended by the Royal Commission into Institutional Responses to Child Sexual Abuse.

In 2021, the title was changed from 'Persistent sexual abuse of a child' to the current heading of 'Unlawful sexual relationship with a child' to reflect the elements of the offence, and I think it is important to recognise that the bill does not seek to amend those elements in any way, shape or form.

Section 50 will continue to prescribe that an adult who maintains an unlawful sexual relationship with a child is guilty of an offence. An unlawful sexual relationship will continue to mean a relationship in which an adult engages in two or more unlawful sexual acts with or towards a child over any period, and I think that is really the crux of what we are dealing with in those words there. It will ensure we are not opening the door to legal argument as to the interpretation of elements of the offence.

The amendment will, however, mean a person accused of this offence will answer to the charge of sexual abuse of a child. It will mean the media will report the cases for what they are. It will mean the media will report on an accused being found guilty of or sentenced for the sexual abuse of a child rather than an unlawful sexual relationship with a child.

I agree with all honourable members that words do matter and language should reflect the heinous nature of the offending against a child, no less, if only for the benefit of that child as they grapple with what has happened to them for the rest of their lives. They, being innocent kids, are the ones who are going to need to process all of this and live with it, so the least we can do as a state and, indeed, as a nation is ensure that the language we use fits the terrible crime they have been the victim of without any inference, suggestion or intimation otherwise.

I note that we ran through the cause lists of the courts and looked at how many of these were listed. There are quite a few, and I will ask the Attorney one question about that during the committee stage debate. There was a judgement the other week against an offender where it was stated by the judge that it was the worst sort of offending against a child—sadly in that case against a baby, an infant—that they had ever had to deal with as a judge, and that offence fell under the heading that we are amending. So when it was reported it was reported as a relationship with a child, and we are talking about a child where the offending started at four or five months old. That is not okay. It is not okay to minimise that offending in any way, including by the language we use to describe it.

It is a small but significant change but it has also been brought about as a response to the fierce advocacy of Grace Tame, former Australian of the Year and victim survivor of child abuse. We are the second to last jurisdiction to respond to her call for this change of language, with the Northern Territory now on the list. But I think Grace's work is far from done. We have just changed language around 'child sexual services' to 'child sexual servitude' and we are all particularly grateful to the Attorney for agreeing to those changes as well. We are now debating this important change.

Grace's foundation, Harmony Campaign, is continuing the advocacy for nationally consistent sexual assault laws including definitions of 'sexual intercourse' and 'grooming' and we will be watching that space closely, which means really that our work in this space is not done. Words absolutely do matter but our actions always speak even louder, so we look forward to further collaborating with our colleagues on changes to our laws to better protect our children and victim survivors and deter the depraved perpetrators who commit such heinous acts.

In closing, I too would like to take this opportunity to thank Grace for her fierce advocacy, her strength, her tenacity. What she went through is not lost on any of us. What she has done since is simply remarkable. I attended and heard Grace tell her story in Adelaide and it is chilling, it is harrowing, and frankly I think I speak probably for all of us with children when I say it is every parent's worst nightmare when it comes to their own child. I am grateful to Grace for her perseverance and strength, and indeed determination, in telling that story and fighting so hard to change the narrative.

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:51): I want to thank the members who have contributed to the second reading debate today: the Hon. Nicola Centofanti on behalf of the opposition, the Hon. Emily Bourke, the Hon. Russell Wortley, the Hon. Tammy Franks on behalf of the Greens, the Hon. Sarah Game, and the Hon. Connie Bonaros.

As members have traversed, this is a matter that really has been a collaborative effort. It was something that was highlighted by an amendment some time ago by the Hon. Connie Bonaros. It is something that the Hon. Tammy Franks was working on almost at exactly the same time as the government was, and it was a chance discussion with the Hon. Tammy Franks where we discovered on the same week we would introduce bills to bring about the same desired effect that we are seeing here today.

As members have mentioned, words are important and this is an important amendment that changes the way we describe this offence. Every child who is a victim survivor of childhood sexual abuse has a different story and has had their lives changed forever by the vile acts that someone has committed. I think one word from the debate during the second reading that sums up Grace Tame is fierce—fierce in her determination, fierce in her strength, fierce in her desire to use what has happened in her life to bring about change for others.

Grace Tame was in the gallery as we introduced this bill in the last sitting week and I just cannot imagine what sort of strength it takes to sit listening to others talk about your experiences and the chilling and harrowing things that have happened to you. Of course, what was said was with Grace's permission and endorsement to be able to tell those things, and her having to relive them while watching proceedings unfold in this chamber, but it is extraordinarily important.

It is a remarkable credit to Grace Tame and to the many other advocates and victim survivors of childhood sexual abuse, and other victim survivors in so many other areas, that they have used something that is enough to break most people to make change, to make it better for other people and those who come after them who have to suffer such horrendous things.

With that, I am very pleased to commend the bill to this chamber, noting and thanking members for their patience and perseverance in making sure we got this right because, as has been mentioned, it would be a terrible outcome if we changed this and one of the unintended consequences was that, in following High Court precedent, we actually made it easier for people who commit these crimes to escape the maximum possible penalty that a court can impose.

I thank members for their contributions and look forward to it passing this chamber and then the other place very soon. I hope that we can have this done before we all rise for the winter break and change what is said in the legislation and consequently the way this is described in the greater community.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. C. BONAROS: I have one question and that is in relation to some statistics that the Attorney provided us in relation to the number of finalised defendants with a charge of one lawful sexual relationship. I hope this speaks to the merit of these laws. There has been a significant jump from 2018-19 to 2021-22 in terms of the total number of charges. I am wondering whether that is directly related to the language that has been used or some other factor. There is a very significant spike based on the number of charges that have been laid between 2018-19 and 2021-22 from two

to 89, and I wonder whether that is directly related to the changes in language or the number of offences that are actually—

The Hon. K.J. MAHER: I thank the honourable member for her question. My advice is that we do not have any of the information that sits behind the raw numbers that we are able to provide. For clarification, it is the year of the finalisation of the charges, not the charges being laid, which would be a lag of some time. I am afraid I do not have any advice as to what sits behind those numbers, but it is a very significant increase from 2018-19 to 2021-22. I do not know if 2018-19 uses the first and the base you hear was an outlier year. I am sorry, I just do not have any information on that.

Clause passed.

Remaining clauses (2 and 3) passed, schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:59): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 17:00 the council adjourned until Wednesday 17 May 2023 at 14:15.

*Answers to Questions***EMERGENCY SERVICES WORKERS**

In reply to **the Hon. T.A. FRANKS** (7 February 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Health and Wellbeing and the Minister for Police, Emergency Services and Correctional Services has advised:

For the 2017–2022 financial years, the South Australian Metropolitan Fire Service has had a total of 134 workers, including retained personnel, leave the service over and above those who retired.

As of 10 March 2023, there were 3,469 separations (excluding retirements) from SA Health from the SA Ambulance Service award and Nursing/Midwifery award for the five years from July 2017 to December 2022.

Over this period the overall ambulance, nursing, and midwifery workforce increased by 16 per cent of ambos, nurses and midwives in net terms.

POKER MACHINES

In reply to **the Hon. C. BONAROS** (7 February 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Consumer and Business Affairs has advised:

While the decision to allow new technology gaming machines to be introduced in SA received bipartisan support, significant amendments moved by the Labor Party whilst in opposition and subsequently passed by the parliament ensure that players are not allowed to insert more than \$100 into a gaming machine at a time and prohibit the use of \$100 banknotes.

This is in stark contrast to NSW, which only recently reduced the amount that a player may insert into a gaming machine from \$7,500 at a time to \$5,000.

The government is of course closely monitoring the development of both the Tasmanian and NSW proposals. Any relevant findings will inform the Liquor and Gambling Commissioner's advice to the government.

In response to the honourable member's question about the increase in poker machine revenue, while some of the increase in spending may indeed be attributable to the changes in 2019, COVID-related restrictions on venues with gaming machines were lifted to 75 percent in March 2021 and full capacity was reinstated in December 2021.

Treasury has advised that growth in gaming machines tax revenue from hotels and clubs will return to more modest levels over the forward estimates period.

The government remains committed to reducing the prevalence and severity of potential harm caused by gambling, which is why, in addition to the use of facial recognition technology, a number of measures have been implemented to minimise the potential for gambling-related harm as a result of the introduction of new technology gaming machines, including:

- a restriction on EFTPOS cash withdrawals to \$250 per card over 24 hours;
- a prohibition on the use of \$100 banknotes;
- a restriction on the use of banknotes of any value at a gaming machine if there is already \$100 or more on the machine;
- a requirement for gaming venues to offer the payment of winnings of \$500 or more by cheque or EFT.

NATIONAL REDRESS SCHEME

In reply to **the Hon. T.A. FRANKS** (8 February 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

The government is a committed participant in the National Redress Scheme for victims of child sexual abuse.

The government intends to move a motion in the House of Assembly. This motion to be moved on the 15-year anniversary of the apology supplied by then Premier the Hon. Mike Rann, will allow us, as done in the past, to acknowledge survivors of institutionalised child abuse.

RENTAL PROPERTY STANDARDS

In reply to **the Hon. R.A. SIMMS** (23 February 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

The Malinauskas government is undertaking a review of the Residential Tenancies Act 1995 (RTA). Consumer and Business Services (CBS) is currently reviewing all submissions and giving consideration to issues raised, including whether additional minimum standards for rental properties should be incorporated into the RTA.

SUMMARY OFFENCES ACT

In reply to **the Hon. T.A. FRANKS** (7 March 2023).

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

The Office of the Commissioner for Public Sector Employment (OCPSE) has no information on employment of this type in the South Australian public sector.

RENT BIDDING

In reply to **the Hon. R.A. SIMMS** (7 March 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Consumer and Business Affairs has advised:

The Malinauskas government is confident that the Residential Tenancies (Protection of Prospective Tenants) Amendment Bill 2023 (amendment bill) will achieve its stated objective of banning the practice of rent bidding.

The amendment bill will bring South Australian rent bidding laws in line with other jurisdictions that have outlawed rent bidding, including New South Wales, Victoria, Queensland, and Tasmania.

SKYCITY ADELAIDE

In reply to **the Hon. T.A. FRANKS** (7 March 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

On 1 February 2023, the Liquor and Gambling Commissioner, Mr Dini Soulio, received preliminary material from former Supreme Court Justice Hon. Brian Martin AO KC in the investigation into the continued suitability of SkyCity Adelaide Pty Ltd to hold the South Australian casino licence and the suitability of its parent company, SkyCity Entertainment Group Ltd (NZ), to be a close associate.

As the honourable member would recall, the investigation was commissioned by Mr Soulio last year after reviews into the operation of casinos in other jurisdictions highlighted broader systemic issues that may be relevant to the gambling operations at SkyCity Adelaide.

Noting that AUSTRAC commenced proceedings in the Federal Court of Australia against SkyCity Adelaide in December 2022 for alleged serious and systemic noncompliance with Australia's anti-money laundering and counter-terrorism financing (AML/CTF) laws, I am advised that Mr Martin advised the commissioner that until the resolution of the AUSTRAC proceedings, it is not possible to determine reliably the question of suitability.

The commissioner has advised the government that while Mr Martin's investigation has been separate from the proceedings initiated by AUSTRAC in the Federal Court, there is clearly some overlap that will need to be considered further.

As a result, the commissioner has placed Mr Martin's investigation on hold. Once the AUSTRAC proceedings have been resolved, the commissioner will then be in a better position to consider when and whether the investigation into the continued suitability of SkyCity Adelaide Pty Ltd to hold the casino licence and the suitability of its parent company SkyCity Entertainment Group Ltd (NZ) to be a close associate, should resume.

Notwithstanding that the question of overall suitability does remain unresolved at this time, I am advised that the commissioner wrote to SkyCity Adelaide on 6 February 2023 in relation to the allegations raised in the AUSTRAC statement of claim lodged with the Federal Court and preliminary matters arising from Mr Martin's investigation, seeking a response within 28 days.

I am further advised that on application by SkyCity Adelaide, the commissioner granted an extension for providing a response or making representations until 31 March 2023. The commissioner will now give consideration to any potential action that may be taken.

The government supports the commissioner's decision to place the investigation on hold and notes that it was not taken lightly. While this process is underway, it is not appropriate for the government to comment any further on the investigation or the AUSTRAC proceedings currently before the Federal Court.

SKYCITY ADELAIDE

In reply to **the Hon. C. BONAROS** (7 March 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

On 1 February 2023, the Liquor and Gambling Commissioner, Mr Dini Soulio, received preliminary material from former Supreme Court Justice Hon. Brian Martin AO KC in the investigation into the continued suitability of SkyCity Adelaide Pty Ltd to hold the South Australian casino licence and the suitability of its parent company, SkyCity Entertainment Group Ltd (NZ), to be a close associate.

As the honourable member would recall, the investigation was commissioned by Mr Soulio last year after reviews into the operation of casinos in other jurisdictions highlighted broader systemic issues that may be relevant to the gambling operations at SkyCity Adelaide.

Noting that AUSTRAC commenced proceedings in the Federal Court of Australia against SkyCity Adelaide in December 2022 for alleged serious and systemic noncompliance with Australia's anti-money laundering and counter-terrorism financing (AML/CTF) laws, I am advised that Mr Martin advised the commissioner that until the resolution of the AUSTRAC proceedings, it is not possible to determine reliably the question of suitability.

The commissioner has advised the Government that while Mr Martin's investigation has been separate from the proceedings initiated by AUSTRAC in the Federal Court, there is clearly some overlap that will need to be considered further.

As a result, the commissioner has placed Mr Martin's investigation on hold. Once the AUSTRAC proceedings have been resolved, the commissioner will then be in a better position to consider when and whether the investigation into the continued suitability of SkyCity Adelaide Pty Ltd to hold the casino licence and the suitability of its parent company SkyCity Entertainment Group Ltd (NZ) to be a close associate, should resume.

Notwithstanding that the question of overall suitability does remain unresolved at this time, I am advised that the commissioner wrote to SkyCity Adelaide on 6 February 2023 in relation to the allegations raised in the AUSTRAC statement of claim lodged with the Federal Court and preliminary matters arising from Mr Martin's investigation, seeking a response within 28 days.

I am further advised that on application by SkyCity Adelaide, the commissioner granted an extension for providing a response or making representations until 31 March 2023. The commissioner will now give consideration to any potential action that may be taken.

The government supports the commissioner's decision to place the investigation on hold and notes that it was not taken lightly. While this process is underway, it is not appropriate for the government to comment any further on the investigation or the AUSTRAC proceedings currently before the Federal Court.

SKYCITY ADELAIDE

In reply to **the Hon. F. PANGALLO** (7 March 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): I have been advised:

On 1 February 2023, the Liquor and Gambling Commissioner, Mr Dini Soulio, received preliminary material from former Supreme Court Justice Hon. Brian Martin AO KC in the investigation into the continued suitability of SkyCity Adelaide Pty Ltd to hold the South Australian casino licence and the suitability of its parent company, SkyCity Entertainment Group Ltd (NZ), to be a close associate.

As the honourable member would recall, the investigation was commissioned by Mr Soulio last year after reviews into the operation of casinos in other jurisdictions highlighted broader systemic issues that may be relevant to the gambling operations at SkyCity Adelaide.

Noting that AUSTRAC commenced proceedings in the Federal Court of Australia against SkyCity Adelaide in December 2022 for alleged serious and systemic noncompliance with Australia's anti-money laundering and counter-terrorism financing (AML/CTF) laws, I am advised that Mr Martin advised the commissioner that until the resolution of the AUSTRAC proceedings, it is not possible to determine reliably the question of suitability.

The commissioner has advised the government that while Mr Martin's investigation has been separate from the proceedings initiated by AUSTRAC in the Federal Court, there is clearly some overlap that will need to be considered further.

As a result, the commissioner has placed Mr Martin's investigation on hold. Once the AUSTRAC proceedings have been resolved, the commissioner will then be in a better position to consider when and whether the investigation into the continued suitability of SkyCity Adelaide Pty Ltd to hold the casino licence and the suitability of its parent company SkyCity Entertainment Group Ltd (NZ) to be a close associate, should resume.

Notwithstanding that the question of overall suitability does remain unresolved at this time, I am advised that the commissioner wrote to SkyCity Adelaide on 6 February 2023 in relation to the allegations raised in the AUSTRAC statement of claim lodged with the Federal Court and preliminary matters arising from Mr Martin's investigation, seeking a response within 28 days.

I am further advised that on application by SkyCity Adelaide, the commissioner granted an extension for providing a response or making representations until 31 March 2023. The commissioner will now give consideration to any potential action that may be taken.

The government supports the commissioner's decision to place the investigation on hold and notes that it was not taken lightly. While this process is underway, it is not appropriate for the government to comment any further on the investigation or the AUSTRAC proceedings currently before the Federal Court.

CRIME IN PORT AUGUSTA

In reply to **the Hon. S.L. GAME** (8 March 2023).

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

I have visited Port Augusta on a number of occasions since coming to office just over one year ago, and had many discussions with community members.

The Department of Human Services (DHS) is responsible for the Port Augusta Community Outreach program. I have therefore sought advice from the Minister for Human Services, who has advised that:

The Hon Nat Cook MP, Minister for Human Services, has had significant engagement with local Aboriginal leaders, ministers, members of parliament, local government, and community service providers in Port Augusta. Following this engagement, DHS established the Port Augusta Community Outreach program.

DHS received \$1.2 million over four years to lead this program, that commenced in November 2022, and has been co-designed with the Port Augusta community and local leaders. The program supports locals and remote visitors in the region to address potential harm and antisocial behaviour.

The program consists of:

- a 24/7 phone number to direct calls and concerns from service providers and community members.
- Community outreach—providing a regular presence in known areas of concern.
- Tenancy outreach—visiting houses that have reported complaints.
- Return to Country program—supporting people to return to their home communities where appropriate.

Between November 2022 and 17 March 2023, DHS supported 319 people (including 65 minors) through the Return to Country program.

A multi-agency youth response continues to be a high priority to provide intensive support to children and young people engaging in antisocial behaviour, and to strengthen coordination.

The youth response includes:

- Extended hours of the Port Augusta Youth Centre.
- Extended hours of the youth bus.
- Establish a community participation fund to support young people to engage in social activities.
- Establish an intensive youth support group for multi-agency intensive case management.
- A youth outreach service with workers in community after hours and on weekends, engaging and connecting with young people to ensure safety and wellbeing.

RENTAL AFFORDABILITY

In reply to **the Hon. R.A. SIMMS** (21 March 2023).

The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector): The Minister for Consumer and Business Affairs has advised

The Malinauskas government is currently undertaking a review of the Residential Tenancies Act 1995 (RTA). This review will consider stakeholder and community submissions on a variety of issues affecting residential tenancies and will contemplate the implementation of measures to improve rental affordability in South Australia (SA).