

**LEGISLATIVE COUNCIL****Thursday, 6 July 2023**

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

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

*Parliamentary Procedure*

**ANSWERS TABLED**

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

**PAPERS**

The following papers were laid on the table:

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

Kanku-Breakaways Conservation Park Co-Management Board, Report, 2018-19

Kanku-Breakaways Conservation Park Co-Management Board, Report, 2019-20

Kanku-Breakaways Conservation Park Co-Management Board, Report, 2020-21

Regulations under Acts—

Controlled Substances Act 1984—

Controlled Drugs, Precursors and Plants—Psilocybine and MDMA

Poisons—Psilocybine and MDMA

Education and Early Childhood Services (Registration and Standards) Act 2011—

Amendment of Education and Care Services National Law Text (No 2)

Emergency Services Act 1998—Remissions Land

Determination of the Remuneration Tribunal No. 4 of 2023—Minimum and Maximum

Chief Executive Officer Remuneration

Report of the Remuneration Tribunal No. 4 of 2023—Minimum and Maximum

Chief Executive Officer Remuneration

Emergency Services Funding (Declaration of Levy and Area and Land Use Factors)

Notice 2023

Emergency Services Funding (Declaration for Vehicles and Vessels) Notice 2023

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

Electoral Commission of South Australia—2022 South Australian State Election and

2022 Bragg By-election

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

Regulations under Acts—

Electricity Act 1996—General—Miscellaneous

Gas Act 1997—Miscellaneous

Early Commencement of the River Murray Flood Resilience Code Amendment

*Ministerial Statement*

**OFFICIAL VISIT TO CHINA**

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:20):** I table a ministerial statement made in the other place by the Premier, entitled 'Official visit to China'.

*Question Time***FERAL PIGS**

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:24):** I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development, regarding feral pig management.

Leave granted.

**The Hon. N.J. CENTOFANTI:** Last year, there were multiple outbreaks of foot-and-mouth disease in Indonesia, which is now considered endemic in that country. As I am sure the minister is aware, feral pigs are amplifiers of this highly contagious and destructive exotic animal disease. Feral pigs also compete for resources with livestock and native animals, foul waterholes, prey on newborn lambs and host and share a range of other dangerous diseases and parasites.

The minister's PIRSA website states that there is an increasing number of feral pigs entering South Australia, largely through our northern and eastern borders, with populations expanding by natural dispersal. My question to the minister is: can the minister please inform the chamber what her government is doing to control feral pig populations on mainland South Australia, excluding the very well talked about Kangaroo Island program?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:26):** Thank you, Mr President. I thank the honourable member for her question. I don't think we can answer this question without referring at least in part to the highly successful eradication on Kangaroo Island.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** Members may recall when I was previously speaking on this topic and outlining the fact that, at the latest count, there are now only two feral pigs left on Kangaroo Island, and they are boars. So the expectation is that they won't be able to reproduce.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** Those opposite, despite asking a question, don't want to listen to the answer.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** The reason that it's particularly relevant, if the Leader of the Opposition had even the slightest sincere interest in listening to the answer, is that the KI feral pig eradication project is a flagship demonstration of a best practice approach to feral animal eradication. The skills and equipment that have been utilised—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —during that very successful project are being transferred—

*Members interjecting:*

**The PRESIDENT:** Listen!

**The Hon. C.M. SCRIVEN:** —to other pest species and other regions.

**The Hon. N.J. CENTOFANTI:** Point of order: I specifically said, 'excluding Kangaroo Island'.

*Members interjecting:*

**The PRESIDENT:** Is there any chance I could rule on the point of order, or are you all going to do it? There is no point of order. The minister is now moving to the relevance of that previous

program to the substance of the question that was asked, and I know you are going to do that, minister.

**The Hon. C.M. SCRIVEN:** Thank you, Mr President. I was doing exactly that, but those opposite weren't listening, so that's why they missed it.

**The PRESIDENT:** Just get on with it.

**The Hon. C.M. SCRIVEN:** What I had said was that the skills and equipment that have been utilised and further developed through that very successful program on KI are being transferred both to other pest species and to other regions. In terms of mainland South Australia, there are between 1,000 to 2,000 feral pigs on mainland South Australia, with most being found in the Murraylands and Riverland Landscape Board region, followed by the SA Arid Lands Landscape Board region.

It is true that Victoria has reported that feral pig numbers are increasing and moving, it is thought, at a fast pace towards the South Australian border. Several incursions of feral pigs in South Australia have been reported from the south-eastern border. The Limestone Coast Landscape Board is also investigating reports of feral pigs being brought over from Victoria and deliberately released, which is particularly concerning and disappointing.

I would hope that everyone in this place would agree that the large amount of damage that occurs, particularly to agricultural crops, from feral pigs is something that we should all be working on together to eradicate or minimise, rather than deliberately introducing them, potentially. On mainland South Australia, regional landscape boards spend a total of between \$50,000 and \$100,000 each year on feral pig control. For example, in 2021-22 the SA Arid Lands Landscape Board culled 856 pigs from the Diamantina catchment as part of the Coongie Wetland Wonders project.

We are really very pleased that there have been so many opportunities to learn from the Kangaroo Island project. Having a particular region, which of course in that case had the unique geographical features—it was an island—meant that there was far more opportunity to learn with fewer variables than there would have been if a similar project had been attempted on the mainland. That being said, I would also like to thank the landscape boards that are very active in this space in their ongoing fight against feral pigs in South Australia.

#### FERAL PIGS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30):** Supplementary: can the minister outline the funding attached to those programs and what landscape boards are participating in the rollout of those programs?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:30):** I am happy to take that on notice and obtain the answer from the minister in the other place who has responsibility for landscape boards and bring back an answer.

#### WILD DOG MANAGEMENT

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:30):** I seek leave to make a brief explanation before asking a question of the minister regarding the wild dog bounty.

Leave granted.

**The Hon. N.J. CENTOFANTI:** When asked in estimates about the \$100,000 wild dog bounty, the minister stated that the project started in April 2020 and that she was advised that as of June this year over 90 per cent of the budget had been spent and only, and I quote, '70 bounties remaining to be potentially claimed'. But despite its 90 per cent take-up, the minister when asked whether this program would be extended said, and I quote:

Whether that program will be extended is one thing that will be considered under the new wild dog management strategy.

My questions to the minister are:

1. When will the new wild dog management strategy be released?

2. What consultation will occur or has occurred in the development of the new strategy?

**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. The current existing wild dog strategic plan was 2016-2020, so it is currently out of date and a new strategy has been drafted. I am advised it is currently being reviewed by stakeholders. It is something I think which we need to ensure there is sufficient attention given towards because we know there has been a lot of excellent work in terms of wild dog management through the dog fence, and I have spoken in this place before about the really incredible work that is being done on that. I visited the dog fence earlier this year and was able to see firsthand some of that excellent work.

In terms of the strategic plan, it is also something that is very important to keep the attention on, so I am glad that we have been able to see that being drafted, and the review by stakeholders, of course, is consultation. I think the wild dog strategic plan has been something that is of vital interest to those who have direct impacts from wild dogs, and I am confident that there has been a wide level of discussion around that. Perhaps for those who are not so directly impacted, it is not something they are necessarily so aware of. I don't have a date for when it will be released. I am happy to take that on notice and advise.

#### WILD DOG MANAGEMENT

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33):** Supplementary: can the minister indicate which groups or stakeholders are being consulted?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:33):** I am happy to bring back that information.

#### WATER BUYBACKS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:33):** I seek leave to make a brief explanation before addressing a question to the Minister for Primary Industries and Regional Development on primary production and irrigation.

Leave granted.

**The Hon. N.J. CENTOFANTI:** During budget estimates, when asked whether PIRSA had undertaken any analysis or research on what the effects might be on the state's food and fibre production from a mass buyback policy, the minister stated:

I am not aware of any evidence to suggest that buybacks would have a negative impact, as the member is implying.

When asked to clarify if water buybacks would lead to a loss of production in the South Australian food system, the minister replied:

My understanding is that the evidence has not shown that to be the case.

My questions to the minister are:

1. What evidence from primary industries stakeholders, whom the minister represents, shows that a buyback or loss of water, without infrastructure upgrades to improve water efficiency used to grow our food and fibre, does not equate to a negative impact on primary production?
2. Has the minister consulted with any primary producers or growers on this topic?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:34):** I thank the honourable member for her question. I think it is worth referring to the statements made by the royal commissioner on the Murray-Darling plan, Bret Walker AO SC. In his report on the River Murray in South Australia, he said—and I think this is a fairly accurate statement, but it is not a direct quote—he found that there is no evidence to support claims that buyback programs hurt local economies and communities. This is because irrigators most often continue to retain some water holdings and because buybacks aren't concentrated on one town or region.

We know that those opposite don't think very much of the royal commissioner. They certainly don't think very much of the Murray-Darling Basin Plan. Under the previous government, we saw a

total lack of ability to advocate for our state, a total lack of ability to hold the upstream irrigators to account for the flows that had been promised to South Australia under the plan. We know those opposite don't have that kind of commitment. They are further demonstrating it here, because what I am guessing is that they are not going to accept the evidence that was provided by the commissioner.

#### WATER BUYBACKS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36):** Supplementary: has the minister actually had conversations on this topic with any primary producers or growers?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36):** Yes.

#### WATER BUYBACKS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:36):** Supplementary: which growers or producers has she consulted with?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:36):** As I have said in this place on many occasions, I have frequent and ongoing consultations and meetings with a wide variety of stakeholders and a wide variety of landholders, irrigators and so on. I have many discussions. I am not going to provide a list of every conversation that I have, but certainly this topic has arisen.

Most of those also know that the Minister for Climate, Environment and Water, the honourable member for Port Adelaide in the other place, takes a leading role in this as well. She and I have discussions around it, and so this is something that is ongoing. If those opposite are not committed to South Australia getting the water that we need—and clearly, from their behaviour, they are not—perhaps they should just say so more clearly and stop fluffing about.

**The Hon. N.J. CENTOFANTI:** Point of order: the minister is verbalising.

**The PRESIDENT:** You know it is not a point of order.

*Members interjecting:*

**The PRESIDENT:** Order!

#### WATER BUYBACKS

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:37):** Supplementary: can the minister name one producer or one company?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:37):** Of course I can, if I wish to do so. I don't think it is appropriate to be naming people that I have conversations with. We have ongoing consultation, we have ongoing meetings, and that will continue to be the case.

#### KANGAROO ISLAND WEEDS AFTER FIRE PROJECT

**The Hon. T.T. NGO (14:38):** My question is to the Minister for Primary Industries and Regional Development. Can the minister tell the house about the recent announcement to extend the Kangaroo Island Weeds After Fire Project for another 12 months?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:38):** I thank the honourable member for his question and his ongoing interest in Kangaroo Island. As members would be aware, the Kangaroo Island community suffered greatly because of the 2019-20 bushfires on the island, and the rebuild is still ongoing. Members might recall recent updates that I have made in this place relating to the work that has been undertaken to eradicate feral pigs, as well as other work that we have been doing on Kangaroo Island.

Today, I am pleased to be able to update the chamber on another announcement that I made on Kangaroo Island relating to weeds management during our recent country cabinet visit. The Kangaroo Island Weeds After Fire Project will be extended for another 12 months, owing to an

additional \$185,000 in funding from this state government. This funding is in addition to the over \$1.2 million already allocated to the project and will build on the progress already achieved through the Biosecurity Rebuild Project, which was launched in July 2020 in the wake of the devastating 2019-20 bushfires.

The cost of weeds to the Australian agriculture industry is more than \$4 billion per year. I am sure most in this place can understand how frustrating weeds can be—this time of the year they grow and spread quickly. In the domestic circumstance gardens can quickly become inundated with weeds, but of course this pales in comparison with the damage weeds cause the agriculture sector in South Australia.

As a result of this funding being extended for another 12 months, it will allow landowners to continue the program, which seeks to control a range of established weeds, including Cape tulip, which is a weed particularly toxic to livestock; watsonia, a weed that competes with pasture and native vegetation; bluebell creeper, a weed that hinders movement; and also fire responsive weeds such as Montpellier broom, Cape Leeuwin wattle and tree lucerne.

The continuation of this funding will also mean that landowners will receive assistance in surveillance for new high-risk weeds and identification of suspected weeds on their property, and information about risk management and prioritising control targets. I have previously spoken in this place about the importance of protecting Kangaroo Island's pristine environment for landowners, local residents and visitors, and this program will further help achieve this.

I am also hopeful that this funding will enable landowners to build and consolidate on the success already achieved in weed management on the island and that this additional resourcing will provide additional certainty. I would like to acknowledge the continued advocacy of groups such as AG KI, which have raised with me on several occasions during meetings on the island the importance of continuing programs such as this one.

I would also like to acknowledge my department, the Department of Primary Industries and Regions, Kangaroo Island Landscape Board, local farmers and landowners, National Parks and Wildlife and KI Land for Wildlife for the work they have all contributed through the biosecurity rebuild project. It is through those very strong partnerships with multiple stakeholders and interested parties that we do manage to achieve some wonderful things, such as this.

*Members interjecting:*

**The PRESIDENT:** The Hon. Mr Wortley, enough!

**The Hon. H.M. Girolamo:** Kick him out.

**The PRESIDENT:** And the Hon. Ms Girolamo, I don't need your advice.

### REGIONAL STUDENTS

**The Hon. R.A. SIMMS (14:42):** I seek leave to make a brief explanation before asking a question without notice of the Minister for Regional Development on the topic of regional students.

Leave granted.

**The Hon. R.A. SIMMS:** Last week, the Malinauskas government announced plans for a new university to be created by the merging of the University of Adelaide and the University of South Australia. The announcement was coupled with a commitment from the Premier for a \$100 million perpetual fund to support students from low socio-economic groups to enrol in the new university.

According to the demographic data resource .idcommunity, 1.5 per cent of regional people in South Australia are attending university compared with 5.6 per cent of their metro counterparts in Greater Adelaide. My questions to the minister therefore are:

1. What proportion of the perpetual fund will be allocated to regional students?
2. What role has the minister played in ensuring that the perpetual fund will meet the needs of people from low socio-economic backgrounds in the regions?
3. Has the minister read the business case for the university merger?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:43):** I thank the honourable member for his question. First, we have had some very productive discussions within various forums of the government around the need for support for people from low socio-economic backgrounds, including those from regional areas—I certainly have raised the specific issue of regional students within those discussions.

The \$100 million perpetual fund is a huge achievement, assuming the creation of the new university does proceed. It is a huge achievement in addressing some of the inequities that exist within our communities, including between metropolitan and regional residents. The ability to access high-quality education is something we as a government are absolutely committed to.

One of the things I am very pleased about is that the proposed new institution is being formed with a view to growing, and that may well result in growth into regional areas, either by expanding what is there or by expanding into new areas that do not currently have campuses. Of course, that will be the specific decision of the institution concerned, as decisions of the existing institutions are at the moment, but it is something I think is very exciting for our state and I look forward to seeing that further develop.

Since the honourable member also mentioned, in his opening remarks, that this was about regional students, I might take the opportunity to draw members' attention to another recent announcement we made, which was around the Regional Skills Fund, and specifically about enabling students in regional areas to better access TAFE courses.

Prior to now there has been a requirement that there be a minimum of 12 students to be able to run a course in a regional area, but that has now been reduced to five students. That means there is a real opportunity for more courses to be run in regional locations, and that is an additional boost for people living in our thriving regions.

#### REGIONAL STUDENTS

**The Hon. R.A. SIMMS (14:45):** Supplementary: with whom has the minister had these discussions regarding regional students, have these discussions involved Flinders University, and has she read the business case?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:45):** I thank the honourable member for his supplementary question. In terms of the discussions I have had, that has been particularly with my cabinet colleagues. Clearly, this is a very important topic for our state, and it is something that has been the basis of numerous discussions in various fora.

Remembering that this was, if not the first—I think the Voice was the first commitment we made while were in opposition in terms of new policies—then it was certainly amongst the first few commitments we made while we were in opposition to encourage and promote the creation of a new institution that would better serve our university cohort and better serve our state, both in terms of offerings in the near future but also in establishing the sorts of skills, qualifications and future workforce we need for the many exciting projects occurring as a result of investment support and initiative by the Malinauskas Labor government.

#### ESTABLISHMENT OF ADELAIDE UNIVERSITY

**The Hon. R.A. SIMMS (14:46):** Final supplementary: the minister referenced the Labor Party's election commitment. Was the government's commitment—or the then Labor opposition's commitment—to hold a commission of inquiry into establishing a new university or was it to simply do it?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:47):** I am sure most members would recall that the commitment was to establish a commission of inquiry. What eventuated after the election, as I understand it, was an approach by the University of South Australia and the University of Adelaide indicating that they wished to progress the possible creation of a new university, essentially between themselves. Obviously, there is government support that is offered and provided, but that is what they were wanting to do.

As a result, our government put on hold the commission of inquiry given that was the stated desire, in terms of pursuing it under a different mechanism, from the University of South Australia and the University of Adelaide. It will be interesting to see whether those opposite, in particular, support the establishment of a new institution, if they support the opportunity to increase the capability here in South Australia, whether they are actually interested in the future of our state—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** —or merely in its past.

#### GAZANIA

**The Hon. J.S. LEE (Deputy Leader of the Opposition) (14:48):** I seek leave to make a brief explanation before asking a question of the Minister for Primary Industries and Regional Development about problems reported by growers.

Leave granted.

**The Hon. J.S. LEE:** In today's *Stock Journal* there is a report on the spread of gazania, commonly known as African daisy.

*Members interjecting:*

**The PRESIDENT:** Order! I would like to hear the question. Continue please, deputy leader.

**The Hon. J.S. LEE:** Trials conducted by PIRSA in 2014-16 show some promise of controlling the spread, but viticulturalists, horticulturalists and croppers report that this invasive weed is becoming resistant or hardened to current herbicides and difficult to treat. Several growers have raised issues with the opposition this morning and informed us that despite their best efforts gazania is spreading rapidly and that the priority has shifted from eradication to control. The herbicides commonly known to try to control gazania are harsh. They have a bykill on crops and can affect farmers' skin. My questions to the minister are:

1. Are PIRSA and SARDI conducting any gazania-specific trials and, if so, where are they occurring and what is their scope?
2. Has the minister's office spoken directly to growers concerned about gazania and, if so, in what regions are those growers located?
3. Does the minister or her department have a clear picture of the scale of the gazania's invasive spread and the impact it is having on production?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (14:50):** I thank the honourable member for her question. I am delighted to find she has clearly acquired a desire to read the *Stock Journal* and have some interest in regional agricultural areas. That is certainly something to be commended.

SARDI and PIRSA, of course, have a strong track record in terms of research and trials. We are very fortunate to have world-renowned researchers here in South Australia. In terms of the specific question that the member has raised, I will take that on notice and bring back an answer.

In terms of the second part of the question about whether I have been approached, to my knowledge I haven't received any correspondence on this matter. Certainly, none has come across my desk so far. If there has been anything in very recent times, it hasn't yet made its way through the normal processes to my desk. To my knowledge, no-one has approached me about this matter.

#### SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (14:51):** Supplementary: the minister spoke about the importance of SARDI. Why has SARDI's budget been cut?

**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 supplementary

question. I do suggest she perhaps read the *Hansard* of estimates because this question was well approached.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.M. SCRIVEN:** The member is saying that she was there and she listened, but clearly she didn't. There have been no new savings measures in this budget.

#### **KANGAROO ISLAND COMMUNITY EDUCATION**

**The Hon. R.B. MARTIN (14:51):** My question is to the Attorney-General. Will the minister please update the council about his recent visit to the Kangaroo Island Community Education centres?

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Wortley, I didn't hear what the actual question was because you were chirping in before you should have.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:52):** Luckily, I heard, and I thank the honourable member for the opportunity to talk about—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —Kangaroo Island because those opposite don't want us to talk about Kangaroo Island. They specifically want us not to talk about Kangaroo Island. I am not surprised they don't want us to talk about Kangaroo Island because we recently held a community cabinet there—a cabinet where we went out and talked to members of the community on Kangaroo Island.

I know why they would be wanting to cut them out. It's because they are ashamed and scared of how they excluded regional areas in their one term in government. I can understand why members opposite would want to exclude Kangaroo Island from the questions and try to stop us talking about Kangaroo Island, but I won't be silenced as I want to talk about Kangaroo Island.

*Members interjecting:*

**The PRESIDENT:** Attorney, it would be nice if you actually answered the question and I know you are heading in that direction.

*Members interjecting:*

**The PRESIDENT:** Order! I want to hear the Attorney's answer.

**The Hon. K.J. MAHER:** In the last sitting week, we explained that we held country cabinet on Kangaroo Island recently and I was pleased to be able to have the opportunity to share some highlights of that visit, the information we gleaned and the meetings that were held.

One of the highlights for me was visiting the Kangaroo Island Community Education centres at two of the three campuses on Kangaroo Island. Kangaroo Island Community Education is located at three campuses in Kingscote, Penneshaw and Parndana, all of which are pre-school to year 12 and have around 680 students enrolled in total, including just under two dozen Aboriginal students.

I was lucky enough to drop into the Penneshaw campus with my good friend and colleague in the other place the member for Bright, the Hon. Blair Boyer, the education minister, and was able to spend some time getting to know some of the school's dedicated staff and students and talking about some of the unique issues that are faced by those being educated on the island.

We were treated to a full tour of the very picturesque Penneshaw campus where an elected class representative from each year level did a wonderful job of taking the Minister for Education and myself through many of the classrooms where we heard directly from students about their tasks of the day and their ambitions. It was a pleasure to meet with the Kangaroo Island Community

Education principal, Mr Peter Philp, while at the Penneshaw campus and later again at the Kingscote school to hear about how all the campuses were running, especially the challenges that are being faced post bushfire and COVID recovery on the island.

At the later tour of the Kingscote campus, I was able to sit down with the Aboriginal education officer and the Aboriginal education teacher to learn about their school's programs for the Aboriginal students who are enrolled at the school. I want to thank Ms Sharon Gaskin, the Aboriginal education officer, who is a long-time staff member at the school, and Mr Riley Puckridge, the Aboriginal education teacher, who invited me to have a meeting in the Nunga room at the Kingscote campus to talk about the great work they do in supporting Aboriginal students at the school.

Some of the opportunities that the Aboriginal students at Kangaroo Island Community Education have include sending students to participate in a team at the Aboriginal Power Cup, for which the Attorney-General's Department has for many years provided annual funding. Other recent visits for Aboriginal students facilitated by the school included attending the STEM Aboriginal Learner Congress, the Closing the Gap Day event at Wayville Showgrounds in March, and participating in the SAASTA netball competitions. Attendance in previous years has included things such as the Reconciliation SA breakfast in Reconciliation Week.

I would like to thank Mr Philp, the principal; Ms Gaskin and Mr Puckridge from the Aboriginal student support program; and all the staff at the campuses that I visited for such an informative and enjoyable visit.

#### **JENKINS, MRS A.**

**The Hon. C. BONAROS (14:56):** I seek leave to make a brief explanation before asking the Attorney a question about murdered Adelaide grandmother Anna Jenkins.

Leave granted.

**The Hon. C. BONAROS:** As we speak in this place today, the funeral service of Anna and her devoted husband, Frank, is concluding at Glenelg. As many in this place would know, the Malaysian-born lady who I refer to, 65, a loving and besotted grandmother, was abducted and murdered in Penang, Malaysia in December 2017 while in the country with Frank to visit her elderly mother.

Her death, the subsequent investigation and coronial inquiry have been well articulated in this place. I don't intend to canvass that again. All of that will now be the subject of a hearing before the Malaysian High Court due to be heard next month. Sadly, her husband of 84 passed away last month after a battle with dementia. In a final heartbreaking move, Anna's and Frank's children, Greg and Jen, have decided to bury their parents together with the skeletal remains of their mum, found by Greg, placed on her loving husband's chest in a shared coffin.

Earlier this year, my colleague asked the Attorney if the South Australian Coroner would follow through with his request to conduct an inquiry himself here in SA. The Attorney committed to follow up the matter and provide feedback. It was also revealed that the issue of victims of crime funding applying extraterritorially is something his office would be looking at after my colleague asked if local victims of crime should be eligible for funding to help recover legal costs from the Victims of Crime Fund regardless of where a person has died. My questions to the Attorney today are:

1. Has that feedback been provided by the Coroner on his ability and/or interest to conduct a coronial inquest of his own?
2. Can the Attorney update the chamber on victims of crime funding applying to those deaths that have occurred extraterritorially?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (14:58):** I thank the honourable member for her question and note her colleague's extraordinary dedication to this cause, having attended part of the coronial inquest in Malaysia himself. First of all, I want to extend my deepest sympathies to Greg Jenkins and Jen Bowen, the children of Anna Jenkins, who I have had the pleasure of meeting with personally. I am touched and blown away by their courage and their dedication, having made dozens of trips to Malaysia over the last few years to try to find that answer of what happened to their mother.

I have referred the matter to the Coroner and the request that has been made about whether the Coroner will look into this. I have not had an update from the Coroner about the ability to do that, and I understand that is a question the Coroner will look at—for a death that occurred not in Australia but overseas. In relation to the Victims of Crime Fund, it is something I have asked for advice on. I have asked for further advice on that. I do not have a conclusive answer back, but certainly, having had the benefit of meeting Greg and Jen, it is something I am following up.

#### CHILD PROTECTION

**The Hon. J.M.A. LENSINK (15:00):** I seek leave to make a brief explanation before directing a question to the Attorney-General on the subject of child protection.

Leave granted.

**The Hon. J.M.A. LENSINK:** It has recently been alleged that underage girls in state care, some as young as 11 years old, are being sexually exploited in exchange for money, drugs, vapes and cigarettes. My questions for the minister are: what immediate measures is the government taking to protect these children from predators, and has the Attorney sought advice on legislative options that could be implemented to further protect these children?

**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. At the outset I want to say I have seen some of the commentary around this matter. No child can consent to sexual activity. We as a chamber made changes to make that very clear in our intention. I think there has been some unfortunate commentary around this. It is the sexual abuse, it is the rape, of children. That is the only correct way to describe some of the actions that have been commented upon.

In relation to what the government is doing, we will do everything that is reasonably in our power to protect children. We have passed a number of laws already in this parliament that have substantially increased penalties for child sexual offences. We have passed, at the instigation of the Hon. Connie Bonaros, laws about childlike sex dolls. We have passed laws to correctly describe the sexual abuse of children; it is not being described as 'engaged in a relationship'.

I do not have the facts of the matter the honourable member is talking about, but I am happy to see if there are any specific matters that the Minister for Child Protection could reasonably bring back. As the honourable member would be well aware, the reporting on details of people who are part of the child protection system is something that for very good reason is not—the privacy of those children is of utmost importance, but I am happy to see if anything can be provided. I can assure the honourable member that if there are possible changes that can be made to better protect children, we will absolutely engage with that.

#### CHILD PROTECTION

**The Hon. J.M.A. LENSINK (15:02):** Supplementary question: will the Attorney-General consider legislation that would fall under the definition of restrictive practice in care settings?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:02):** I thank the honourable member. There is a review of restrictive practices right across settings, whether they be care settings for children, health provision settings or aged-care settings. If suggestions are put forward, I am very happy to consider them if it is going to improve the safety of children.

#### CHILD PROTECTION

**The Hon. J.M.A. LENSINK (15:03):** Further supplementary: will the Attorney consider reinstating the across-government Restrictive Practice Working Group?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:03):** I know that there is work going on in government in relation to restrictive practices. I will have to get a bit more information about it, and I am happy to bring that back for the honourable member.

### AGRICULTURAL TOWN OF THE YEAR

**The Hon. R.P. WORTLEY (15:03):** My question is to the Minister for Primary Industries and Regional Development. Will the minister inform the chamber about the announcement of the top 10 towns left in the running for AgTown of the Year 2023?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (15:04):** I thank the honourable member for his question. First of all, I would like to thank all of the 49 towns, I think it is, across the state who entered this year's AgTown of the Year competition. The diversity of towns, the regions and the different agricultural industries, which all go towards making our state the wonderful place that it is, have been well highlighted.

In such a competitive field and public voting process, it was always going to be a tough battle to get through to the next stage, but I am sure that already throughout the process so far all the towns that have participated have gained a great deal from the experience. This year's public vote was interesting. For the first time it has been a top 10, but we didn't get the top 10; we had a tie for tenth place, meaning that our top 10 is in fact a top 11.

The top 11 towns that are still in the running are, in no particular order—and I definitely would congratulate them—Ardrossan, Bordertown, Eudunda, Jamestown, Myponga, Orreroo, Strathalbyn, Waikerie, Wudinna, Crystal Brook and Yunta. I am sure that colleagues throughout the chamber on all sides here would join me in congratulating that top 11. As with the initial field of 49 towns, the top 11 really does reflect the broad range of regions and agricultural industries that we are also proud of as South Australians.

I think one of the lovely aspects of the AgTown of the Year Award is that even if you are from a metropolitan area, many people have a connection or perhaps a number of connections to the regions and particular towns. Through this public voting process, people in metropolitan areas can show their support for their favourite town or favourite region. It is also a great opportunity to be able to show support in a way that recognises and uplifts those towns, with locals able to showcase their achievements and build the sense of pride even further that we have seen has been so prevalent since the award's inception a few years ago.

From here, each of the towns will now be invited to provide written submissions to the independent panel of judges, who will then make the difficult decision to put just three towns out of those 11 through to the next stage. A winner will be declared at the regional showcase evening on Thursday 9 November. I wish the top 11 towns all the best and look forward to their showcasing all the things that make them great and make them incredible places to live.

### APY ART CENTRE COLLECTIVE

**The Hon. T.A. FRANKS (15:06):** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Arts, a question regarding the APY Art Centre Collective.

Leave granted.

**The Hon. T.A. FRANKS:** In April this year, footage obtained by *The Australian* newspaper was released, appearing to show a non-Indigenous arts assistant painting on renowned artist Yaritji Young's depiction of Tjukurrpa, the spiritual and sacred law that governs culture. Our own state arts minister, Andrea Michaels, has subsequently said she was 'disturbed' by the claims and 'wanted answers'. Minister Michaels has also said, and I quote:

While the matter remains unresolved, enormous damage is being done to the nation's Indigenous arts industry.

The ongoing media commentary has been divisive and confusing. Questions are continually being raised on the role of arts managers and studio assistants and what they do in remote Indigenous community arts centres and, in this case, metropolitan community arts centres. A National Gallery of Australia investigation is underway and I understand may soon report their findings.

It has also been announced that the NT government, the South Australian government and the federal arts minister will be undertaking an investigation into these allegations, and I note that the Northern Territory minister, Mr Paech, has said:

...any investigation into the APYACC should focus on protecting artists and their culture and livelihoods.

The APYACC management has strongly denied allegations of any interference with the paintings or the Tjukurrpa. Their website currently states hands-on assistance such as underpainting is common practice. A key role in art centres is 'taking the story' and that is where arts centre staff document the artist's painting with the photo and the related Tjukurrpa or country.

More recently, the APY Art Centre Collective has announced in a statement that it has been dumped from the Indigenous Art Code, the body tasked with regulating ethical standards in the First Nations arts sector, despite being denied a chance to respond to the allegations. The National Gallery of Australia has also now formally postponed the exhibition of artworks from South Australia's far north-west to allow for the independent review of these allegations.

Given this has now dragged on for months and the clear impacts that these allegations have on Anangu artists in our state, my questions to the minister are:

1. What is the status and the terms of reference and the nature of the South Australian and Northern Territory federal inquiry?
2. How is the minister ensuring that the APY Art Centre Collective and its artists are supported through this and other inquiries?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:09):** I thank the honourable member for her question. It is one that certainly people have spoken to me about in relation to the extensive media coverage on the APY Art Centre Collective. The fallout of this I think has been unfortunate, and it's not the concern for an institution or for administrators but for Anangu. I know that in communities there have been difficulties that have arisen as a result of this issue that have been unfortunate and difficult for some communities and families.

As the honourable member said, I am aware that the National Gallery of Australia was due to have an exhibition—I think Ngura Pulka, big country. I understand that has started, and at some stage, in I presume the not too distant future, we will see the results of that handed down. As the honourable member outlined, it is the case also that the South Australian government, the Northern Territory government and the federal government have announced that they will be looking at some sort of inquiry into these issues. I will seek an update from my colleague the Minister for Arts, the Hon. Andrea Michaels, the member for Enfield, who has portfolio responsibilities in this area.

I am aware that it is well progressed in terms of appointing people to conduct that task and also looking at the terms of reference for that task. I understand that it is very well developed, but I will be very happy to find an answer and bring back a reply. I suspect that, by the time I bring back a reply after the winter break, we will have seen action moving on this but, to the extent that we need to, I will do that.

#### APY ART CENTRE COLLECTIVE

**The Hon. T.A. FRANKS (15:11):** Supplementary: will the inquiry that the South Australian government is part of be informed by the National Gallery of Australia's findings?

**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. I am not aware of that answer. I suspect the South Australian inquiry will take into account what they said. I can't imagine that an inquiry that the South Australian, Northern Territory and federal governments initiate will be established, have interviews or evidence taken and be concluded before then, so there is no reason that it wouldn't be able to take into account what the National Gallery of Australia's inquiry may have a look at.

**APY ART CENTRE COLLECTIVE**

**The Hon. T.A. FRANKS (15:12):** Supplementary: what supports have been provided for Anangu artists during this stressful period?

**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 know that arts centres across the APY lands—and it was in the APY lands after the Anangu issues occurred—are often the hub of the community and provide a huge amount of support, not just to the artists who paint or do ceramics or the other art forms in those centres but to many members of the community. I know that the exceptionally dedicated people who run the arts centres regularly provide a lot of support to the people who use them.

**FIRST NATIONS VOICE TO PARLIAMENT**

**The Hon. L.A. HENDERSON (15:13):** I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs regarding Aboriginal affairs.

Leave granted.

**The Hon. L.A. HENDERSON:** On 2 February 2023, InDaily reported that the Prime Minister confirmed that the referendum could be held as early as August or as late as November. The First Nations Voice Bill was introduced on 9 February 2023, with the knowledge that the referendum will occur later this year. On 24 February 2023, *The Guardian* narrowed it down to October; this was around a month before the bill passed the parliament and the Sunday sitting. On their 26 March 2023 article of the Sunday sitting, news.com.au reported that:

Attorney-General and Minister for Aboriginal Affairs Kyam Maher told reporters South Australia had achieved an 'extraordinary national first. We are confident that what we've done today will show people and dispel fears about a national body and give people comfort in the lead-up to a national referendum.'

On 11 May 2023, the Hon. Kyam Maher gave a radio interview on FIVEaa and, in answering a question on how long until the Voice will be able to make representations, his answer was:

September 9 is the first election. There'll be administrative work to do to get the local Voices up and running and then those local Voices will select two members each to form the state-wide Voice, and then the ability to make representations to Parliament and to Cabinet will start rolling out. So, the representations to the executive will happen soon after the election and then the path of legislation to allow those representations to Parliament kick in from the start of next year.

Last week, the minister announced that the First Nations elections will be delayed until March of next year, saying that having our own South Australian elections in September was leading to confusion and that the increasing prominence of the national Voice debate was making it harder to inform communities about the state-based body. My questions to the minister are:

1. Given it was publicly known that the referendum would occur later this year, why did the government ram through the legislation, including a Sunday sitting, if there were concerns around timing?
2. This seemed to be urgent and pressing, given the rate at which it was pushed through the parliament, but now you are happy to make community groups wait; what has changed?
3. In his consultation, were concerns about the timing of the referendum's proximity to the state First Nations Voice election made by the commissioner or other groups before the legislation passed this place or the date that was set in September?
4. Will there be any cost implications as a result of the change of date of the election?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:16):** I thank the honourable member for her question, and I can answer very simply the question: what has changed? We listened. That is what has changed. We listened to the views of people involved in such policy decisions.

I think, and I have had many members of the community talk about it, and certainly I have had a forum in Norwood about the State Voice and many members of the community were very pleased with what South Australia has done by leading the nation and establishing our own Voice to

Parliament. As the honourable member has said, we have said we would like to see this set up by the end of this year. The reason that we announced a change in the date is because we listened—we listened.

Aboriginal leaders, Aboriginal elders who I have talked to have said as the progression has happened, as we get towards a national referendum, that in their view the prominence of the referendum is now leading to confusion between the two processes. The Commissioner for First Nations Voice and the Electoral Commissioner have given the same feedback.

It would be irresponsible, but I wouldn't put it past the former Liberal government, but it would be irresponsible to be setting up a body that is to listen to the voices of Aboriginal people and then not listen to their views about when the election should be held. It would simply be irresponsible to do, and so that is what we have done.

We would like to see these things happen as soon as possible, they are important, but doing it in a manner that doesn't listen to Aboriginal people's voices when new debates occur, and when there could be potential confusion as the referendum comes up, would just simply be irresponsible and completely against the spirit of exactly what we are trying to do.

#### FIRST NATIONS VOICE TO PARLIAMENT

**The Hon. L.A. HENDERSON (15:17):** Supplementary question: the minister has said that he listened. Does he concede that he and his government did not listen to the community when they rushed through this legislation at the start of the year?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:18):** I was tempted to answer in a word, no, but I will be a bit more expansive than that. The consultation that occurred with the Aboriginal community in the preparation of this bill is the most extensive consultation that has ever occurred in this state with Aboriginal people and Aboriginal communities. There was consultation that the commissioner undertook from the APY lands to Ceduna, to Coober Pedy, to Mount Gambier, to Whyalla and all points in between. There was consultation about how a model might look.

After that round of consultation occurred throughout the state, a draft bill was developed and a second round of consultation occurred. A second round of consultation occurred that informed the bill that went to parliament. Let's just for a moment contrast this with the bill that the former government put into parliament, the Aboriginal Representative Body Bill. From memory, I think it had five or six days of consultation for a similar body—five or six days.

**The Hon. L.A. HENDERSON:** Point of order: standing order 186. The minister's current response is irrelevant to the current legislation question before the parliament.

**The PRESIDENT:** It is not a point of order. That is your opinion; it is not mine. Conclude your remarks, please, Attorney, so we can move on.

**The Hon. K.J. MAHER:** I thank the honourable member for opening up the standing orders. She has picked one and she has had a go, so that is great. We think this is important. We have listened to the views of the Aboriginal community and commissioners—the Electoral Commissioner and the Commissioner for First Nations Voice—and have changed the date, which stands in exceptionally stark contrast to how the former Liberal government previously went about putting in a bit of legislation.

#### FIRST NATIONS VOICE TO PARLIAMENT

**The Hon. T.A. FRANKS (15:20):** Supplementary: has the minister found that the fact that the Liberal opposition twice introduced a Voice to Cabinet and Committees of Parliament rather than a Voice to Parliament bill themselves, then voted against a similar bill, has added to community confusion?

**The PRESIDENT:** I am not sure how that arises from the answer. However, it looks like the minister is prepared to answer the question.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:20):** I can see the link, sir. I thank the honourable member for her question.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** I wouldn't describe it as adding to confusion, but I would absolutely describe it as adding to frustration. The feedback we have received is that the former government, having introduced legislation for a representative body—albeit a body that was mostly appointed rather than elected by the Aboriginal community, a body that the government themselves would appoint thinking they know better about which Aboriginal people should represent the Aboriginal community, and a body that was not to have any interaction with parliament but to report to a committee—having had the former government put up a model, although a very substandard model, for a representative body, then to vote against it, has led to a sense of frustration, a sense of being let down, a sense of disappointment and a sense of: why would you support the Liberal Party in doing this?

### LOWITJA O'DONOGHUE ORATION

**The Hon. J.E. HANSON (15:21):** My question is to the Minister for Aboriginal Affairs. Will the minister inform the council on the recent Lowitja O'Donoghue Oration?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:21):** I thank the honourable member for his question. I suspect he may have come up with that question after hearing the last one in relation to the Voice.

I had the privilege to attend the 16<sup>th</sup> annual Lowitja O'Donoghue Oration in Reconciliation Week. This oration is presented by the Don Dunstan Foundation in partnership with Reconciliation SA, the University of Adelaide, Flinders University, the Lowitja Institute and the Lowitja O'Donoghue Foundation. This year was a particularly notable oration, as the keynote speaker was the Prime Minister, the Hon. Anthony Albanese MP. While I understand the Hon. Paul Keating has been an orator for the Lowitja O'Donoghue Oration in the past, this was the first time that a sitting Prime Minister has delivered their key address.

There have been many high-profile orators over 16 years, with Lowitja herself delivering the first oration in 2007. Since then, we have seen other significant Aboriginal leaders like Professor Pat Dodson, now a senator from WA in the Australian Senate; Professor Marcia Langton, one of the leading voices in the yes debate, who was in Adelaide recently; Noel Pearson; South Australia's David Rathman; Pat Anderson; and just last year, the Hon. Linda Burney, who presented her oration on the eve, the very day before being sworn in as Australia's Minister for Indigenous Australians in the federal parliament.

This annual oration honours the influence that Lowitja has had in advocating for the rights of equity and equality for Aboriginal and Torres Strait Islander people in our nation. Over her long and illustrious career, she has made significant contributions to various fields and achieved several notable accomplishments throughout her life.

Lowitja was born on the Oodnadatta mission in South Australia and was a member of the Stolen Generations, attending Eden Hills Colebrook mission in her youth. Despite these significant challenges, she overcame adversity and became a trailblazer. One of Lowitja's notable achievements was becoming the first Aboriginal nurse in Australia. She was trained in nursing here in Adelaide and went on to work at the Royal Adelaide Hospital, where she actively campaigned for better health care and representation of Aboriginal people in the medical field.

Lowitja's advocacy extended beyond health care. She played a pivotal role in the establishment of the National Aboriginal and Torres Strait Islander Women's Gathering, which brought together Indigenous women from across Australia to address issues affecting their communities.

In 1990, Lowitja was appointed the founding chairperson of the Aboriginal and Torres Strait Islander Commission. During her tenure she advocated for land rights, economic development,

education and cultural preservation. Lowitja has been recognised in advancing reconciliation for Aboriginal rights. She was the first Aboriginal woman to be inducted into the Order of Australia, with an AO, and is a Companion of the Order of the British Empire, was awarded a Companion of the Order of Australia in 1919 and Dame of the Order of St Gregory the Great (a papal award) in 2005, and was also named Australian of the Year in 1984. The calibre of people who have delivered the Lowitja O'Donoghue Oration speaks volumes of the stature of Lowitja O'Donoghue.

### *Resolutions*

#### **JOINT COMMITTEE ON THE ESTABLISHMENT OF ADELAIDE UNIVERSITY**

The House of Assembly passed the following resolution to which it desires the concurrence of the Legislative Council:

1. That in the opinion of this house, a joint committee be appointed to inquire into and report on the establishment of Adelaide University, and in so doing consider—
  - (a) the proposal to create Adelaide University, to be formed by the amalgamation of the University of Adelaide and the University of South Australia;
  - (b) the expected impact (including non-commercially confidential modelling generated by the existing universities) of the new university, on:
    - (i) the South Australian economy and society;
    - (ii) current and future staff and students of the two existing universities; and
    - (iii) the higher education sector in South Australia.
  - (c) ensuring Adelaide University's legislative, governance and funding arrangements provide for a university that:
    - (i) facilitates access to education by South Australians from a broad range of socio-economic and cultural backgrounds, including Aboriginal South Australians;
    - (ii) is engaged with industry and business in South Australia on research and education outcomes;
    - (iii) generates high quality research and engages in commercialisation of research of strategic importance to South Australia;
    - (iv) is likely to be consistently highly ranked against universities globally;
    - (v) is attractive to and welcoming of international students; and
    - (vi) has a modern governance framework consistent with high standards of fiduciary responsibility and understanding of the value of universities to the state's economy and society and of the Australian and global higher education environment.
  - (d) any measures by which the parliament and government can facilitate these outcomes in creating the Adelaide University; and
  - (e) any other related matter.
2. That in the event of a joint committee being appointed, it report on 17 October 2023, and the House of Assembly shall be represented thereon by four members, of whom three shall form a quorum of assembly members necessary to be present at all sittings of the committee.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:30):** I move:

That the message be taken into consideration forthwith.

The council divided on the motion:

Ayes .....	17
Noes.....	2
Majority .....	15

## AYES

Bonaros, C.	Bourke, E.S.	Centofanti, N.J.
Game, S.L.	Girolamo, H.M.	Hanson, J.E.
Henderson, L.A.	Hood, B.R.	Hood, D.G.E.
Hunter, I.K.	Lee, J.S.	Lensink, J.M.A.
Maher, K.J. (teller)	Martin, R.B.	Ngo, T.T.
Scriven, C.M.	Wortley, R.P.	

## NOES

Franks, T.A.	Simms, R.A. (teller)
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Motion thus carried.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (15:35):** I move:

That this council concur with the resolution of the House of Assembly for the appointment of a joint committee on the establishment of Adelaide University with the following amendment in paragraph 2, that is, by leaving out 'four' and inserting 'five', and that the Legislative Council be represented on the committee by members of whom—

**The Hon. T.A. FRANKS:** I have a point of order: I do not know which standing order it applies to, but we do not even have this message in front of us. You are making amendments to something we do not even have on the table in front of us. Could we have a document circulated so that all members can follow the debate and the proper running of the council is adhered to?

**The PRESIDENT:** I am sure if we wait a couple of moments, we will get some—

*Members interjecting:*

**The PRESIDENT:** Order! We will get there. This is obviously unusual, but we will get there.

**The Hon. K.J. MAHER:** I will start that again. I move:

That this council concur with the resolution of the House of Assembly for the appointment of a joint committee on the establishment of Adelaide University with the following amendment in paragraph 2, that is, by leaving out 'four' and inserting 'five', and that the Legislative Council be represented on the committee, by five members, of whom three shall form the quorum necessary to be present at all sittings of the committee, and that the members of the joint committee to represent the Legislative Council be the Hon. R.B. Martin, the Hon. J.S. Lee, the Hon. C. Bonaros, the Hon. T.A. Franks and the Hon. S.L. Game.

The announcement over the weekend of progress towards the creation of Adelaide University through a merger of the University of Adelaide and the University of South Australia is a significant opportunity for the state. Since the announcement, there have been calls from the opposition and crossbench for an inquiry into the establishment of Adelaide University. We believe that this is a legitimate request that has been made by the opposition and the crossbench.

We know that the universities have separately and collectively undertaken significant feasibility assessments, including the development of a business case and transition plan to arrive at the conclusion to merge. The universities have worked with the government over many months on the matter, and we fully understand the appetite to scrutinise a reform of this importance and magnitude within this parliament. We want to make sure the legislation achieves the outcomes all parties are seeking to achieve for this state.

As part of the feasibility assessment process and resulting transition plan, the universities have developed a specific time line to achieve their objective of the new Adelaide University to commence operations from 1 January 2026. To achieve this, the government is seeking to pass the new Adelaide University legislation by the end of the year. This will enable Adelaide University to seek the relevant legal and regulatory approvals needed to proceed to create the new institution, including consideration by the Australian Competition and Consumer Commission, Tertiary Education Quality and Standards Agency registration and amendments to the Higher Education Support Act.

This time line will also support the detailed transition implementation planning that is needed for the university to be operational by 1 January 2026. Should there be significant delays in the passage of legislation, we risk compromising the university's capacity to recruit and enrol students both domestically and within international markets. Any delay will create uncertainty for existing staff and students as well as prospective domestic and international students. Such a delay could have a significant impact on the university's financial position and competitiveness and could potentially cost the state in the vicinity of an estimated \$500 million a year. With that, I commend the motion to establish a joint select committee to the Legislative Council.

**The Hon. N.J. CENTOFANTI (Leader of the Opposition) (15:45):** I have two amendments I would like to move. I move:

Insert after paragraph (d) new paragraph (da) as follows:

the impact of the proposed measures by the government to facilitate the merger, including but not limited to the research and low socio-economic student funding, Magill and Mawson Lakes land sales and international student investment.

I move my second amendment:

In paragraph 2, leave out '17 October 2023' and insert '28 November 2023'.

Here we are again with another example of brazen contempt from this Malinauskas Labor government. The Liberal Party is definitely not closed-minded to this proposed university merger; in fact, we have said on the public record that we are very open-minded when it comes to this proposed university merger. What our party is opposed to, though, is the lack of transparency from this government, the lack of detail, the lack of timely consideration, the lack of open consultation and, quite frankly, the lack of respect in this chamber.

Our colleague the Hon. Robert Simms announced his desire and intention to move that a committee be established to consider the university merger, and he made that announcement, as we are all aware, over the weekend. We indicated our desire for a committee through our shadow minister and member for Morialta in the other place. Judging by their media statements, it was supported by SA-Best as well. It is my understanding, and I am happy to stand corrected, that One Nation was also in support of a committee.

The Hon. Mr Simms moved his notice of motion before question time today in the chamber for his committee, that is, a committee that we were all consulted about before today. He is right to move his motion to support that committee. This merger is a big deal for our state. It will affect multiple pieces of legislation, many regulations, the careers of hundreds of thousands of students in this state and the education of hundreds of thousands of students in this state and around the world. The details should be clear, and the consultation should not be rushed.

An upper house select committee, which is what the Hon. Rob Simms had put forward, was going to comprise two opposition, two government and two crossbench members. I do not think it gets any more balanced than that. However, the second the government caught wind of the honourable member's select committee motion, they dumped their own committee proposal before the lower house without any consultation and sailed it through in the space of, I think, probably 20 minutes or less.

They did not even have the common courtesy of speaking to the Hon. Robert Simms. They certainly did not have the courtesy of speaking to the opposition, and I can understand why they would not be speaking to the opposition. We know the government does not like to talk to the opposition very often, but to be so arrogant and disrespectful to the crossbench in this place is shameful and a poor indictment on this Labor government.

We the opposition do not want to hold up this process, which is why we voted with the government to deal with this message forthwith, but I want to express utter disappointment and dismay at the very way this whole process has been handled by this government. It is an absolute disgrace. In terms of my first amendment, which is about really understanding how the proposed measures by the government to facilitate the merger will impact the people of South Australia, I think it is incredibly important that we look at the impacts of these decisions and of this proposal by the government on the South Australian community.

I do not think this is a big ask. I would have thought this would be a proposal that the government should support. Indeed, I would have thought this is a proposal that the people of South Australia would be very keen for the government to support, and for us to actually be able to have a look at, in a bit of detail, what the impacts of the proposed measures by the government are going to be on the people of South Australia.

We know, of course, that the legislation has to be first and foremost. That provides for the governance frameworks, for the university and for a range of things that are dealt with in the terms of reference for the motion at hand. We also need to look at the nature of the government's investments; in particular, \$200 million for the research fund to be held within SAFA and the investments being provided to the Adelaide University, which we understand is not being given to any other institution or research institution around South Australia but is purely for one entity.

Presumably, that is \$10 million to \$15 million a year from the government effectively to one university. There is a \$100 million investment fund to support low socio-economic students to help the university to fulfil its requirements under the federal arrangements to increase equity and to support low socio-economic students. This is a good thing. This is not necessarily a bad thing, but we do need to investigate and we do need to look into those arrangements, understanding again that having these investments for one institution and one institution only may have some consequences. We need to look into that.

We also need to look into the land investment at Magill, which is quite significant—my understanding is \$60 million for pieces of land both in the electorate of Morialta and the electorate of Hartley. We also have a proposed investment at Mawson Lakes for the government to purchase land, which I am not sure they have a purpose to at this stage. That is why I am moving my first amendment, to ensure that we can have a look at and investigate the impacts of these decisions that have been proposed by the current Malinauskas Labor government.

I would now like to turn people's attention to the change of date. It is my understanding that relevant stakeholders have indicated a desire for the piece of legislation encompassing the merger of the two universities to be addressed before March of next year; that is, March 2024. This amendment sees the report being tabled on Tuesday of the last sitting week, that is, 28 November.

I will tell you the reason why I have chosen this date. Given that it will be tabled on the last Tuesday of the sitting week, it gives plenty of time for the government to pass this piece of legislation in the House of Assembly—because of course, as we know, they pass things in that place in less than 20 minutes. They will actually have two, if not three, full days of sitting in which they can pass this legislation through the other place. This then gives approximately four weeks for the legislation to be debated in this chamber.

I think this is a pretty reasonable amendment. I would hope that the government—I am not sure that they will; in fact, I am fairly confident that they probably will not support this amendment, because that is their arrogant way—but I would hope that at least the crossbench would be open to supporting this amendment, indeed both of my amendments today.

With that, I want to highlight the absolute disappointment and dismay that we have, as the opposition, in what has occurred in this chamber today. In fact, I can remember the Leader of the Government, when he was in opposition, absolutely ranting and raving at the Hon. Rob Lucas, when he was Leader of the Government, if he even dared to rush through a single piece of legislation. Well, shame on them. Shame on this government, and shame on what is happening here today.

**The Hon. R.A. SIMMS (15:56):** I move:

That the motion be amended by inserting after 'Adelaide University' the words 'with the following amendments:

In subparagraph 1(b) leave out 'non-commercially confidential' and after subparagraph 1(d) insert a new paragraph as follows:

(da) the consequences for Flinders University'.

I take this opportunity firstly to indicate our position on the Liberal Party amendments, which we will support. They are sensible amendments. I will talk a little bit about those amendments and indeed about the amendments that we are putting forward, but first I want to make some general remarks

about this process and convey my profound disappointment to the government for the way in which they have dealt with this matter.

The Hon. Nicola Centofanti highlighted the background to the push for a parliamentary inquiry. It was last week when I heard that there was the potential, there was certainly a lot of media speculation, that there might well be an announcement that the two universities were keen to start up a merger. I began canvassing with my colleagues support for the idea of a parliamentary committee to look into the proposal. It was very clear from the government's comments in the lead-up to the announcement that they did not support having any parliamentary scrutiny of the proposal. I think the terms that were used were 'denial', 'delay' and 'this has got to be dealt with quickly'.

On the weekend, I came out and indicated that the Greens would be moving to establish a parliamentary inquiry into this. I was joined at that announcement by the Hon. Frank Pangallo from SA-Best, who was supportive of the call, and also, on the same day, the Liberal Party came out and supported it as well. The Premier subsequently, a day later, indicated that he was initially against an inquiry because it would be a delay. Then he was in favour of an inquiry, but only if it was six months.

I think, as I pointed out in media interviews, it is for the parliament to determine how long such an inquiry should progress for. All members of this place were aware of the crossbench's intention to establish an inquiry. I was totally transparent around that and around the issues that would be canvassed by such an inquiry.

Rather than picking up the phone and talking to me and providing an opportunity for all of the parties to get together and nut out the terms of reference for a joint parliamentary inquiry, instead the Labor Party plays a political game where they spring this on everybody unawares in the other place and then try to ram it through here today. That is disappointing because actually I think all of us would have agreed to a joint parliamentary inquiry.

I do not think anybody in this chamber would have said, 'Don't have a joint parliamentary inquiry.' If you had wanted to do it, why not sit down and talk to us? Pick up the phone. That is all they had to do is pick up the phone and have a chat with me, maybe have a chat with the Hon. Frank Pangallo, who had also been working on the terms of reference, engage with us in a respectful way and we could have all worked out something, rather than coming here today with terms of reference that miss the mark and with a short-term reporting process.

This really, I think, typifies the arrogant way in which the Malinauskas government have approached this issue, the way in which they have politicised this whole merger process. It is profoundly disappointing to me, and indeed the Greens, that members of university staff across the two universities found out about this plan through a media story that was reported on Saturday night. No-one from those universities had the courtesy to actually let their staff know before Saturday evening. How disrespectful is that?

Then, to add insult to injury, you have our two vice-chancellors being politicised by the Premier holding a joint press event where the Premier takes ownership of this whole proposal, and then the government is too arrogant to lower themselves to actually talk to the crossbench before today around crafting some terms of reference for an inquiry and a process. So what we have, when we step into this chamber, is a shambolic dog's breakfast, which actually typifies the botched approach that the Malinauskas government has taken to this whole process.

It is interesting to remark that during question time I asked the Hon. Clare Scriven about the government's commitment during the last election. They indicated they were going to have a commission of inquiry into this proposal—that is an independent process—but instead what we have is the Malinauskas government running their own process, taking ownership of this, and the role of the parliament is just to rubber stamp. The parliament is seen as an inconvenience, an obstacle, to them pursuing their agenda, and that is disappointing because actually it is this parliament that is going to have to change the law.

If you want to make friends and influence people on the crossbench, this is not the way to do it—just a little tip. If you wanted to try to win people over to support your bill, this is a really curious strategy. We will see how it plays out, but it is a really curious strategy that they have embarked

upon, rather than the strategy of collegiality and engagement with one's colleagues in this small chamber. It is disappointing, but anyway this is where we are at.

Enough about the process. What about the substance? All of the amendments that the opposition are putting forward we will support. I want to indicate in particular why I think the extension of the time frame is important. It has never been my intention or the intention of the Greens to try to frustrate on this issue. All we have said is that we have concerns about the impact on jobs, we have concerns about the impact on staff, and those concerns are shared by the NTEU, they are shared by a number of academic staff, and they are informed by the experience of what has happened in other jurisdictions around the world where there have been mergers—look at Manchester university.

Indeed, there was a survey that came out today that demonstrated that Australia's largest universities fail to deliver good outcomes for students and that the highest student satisfaction was among our nation's smallest universities. It is against this backdrop that the Greens wanted to have an inquiry to consider the issues.

This idea that we need to proceed with this at breakneck speed I find really bizarre. If the government needed to get this done in this quarter of the year, why did they only announce it on Saturday? Why did they not work to do it in the early half of the year, so that there was appropriate time for the parliament to work through the issues? Why was the engagement of the parliament at the end of the process rather than at the beginning? Why has the government's approach been: this is a fait accompli, sign along the dotted line, rather than giving the parliament the opportunity to consider the implications in a thorough way?

That is why I think it is quite reasonable for the opposition to propose an extension. It would be my hope we could get the committee done earlier than the Leader of the Opposition has proposed, but why not give enough time to appropriately ventilate the issues? We are supportive of those amendments.

To speak to the amendments that I am putting forward, one of the key issues in the media this week, which I found really astounding, has been that it seems no-one in the government has read the business case underpinning this proposal. The Premier has not read it. The minister for higher education, the Deputy Premier, has not read it. We know the Hon. Clare Scriven has not read it, but that is not unusual, with respect. She often does not indicate whether or not she has read reports, but I do not think she has read this one. It is not her portfolio, she will say—the catchcry in this place.

I know a lot of people in the community will ask, 'Why haven't they looked at that information?' At the very least, I think the people's representatives in the parliament should actually have an opportunity to access that information and that is why I am moving this amendment, because I think it is appropriate that the parliament consider those issues.

The final amendment that I am seeking to advance today is one that considers the implications for Flinders University. A fair point that has been raised with me is: what about people from low socio-economic backgrounds from Flinders University? I grew up in the southern suburbs, I am a graduate of Flinders University, and I know that a lot of people from Flinders University will ask what role they are playing in this process and whether they will get access as an institution to the same support that is being afforded. I think it is worthwhile adding that into the terms of reference, so that some of these implications can be considered.

It is disappointing that this is the process we have landed on. The Greens welcome an inquiry. We were the ones calling for it. We would have been happy to achieve a joint parliamentary inquiry. I just wish that the government had sat down and had a chat with me. I am not that difficult to deal with. I am actually quite nice.

**The PRESIDENT:** The Hon. Mr Simms, I think we will be the judge of that.

**The Hon. R.A. SIMMS:** I would have been very happy to sit and have a chat with them. Everybody knows I am really easygoing, and they could have sat down and had a chat with me and we could have nussed something out. Instead, what we have is this booby trap that has blown up in all of our faces today, the exploding cigar that one pulls out of the drawer and it has blown up in

everybody's face. There could have been a different process that was adopted. I hope there is some collective learning from this, so that we do not do this in the future.

There are legitimate questions that need to be ventilated through this process, questions for students and questions for academic staff. I have to laugh when I see the debates about mergers and so on. There is often very little discussion around students and their interests. It is like the old saying that a hospital would be great if not for the patients. The universities do not work without students. They are a fundamental stakeholder group. They need to be consulted. They need to be engaged. I hope that the government starts to engage with them, starts to talk with them, starts to talk with the broader community, rather than just simply announcing these things as a *fait accompli*.

**The Hon. T.A. FRANKS (16:08):** I rise briefly, not as the portfolio holder but as somebody who has actually been impacted previously by mergers of institutions—in this case, the University of South Australia and my campus of Salisbury, which no longer exists.

I am concerned that in these terms of reference there are no guarantees for Whyalla, Mount Gambier, Roseworthy or Waite. Where was the minister for regional development in that discussion of these terms of reference, I ask? These terms of reference have now landed on our desks today with no prior warning other than a debate in the other place just before lunchtime that went for mere minutes. This is disappointing. This is not the way to run a parliament. I hope it is not going to be indicative of the seriousness with which the government should be taking this quite important and profound move.

I also ask why specifically teaching—not education, not research, but teaching—has not been addressed in the terms of reference. I hope that is simply an oversight and will be corrected by the committee itself. I note that the campuses of Underdale and Salisbury no longer exist and that is to the detriment of the communities they served and the constituencies. As a Salisbury campus student—it was how I was politicised—I became active as a result of the experience of studying at a small campus in a working-class area as a young mother of two children, where there was a childcare centre on campus, where it was close to supports, where it was easy to do that without additional access to wealth.

The promises that were made with that amalgamation were never kept. Mawson Lakes did not have the same culture; Magill did not have the same access. The administration for those students who were starting their courses at Salisbury was not continued to the end. Many promises were broken. I hope that will not be the case this time, and I think that guarantees should be sought on those matters.

I also note there is a no forced redundancy promise, but it only lasts for one round. What happens after that first round we need answers to from this committee. I am certainly very happy to hear that the Premier believes that staff and students have been well consulted so far. That is not the feedback I have had, certainly from the NTEU on this matter. They do not feel that the process the Premier is so seemingly assured has occurred has occurred, so I am sure this will be a good tool for that.

We will be debating whether this committee runs for three or four months. I find that extraordinary in itself. This is a massive enterprise, this is a massive once-in-a-generation (to use the Premier's words) initiative. For something that is once in a generation, surely this parliament should be doing it in a way where we consult properly and collaboratively and work all together to make sure the state is served by what are public institutions. They are not the Premier's institutions, they are not the vice-chancellor's institutions, they are public South Australian institutions that belong, really, to the public of South Australia.

I am happy to serve on the committee for a short period to ensure that the Greens are represented within this role, noting that my colleague will be away for a few weeks, so we certainly will not be holding up those processes in that way, but I note that it is our intention that we will replace my membership on the committee with the Hon. Rob Simms at the first opportunity on the return of parliament.

I am saddened that this has been the process to get us to this point. I hark back to the bad old days of declare and defend and note that when former Premier Jay Weatherill came to power he

himself said that those days were over and that it would be deliberate and decide going forward. I urge the Malinauskas government to deliberate and decide, not to end up declaring and defending, and not treat this parliament, this upper house, with the contempt they have shown today.

**The Hon. N.J. Centofanti:** Can I indicate our support for the Greens' amendments?

**The PRESIDENT:** No, you only make one contribution to the debate.

**The Hon. L.A. HENDERSON (16:13):** I would like to very briefly indicate that the opposition intends to support the amendment moved by the Hon. Mr Simms.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:13):** I thank all members for their contribution on this matter. One thing that all people who have made a contribution have agreed on is that this is a very important matter for consideration for South Australia and for the people of South Australia.

I rise to indicate that we will not be supporting the amendments put forward by the opposition or the Greens. I do understand their intent. It is our view that what has been suggested is capable of being looked at in the terms as they exist. In particular, the Leader of the Opposition talked about looking at the effects on South Australia as a whole, and I think that is well catered for in 1(b)(i) in particular.

Also, the wording of the amendment from the Leader of the Opposition talks about including the socio-economic student funding, which I think is catered for specifically in the text of what is in the motion. In any event, subparagraph 1(e) states, 'any other related matter', which is effectively a catch-all for many of the things that people would like to look at in these things.

One thing I will say specifically is that, while we will not be supporting the amendments put forward, the one I think would actually do damage to the aim of what the universities put forward is the one changing the date of reporting. As I outlined in my contribution in moving the motion for the committee, there is a time line if the universities were to realise their aim, should that be what eventuates, of the university setting up at the start of 2026, and that could be in jeopardy by changing the date of reporting. So whilst we will not be supporting those amendments, that is one amendment in particular that we think could possibly do harm to what the universities' aims are.

I thank members who have made contributions on this matter, and I look forward to the establishment of this committee, with a very wide range of views we have had put forward in the motion—the Hon. Reggie Martin; the Hon. Jing Lee from the opposition; and in the motion through the crossbenchers the Hon. Tammy Franks, who will serve, I think she has indicated, for a short time representing the Greens; the Hon. Connie Bonaros from SA Best; and the Hon. Sarah Game. It is a rare occasion when every single constituent part of the Legislative Council is intended to be represented on this committee.

I commend the motion and I commend members to move it in the form I have moved with the one amendment to increase the number to five, but not the further amendments that have been moved.

**The PRESIDENT:** We are going to work our way through the amendments, and are going to circulate the Hon. Robert Simms' amendments so that members have them in front of them. While we are doing that I would like to thank the table staff for their work under considerable disadvantage, these amendments pretty much being on the fly.

The first question is that the amendment to the motion of the Attorney-General, moved by the Hon. R.A. Simms and relating to subparagraph 1(b) of the resolution, be agreed to.

The council divided on the question:

Ayes .....	7
Noes.....	10
Majority .....	3

AYES

Centofanti, N.J.  
Henderson, L.A.  
Simms, R.A. (teller)

Franks, T.A.  
Lee, J.S.

Girolamo, H.M.  
Lensink, J.M.A.

NOES

Bonaros, C.  
Hanson, J.E.  
Martin, R.B.  
Wortley, R.P.

Bourke, E.S.  
Hunter, I.K.  
Ngo, T.T.

Game, S.L.  
Maher, K.J. (teller)  
Scriven, C.M.

PAIRS

Hood, B.R.  
Pangallo, F.

Pnevmatikos, I.

Hood, D.G.E.

Question thus resolved in the negative.

**The PRESIDENT:** The next question I am going to put is that the amendment to the motion moved by the Hon. N.J. Centofanti to insert new subparagraph (da) to the resolution be agreed to.

The council divided on the question:

Ayes .....7  
Noes.....10  
Majority .....3

AYES

Centofanti, N.J. (teller)  
Henderson, L.A.  
Simms, R.A.

Franks, T.A.  
Lee, J.S.

Girolamo, H.M.  
Lensink, J.M.A.

NOES

Bonaros, C.  
Hanson, J.E.  
Martin, R.B.  
Wortley, R.P.

Bourke, E.S.  
Hunter, I.K.  
Ngo, T.T.

Game, S.L.  
Maher, K.J. (teller)  
Scriven, C.M.

PAIRS

Hood, B.R.  
Pnevmatikos, I.

Pangallo, F.

Hood, D.G.E.

Question thus resolved in the negative.

**The PRESIDENT:** The next question is that the amendment to the motion moved by the Hon. R.A. Simms to insert new paragraph (da) into the resolution be agreed to.

The council divided on the question:

Ayes .....7  
Noes.....10  
Majority .....3

## AYES

Centofanti, N.J.  
Hood, B.R.  
Simms, R.A. (teller)

Franks, T.A.  
Lee, J.S.

Henderson, L.A.  
Lensink, J.M.A.

## NOES

Bonaros, C.  
Hanson, J.E.  
Martin, R.B.  
Wortley, R.P.

Bourke, E.S.  
Hunter, I.K.  
Ngo, T.T.

Game, S.L.  
Maher, K.J. (teller)  
Scriven, C.M.

## PAIRS

Girolamo, H.M.  
Pnevmatikos, I.

Pangallo, F.

Hood, D.G.E.

Question thus resolved in the negative.

**The PRESIDENT:** The next question I am going to put is that the amendment to the motion moved by the Hon. N.J. Centofanti relating to paragraph 2 be agreed to.

The council divided on the question:

Ayes .....7  
Noes .....10  
Majority .....3

## AYES

Centofanti, N.J. (teller)  
Henderson, L.A.  
Simms, R.A.

Franks, T.A.  
Hood, B.R.

Girolamo, H.M.  
Lensink, J.M.A.

## NOES

Bonaros, C.  
Hanson, J.E.  
Martin, R.B.  
Wortley, R.P.

Bourke, E.S.  
Hunter, I.K.  
Ngo, T.T.

Game, S.L.  
Maher, K.J. (teller)  
Scriven, C.M.

## PAIRS

Lee, J.S.  
Pnevmatikos, I.

Pangallo, F.

Hood, D.G.E.

Question thus resolved in the negative; motion carried.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:35):** I move:

That it be an instruction to the joint committee that the joint committee be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the joint committee prior to such evidence or documents being reported to parliament.

Motion carried.

**The Hon. T.A. FRANKS:** Point of order: have we actually appointed members to the committee we just set up?

**The PRESIDENT:** Was that not part of his amendment?

**The Hon. T.A. FRANKS:** It is not on this part of the motion that I have in front of me. It was not on the motion that was put in front of members in this place.

**The PRESIDENT:** I was sure the Attorney moved that way because we—

**The Hon. T.A. FRANKS:** Clearly, we are just governing by the vibe of the thing now.

**The PRESIDENT:** No, we absolutely went through it because we had a recount at the time as to the number of people, by name, who were actually on it.

**The Hon. T.A. FRANKS:** I have done motions as well where I have said who will be on the committee in my speech to the motion, but then you actually have a motion to appoint the people to the committee because actually the council decides on who is appointed to the committee. There is normally formally a motion to appoint people to the committee once we set up a committee. I do not know why we are changing the process now.

**The PRESIDENT:** The Hon. Ms Franks I take your point; however, I will read out what was actually moved. I have no idea what was put in front of anybody, given that everything was done on the fly today:

Mr President, I move that the council concur with the resolution the House of Assembly contained in message No. 84 for the appointment of a joint committee on the establishment of Adelaide University, with the following amendment to paragraph 2 that the council be represented on the joint committee by five members of whom three shall form the quorum necessary to be present at all sittings of the committee and that the members of the joint committee to represent the Legislative Council be the Hon. C. Bonaros, the Hon. S.L. Game, the Hon. T.A. Franks, the Hon. J.S. Lee and the Hon. R.B. Martin.

That is how we went through it in the first instance.

#### *Bills*

### **VETERINARY SERVICES BILL**

#### *Introduction and First Reading*

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:39):** Obtained leave and introduced a bill for an act to support animal health, safety and welfare and the public interest by providing for the registration of veterinarians and premises at which veterinary services are provided, to regulate the provision of veterinary services for the purposes of maintaining high standards of competence and conduct by veterinarians, to recognise the registration of veterinarians in certain jurisdictions, to make related amendments to various acts, to repeal the Veterinary Practice Act 2003 and for other purposes. Read a first time.

#### *Second Reading*

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries) (16:41):** I move:

That this bill be now read a second time.

I am very pleased to introduce the Veterinary Services Bill 2023. Veterinarians play a key role in animal, human and community wellbeing by maintaining the health and welfare of our pets and the productivity and growth of our livestock industries. Australia has one of the highest proportions of pet ownership in the world. As such, veterinary services contribute significantly to the nation's economy. In 2022, Australian households are estimated to have spent over \$33 billion on their pets, with veterinary services representing about 14 per cent of this expenditure or \$4.7 billion to the economy.

Veterinarians also support the livestock industries, which were worth a combined \$5.3 billion in revenue to the South Australian economy in 2022. Veterinarians provide our livestock industries with advice and investigate, prevent, control and treat disease. Importantly, they are crucial in detecting diseases and responding to emergency animal disease incursions, with these activities both supporting and protecting valuable domestic and export markets.

Commensurate with the growing demand for veterinary services, the number of veterinarians in South Australia has been steadily increasing in recent years, with an increase from 761 in 2017 to 877 at 30 June 2021. Currently, veterinary practice and the veterinary profession in South Australia are regulated via the Veterinary Practice Act 2003 and the Veterinary Practice Regulations 2017. The veterinary profession and animal care industry have evolved significantly since 2003, when the current legislative framework first came into effect. Significant changes to the industry have occurred in practice models and location, employment type, species serviced and specialties offered.

The role of the Veterinary Surgeons Board of South Australia, the body responsible for regulating the veterinary profession in this state, has also changed during this time, most notably with the responsibility for hearing and determining alleged unprofessional conduct by veterinarians transferring to the South Australian Civil and Administrative Tribunal in 2020.

The new Veterinary Services Bill 2023 seeks to address these changes and ensure veterinary practice regulation in the state is flexible and aligns with both the contemporary nature of the profession and the standards expected by users and providers of veterinary services. Feedback from a 2020 review of the current Veterinary Practice Act 2003 showed that stakeholders overwhelmingly supported reform of the legislative framework supporting veterinary practice in South Australia.

The raft of potential legislative changes that were identified through public consultation, and the broader review process, meant it would be more effective to propose new legislation as opposed to amending the current act. As such, the new Veterinary Services Bill will address stakeholder feedback by updating the state's veterinary legislation to fulfil the objectives of supporting animal health, safety and welfare, and the public interest.

A key change is that the bill proposes a variation to the definition of veterinary treatment. Veterinary treatment will become 'veterinary services', and the definition will be updated for clarity and to more accurately reflect veterinary services delivered by the veterinary profession in 2023.

Another feature of the bill that aims to improve the regulation of the veterinary profession in South Australia relates to changes to the state's Veterinary Surgeons Board. The Veterinary Surgeons Board of South Australia will become the Veterinary Services Regulatory Board of South Australia and will be modernised and transformed to better serve the needs of both veterinary users and providers.

Board composition will be modified to ensure membership includes the sufficient and appropriate breadth of skills, knowledge and experience to fulfil board responsibilities. The collective membership of the board aims to cover the diversity that exists within the profession in regard to employment type, location and other demographic factors. The number of members will increase from eight to nine, with the addition of one veterinarian member. The chair will be a veterinarian with management or governance skills, knowledge and experience, unless another member is considered more appropriate to be appointed as chair.

As supported by consultation feedback from 2020, board functions will be expanded under the proposed legislation to include additional responsibilities relating to communication, information and advice. Transparency surrounding administrative processes will be supported, along with conferring and collaborating with other veterinary regulatory authorities to ensure effective national exchange of information and promote uniformity and consistency in the regulation of veterinarians in Australia.

The bill includes provisions that enable the minister to provide directions to the board. These powers are included to ensure that public interest matters are dealt with appropriately. Details of the direction given, and action taken by the board in response, are required to be included in the board's annual report and laid before parliament. The bill will provide for requirements for board members to complete training related to corporate governance to support them in effectively carrying out board functions.

The board will also be required to regularly provide the contact details of veterinarians registered under the act to the government for the purposes of enabling timely communication in a number of defined circumstances. This will ensure the government has an avenue to communicate

with the state's veterinarians in the case of an emergency, such as a bushfire or an emergency animal disease event, and will contribute to the overall aim of increased communication that the bill brings.

Adequate availability of veterinarians, particularly in regional areas, is essential for animal health, safety and welfare, the public interest, and the productivity and growth of livestock industries. Where possible within its scope, the bill proposes to introduce changes that are intended to support and encourage veterinarians to practise in, or return to practising in, our state.

To provide veterinarians returning from a period away from practice with a transparent, clear, and predetermined pathway that ensures appropriate recent experience, knowledge and competence are considered prior to returning to practice, the bill will introduce a requirement for the board to publish requirements relating to transition to practice and clarify that a non-practising veterinarian wishing to return to practice must comply with any requirements of the board relating to that transition.

Additional scope has been provided for the board to control the categories of registration offered by clarifying that registrations need not be tied to the calendar year or require payment of an annual fee. While scope has been provided and may enable consideration of a non-practising or part-time category of registration, these matters are ultimately for the board to consider.

A provision has been added to clarify that, in addition to other criteria, a person is eligible to be registered as a veterinarian on completion of relevant academic requirements but prior to degree conferral. This will ensure that graduates will be available to enter the workforce upon completion of the academic requirements of their degree if recognised by the university as having done so.

Limited registration provisions have been expanded to enable a person who, in the opinion of the board, has appropriate qualifications or experience in a particular area of veterinary practice obtained in an overseas jurisdiction to provide veterinary services or engage in other conduct as a veterinarian while residing in or visiting the state. Related provisions have also been expanded to enable the board to impose a condition limiting the kind of animal in relation to which the person may provide veterinary services as a veterinarian.

The new bill also provides for the registration of all veterinary premises, including clinics, practices, hospitals, emergency and specialist centres. This is a key change to the current legislation, which requires only the accreditation of veterinary hospitals. This change will enable the board to set minimum standards for veterinary premises, to ensure all premises that provide veterinary services are fit for their intended purposes and are appropriately regulated. Compliance with minimum requirements for veterinary premises will be supported by new offence provisions and the ability to inspect premises. Careful consideration has been given to the growing mobile and telehealth veterinary services sector to enable these important services to continue.

Another major change in the bill is the increased transparency it offers veterinarians and consumers regarding the handling of complaints concerning the conduct of registered veterinarians. The provisions for handling complaints in the bill largely reflect current processes. However, the bill includes additional options for the board to appropriately resolve matters that are of a less serious nature, where formal disciplinary proceedings are unnecessary. Such matters may be addressed through education and training, with a goal of improving the future conduct of the veterinarian concerned.

The bill enables the option for the board, should both parties agree and it is appropriate to do so, to provide conciliation between the complainant and the veterinarian. The board will also have the ability to accept an undertaking made by a veterinarian, have powers to issue a reprimand, provide the veterinarian with counselling, require them to complete specified remedial training or education to address any shortfalls, or impose conditions on their registration. These avenues are seen as more appropriate to reduce the impact on all parties involved and will support the timely and efficient resolution of complaints.

The bill retains the ability for the board to refer complaints that are of a more serious nature to the South Australian Civil and Administrative Tribunal (SACAT). Veterinarians will continue to be able to seek a review of a board decision from the tribunal. The bill, however, removes the ability for

an aggrieved person to lodge a complaint directly to the tribunal. This supports the board being the appropriate entry point for lodging complaints and will ensure that each complaint has been subject to an assessment to determine that there is proper basis for referring the matter to the tribunal. These changes also reflect that disciplinary proceedings are brought in the public interest and are not strictly inter partes proceedings.

Finally, the bill will remove unnecessary offence provisions, instead enabling requirements pertaining to professional conduct to be set out in professional codes, standards and guidelines, where relevant. This will ensure a contemporary and flexible approach to regulation that can accommodate future changes to the profession. Essential provisions from the current legislation, such as a number of important offence provisions, key board functions, the majority of provisions relating to veterinary registration, and the recognition of interstate veterinarian registration, are retained in the bill. I commend the Veterinary Services Bill 2023 to the council and look forward to further debate. I also seek leave to table the explanation of clauses and have it inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

This clause is formal.

###### 2—Commencement

Commencement of the measure is by proclamation. Section 27(6) of the *Legislation Interpretation Act 2021* is disappplied.

###### 3—Interpretation

This clause defines terms and phrases used in the measure.

###### 4—Application of Act

This clause clarifies that the measure does not derogate from other Acts or laws.

##### Part 2—Veterinary Services Regulatory Board of South Australia

###### Division 1—Veterinary Services Regulatory Board of South Australia

###### 5—Continuation of Board

This clause provides for the continuation of the Veterinary Surgeons Board of South Australia as the Veterinary Services Regulatory Board of South Australia as a body corporate with perpetual succession, a common seal, the capacity to litigate in its corporate name and all the powers of an individual capable of being exercised by a body corporate.

It also provides that the Board is subject to the direction and control of the Minister and limits the directions that the Minister may give.

###### 6—Composition of Board

This clause provides for the Board to consist of 9 members appointed by the Governor on the recommendation of the Minister and empowers the Governor to appoint deputy members. It provides that 6 members must be veterinarians and sets out the skills, knowledge and experience that those members must possess. It also requires the Chair of the Board to be a veterinarian with management or governance skills, knowledge and experience unless another member is appropriate.

###### 7—Terms and conditions of membership

This clause provides for members of the Board to be appointed for a term not exceeding 3 years and to be eligible for re-appointment on expiry of a term of appointment provided that the member does not hold office for consecutive terms that exceed 9 years in total.

It sets out the circumstances in which a member's office becomes vacant and in which the Governor is empowered to remove a member from office. It also allows members whose terms have expired to continue to act as members to hear part-heard medical fitness proceedings.

###### 8—Direction if Board fails to carry out functions

This clause allows the Minister to direct the Board to carry out its functions if of the opinion that the Board has failed to do so satisfactorily. The Minister must give the Board reasonable time to comply with the direction and must table the direction in Parliament.

#### 9—Removal of all members of Board

This clause allows the Minister to recommend to the Governor that all members of the Board be removed from office if the Minister is of the opinion that the Board has failed to comply with a direction to carry out its functions. The Governor may subsequently remove all members from office by notice in the Gazette. It also sets out the provisions that apply if all members of the Board are removed.

#### 10—Vacancies or defects in appointment of members

This clause ensures acts and proceedings of the Board are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

#### 11—Remuneration

This clause entitles a member of the Board to remuneration, allowances and expenses determined by the Governor.

#### 12—Governance training

This clause requires a member of the Board to complete training related to corporate governance in accordance with any requirements in the regulations.

#### 13—Publication of appointments

This clause requires the Board to publish and maintain a list of current members of the Board on a website.

#### 14—Functions

This clause sets out the functions of the Board and requires the Board to exercise its functions with the object of supporting animal health, safety and welfare and the public interest by achieving and maintaining high professional standards of competence and conduct in the provision of veterinary services in South Australia.

It also sets out the requirements for preparing, endorsing, varying, substituting and revoking a code, standard or guidelines under the measure.

It further requires the Board to provide the Minister with such information, records and other documents relating to the functions or operations of the Board as the Minister may require.

#### 15—Reporting on exercise of functions

This clause allows the Minister to request, and requires the Board to provide, a written report about the exercise of the Board's functions generally or in relation to a specified matter.

#### 16—Committees

This clause empowers the Board to establish committees to advise the Board and assist it to carry out its functions.

#### 17—Delegations

This clause empowers the Board to delegate functions under the measure, other than a function prescribed by the regulations, to a member of the Board, the Executive Officer, a member of staff of the Board or a committee established by the Board and requires a delegation to be provided to members of the Board and the Minister within 7 days after it is made.

#### 18—Procedures

This clause deals with matters relating to the Board's procedures such as the quorum at meetings, the chairing of meetings, voting rights, the holding of conferences by telephone and other electronic means and the keeping and provision of minutes.

#### 19—Staff and resources

This clause provides for the Board to have such staff as it thinks necessary for the proper performance of its functions and allows the Board to make use of the services, facilities or officers of an administrative unit of the Public Service with the approval of the relevant Minister.

#### 20—Application of Public Sector (Honesty and Accountability) Act

This clause provides that the *Public Sector (Honesty and Accountability) Act 1995* applies to a member of a committee of the Board as if the committee were an advisory body and that a member of the Board or a committee will not be taken to have a direct or indirect interest in a matter for the purposes of that Act by reason only of the fact the

member has an interest in a matter shared in common with veterinarians generally or a substantial section of veterinarians.

#### 21—Power to require medical examination or report

This clause empowers the Board to require a veterinarian or person applying for registration or reinstatement of registration as a veterinarian to submit to an examination by a health professional or provide a medical report from a health professional, including an examination or report that will require the person to undergo a medically invasive procedure. If the person fails to comply, the Board can suspend the person's registration until further order.

#### 22—Accounts and audit

This clause requires the Board to keep proper accounting records in relation to its financial affairs, to have annual statements of account prepared in respect of each financial year and to have the accounts audited annually by an auditor approved by the Auditor-General and appointed by the Board. It also empowers the Auditor-General to audit the Board's accounts at any time.

#### 23—Annual report

This clause requires the Board to prepare an annual report for the Minister and requires the Minister to table the report in Parliament.

#### Division 2—Executive Officer

#### 24—Executive Officer

This clause provides for the appointment of an Executive Officer by the Board on terms and conditions determined by the Board.

#### 25—Functions

This clause sets out the functions of the Executive Officer.

#### 26—Delegations

This clause empowers the Executive Officer to delegate functions under the measure, other than a function prescribed by the regulations, and requires a delegation to be provided to members of the Board within 7 days after it is made.

#### Part 3—Registration of veterinarians

#### Division 1—Registers

#### 27—Registers

This clause sets out the registers that the Executive Officer must keep and maintain for the purpose of registration of veterinarians and lists the information that must be included on the registers. It also requires a copy of the registers to be published on a website and empowers the Executive Officer to exempt information from the copies of the registers on the website if satisfied it would be inappropriate to disclose that information.

#### Division 2—Primary registration

#### 28—Registration on general or specialist register

This clause empowers the Board to grant primary registration to a person, outlines when a person is eligible for registration (as well as limited and provisional registration), sets out the authorisation general and specialist registration gives and sets out how an application must be made.

It also empowers the Board to impose conditions on a person's registration and makes it an offence for a person to contravene a condition with a maximum penalty of \$20,000 or imprisonment for 6 months.

#### 29—Veterinarian to inform Board of changes to certain information

This clause requires a veterinarian with primary registration to inform the Board of changes to certain information and fixes a maximum penalty of \$250.

#### 30—Removal from register

This clause requires the Executive Officer to remove a person from a register in specified circumstances.

#### 31—Reinstatement on register

This clause requires the Board to reinstate a person on a register if they are eligible for registration and sets out the circumstances in which a person may apply for reinstatement and how an application for reinstatement must be made.

### 32—Fees and returns

This clause deals with the payment of registration, reinstatement and practice fees and requires registered persons to furnish the Board with an annual return in relation to their provision of veterinary services, continuing professional development and other matters relevant to their registration under the measure. It empowers the Board to remove from a register the name of a person who fails to pay the practice fee or furnish the required return.

### Division 3—Deemed registration

#### 33—Recognition of veterinarians registered in other jurisdictions

This clause sets out when a person will be taken to have deemed registration and the authorisation deemed registration gives.

#### 34—Contravention of conditions of deemed registration

This clause makes it an offence for a person to contravene a condition of the person's deemed registration with a maximum penalty of \$20,000 or imprisonment for 6 months.

#### 35—Veterinarian with deemed registration to inform Board of contact details etc

This clause requires a veterinarian with deemed registration to provide the Board with their contact details within 1 month of providing veterinary services or engaging in other conduct as a veterinarian in South Australia and requires the veterinarian to inform the Board of changes to that information. In each case, a maximum penalty of \$250 is fixed for a contravention.

### Division 4—Registration in participating jurisdictions

#### 36—Registration to be subject to conditions

This clause provides that a restriction, limitation or condition on a person's registration in another jurisdiction applies to the person's registration under this measure and empowers the Board to waive or modify such a restriction, limitation or condition. It also allows the Board to impose conditions on a person's deemed registration.

#### 37—Suspension or cancellation of registration or disqualification

This clause provides that if a person's registration in another jurisdiction is suspended or cancelled, or the person is disqualified from registration in another jurisdiction, then the person's registration under this measure is suspended or cancelled, or the person is disqualified from registration, on the same terms. It also empowers the Board to waive a suspension, cancellation or disqualification and sets out the effect of a waiver.

### Division 5—Suspension or variation of registration in urgent circumstances

#### 38—Suspension or variation of registration where veterinarian charged with certain offences or unacceptable risk to animals

This clause allows the Board to suspend the registration of a veterinarian or vary the conditions of a veterinarian's registration if the Board becomes aware that the veterinarian has been charged with an offence prescribed by the regulations or the Board reasonably suspects that the veterinarian poses an unacceptable risk to animals.

### Part 4—Registration of premises at which veterinary services provided

#### 39—Registers

This clause sets out the registers that the Executive Officer must keep and maintain for the purpose of registration of veterinary premises and lists the information that must be provided on the veterinary premises register. It also requires a copy of the registers to be published on a website and empowers the Executive Officer to exempt information from the copies of the registers on the website if satisfied it would be inappropriate to disclose that information.

#### 40—Veterinary premises standard

This clause requires the Board to prepare or endorse standards relating to minimum requirements for registered premises.

#### 41—Responsible person in respect of registered premises

This clause requires there to be a responsible person in respect of each registered premises and sets out who that person is in different circumstances.

#### 42—Registration by Board of premises as registered premises

This clause sets out the circumstances in which premises are eligible for registration and how an application for registration must be made. It also states that registration of premises remains in force for a period specified by the Board (not exceeding 3 years) and empowers the Board to impose conditions on registration.

#### 43—Suspension or cancellation of registration

This clause allows the Board to suspend or cancel registration of premises in specified circumstances.

#### 44—Removal from register

This clause requires the Executive Officer to remove premises from the veterinary premises register in specified circumstances.

#### 45—Reinstatement on register

This clause requires the Board to reinstate premises on the veterinary premises register if the premises are eligible for registration and sets out how an application for reinstatement must be made.

#### 46—Fees

This clause provides that premises will not be granted registration or reinstatement of registration on the veterinary premises register until the relevant fee has been paid.

#### 47—Contravention of conditions of registration

This clause makes it an offence for a responsible person in respect of premises to contravene a condition of the registration of the premises with a maximum penalty of \$20,000 or imprisonment for 6 months.

#### 48—Requirement to inform Board of changes

This clause requires a responsible person in respect of registered premises to inform the Board of changes to certain information and fixes a maximum penalty of \$250 for a contravention.

### Part 5—Veterinary practice

#### Division 1—Veterinary practice

#### 49—Veterinary services to be provided by veterinarians

This clause prohibits a person from providing veterinary services for money or other consideration unless the person is a veterinarian and fixes a maximum penalty of \$20,000 or imprisonment for 6 months. It also sets out exceptions to the prohibition.

#### 50—Veterinary services must be provided at registered premises

This clause prohibits a veterinarian from providing veterinary services at premises that are not registered premises and fixes a maximum penalty of \$20,000 or imprisonment for 6 months. It also sets out exceptions to the prohibition and provides that it is a defence to the prohibition for the defendant to prove that they did not know, and could not reasonably be expected to have known, that the premises were not registered premises.

#### 51—Offence to carry on certain businesses other than at registered premises

This clause prohibits a business consisting of, or including, the provision of veterinary services from being carried on at premises that are not registered premises and provides that each person prescribed by the clause is guilty of an offence if the prohibition is contravened. It fixes a maximum penalty of \$20,000 and sets out exceptions to the prohibition.

#### 52—Veterinarian to hold certain insurance

This clause prohibits a veterinarian from providing veterinary services for money or other consideration unless insured in a manner and to an extent determined by the Board against civil liability incurred in the course of providing those services and fixes a maximum penalty of \$10,000. It also allows the Board to provide exemptions from the requirements of the clause.

#### Division 2—Improperly influencing veterinarians etc

#### 53—Application of Division

This clause sets out who the Division applies to and does not apply to.

#### 54—Undue influence

This clause prohibits a person to whom the Division applies from inducing or attempting to induce a veterinarian to provide, or not provide, veterinary services, or veterinary services of a specified class, by dishonesty or undue influence and fixes a maximum penalty of \$20,000.

#### 55—Improper directions etc to veterinarian

This clause prohibits a person to whom the Division applies from requiring, inducing or encouraging a veterinarian to engage in conduct in the course of providing veterinary services that would constitute unprofessional conduct or does not reflect current standards of veterinary practice in South Australia and fixes a maximum penalty of \$20,000.

## Division 3—Other offences relating to veterinary practices etc

## 56—Offence to give, offer or accept benefit for recommendation or prescription

This clause makes it an offence—

- for any person to give, or offer to give, a veterinarian or prescribed relative of a veterinarian a benefit as an inducement, consideration or reward for the veterinarian recommending a prescribed veterinary service or prescribing or recommending a veterinary product manufactured, sold or supplied by the person;
- for a veterinarian or prescribed relative of a veterinarian to accept from any person a benefit offered or given as an inducement, consideration or reward for such a recommendation or prescription.

In each case a maximum penalty of \$20,000 is fixed for a contravention.

## 57—Illegal holding out as veterinarian or specialist

This clause makes it an offence for a person to hold themselves out as a veterinarian, specialist or particular class of specialist or permit another person to do so unless registered on the appropriate register or in the appropriate specialty. It also makes it an offence for a person to hold out another as a veterinarian, specialist or particular class of specialist unless the other person is registered on the appropriate register or in the appropriate specialty. In each case, a maximum penalty of \$20,000 or imprisonment for 6 months is fixed.

## 58—Illegal holding out concerning limitations or conditions

This clause makes it an offence for a person whose registration is limited or conditional to hold themselves out, or permit another person to hold them out, as having registration that is not subject to a limitation or condition. It also makes it an offence for a person to hold out another whose registration is limited or conditional as having registration that is not subject to a limitation or condition. In each case, a maximum penalty of \$20,000 or imprisonment for 6 months is fixed.

## 59—Illegal holding out concerning registered premises

This clause makes it an offence to hold out that particular premises are registered unless the premises are registered under the measure. It also makes it an offence to hold out that veterinary services or services of a particular kind are, or can be, provided at particular premises unless those services can be lawfully provided at those premises. In each case, a maximum penalty of \$20,000 or imprisonment for 6 months is fixed.

## 60—Use of certain titles or descriptions prohibited

This clause prohibits a person who is not appropriately registered from using certain words or their derivatives to describe themselves or services that they provide, or in the course of advertising or promoting services that they provide. A maximum penalty of \$20,000 is fixed for each offence.

## Part 6—Medical fitness to provide veterinary services

## 61—Medical fitness to provide veterinary services

This clause provides that in making a determination under the measure as to a person's medical fitness to provide veterinary services, regard must be given to the question of whether the person is able to provide veterinary services personally to an animal without endangering the animal's health, safety or welfare.

## 62—Obligation to report medical unfitness of veterinarian

This clause requires certain classes of persons to report to the Board if of the opinion that a veterinarian is or may be medically unfit to provide veterinary services. A maximum penalty of \$10,000 is fixed for non-compliance. The Board must cause a report under this clause to be investigated.

## 63—Medical fitness of veterinarian

This clause empowers the Board to suspend the registration of a veterinarian, impose conditions on registration restricting the right to provide veterinary services or other conditions requiring the person to undergo counselling or treatment, or to enter into any other undertaking if, on application by the Executive Officer or Minister or after an investigation, and after due inquiry, the Board is satisfied that the veterinarian is medically unfit to provide veterinary services and that it is in the public interest to take such action.

## 64—Proceedings before Board under Part

This clause sets out provisions relating to proceedings before the Board regarding medical fitness, including the powers of the Board to summons witnesses and require the production of documents and other evidence for the purposes of those proceedings.

## Part 7—Complaints, investigations and proceedings

## Division 1—Preliminary

## 65—Interpretation

This clause provides that a reference in the Part to a veterinarian includes a reference to a person who is not but who was, at the relevant time, a veterinarian under this measure or a veterinary surgeon or veterinary practitioner under the *Veterinary Surgeons Act 1985* or the *Veterinary Practice Act 2003*.

## 66—Proper cause for disciplinary action

This clause sets out what constitutes proper cause for disciplinary action against a veterinarian.

## Division 2—Complaints

## 67—Board to establish processes for complaints

This clause requires the Board to establish administrative processes for receiving and dealing with complaints received about the conduct of veterinarians and sets out certain matters the administrative processes must address.

## 68—Making complaint about veterinarian etc

This clause allows an aggrieved person to make, and the Board to initiate, a complaint about the conduct of a veterinarian in accordance with the Board's administrative processes.

## 69—Assessment of complaints

This clause requires the Board to cause each complaint to be assessed to determine how the complaint should be dealt with and sets out the complaints that do not need to be assessed.

## 70—Dismissal of certain complaints

This clause sets out when the Board must and may dismiss a complaint.

## 71—Decision to take no further action

This clause allows the Board to take no further action in relation to a complaint if it thinks it appropriate in the circumstances.

## Division 3—Certain complaints may be resolved by Board

## 72—Application etc of Division

This clause provides that the Division applies to particular complaints, or complaints of a class, determined by the Board after consultation with the Minister and requires notice of each determination, and variation of a determination, to be published on a website. It also sets out the principles that the Board must have regard to, and seek to give effect to, in respect of the operation of the Division.

## 73—Complaints that may be dealt with under Division

This clause allows the regulations to specify the kinds of complaints and conduct that may, or may not, be determined by the Board to be complaints that can be dealt with by Board resolution.

## 74—Dealing with matters by way of Board resolution

This clause provides that a matter to which the Division applies is to be referred to the Executive Officer for resolution and sets out requirements in respect of dealing with the matter. It sets out the circumstances in which conciliation must take place and allows the Board to take certain action, or order the taking of certain action, after consultation with the Executive Officer.

## 75—Duty of Executive Officer with respect to conflict of interest

This clause requires the Executive Officer to disclose interests that may conflict with their duties in resolving a matter and comply with any directions given by the Board to resolve a conflict between the duties and interests.

## 76—Monitoring of Board resolutions

This clause requires complaints dealt with under the Division to be monitored and reviewed to maintain proper and consistent practices.

## Division 4—Investigations

## 77—Investigation of complaints

This clause requires the Board to cause an investigation to be undertaken into each complaint to be dealt with under Division 5 or, if satisfied an investigation is unnecessary, to lodge a complaint in relation to the matter with SACAT. It also sets out the actions the Board may take following an investigation.

## Division 5—Disciplinary action before Tribunal

#### 78—Hearing by Tribunal as to matters constituting grounds for disciplinary action

This clause allows the Board or Minister to lodge a complaint setting out matters that are alleged to constitute grounds for disciplinary action against a person with SACAT and sets out the orders SACAT may make. It also allows SACAT to suspend a veterinarian's registration pending the outcome of SACAT proceedings if it thinks it is necessary due to a serious risk to the health and safety of the public or health and welfare of animals.

#### 79—Constitution of Tribunal

This clause sets out how SACAT will be constituted for proceedings under this Division and requires SACAT to establish panels of assessors.

#### 80—Punishment of conduct that constitutes offence

This clause provides that if conduct constitutes both an offence against the measure and grounds for disciplinary action under the measure, the taking of disciplinary action is not a bar to conviction and punishment for the offence, and conviction and punishment for the offence is not a bar to disciplinary action.

#### 81—No internal review by Tribunal of decision under Division etc

This clause provides that a decision of SACAT under this Division cannot be the subject of an application for internal review and disapplies certain provisions of the *South Australian Civil and Administrative Tribunal Act 2013* in relation to an appeal against such a decision.

### Part 8—Inspectors

#### 82—Guidelines

This clause requires the Board to publish guidelines about the conduct of investigations and inspections on a website.

#### 83—Inspectors

This clause empowers the Board to authorise persons to be inspectors for the purposes of the measure.

#### 84—Functions of inspectors

This clause sets out the functions of inspectors.

#### 85—Powers of inspectors

This clause sets out the powers of inspectors.

#### 86—Offence to hinder etc inspector

This clause makes it an offence for a person to hinder an inspector, use certain language to an inspector, refuse or fail to comply with a requirement of an inspector, refuse or fail to answer questions to the best of the person's knowledge, information and belief, or falsely represent that the person is an inspector. A maximum penalty of \$10,000 is fixed.

### Part 9—Review of certain decisions by Tribunal

#### 87—Review of certain decisions by Tribunal

This clause confers SACAT with jurisdiction to deal with matters consisting of the review of specified decisions.

#### 88—Variation or revocation of conditions imposed by Tribunal

This clause empowers SACAT to vary or revoke a condition imposed on a veterinarian's registration at any time on application by the veterinarian and provides that the Board is entitled to appear and be heard on such an application.

### Part 10—Miscellaneous

#### 89—Exemptions

This clause allows the Minister to exempt a specified person or a specified class of persons from the operation of a provision or provisions of the measure and sets out the notice requirements. It also allows the Minister to vary or revoke an exemption for any reason the Minister thinks fit and makes it an offence for a person to contravene a condition of an exemption. A maximum penalty of \$20,000 is fixed for contravention of a condition.

#### 90—Contact details to be provided to Chief Executive

This clause requires the Board to, every 3 months or on request, provide to the Chief Executive a list of contact details for each veterinarian registered under the measure and restricts the uses of the details to specified circumstances.

## 91—False or misleading statement

This clause prohibits a person from making a statement that is false or misleading in a material particular in information provided under the measure. A maximum penalty of \$20,000 is fixed.

## 92—Procurement of registration by fraud

This clause makes it an offence for a person to fraudulently or dishonestly procure registration or reinstatement of registration (whether for themselves or another person). A maximum penalty of \$20,000 or imprisonment for 6 months is fixed.

## 93—Self-incrimination and legal professional privilege

This clause provides that a person cannot refuse or fail to answer a question or produce documents as required under the measure on the ground that to do so might tend to incriminate the person or make the person liable to a penalty or on the ground of legal professional privilege.

If a person objects on either of the first two grounds, the fact of production of the document or the information furnished is not admissible against the person except in proceedings in respect of making a false or misleading statement or perjury. If a person objects on the ground of legal professional privilege, the answer or document is not admissible in civil or criminal proceedings against the person who would, but for this clause, have the benefit of that privilege.

## 94—Confidentiality

This clause prohibits a person who obtained personal information in the course of the administration of the measure, the *Veterinary Surgeons Act 1985* or the *Veterinary Practice Act 2003* from divulging any such information except in certain circumstances. A maximum penalty of \$10,000 is fixed.

Any information disclosed under this clause must not be used for any other purpose by the person to whom it is disclosed or by any other person who gains access to the information as a result of the disclosure. A maximum penalty of \$10,000 is fixed.

## 95—Victimisation

This clause prohibits a person from victimising another person on the ground, or substantially on the ground, that the other person has disclosed or intends to disclose information, or has made or intends to make an allegation, that has given rise or could give rise to proceedings against the person under this measure. Victimisation is the causing of detriment including injury, damage or loss, intimidation or harassment, threats of reprisals, or discrimination, disadvantage or adverse treatment in relation to the victim's employment or business. An act of victimisation may be dealt with as a tort or as if it were an act of victimisation under the *Equal Opportunity Act 1984*.

## 96—Arrangements between Board and interstate registration authorities

This clause allows for a national database for veterinarians and for other purposes related to the recognition of people engaged in providing veterinary services, practice or treatment in other jurisdictions to be established.

## 97—Notification of disciplinary action to interstate registration authorities

This clause requires the Board to notify each interstate registration authority of any disciplinary action taken against a veterinarian under the measure or of any other action of a prescribed kind.

## 98—Evidentiary provision

This clause requires specified matters to be accepted as proved in the absence of proof to the contrary in legal proceedings (including Tribunal proceedings). It also allows specified matters to be proved in legal proceedings (including Tribunal proceedings) by means of a certificate.

## 99—Regulations and fee notices

This clause provides power to make regulations and to prescribe fees by fee notice.

## Schedule 1—Related amendments, repeals and transitional provisions

Part 1—Amendment of Agricultural and Veterinary Products (Control of Use) Act 2002

Part 2—Amendment of Animal Welfare Act 1985

Part 3—Amendment of Controlled Substances Act 1984

Part 4—Amendment of Dog and Cat Management Act 1995

Part 5—Amendment of *Health Care Act 2008*

Part 6—Amendment of Health Practitioner Regulation National Law (South Australia) Act 2010

Part 7—Amendment of *Livestock Act 1997*

These Parts make related amendments to the Acts specified consequential to the enactment of the measure.

Part 8—Repeal of *Veterinary Practice Act 2003*

## 1—Repeal of Act

This clause repeals the *Veterinary Practice Act 2003*.

## Part 9—Transitional provisions

This Part makes transitional provisions in respect of the enactment of the measure and the repeal of the *Veterinary Practice Act 2003*.

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

**WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL***Introduction and First Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:53):** Obtained leave and introduced a bill for an act to amend the Work Health and Safety Act 2012. Read a first time.

*Second Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (16:53):** I move:

That this bill be now read a second time.

Today, I introduce the Work Health and Safety (Industrial Manslaughter) Amendment Bill 2023. As I have said before in this place, this government is firmly committed to the idea that every worker deserves the right to come home safe to their family and loved ones at the end of each working day. Sadly, and far too often, that is not the case.

Last year, 15 South Australians lost their lives from traumatic workplace injuries. More than 100 South Australians have lost their lives at work over the last decade. It is a sobering figure but, if anything, it is likely an underestimate, because 100 lives do not include the deaths from occupational diseases such as asbestosis or silicosis, or death related to mental illness caused by work.

As a community and as policymakers these figures should focus our attention on the essential need for strong work health and safety laws, which avoid preventable workplace injuries and save lives. This bill delivers on this government's commitment to make industrial manslaughter a standalone crime in South Australia, but more importantly it answers the long call of injured workers, of victims' families, of unions and of the community for this parliament to take a stand and make very clear that every death at work is one too many.

This is a reform that, unfortunately, has taken far too long. Where once South Australia could have been a leader on this issue, we have fallen behind the rest of the nation. Industrial manslaughter is now a crime in Western Australia, the Northern Territory, Queensland, Victoria and the Australian Capital Territory. The commonwealth has committed to introducing its own industrial manslaughter laws.

Earlier this year, the commonwealth, state and territory work health and safety ministers unanimously agreed that industrial manslaughter would form part of our model national work health and safety code going forward. With the passage of this bill, South Australia joins other parts of the nation recognising the severity of preventable workplace deaths.

There have been three guiding principles to how the government has approached this important reform. First, industrial manslaughter must be a real deterrent against serious contraventions of work health and safety, and carry a penalty that recognises the dignity of human life and the devastating consequence for families of loved ones who are taken due to workplace injuries.

Second, we should strive for consistency with the recommendations of the 2018 national review into model work health and safety laws, which recommended the introduction of an industrial

manslaughter offence in the model Work Health and Safety Act, as well as the industrial manslaughter laws of other jurisdictions across Australia.

Third, industrial manslaughter legislation should be developed in consultation with the community, including South Australian businesses, rather than being imposed from above without discussion. That is because the essential aim of this bill is to deter unlawful dangerous behaviour, and to achieve that we need the cooperation of the business community and their representatives. Each of those principles are reflected in the bill that is now before parliament.

This bill is the product of an extensive consultation process. This government was elected with a clear mandate to criminalise industrial manslaughter, which formed an important pillar of our industrial relations platform. Following the election, we released a discussion paper and held roundtable forums with business groups and trade unions to discuss the design of these laws.

Following those round tables we released two consultation drafts of this bill for comment, the first between November 2022 and February 2023 and a second from April to May 2023. These laws were also discussed at a number of forums and meetings over the same period. I am very grateful for the constructive feedback we have received from both unions and business groups during this consultation process, and I am pleased to say that much of that feedback has been taken into account in this final bill.

Some have questioned why these laws are necessary when the offence of manslaughter already exists under our criminal laws. There are several reasons. One of the primary functions of parliament is to protect the dignity of human life and to vindicate victims of gross criminal misconduct. We have watched over past decades as South Australia has fallen further and further behind in the nation in relation to industrial manslaughter laws. It would be a disturbing outcome if that failure was seen to reflect that this parliament treats the tragedy of preventable workplace deaths as a lesser concern than do other jurisdictions across the nation.

As a matter of legislative policy, it is important that industrial manslaughter is integrated within our work health and safety framework, not something that stands apart from it. Criminal manslaughter laws are effective at dealing with the misconduct of an individual person, but not where the death results from a chain of decision-making failures by a large corporation, for example, where a serious health and safety risk simply falls through the cracks.

The reality is that our criminal laws and our work health and safety laws are monitored and enforced by different investigative agencies applying different principles. It is important that both businesses and workers have certainty that the standard of misconduct from industrial manslaughter is assessed against the same health and safety duties already owed under the Work Health and Safety Act. If you are complying with your existing work health and safety duties, then you have nothing to fear from these laws.

The sole function of industrial manslaughter laws is to ensure that where those duties are breached, and where that results in the death of a person, the penalty is commensurate with the gravity of the offence. These laws will result in a system that is more just to the victims, easier to understand for the community, and fairer to businesses that do the right thing and meet their responsibilities and obligations under the Work Health and Safety Act.

Turning to the precise provisions of the bill, the offence of industrial manslaughter will be inserted in section 30A of the Work Health and Safety Act. Subsection (1) provides that the offence of industrial manslaughter will apply where a person has a health and safety duty, engages in conduct which breaches that duty, the conduct causes the death of an individual to whom the duty is owed, and the person engages in the conduct either recklessly or with gross negligence.

The adoption of the criminal standard of either recklessness or gross negligence is consistent with the overwhelming majority of states and territories across Australia. The only state that does not provide for a negligence standard is Western Australia.

An industrial manslaughter offence will incur a penalty of up to 20 years' imprisonment for a person and a financial penalty of up to \$18 million for an offence committed by a body corporate. These penalties are consistent with the uniform national penalties unanimously agreed to by the commonwealth, state and territory work health and safety ministers earlier this year.

The offence of industrial manslaughter will apply to both persons conducting a business or undertaking and officers. This also consistent with industrial manslaughter laws in other jurisdictions. The offence is subject to the same exceptions for volunteers which already exist under section 34 of the Work Health and Safety Act and which already apply to other criminal offences.

Statutory definitions of recklessness and gross negligence will be inserted in section 4 of the Work Health and Safety Act. This directly responds to requests from stakeholders seeking greater legal certainty about these criminal thresholds during the consultation process. The definitions of recklessness and gross negligence are based on the ACT and NT criminal codes, which were endorsed in the 2018 Review of the Model Work Health and Safety Laws when it recommended a gross negligence standard for industrial manslaughter.

These definitions are intended to codify the common law of recklessness and gross criminal negligence. They are not intended to impose a higher criminal threshold than would otherwise be found at common law.

Subsection (2) provides that conduct is taken to cause the death of an individual if it 'substantially contributes' to the death. This provision reflects the common law of causation and makes clear the mere fact that conduct that contributes to a death is alone insufficient. The concept of conduct 'substantially contributing' to a death is intended to include conduct that causes a person to be injured or to contract an illness (including a mental illness) that later causes the person's death.

It is also intended to include deaths due to injuries or illnesses which are caused cumulatively, such as exposure to hazardous chemicals, or injuries which arise over an extended period of time, such as dust diseases like asbestosis or silicosis.

Subsection (3) provides for the availability of an alternative verdict, where a person may be convicted of a category 1, category 2, or category 3 offence under the Work Health and Safety Act if their conduct does not meet the relevant threshold for an industrial manslaughter conviction. These alternative verdicts are only available if an industrial manslaughter prosecution is commenced within the same statutory limitation period as would apply to the lesser offence.

Section 31 of the act is also amended to introduce an alternative criminal threshold of gross negligence to category 1 offences. This amendment is consistent with recent changes to the model national work health and safety laws. While the government had initially intended to progress these changes as part of a later bill, feedback from the business community was that this should be done concurrently with the introduction of industrial manslaughter to avoid any incentive for a prosecuting authority to effectively 'overcharge' an offence as industrial manslaughter when a category 1 charge may be more appropriate.

Section 232 of the act is amended to make it clear that there is no statute of limitations for an industrial manslaughter prosecution. This is consistent with industrial manslaughter laws in other jurisdictions, as well as the ordinary law of criminal manslaughter.

I want to close by expressing my immense gratitude to the work of the many unions, community organisations and family members touched by workplace tragedies, family members like Andrea Madeley and Pam Gurner-Hall, who have campaigned for these laws for years and years. I had the pleasure of standing with Pam Gurner-Hall at the Port Adelaide Workers Memorial when the government announced we would be progressing industrial manslaughter laws last year. Pam has been a passionate and tireless advocate for health and safety in workplaces after the tragic death of her partner, Jorge Castillo-Riffo, at the Royal Adelaide Hospital site in 2014.

I also particularly want to acknowledge the advocacy of Andrea Madeley, who has been such a valuable support to so many others. Andrea lost her 18-year-old son, Daniel, in a horrific workplace accident in 2004 when he was in the first year of his apprenticeship as a toolmaker. In the midst of that terrible loss, Andrea had to navigate a criminal investigation, legal proceedings and a coronial inquest.

As a result of that experience, Andrea founded the advocacy group Voice of Industrial Death, which has provided support to numerous other families affected by workplace tragedies. In 2011, informed by her own exposure to the legal system, Andrea made the decision to study law. Now, as a lawyer, she helps people injured at work navigate the complexities of our legal system.

Andrea has pressed governments of both political persuasions to take stronger action on workplace safety and has spoken frequently with my office during the development of this bill. The fact that Andrea has been able to devote her life to doing so much good after such a horrendous tragedy is nothing short of inspirational. It is entirely fitting that in 2023 Andrea was nominated for Australian of the Year.

The introduction of industrial manslaughter laws in this state has taken far too long, but I hope that, thanks to the tireless work of people like Andrea and Pam, these laws will go some way to ensuring that no other family has to go through that experience again.

I wish to give my thanks to those in this chamber and in this parliament who have considered, pushed for, held committees for and even introduced laws for this in the past, including the Hon. Tammy Franks in this chamber. I commend the bill to this council and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

These clauses are formal.

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

###### 3—Amendment of section 4—Definitions

This clause inserts new defined terms of *industrial manslaughter offence*, *gross negligence* and *reckless* for the purposes of Part 2 of the Act.

###### 4—Insertion of section 30A

This clause inserts a new section 30A containing the offence of industrial manslaughter into the principal Act.

###### 30A—Industrial manslaughter

Proposed section 30A establishes the offence of industrial manslaughter.

A person commits an industrial manslaughter offence if they have a health and safety duty and engage recklessly or with gross negligence in conduct that breaches that duty, and the conduct causes the death of a person to whom the health and safety duty is owed.

The proposed maximum penalty is 20 years imprisonment for an offence by an individual, or an \$18,000,000 fine in the case of an offence by a body corporate.

Proposed section 30A(3) provides for alternate verdicts in a trial for an industrial manslaughter offence.

###### 5—Amendment of section 31—Reckless conduct—Category 1

This clause amends section 31 of the principal Act to include gross negligence as an element of a Category 1 offence, and amends the title to reflect the change.

###### 6—Amendment of section 216—Regulator may accept WHS undertaking

This clause amends section 216 of the principal Act to indicate that WHS undertakings may not be accepted for a contravention or alleged contravention that is an industrial manslaughter offence.

###### 7—Amendment of section 230—Prosecutions

This clause amends section 230 of the principal Act to disapply subsection (4) in relation to an industrial manslaughter offence.

###### 8—Amendment of section 231—Procedure if prosecution is not brought

This clause amends section 231 of the principal Act to allow a person to make a written request to the regulator for a prosecution to be brought in certain circumstances where the person considers that an industrial manslaughter offence has occurred, and no prosecution has been brought.

9—Amendment of section 232—Limitation period for prosecutions

This clause amends section 232 of the principal Act such that the limitation period for prosecutions for offences against the principal Act does not apply in relation to an industrial manslaughter offence.

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

### **SUPREME COURT (DISTRIBUTION OF BUSINESS) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 27 June 2023.)

**The Hon. T.T. NGO (17:07):** I rise to speak briefly about the streamlined changes the Supreme Court (Distribution of Business) Amendment Bill 2023 will bring to our justice system. The South Australian Supreme Court (Distribution of Business) Amendment Bill 2023 aims to update the laws that govern how cases are assigned to judges in the South Australian Supreme Court. The Supreme Court of South Australia includes the Court of Appeal and the general division of the Supreme Court, where most cases are handled.

The Chief Justice of the Supreme Court identified a need to optimise the capacity of the judges working within the Supreme Court to preside over matters in either the Court of Appeal or the general division of the Supreme Court. This amendment bill amends the Supreme Court Act 1935 to allow greater flexibility in distributing work between these divisions, providing the opportunity for judges to be assigned cases in either the Court of Appeal or the general division of the Supreme Court.

Section 47 of the Supreme Court Act currently allows for the distribution of business through agreement between the Chief Justice of the Supreme Court and the President of the Court of Appeal through the assignment of a judge from one division to another for a period not exceeding 12 months. This amendment bill (1) provides for the authorisation of a judge to move from one division of the Supreme Court to another, either for a period of time or in relation to specified proceedings, and (2) separately provides for the assignment of a judge from the Court of Appeal to the general division of the Supreme Court to hear a particularly complex proceeding where it is deemed necessary.

This means that cases can be assigned to judges who are well versed and knowledgeable about the specific legal issues involved. Complex cases being handled by judges who have the right expertise and experience in the relevant area of law will mean judges are better able to understand the complexities of cases assigned to them.

The bill includes clause 3(1), which proposes that, before assigning a judge from the Court of Appeal to the general division of the Supreme Court, the Chief Justice must be first satisfied that the assignment is necessary due to, firstly, the limited availability of judges in the general division and, secondly, the complexity of the specific proceedings. Once this determination has been made, the Chief Justice of the Supreme Court will need to consult with the President of the Court of Appeal.

The amendment includes a clause stating that this consultation must happen according to a set of rules and guidelines. The protocol to be established will be approved by a council of judges, which will ensure that the process of moving judges between the Court of Appeal follows an agreed upon process.

The South Australian Supreme Court (Distribution of Business) Amendment Bill 2023 promotes a structured and systematic approach that will optimise our judicial resources and improve the overall efficiency of South Australian courts. Importantly, the South Australian community will benefit from the streamlined and efficient court proceedings this amendment brings, ensuring fair and timely justice is provided. I commend this amendment bill to the house.

**The Hon. C. BONAROS (17:11):** I rise to speak on the Supreme Court (Distribution of Business) Amendment Bill:

Be still my heart—the content of the matter of this bill before us. No, I am not actually mocking our esteemed learned colleagues of the law. This is a pretty straightforward piece of legislation, from what I understand, which allows

for the distribution of business between divisions of the court through agreement between the Chief Justice of the Supreme Court and the President of the Court of Appeal.

Clause 3 of the bill amends section 47(1), resulting in the decisions relating to distribution of business to be the responsibility of the Chief Justice in circumstances of complexity of a specified proceeding and the limited availability of judges for the general division, after consulting with the President. Clause 3 of the bill would also allow the movement of judges from one division to another for the purposes of specific procedures such as complex matters, not just for a set time period.

Clearly, it is an important matter, which is to enable the courts to manage their own business in a more efficient manner. I think we all appreciate that justice delayed is justice denied. All efficiencies and improvements to the management of flow through the courts is something to be supported and therefore we will be supporting this bill.

Those are not my words; they are the words of the Hon. Michelle Lensink and the opposition's position as of the last sitting week in this parliament. They are the words that we heard read by the opposition on behalf of the Liberal Party last sitting week in this chamber.

Did the opposition I wonder, though, before making that speech of all of three paragraphs, bother to actually ask anybody about the issue that has seen the behaviour that has unfolded in this chamber today? That is what I want to know. I want to know from each and every one of them, did anyone on those benches bother to pick up the phone, ring a stakeholder group and find out, 'Do you have a position on this?' Did you bother to ring your friends at the Bar Association and say, 'President of the bar, do you have a position on this?'

Did the shadow attorney-general, for the love of God, even look at this bill before his caucus approved it with the support of the entire party through this place in the last week? Did the Hon. Michelle Lensink, the Hon. Ms Henderson, the Hon. Mr Hood, the Hon. Mr Hood, the Hon. Ms Girolamo, the Hon. Ms Centofanti, the Hon. Ms Lee—who else is there?—bother to read the bill that they fully supported in this chamber in the last week of parliament—that is what I want to know—before the person who had carriage of this bill in this chamber came in here in the last sitting week and gave a glowing review of the government's position?

I am so keen to know the answer to that. I am so keen to know whether they bothered because apparently, according to every one of their friends in the independent Bar Association and anyone at the Law Society, they did not. I do not know if the shadow attorney-general even knew what this bill did, or is it perhaps that, once he finally understood—because others in this chamber bothered to do their jobs and go and find out what people thought—he realised, 'Oh crap, the Liberal Party have made a big mistake. The Liberal Party have made a big error in judgement. We don't want to upset anyone with our position, so let's backtrack today. Let's use every underhanded means possible in this place today.'

Talk about collegiality; your collegiality has gone out the window. Your reputation has gone out the window today because you have used every underhanded measure available to you—

**The PRESIDENT:** The Hon. Ms Bonaros, pointing is out of order. We do not do that in this place.

**The Hon. C. BONAROS:** Mr President, I wish you knew the half of it today. I really honestly wish you knew the half of what the opposition have shown that they are capable of today. I just wish you knew the half. Notwithstanding that, if the Bar Association or the Law Society want anyone to blame for this matter being listed on this paper today, then they can look fairly and squarely at their friends in the Liberal Party.

It is no wonder the Liberals are in the tatters that they are when they cannot even go and consult on a bill that they say in their words is a straightforward piece of legislation that requires the support of this parliament, that they say in their own words is a straightforward piece of legislation that will result in efficiencies and improvements to the management of flow through the courts, that they say in their own words—not my words, not the government's words, not anyone else's words but their words—is a straightforward piece of legislation that is intended to ensure that the Chief Justice possesses the authority to distribute court business by assigning work to members outside of the court for a limited period of 12 months.

They thought it was a grand idea. They thought it was a grand idea because they, with all the resources available to them, could not even go and consult on something that we all know is

indeed a straightforward piece of legislation. It is exactly what the opposition have painted it as, unless and until your politics get in the way of your decision-making. It is absolutely no surprise—no surprise—that they would stoop—stoop—to the levels that they have all stooped to today—

**The Hon. D.G.E. HOOD:** Point of order, Mr President.

**The Hon. C. BONAROS:** I want to hear this.

**The Hon. D.G.E. HOOD:** The honourable member is pointing. You have already warned her.

**The Hon. C. BONAROS:** I did not point to you. I would love to point to all of you.

**The Hon. D.G.E. HOOD:** Well, go ahead.

**The Hon. C. BONAROS:** Okay. No skin off my nose, mate.

**The PRESIDENT:** Order! The Hon. Ms Bonaros, sit down. There has been a point of order raised. I agree with the point of order. I have asked you to stop pointing.

**The Hon. C. BONAROS:** I did not point.

**The PRESIDENT:** Please stop pointing. Continue and then conclude.

**The Hon. C. BONAROS:** Like I said, that they would stoop to the levels that they have stooped to today, to the dirty, disgusting, political tactics that they have stooped to today, apparently in the spirit of collegiality, nothing to do with keeping their friends in higher places happy and nothing that I certainly do not object to—for the record, let me just say this: the only one in this place who actually went to seek the opinion of the Bar Association, the only person in this place who actually went to seek the position of the Law Society was guess who? It was not anyone from the opposition bench. It was not the shadow attorney-general, who you would think would have some interest in this bill. It was us. We asked.

**The Hon. J.M.A. Lensink:** Their lies.

**The Hon. C. BONAROS:** No, not their lies.

*The Hon. J.M.A. Lensink interjecting:*

**The Hon. C. BONAROS:** It was us. This is a bill that the opposition supported and they want to point the finger now at the Attorney-General. That is who they want to point the finger at.

*Members interjecting:*

**The Hon. C. BONAROS:** If I can do my job, on the staff that I have—and you are telling me he should do his job because you do not have the resources to do it—then you need to take a long hard look at yourselves, that is what I have to say. You need to take a long hard look at yourselves because a member resigning from the party today is the least of your problems if you cannot even get your head around a piece of legislation. You are legislators. For the love of God, this is your job.

The shadow attorney-general today is sending me message after message after message telling me—the only person who actually went and did it—what my position is. What a fine day we have set in this place today. What an exemplary example you have set for everyone today. You have all come to me today to tell me what my position is on a bill that you supported because you realised that you stuffed up. You stuffed up your own politics and you want me to undo that for you. You have used every dirty tactic available to you to achieve that end.

I am not surprised in the slightest that your party is in the mess that it is in when you resort to that sort of underhanded and undermining behaviour. For every woman on that crossbench: go home and look at yourselves in the mirror. Go home and take a good hard look at yourselves in the mirror and think about what you have done today. That is what I want you to do and I am looking at each and every one of you. Do not ever come back in this place and lecture me about how I do my job, because I did my job. I went and consulted and I got the very feedback that you were relying on today to try to turn the agenda of this place upside down.

For the record—and I hope that everyone is listening to this from the Bar Association and I hope everyone is listening to this from the Law Society—you all needed convincing in the last week of parliament that we should adjourn this bill because it was so damn straightforward. It was so clear in terms of the efficiencies and improvements it would provide. It was so clear in terms of the extent of what the government was trying to do that I needed to convince you to adjourn it so that I could have a look at it, so that we could consider some amendments.

When I saw that there was nothing to consider, I told the Attorney, in good faith, 'Yes, I am happy to proceed with this next Thursday,' because whatever I needed to do—whether that involved amendments or otherwise—I knew I could do in a week. Even on the shoestring staff available to us, even with the fact that we had everything else to consider, I still knew that. I do not even know how many there are on that side, but I know they all have staff and they have a tonne more staff than me and they could not even, before we voted on this bill last time, bother to consult with their own membership base on a piece of legislation they now know they stuffed up on.

That is where we are today politically. That is a sad day in South Australian politics and even sadder than that, even sadder, is what they have been willing to do to get their own way today. You are not getting your own way today. You think this is a win? You think that if we adjourn this bill you have pulled off some minor miracle? You have pulled off nothing. You have shown how incompetent you are as an opposition. That is what you have shown today: your sheer incompetence. You have shown that your shadow attorney-general had no idea what it is that his caucus agreed to when they agreed to this bill.

The Attorney-General did exactly what he told us he did. I bothered to go to the briefing with the Attorney. I bothered to find out whom he had consulted with. I bothered to find out what the views of others were, and here we are. You just do not like the advice that I have received because it does not suit your political agenda, and you have come in here and tried everything—every undermining, underhanded tool—to get your way.

I am going to say it once more for the women: go home tonight, look at yourselves in the mirror and think about how you would feel if your colleagues did this to you. You think about it really, really hard: how you would feel if your colleagues did what they did today, then come back to me and tell me what your position on this bill is. I do not care if the bill gets put through today. I do not care if the bill gets debated today. What I will not stand for—what I will not ever stand for in this place—is the behaviour that the Liberal Party has had on full display for this whole chamber to see today.

I will personally pick up the phone after today is done and I will personally advise the independent Bar Association of whose position—you all told me today what my position was, according to everybody else except for myself. I am glad you told me that; thank you very much. I will personally pick up the phone and let them know that it is your incompetence that landed us here today, not mine. I will personally tell them that I am quite happy for this bill to be debated when we come back after the winter break.

But what I will not tolerate in this place, what I will not tolerate from anyone opposite in this place, is the disrespect that they have shown not just to me but to this chamber and to this place. I will not tolerate you going and doing your political bidding and using other members of parliament as your political scapegoats, and that is what you are all responsible for. That is what you have all done. You are the ones who have been undermining, you are the ones who have been underhanded, you are the ones who need to go home and look in the mirror—and do not come talking to me about anything.

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

#### **STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 4) BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 15 June 2023.)

**The Hon. E.S. BOURKE (17:27):** This bill proposes to amend the Surveillance Devices Act 2016 and the Telecommunications (Interception) Act 2012 to update the definition of 'review agency' to reflect the appointment of the inspector under schedule 4 to the Independent Commission Against Corruption Act 2012 (ICAC Act).

The amendments to the Surveillance Devices Act 2016 and the Telecommunications (Interception) Act 2012 are critically necessary to ensure that review functions can continue. While the reviewer of ICAC has been replaced by the inspector, the 2021 ICAC Act amendments did not confer the review functions under the Surveillance Devices Act and the Telecommunications (Interception) Act on the inspector. Until this occurs, the inspector is unable to carry out these functions.

Under the Surveillance Devices Act and Telecommunications (Interception) Act, inspection by the review agency must be performed once in each period of six months. The last review period ended on 31 August 2022. As there will be at least one missed review period before the amendments are made, agreements have been included to require the inspector to undertake all reviews that have been missed since 31 August 2023 as part of the first review that occurs after the commencement of the amendments. I understand some amendments have been filed by the Attorney-General and I look forward to hearing more from him on these during the committee stage.

**The Hon. J.M.A. LENSINK (17:30):** I rise to indicate Liberal Party support for this particular bill, although I do note that the government has a series of amendments that remove several parts of it, so I will speak to the substantive bill before the government amendments are considered, which amends the Summary Offences Act, the Surveillance Devices Act and the Telecommunications (Interception) Act.

Clause 3 of the bill amends the Summary Offences Act to cause the police commissioner's annual report to include details regarding roadblock authorisations, which I understand are reported and tabled every three months. Clause 4 of the bill causes the police commissioner's annual report to include details regarding dangerous areas declarations, which similarly are currently reported and tabled every three months.

Clause 5 of the bill amends section 3 of the Surveillance Devices Act, in particular the definition of 'review agency' to delete the word 'reviewer' where it appears and substitute with 'Inspector'. The reference to 'Inspector' is a consequential amendment to changes to the Independent Commissioner Against Corruption Act, which has previously been amended through legislation in 2021. In relation to the Telecommunications (Interception) Act, clause 6 of the bill amends the definition of 'review agency', deleting 'reviewer' where it appears and substituting similarly with 'Inspector'.

The schedule of the bill would amend review provisions, which currently exist under the Surveillance Devices Act and the Telecommunications (Interception) Act, having the effect of delaying any review that has not been completed before the commencement of this bill, to instead be conducted as a part of the next review. My understanding is these are largely technical amendments and, as I have already indicated, we support this bill.

**The Hon. R.A. SIMMS (17:32):** I rise to indicate that the Greens are supportive of this bill with the amendments that the government is going to advance that remove the changes to reporting requirements regarding SAPOL. I do understand from the comments that the Attorney-General has made, that it was not the government's intention to reduce reporting requirements; however, naturally, members of the community I think have been concerned around the potential for changes to the reporting regime, particularly if those changes are being advanced for efficiency reasons. Indeed, I think the feedback from the Law Society reinforces that point.

I can understand that, particularly in the context where the government rushed through anti-protest laws with lightning speed in this parliament. I can understand why people might be concerned about process and wanted to make sure that there are appropriate safeguards in place. We will be supporting the other provisions of the bill that relate to the powers of the inspectorate. We are supportive of that, but the other changes relating to reporting of SAPOL we are not supportive of, and we welcome the fact that the government are going to be making some amendments. With that, I conclude my remarks.

**The Hon. C. BONAROS (17:35):** I rise on behalf of SA-Best to speak on the Statutes Amendment (Attorney-General's Portfolio) (No 4) Bill 2023. The bill, as has already been outlined, makes minor consequential amendments to the Surveillance Devices Act and the Telecommunications (Interception) Act to allow the inspector to undertake reviews previously conducted by the reviewer under the superseded ICAC Act.

It is our understanding, based on the briefings provided—which we did attend and listen to intently—that the reviewer has already ceased function. The transition provision will ensure there is no gap, allowing the inspector to undertake any missed reviews. I am afraid that is where the support would have ended today, had there not been some amendments on the table. I have seen that the Attorney has filed amendments but I say why waste a good speech, so here we go.

The bill does propose to amend reporting requirements concerning the use of police powers to establish roadblocks and declare dangerous areas under the Summary Offences Act. We have been told that the current reporting requirements are onerous and are better suited elsewhere. At present, the police commissioner has to report quarterly to the minister on the use of these powers, for tabling in parliament. The bill proposes to shift that reporting to the commissioner's annual report, which I believe is published each September following the previous calendar year.

We have gone back—with the limited resources that we have available to us as a crossbench party—and we have looked at those reports. They are one-pagers. There is nothing to them. There are no authorisations or declarations reported in the last five years that I have been able to find, or that my limited body of staff has been able to find. They might have taken 10 minutes to prepare. It is not entirely clear whose administrative relief we are talking about here, but I understand it has not come at the request of the commissioner.

It is certainly not lost on us that we are talking about the use of significant discretionary powers which may give rise to criminal liability if a person fails to comply, but I think it is important to highlight the important role that safeguards play. Safeguards of timely and transparent reporting are included in the legislation for very good reason. We are always very reluctant to diminish those safeguards, even in the face of a 10-minute timesaving exercise.

I would remind honourable members in this place that often with some of the concessions we get on the crossbench—after we have done all that hard work of trying to consult with stakeholders and appreciate their positions on a bill and any unintended consequences that we may not have been able to think of ourselves—we fight pretty hard to get those sorts of safeguards into legislation via amendments in the first place. I can think of lots of examples where I have tried to insert safeguards into legislation just like this, so when we do initially propose them they have a very important purpose. Just because there has not been any reporting, that does not mean they are any less important.

The Law Society—which we did get a paper from, and we did bother to read it—has said that their position is that mere administrative expediency is not a good enough reason to risk erosion of what is already a modest mechanism to ensure that a power of police, which has the capacity to limit personal freedom in some circumstances, is properly exercised. That submission, which we did bother to read, goes on to say that:

The significant discretionary powers conferred upon senior police officers by section 74B and 83B of the act need oversight on a regular basis. The discretionary powers are subject to criteria being met. The criteria is directed to ensuring that the powers are only exercised where justified by the need to promote public safety. The obligation to report details of their use and put the information before parliament is a key safeguard to ensuring these significant powers are only exercised in accordance with the statutory criteria.

That is from the submission that we did bother to request and read. This bill has reminded us of the importance of regular oversight, particularly when it comes to significant discretionary powers. I will say on that note that it is really important in the context of what the Law Society and other stakeholders, who we bothered to go out and consult with over this piece of legislation and who assisted us in understanding the importance of these safeguards, other legal experts in the community who have always given their time to all of us who have asked or bothered to ask for their opinions, have said: that we need to look at this holistically.

It is not just one measure we are talking about with these safeguards. It is when you look at this as a combined effort, when you look at the fact that, as I have said previously in this place, over 90 per cent of laws in this state now are made by regulation, when you look at the fact that we have safeguards being eroded from legislation, when you look at the fact that we have early commencement certificates and moves to get rid of early commencement, the requirement for early commencement certificates—when you look at all those things holistically, they all do one thing: they undermine the decision-making of parliament.

It is not necessarily that I do not agree that we are going off aimlessly printing off pieces of paper that say zero, zero, zero—no pun intended in that they are prepared by the police commissioner—but holistically, it makes a huge difference to the importance we put on these safeguards in the first place. I will not talk for hours on this.

Our objections and the objections of our colleagues on the crossbench are well documented in *Hansard* in relation to this issue as a whole. I had proposed an amendment to this bill that would have seen more reporting requirements, if anything, around our protest laws, but I am very grateful that the Attorney has seen to amend this bill to such an extent that we think it is okay. Basically, the only provisions left in the bill are those that we are all in agreement about, those which had caused the level of contention around safeguards appear to have been dealt with by way of amendment.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:42):** I will speak briefly, and in doing so I will foreshadow the amendments that have been filed in my second reading summing-up. The effects of the amendments are effectively to delete that part of the bill that would have amended the reporting obligations of the Commissioner of Police in relation to sections 74B and 83B of the Summary Offences Act that would have allowed the commissioner to include the required information in the annual report rather than in quarterly reports to me.

Views have been expressed about these provisions. I think they are largely misguided, and I do not agree with those views. The quarterly reports provided to the Attorney-General are then tabled in parliament. In all the time I have been Attorney-General, it has come back as 'nil reports'. However, I do appreciate that concerns have been raised. Recognising that and that the remainder of the bill is important to continue to progress through the houses—I think it is worthy of not being held up by views that, although I do not agree with them, I know have been raised—we will essentially hive those off. I indicate that during the winter break we will consider those reporting requirements and the possibility of them being reinstated as this travels between the houses or in a different bill or even in a different manner.

For example, it could be that the reporting requirements are enlivened when there is a report, so you would not get nil reports every three months, but a report would be furnished only when there is something to report under there. That is an option that might be a middle ground that can find consensus. Having said that, I thank honourable members for their contributions on this bill, and I look forward to the second half of the bill that remains about the inspector and the telephone intercepts passing speedily.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1 passed.

Clause 2.

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

Amendment No 1 [AG-1]—

Page 2, line 9 [clause 2(2)]—Delete subclause (2)

I move the amendment for the reasons enunciated in my second reading.

**The Hon. C. BONAROS:** We support the amendment.

**The Hon. J.M.A. LENSINK:** The Liberal Party also supports the amendment.

Amendment carried.

**The CHAIR:** The Hon. Ms Bonaros, do you have an amendment?

**The Hon. C. BONAROS:** I will not be proceeding with my amendment.

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

Amendment No 2 [AG-1]—

Page 2, line 10—Delete the heading to Part 2

These are technical amendments. I am not sure they are necessarily consequential, but they are certainly related to and go to the same topic as the first amendment, as do amendments Nos 3, 4 and 5.

Amendment carried; clause as amended passed.

Clause 3 negatived.

Clause 4 negatived.

Remaining clauses (5 and 6) and schedule passed.

Long title.

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

Amendment No 5 [AG-1]—

Long Title—Delete 'the Summary Offences Act 1953,'

Amendment carried; long title as amended passed.

Bill reported with amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (17:50):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**STATUTES AMENDMENT (EDUCATION, TRAINING AND SKILLS PORTFOLIO) BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 27 June 2023.)

**The Hon. J.E. HANSON (17:51):** I rise to speak in support of a pretty important bill which, amongst many things, proposes to amend section 75(2a) of the Education and Children's Services Act 2019 to provide clarity that the head of an approved learning program has an obligation, along with principals, to notify the education department CE of persistent non-attendance or non-participation by students. This will include TAFE SA or universities being obliged to report non-attendance or non-participation.

This change seeks to strengthen the act to ensure that if any South Australians are at risk of falling through the cracks, those signs are given due attention. Non-attendance and non-participation are strong indicators that we can monitor to make sure that students in South Australia are being supported to engage appropriately with their education and, if that is not happening, they are supported to re-engage

Tracking truancy is an important priority of the Malinauskas Labor government. We know how important it is that children and young people go to school. Poor attendance can be linked to poor student outcomes, especially once patterns of ongoing non-attendance are established within

students' lives. We want every child to be going to school regularly, and we want to make sure that parents are supporting their child in going to school regularly. Since coming to government we have started work on addressing non-attendance, including:

- funding 100 FTE mental health and learning support positions to support students to prevent them from missing school due to reasons such as, for instance, mental health;
- increasing the number of staff on social work duty line 3, with now over 30 FTEs supporting schools. The social work duty line assists schools to address wellbeing and attendance issues and is a support service for schools with a high demand for its use;
- supporting a new partnership with many other organisations to deliver new programs of intensive support for Aboriginal families with children who are not attending schools;
- providing access to an autism inclusion teacher in every public primary school to make schools more inclusive places where autistic children can feel safe and where they are better supported;
- implementing education family conferences, which are evidence-based engagement approaches that provide voluntary, independently facilitated meetings between family members, schools and relevant departmental staff and other professionals. The process offers families greater opportunity to be actively involved in developing arrangements to improve the attendance of their child at school; and
- taking non-attendance seriously by taking action against parents who are deliberately preventing their child from going to school.

The Department for Education has been working on a number of cases to get kids back to school. The department will definitely not hesitate to use prosecution as a tool where kids are being deliberately prevented from going to school. This has seen a number of families sending their kids to school after prolonged periods of non-attendance. We will continue to act in all the ways we can to give every South Australian child the opportunity to access a quality education.

The bill also proposes to amend section 130 to provide the chief executive of the education department with the discretion to waive, reduce or refund a charge, allow it to be paid in instalments, or require a person to give security for payment of a charge under section 130. This change relates to full fee paying overseas students, students enrolled in schools who are not residents in this state, and students enrolled in schools who are dependents of a person who is the subject of a visa of a kind prescribed by the regulations. This change will move from the principal holding this power to the department. Currently, the practical administration of this area lies with the education department, so it makes sense to align the legislation with this practice.

The Malinauskas Labor government is proud to support overseas students studying at our schools. The Department for Education's International Strategy 2019-2029 makes a strong commitment to support international education. Our government continues to support this strategy. In recent times, we have waived the fees of Afghan evacuees and Ukrainian refugees to support these families in a time of great difficulty. It is the section of the act that I just mentioned that allows these fees to be waived.

Another way to improve the school experience for South Australia's young people is to ensure that more public schools have sporting facilities that give all South Australia's young people strong opportunities to play sport and enjoy a healthy lifestyle. Governments of all political persuasions have worked to improve sporting facilities at public schools across recent years and I pay tribute to the efforts of the previous government in that regard and the passion that many members opposite have for school sport to be accessible and rewarding for our young people. It is partly because we all recognise how much support there is in the South Australian community for quality sporting facilities at public schools.

It is not only students at school who derive direct benefit from sporting facilities at public schools that Labor and Liberal governments choose to invest in, local sporting clubs benefit also and the broader community as well. There is recognition of this on all sides of politics and members of

parliament from both sides regularly engage with the public and with local sporting clubs in this area of policy.

For example, in my recent experience, I know that the Forestville Hockey Club have been advocating for investment in improved sporting facilities at their local public high school. There is strong club support for it. There is a strong level of community support for it. I seek leave to table a letter demonstrating that level of community support because it is a lovely letter from a passionate local club.

Leave granted.

**The Hon. J.E. HANSON:** Another component of this bill is the amendment of the Education and Early Childhood Services (Registration and Standards) Act 2011. The bill proposes to amend section 22 to allow a deputy member of the Education Standards Board to fill a vacancy in the office of the member for whom they are a deputy. Currently, if a vacancy falls before the current term of the appointment ends, the deputy member cannot act in the place of the member. This change allows for a more efficient and a more effective board.

The Malinauskas Labor government strongly supports the Education Standards Board. It is responsible for the regulation of early childhood services in schools. It is key to ensuring an education system of high quality. Since coming to government, the Malinauskas Labor government has appointed Alana Girvin as the new Presiding Member of the board. Ms Girvin has extensive leadership experience, including as principal of several schools. Ms Girvin also established the education department's Incident Management Directorate to respond to critical incidents.

We have also provided the Education Standards Board with additional funding, over \$2 million across two financial years, to offset reductions in commonwealth funding. This change is another step by our government in providing the ESB with the support they need.

A further component of this bill is the amendment of the History Trust of South Australia Act 1981. South Australia has the unique benefit of having the History Trust as an agency of the South Australian government. This act sets out its functions including to:

- carry out and promote research relevant to the history of SA;
- accumulate and care for objects of historical interest;
- disseminate or encourage the dissemination of information relevant to the history of South Australia;
- encourage the conservation of objects of historical significance to South Australia; and
- manage and administer museums and other premises placed under the care, control and management of the trust.

The trust's museums include the Migration Museum in the CBD, the National Motor Museum in Birdwood, the South Australian Maritime Museum in Port Adelaide and the Centre of Democracy in the CBD. In addition to the physical museum, the History Trust often hosts events at other sites, such as university campuses.

The proposed amendment is to change section 2 to broaden the definition of a premises to include 'premises used by the Trust to conduct activities and events'. This is an important change for the History Trust for them to have the power to deal with any inappropriate behaviour at any of their events. It also helps them to manage parking and bring animals to events. It further helps with preventing the reproduction of exhibits.

The act's regulations provide a range of penalties for breach of behaviour, and this change will extend those penalties to temporary exhibitions and events. This is important to protect exhibitions and our history and to make sure that more South Australians can access the fantastic activities of the History Trust.

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (18:00):** I thank all members who have made a

contribution on this matter and look forward to the committee stage going smoothly and swimmingly at this late hour.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector) (18:02):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**STATUTES AMENDMENT (SERIOUS VEHICLE AND VESSEL OFFENCES) BILL**

*Final Stages*

The House of Assembly agreed to the bill without any amendment.

*Resolutions*

**JOINT COMMITTEE ON THE ESTABLISHMENT OF ADELAIDE UNIVERSITY**

The House of Assembly agreed to the amendment made by the Legislative Council to the resolution concerning the joint committee on the establishment of Adelaide University.

The House of Assembly members appointed thereto are Mr Brown, S.E. Andrews, Hon. J.A.W. Gardner, Ms Hood and Hon. D.R. Cregan.

The House of Assembly informed the Legislative Council that it had passed the resolution transmitted herewith relating to message No. 88 from the Legislative Council:

That it be an instruction to the joint committee on the establishment of Adelaide University, that the joint committee be authorised to disclose or publish, as it thinks fit, any evidence or documents presented to the joint committee prior to such evidence and documents being reported to the parliament.

At 18:05 the council adjourned until Tuesday 29 August 2023 at 14:15.

*Answers to Questions***GREEN INDUSTRIES FUND**

**239 The Hon. H.M. GIROLAMO** (22 February 2023). Can the Minister for Climate, Environment and Water advise—

1. As at 1 July 2022 how much money was in the Green Industries Fund?
2. As at 1 January 2023 how much money has been expended from the Green Industries Fund?
3. As at 1 January 2023 which groups have received grants from the Green Industries Fund and how much did they each receive?

**The Hon. K.J. MAHER (Minister for Aboriginal Affairs, Attorney-General, Minister for Industrial Relations and Public Sector):** The Minister for Climate, Environment and Water has been advised:

The answer to this question tabled on 2 May 2023 included an incorrect figure due to an administrative error. Below are the corrected responses.

1. As at 1 July 2022, the cash balance of Green Industry Fund was \$68,193,644.
2. As at 1 January 2023, a total of \$37,537,000 has been expended from the Green Industry Fund in 2022-23.

Expenditure includes salaries and wages, consultants and contractors, grants, transfers to other departments for climate change initiatives and other goods and services.

3. Information regarding recipients of funding through Green Industries SA's funding programs is available via the agency's website, its annual reports and in answers to estimates committee questions.

**CRAFERS BIKEWAY**

**267 The Hon. R.A. SIMMS** (3 May 2023). Can the Minister for Infrastructure and Transport advise—

1. Will the minister commit to repairing the Crafers bikeway, including sealing track edges, and repairing fencing and other barriers?
2. Will the minister commit to extending the bikeway so that it commences at the intersection of Cross Road and Portrush Road?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Infrastructure and Transport has advised:

1. An inspection and scoping of any repairs for the Crafers bikeway will be completed by early June 2023, with any immediate works identified to be undertaken in June 2023, subject to weather conditions. The bikeway may need to be closed during works to ensure the safety of cyclists and workers.
2. The City of Burnside received \$25,000 from the 2021-22 State Bicycle Fund to construct a shared use path between Boucaut Street and the Crafers bikeway. The project is currently under construction. The section of footpath between Boucaut Street and Portrush Road is under the care and control of the City of Burnside and is constrained by the South Eastern Freeway and adjacent development including the veranda of the state heritage listed Colonial Restaurant.

Any further upgrades to the Crafers bikeway will be considered within the overall cycling network in metropolitan Adelaide to ensure that the facilities are best meeting the needs for active travel.

**POLICE DRUG DIVERSION INITIATIVE**

**272 The Hon. R.A. SIMMS** (3 May 2023).

1. How many people have been diverted from the criminal justice system under the Police Drug Diversion Initiative (PDDI) in the last reporting year?
2. How many people were diverted from the criminal justice system under the PDDI in each of the past five years?
3. How many people were not diverted from the criminal justice system under the PDDI in the last reporting year?
4. Over the last reporting year, what controlled substances were people found with categorised by people diverted from the criminal system and people not diverted from the criminal system?
5. How many people diverted from the criminal justice system ended up proceeding to trial?
6. Have there been any policy changes in the last five years that have resulted in a change to the diversion rate?

7. Will the government commit to publicly releasing the above information on a regular basis?

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

1. In 2021-22, the South Australia Police recorded 1,837 drug diversions. This information is derived from SAPOL Annual Report data published on Data.SA. The number of people diverted is unknown, although one person is limited to two diversions in a four-year period.

2. There were 21,600 diversions in the past five financial years. The number of people diverted is unknown.

3. This is unknown as there are set requirements for a drug diversion to take place (including the limit of two diversions in a four-year period), this is therefore not possible to quantify.

The Minister for Police, Emergency Services and Correctional Services has advised:

4. The controlled substances found on people who were diverted to the Police Drug Diversion Initiative were Alprazolam, Amphetamines, Buprenorphine, Gamma-hydroxybutyrate (GHB), Heroin, Ketamine, Lysergic acid diethylamide (LSD), MDMA (including ecstasy), Methamphetamine, Oxycodone, Psilocybin (magic mushroom), 1,4 butane diol, and Phenethylamines n.e.c.

5. SAPOL holdings do not record specifics regarding noncompliance returns to the prosecutorial process. However, SAPOL advises it would be rare to have a matter returned for prosecution through noncompliance.

6. The Police Drug Diversion Initiative (PDDI) originally commenced in September 2001. The PDDI aligns with the nationally agreed approach to illicit drug use in Australia involving an early intervention process for drug users to help reduce the prevalence and harms associated with drug use. The main aims of the PDDI are to provide people with early incentives to address their drug use, increase education, assessment and treatment opportunities and to reduce the number of people appearing before the courts for simple possession offences.

The Statutes Amendment (Drug Offences) Bill 2018 amended section 34 of the Controlled Substances Act 1984 resulting with the effect that from 1 April 2019 the number of occasions people could access the PDDI is limited to no more than two simple possession offences in the preceding four years.

7. Statistics on the number of drug diversions in a given year are available in SAPOL's annual report.

#### FRUIT FLY

**280 The Hon. N.J. CENTOFANTI (Leader of the Opposition)** (16 May 2023).

1. Since January 2019 how many expiation notices have been issued in relation to fruit fly?
2. How many of those notices have been challenged?
3. How many of the challenged expiation notices were overturned?
4. Where were the expiation notices issued by location?
5. What were the reasons given for each of the expiation notices?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** I am advised:

The zero tolerance program has been in place since January 2019 and I am advised that since that time, to date, 24,120 expiation notices have been issued in relation to the introduction of fruit fly host material.

A breakdown of this number reveals that 20,832 have been issued as a result of fruit fly host being seized at the Yamba quarantine station with the remainder as a result of fruit seized at the random roadblocks (Blanchetown—1,594, Bordertown—1,640, Morgan—39, Swan Reach—12 and Naracoorte—3)

As Minister for Primary Industries and Regions, I have not overturned any expiation notices issued under the zero tolerance policy.

There have been a number of reasons given by people when fruit fly host has been identified in their possession with a majority relating to claims the traveller did not see the clear and concise advisory signs, the traveller had forgotten they were carrying host material and or the traveller claimed they were not aware that zero tolerance had been introduced.

#### ENVIRONMENTAL IMPACT STATEMENTS

**281 The Hon. H.M. GIROLAMO** (1 June 2023). Can the Minister for Planning advise—

1. In the last five years what is the shortest, longest and average time an Environmental Impact Statement has taken from start to conclusion?

2. In a table format, the projects that have taken the shortest and longest time for an Environmental Impact Statement including start date, and conclusion date.

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Planning has advised:

In the last five years, from 1 July 2018 to 30 June 2023, a total of two projects were declared and determined in accordance with the major development process under the (repealed) Development Act 1993 and the impact assessed process under the Planning, Development and Infrastructure Act 2016. The projects were:

Project Name	Declaration Date	Decision Date	Outcome
Peregrine Headquarters – Helicopter Land Facility	19 December 2018	18 March 2021	Refused
SA-NSW Interconnector	24 June 2019	20 December 2022	Approved with Conditions

Of the two projects, the shortest period was 820 days for the Peregrine Helicopter landing facility, and the longest was 1,276 days for the SA-NSW interconnector project.

#### PUBLIC SECTOR DISABILITY EMPLOYMENT DATA

**282 The Hon. H.M. GIROLAMO** (1 June 2023). Can the Minister for Human Services advise –

1. What was the percentage of people with a disability working within the South Australian Public Sector as at 1 January 2022?
2. What was the percentage of people with a disability working within the South Australian Public Sector as at 1 January 2023?
3. In a table format, top ten South Australian government agencies with the largest percentage of people with a disability in their workforce?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Industrial Relations and Public Sector has advised:

The Office of the Commissioner for Public Sector Employment has provided disability employment data as at 30 June 2022 in line with the latest published Workforce Information Report. Some public sector agencies (approximately 20 per cent) only report data annually. Providing this data as at 1 January 2023 is possible, however it would not accurately reflect a whole-of-government response.

As at 30 June 2022, 1.37 per cent of public sector employees identified as having as a declared disability. The number of employees living with disability is likely to be under-reported given the data's reliance on employees self-identifying their status.

The top 10 public sector agencies (over 100 FTE) with the largest percentage of people with a disability as at 30 June 2022 is as follows:

Lifetime Support Authority of South Australia	5.9%
SA Housing Authority	5.3%
Country Arts SA	4.6%
Department of Human Services	4.1%
Public Trustee	3.2%
Attorney-General's Department	3.2%
State Library of South Australia	3.1%
Auditor-General's Department	3.0%
South Australian Country Fire Service	2.9%
Department of Treasury and Finance	2.8%

#### AUTISM FRIENDLY CHARTER

**283 The Hon. H.M. GIROLAMO** (1 June 2023).

1. Which South Australian government agencies have signed up to the Autism Friendly Charter?
2. Which South Australian government agencies have yet to sign up to the Autism Friendly Charter?
3. When is it expected that all South Australian government agencies will have signed up to the Autism Friendly Charter?

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Human Services has advised:

The state's first Autism Strategy and Autism Charter are being developed in partnership with our Autism Advisory Council following wide public consultation.

Upon finalisation, the Department of Human Services (DHS) and the Department for Education (DfE) will undertake a pilot of the Autism Charter for approximately six months prior to rollout to the rest of the state government during 2024.

All state government agencies will be expected to sign up to the Autism Charter upon implementation and DHS will support the process.

#### WATER BUYBACKS

In reply to **the Hon. J.S. LEE (Deputy Leader of the Opposition)** (4 May 2023).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Climate, Environment and Water has advised:

Given the failure of upstream states and successive coalition governments to deliver any meaningful water efficiency measures in the past decade, voluntary buybacks, by far the most efficient and cost-effective way to return environmental water to the system, will likely play a role in delivering the 450 gigalitres of environmental flows so far not delivered.

Royal Commissioner Bret Walker AO SC, in his report on the River Murray in SA, found there is no evidence to support claims that buyback programs hurt local economies and communities. This is because irrigators most often continue to retain some water holdings and because buybacks aren't concentrated on one town or region.

The Malinauskas government is working with the Albanese government to deliver the Murray-Darling Basin Plan in full, including the 450 GL promised to South Australia.

Yes, I have met with representatives from South Australia's irrigation community.

#### WATER BUYBACKS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (4 May 2023).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Climate, Environment and Water has advised:

Yes.

#### MOUNT GAMBIER IN HOME HOSPICE CARE

In reply to **the Hon. B.R. HOOD** (17 May 2023).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Health and Wellbeing has been advised that:

1. Yes

2. The Limestone Coast Local Health Network (LCLHN) has received both compliment and complaint feedback from consumers regarding palliative care services which are addressed at the time of receipt. The LCLHN values the voice of the consumer and reviews all feedback which is received to help improve services. The LCLHN has also been undertaking extensive and inclusive service planning activities which has included consultation with consumers, clinicians and the community across health service sites within the network.

3. Election commitment funding provided to the LCLHN was the equivalent of 0.5 full-time equivalent (FTE) Registered Nurse Level Four (RN4), with the intention to be utilised for a senior nursing role specifically for palliative care.

As the LCLHN already has a RN4 Nurse Practitioner Palliative Care, this funding was utilised and supplemented to create a 0.8FTE RN3 Palliative Care Consultant nurse position.

This role is now supporting succession planning as well as increasing the reach and capacity of the palliative nursing care able to be provided to the community. This RN3 role has been recruited to and the incumbent has commenced and is currently providing direct clinical nursing care to consumer.

#### WATER BUYBACKS

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (18 May 2023).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** The Minister for Climate, Environment, and Water has advised:

1. Yes.

2. On behalf of the South Australian community, the state government's biggest concern remains the lack of delivery against key environmental water recovery targets that were committed to back in 2012-13, especially the lack of progress against the final 450 GL, which was supposed to be delivered by 30 June 2024.

What we can't accept is not delivering the plan, because if we don't have a healthy working basin, then we don't have ongoing primary production in the Murray-Darling Basin and we don't have thriving communities.

Inaction from the previous federal government and other southern basin states, as well as the introduction of the complex and unworkable socio-economic criteria for efficiency measures, has resulted in only 12 GL being recovered towards the 450 GL as at 31 March 2023.

3. Given the wide range of economic and social factors affecting water prices, no responsible commentator should try to predict the potential effect of one factor on prices over time.

#### FOX BOUNTY

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (30 May 2023).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** I am advised:

I thank the honourable member for her question and provide the following response:

1. Fox Bounty

The fox bounty has seen more than 16,000 foxes collected under this scheme since October 2021, paying more than 100 producers over \$160,000.

When the program was launched in October 2021, there was a set budget of \$220,000. At \$10 per fox, the total number of foxes that could be collected was 22,000, and as of June this year, almost 6,000 bounties remain to be claimed. Based on current collection rates, I am advised that the budget for the program will be fully subscribed by October 2023.

I continue to urge all South Australian producers to submit scalps to the program before it is due to end.

I have asked program staff to provide me with an evaluation of the program as it nears its planned completion, and to include future options for the scheme.

2. 1080 use

Baiting continues to remain the most effective tool for controlling foxes. I am advised that baiting rates have remained steady throughout the operation of the bounty, indicating that the bounty has not reduced landholder decisions about baiting.

The bounty program removes relatively few foxes compared to our statewide baiting programs. 22,000 foxes will have been destroyed over two years through the bounty. I am advised that regional landscape boards distribute 10 times that number of fox baits annually to landholders.

1080 remains one of the most important tools in the fight against feral animals in Australia. It is critical for protecting South Australia's \$4.6 billion red meat and wool industry, and for protecting our unique native wildlife.

3. Funding for important feral animal programs

Together with the Australian government and primary industry groups, the state government is investing millions into feral animal control programs in South Australia, including ambitious programs such as the:

- \$15 million, 10-year Wild Dog Eradication Program
- \$14 million, 10-year Feral Deer Eradication Program
- \$5.8 million Kangaroo Island Feral Pig Eradication Program

In the 2022-23 financial year alone, over \$25 million was spent on weeds and pest animals in South Australia. That expenditure included:

- almost \$17 million from the Biosecurity Division of the Department of Primary Industries and Region
- over \$8 million by the regional landscape boards
- over \$2 million from the Department for Environment and Water.

#### CLIMATE CHANGE ACTION PLAN

In reply to **the Hon. T.A. FRANKS** (31 May 2023).

**The Hon. C.M. SCRIVEN (Minister for Primary Industries and Regional Development, Minister for Forest Industries):** I am advised:

In addition to the Growing Carbon Farming Demonstration Pilot that I have already highlighted and the Trees on Farms initiative other notable projects include:

- Carbon footprint and feasibility project
- This oversubscribed project was delivered in partnership with AgExcellence Alliance and other local partners including landscape boards and worked one-on-one with 64 producers across the state to develop on-farm carbon footprints and workshop emission reduction strategies. Guides to carbon footprint assessment for three South Australian production systems (cropping, livestock and viticulture) and four case studies were also developed to assist producers. Carbon footprints are a key starting point and provide essential information for producers to determine what actions are appropriate to reduce emissions and outline pathways to carbon neutrality.
- The project was co-funded by the state and Australian governments through the Future Drought Fund's Farm Business Resilience Program, with a contribution of \$95,000 and contributions from other partners.
- Biodynamic liquid fertiliser from seaweeds and fish processing wastes
- The South Australian Research and Development Institute (SARDI) is also leading a project on development of a liquid fertiliser from cultivated seaweeds and fish processing wastes in collaboration with Australian Marine Bioproducts Ltd and funded by Marine Bioproducts CRC.
- The cultivation of native seaweeds is being undertaken in Port Lincoln adjacent to the finfish farms and will see the uptake and assimilation of carbon, nitrogen and phosphorus from the marine environment. The liquid fertiliser developed will also contribute to abatement of carbon in farms where the product will be utilised.

#### **EYRE PENINSULA DESALINATION PROJECT**

In reply to **the Hon. N.J. CENTOFANTI (Leader of the Opposition)** (31 May 2023).

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

I continue to discuss matters with stakeholders across all my portfolios on a regular basis and will continue to do so. I note the long history of consultation on this matter, dating back to the former Liberal government decision in 2021 to select Billy Lights Point as the site for the desalination plant on Eyre Peninsula, and its subsequent decision to put the project on hold which has only served to drive up costs substantially while water security on Eyre Peninsula remains an issue.

Community consultation and opportunities for discussion have continued since the latest announcement, with recent SA Water events in Port Lincoln attended by SARDI taking place.

SARDI science shows the risk to aquaculture is low, SARDI, PIRSA and the state government as a whole will continue to work with local industries, including the aquaculture and fishing industries.

If the leader of the opposition disputes SARDI science, she should say so.

#### **AUTISM**

In reply to **the Hon. J.M.A. LENSINK** (1 June 2023).

**The Hon. E.S. BOURKE:** The Minister for Human Services has advised:

The state's first Autism Strategy and Autism Charter are being developed in partnership with the Autism Strategy Advisory Committee following wide public consultation.

Upon finalisation, the Department of Human Services (DHS) and the Department for Education (DfE) will undertake a pilot of the Autism Charter prior to rollout to the rest of the state government during 2024.

All state government agencies will be expected to sign up to the Autism Charter upon implementation and DHS will support the process.

I look forward to continuing to work side by side with the autistic and autism communities, the nation's first Office for Autism and the Malinauskas Labor government team to create meaningful cultural change and help make South Australia the autism inclusive state.